

INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

Bell & Howell Information and Learning
300 North Zeeb Road, Ann Arbor, MI 48106-1346 USA
800-521-0600

UMI[®]

NOTE TO USERS

This reproduction is the best copy available.

UMI[®]

UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

THE MAKING OF LEGISLATIVE AGENTS:
INTEREST GROUP INFLUENCE IN CONGRESSIONAL POLICYMAKING

A Dissertation

SUBMITTED TO THE GRADUATE FACULTY

In partial fulfillment of the requirements for the

Degree of

Doctor of Philosophy

By

CRAIG ALAN WILLIAMS

Norman, Oklahoma

2001

UMI Number: 3004895

UMI[®]

UMI Microform 3004895

Copyright 2001 by Bell & Howell Information and Learning Company.

All rights reserved. This microform edition is protected against
unauthorized copying under Title 17, United States Code.

Bell & Howell Information and Learning Company
300 North Zeeb Road
P.O. Box 1346
Ann Arbor, MI 48106-1346

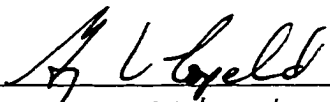

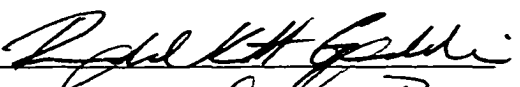


© Copyright by CRAIG ALAN WILLIAMS 2001

All Rights Reserved.

THE MAKING OF LEGISLATIVE AGENTS:
INTEREST GROUP INFLUENCE IN CONGRESSIONAL POLICYMAKING

A Dissertation APPROVED FOR THE
DEPARTMENT OF POLITICAL SCIENCE

BY

ACKNOWLEDGMENTS

I stood on the shoulders of a lot of people to complete this dissertation. My parents, Ed and Linda Williams, worked everyday to raise me properly and gave me the opportunity and support to attend college and graduate school. My extended family and friends, too numerous to name, always gave me the support I needed to continue in graduate school. My teachers – formal and informal – throughout my life gave me the encouragement and training to succeed. Thanks to Francis Pompanella who first interested me in history and political science. Professors Lana Hartmann Landon, John Taylor, Larry Grimes, Anthony Mitch, Gary Kappel, Clint Maffett, and Ken Cosgrove from Bethany College were all wonderful teachers who prepared me for graduate school. Ken introduced me to his alma mater and encouraged me to apply to the Carl Albert Center and the University of Oklahoma.

At the University of Oklahoma, Gary Copeland has been my adviser and friend over the past five years. He gave me the instruction, support, and latitude I needed to make mistakes and progress from first year graduate student to Ph.D. Professors Keith Gaddie, Ron Peters, Cindy Rosenthal, Don Maletz, Michele Claibourn, Sally Seldon, and Paul Kramer each gave me the instruction and challenge I needed in their respective fields of study. In addition to Gary, Ron and Keith, in particular, have always given me their best feedback to improve my work and were eager to work with me on projects of mutual interest. Special thanks go to Ron for his initial twenty-year long directorship of the Carl Albert Center and to Gary for making it one of the finest congressional research institutes

in the country. LaDonna Sullivan, Kellye Walker, Jan Lester, and Laurie McReynolds from the Carl Albert Center gave me their support, help, and friendship as well. Of course, the Center would never have existed without the steadfast support of the late Speaker Albert, his family, and his lifelong friend Julian Rothbaum and his family.

I even made a few friends in Oklahoma, including current and former Carl Albert Fellows Jon Mott, Lauren Cohen Bell, John Meiers, Lesli McCollum, Jocelyn Jones, Melody Huckaby, and Lynsey Morris, who span over a decade of fellowship at the Carl Albert Center. Scott and Kelea Buchanan befriended me in 1996 and watched out for me ever since. Kelea's cooking and Scott's friendship and feedback on this and other projects kept me going for the three years we shared in Norman and afterward. Gary Gooch and John and Judy Van Doorn, too, shared their friendship and support over the years.

In Washington, DC, I had the great fortune of working for Congressman Robert L. Ehrlich, Jr. from Maryland. He and his staff welcomed me into their office as a legislative fellow and helped me succeed. Steve Kreseski, Karl Aumann, Terry King, Ken Zeigler, Diane Baker, J.P. Scholtes, Jill Homan, Charli Coon, and Skip Gibson were great to work with and supportive in every way possible in indulging my dissertation needs on the Hill. Steve Kreseski, in particular, was instrumental in helping set up dozens of Hill interviews used in this dissertation.

The most important thing that happened on my way through graduate school was my marriage to my best friend, Christine Marie Colcombe. She has supported me in every way possible in this project and all others. She even moved to Oklahoma just for me and ended up liking it, too. She is a wonderful person with whom I look forward to a long life

together.

TABLE OF CONTENTS

List of Tables	viii
Abstract	x
Introduction: The Power of Lobbying	1
Chapter 1. Studying Interest Groups and Lobbying	20
Chapter 2. Lobbying Relationships and Strategy	44
Chapter 3. The Background of Lobbying in the Contemporary Congress	75
Chapter 4. When Lobbying Works	134
Chapter 5. When Lobbying Fails	178
Chapter 6. Lobbying, Partisanship, and Representation	223
Bibliography	248
Appendix A	260
Appendix B	288
Appendix C	291
Appendix D	294

LIST OF TABLES

1.1	Studies of Member Behavior by Category	42
2.1	Strategic Choices Lobbyists Make	72
3.1	2000 Leadership PACs among Members of the House Leadership and Commerce, Education and the Workforce, and Judiciary Committees	118
3.2	1998 PAC Contributions to Members By Committee	120
3.3	1998 PAC Contributions to the Commerce, Education and the Workforce, and Judiciary Committees	121
3.4	Legislation Bill Number and Title Studied By Committee	122
3.5	Status of Legislation in the 106 th Congress	123
3.6	1998 Partisan Scores of Members by Committee	124
3.7	Corporations/PACs with Representatives Testifying on Specific Issues Education and the Workforce Committee, 106 th Congress	125
3.8	Corporations/PACs with Representatives Testifying on Specific Issues Judiciary Committee, 106 th Congress	126
3.9	Corporations/PACs with Representatives Testifying on Specific Issues Commerce Committee, 106 th Congress	127
3.10	Non-Government Witnesses Testifying Before Committee on Specific Issues, 106 th Congress	129
4.1	Summary of Statistical Findings	168
4.2	Conditions Under Which Lobbying Was Successful	169
4.3	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 800	170
4.4	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 1995	171

4.5	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 2420	172
4.6	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 1858	173
4.7	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 2944	174
4.8	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 1714	175
4.9	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 3709	176
5.1	Summary of Statistical Findings	212
5.2	Conditions Under Which Lobbying Was Unsuccessful	213
5.3	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 1283	214
5.4	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 850	215
5.5	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 2423	216
5.6	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 1987	217
5.7	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 3261	218
5.8	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 4141	219
5.9	Ordered Probit Regression Model for Predicting Member Behavior on H.R. 2121	220
6.1	Normative Assessments of Lobbying	246
Appendix A, Table 1 Research Methodology and Data Sources		278

DISSERTATION ABSTRACT

THE MAKING OF LEGISLATIVE AGENTS: INTEREST GROUP INFLUENCE IN CONGRESSIONAL POLICYMAKING

Craig Alan Williams

Doctor of Philosophy, University of Oklahoma, 2001
(M.A., University of Oklahoma, 1999)
(B.A., Bethany College, 1996)

Directed by Gary W. Copeland

This dissertation tests the theory of legislative proxy that holds that interest groups' highest-order goal is to persuade Members of Congress to serve as agents, or proxies, for them in the congressional policymaking process. Current scholarship on interest groups studies group formation and maintenance and lobby goals and techniques. This literature offers, but does not fully explore, a theory that lobbyists' ultimate goal is to energize members to become their legislative agents – or proxies – within the congressional policymaking arena. This study offers a means of testing this theory using quantitative modeling and qualitative observation through three levels of analysis in the 106th Congress – tracking member participation in committee, in subcommittee, and as independent agents on fourteen bills in three committees composing 139 Members of Congress. Data sources for the research design include personal interviews with lobbyists, congressional staff, and Members of Congress, committee and subcommittee records, and various information sources about members' policy positions, district information, PAC contributions, and lobby contacts.

Both qualitative and quantitative findings lend support that the theory of legislative proxy is more than theory but reality in some cases. Quantitative models found lobbying influenced members' behavior in seven of fourteen bills studied. These findings, along with interview data, indicate that lobbyists and Members of Congress recognize that some lobby-legislator relationships in political and personal terms lend themselves to members' willing participation in the policy process on behalf of interest groups. Such participation, however, is conditional on a variety of environmental elements – including members' personal political circumstances with their district and within the policy arena of congressional committees; their policy preferences; legislative complexity; issue uncertainty; the success of lobbyists to effectively deliver their messages; and lobbyists' willingness to devote resources of time, information, and money to Members of Congress as partners to aid them in the policymaking arena. It is a conditional relationship, but it clearly exists.

These findings emphasize the importance of interest groups and their lobbyists in congressional policymaking. They make strategic decisions to use their resources to target members in key places along the paths of policymaking, and they sometimes meet with great success. For their part, members are very aware of this courtship and sometimes choose to participate depending on a variety of variables. For political science, a major implication of these findings is the need to elevate the importance of lobbyists in the congressional policymaking arena. They are crucial actors who influence members' behavior more than the scholarship has previously proven.

For the democratic process in general, these findings indicate a need to evaluate

the role of lobby access and money in Congress and politics in America. Clearly, access and money pay off when lobbyists successfully recruit legislative agents to shape their legislative agenda. While pluralism is at the center of American representative democracy, findings indicating the potential power of lobby access and campaign contributions raise questions regarding the democratic health of our interest group society.

Introduction: The Power of Lobbying

“I can pick up the phone and get 150 different members on the line immediately. No questions asked.”¹ Senior lobbyist for a top lobby firm

“They [Members of Congress] are all a bunch of unmitigated whores. I don’t take PAC money. Most do, and they sell their wares – votes – to those vipers, the highest bidders, and hide behind representative democracy in the process.”² – Senior Republican Member of Congress

“Success isn’t measured by how many Members I persuade, success is really measured by when the Chairman calls me to ask me what tee-time I prefer and who I’d like our partners to be.”³ Lobbyist representing financial and telecommunications interests

Lobbying works. It is a powerful tool for influencing public policy in the United States Congress in Washington, DC. It is part of the culture of Congress and the nation’s capital and has grown into a multi-billion dollar industry designed to shape the behavior of our nation’s elected officials. Interest groups and their lobbyists are sophisticated actors in this environment who strategically influence Members of Congress to reach legislative goals. These lobbyists apply their influence to shape the behavior of Members of Congress to effect legislative outputs – sometimes at the expense of representative democracy.

Ever since Madison wrote in Federalist 10 that our pluralist federal system was designed to rely upon a multitude of interests intended to check each other, the American political process has been the battleground for competition of interests. At the end of the 20th century, nearly 5,000 lobby groups are registered as active lobbyists of Members of Congress. The intersection of lobbyist and legislator under these circumstances becomes a

crucial point for determining important questions of both public policy and the nature and health of our democratic underpinnings. Members of Congress make some of their most important decisions in committees that deal with policymaking. Here, they decide which bills to support actively or oppose. These decisions lead them to calculate further whether to sponsor, co-sponsor, and simply vote a piece of legislation out of the committee structure or to find ways to block and kill a measure before it leaves committee. Such decisions to participate are difficult things to measure for political scientists. Attempting to influence these decisions are careful lobbyists who seek to advance their own legislative agenda.

This work seeks to add to our understanding of how interest groups affect congressional behavior. Gaining a better understanding of lobby influences and member decision-making and participation in Congress is crucial knowledge for understanding the complex system of American interests in and influence on our first branch of government. Findings shed light on the fundamental nature of our pluralist system at the intersection of our legislature with a society of interests. Here, I focus on the crux of Madison's Dilemma – how an advocacy explosion unintentionally borne of a system designed to counterweight interests influences the system itself.

