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**Out of the Shadow of the State:  
Immigrant Nonprofits as Self-Motivated Political Actors  
In Urban Politics**

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I document and analyze the political presence in local politics of 501(c)(3) nonprofit organizations catering to immigrants and refugees in San Francisco, California. Contrary to much of the nonprofit literature rationalizing the political apathy and quietude of 501(c)(3) nonprofits, my qualitative data from fieldwork conducted in 2005 and 2006 reveals that immigrant nonprofits have a broad understanding of what constitutes “politics” and are politically active in both the local policymaking and electoral processes. My data further shows that immigrant nonprofits function as multi-dimensional advocates engaged in legislative, administrative, and judicial advocacy at the local level. While immigrant nonprofits have a visible political presence within all three branches of local government, I argue that they are unique in the degree to which they engage in administrative advocacy targeted at the city’s bureaucratic agencies.

## Introduction

The United States has a long history of nonprofit activity and nonprofit organizations have long been important providers of social and cultural services. San Francisco – a city known for its social activism, community involvement, and thriving entrepreneurship – is reputed to have a vibrant and innovative nonprofit sector (Gammal et al. 2005; Tolve 2001). In 2005, there were 954,371 registered 501(c)(3) public charities nationwide and 5,215 were registered in the City and County of San Francisco (National Center for Charitable Statistics).<sup>1</sup> San Francisco has a larger and financially healthier nonprofit sector than the Los Angeles region, the state of California, and the nation at large. Comparatively speaking, San Francisco’s nonprofits have higher median budgets, higher net assets, and higher per capita spending. In addition, the city has a higher density of nonprofits per 1,000 residents (Gammal et al. 2005).

Today, nonprofit organizations are widely recognized for their contributions to society and are heralded as important providers of public services in the American welfare system. They are valued as guardians of cherished American values such as pluralism, diversity, and freedom, as identifiers of societal problems, and as creators and sustainers of social capital (Clemens 2001; Salamon 1999). Despite their established societal significance, there is little insight into the role nonprofit organizations play as actors in the American political process. While there are many theories of the nonprofit sector that explain the existence, form, and socio-economic function of nonprofit organizations in American society, the existing theories often emphasize the

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<sup>1</sup> The American “nonprofit sector” is not one coherent sector, as the term might imply, but rather a collection of different types of organizations. United States tax law contains 27 separate sections under which organizations can claim status as a non-profit organization. Of all types of nonprofit organizations, the “religious, charitable, and educational” organizations eligible for tax exemption under Section 501(c)(3) of the U.S. Tax Code are the best known as well as the most numerous sub-category within the American nonprofit sector. 501(c)(3) nonprofit organizations are also the focus of this paper. For more detail on the anatomy of the U.S. nonprofit sector, see the section of this paper titled “Immigrant Nonprofit Organizations in Perspective.”

collaborative and passive nature of nonprofit organizations and highlight how government and market organizations exercise control over nonprofit finances, programs, and operations.

Existing theories depict nonprofits as organizations that provide complementary or alternative services in partnership with political institutions, but remain outside of the formal political system or, stated differently, in the shadow of the state. These theories, however, fail to address the political role that many nonprofit organizations play, the diverse political relationships that exist between nonprofit organizations and government institutions, and the political tactics and strategies that nonprofits use to advance their own interests in the political arena.

In this paper, I study the concept of the 501(c)(3) nonprofit organization<sup>2</sup> as a political entity and typologize the role nonprofits play in American urban politics. I document the political presence – but not the political influence – of nonprofit organizations that cater to immigrants and refugees (“immigrant nonprofits” hereafter) in San Francisco, California. I adopt a broad definition of “politics” and define politics as all political activity and behavior that relates to or deals with the structure or affairs of the three branches of government. I argue that immigrant nonprofits are active and independent political actors in the policymaking and electoral processes and that they function as multi-dimensional advocates engaged in legislative, administrative, and judicial advocacy at the local level.

Immigrants and refugees constitute an economically and legally vulnerable population with specific needs that are provided for through a complex service delivery system in which immigrant nonprofits play a key role. At the same time, immigrants and refugees constitute a politically obscure population whose interests often are ignored by both mainstream political institutions (Jones Correa 1998; Wong 2006) and most studies of political participation and political behavior (Rosenstone & Hansen 1993; Verba, Scholzman & Brady 1995; Wolfinger &

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<sup>2</sup> Such an organization qualifies for tax-exemption under Section 501(c)(3) of the U.S. Tax Code and serves broad public purposes.

Rosenstone 1980). I also argue that immigrants' precarious economic, legal, and political position in American society has prompted immigrant nonprofits to bridge the gap between the "powerless" immigrant community and the "powerful" members of the San Francisco political establishment.

I first discuss the relevance of my research by highlighting the empirical and theoretical puzzles that inform this paper. Second, I discuss my methodology and the types of nonprofit organizations I surveyed. I also review government regulations on nonprofit political activities and extant theories of the nonprofit sector. Third, I discuss the various forms of political behavior that immigrant nonprofit organizations display in the San Francisco political arena, note that nonprofit political activism encompasses more than legislative lobbying, and demonstrate that nonprofits embedded in San Francisco politics act as multi-dimensional advocates representing immigrants' collective interests at the local level. I conclude with a discussion of the implications my analysis has for nonprofits representing immigrants at the local level and suggest directions for future research.

## **Relevance of Research and Research Puzzles**

### **Empirical Questions**

Reagan-era policy initiatives to reduce the size and influence of the federal government have enhanced the role of nonprofit organizations in American society today (Marwell 2004). The push for the privatization of the American welfare state since the late 1970s has fueled the growth of the nonprofit sector by making nonprofit organizations, rather than government agencies, the key vehicles for the provision of social services to the poor and other disadvantaged

populations in American society such as immigrants and refugees. Furthermore, a trend toward smaller government has meant that decisions about the spending of public monies have shifted from the national level to the local level where nonprofit organizations operate (Berry & Arons 2003; Marwell 2004). While privatization has stimulated the growth of the nonprofit sector, government retrenchment and more extensive government contracting with nonprofits have created pressures for nonprofit organizations to influence allocation decisions and public policies made by local government officials.<sup>3</sup> In short, the combined trends of privatization of the welfare state and devolution of government responsibilities have created both opportunities and pressures for nonprofits to play a more active role in local politics.

Despite the increasing pressure on nonprofits to engage in the political and policy arenas, these organizations are constrained in their political undertakings by their tax-exempt status and restrictions placed on them by government and other funding agencies. As 501(c)(3) tax-exempt entities, nonprofit organizations may engage in legislative advocacy (i.e. lobbying) so long as this is an “insubstantial part” of the organizations’ overall activities. However, 501(c)(3) organizations are barred from partisan politics at any level of government (i.e. endorsing or directly campaigning for a candidate or party, donating money to a candidate or party, or distributing materials aimed at influencing the outcome of a particular election). According to Berry and Arons (2003), government restrictions and governmental scare tactics warning tax-exempt organizations not to engage in politicking<sup>4</sup> help explain why many nonprofits are reluctant to engage in public policy advocacy and other overtly political activities. In addition to the supposedly debilitating effects of government regulations, Skocpol (1999) and DeSipio

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<sup>3</sup> The development of contractual relationships between nonprofit organizations and the City and County of San Francisco, however, can be traced back to the mental health privatization movement in California during the late 1950s (Tolve 2001). Reagan-era devolution and marketization policy initiatives only further integrated nonprofit organizations into the city’s system of socio-economic services provision.

