



# Shifting Terrain for Advocacy

**SUMMARY:** In the United States, bitterly divided House and Senate, shifting power between Congress and regulators, and conflicts among federal, state, and local governments will change the nature of policymaking. National-level gridlock will drive more efforts at policy change toward state and city governments. All of this will change the arena in which advocacy occurs.

## Forecasts

- Sharp political disagreements over the locus and nature of regulation mean that American regulatory policy could whipsaw in the 2019-2022 and beyond, as party control of Congress, the executive branch, and state legislatures changes.
- To the extent that national government is gridlocked, more efforts at policy change will devolve to states and cities.
- Devolution will also create new power centers, accentuating the role of certain states or even cities, or groupings of such. These centers will lead or shape certain issues, as California, Texas, or New York City have in the past.
- Cities will attempt to enact policies, sometimes in concert with each other, but will often be thwarted by preemption from their more conservative state legislatures.

## Key Uncertainties

*Political direction of the United States from 2020 onward*

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*Strength of current political system and rule of law*

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*Changes to rules for lobbying, advocacy, and political contributions*

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*Nature and course of the political struggles between different levels of American government*

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*Ability of states to make policy at odds with federal policy, and of cities to defy their home states*

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*Success of efforts to combat political gerrymandering*



## Supporting Trends

- **Cities versus states versus feds.** In the United States, political conflict is increasingly played out in battles between levels of government.
- **Changing regulation.** The U.S. approach to regulation is shifting as executive branch and Congressional stances change.
- **Partisanship more bitter.** The partisan divide among U.S. voters is sharper and more bitter than in decades.
- **Declining trust in government.** Americans' trust in their government is at historically low levels.
- **Millennials' mistrust of institutions.** Millennials have high levels of mistrust in many large institutions, including institutions of government.
- **Illiberal democracy.** Several Western countries have begun to backslide on their embrace of liberal democratic political order.

### Related Drivers of Change

- The Productivity Paradox
- American Inequality
- Declining Trust
- Immigration-Driven Demography

## Notable Data Points

### OVERRULING CITIES

As of 2018,  
**dozens of states passed laws to preempt city laws**  
on topics including a minimum wage (28 states), paid leave (23 states), and ride-sharing regulation (41 states).

Source: National League of Cities, *City Rights in an Era of Preemption: A State-by-State Analysis*, 2018

### ECONOMIC DIVERGENCE

Donald Trump won 85% of U.S. counties in the 2016 election, but  
**these counties produce only 36% of U.S. GDP.**  
Clinton's 472 counties produce 64% of U.S. economic output.

Source: The Brookings Institute

### SANCTUARY

**More than 300 states, counties, or cities have "sanctuary" regulations or laws**  
that reduce cooperation with federal immigration enforcement.

Source: Jessica M. Vaughn and Bryan Griffith, "Immigration Brief: Sanctuary Cities," Center for Immigration Studies, Nov 5, 2017



## Strategic Insights

- Fragmented policymaking may in some instances offer new opportunities for association influence, though it will sometimes be on smaller-than-national scales.
- Policymaking in an environment of devolved power may elevate the role of sub-national chapters of associations as well as of dispersed members. Local chapters and members may be more trusted and oriented to local politics and sensibilities, and thus more effective.
- This vertically and horizontally fragmented, contentious policymaking environment will affect funding for research, education, and some kinds of subsidies and investment. In some cases, states may want to step in when the federal government is unable or unwilling to act.
- Battles between different levels of government may create legal complexities for associations and their members, as in state-local conflicts over LGBT rights or federal-state divides on marijuana policy.
- Associations will face delicate issues as they attempt to collaborate on policy with one level of government that may be at odds with or in defiance of the level above or below it.

### Timing

- **Stage:** Emergent and possibly discontinuous change
- **Speed:** Faster, as U.S. politics has become less stable

### Potential Alternative Futures

- **Regulated regulators:** Conservative efforts to constrain the regulatory state stick, creating a new environment in which Congress is much more prominent.
- **Radical moderation:** Frustration at a gridlocked and ineffective political system drives voters toward moderate politicians, including some outside of the two-party system.
- **Political realignment:** The two-party system realigns along new dimensions, such as populism versus globalism.
- **Lobbying crackdown:** Restrictions on political contributions and lobbying are renewed, perhaps from a populist angle.



## Take Action

- **Shift time and resources into advocacy.** U.S. associations that have had limited public affairs and government relations efforts now face great pressure to make advocacy a priority, whether it's promoting the profession or industry, lobbying on critical issues, or defending against harmful legislation and regulations. Sometimes the issues are narrow yet critical, like licensing and taxation.
- **Over-communicate your role and positions.** In a splintered society, you have to be even clearer and more assertive about your ethical values and the positions that matter to your members. With volatile and rapid news cycles, you have to be prepared to continuously communicate your actions.
- **Create channels for dissent.** Expect to be challenged on your association's right to speak for all members and stakeholders. Give dissenters a constructive way to be heard and feel welcomed as members.
- **Look to local affiliates for leadership.** With local governments taking different positions on national policy, especially social justice issues, many national associations will need to prioritize state and local politics. They need local people and resources to take the lead. Associations also face new risks as state and local governments take positions that restrict where it is acceptable to meet.
- **Review your involvement in alliances and coalitions.** It may be time to reassess longstanding advocacy partnerships where mission creep or new positions no longer may align with those of your association. New partnerships may become more important in this shifting issues terrain.

## Keyword Search

To continue researching this change driver, use these search terms:

*politics, Congress, regulation, states, government, cities, C40 cities, paradiplomacy, blue cities, preemption laws, immigration, sanctuary, climate change, state nullification, federal supremacy, SLAPP lawsuits*

### Who Will Be Affected

Professional associations and nonprofits that once downplayed advocacy are now expected to engage. Trade associations are at risk of splintering or losing members as issues shift. Local affiliates are becoming key, as local and state governments assert their rights to set public policy. Global organizations will be tempted to over-emphasize U.S. politics and get on the defensive when these public policies generate international opposition.

### About ASAE ForesightWorks

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- regularly updated action briefs;
- tools for applying insights from the research in your association;
- guidance in performing environmental scans; and
- opportunities to engage with peers around the research.

Ultimately, the program's mission is to empower association leaders to create a culture of foresight in their associations and to lead their organizations confidently into the future.

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