Interest groups and lobbyists understand how influential they are in the policymaking process in the U.S. Congress far better than political scientists do who observe them at a distance. These groups seek to activate close ideological friends, encourage erstwhile friends, and convert or neutralize enemies (Ainsworth 2001). While

the latter two goals are of critical importance to the task of strategic lobbying, this study focuses on the first and most important goal in lobbying – the *activation* of members to push groups’ agendas in the policy process. Lobbyists in the interviews conducted for this examination report that neutralizing opposition and suppressing troubling concerns of the suspicious are crucial to their operations. While they regularly perform these functions, in order to win votes they must convince members to *act* on their behalf. That is, they must recruit legislative proxies. This study examines the effects of lobbyists’ attempts to activate members to behave in the policymaking process.

These groups exist to win – votes on bills and amendments, setting the agenda, and persuading Members of Congress to act when needed. To win, they invest great sums of money to hire professional lobbyists, technical researchers, and support staff. They maximize their use of personal and professional relationships to achieve their ends. They develop keen political senses and make strategic choices in the course of their everyday activities. More than just conventional calling, sending faxes, and knocking on doors, the most successful lobbyists know how, who, and when to cultivate certain Members of Congress to act on their behalf. In some cases, they make these willing members their agents – or proxies – to pursue their interests where institutional lines and closed doors prevent lobbyists from acting.

The Power of Lobbyists

Washington, D.C. is a city whose main business is influence. It is awash with

interest groups and their functionaries – lobbyists – who make the most of representative democracy for their own interests. Today, nearly 5,000 registered political action committees (PACs) – the fund raising and campaigning arms of issue-oriented groups – and over 20,000 professional lobbyists seek to influence Members of Congress and their staffs on issues of concern to them.⁴ The number of corporations with full-time lobby offices in Washington has risen from 175 in 1968 to over 600 in the late 1990s.⁵ Walking through the office buildings of the Capitol on any legislative business day are hundreds and perhaps thousands of “lobbyists,” who are paid political professionals working on behalf of issue-oriented groups to influence members on key decisions.⁶

These lobbyists and the interest groups for whom they work are central parts of American democracy. They wield powerful tools to gain access to important elected and non-elected decision-makers of American public policy in Congress. Often with the support of thousands of “grass-roots” members across the country, these lobbyists bring to the table both political and financial resources that make Members of Congress, simply put, pay attention to them, at the very least. They develop close relations with staff on important policy committees in Congress and on the personal staffs of influential Members of Congress. They ensure their PACs make significant contributions to members’ reelection campaigns, they gain appointments with members to speak on their issues, and often they actually offer to write legislative language which they find equitable to their group, and leave it to members and their staffs to decide whether to use such resources in the public policymaking process.

In short, lobbyists are crucial actors in the American public policymaking process at the heart of our democracy. To the public, they are often mysterious, unnamed figures always impeccably dressed in expensive suits trailing Members of Congress. Many Americans have negative impressions of these individuals and see them subverting or exploiting American representative democracy in a political system in which financial contributions are the lifeblood of American politics. But what do these lobbyists really do? How do they try to affect Members of Congress? How do they measure success, and do they achieve it? How do Members of Congress and their staffs interact with interest groups and their representatives? How can Americans determine if lobbying efforts actually influence members' behavior throughout the policymaking process? What are the implications of what political scientist Jeffrey Berry terms the "interest group society"?

The Research Opportunity

Organized interest groups are certainly nothing new in American politics.⁷ At least 30 interest groups lobbying Congress can have their activities traced to before the Civil War (Wilson 1970). In addition, many scholars argue that real interest group formation and growth were spurred by the many societal changes of the last quarter of the nineteenth century as individuals organized to protect their interests in a rapidly changing society (Wilson 1970; Walker 1983).

In 1977, Morris Fiorina published a little book that had a big impact on refocusing

both popular and scholarly attention on the “establishment.” In *Congress, Keystone of the Washington Establishment*, Fiorina argued that Washington, DC had run amuck with incestuous relations among legislators and special interests. In his second edition, Fiorina argued that the problem with Congress was more serious than the picture of rampant graft and corruption many conjure in the public’s minds:

No, the problem with Congress is more serious. The problem with Congress is that Congressmen conscientiously, openly, and as a matter of electoral survival assiduously service the special interests of their districts. And in the absence of coordinating forces of strong parties or presidential leadership, the general interest of the United States gets lost in the shuffle. (1989, 129).

Fiorina’s work came at the beginning of a rebirth of interest group study in the late 1970s that focused on the growth of interest groups and political action committees (PACs).

After sixty years of critical scholarship on interest group influence within Congress, many questions are still contentiously debated. Allan Cigler and Burdett Loomis, tracking interest group research and its findings for the past two decades, sum up interest group scholarship when noting:

Although the late Mancur Olson...did unquestionably revolutionize the way we think about interest groups with the 1965 publication of *The Logic of Collective Action*, the field has scarcely leapt toward new understandings of the role of membership groups, campaign contributions, lobbying strategies, or (especially) the overall impact of interests on policy outcomes. (1998, vii)

In that same thirty-year span, scholars and journalists alike devoted much time and

resources documenting phenomenal growth of interest groups and their campaign contributions to candidates for political office (Salisbury 1986; Biersack, Herrnson, and Wilcox 1999). While documenting growth, Cigler and Loomis charge that scholars have done little more to make progress toward understanding the power and influence of that growth.

Why is such a study needed? In addition to Cigler's and Loomis's assessment of our poor understanding of interest groups' influence on the American policymaking process, there have been at least five developments in the past several decades that highlight the need for scholarly focus on interest group influence in the congressional policymaking process.

First, the recent and on-going advocacy explosion of interest groups in Washington, DC defined the 1970s through the 1990s. Registered PACs increased from 600 in 1974 to over 4,100 by the end of the 1980s and remained stable or slightly increased through the 1990s (Berry 25; see also Sinclair 1989). The addition of so many new groups, coupled with their high-profile public nature, gives scholars more opportunity to examine how group size and political influence affect the American political system.

Second, significant changes in laws regulating lobby group activity in Congress make the study of lobby activity and influence more easily examined in the 1990s. Beginning in the 1970s, Congress passed campaign finance laws requiring Members of Congress to report the sources of their campaign contributions. By 1995, the 104th Congress passed the Lobby Disclosure Act that requires all lobby groups to quantify their

efforts at influence on Capitol Hill.⁸ With this act, lobbyists are now legally bound to report how much money they spend on a monthly basis lobbying members, reveal their affiliations with other organizations and foreign entities, and detail the actions they have taken to lobby Congress and federal agencies.

Third, since the 1970s, political scientists have documented the precipitous decline in party power and influence within the U.S. Congress and the American political process in general, attributing such decline to the incumbency advantage (Cain, Ferejohn, and Fiorina 1987; Abramowitz 1991; King and Gelman 1991), skillful political campaigning (West 1993), and the general decline of partisanship in the electorate (Wattenberg 1991, 1998). The rise in candidate-centered politics of recent years only fuels the targeting of Members of Congress by policy-specific interest groups who are now faced with lobbying entrepreneurial members on a one-on-one basis.

Fourth, as Cigler and Loomis note, there were substantial increases in the number, activity, and visibility of single-issue and public interest groups, including Common Cause, the National Rifle Association, and the Christian Coalition, throughout the 1980s and 1990s (Patterson 1998; Guth, Kellstadt, Smidt, and Green 1998). Single-issue groups periodically demonstrated their potent political influence on specific legislation, including the NRA's powerful lobby against gun control measures debated as recently as the first session of the 106th Congress.

Fifth, and perhaps most importantly, there is a clear debate now among political scientists over the goals of lobby groups. Recent studies (Denzau and Munger 1986; Hall and Wayman 1990; and Hojnacki and Kimball 1998) have persuasively argued that

changing member participation in Congress is the real goal of interest groups. In addition, such scholars offered useful methodologies for operationalizing such an amorphous variable as member participation. Their theory is that lobbying efforts are not simply to win votes but instead to alter members' issue intensities and thus affect member participation in the policymaking process in Congress. Influenced members actually take on the role of proxies, voting and acting on behalf of some closely-affiliated lobby groups. This is an intriguing theory with some limited supporting data, but it remains to be more widely and systematically tested than it has thus far.

In short, there still remain dynamic opportunities for the study of interest group influence on Congress. With these recent developments both in the number and influence of interest groups as well as in the way political scientists have come to perceive lobby goals, there exists a potentially rich opportunity to understand better such a critical aspect of American legislative politics.

Worst Case Scenario? When Lobbying Goes Wrong

Two cases in the 106th Congress, one involving a Democrat and one involving a Republican, illustrate just why this study is necessary. These two cases demonstrate the power of Members of Congress to move interest groups' agendas. These cases show that when lobbyists, staff, and Members of Congress violate both written and unwritten rules of lobbying, they raise questions about the overall porous system that allows for so much influence from outside interests. Both of these cases were publicized accounts of lobby influence affecting members' decisions to pursue policies. Both demonstrate the

potentially negative implications that arise when members develop such close relationships with lobbyists and act upon them in the policy arena. Both underscore that when rules are broken, serious legal questions arise regarding the individuals involved and serious ethical questions arise regarding the fundamental nature of representative democracy in the U.S. Congress.

The Case of Bud Shuster

Congressman Bud Shuster (R-PA) got himself into trouble. The renowned chairman of the House Transportation and Infrastructure Committee, Shuster was sanctioned in the 106th Congress for questionable dealings with a former top aide turned lobbyist. Chairman Shuster, elected in 1972 from a conservative south-central district in Pennsylvania, had on his staff Ann M. Eppard for his first 22 years in Congress. In 1994, with the Republican takeover of Congress, Eppard left Shuster's employ to serve as a lobbyist for transportation and infrastructure interests. The relationship between Shuster and his former chief of staff afterward raised a number of ethical and legal questions, which the House Ethics Committee ultimately investigated.

In one notable instance, Eppard, working on behalf of a client with interest in the rail program Tren Urbano in Puerto Rico, Daniel, Mann, Johnson, and Mendenhall (DMJM), arranged for Shuster and his family to travel to Puerto Rico over the Christmas holiday of 1995. While there, Shuster and his family stayed in a pair of villas arranged by Gilbert Butler, the project manager of Tren Urbano. During their stay, the Shuster family charged more than \$1,200 to Butler, using his membership card and signing his name to all

bills at the resort. The acceptance of such gifts from Butler represented a violation of House gift rules. Shuster never acknowledged nor repaid those debts.

In a four-year long investigation by the House Ethics Committee, composed of five Democrats and five Republicans, Shuster was also investigated for using up to \$700,000 in campaign funds (donated by individuals and PACs on behalf of lobbyists) for personal matters, including lavish meals and charter flights, and maintaining a potentially unethical relationship with his former staff member turned lobbyist. In October of 2000, The House Ethics Committee concluded that Shuster used lobbyist Eppard almost as a de facto chief of staff, receiving advice and scheduling services from Eppard at the same time she was in the employ of transportation lobbyists. The committee also found that Shuster's approval on transportation issues was closely tied to payments to Eppard's lobbying firm from its clients. Accordingly, the House Ethics Committee issued Shuster a letter of reproof, the mildest sanction of all possible outcomes, which could include censure, reprimand, fine, or expulsion from the chamber. These findings followed a 1999 guilty plea Ann Eppard entered in a Boston federal district court in which she admitted to having accepted \$230,000 while a Shuster aide from a Boston businessman and another lobbyist. The money represented influence over the path of land used in Boston's "Big Dig" infrastructure renewal project. Ultimately, Eppard was fined \$5,000.⁹

The Shuster-Eppard scenario highlights the murky waters surrounding the legislator-lobbyist relationship in Washington, DC, where both former Members of Congress and their staff turn to lobbying their former friends and bosses on Capitol Hill. This "turnstyle" career pattern is not atypical and illustrates in the Shuster case how

conflicts of interests allowed a powerful Member of Congress and committee chairman to be influenced by outside interests who hired his former chief aide. Most disturbing about the case, perhaps, is that Eppard served both as a lobbyist representing transportation interests while making key decisions regarding Shuster's schedule and positions on those same issues. As a lobbyist, Eppard had hooked the chairman of the Transportation and Infrastructure Committee.