<sup>4</sup> For example, during the summer of 2006, the Internal Revenue Service sent letters to 15,000 churches warning them that their politicking could endanger their tax-exempt status.

(2001) argue that as nonprofit organizations mature and shift to a culture of professionalism and managerialism they are also less likely to get involved in policy advocacy and political mobilization of the masses.

Despite the legal, psychological, and practical constraints on nonprofit organizations, media accounts from the local mainstream and ethnic press (e.g. *San Francisco Chronicle*, *San Francisco Examiner*, *AsianWeek*, and *El Tecolote*) report that nonprofit organizations are active in local and state politics. Likewise, recent scholarship suggests that nonprofits often behave like pseudo-political parties or quasi-urban machines (Marwell 2004). This paper examines how nonprofit organizations interface with governmental institutions and how they have embedded themselves in the urban political scene. I ask how nonprofit organizations navigate and negotiate the environment of political opportunities and constraints, what role they play in local politics, and what political tactics and strategies they use to advance their goals.

## **Theoretical Questions**

In addition to the empirical questions above, I also address a theoretical puzzle that originates in the literature on the existence, form, and function of nonprofit organizations in American society. A range of theories (e.g. economic, political, social, community, and organizational theories of the nonprofit sector; theories of political culture or socialization; theories of class and conflict; and theories of state development) make important claims about the role of nonprofit organizations in American society.<sup>5</sup> These theories often portray nonprofit organizations as alternative or complementary vehicles for the provision of public services and as political constructions that collaborate with formal political institutions but that remain in the

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<sup>5</sup> For an overview of these theories, see J. Steven Ott's *The Nature of the Nonprofit Sector* (2001).

shadow of the state (Wolch 1990) or outside the formal political system (Clemens 2001).

Nonprofit organizations are supposed to be more capable than government institutions at personalizing service provision, operating on a smaller scale, adjusting to the diverse and ever-changing needs of clients, and providing services in a more cost-effective manner freer from bureaucratic red tape (Douglas 2001; Thayer Scott 2001; Tolve 2001). While highlighting the socio-economic significance of nonprofit organizations, these theories also see nonprofits as passive targets for government interests and depict nonprofit organizations as politically quiet and unmotivated to engage in the policymaking process.

As the government-nonprofit contracting regime expanded starting in the 1970s, nonprofit organizations grew more dependent on government funding (Grønbjerg 1993, 2001; Salamon 1999; Smith & Lipsky 1993) and collaboration between the government and nonprofits increased. This intensified collaboration led social scientists to re-evaluate political relations between formal governmental institutions and the nonprofit sector. Current scholarship, however, focuses on the implications this collaboration has for state capacity and legitimacy and pays little attention to nonprofit organizations as actors seeking to advance their own interests, shape political processes, and affect political outcomes. Existing theories of the nonprofit sector, which emphasize the political quietude and apathy of nonprofit organizations, seem curiously out of step with recent findings that position nonprofit organizations at the heart of local politics (Marwell 2004; Silverman 2005; various newspaper accounts). Simultaneously, theories of the



nonprofit sector fail to properly address the hybrid nature<sup>6</sup> (Minkoff 2002) of 501(c)(3) nonprofits. While most theories of the nonprofit sector emphasize the important role 501(c)(3) nonprofits play in the provision of an array of socio-economic services, nonprofits increasingly combine service provision with advocacy campaigns and political activism (Minkoff 1994, 2002). If 501(c)(3) nonprofits are properly conceptualized as “multi-purpose hybrid organizations” (Hasenfeld & Gidron 2005) in a time and age when there is increased government-nonprofit collaboration, it becomes necessary to re-theorize nonprofits as political actors in local politics.

## **Methods and Data Sources**

For this paper, I studied how 501(c)(3) nonprofits catering to immigrants and refugees (“immigrant nonprofits” hereafter) interface with local government rather than state or national governments. Immigrant nonprofits continue to be located in urban areas even as more immigrants today settle in suburban and rural areas. At the same time, these organizations are heavily focused on the local communities in which they operate and they often are involved in the increasingly localized dynamics of immigrant integration (as opposed to immigrant admissions policies, which are the exclusive domain of the federal government). By focusing on immigrant nonprofit organizations in San Francisco, I hope to facilitate observation of nonprofit political activity at the local level. I chose San Francisco – a city with a sizeable immigrant

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<sup>6</sup> The often used distinction between immigrant service providers on the one hand and immigrant advocacy groups on the other is not as clear today as it perhaps was in the past. These two kinds of nonprofit organizations are often discussed as separate entities, while there are numerous nonprofit organizations that both provide services to immigrants and advocate on immigrants’ behalf. It is unclear where this distinction comes from. Debra Minkoff’s (1993, 1994, 1999, 2002) work on national women, Blacks and other ethnic groups discusses shifts in organizational forms and explains why after the 1960s, when advocacy became more legitimate, these groups were more likely to combine service provision with advocacy activities. Therefore, it might be that the distinction between immigrant service providers and immigrant advocacy groups still made today (see, for example, the work of Cordero-Guzmán) relies on classifications of national groups and organizations that applied to the pre-1960s period.

population<sup>7</sup> and a long history of community involvement in challenging social and political injustices – because it has a political environment that is generally hospitable to nonprofit organizations. If nonprofit organizations play a role in local politics, San Francisco is a site where political activism by nonprofits can be observed, measured, and analyzed.

I bring together the American literatures on nonprofit organizations, urban politics, and interest groups with qualitative data sources including semi-structured interviews with 39 nonprofit organizations catering to immigrants and refugees in San Francisco, CA, elected officials, and other public employees from the consolidated City and County of San Francisco. The interview data provides an empirical response to the theoretical shortcomings of the extant literature on nonprofit organizations and reveals that immigrant nonprofits are politically active within all three branches of local government. I interviewed executive directors and other paid staff of 39 nonprofit organizations. Each interview lasted one and a half hours on average and I conducted more than one interview with some nonprofit staff members. In these organizational interviews, I inquired after key organizational characteristics such as the nonprofit organizations' service provision activities, composition of the organizations' clientele, and various types of advocacy work, political activities, and collaboration with other community-based organizations. In conversations with members of the San Francisco political establishment, I asked about government officials' interactions with nonprofit organizations and these officials' role in the local policymaking process around issues directly affecting the city's immigrant population. I complement the interviews with data from newspaper articles from the local mainstream and

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<sup>7</sup> San Francisco is the fourth largest city in the state of California with just under 800,000 residents. According to the 2000 U.S. Census, San Francisco counts just over 285,000 foreign-born individuals, 37% of the city's population. About 122,000 San Franciscans are non-citizens, 16% of the city's population. For comparison, 11% of the U.S. population is foreign-born and 7% is non-citizen (2000 U.S. Census).

ethnic press, government reports, a variety of secondary sources, and personal observation of participants in meetings and hearings at San Francisco's City Hall.

