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Progress Together



How Do We All Win?

Building statewide coalitions to counter preemption
and promote equity

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Lisa Schottenfeld, Michelle Sou, Lello Guluma, Drew Koleros, So O'Neil

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Robert Wood Johnson Foundation
Research, Evaluation, and Learning (REL) Unit
50 College Road East
Princeton, NJ 08540-6614
Attn: Maryam Khojasteh, Program Officer

Submitted by:

Mathematica
955 Massachusetts Avenue, Suite 801
Cambridge, MA 02139
Phone: (617) 491-7900
Fax: (617) 491-8044

Introduction

Preemption is a legislative or regulatory action a state or federal government enacts to eliminate or reduce the authority of a lower level of government on a given issue. In recent years, state-level preemption has increasingly served as a tool to suppress local-level policies that aim to promote equity and address the social determinants of health. The number of preemptive laws introduced in state legislatures has increased in a variety of policy areas—from minimum wage to paid sick leave to broadband access. In many states, this is largely because of the efforts of corporate and other special interest groups, often led by an organization of industry lobbyists called the American Legislative Exchange Council (ALEC)^{1,2}.

This specific use of preemption has hurt historically marginalized communities and their ability to make progress toward equity. For example, when local authorities have sought to raise the minimum wage, enact paid leave, prevent employment discrimination, or protect tenants' rights in states such as Alabama³, Florida⁴, and Maryland⁵, they have either encountered existing preemptive laws prohibiting them from doing so or found that state legislatures immediately preempted these laws⁶.

Because preemption affects a broad range of issue areas, one strategy for challenging it at the state level is building statewide preemption-focused coalitions that bring organizations together across diverse issue areas, political orientations, bases, approaches, and preferred tactics. The theory is that these diverse coalitions can build collective political power and take advantage of the various strengths of different organizations to open new pathways to defeating preemption. Beginning in 2018, the Robert Wood Johnson Foundation began offering technical and financial support to build and strengthen these coalitions across the country. As part of a wider [strategic assessment of this support](#), in 2020 Mathematica interviewed 26 organizations at 9 coalitions and 13 national organizations and foundations supporting these efforts. This brief summarizes the experiences of these coalitions' work in building cross-issue coalitions around preemption as a common issue, highlighting their perceived benefits and challenges in building and strengthening coalitions, and the strategies they use to overcome preemption.

¹ Local Solutions Support Center. "The Threat of State Preemption." 2020. Available at <https://www.supportdemocracy.org/preemption>. Accessed March 9, 2021.

² Scola, N. "Exposing ALEC: How Conservative-Backed State Laws Are All Connected." *The Atlantic*, April 14, 2012. Available at <https://www.theatlantic.com/politics/archive/2012/04/exposing-alec-how-conservative-backed-state-laws-are-all-connected/255869/>.

³ Walsh, L. "Birmingham Minimum Wage Ordinance Voided After Gov. Bentley Signs Bill into Law." ABC 33/40, February 25, 2016. Available at <https://abc3340.com/news/local/birmingham-minimum-wage-ordinance-voided-after-gov-bentley-signs-bill-into-law>.

⁴ Damron, D., and A. Deslatte. "Florida Blocks Local Votes on Mandatory Paid-Sick-Time Measures." Orlando Sentinel, June 14, 2013. Available at <https://www.orlandosentinel.com/news/os-xpm-2013-06-14-os-scott-signs-local-paid-sick-time-ban-20130614-story.html>.

⁵ Metcalf, A. "Montgomery County Leaders Oppose State Minimum Wage Preemption Bill." Bethesda Magazine, February 7, 2017. Available at <https://bethesdamagazine.com/bethesda-beat/politics/montgomery-county-leaders-oppose-state-minimum-wage-preemption-bill/>.

⁶ Partnership for Working Families. "States Preempting Local Laws are an Extension of Jim Crow." Blog, August 29, 2017. Available at <https://www.forworkingfamilies.org/blog/states-preempting-local-laws-are-extension-jim-crow>. Accessed March 9, 2021.

Benefits of building preemption-focused coalitions

Coalitions reported that building broad preemption coalitions that include a large and diverse set of organizations can bring significant benefits. These main benefits are summarized below.