The Case Of Jim Moran

On June 30, 1999 Congressman James P. Moran, Jr. (D-VA) signed up as cosponsor of a bill that would allow Schering-Plough Corp. to extend its monopoly of the popular allergy drug Claritin. Schering-Plough, a foremost drug researching company, claimed it needed continued revenue from Claritin sales to invest in further critical pharmaceutical research. Normally, a Member of Congress, particularly like Moran with a wide variety of interests and concerns, co-sponsoring a piece of legislation and then recommending similar-minded members to do the same is the way most Americans think the legislative process works. This might be true if it were not for related events surrounding Moran's announced support for Schering-Plough, a multi-billion dollar drug manufacturer. These developments, like those surrounding Shuster, underscore the questionable nature of some lobby relationships and transactions in an era in which groups seek to recruit members as their agents.

On June 25, 1999, five days before his cosponsorship, Moran received a \$25,000 loan from Terry Lierman, a lobbyist working for Schering-Plough and a longtime personal

friend of Moran's. Lierman, coincidentally, had just announced his intention to challenge Congresswoman Constance Morella (R-MD), in the affluent and Democratic Maryland suburbs bordering the Northwest section of the District of Columbia. The loan he issued Moran was recorded on a promissory note at an eight percent annual interest rate and was never publicly recorded or released at the time of the transaction. The loan terms, furthermore, did not include a maturity date nor terms of repayment, the lack of which all violate House ethics rules.

Moran's personal life was in ruins at the time he received the loan. His wife filing for divorce the day after Moran received the loan, Moran was deep in debt with personal financial obligations and likely could not have received a loan like this – or a loan of such generous and open-ended terms at a commercial bank, a senior economist at the American Bankers Association concluded. Lierman, a friend of over 25 years, made the loan, but later did acknowledge he “probably did lobby” Jim Moran to support the crucial drug bill in Congress beforehand.¹⁰ Furthermore, the congressman apparently ignored official House rules that members contact the Committee on Standards of Official Conduct “before entering into a loan arrangement with a person other than a financial institution,” and that members not accept gifts from friends valued at more than \$250 unless approved by the same committee.

On July 23, 1999, four weeks after the personal loan and co-sponsorship, Moran signed a letter with a colleague, Congresswoman Ellen Taushner (D-CA), urging colleagues to cosponsor the drug bill. Twenty days later, Schering-Plough donated \$2,000 to Moran's campaign committee.

The cases of Shuster and Moran underscore the human side of lobbying. In the case of Shuster, the House Ethics Committee found a member who used his position to enjoy widespread personal luxuries for personal needs. It may have been the case of a suddenly star-struck powerful committee chairman flouting various ethics rules and feeling the impenetrability of the chairmanship. Whatever the reasons for Shuster's behavior, he and Eppard demonstrated the influence of money and lobbying on critical decisions in the Transportation and Infrastructure Committee.

Moran's situation, on the other hand, is no less troubling to those concerned about the legal and ethical limits to legislator-lobby relations. Moran's is the case of the vulnerable junior member, in trouble financially and personally, who apparently desperately made a deal with a powerful lobbyist friend to avoid a short-term trainwreck in his personal life. While it is not in dispute that Lierman and Moran were longtime friends, the fact that a Member of Congress can gain a personal loan from a registered lobbyist and later support that lobbyist's legislation underscores when the American system of competing interests can go wrong. Moran was lobbied by Lierman and his associates, yet entered into a personal, undisclosed loan with Lierman in the midst of making key decisions regarding legislation Lierman advocated.

The relationships in both cases blurred ethical and legal lines between friends who move on Capitol Hill once as staff and then as lobbyists and raised troubling questions regarding the quality of representation in Congress. Hopefully, these two members may be extreme cases of questionable interest group influence against the backdrop of a largely honest and legitimate process. They may, perhaps, be just the two that got caught and

received publicity. In either case, they demonstrate that lobby influence can affect member behavior in the public policymaking process.

Structure of the Dissertation

This study proceeds in six chapters. The first chapter describes the approach political science takes to understanding interest group activity and delineates the theoretical underpinning of this work. Chapter 2 describes the nature of lobbying relationships which are both strategic and social to maximize benefits for lobbyists and legislators alike. Chapter 3 describes the backdrop of politics in the 106th Congress given the fierce fight for majority control and the frame of issues Congress faces given the rise of the high technology agenda for the Republican majority. It describes how lobbying is a multi-million dollar business and explores the nature of lobbying and the scope of money in politics as both parties vie for the control of a handful of congressional seats that separate Republican majority from Democratic minority. This chapter also recounts the strategies, techniques, and goals lobbyists employ, and it examines the unique legislator-lobbyist relationship which leads to the pursuit of legislative agents. Chapter 4 contains the empirical analysis of members' behavior on legislation in which the findings indicate the positive influence of lobby efforts on member behavior in the making of legislative agents on special issues. Here I use the data findings to construct conditions under which lobbying is successful in order to understand how and why some groups and members form relationships in which members serve as interest group agents. Chapter 5 examines the legislation and conditions under which heavy lobbying of Members of Congress was

unsuccessful according to both my empirical data analysis and qualitative observation. My goal in this chapter is to come to some theoretical understanding of when lobbying is not successful and why members sometimes chose to resist intense lobby efforts.

Chapter 6 serves as a conclusion and an opportunity to explore the many implications from the findings of previous chapters. Here I examine the effects of lobby efforts – both successful and unsuccessful – on the institutional and democratic processes of representative government. I conclude that lobbying influenced the behavior of Members of Congress on seven of fourteen significant bills studied in the 106th Congress. The data shows that lobbyists are frequently successful when they choose to lobby intensely and that they are cunningly strategic in choosing when, who, and how to lobby. Members of Congress, for their parts, demonstrate a variety of responses to lobby overtures, but many find themselves swayed by the arguments and resources lobbyists provide. The relationships among these actors amount to critical factors in determining the outcome of public policymaking and the nature of contemporary representative democracy.

Finally, four appendices outline the components of the methodology employed to develop a quantitative model to measure the effects of lobby influence on the behavior of Members of Congress. The models encompass 139 members in the 106th Congress in the Commerce, Education and the Workforce, and the Judiciary Committees. These appendices describe the model developed to capture lobby influence, the data, and the use of maximum likelihood estimation ordered probit analysis.

Endotes

1. From personal interview conducted by the author with this lobbyist.
2. From in-depth personal interviews the author conducted in Congress. Given the sensitive nature of the topics discussed, 22 Members of Congress agreed to speak on interest group influence and be quoted provided such statements were not attributed directly to individual members. The subjects interviewed for this research were not affected by their participation in the research. Each was orally informed prior to the interview that quotations will not be attributed to them without their express prior approval, either given at the time of the interview, or subsequent to the interview but prior to dissemination of the findings.
3. From personal interview conducted by the author with this lobbyist.
4. *Influence, Inc: Lobbyists Spending in Washington* (1999 Edition). Found at <http://www.opensecrets.org>
5. Shaiko, Ronald G. "Lobbying in Washington: A Contemporary Perspective" in *The Interest Group Connection: Electioneering, Lobbying, and Policymaking in Washington*, ed. Paul S. Herrnson, Ronald G. Shaiko, and Clyde Wilcox. Chatham, NJ: Chatham House Publishers.
6. For the purpose of this study, lobbyists are defined by the Lobby Disclosure Act of 1995 as individuals who: 1) spend at least 20 percent of their time for a particular client on lobbying activities; 2) have multiple contacts with legislative staff, Members of Congress, or high level executive branch officials, and 3) work for a client paying more than \$5,000 over six months for that service. Organizations employing in-house lobbyists have their

employees qualify as professional lobbyists if the organization's expenses on lobbying activities exceeds \$20,500 for a semiannual period. Each of these criteria must be met for an individual to be considered a lobbyist by Congress and register with the Clerk of the House or the Secretary of the Senate.

For the purpose of this study, a PAC is defined as a Political Action Committee, an organization whose purpose it is to raise and spend money to elect and defeat candidates. PACs are permitted by federal law to donate up to \$5,000 to a candidate's election committee per election (primary, general, or special). PACs are also permitted to contribute up to \$15,000 annually to a national party committee and \$5,000 annually to any other PAC. A PAC may receive up to \$5,000 from any one individual, PAC, or party committee annually. PACs must register with the Federal Election Commission (FEC) within 10 days of their formation.

7. For a broad history of the growth of interest groups, see: Sorauf, Frank, J. 1984.

What Price PACs? New York: Twentieth Century Fund.

8. This theory of legislative proxy, at first glance, has similarities to a project undertaken by Christine DeGregorio recently published as *Networks Of Champions*. In her study, DeGregorio's goal is to isolate who in Congress become issue leaders and deal-makers on critical issues. She seeks to understand the institution better by interviewing 97 lobbyists active in the 100th Congress (1987-88) to ask them who in Congress become the agents, or "champions," of six major issues: Contra aid, omnibus drug, farm credit, nuclear test ban, omnibus trade, and welfare reform. In doing so, she allows the advocates, her lobbyist survey respondents, to name the leaders of these six issues in Congress. She finds

that the respondents named 383 individuals in Congress as “champions” of one or more of these six issues and that 36% of that total were unelected professional staff. In addition, she studies how interest group advocates relate to such issue champions, determine who they are, and work with them to achieve common goals. Importantly, however, DeGregorio is not testing a theory of legislative proxy here, though she may have offered some evidence for it in the responses of lobbyists discussing their lobby objectives. Her goal is to trace issue networks in Congress to understand better how lobbyists, legislators, and leadership interact in the legislative process. Yet, her study rests largely on the self-reported assessments of lobbyists about the process and does not systematically seek to measure the behavior of members (or staff) named as policy champions. While DeGregorio’s study highlights the importance of the legislator-lobby relationship, it sees the process from one side of the legislator-lobby exchange, rendering it unqualified to speak much on proof of the theory of legislative proxy. Her main contribution rests in her ability to map thoroughly the legislative terrain of the 100th Congress, seeing it from the lobbyists’ “insider’s” vantage point as how lobbyists see the institution they must influence and how issue networks evolve.

9. Eilperin, Julie. “Shuster and the Island Invitation; Ethics Panel Report Provides an Inside Glimpse at Lobbying.” *The Washington Post*. October 10, 2000. Page A23.

10. Becker, Jo. “Moran Got Loan from Drug Lobbyist.” *The Washington Post*. October 31, 2000. Page A1.

CHAPTER 1: Studying Interest Groups and Lobbying

As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves...The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. – James Madison, *Federalist* 10

Introduction

Political scientists have harkened back to the *Federalist Papers* as the point of origin for the birth of American factionalism. That inevitable factionalism led to the formation of modern interest groups, as Madison warned in *Federalist* 10 in 1787.

Political science has learned much about lobbying in recent years but still does an inadequate job of explaining and portraying the complicated interpersonal machinations of lobbying. Modern political scientists in the twentieth century since Key, Schattschneider, and Truman studied lobbying in Washington beginning from the point which Madison stressed – fundamental human nature spurs competition, greed, and the search for inequity in the power game which animates government.

Since the 1930s, political scientists have discovered much about the ways interest groups emerge, grow, and maintain themselves as grass-roots organizations created to advance individual causes. They have also progressed as their subject has changed. In

recent decades, political scientists have unleashed their improving technological and methodological resources to track assiduously the explosive growth of interest group fundraising in political action committees (PACs). They have developed empirical models to measure the effect of this money on key decisions Members of Congress make in their careers, in their voting behaviors, and regarding their constituents.

For all the years of accumulating data and growing understanding, political science scholarship is just now approaching a new theory about understanding the nature of the lobbyist-legislator relationship which lies at the center of influence exchange. This theory, introduced by Hall and Wayman (1990) and recently amended by Hojnaki and Kimball (1998), holds that lobbyists' highest-order goal is to develop close personal and professional relationships with willing Members of Congress to turn them into *de facto* proxies to act out their interests in the circuitous policymaking process in Congress. The theory contends that lobbying is both social and scientific and strategically aimed at member behavior in the earliest stages of congressional policymaking.