The immigrant nonprofit organizations surveyed for this paper do not constitute a random or representative sample of nonprofit organizations catering to immigrants and refugees in San Francisco nor of the nonprofit sector at large. Instead, they are the most visible aspect of San Francisco's immigrant nonprofit sector which counts about 400 organizations.<sup>8</sup> I learned about the organizations interviewed for this paper through existing databases, directories of nonprofit organizations,<sup>9</sup> and referrals (i.e. a snowball sample). As nonprofit databases and directories often capture only organizations officially incorporated as 501(c)(3) tax-exempt organizations with annual budgets over \$25,000, my sample of 39 immigrant nonprofits is biased towards formally organized and larger organizations. I exclusively focus on organizations officially incorporated as 501(c)(3) nonprofits due to my interest in how their tax-exempt not-for-profit status influences the kinds of political behaviors, tactics, and strategies they employ in local politics.

The nonprofit organizations catering to immigrants included in my research are diverse in nature. They include organizations of varying sizes (in terms of budget and number of paid staff); organizations catering to immigrants from a narrow range of nationalities as well as organizations catering to immigrants with no regard to their national origins; organizations that view themselves as direct service providers as well as agencies that emphasize advocacy as their

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<sup>8</sup> I estimate that there are about 400 immigrant nonprofit organizations in San Francisco. I am basing my estimate on a directory of immigrant nonprofits I created in the course of my research. My directory brings together information from existing nonprofit databases and referrals from immigrant nonprofits I contacted. Included in my directory are immigrant nonprofit organizations that officially incorporated as 501(c)(3) tax-exempt entities or that are fiscally sponsored by a 501(c)(3) nonprofit organization (the latter is an indication that they themselves are likely become an independent 501(c)(3) organization). This directory, like my sample of organizations interviewed for this paper, is biased towards the more formally organized groups catering to immigrants and refugees in San Francisco (and as such is most likely an under-count of the actual number of immigrant nonprofits).

<sup>9</sup> These databases and directories include: the San Francisco Community Services Directory (San Francisco Public Library), HelpLink (United Way of the Bay Area), the California Database of the Institute for Nonprofit Organization Management (University of San Francisco), GuideStar, Melissa Data, California Charitable Trust, and databases at the National Center for Charitable Statistics (Urban Institute in Washington, DC).

main activity; new and old organizations; and organizations that rely on different sources of income (i.e. both government and private funding). All of the organizations discussed in this chapter are 501(c)(3) tax-exempt organizations with annual budgets over \$25,000, all have a majority of clients (i.e. 50% of more) whom are first-generation immigrants (often non-U.S. citizens), and all are located in San Francisco.<sup>10</sup> I am aware that it is difficult to generalize across this diverse group of nonprofit organizations and that immigrant nonprofits with different organizational characteristics are likely to have variable presence in local politics. However, in this paper, I focus on what unifies this organizational form and discuss the local political activities these immigrant nonprofits in the aggregate.

### **Immigrant Nonprofit Organizations in Perspective**

The larger American nonprofit sector is actually a collection of many different kinds of organizations. United States tax law contains 27 separate sections under which organizations can claim status as a non-profit organization.<sup>11</sup> Of all these nonprofit entities, the “religious, charitable, and educational” organizations eligible for tax exemption under Section 501(c)(3) of the Internal Revenue Code are probably the best known and often considered to be the core of the nonprofit sector. However, the 501(c)(3) status covers a wide assortment of institutions ranging from small soup kitchens for the homeless, to large private universities (e.g. Stanford University), to advocacy groups that pressure the government to promote minority rights (Salamon 1999).

The population of 501(c)(3) nonprofit organizations can be divided more broadly into *private foundations* and *public charities*; this latter category includes supporting organizations

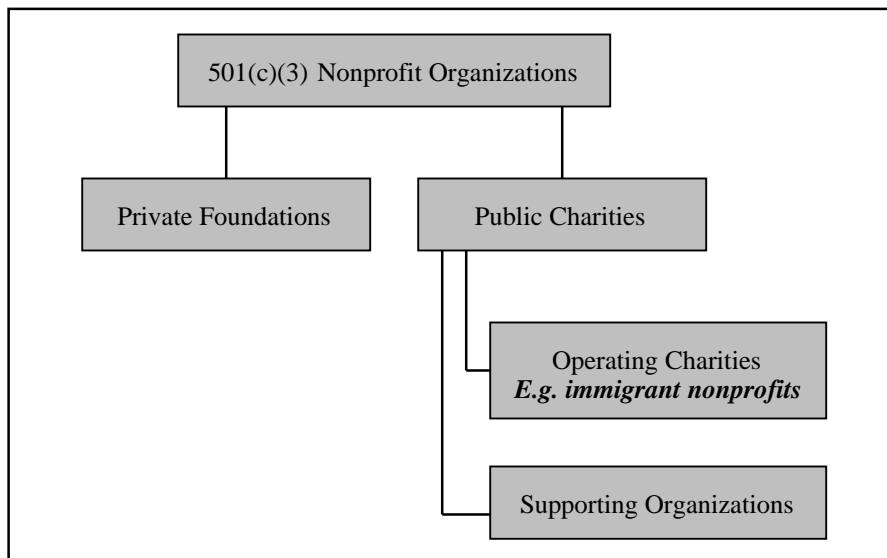
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<sup>10</sup> For confidentiality reasons, I cannot reveal the real names of the organizations I surveyed.

<sup>11</sup> They include, among others, civic leagues and social welfare organizations, labor unions, cemetery companies, credit unions, mutual insurance companies, war veterans’ organizations, chambers of commerce, business leagues, legal service organizations, homeowners’ associations, black lung benefit trusts, cooperative hospital services organizations, religious organizations, farmers’ cooperatives, and political organizations (Salamon 1999).

and operating organizations (also see Figure 1 below) (Gammal et al. 2005; Internal Revenue Service 2005). *Private foundations* (like the Zellerbach Family Foundation) are grant-making institutions that rely on a single source (such as a single individual, family, or corporation) for their revenues. *Public charities* are organizations that meet the IRS requirement of receiving at least one-third of their income from public support (Internal Revenue Service 2005). *Operating charities* are nonprofit organizations that serve broad public purposes and provide programs in the areas of the arts, environment, education, health, human services, and religion. *Supporting organizations*, such as community foundations (e.g. the San Francisco Foundation), raise and redistribute money and finance the operations of public charities.

**Figure 1: Anatomy of 501(c)(3) Nonprofit Organizations**



Sources: Gammal et al. 2005, Salamon 1999

The immigrant nonprofit organizations I surveyed are examples of operating charities that provide services to immigrants and advocate with local government officials on immigrants' behalf. As multi-purpose hybrid organizations that combine service provision with political advocacy, these immigrant nonprofits view themselves as fighting both the symptoms of a limited public service system and the root causes of the injustices experienced by immigrants in

American society. As service providers, immigrant nonprofits provide educational, legal, immigration, health, employment, and other social services that promote immigrants' self-sufficiency and socio-economic advancement. The nonprofits provide social services in order to make up for the perceived shortcomings of the American system of public services. At the same time, these nonprofits engage in legislative advocacy as well as other dimensions of advocacy – including client, administrative, and judicial advocacy – aimed at removing the root causes of immigrants' social problems and bringing about social change. I will discuss the different dimensions of advocacy more fully later in the paper. Compared to the nonprofit sector at large,<sup>12</sup> the immigrant nonprofit organizations I studied are smaller (in terms of their revenues, expenditures, and number of paid staff), were founded more recently (mostly in the mid-1980s and late-1990s in response to perceived crises created by immigrant and immigration legislation), and are more heavily reliant on government grants and contracts (on average, over 55% of immigrant nonprofits' budgets consists of government funding compared to 30% for the nonprofit sector at large) (Bloemraad 2005; Cordero-Guzmán 2005; Salamon 1999).