Increased political power

Increased political power. Entities such as ALEC or other corporate groups with significant political influence in state legislatures often support or introduce preemption bills. To effectively push back, it is critical for those

opposing these bills to find ways to maximize their own political power. Bringing together a large set of organizations as a coalition can help to build this collective power. Sometimes, coalitions might engage in a coordinated strategy against a sweeping preemption bill. Other times, they might create a space where organizations can seek allies when their particular issue area is under attack by proposed preemptive legislation. One respondent noted, “As part of a statewide coalition, when it’s your issue, you have more allies. Now you have a venue you can come to and say, ‘Hey, we’ve got this minimum wage preemption fight. Will you join us? We’ll help you on your fight.’”

“[Working together as a coalition] has helped position us for those intersectional fights that really require a lot of organizations pushing together when you have very strong interests in the other direction.”





Ability to draw on a range of organizational strengths


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Coalitions that brought together diverse organizations found they could draw on their various organizational strengths to apply influence in new ways. In some cases, they coordinated multifaceted preemption strategies that drew on the strengths of their various members. For example, in one coalition, a base-building group built out a rapid action network that could generate many calls to legislators’ offices and “create a lot of district and public pressure at strategic moments.” This group coordinated with other coalition members skilled in direct lobbying tactics to identify moments when this kind of pressure would be particularly useful.

Although not all coalitions coordinated these kinds of multifaceted strategies, many still found significant benefits in joining forces. One advantage was the ability to build grassroots power across multiple organizations, use different organizational relationships, and take advantage of the ability of more mainstream groups to connect with more conservative lawmakers (Figure 1).

Figure 1. Benefits of coalition building

Benefits	What coalitions said
 <p>Joining forces enables coalitions to mobilize their collective bases towards common goals.</p>	<p>“[We] don’t always have the deepest pockets in the state houses. We don’t give the contributions the way that you see [corporations] give. But what we do have, when we all band together, is a lot of people. And so, when we get together and can stick together, our influence is huge because we have so many people that we can reach out to. And that’s when our grassroots work is really impactful.”</p>
 <p>Organizations can use their various relationships within state legislatures to achieve coalition goals.</p>	<p>“There are spaces that we can’t get into but another progressive partner can or vice versa, and so we’ve had tremendous success figuring out how to leverage these relationships when somebody in the group can take advantage of them to get into a space that otherwise would be hard to [access].”</p>

Benefits	What coalitions said
 <p>The presence of politically centrist groups can bring credibility with and access to more conservative legislators.</p>	<p>“[Mainstream groups] bring a different set of relationships and credibility to the table than the [progressive] folks. When they speak out about something, that is listened to in a different way than some of the grassroots groups, for better or worse.”</p> <p>“I was really gratified to see some of the partners in the coalition step up and talk to their Republican contacts. That was really helpful.”</p>

Challenges of preemption-focused coalitions

Bringing together diverse organizations provides multiple benefits, but our findings suggest preemption-focused coalitions face additional challenges and tensions associated with this diversity.

Differences in political orientation

Differences in political orientation. In coalitions that bring together those from different ends of the political spectrum, fractures can occur when organizations confront particularly politically polarizing preemption issues. Respondents described a range of reactions to this situation. Some more progressive coalition members described having to simply accept when more conservative partners might not support more progressive preemption policies. Others expressed frustration, particularly when there had been a lack of clear communication about a coalition member’s decision to step out of alignment with the rest of the coalition. Even in coalitions in which different organizations find ways to work together behind closed doors, they might have to navigate the tensions that come with public collaboration. Some organizations might not want to publicly appear together or officially join the coalition due to differences in political orientation and/or concerns about how collaborations with others of different political persuasions might be perceived.

“When it came to the sanctuary city issue, I wasn’t surprised that there wasn’t a lot of public activity from [a more conservative organization in the coalition], even though it was a preemption bill. Is it disappointing? Of course. But is it surprising? No.”