If this theory is true, then political scientists drastically underestimate the potential roles and influence of lobbyists on congressional policymaking. Previous conceptions have portrayed lobbyists as important actors held at arms-length from real decision-making, and, often, as benign manifestations of representative democracy at its best. Truman's (1951) classic understanding of the federal system as a deliberately porous one welcomed the budding interest group phenomena of mid-century as the embodiment of pluralism so much of the discipline documented in the 1950s and 1960s (Dahl 1956). This fundamental understanding of lobbyists, carried throughout much of the scholarship until

the late 1970s, brings with it an underestimation of the strategic and influential manner in which lobbyists act.

Political science scholarship, to be sure, has not always seen interest groups through a rose-colored lens. Particularly after the 1974 Federal Election Commission Act (FECA), scholars possessed a base-line of study to understand at least one manifestation of measurable lobby influence – money. With persistent and increasingly honed studies of the growth of PACs from the 1980s through the 1990s, the scholarship increasingly interpreted interest groups in the light of burgeoning financial contributions rather than simply manifestations of pluralism’s contribution to representative democracy (Berry 1977, 1989, 1997). With this better understanding of the rise of campaign costs, money, influence, and roll-call behavior, the scholarship has made progress toward understanding lobbying in the policy milieu, but it is still behind the curve.

Political Science and Interest Group Study

This disconnect between current scholarly conceptions of lobbying and the reality of it invites study. Interviews with and observations of dozens of lobbyists suggest their greater input in congressional policymaking than political science allows. Why this apparent difference between theoretical conception and observed data? This study explores the theory of legislative proxy to understand better the degrees of influence of lobbying in congressional policymaking. It holds that lobbying is a sophisticated, highly professionalized business of rational actors who collect the various resources of political and financial capital needed to pursue their interests for long-term gain. Members of

Congress, staff, and lobbyists alike frequently admit that the most effective, long-term lobby-legislator relationships are those in which members take care of groups' concerns at the deepest levels of policymaking. These levels typically are at the subcommittee and committee stages of policymaking – where lobbyists cannot act but can influence. If this is the case for ambitious and powerful lobbyists, the literature in political science requires updating and amending. This study employs qualitative and quantitative data to test this theory of legislative proxy in an effort to bridge the gap between our theory and reality. This chapter provides a detailed look at scholarship on interest groups, and an attached Appendix A discusses ways in which to capture lobbying influences and their effects on member behavior.

Group-focused Studies of Lobbying

In thinking about and studying interest groups, scholars have carved out two distinct subfields of inquiry. Two areas define political science inquiry of interest groups: the first field concerns group mobilization, formation, and organizational maintenance while the second focuses more specifically on group goals, lobbying strategies, and influencing policy outcomes (Gray and Lowery 1996). These subfields help frame where new and engaging questions of interest group influence remain within the scholarship. This examination offers a study within the second subfield of interest group scholarship. Specifically, this study offers an analysis of interest group influence (measured by money and personal lobbying activity) on Members' of Congress participation in the policymaking process.

Interest group studies generally proceed from either of two approaches that differ in their unit of analysis. At its most basic level, interest group lobbying is a communication between lobbyists and individuals they lobby (Zeigler 1964). As an interaction between two entities, lobbying can be studied with an explicit focus on either side of this social exchange – focusing on the group itself or the group’s target (Salisbury 1969; Wright 1996). The first subfield of interest group study focuses on the interest groups themselves. In this way, such studies generally want to know as much as they can about interest groups. As a result, questions concerning the causes and formation of interest groups as a phenomenon become central among this scholarship. Here, early scholars tend to employ descriptive accounts to ask why interest groups form, why people join them, and what are the causes for their success in influencing the American political process (Schattschneider 1941; Truman 1951; Zeigler 1964; and Lowi 1969). The earliest scholarship on interest groups searched for causes of their formation and reasons for their growing influence. E.E. Schattschneider, in his study of the American party system in the 1930s, notes that the American political party system is itself to blame for the proliferation and power of interest group influence in Congress. This system of government, defined by a diffusion of access penetrated by many interests, leads to the dwarfing of party dominance, he concluded, noting:

If the parties exercised the power to govern effectively, *they would shut out the pressure groups*. The fact that American parties govern only spasmodically and fitfully amid a multitude of lapses of control provides the opportunity for the cheap and easy use of pressure tactics. (1941, 192)

In 1942, V.O. Key published the first edition of his study *Politics, Parties, and Pressure Groups*. In it, Key sought to study the pathways of power in American democracy in the 1930s. As if foreshadowing later events, Key described the ascendance of “pressure” groups and wrote:

A striking feature of American politics is the extent to which political parties are supplemented by private associations formed to influence public policy. These organizations, commonly called pressure groups, promote their interests by attempting to influence government rather than by nominating candidates and seeking responsibility for the management of government...Yet, by and large, pressure groups, as they seek to influence the exercise of public power, play a distinctive role: they supplement the party system and the formal instruments of government by serving as spokesmen for the special interests in society. (1964, 18-19).

Key went on in five editions into the 1960s to analyze the structure of interest groups, their growth, and their activities to influence Congress. He provided case studies of pressure groups in agriculture, labor, business, and veterans affairs, among others, describing how those groups formed, grew, and maintained themselves with the goal of becoming viable lobby groups shaping legislation in Congress and meeting with varying success.

A decade after Key’s first edition of *Politics, Parties, and Pressure Groups*, David Truman offered a theory for the development of interest groups in America. Known as the “disturbance theory” of interest group formation, Truman’s explanation asserts that

organizations coalesce when the interests common to unorganized individuals and groups are suddenly disturbed by social, political, economic, and technological change (1951, Chapter 3). Because of the weakness of the American party system, Truman notes, groups are able to gain influence within the American political system, cause some change in their favor, and thus spur the creation of more groups of individuals trying to reverse the damage, or disturbance, another group caused when championing its set of issues. Accordingly, Truman sees the interest group era feeding on itself and expanding exponentially over time. The history and formation of interest groups chronicled by Key, Schattschneider, Truman, and others represent a critical, initial area of concentration within political science devoted to understanding lobby efforts.

Subsequent scholarship points to the unprecedented legal, economic, social, and technological revolutions defining the 19th and early 20th centuries as the driving force behind interest group formation in the United States (Wilson 1970; Walker 1983; Thompson 1985; and Baumgartner and Jones 1993). While Wilson documents the growth of the first organized American interest groups prior to the Civil War, Walker provides a thorough examination of why and how interest groups evolved in the 19th and 20th centuries. He argues that economic development led to the empowerment of certain groups in society which in turn led to their formation of pressure groups designed to influence Congress to benefit their membership.¹ In addition, groups seize the moment when broad political, social, and economic forces coalesce to allow for political instability (Baumgartner and Jones 1993). Such instability invites interest group formation and influence to occur in a period called “punctuated equilibrium.” This refers to dramatic,

brief change in political time (the punctuation) both preceded and followed by a long period of policy stability (equilibrium). The punctuation of policy formulation is the result of societal forces converging, allowing brief opportunities for interests to stake their claims to new policies. Smart interests seize the moment.

The behavioral movement within political science beginning in the 1960s spurred more quantitative methodological approaches to ask who joins interest groups, what are the benefits of membership, and what are the organizational and structural designs of interest groups and interest group community networks (Rothenberg 1988; Walker 1991; Heinz, Laumann, Nelson, and Salisbury 1993). People join interest groups to enjoy the solidary and material benefits of joining an organization which fights for a cause in which they believe (Rothenberg 1988). Three forces help mobilize interest group activity: patrons, those who fundamentally believe in an issue and help fund the group; professions, the business interests which have economic interests at stake which a group seeks to protect; and social movements, or large grass-roots phenomena which help place issues on the national agenda and which cause membership rolls to swell among Americans far flung from the Washington, DC community (Walker 1991).

Coupled to these questions on interest group and coalition formation and maintenance are still others that illuminate the strategic behavior of interest groups. In some cases, interest groups' financial contributions serve as a surrogate measure of their efforts to mobilize votes in a congressional district (Grenzke 1989). Wright (1990) argues in a study of the Ways and Means Committee in the 99th Congress that interest groups' lobby efforts were more successful than campaign contributions, which served as

a more subtle, indirect influence of members. In addition, lobby groups make strategic organizational decisions to cope with changes in congressional leadership, including hiring decisions among lobbyists (Shaiko and Wallace 1998). When the Republicans regained control of the House in 1994, lobbyists, feeling the pressure of Republican leaders like Speaker Newt Gingrich (R-GA) and Majority Whip Tom Delay (R-TX), changed their organizations to reflect the new political environment. Interest groups were clearly responsive to the new political environment, with winners and losers emerging from the electoral sea-change, including the ascendance of the National Federation of Independent Business (NFIB) as a clear winner for conservative Republicans, as Shaiko and Wallace document.

Biersack's, Herrnson's, and Wilcox's 1999 work *After the Revolution: PACS, Lobbies, and the Republican Congress* may best demonstrate the clear division between the two areas of interest group research. It stakes out 13 of the most visible and powerful interest lobbies in Washington, DC in the 1990s with the explicit goal of exploring how those organizations made strategic adjustments to deal with the change in congressional leadership in 1994. The authors explain the changes in strategy and approaches these key groups underwent with the change to Republican congressional control. Yet, scarcely do any of the diverse case studies mention the effect of such changes on those they lobby – Members of Congress – in any systematic way. Questions concerning how members interpreted new lobbying techniques, what the impact of those lobby efforts were, or how such lobby efforts affected congressional policymaking by targeting individual members go unasked and unanswered. Accordingly, this work falls squarely within the first field of

inquiry Gray and Lowery define. Group organization, maintenance, and adjustments are addressed – that is, one half of the an equation linking lobby efforts to effects on Members of Congress. The result is a collection of individual case studies profiling prominent interest group organizations and networks in Washington, DC, how they adjusted as groups, and how they refocused themselves after a surprising change in majority control.

Interest groups also maintain themselves and advance their causes by joining coalitions (Hojnacki 1997; Cook, 1998; Hula 1999). Cook (1998) provides an in-depth examination of the lobby efforts of higher education organizations on the U.S. Congress. She argues that individuals and individual groups join education lobby coalitions to increase their effectiveness and create a single lobby voice on many issues before Congress in a period in which a multiplicity of voices drown out individuals and small groups. Groups reap substantial benefits from creating fluid issue networks which allow for greater access to institutional links for policy formulation and therefore join long-term, permanent coalitions (Hula 1999). Faced with strategic incentives of the advantages of coalitions providing broad, pooled institutional access, these groups quickly adapt themselves to form new behavioral links – coalitions – to reach common goals . These alliances among groups seeking common legislative outputs have increased in recent years with the fragmentation of voices on Capitol Hill as so many new groups seeking members' attention, he notes. In earlier work, Schlozman and Tierney (1986) argue that by the 1980s with the interest group explosion, groups responding to their survey ranked joining coalitions as second in importance on a list of 27 techniques of influence.

This first subfield of scholarship offers a blend of heavily quantitative research with

qualitative observations providing organizational profiles of interest groups. These studies, from Key and Schattschneider in the 1930s to Wilson and Berry in the 1990s, provide documentary accounts and organizational case studies on interest groups' structures, maintenance, and functions. These studies continue to raise intriguing questions about group political alignments and organizational profiles of strategic interest groups in a fluid political environment. They show how groups develop and change in order to survive in an increasingly dynamic and crowded environment.

Target-Focused Studies of Lobbying

The second subfield of interest group literature takes an almost opposite approach of the first, especially in its selection of a unit of analysis. This body of literature shares the common assertion that knowledge about interest groups in the American political process comes about through the study of measured impact on lobby targets – typically, Members of Congress. While this scholarship documents lobby techniques, its central focus is on measured influence among lobby targets. As a result, it involves lobby groups, their tactics, and their effects on the congressional policy-making process. Here, scholars focus on two critical questions to understand the influence of interest groups – who do lobbies target in Congress and what do they want from those members in the backdrop of committee policymaking? This is a rich area of research spanning nearly forty years that continues to provide conflicting theories about the nature of lobby targeting and lobby goals in the policymaking process in Congress. In particular, questions linger over what kinds of members are targeted by interest groups since Bauer, Pool, and Dexter (1963)

argued that lobbyists served as “service bureaus” for members with whom they already agree (353). In addition, research continues to explore how influence may be translated into measurable changes in the electoral arena (Ferejohn 1977) and policymaking process regarding the behavior of Members of Congress (Fiorina 1989).