### **Government Regulations of Nonprofit Political Activities**

American government views 501(c)(3) nonprofits' politicking as unsavory and actively dissuades these organizations from engaging in overtly political activities. While various federal, state, and local laws are significant for 501(c)(3) nonprofits engaged in politics, only federal tax law prohibits certain nonprofit political activities and most state and local laws only require that an organization disclose its political activities. Because 501(c)(3) nonprofit organizations enjoy financial incentives under U.S. tax law (i.e. they do not pay income tax on their revenue and

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<sup>12</sup> As described in Lester M. Salamon's *America's Nonprofit Sector* (1999).

donor contributions are tax-deductible), the government feels justified in limiting what these organizations can do in the political realm. Federal tax law bars 501(c)(3) organizations from engaging in partisan politics and restricts these organizations' lobbying activities. Nonprofits with the 501(c)(3) status are legally allowed to lobby, but lobbying must be an "insubstantial part" of the organizations overall activities (Harmon et al. 2000).<sup>13</sup> The vagueness and challenges created by the Tax Code help to explain the hasty conclusion by many scholars (i.e. Berry 2005) that nonprofit organizations, for fear of losing their tax exemptions, are cautious about undertaking political work.

This, however, is an incomplete assessment of the impact of government regulations on nonprofits' political activities as federal law defines lobbying narrowly and only limits nonprofit advocacy before a legislature. Consequently, many other forms of nonprofit political activity are not limited by federal law. These include advocacy with the executive and judicial branches; nonpartisan analysis, study, or research that presents all sides of an issue; responses to written requests for technical advice from any government body; invitations to testify before any government body; challenges to or support for legislative proposals that affect an organization's rights and tax-exempt status (i.e. when a nonprofit is acting in self-defense); and instances where a 501(c)(3) nonprofit engages with stakeholders in discussions of broad social, economic, and

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<sup>13</sup> 26 U.S.C. §501(c)(3); 26 C.F.R. §501(c)(3)-1(b)(3)(i). There is a second standard that 501(c)(3) organizations can use to ensure that their lobbying activities are in compliance with federal law. This second standard is known as the "section 501(h) expenditure test" and was added to the Internal Revenue Code in 1976. If 501(c)(3) nonprofit organizations elect for the 501(h) status, they are covered by clearly defined lobbying rules and benefit from more generous limits on lobbying. To date, only a very small percentage (ca. 2.5%) of 501(c)(3) nonprofits have elected to become 501(h) entities (Berry & Arons 2003). Section 501(h) was enacted to clarify the much-criticized and ambiguous "insubstantial part" test. The 501(h) rule is sometimes referred to as "the 20% rule" and establishes specific dollar limits that are calculated as a percentage of a nonprofit's total budget. With the 501(h) status, a 501(c)(3) nonprofit can use up to 20% of the first \$500,000 of its budget for legislative lobbying work. For organizations with larger budgets, these dollar amounts slide upward until they reach a \$1 million cap on lobbying expenditures. Cost-free lobbying activities (such as legislative advocacy by volunteers) do not count toward an organization's lobbying limit under the 501(h) expenditure test. However, organizations that exceed their limit will initially receive a steep fine and repeat offenders will lose their 501(c)(3) tax-exempt status (Harmon et al. 2000). As none of my 39 immigrant nonprofits in San Francisco have the 501(h) election, I am not discussing this second compliance standard in great detail.

political problems (Harmon et al. 2000). With the legal constraints on nonprofits' political activism generally overstated, in reality there are many safe and unrestricted opportunities for immigrant nonprofits to undertake political work at the local level.

The staff at the immigrant nonprofit organizations I interviewed were generally well aware of legal constraints on their political undertakings, but they did not always know the specifics of the law. For example, while all of the nonprofit staff I talked to knew about the bar on partisan politics, lobbying limits, and the distinction between legislative advocacy and other types of advocacy, many did not understand the limits on legislative advocacy and confused the lobbying limits of the "insubstantial part test" with those of the "Section 501(h) expenditure test" (see fn. 11 for a brief discussion of the 501(h) election). Often, organizations confused about the law offered their own incorrect interpretations of the legal limits. In an effort to stay within the bounds of the law, many of these organizations left legislative advocacy to larger immigrant nonprofit organizations that were better informed about the law and had more resources. However, because administrative and judicial advocacy is not subject to government regulations, the vast majority of immigrant nonprofits I interviewed were politically engaged in some form of advocacy targeted at the city's administrative departments and local courts. This suggests that the confusion created by vague government regulations has led some nonprofit organizations to divert their political advocacy to the executive and judicial branches of local government.

### **Theories of Nonprofit Organizations**

The range of theories making important claims about the role of nonprofits in American society is as diverse as the organizations that constitute the nonprofit sector. However, existing *political and economic theories* of the nonprofit sector are most directly relevant to my research



on the political activism of 501(c)(3) immigrant nonprofits in local politics. These theories try to answer questions about the existence and form of nonprofit organizations in American society and explore the socio-economic functions of nonprofits in a three-sector political economy including nonprofits, the government, and for-profit businesses. The emergence of organizations as providers of services to immigrants more specifically can be explained by failures of the market and government in a democracy where the will of the majority tends to inform government action and policy (Douglas 2001; Grønbjerg 1993, 2001; Young 2001, 2001b). Market and government failure theories of the nonprofit sector explain the existence and clustering of nonprofit organizations in certain functional areas. These theories state that government agencies will provide services and goods when they are demanded by a majority of the people in a democracy. However, when goods and services are preferred by only a minority of people, they are more likely to be provided by nonprofit organizations. This helps to explain why many of the services and goods needed by immigrants – a legally marginal, economically weak, and politically obscure population – have historically been provided by nonprofit organizations in the United States.

Political and economic theories also emphasize the collaborative and often passive nature of nonprofit organizations and highlight how government and market organizations exercise control over nonprofit finances, programs, and operations. Nonprofits are often depicted as organizations that work with or complement formal political institutions and services, but which remain outside the formal political system. While existing political and economic theories help us to better understand why nonprofit organizations exist and why they occupy certain niches in the U.S. political economy, they fail to address the political role many nonprofit organizations

play *after* their creation or to acknowledge the political tactics and strategies many nonprofits use to advance their interests at the local level.

In addition to the political and economic theories described above, a number of additional theories of nonprofit organizations are relevant to my research. A brief discussion of these theories demonstrates there is a paucity of theorizing on nonprofit organizations as actors directly shaping the policymaking process and political outcomes at the local level. *Theories of political culture and socialization* conceptualize nonprofit organizations as “schools of citizenship” and view nonprofits as fundamental to a democracy as they serve as sites for the cultivation of democratic values, the transmission and generation of civic skills, and the recruitment for more active participation in civic and political life (Putnam 2000; Verba, Schlozman & Brady 1995). *Theories of class and conflict* describe nonprofit organizations as vehicles for the formation and mobilization of group identity and group interests and as contributors to a more pluralist America. In these theories, nonprofit organizations are varyingly depicted as both extending elite power and mobilizing disadvantaged or discontented constituencies (Hall 1992; Clemens 1997). *Theories of state development and economic change* emphasize how connections between government agencies and nonprofit organizations can expand state capacities (Ullman 1998) and bring about industrial innovation (Evans 1997). *Social and community theories* attempt to identify and explain the place of nonprofit organizations as mediating structures in communities and examine relationships between nonprofit organizations and their constituencies and other community-based, non-governmental institutions (Berger & Neuhaus 2001; Smith & Lipsky 1993; Popielarz & McPherson 2001). While all of these theories describe some aspect of the political significance of nonprofit organizations, like the political and economic theories

discussed above, they fail to explicitly address nonprofit political activism in the American policymaking process.