Differences in approaches and tactics

Differences in approaches and tactics. Organizations in preemption-focused coalitions might also differ in their approaches and ideas about how change happens. Some might be proponents of top-down policy advocacy, whereas others rely on bottom-up base-building strategies. These differences have the potential to create tensions as the coalition decides on preferred tactics. In some cases, organizations that wanted to explicitly center grassroots organizing approaches in their coalition’s work reported they had to address these tensions up front by ensuring the leadership structure reflected the coalition’s priorities. In other cases, coalition members

“In coalitions led by grassroots organizers and directly impacted folks, things move slower. We become experts on the issues as we go along, whereas when it’s led by a policy shop, there’s somebody that’s paid to think about policy all day and show up with all of the solutions. But they also tend to show up with, ‘Here’s all the reasons why that can’t be done.’ Which is not [how] organizers [think] and that’s not how we build power. So we were really intentional about not wanting those folks to be in leadership. We did want and still do want policy organizations to be a part of the coalition, once we can find a way to have power lie in the hands of grassroots organizers.”

observed the need for organizations to respect different tactical preferences within coalitions, acknowledging that different organizations could play different roles.



Coalition splitting due to carve-outs

Coalition splitting due to carve-outs. When coalitions try to build solidarity across organizations to work on the shared issue of preemption, they often face coalition splitting in the face of carve-outs. In these cases, groups can get their particular issue removed, or carved out, of sweeping preemption bills that otherwise affect a broad range of issue areas. Multiple coalitions described how this was particularly common among groups working on LGBTQ+ issues because many large corporations want to be perceived as allies to the LGBTQ+ community. These groups could often secure carve-outs for nondiscrimination ordinances from broad preemption bills, and in some instances would then withdraw their opposition from the larger preemption legislation. This decision to prioritize their own issues, rather than preserving coalition solidarity against the broader legislation, often led to a breakdown in trust between coalition partners.

“In a bill preempting workers’ rights, [they carved out] an exemption for nondiscrimination ordinances. Some of the LGBT groups pulled out [of the coalition opposition effort] and said, ‘Okay, now we’re neutral on this bill.’ That upset a lot of their other progressive partners and their labor partners, because it felt like they weren’t there for them and they weren’t.”



Lack of infrastructure for clear communication

Lack of infrastructure for clear communication. At least one respondent noted the sheer number of players in a coalition can pose challenges for communication, especially when coalitions lack strong organizational infrastructure (for example, staff who can organize meetings, maintain spreadsheets tracking organizational contacts, and so on). In some cases, this limited capacity for intra-coalition communication led to an inability to coordinate work across organizations, and ultimate breakdowns in decision making.

“Nobody knew which coalition member may or may not be speaking to a particular legislator on a policy issue of interest, in terms of keeping tabs on the work each member is doing and figuring out how to communicate that to the coalition.”

Strategies for building trust, cooperation, and solidarity

Our respondents identified a number of strategies to help coalitions build solidarity and overcome some of these tensions and challenges.



Investing time in relationship-building

Investing time in building relationships. Coalition leaders emphasized the importance of taking time up front to build relationships with organizational leaders, understand their perspectives and the issues they care about, and gain buy-in from them to join and stay in the coalition. Coalition members noted they appreciated when coalition coordinators took the time to reach out to them individually and develop these relationships.



Creating inclusive and equitable spaces

Creating inclusive and equitable spaces. To create a sense of solidarity, coalition members and leaders discussed the importance of cultivating environments in which all organizations—particularly smaller grassroots groups—feel welcomed and included and have an equal say in making decisions. This might include facilitation practices that help to ensure everyone has a chance to weigh in and feel heard. It might also include deliberately creating structures to ensure even smaller organizations have an equal opportunity to shape coalition decisions.

“I genuinely feel as if we all get a fair share in the conversation and that everyone’s opinion will matter. That’s important for any kind of coalition.”



Building a shared understanding and vision

Building a shared understanding and vision. Several respondents noted the importance of spending time up front to build a shared understanding of the issue of preemption and the political forces behind it. This helped organizations grasp that their struggles were interconnected, even if they usually spent time working on their issues in siloes. Just as critical was investing time in building a collective positive vision about what the coalition could accomplish if it worked together. This helped increase organizational buy-in and understanding of what various groups could gain through cooperation and coordination.

“We help organizations come to the realization that when one issue, one movement, one community loses power and authority, everybody loses. We take the time to build that understanding and think through not just how do we all lose but how do we all win? We dig into the challenges of working across issues but then also ask what are the opportunities that are created.”