It is this area of research which this study explores. The interaction of Members of Congress with lobbyists has a relatively small but theoretically rich literature. Personal interaction of interest groups and members in the congressional policymaking process reveals much about the goals, targets, and influence of interest group lobbies (Matthews 1960; Bauer, Pool and Dexter 1963; Denzau and Munger 1986; Hansen 1991; Ainsworth 1993, 2001). These scholars share the view that lobbying is a social experience and that scholars would learn more about interest groups by studying the interaction of lobbyists with Members of Congress rather than focusing, as previous scholarship has, on group profiles and grass-roots activities alone. Lobbyists focus on building select friendships above all else and constantly labor over those relationships as they ultimately pay off dividends in the policy preferences of their legislator friends (Matthews 1960). The growth of the agricultural lobby for much of the twentieth century reveals the strong influence personal and professional lobby contacts wield on congressional policymaking (Hansen 1991). Ainsworth (2001) takes an explicit view of how groups influence Congress as they focus on “people and policies,” harkening back to Key’s understanding of the personal nature of lobbying.

The second half of the lobby-member exchange – the members themselves – is left to a decidedly separate school of inquiry within interest group literature. As noted above,

this school is not new, with research spanning from the 1950s that asserted one simple theoretical proposition – in the study of interest groups, it is significant to undertake studies and reach some greater understanding of the impact of lobbying on lobby targets – chiefly, individual members of Congress (see Milbrath 1963). Why? Such studies focus on two critical questions: who do those lobby groups target on Capitol Hill, and what are their group goals when targeting them? This is the other side of the equation, left relatively untouched by the first field Gray and Lowery delineate.

This field, too, has several spirited arguments within its area of study. Scholars have long concentrated on understanding the patterns and influences of Members' of Congress revealed preferences – that is, how they vote on a specific bill in Congress (Hall 1996). Such an approach to understanding interest group influence on member behavior has revealed some rich findings within the discipline. Roll-call voting analyses aimed at understanding member responses to outside pressures range from focusing on agriculture policy to foreign relations to nearly every other policy focus within Congress, as a condensed round-up of literature focusing on roll-call behavior shows (see Table 1.1). The roll-call literature reveals which groups are lobbying Members of Congress, how they are lobbying them (typically measured through campaign contributions), and how members react in a roll-call voting situation regarding the policy being lobbied. These are important dynamics to know in order to better understand lobby activity and its effects on Congress.

An examination of this roll-call literature of interest group influence on members reveals several patterns about the nature of this research that underscore some of its

limited utility. First, roll-call studies address dichotomous dependent variables – yes or no on a vote (see Kau and Rubin 1982; Welch 1982; and Austin-Smith and Wright 1994). These studies focus on a dependent variable which captures the last step in the long process of action Members of Congress have taken on a policy issue. Such roll-call studies therefore lose much of the picture of member behavior when focusing exclusively on what Hall calls “revealed preferences” – that is, the ultimate outcome (1996, 3).

Second, roll-call studies rely upon vast amounts of quantitative data reporting votes but often pay little or no attention to other sorts of data or variables which might be quantified to express lobby influence or member behavior on a policy issue. This absence of concern for other variables, then, risks the loss of understanding other critical variables which could be part of our scholarship’s understanding of lobby influence. Roll-call studies are usually unidimensional in their treatment of both the dependent and independent variables; the dependent variable is the yes/no vote choice of members, and the independent variable quantifying lobby efforts is typically money donated from lobbyists to Members of Congress with no other means of influence defined and operationalized. Third, and perhaps most importantly, the dependent variable in roll-call voting studies does not allow the researcher to understand the degree, or intensity, a member feels a certain way about an issue – other than knowing his or her recorded vote (for an example, see Chappell 1982). What is missing is a concern for not just the position a member takes but the intensity, or degree to which, a member feels about that position. Ultimately, then, roll-call studies of interest group influence on Members of Congress fall short of capturing the full, dynamic, social exchange of lobby influence on Congress. Their inability to capture

the entire picture stems from their refusal to abandon their choice of dependent variable – the ultimate vote decision of members.

In contrast to interest group studies focusing on roll-call behavior, a second target-focused group of scholarship emphasizes the organization-actor connections that constitute the nexus of lobby activity, as many scholars argue (Evans 1996; Hall 1996; Wright 1996; Cigler and Loomis 1998; Hojnacki and Kimball 1998). Here, scholars explore how and why lobby groups target government officials – whether Members of Congress or agency bureaucrats – as they seek to establish solid, trusting relationships with actors who control policy about which they care. The information lobbyists provide in their role in policymaking is key (Bauer, Pool, and Dexter 1963). As information providers, lobbyists, have a major hurdle to clear with Members of Congress – gaining credibility and trustworthiness. In their attempts to do so, lobbyists focus on building social relationships with members aimed not at winning their vote but winning their confidence and access. In their portrayal of lobby efforts in the 1950s and 1960s, Bauer, Pool and Dexter set forth a separate field of inquiry which emphasizes lobbyist goals as something more ephemeral than obvious vote-getting. Indeed, this view is one of a more subtle lobby effort aimed at higher goals than winning temporary votes but rather convincing members of causes through the information dispensary role they play. Having convinced members, lobbyists hope to win them over as more permanent legislative allies, Bauer, Pool, and Dexter conclude.

Scholars since *American Business and Public Policy* have expanded on the notion that the real crux of interest group study should be lobbyists' interaction with legislators.

Lobbyists best influence members by mobilizing vocal constituencies who in turn lobby members to become aligned with certain policy agendas on a more permanent basis (McConnell 1966, 108). Lobbying occurs much more directly between lobbyist and legislator, and lobbyists rely on strategies to channel directly a host of resources to specific legislators in hopes of maximizing their chances of winning (Denzau and Munger 1986; Austin-Smith and Wright 1992; Ainsworth 1993). They seek not just votes but the activation of the legislator in the policymaking process on their behalf (Denzau and Munger 1986, 97).²

The interaction between lobbyist and legislator, much like Key (1964) and Mathews (1963) maintained decades ago, holds the key to understanding much of interest group activity (Ainsworth 1993, 42). Access, long considered the ultimate goal of interest group lobbies, is actually the penultimate goal. More important than generic “access” to congressional offices, Ainsworth argues, is the close interaction between lobbyist and legislator that structures the success or failure of groups to enlist a member to support a specific cause (43). Several scholars have even designed methodological innovations to study this unique legislator-lobbyist relationship, using a unique unit of analysis – the “dyad” – or the pair representing a relationship between one lobbyist and one legislator (Kingdon 1989; Evans 1996; Hojnacki and Kimball 1998). Such an analytical approach, they argue, allows political scientists to study how characteristics of each group interact with the other to affect the nature of lobbying. This study uses the behavior of the Member of Congress as the unit of analysis but recognizes that such behavior is substantially a result of this dyadic relationship between legislator and lobbyist.

Theoretical Framework

The research of Richard Hall extends this scholarship that focuses on the nexus of legislator-lobby interactions. Falling squarely within this research area devoted to studying member behavior in the lobbyist-legislator exchange, Hall's principal contribution is in extending our theoretical understanding of interest group goals and in operationalizing a method to test such a theory. Hall's first concern is understanding member participation in the policymaking process in congressional committees (1987, 105). Toward that end, Hall contributes a useful model for quantifying member participation in Congress on a scale measuring intensity of action. This scale allows congressional scholars to capture how and the degrees in which members operate in the legislative process (see Appendix A for a detailed explanation of methodology and procedures). Subsequent scholarship shows that campaign contributions made significant impacts on the way members behaved on three policy-based pieces of legislation (Hall and Wayman 1990, 809-810).

Interest group literature tends to address either the lobby or the legislator side of the exchange process in lobbying. Within the legislator side of the research, scholarship has tended, again, to move in two separate directions. The first direction is the necessary and useful study of roll-call voting and the effects of lobby efforts on members' voting decisions. The second direction emphasizes that lobbies are after more than merely one-time votes each time they lobby a legislator. Scholars here argue lobbyists desire a long-term social relationship designed to gain trust, confidence, access, and the legislator's active assistance within the legislative milieu. Within this narrowing body of scholarship,

there are few systematic studies that take up and test the notion that lobbies' ultimate goals are to make, what amounts to be, legislative proxies out of Members of Congress.

Such a theory of legislative proxy comes from several sources in interest group literature. First, Hall and Wayman (1990) first posit the theory of legislative proxy by suggesting that lobbyists' goals are to affect member behavior, including their ultimate votes but also including a host of actions members take far before the voting stage. They theorize that interest groups are strategic in their actions to influence member behavior on policy issues: "...[T]he object of a rational PAC allocation strategy is not simply the direction of legislators' preferences but the vigor with which those preferences are promoted in the decision-making process (802)." Second, Hall (1996) restates the theory in terms of trying to understand why PACs donate the most money to legislative allies: "The answer we develop is that the purpose of rational PAC allocations is rarely to change members' minds but much more frequently to induce sympathetic legislators to participate actively on issues that the group cares about" (234). Third, and most recently, Hojnacki and Kimball (1998) take the emphasis off a single focus on interest groups' PAC allocations as influences on members. In this most recent version of the theory of legislative proxy, Hojnacki and Kimball synthesize a theory of legislative proxy which they then use to test what factors influence a group's decision to lobby certain members of Congress. The theory Hojnacki and Kimball articulate states:

At points in the legislative process preceding final floor action, persuading legislators to vote a particular way is only part of what groups attempt to accomplish by lobbying. At the agenda-setting and committee mark-up

stages, a multitude of decisions about the content of legislation often are made without a vote (Light 1985; Schneier and Gross 1993; Smith and Deering 1990). By enlisting a set of agents to act on their behalf, lobbyists may be able to achieve what they need without much notice and without having to expand their supportive coalition....During points in the legislative process when the agenda is fluid, a broader conceptualization of lobbying goals is appropriate: a group will encourage legislators to sponsor favorable legislation, craft legislation that conforms to its interests, change the wording of a bill, and give prominent place on a committee's agenda to favorable bills and amendments. (777)

Some partial initial evidence confirming such a theory of legislative proxy results from several studies focusing on other aspects of interest group influence on members. There is some initial evidence, using participation as the dependent variable, that lobby efforts do affect legislator participation in the policymaking process (Hall and Wayman 1990). Their study clearly reveals the power of interest group money to affect legislative behavior. They find that lobby campaign contributions are a highly significant indicator of member behavior on three separate policy bills. Using member participation as the dependent variable, they focus exclusively on the role of money as the independent variable, concluding that this limited definition of lobbying did influence member behavior. This is just a first step toward testing a theory that lobbies intend to make legislative proxies of Members of Congress.

There is support that this is the goal of influencing legislators' policymaking

decisions (Hojnacki and Kimball 1998). In a survey of 69 interest groups, Hojnacki and Kimball found that 46% admit to drafting legislation for members and that 77% asked legislative friends in Congress to lobby other, less friendly, members on the group's behalf. They argue that this evidence implies that mobilizing legislators and shaping the policy process (and not just the outcome) are significant pieces of the lobby enterprise and urge further study of this mobilization (778).

The Hall and Wayman (1990) study is not without limitations, and those limitations prevent testing a complete theory of legislative proxy as well. Hall and Wayman test for the effects of lobby campaign contributions on participation but develop no other independent variables which might also influence lobby techniques. Lobby efforts are more than the sum of campaign contributions made to candidate reelection drives (Schlozman and Tierney 1986; Wright 1990; Berry 1997; and Cook 1998). Wright (1990), for instance, summarizes this scholarship's assertion when arguing that personal lobbying, and not money, shapes and reinforces legislators' policy decisions (417). Any study focused on money alone misses much of the theoretical and measurable importance of lobbying.