## **Nonprofit Organizations as Self-Motivated Political Actors in Local Politics**

The 39 immigrant nonprofit organizations surveyed for this paper are politically motivated and engage in a variety of political activities in the San Francisco political arena.<sup>14</sup> Their political activism is apparent in both local policymaking and the local electoral process.<sup>15</sup> In this section, I discuss four dimensions of the policymaking process, four dimensions of the electoral process, and provide examples of the extent to which immigrant nonprofit organizations in San Francisco interface with governmental institutions (also see Table 1 on p. 18). I also report on the political tactics and strategies that nonprofits employ. The discussion of the various dimensions of both the local policymaking and electoral processes makes it clear that immigrant nonprofit organizations function at the local level as multi-dimensional advocates that represent the needs and interests of both their organizations and their immigrant clientele.

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<sup>14</sup> By political activities, I mean activities relating to or dealing with the structure or affairs of government and politics. Studies addressing the political influence of nonprofit organizations often exclusively focus on these organizations' legislative advocacy (and they conclude that little of that is taking place). In recognition of the fact that there are other ways of potentially influencing the political system than through legislative advocacy alone, I adopt a broader definition of what is "political" and what constitute "political activities" and "political behaviors." Also, in this paper I speak about the political activities of the 39 immigrant nonprofits in the aggregate and I save observations regarding variation in the degree and nature of political activism undertaken by different immigrant nonprofits for later writings.

<sup>15</sup> I am only discussing the kinds of political activities and political behaviors immigrant nonprofits are engaged in, i.e. their political presence. The interview data I am relying on in this paper do not allow me to make conclusive statements about the effectiveness of these nonprofits as political actors or the amount of political power they wield in the San Francisco political arena. I am currently conducting a number of legislative histories of San Francisco ordinances – including the Equal Access to Services Ordinance (2001; see Appendix I for a brief overview) and the Living Wage Ordinance (2003) – to determine the influence that immigrant nonprofit organizations have with different types of public policies affecting the city's immigrant population as well as the different stages of the local policymaking process.

**Table 1: Immigrant Nonprofit Organizations as Political Actors in San Francisco**

<b>POLICY PROCESS</b>	
<b>Dimensions</b>	<b>Examples</b>
1) Agenda Setting	Identify, problematize, and politicize immigrant issues: equal access, affordable housing, education, etc.
2) Access to decision-making arenas	Attend meetings, testify at hearings, invite public officials into the community, etc.
3) Achieving favorable policies/stopping unfavorable policies (= lobbying)	<i>Legislative advocacy/lobbying</i> to influence the Board of Supervisors' allocation decisions and policies affecting the city's immigrant and refugee populations
4) Monitoring, shaping, and challenging the implementation of legislation	<i>Administrative and judicial advocacy</i> targeting bureaucratic agencies and the court system at the local level
<b>ELECTORAL PROCESS</b>	
<b>Dimensions</b>	<b>Examples</b>
1) Naturalization	Citizenship classes, <i>client advocacy</i> with USCIS
2) Voter education	Substantive and logistical information: election forums, multi-lingual election information, "how-to-vote" training
3) Electoral mobilization	Mobilization aimed at citizen and non-citizen immigrants: voter registration, GOTV campaigns, volunteering
4) Endorsement of/opposition to ballot measures	(city) Prop. F in 2004, (state) Prop. 187 in 1994, (state) Prop. 227 in 1998

## The Policymaking Process

The nonprofits I surveyed attempted to impact local policy by: (1) agenda setting, (2) seeking access to decision-making arenas, (3) legislative advocacy, and (4) monitoring, shaping, and challenging legislation through administrative and judicial advocacy. I briefly discuss each of these four aspects of the policymaking process. In Appendix I, I have included a brief legislative history of San Francisco's *Equal Access to Services Ordinance* to demonstrate how nonprofit intervention in the local policymaking process has played out in the case of one particular local policy that directly affected San Francisco's immigrant population.

### *Agenda Setting*

Immigrant nonprofits engaged in agenda setting identify, problematize, and politicize key issues that affect their immigrant clientele. Specific issues that nonprofits in San Francisco have placed on the political agenda include “equal” access to government information and services, affordable housing, public transportation, education, neighborhood safety, voting rights for non-citizens, and labor rights.<sup>16</sup> Often in collaboration with other immigrant nonprofits, organizations conduct background research for proposed policies, develop pro-immigrant positions, and communicate their research and policy positions to elected and appointed public officials, local print and broadcast media (especially the ethnic media), and the communities that they serve. In doing so, nonprofits function as both public watchdogs and agenda setters in the local policymaking process.

### *Accessing the System*

Immigrant nonprofit organizations also regularly access the San Francisco political apparatus and contact members of the San Francisco political establishment. Nonprofit staff travel to City Hall – acting on invitations from public officials or their own volition – to attend or testify at legislative and administrative hearings, provide substantive and technical advice to the Board of Supervisors and city agency heads (e.g. the Mayor’s Office, the Department of Elections, the Human Services Agency and the Immigrant Rights Commission), or to participate in task forces and advisory groups (e.g. the Nonprofit Contracting Task Force, and the Sweatfree Procurement Advisory Group). Likewise, staff members maintain phone, e-mail, and fax contact

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<sup>16</sup> With regard to these policy domains, immigrant nonprofit organizations have advocated on behalf of such immigrant-friendly local policies as the City of Refuge Ordinance (1989), Healthy Workers Initiative (1998), Equal Access to Services Ordinance (2001), INS Raid-Free Zone Ordinance (1999), Minimum Wage Ordinance (2003), and the Sweatfree Contracting Ordinance (2005). Immigrant nonprofits have also advocated for immigrant-friendly city ballot measures (e.g. Prop. L [2003, passed], setting San Francisco’s minimum wage, and Prop. F [2004, failed], allowing non-citizens to vote in San Francisco school board elections) and state policies (most noteworthy in recent years is the fight over Gil Cedillo’s AB 1463 [2001], AB/SB 60 [2002 and 2003] and SB 1160 [2004], allowing undocumented immigrants to obtain California driver’s licenses).

with elected and appointed officials to express concern about topics such as funding, legislation, and developments in broad policy areas including the lack of affordable housing and increased crime rates in immigrant-dense neighborhoods. Staff members also attempt to stay in touch with officials in order to remain on officials' radar screens. In addition, immigrant nonprofits host District Supervisors, their staff, and Department heads at community events (i.e. important festivities and community organizing events) and nonprofit functions (i.e. fundraising galas) and often invite public officials to observe specific programs and services. My interview data suggests that immigrant nonprofits find it easy to access the San Francisco political system and believe that elected and appointed officials are receptive to their concerns and requests. Immigrant nonprofits consequently appear to have ready and plentiful access to decision-making arenas in San Francisco.