Respondents also emphasized the importance of having difficult conversations early on about potential threats to coalition solidarity, such as accepting carve-outs related to an organization’s specific issues. One coalition reported investing significant time in these kinds of conversations to get people on the same page about the importance of turning down these carve-outs and remaining in solidarity with the other organizations in the coalition. The coalition said, *“Nothing destroys trust faster than people turning their back and not showing up.”* One coalition noted it had hit an important milestone when one of its groups was offered a carve-out, but chose to turn it down and instead continue fighting the broader preemption bill.

“One of the things we have to say is that even when you do get the carve-out, we still need you in this fight. And I think that’s the mentality that all of us in the coalition have adopted is that, even if we were to get a carve-out, our opposition [to the broad preemption bill] doesn’t drop.”



Adopting flexible but supportive infrastructures

Adopting flexible but supportive



infrastructures. To ensure smooth coalition functioning and communication, many respondents cited the importance of having coalition staff who could be responsible for tasks such as scheduling, planning, and facilitating meetings; sending out notes after meetings; and following up individually with organizations to ensure they stayed connected and engaged. Beyond this baseline level of support, however, many coalition members seemed to prefer flexible coalition infrastructures that could offer opportunities for sharing information and some consensus-building and collaboration, without being overly directive or requiring extensive collective decision making. In some cases, organizations viewed these looser structures as particularly beneficial for coalitions with a very diverse set of organizations that might have different legislative agendas and priorities. They thought the relative looseness provided the needed communications infrastructure without being overly restrictive.


“The coalition is more like a network, but with meetings and the listserv. Not everyone is going to work on the same things and it’s more of a space to share information and find other people who are going to coordinate with you on fighting specific legislation. It’s a way of communicating among lobbyists from labor, public interests, nonprofits, and local government associations.”

Centering equity

Many coalitions and other stakeholders discussed the importance of centering equity in their preemption work. Grassroots organizations equated this process as shifting away from a primary emphasis on a policy advocacy approach, in which fewer people (and often those not from historically marginalized communities) lead, to incorporate a base-building approach, in which more people (particularly those from historically marginalized communities) lead efforts to make systemic changes designed to shift the balance of power and change the underlying conditions that lead to inequities. Some respondents offered strategies for how to build and maintain coalitions that could achieve these shifts and center the priorities of those from historically marginalized communities (Figure 2).

Figure 2. Strategies for centering equity

Strategy	What coalitions said
 <p>Actively recruit organizations led by those most impacted, center their leadership, and ensure they are involved in all decision-making processes.</p>	<p>“There are a bunch of [grassroots] groups that have come to prominence that really need to be or probably need to be in that coalition space and leading in that coalition space. [They need to be offered a position] on the steering committee at a minimum. I can’t imagine them jumping into that space if they’re not given real power.”</p>
 <p>Be sure to recruit grassroots organizations along with those that are highly structured and well funded.</p>	<p>“We have to be more intentional about the groups we bring to the table. A lot of times coalitions will go to a group that has financial resources or are well organized, which a lot of times leaves out the grassroots local organizations.”</p>

Strategy	What coalitions said
 <p>Recognize the labor that women of color often perform in coalitions and political spaces; be willing to fund this work.</p>	<p>“So many of our small grassroots organizations led by women of color are underfunded and underresourced. Women of color leaders are also carrying the emotional load for almost all the coalitions that they are a part of. So when you’re asking for leadership of color and [of] impacted folks, they need to be resourced to help carry that load. That’s like the unpaid labor, right, of our movement.”</p>

Conclusion

Many of the coalitions we spoke with were in the early stages of development and focused on building relationships and coalition infrastructure to strengthen their ability to wage preemption campaigns. Because efforts to build these types of preemption-focused coalitions are an emerging approach, it will be critical to continue to track their efforts moving forward. This might include continuing to develop an understanding of the unique set of benefits and challenges experienced by diverse preemption coalitions, compared to many coalitions that are more homogeneous in terms of their issues, political orientations, bases, approaches, and tactics. These types of comparisons could help national organizations sharpen their investments and better tailor support to the unique needs of these coalitions.

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About Mathematica

The Mathematica team that conducted the research presented in this report include Lello Guluma, Drew Koleros, Lisa Schottenfeld, and Michelle Sou.

As an organization, Mathematica collaborates with federal agencies, state and local governments, and foundations to gather evidence, illuminate insight, and apply expertise to improve programs, refine strategies, and enhance understanding.

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