Hall and Wayman also employ a range of focus that is too narrow. They take just three specific policy bills facing three separate committees in Congress in the early 1980s to test their theory. While their findings convincingly demonstrate that PAC contributions do influence member participation, the scope within which such findings are accurate is rather narrow. This begs the question: is their study generalizable to other areas of congressional policymaking? What is needed is a fully specified model to capture lobby

efforts and member participation in a wide-ranging arena within the policymaking process. Such a model should capture lobby efforts (including campaign contributions and personal contacts) while looking at many bills in committees and subcommittees to be broad enough from which to draw some generalizations about lobbying.

The theoretical argument of this study is built upon the evolution of interest group theory pursued in the literature through Hall and Wayman (1990) and Hojnacki and Kimball (1998). The theory asserts that lobbying in Congress is aimed at changing members' intensity of participation on specific policy bills to make them active agents on the behalf of interest groups. It assumes that interest groups are rational actors seeking to maximize their influence and thus have the most ambitious of all goals – energizing members to serve as their proxies within the legislative arena to advance policymaking in the committee system. This understanding rests upon the distinction Hall makes between revealed preferences and revealed intensities (choosing the latter) and proposes that the creation of legislative proxies has the highest potential return for congressional lobbies. If this is the case, a framework should be advanced to test this theory of legislative lobbying. Such a framework would strive to address questions such as: What is the nature, intensity, and frequency of lobbying? Under what conditions is lobbying successful and unsuccessful? How do members respond to interest group influence as actors within the legislative arena? What are the consequences of that influence on member behavior, policy creation, and the institution of Congress itself?

Conclusion

Harold Lasswell (1936) argued that, “The study of politics is the study of influence and the influential” (1). In later work, Laswell went on to assert that real political power occurs at the interpersonal level – the nexus of exchange of communication between individuals (1948, 10). Political science research on interest groups has grown more sophisticated as its subject matter has over recent decades. It asks compelling questions and often discovers revealing answers. It has not, however, focused sharply on lobby influences of legislators’ participation in the congressional policymaking process.

This study focuses on the interpersonal linkages which Laswell argued animates the flow of power in government. It seeks to demonstrate that lobbyists influence Members of Congress in order to persuade them to act as their proxies in the legislative arena. While there is preliminary evidence reviewed here suggesting this is the case, this examination tests that theory. It employs rigorous qualitative data-gathering with quantitative modeling to test the effects of lobby contacts and campaign contributions as influences on the decision-making of Members of Congress. This study illuminates the effects of these lobby influences at the point of congressional decision-making on a variety of public policy issues.

Table 1.1
Studies of Member Behavior by Category

Target: Revealed Preferences of Members, i.e., ROLL CALL VOTING STUDIES	Target: Revealed Intensities of Members, i.e., MEMBER BEHAVIORAL STUDIES
Dexter 1969 Silberman and Durden 1976 Hayes 1981 Chappell 1982 Kau and Rubin 1982 Welch 1982 Wayman 1985 Wright 1985, 1990 Grenske 1989 Rothenberg 1992 Kollman 1997	Matthews 1960 Bauer, Pool, and Dexter 1963 Denzau and Munger 1986 Hall and Wayman 1990 Hall 1987 Austin-Smith and Wright 1992 Ainsworth 1993, 2001 Baumgartner and Jones 1996 Hall 1996 DeGregorio 1997 Hojnacki and Kimball (1998)

* This table serves as a condensed version of the literature on member behavior in Congress selecting some primary studies from the 1960s through the 1990s.

Endnotes

1. Ainsworth (1995) provides a case study of the Grand Army of the Republic (GAR), an organization of Civil War veterans, which organized and influenced a weak party system in Congress in the fourth quarter of the 19th century along the lines Walker describes. More discussion of Ainsworth's study on the GAR appears in Chapter 3. Thompson (1985) also discusses the growth of veterans lobbies and their increased influence over federal policymaking in her work, *The Spider Web: Congress and Lobbying in the Age of Grant*.
2. Evans (1988) studies the strategic decision-making of oil industry PACs and finds that they give strategically to certain legislators whom they believe will help them most. More discussion of Evans' study on oil PACs appears in Chapter 3.

Chapter 2: Lobbying Relationships and Strategy

“Yeah, there are quid pro quos going around here all the time. But it’s our discretion to vote the way the Congressman wants – regardless of who gives us what. People come in here all the time and ask for a vote and remind us they gave us \$2,000 or whatever. They are the stupidest people I ever saw. You never do that – that’s not how the game is played. These new guys on the block are so green.”¹ Chief of Staff to a Republican Member of Congress discussing lobbyists for high technology interests new to lobbying

“There is money around here, but that’s the way this place works. Lobbyists give me the information I need, and I balance opposing views – they play a real role in the process.”² Senior Democrat Member of Congress

“There are a lot of new guys walking around and knocking on my door and others’. I usually listen to most of them, but I’ve got my long-time friends and my predisposition toward policies which positively affect my constituents.”³ – mid-level Democratic Member of Congress

Introduction

Lobbying is both a social and a scientific exercise. It includes both the ability to develop personal relationships with key actors and the ability to execute strategic decision-making to reach lobby goals in a social setting. In personal interviews lobbyists report that they strive to perfect the art of renewing relationships on a daily basis at the lowest cost possible. In an atmosphere in which staff quickly leave positions for other offices, committees, or lobby firms themselves, lobbyists refresh their Rolodexes daily adding new names and removing others. While much of their experience walking the halls of the Hill is by necessity a social experience, lobbyists also use their time to calculate strategy regarding legislation at each point in the policy process. They look for entries of influence at the agenda-setting, problem-definition, and policy formulation stages of congressional hearings and subcommittee and committee considerations. Their work is a constantly

fluctuating symbiosis of socialization and strategy-making.

Synthesizing Strategy and Socialization

One lobbyist's approach to his job underscores this symbiosis perfectly. In his early 30s, this lobbyist spent seven years on Capitol Hill as a staff member in a personal office and recently made the move to corporate lobbying, working for an in-house government affairs office of a large corporation with an extensive lobby presence on Capitol Hill. The lobby approach his team follows is quite strategic as it aims to target different staff in each office. He works in a troika which includes the senior member of the corporate lobby team, a Hill veteran now in his 60s, who speaks directly with the leadership of the corporation. In addition, he is accompanied by a mid-level lobbyist with extensive contacts on Capitol Hill.

Each of the three facilitates relationships with their respective counterparts in congressional offices as their chief operating strategy they employ again and again with dozens of offices. The senior lobbyist does nearly all the talking with Members of Congress and is the only one of the team on a first-name basis with members. The mid-level lobbyist develops working relationships with chiefs of staff in offices, reflecting the role of the chief of staff by attending to many of the details the "boss" requires to meet his goals. Finally, the junior lobbyist fosters close relationships with the specific policy people in the congressional office. He takes the time to look them in the eye, introduce himself, and get to know the staff fairly well on a personal basis, if they allow it. Typically, it is he who conveys the technical information to the junior staff member who handles the issue in

question. Through emails, phone calls, and faxes, he keeps in touch with the point staff person in the offices to follow through on the broad strategy which the superiors in both relationships have set.

He concedes that perhaps the hardest part of his job is to begin, foster, and maintain cordial working relationships with dozens or hundreds of staff in the House. The senior two lobbyists rarely know names of staff below the chief of staff or perhaps the legislative director in offices, he notes. The youngest member of the team, however, relates to these junior staff members that can play important roles in policy agendas. In his early 30s, he looks the role of the overworked, oppressed staff member working tirelessly to see that his boss's agenda is advanced. A recent graduate of Hill staff himself, he makes it well-known to current staff that he understands their concerns and problems, chief among them time constraints. Accordingly, the lobbyist provides all information in pre-packaged, user-friendly form. He emails letters which he hopes the Member of Congress will sign and send out as his own to colleagues – the infamous “Dear Colleagues” which inundate offices each day Congress is in session. The use of email is crucial to staff as it means that such language does not have to be re-typed, a time-consuming and frustrating endeavor, but can simply be transferred electronically to the proper stationary. He also emails bill information, amendments, and language many staff may not understand but will keep in case his or her boss is needed to act later in the process. Once the member and the senior lobbyist have formed a working or friendly relationship, the junior lobbyist becomes the crucial link in the relationship with offices:

I can't tell you how many times in a week making rounds on the Hill that I have to

re-introduce myself to new staff in offices that we are friendly with because of such high-turnover. It is sometimes like re-inventing the wheel to spark a new relationship. But I'm myself, the same to everyone, and after a while, it works again.⁴

He repeats the process ad infinitum with each office on each specific bill. He misses working as a staff member on the Hill in some ways, but taking this job was a career improvement, and he makes more money now.

Lobbyists like this junior one use traditional techniques to establish relationships with staff and Members of Congress, and these techniques are well-documented throughout interest group scholarship from the earliest techniques documented (Truman 1951; Milbrath 1963; Zeigler 1964). They make personal contacts with staff from personal offices and more expert committee staff as well as seek to meet with Members of Congress. Typically on less controversial matters, contact with staff is sufficient to express their interests and preferences. On major bills likely for committee and floor consideration, lobbyists seek personal face time with Members of Congress themselves. Lobbyists also use phone, fax, and email communications frequently in order to deliver their most prized contribution – information – to congressional offices. In addition to using these communication channels themselves, lobbyists seek to encourage grass-roots efforts from constituents to do the same, generating a communication deluge on offices to reinforce that a message has appeal back home for members.

The Nature of the Lobby-Legislator Relationship

The beginning of a lobbyist-legislator relationship is a transactional exercise typically initiated by lobbyists. New Members of Congress often find themselves searching for ways to quickly learn the political and policy contours of issues they face or may soon face. In some cases, more sophisticated members who served in elected office at the state level know that interest groups and lobbyists provide valuable information for them to learn issues quickly. Sometimes, these members as candidates in their first campaign for Congress may have established relationships with money-toting PACs and their lobbyists that they bring with them to Capitol Hill (Gaddie 1995c). In general, however, shortly after a new Member of Congress takes the oath of office, interest groups and their representatives come calling to introduce themselves and initiate working and hopefully friendly relationships with members whom they believe would be predisposed politically to support their issues and specific legislation.

Lobbyists, to be sure, do not always take the initiative on their own. House leadership, particularly the Republicans in 1994 and afterward, aggressively pursue PAC money and call on lobbyists to demonstrate their loyalty with cash to the right party (Gaddie and Bullock 2000). One PAC director explained how the Republican leadership strong-armed PAC money as much as lobbyists wanted to dole it out:

Tom Delay...played a big role in the effort to remind PACs that the Republicans are the majority party now. Delay called people in on the carpet. He wasn't exhorting people, he was calling it like it is. Business PACs should be with the Republican Party. [Former Chairman of the House Democratic Campaign

Committee Tony] Coelho was more vindictive and shrewd, more intimidating.

Business should be happy to respond to the Republican challenge. (Gaddie, Mott, and Satterthwaite 1999, 124)

In March 2001, Senator Rick Santorum (R-PA), newly elected Senate GOP Conference Chairman, underscored this aggressiveness of Republican leadership pursuit of both PAC money and lobbyist support. Santorum assembled a who's-who among Republican lobbyists, including former Members of Congress, to advise him on how to improve coordination between K Street and the Republican Party on the Hill. Part of his effort is to put added pressure on lobbying firms and corporations to hire Republicans for their top lobbying positions.⁵

Most Members of Congress see their relationships with lobbyists – many of whom they know by name and see in social settings – as transactional in nature. They open their door to lobbyists on specific issues in order to obtain key information about them. Such information can take various forms, including highly technical data about how some industry conducts business and how the government regulates that business. The information can also be constituency-centered, with lobbyists making the argument that a specific bill or policy may positively or negatively affect a member's constituency. Perhaps the most valuable information lobbyists provide to some Members of Congress less knowledgeable about political circumstances is providing a political snapshot of a larger group of members and how they stand on an issue. In nearly every exchange between one Member of Congress and visiting lobbyists, the member queried the lobbyists about how other critical Members of Congress felt about an issue:

Part of what I want from them is their overall view of the party and where the powerful players are on such a bill. Why should I do this leg-work if they already know it and are off to meet the next guy after me? I want to know what others' think, and I know that if certain people are for or against something, my decisions come a lot easier.⁶

For their side of the relationship, lobbyists seek a commitment from members to behave a certain way in the policy arena. They seek members' endorsement of their positions and a pledge in some cases to demonstrate that in the committee system or on the floor of the House chamber. In some cases, lobbyists seek a member's pledge to support an issue with a vote. In others it involves the large responsibility of introducing a bill and serving as its sponsor to shepherd it throughout the policy making process to passage. Another option could be the amending of a current bill which the group largely agrees with or can live with given a specific change. Still other lobbyists simply seek an advocate willing to serve as a spokesman regarding an issue – to the press, to their constituents, and perhaps most importantly to other Members of Congress who may yet be undecided on an issue. One lobbyist admits, "When I see a member, it's just not him I want, it's his friends, too."⁷ Another lobbyist admits that his group was successful in generating several thousand "programmed" emails to one member's office in order to persuade him that his constituents supported a bill.