### ***Legislative Advocacy***

Nonprofit organizations also employ legislative advocacy, or lobbying, as a tactic to influence the local policymaking process. Within the limits set by federal law, nonprofits lobby local government officials to bring about legislative outcomes they favor and resist outcomes they disfavor. Often lobbying activities are an attempt to influence allocation decisions or to secure access to continued city funding for immigrant programs and services. For example, one nonprofit organization catering to low-income Chinese immigrant families in San Francisco secured a \$300,000 grant from the city's Human Services Agency (formerly the Department of Human Services). This grant, however, was insufficient for the nonprofit organization to meet the overwhelming need for its services. Consequently, the agency's executive director appeared before the Board of Supervisors to advocate for additional funding, brought along clients and staff to provide testimony on behalf of the organization, and succeeded in securing an additional

\$200,000 from the city's General Fund. Immigrant nonprofits also lobby the Board of Supervisors and the Mayor about specific policies with a direct effect on the city's immigrant population (i.e. affordable housing policies, crime prevention policies, Equal Access to Services Ordinance, job creation programs, City of Refuge Ordinance, etc.). In sum, immigrant nonprofit organizations engage in legislative lobbying to influence the allocation decisions that impact their agencies and the policy decisions that affect the collective interests of the immigrant community.

### ***Administrative and Judicial Advocacy***

Immigrant nonprofit organizations are even more active in administrative and judicial advocacy aimed at monitoring, shaping, and challenging local policies after their enactment. Specifically, many nonprofits target city departments, city agencies, and the local court system. This type of administrative and judicial nonprofit activity is not limited by law and is distinguishable from legislative advocacy which is aimed at the city's Board of Supervisors (i.e. the local legislators) and focuses on issues yet to be codified into local law.

Because many nonprofit organizations contract with city agencies to provide services they are well-situated to evaluate the effectiveness and shortcomings of government programs and policies. As direct service providers firmly rooted in the communities they serve, nonprofits can serve as a barometer of social and economic conditions in the immigrant population and can identify new concerns that should be addressed with updated administrative rules and procedures. Through frequent interactions with city departments and agencies (such as the Human Services Agency, the Metropolitan Transportation Agency, and the Mayor's Office of Community Development), the immigrant nonprofits I surveyed continuously interact with administrative staff to adjust the ways policies are implemented. For example, numerous nonprofits engaged in administrative advocacy by challenging the varying reporting requirements that different city

departments used to track nonprofits with government contracts. Furthermore, in recent years nonprofit organizations have monitored implementation of the Equal Access to Services Ordinance and the Minimum Wage Ordinance and pressured city departments and San Francisco employers to fully comply with these city laws.

Immigrant nonprofit organizations also use legal action to challenge immigrant unfriendly policies and practices at the local level. Immigrant nonprofits bring labor disputes challenging unfair labor practices against immigrants or alleging non-compliance with the city's Minimum Wage Ordinance to the Small Claims Court and report violations to the City Attorney. Also, when nonprofits detect a pattern of abuse against immigrants (as has been the case with telecommunications fraud of non-English speaking Chinese and Hispanic immigrants and violation of tenant rights for elderly immigrants), the organizations have advocated with the District Attorney's Office and filed class action suits to end the abuse.

## **The Electoral Process**

### ***Naturalization***

Immigrant nonprofit organizations are also noticeable actors in the local electoral process. For example, nonprofits may encourage clients to become U.S. citizens so they can vote, provide classes to help immigrants complete naturalization applications and prepare for the naturalization exam, or advocate on clients' behalf with the U.S. Citizenship and Immigration Service (formerly the Immigration and Naturalization Service, INS) to resolve problems with immigrants' naturalization applications.



### ***Voter Education***

Many immigrant nonprofit organizations also work to educate their clientele (as well as the larger immigrant communities they are part of) about the electoral process (i.e. where to go on Election Day, how to complete a voting ballot, etc.), election issues, and candidates running for local office. Many organizations distribute election materials in multiple languages and – in collaboration with other nonprofit organizations – hold election forums where candidates for local office discuss their positions on both general policy issues and issues that specifically affect immigrants.

### ***Electoral Mobilization and Endorsements of Ballot Measures***

Immigrant nonprofit organizations also mobilize immigrants to participate in local elections. Many organizations encourage eligible immigrants to turn out on Election Day and encourage those who cannot vote to volunteer their time for activities such as voter registration drives, precinct walks, election campaigns, writing letters to public officials, or posting flyers announcing election forums.<sup>17</sup> Finally, immigrant nonprofit organizations often take positions on state ballot initiatives and city ballot measures that directly affect the city's immigrants and refugees. For example, many immigrant nonprofits strongly endorsed the 2004 Prop. F, the failed measure that would have allowed non-citizen parents to vote in San Francisco school board elections.

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<sup>17</sup> Immigrant nonprofit organizations have also been successful in mobilizing immigrants to participate in protests, marches, and demonstrations. In 2006, for example, many nonprofit organizations recruited their immigrant clientele and other immigrants to take to the streets to demand equal rights for immigrants and express opposition to new federal immigration reform proposals (especially HR 4437, “The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005”). Holding banners and dressed in T-shirts bearing the names of various organizations, nonprofit staff and their immigrant clientele marched through downtown San Francisco and held large rallies at City Hall to bring to the public's attention immigrants' as well as nonprofit organizations' opposition to proposed immigration reforms.

## **Building Political Capital from the Bottom Up and Top Down**

Immigrant nonprofit organizations are multi-purpose hybrid organizations that provide a variety of social services to immigrants and advocate with local government officials for immigrants' collective interests. They often meet needs that are no longer met by shrinking public human and social service programs faced with contracting federal and state budgets. Immigrant nonprofits provide services in a culturally and linguistically competent way and form a non-threatening environment where immigrants, who are legally and economically vulnerable, feel comfortable seeking assistance. As service providers, immigrant nonprofits are well situated to build support for their organizations and services among the immigrant communities they serve. Stated differently, immigrant nonprofits often build support for their organization and programs from the bottom up.

As advocates, immigrant nonprofits fill a void in communications between the immigrant community and government institutions and, through outreach and education, build support for their organizations and programs among members of the San Francisco political establishment. Specifically, immigrant nonprofits bring the needs and interests of a politically controversial and vulnerable population to the attention of the San Francisco Board of Supervisors, the Mayor, city departments, and various other local government agencies. Immigrant organizations are able to effectively convey information to the top levels of local government because they have strong roots in the local community and are well-positioned to learn about immigrants' changing needs and concerns. In addition, the government also benefits from this arrangement because immigrant nonprofits often share their expertise on the immigrant population with government

institutions. Without nonprofit allies in the immigrant community, many elected officials would struggle to learn about the needs and interests of a large portion of the city's residents.<sup>18</sup>

As multi-purpose hybrid organizations that fill gaps in service provision and advocate on behalf of a particularly vulnerable population, immigrant nonprofits are able to build their political capital from the bottom up as well as from the top down. As a result of their position as a bridge between the “powerless” immigrant community and the “powerful” members of the San Francisco political establishment, immigrant nonprofits likely are key players in the local politics of immigrant representation. If yesteryear's ward politics – where effective organization of political power was inextricably linked to the provision of much-needed services to vulnerable populations – are indicative of the political significance of immigrant-serving organizations, then San Francisco-based nonprofits may play an increasingly influential role in the local politics of immigrant representation.