Programmed emails, like programmed calls, are interest-group coordinated messages lobbyists use to excite grass-roots constituency support for a bill. Labor unions, in particular, are highly effective at setting up telephone banks to call their union members

and read them a script that claims an issue which they care about is now before Congress and that their support and willingness to call their member is necessary. Having persuaded the person of the issue's dire importance, the interest group tells them to hold the line and then automatically transfers their call free-of-charge to the office of their Member of Congress. One staff person in charge of monitoring office communications for a Republican member noted in exasperation that the office was receiving several hundred programmed calls per day on a bill (H.R. 1283 in the 106th Congress) which would cap the liability of manufacturers and companies which may have exposed their employees to asbestos material in the workplace. Unions mounted a swarming, even overpowering, lobby against the Republican-sponsored initiative and were able to stop it from leaving the House of Representatives. The thousands of calls each week, channeled through interest groups and union lobbyists, to countless members played a part.

Common Approaches to Lobbying

Every lobbyist has a different approach to successful lobbying, but many seem to adhere to a few fundamental tenets. First, lobbyists must know the legal rules governing the procedures of their profession. They must be registered with the Clerk of the House or the Senate, they must disclose whom they work for, a general amount of money involved in their compensation, and abide by strict rules of gift-giving and influence-peddling to people they lobby.

Second, successful lobbyists generally follow acceptable "rules of the trade" guidelines for dealing with staff and Members of Congress. These guidelines are crucial to

them if they want to gain a reputation of credibility, honesty, and reliability within the small community of decision-makers on Capitol Hill. They cultivate friendships with key legislators along the way. Lobbyists seek to reinforce, activate, and convert legislators and find the greatest success in these goals by pursuing social relationships with select legislators Matthews (1960). One lobbyist Matthews interviewed, highlighting this, revealed:

I do not attempt to contact a large number of congressmen and senators. I concentrate on a few men, strategically placed on the Appropriations committees. These men are economy minded and are generally in sympathy with our political outlook. I restrict my efforts for several reasons.

Over the years I develop friendships with these men. You know they are all – well, almost all – exceptional men, the kind you would like to know even if you didn't have any business reason for doing so. To keep these friendships alive and genuine, I have to stop around to see them quite often just to say hello. For example, if I don't see -----, at least once a week, he'll say, "Where the hell have you been? You only stop around when you want something from us." Even a few contacts on the Hill demand a good deal of time and attention.

And when I stop around to see these men, they always ask me to do something for them – you know how overworked and understaffed most of them are. I can't afford to let them down. (181)

Two sets of rules-of-the-trade guidelines – one from an academic based on interviews with lobbyists and one from a prominent senior staffer turned lobbyist – shed light on the first priority of lobbyists to gain a reputable reputation along the lines Matthews reports. Wolpe (1990), in his study *Lobbying Congress*, outlines what he terms the five commandments of lobbying: tell the truth; never promise more than you can deliver; know how to listen to understand what you are hearing; staff is there to be worked with, not circumvented; and spring no surprises. Wolpe's commandments, derived from interviews with lobbyists, emphasize the personal nature of lobbying and the reputation serious lobbyists must cultivate to gain staying power in the fluid environment of Washington, DC.

In addition to Wolpe's findings, Gary Hymel, a one-time administrative assistant to Speaker Thomas P. O'Neill and now Vice Chairman of Hill and Knowlton Public Affairs Worldwide, one of the most prominent and successful lobbying firms in Washington, outlines his ten rules for dealing with staff: 1) keep it short; 2) know the arguments on the other side; 3) document your position; 4) promise and keep your promise to supply answers and documents requested; 5) never threaten; 6) if you see a member alone, make sure to follow up with a staffer; 7) tell them who your allies are, if you have any; 8) tell them why they might be interested in your position, from a local or issue-related point of view; 9) if they agree, leave soon; 10) as Rep. Lindy Boggs (D-LA), another one-time boss, said, "Always say please and always say thank-you."⁸ Hymel agrees with many of the same tenets Wolpe outlines, stressing the job of lobbying is about credibility over a period of years and the goal of being able to use that credibility to personally contact

Members of Congress.

One of the most prominent and recognizable lobbyists on Capitol Hill, a former top aide to former Speaker Newt Gingrich, agreed with both Wolpe's and Hymel's assessments of lobbying techniques, arguing that credibility to return to a congressional office is the single most important aspect of lobbying – even more so than achieving a specific goal with one meeting:

I'm in this for long-term credibility, so trust is the most important part. Beyond that, I work like hell to get all my technical facts and figures right. I spend a lot of time understanding the technical issues before the Commerce Committee, and I have staff that assists in research and canvassing Capitol Hill to gauge the political atmosphere. I maintain a daily-updated strategic plan regarding every issue I follow, every person I talk to, and any development regarding my portfolio.⁹

After only 18 months on the job, this lobbyist now has prominent representatives and senators calling him – a fact he frankly attributes to “knowing my shit.”¹⁰ His work schedule on K Street is no less demanding than it was engineering the Republican takeover of Congress under Speaker Gingrich five years before, though now it takes different forms. Considered a top expert on financial issues before Congress at the age of 37, he finds himself in the awkward position of turning down requests to golf with prominent senators to “teach” them his issues in order to spend his valuable time influencing others less amenable to his positions. He emphasizes the need for patience to communicate complicated technical issues to Members of Congress (and more often their staff) while also underscoring his focus on studying his issues and leaving no person out of the loop:

“Communication means talking to everyone who could possibly be involved – hundreds of staff and dozens or even hundreds of Members [of Congress],” he maintains, noting the physically exhausting times it brings on him.¹¹

Certainly, it helps that my company greases the skids for me by contributing to so many campaigns, but that only gets me in the door, I can assure you. What makes the sell is first knowing my information and second being clearly right in the policy prescription I offer. Once I demonstrate my knowledge, and now I have a reputation for that, so in some ways I rest on that reputation, the next step is making the sell on the right legislation which my facts point to is the right policy answer.¹²

Other less prominent lobbyists, many of whom carry no reputation with them, agree with the conception that truthfulness, forthrightness, and brevity are key to becoming successful. “You’ve got 10 minutes to make your point, promise and later deliver on materials, and get out gracefully,” one young lobbyist says, adding:

Never annoy people. Become friendly over time and endear yourself to top or mid-level staffers or Members [of Congress] if possible, because the lowest level staffers first won’t care and second won’t be around long enough anyway to help you in the long-run. Certainly work with them but realize the long-termers, provide the evidence, the solution in legislation, and gently remind them you exist.¹³

Strategic Choices in Lobbying

Lobbyists

The transactional exchange of lobby information and support (often in the form of financial contributions to campaigns) for some behavior from members has dominated the lobby business of Washington since the 1950s (Ripley 1983). The conditions for success in such transactional lobby-legislator relationships, Ripley summarizes, include: when information is predominantly one-sided; when groups successfully join lobby coalitions to amplify their strengths; when they have an energized advocate in a powerful Member of Congress; when the Congress is particularly strong in its authority over an issue; when an issue has high visibility among the public; when the executive branch presents at least no opposition; when an issue is regulatory or distributive; and when matters are handled on technical amendments. It is these circumstances which congressional scholars have largely seen interest group success in past decades because they give structural advantage to lobbyists to make their arguments to malleable members.

There is more to the relationship than just these transactional factors. More attention to interest groups' and lobbyists' goals in seeking energized actors among key Members of Congress helps to illuminate the lobby-legislator relationship. Selecting a few members to develop close relationships with on specific policy matters is a strategy lobbyists employ to pursue their goals. While they make the usual rounds on the Hill to see dozens or hundreds of Members of Congress, they have their select allies on the Hill whom they see as committed issue allies who will work with them to advance a cause within the committee system. Lobbyists do this to win for themselves or on behalf of

clients. Members do this to create public policy they fundamentally believe is right.

Interviews with lobbyists and Members of Congress indicate that the relationship typically begins with the shared belief in a philosophy regarding how government should orient itself toward an issue. Oftentimes in policy areas, members' views on government activism and intervention in the private sector on a variety of issues tend to divide members between competing camps of interest groups who have stakes in those battles. These relationships continue with the supply of information and resources (including PAC money), as members rise in committees to better positions of influence on issues of concern to them. Lobbyists see this as smart business, and members see this as political prudence – electoral survival and policy success. It is a marriage of institutional and extra-institutional (or quasi-institutional) forces.

This understanding suggests that the lobby relationship is not just about influence per se in a transactional relationship, but is also about hardened relationships among actors to help reach each others' political and policy goals. In addition, with work, the relationships tend to sustain themselves over time as members advance within the chamber. One member suggests that early lobby friends are actually the best friends Members of Congress have in the political system because those lobbyists have been with him when the member was a “nobody freshman” and have remained helpful when the member could do little in return.¹⁴

The relationships between lobbyists and Members of Congress and their staff are based on strategic decisions to maximize the benefit of both parties. Each side in the relationship engages for their own gain and understands something is generally expected in

return. Even members who contend that they have no obligation to respond to the overtures of interest groups who wish to court them realize that once they have let their lobbyists in the door they have already given up two of the crucial commodities they have – time and access. By then, they want something in return. Lobbyists representing industries with greater potential benefits from government assistance systematically contribute more money to incumbents able to help than to other candidates (Grier, Munger, and Roberts 1994).

Lobbyists closely monitor a set of personal, political, and policy circumstances around a member in order to know whom to contact and whom to avoid. This is a constant reassessment of circumstances to know when and how to act. First, contrary to what common sense might dictate, lobbyists are not concerned primarily about recruiting large numbers of Members of Congress on board a bill, as Matthews (1960) notes. In fact, quantity does not matter, and some lobbyists argue that once a group has a small number of committed supporters getting too many members may be counterproductive. A large group of supporters, all of whom think they will act in the policy process, complicates matters for lobbyists, wastes group resources, and could bruise valuable egos among members who do not like their territory infringed upon by newcomer members. In some cases, several lobbyists explicitly seek out only a limited number of key members they wish to act on their behalf in order to avoid “mixing crowds” and making those relationships less special or diluted with their most valuable members.¹⁵ Competing interest groups often experience the “crowding out” effect (Ainsworth 2001). This occurs when, as in most cases, not all groups seeking a member’s attention can get it for

his or her simple lack of time to hear all groups. While groups seek benefits from government through lobbying, as Mancur Olson predicted, they run into the classic collective action problem. What results from the crowding out effect is a bidding war among groups to donate campaign funds to get members' attention (Grier, Munger, and Roberts 1994). Those who give the most have the most intimate access with legislators.

Second, lobbyists seek members in influential committee positions. Interest groups need sometimes just one or two Members of Congress in the right place in the committee system to achieve a goal. Dennis Hastert raised \$85,000 in 1998. In one week in 1999 after becoming speaker he attracted \$200,000.¹⁶ For the 2000 election cycle, Hastert raised \$2,385,649, of which \$1,307,648, or 55%, was from PACs.¹⁷ With his new position, he was in the right place. In the Commerce Committee, for instance, several juniors members on the panel flatly recognized that to win over the support of several subcommittee chairman or the committee chairmen (no easy task) virtually ensures that the agenda will be acted upon. Lobbyists and their PACs specifically target members of the committee which has jurisdiction over issues of concern to them (Grier and Munger 1991; Regens, Elliot, and Gaddie 1991; Regens, Gaddie, Elliot 1993, 1994).