### **Challenging Our Understanding of Politics**

Immigrant nonprofit organizations are politically active in the local politics of immigrant integration. Particularly noteworthy is their role as administrative advocates of immigrants' collective interests. This role is not surprising given nonprofits' function as service providers and the federal laws restricting the amount of legislative advocacy these organizations can undertake. As organizations that contract with government agencies to provide services to immigrants, nonprofits frequently interact with city departments, are on the frontline of the implementation of public policies, and are well-situated to witness both the effectiveness and shortcomings of government policies. This puts nonprofit organizations in a good position to advocate for change

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<sup>18</sup> According to the 2000 U.S. Census, San Francisco has an immigrant population of almost 37%.

with the city's administrative agencies. At the same time, as legislative lobbying is restricted, it is understandable that nonprofit organizations divert their political advocacy to the bureaucratic agencies of local government in attempts to serve the interests of their clients. Consequently, government rules and regulations help to explain why immigrant nonprofits are unique in the degree to which they engage in administrative advocacy targeted at the city's bureaucratic agencies.

Furthermore, while it is heuristically helpful to compare the political presence and behavior of immigrant nonprofits in the local arena with that of other interest groups, local party organizations, and political machines, immigrant nonprofits are distinct from these other community institutions. For example, immigrant nonprofits are more politically versatile because they combine direct service provision with political advocacy, employ myriad political strategies and tactics in the local arena, operate with ease in the local policy and electoral processes, and target diverse political institutions with their advocacy campaigns. Most importantly, though, immigrant nonprofits are distinct and noteworthy for their broad understanding of what constitutes "politics" and "political advocacy." Immigrant nonprofits understand that being "political" encompasses more than the popular and narrow conception of politics as limited to government institutions and legislative and partisan politics. Immigrant nonprofits in San Francisco view the "political" as including non-legislative activities on the part of non-governmental institutions. As a result, immigrant nonprofits engage in administrative and judicial advocacy targeting the city's executive and judicial branches of government. "Political" also includes non-partisan and non-ideological politics, where even in a city like San Francisco that lacks party structure and partisan competition and where nonprofit organizations perform

functions seemingly complementing those of the state, immigrant nonprofits participate in political life at the local level.

## **Conclusions**

Empirical data on immigrant nonprofit organizations in San Francisco indicates that they are self-motivated political actors in the local arena that have stepped out of the shadow of the state. This finding contravenes existing theories of the nonprofit sector that rationalize the political apathy and quietude of 501(c)(3) nonprofit organizations. Immigrant nonprofit organizations in San Francisco not only provide a multitude of services to the city's immigrants and refugees, but also engage in different dimensions of advocacy to represent the needs and interests of their clientele and secure the survival of their organizations.

As multi-purpose hybrid organizations, immigrant nonprofits are politically motivated and active in both representative and electoral politics and advocate within the legislative, executive, and judicial branches of local government. Sandwiched between the immigrant community and the San Francisco political establishment, immigrant nonprofits are building political capital for their organizations from both the bottom up and the top down and have, therefore, become potentially influential actors in the local politics of immigrant representation.

While immigrant nonprofits are clearly active in the San Francisco political arena, it is unclear how politically influential and effective they have been. It is also unclear what it means for a democracy emphasizing public accountability through the electoral process to rely on immigrant nonprofits as "representatives" of the immigrant community. These are issues that I am currently investigating and will analyze and document in later writing.

## **APPENDIX I: Nonprofit Organizations & San Francisco's *Equal Access to Services Ordinance***

According to the 2000 Census, 46% (ca. 340,000) of San Francisco's residents five years and older speak a language other than English at home. About 14% (ca. 100,000) are limited-English proficient and 6% (ca. 43,000) are linguistically isolated and lack proficiency in English. Asian immigrants are by far the most linguistically isolated with 40% of the Asian Pacific Islander community lacking proficiency in English. Sustained immigration over the past four decades created a linguistic diversity challenge for San Francisco. With government business largely conducted in English, the city's increased linguistic diversity made it challenging for government officials to effectively communicate with San Francisco residents. Immigrant nonprofits have long advocated for the need to have government business conducted in languages other than English. In response to these pressures, the San Francisco Board of Supervisors passed the Equal Access to Services Ordinance (EASO) in 2001. This city law removes language barriers that limited-English speakers may have in accessing city services. EASO requires city departments to translate their paperwork in non-English languages and hire bilingual staff for public contact positions if a substantial portion of the public utilizing their services does not speak English effectively because it is not their primary language and if they share another primary language. As a result of EASO, public information and government services in San Francisco must be offered in English, Spanish, and Chinese city-wide. In certain supervisorial districts with a high concentration of Russian and Vietnamese immigrants, branch offices of city departments are also required to offer city services in Russian and Vietnamese. A brief overview of the legislative history of this local language policy demonstrates that immigrant nonprofits dominated the policymaking process from beginning to end. While the story of EASO is not intended to create the impression that nonprofits are omnipotent political actors with all types of local policy issues, it does show nonprofits' political potential and versatility in the local politics of immigrant representation.

San Francisco's Equal Access to Services Ordinance was several years in the making and finds its origins in an initiative by a state-wide coalition of nonprofit organizations to address language rights and access to government services. During the 1990s, many nonprofit organizations received complaints from immigrants that they were not able to access city, county, and state services due to their inability to speak English. Nonprofit organizations consequently ended up doing the translation work that was the responsibility of the government according to existing federal and state laws. In theory, Title VI of the 1964 Civil Rights Act and the 1973 Dymally-Alatorre Bilingual Services Act should have been providing access to government services to limited-English speakers, but in reality noncompliance was common and these laws were not enforced. When complaints became widespread and were more systematically recorded in the late 1990s, a number of nonprofit organizations from across the state organized to ensure proper compliance with existing federal and state laws. This coalition of nonprofit organizations, however, was operating in a political environment characterized by hostility to immigrants and

opposition to language rights<sup>19</sup> and it was not clear that they would succeed if they simply lobbied state officials with data generated by their own organizations. Aware of the constraints under which they were operating, the coalition of nonprofit organizations made the strategic move to successfully ask for a state audit of the Dymally-Alatorre Bilingual Services Act (DABSA) with the help of Senator Martha Escutia (D-Montebello). The 1999 California State Auditor's report on DABSA concluded that "state and local governments could do more to address their clients' needs for bilingual services" and gave the nonprofit organizations the objective facts necessary to convince government officials that DABSA lacked enforcement and that there was widespread noncompliance with the law. The Auditor's findings also demonstrated that limited-English speakers did not enjoy access to government information and services on par with those proficient in the English language. After the Auditor's report was released, various bills were introduced in the California Assembly and Senate and DABSA was amended in 2003 to improve implementation and tighten enforcement mechanisms.

While proposals were circulating at the state level to amend DABSA, there was simultaneous policy action in San Francisco to create a local law that would ensure equal access to government services for limited-English speakers across a greater number of city departments and on a more consistent basis. Chinese for Affirmative Action (CAA), one of the nonprofits that had been part of the state-wide coalition requesting the state audit, took the lead in getting an Equal Access to Services Ordinance passed in San Francisco. CAA is a San Francisco-based 501(c)(3) nonprofit organization with service and advocacy programs catering to Asian immigrants and Asian Americans. Founded in 1969, CAA has advocated for laws and policies to protect and expand the rights of limited-English speakers for many years. While CAA spearheaded the effort for an equal access law in San Francisco, it intensively collaborated throughout the policymaking process with a small number of other San Francisco-based nonprofits catering to immigrants from different nationality groups. CAA also enjoyed the support of local labor unions with an immigrant membership. Labor unions as well as other types of community institutions, however, remained rather aloof throughout the policymaking process and the enactment of EASO – from agenda-setting to implementation of the law – was dominated by nonprofit organizations that had an effective monopoly on policymakers' attention.

The first attempt to get EASO passed in 1999 failed. CAA and collaborating organizations had drafted the language of the bill and found then Supervisor Mabel Teng willing to sponsor the policy. However, the bill never received a hearing with the Board of Supervisors and it fizzled in the absence of strong leadership from local legislators and the Mayor's Office. From this early failure CAA learned it had assumed there was more political support than there really was in 1999 and realized it had to work much harder to get both policymakers and the local community engaged with the issue so the language policy could pass. CAA and its nonprofit allies renewed their efforts to get EASO passed in 2001 – after the city switched from at-large to district elections, resulting in an important change to the composition of the Board of Supervisors – and this time they were successful. CAA asked then Supervisor Mark Leno to become the lead sponsor of the bill. This was a strategic calculation on the part of CAA: Supervisor Leno was the chair of Budget and Finance Committee (the committee that the bill had to travel through), he was considered to be a rising star on the Board of Supervisors, he maintained a relatively good relationship with the Mayor's Office, and he used to own a San Francisco-based sign company

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<sup>19</sup> In 1998, Prop. 227 – the "English for the Children" initiative – passed with 61% of the vote. This California initiative ended bilingual education in public schools. Earlier, in 1994, Prop. 187 passed with 59% of the vote, denying social services, health care and public education to undocumented immigrants.

making multilingual signs. In other words, Mark Leno would be able to provide strong leadership on the issue and was personally engaged with the policy proposal. As the bill traveled through the Budget and Finance Committee and then the full Board of Supervisors, CAA and other immigrant nonprofits frequently met with individual Supervisors and the Immigrant Rights Commission<sup>20</sup> to get them engaged with the issue, share the organizations' substantive knowledge on the issue, and answer questions the Supervisors might have. For example, CAA helped calm concerns that certain Supervisors had about the cost of EASO as the policy called for the translation of a variety of government documents into Spanish and Chinese and the hiring of bilingual staff who would receive additional pay. CAA also helped Supervisor Leno prepare an adequate response to the criticism from Supervisor Tony Hall who stated that the policy amounted to affirmative action for Asians and Latinos who would likely be given preferential treatment for the bilingual public contact positions that EASO called for. The nonprofit organizations also recruited their staff and clientele to provide testimony in support of EASO during hearings of the Budget and Finance Committee and the full Board of Supervisors. The nonprofit organizations furthermore drummed up support for EASO by submitting letters to the editor of the *San Francisco Chronicle* defending the policy, accepting interviews from reporters from the local ethnic media, and launching educational campaigns targeted at other community-based organizations in San Francisco. This impressive campaign to engage and educate government officials and the larger public paid off and EASO was approved by all eleven Supervisors, with the exception of Tony Hall.

After Mayor Willie Brown signed EASO into law, CAA and other nonprofits did not disappear from the political scene. Rather, the organizations took on the daunting task of getting reluctant city departments to implement EASO and the nonprofits provided technical assistance to help city departments comply with the new law in a time- and cost-efficient manner. To these ends, they collaborated with the Immigrants Rights Commission, the government body responsible for monitoring and facilitating compliance with the ordinance and charged with the duty to resolve disputes arising under the ordinance. CAA, other nonprofit staff and the executive director of the Immigrant Rights Commission met with department heads on various occasions to help them determine which documents needed translation and which positions should be staffed by bilingual personnel. They helped various departments formulate their annual compliance plans, which they are required to submit to the Immigrants Rights Commission. While a few city departments supported the policy and made its implementation a priority, a larger number of departments were less supportive and argued that they lacked the resources and had too little time to implement EASO.

Since the enactment of EASO, immigrant nonprofits have continued to hear from immigrants unable to receive city services due to their inability to communicate with public officials. Despite complaints that city departments were not fully implementing EASO, nonprofit organizations only filed two official complaints (one directed at the Rent Stabilization and Arbitration Board in 2002 and the second at the Metropolitan Transportation Agency in 2004) on behalf of immigrants willing to go through the complaint procedure. To date, nonprofits have not taken legal action against the city departments for failure to comply with EASO, even though they might be able to build a strong case against the city. Immigrant nonprofits are reluctant to take a more confrontational position vis-à-vis government officials for practical considerations.

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<sup>20</sup> The Immigrant Rights Commission was created by the San Francisco Board of Supervisors in 1997 and functions as a consultative body whose primary duty is to provide advice and make recommendations to the Board of Supervisors and the Mayor on issues affecting San Francisco's immigrant population.



They do not want to undermine the trust and collaboration they have been able to establish with government officials over the years. The fact that they are recipients of government grants and contracts also helps explain why immigrant nonprofits prefer to avoid contention and maintain amicable relations with city officials.

When, five years after enactment of EASO, the Immigrant Rights Commission and various nonprofits believed that city departments had been given adequate time to fully implement EASO, they collaboratively conducted research and produced a report<sup>21</sup> in February of 2006 which documented various city departments' (partial) noncompliance with the ordinance and advised the Board of Supervisors to strengthen the law's enforcement mechanisms and make available additional resources to implement and monitor EASO. The report induced the Board of Supervisors to hold public hearings in May of 2006 where various department heads were called on to explain why they had not been able to bring their department's operations in line with EASO in the preceding five years. The report also got Supervisors interested in the possibility of amending EASO and codifying the recommendations that came out of the report. At the request of the President of the Board of Supervisors Aaron Peskin, CAA and its nonprofit allies are currently taking part in discussions with local legislators about amending EASO by the end of the 2006-07 fiscal year.

Nonprofit organizations consequently played a key role in the making of EASO and they dominated the policymaking process from beginning to end: CAA and its allies identified the need for EASO, put the policy on the city's legislative agenda, drafted the text of the law, advocated for its passage, monitored the implementation of the ordinance since its enactment in 2001, and are currently negotiating with local government officials to amend the law. San Francisco government officials are well aware of the critical role that nonprofit organizations played in the passage of EASO and admit they are not entirely sure what would be the state of equal access to government services in San Francisco today had nonprofit organizations not been so dedicated to the issue over the years and had they not expended great effort in getting local government officials engaged with the issue. As a local legislator currently working on the amendment admits, "Look at the stacks of files on my desk. I have so many issues I need to attend to and so many things I need to know about. It's hard to prioritize. If it wasn't for CAA and the other community organizations, it might have taken us much longer to legislate language access, I might not have realized the importance of the ordinance, and I might not have been interested in revisiting the issue today."

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<sup>21</sup> "Report Concerning the Status of San Francisco's Equal Access to Services Ordinance" (Immigrant Rights Commission, February 13, 2006).

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