While such financial targeting took place in the Commerce Committee during 106th Congress, contributions were not always sure bets for favorable action. In this case, the Commerce Committee has sometimes experienced warring subcommittee chairmen or disputes between them and the chairman, Congressman Tom Bliley of Virginia, which delayed policy formulation on several matters until the 107th Congress. Subcommittee Chairmen Billy Tauzin and Joe Barton, who attracted telecommunications and energy

industry money, respectively, found their legislation could not leave the committee for lack of support from the chairman and GOP leadership. While PACs knew this was the case, they also knew that Bliley was term-limited as chair and retiring. The 107th would be a new ballgame for them.

Third, lobbyists frequently bow out of partisan matters in policy committees. No quantitative evidence from ordered probit models in the following chapters or interview data suggest that lobbyists waste resources on pre-determined partisan votes in policy committees. Partisanship in these arenas means the debate usually reverts to traditional alliances among Members of Congress and interest groups. Frequently, these groups claim they already know how those debates will emerge, and many lobbyists argue that the partisan battles are the ones for public consumption while complicated policy battles dealing with amendments on technical matters is where lobbyists are most influential:

Look, they [Members of Congress] already know how they are going to vote on school vouchers, union dues in PACs, and other charged issues.

Groups who go after votes on those issues are chasing their tails. My business is technical, and members don't have gut-checks on financial commerce issues, and in that uncertainty I come in and play a much larger role than abortion groups or unions might on their issues. When you don't understand an issue, that's where a real lobbyist will be.¹⁸

Fourth, related to lobbyists' activity on partisan matters, they thrive on issue complexity – their greatest strength is as an information resource. In the absence of party, member, and district guideposts to guide Members of Congress, lobbyists know that

technical matters comes down to expertise, and they hire it to perform functions which members cannot afford and which committees cannot do well. The problem lobbyists and members recognize is a vacuum of policy and political information in which all actors must operate. Lobbyists provide this expertise as well as “bird’s-eye” views of the political landscape as they take the time to count votes, meet with members, and assess the larger scenario most members cannot gain on their own. Members almost invariably turn to well-plugged-in lobbyists for frank assessments of the political climate. One junior Member of Congress summarizes his philosophy on dealing with lobbyists to gain information: “I want something from them as much as they want from me. They give me their information and donate if they want at some point, but I want to pick their brain on the bigger picture, and they know better than to lie to a Member of Congress. It’s a trade a lot of the time.” Table 2.1 summarizes the strategic lobbying decisions and their rationales.

Faced with these regular strategic decisions, interest groups use their tools with legislative offices to wage a campaign of agenda setting of public policy issues. They seek first to define public policy problems, identify solutions, and push for congressional action to set the legislative agenda in motion. Far better than interceding in a public debate when an issue is before the floor of the House – possibly the last stage of decision-making on matters in the House if they pass – lobbyists recognize their greatest influence comes in setting the agenda from the beginning. One lobbyist working on military procurement frankly stated:

I'm here now because you will see me again in six months when this is really an issue, but I want you to know what the facts are and what we are looking for as an equitable solution. This isn't even in committee yet, and nothing has been introduced, but if it is, you'll be ready for us and hopefully on-board.¹⁹

Lobbyists like this begin with Members of Congress and their staff and remain active at the subcommittee and committee stages of policymaking in part because the most critical decisions are made regarding policy in committee settings and also in part because they can act much more freely covered from public observation at this stage in the policymaking process, this lobbyist contended.²⁰ One lobbyist noted that, "It's a lot easier for me to steer the train from the engineer's seat than if I'm a passenger who came along late. I want control from the beginning."²¹

Members of Congress

Members of Congress, for their parts in the relationship, make calculating strategic decisions as well. Indeed, in the lobby-legislator relationship, they are the key actors who decide if, when, and under what circumstances to accept the overtures of lobbyists who typically initiate contact. In some cases these members decide when to initiate contact with lobbyists. At the beginning of a relationship, they clearly have the advantage in setting the limits, scope, and depth of lobby relationships in which they willingly engage. Given this clear sense of initial superiority in the relationship, members find themselves,

according to the theory of legislative proxy, acting on behalf of interest groups' agendas at some later point in time. In some cases, then, the classic principal-agent theory of congressional scholarship would have them become the agents of the principal lobbyists. To come to that point, however, is a long journey. Along the way, members make key decisions.

Recent scholarship, as Ainsworth (2001) summarizes, contends that Members of Congress have forced lobbyists to become more aggressive in their financing of elections. By the early 1990s at the beginning of the phenomenal growth of PAC money in congressional elections, legislators desperate for money sought it from lobbyists and their PACs (Sorauf 1992). Indeed, close partisan control of Congress in the 1990s increased the phenomena of "rent extraction," or "extortion" from lobbyists (McChesney 1997). Committee assignments which members pursue affect how, where, and from whom members raise their campaign funds (Mitchell and Munger 1991). Knowing this, members choose wisely from the beginning. This scholarship demonstrates that legislators make critical choices in the lobby relationship and have learned over time to maximize their positions for their own gain.

In approaching the way they orient themselves to lobbyists, members survey a host of key variables central to their own political fortunes. One member nicely sums up this holistic approach to politics, explaining:

Look, it's all the same. My district has issues, so I've got to be on those issues. I've got reelection, so I'm on those issues, but that also attracts lobbyists. They can help me with my district on issues and, yeah, legal contributions, and so

friendships, so to speak, bud. It doesn't mean I've got a million bucks in the bank, but it means I know if and when and how to take care of my base. It's all wrapped up together.²²

Members of Congress are most concerned with strategically placing their policy positions between congressional and policy leaders and attentive publics (Arnold 1990). They worry how such attentive audiences, including interest groups and their lobbyists, might trigger inattentive publics, including underlying latent district impulses from less active constituents, to take action, thereby forcing the member to behave a way he might not otherwise. This description seems to hold true to how members report their decision-making as subject to a wide range of political variables. They realize that at any point in their policy careers, the activity of energized or displeased interest groups could generate district attention to matters and force a member to temporarily forfeit their policy discretion while intensified district attention is focused on them.

In making these decisions regarding policy behavior and lobbying relations, members recognize they typically have the upper hand in the relationship. While they realize that any one group could help turn them out of office, members argue they retain the discretion to choose with whom to speak, with whom to become friends, and for whom to act formally or informally along the way. All 22 members argued that no one group or lobbyist can order them around, and that relationships, when they do exist, do so only because the member permits them.

Yet there are times when members feel they are more vulnerable in their lobby relationships. Members and lobbyists agree that lobbyists sometimes gain the upper hand

when certain members become politically vulnerable, either as new members looking for solidified electoral security or longer-serving members who face stiff electoral challenges. In these cases, members admit they are more amenable to the need for campaign money or the need to move closer to their district's interests. Such policy moves often attract the attention of related industry lobbyists, who bring with them both the information some members need about district and legislation as well as sought-after campaign resources. One member emphasizing this point, speaking bluntly, argues that in his circumstances the agenda of one specific group has become his own:

One and only one group matters. The Teamsters have and will probably always have the power in my district to control the elections. We act in unison not just because they control my fate but because it reflects the will of majority of my constituents, and I am their delegate. I'm lucky, in this case, they reflect popular will. In some cases, other guys [Members of Congress] have powerful lobbyists who want them to act contrary to their district. That's the real issue.²³

Another newly-elected member notes that a large part of his job is to talk with lobbyists because he is learning and because he is "fresh meat" to them. He recognizes the mutual needs in these new relationships, noting that lobbyists need to knock on doors and continue their own campaigns of spreading their reputations which are as important as their specific issue agendas. He also readily admits that new members want one thing: to live to be old members. To do so, this freshman Democrat says he plans to continue being open and assertive in learning the ways of the House, including lobby circles on issues before his committee. After serving just a year in the House, he notes that while he thinks

his seat is safe, he cannot afford to not pursue relationships which will allow him to stay in the House. Who has the upper hand, he asks? "I do, but not by much."²⁴

After a while well over 90 percent of all Members of Congress become entrenched incumbents, so the threat of electoral insecurity typically diminishes. Groups need members to make good bills for them. Members need groups for their policy and political information, but they can find that from other groups if the relationship breaks down. Lobbyists have a much more finite number of members from whom to choose to court in a narrow, complex policy arena. All this points to the fact that members generally feel they are in control of their relationships with lobbyists. They are willing participants with "final veto power as an escape hatch," in the relationship at any time, as one member put it.²⁵

Identifying Agents

In the backdrop of these various decisions which lobbyists and legislators must make about their behavior in lobby relationships, the theory of legislative proxy holds that some relationships will develop more deeply beyond the transactional. These relationships, from lobbyists' points of view, are intended to be the most effective conduits to achieving interest group goals in affecting public policy through congressional committees. Members, for their part, engage in these more developed lobby relationships because of personal commitment toward lobbyists or policy commitment for an issue agenda.

To confirm this theory, the identification of legislative agents is central. Members should exhibit behavior that indicates they have close working relationships with interest

groups and that they work to carry out those agendas in the committee system. They would also have measurable contact with lobbyists and perhaps a record of commitment to certain policy goals which they seek to advance in committees which coincide with group goals.

A central question to testing this theory is: how do you know an “agent” when you see them? The following characteristics help to identify which members may be engaged in these deep lobby relationships. First, a legislative agent may be a Member of Congress who demonstrates his or her preferences and intensities on issues in committee behavior. They are likely active members who know how to move legislation on their own. One prominent lobbyist, for his part, confirms this idea when arguing that when looking for a member to move legislation in committee, he only pursues those “who know how to swim upstream.”²⁶ This lobbyist argues that successful groups pursue members who are already policy hawks and active participants in committees rather than choose inactive members, convince them of an agenda, and wait for them to transform their committee behavior.

A second characteristic of these kinds of members is that in addition to knowing how to get things done, they often have an issue specialization or well-known area of policy expertise which frequently accompanies elite committee positions. Members develop issue expertise as a result of various reasons, including an issue commitment because of their own or their district’s concern on an issue. In addition, often their position within a committee such as a subcommittee chairman or vice-chairman forces members who gain those positions and who are not yet policy fluent to quickly become policy experts because of the narrow policy windows those positions oversee. Usually, a

member is in a committee position who cares deeply about an issue, and a member who cares deeply about an issue is or gets an opportunity to express that in committee or subcommittee positions after time. These members become prime targets of interest groups who want someone who can help them quickly and persuade other members simultaneously and with effect.

Third, these members frequently reverse the direction of contact between them and groups. That is, counter to the scholarship's traditional understanding of lobby contact, these members actively maintain their relationships and seek out lobbyists as a source of support and information (political and policy) to advance a cause they fundamentally believe is right. They have advanced far beyond the initial "courting" stages of the lobby relationship, and these members feel no problem contacting groups whose agenda coincides with their own and who may provide crucial support in achieving their mutual goals. One member interested in agriculture policy argues that in order for him to understand the growing biotechnology revolution and how the federal government currently deals with a variety of issues, he has no problem calling his lobbyist friends with whom he is close.²⁷ He argues that since their agendas are the same, he should be able to develop the resources he needs to move legislation which is important to his rural congressional district. The fact that he is also pushing that groups' agenda is secondary to his concerns, though he knows that his actions sometimes follow exactly what certain interest groups want, and that does not concern him.

Fourth, sometimes the obvious occurs: members use committee hearings to state their agreement with certain industries and groups who testify before them. Committee

hearings are perhaps the best open setting to observe the interaction between legislators and lobbyists. Crammed into important hearing rooms at the committee and subcommittee levels, spectators often find seating in these environments hard to come by. In several instances in crucial Commerce Committee hearings in the 106th Congress, for instance, three sets of actors filled the room – Members of Congress and committee staff, the media, and, outnumbering both groups combined, lobbyists. Regarding several telecommunications subcommittee hearings in the 106th Congress, walking through the right corridors of the Rayburn Building would immediately tip off staff what was happening when hundreds of lobbyists would line the hallways in single file, wrapping through several of the legs of the figure-eight building, hoping to get standing-room-only in order to watch the proceedings.

During those proceedings, lobbyists look for the public statement of support of an agenda from the opening statements of Members of Congress, and they often get it, if not in name. Members use this rare opportunity when so many policy actors are together to state their beliefs, skepticism, and concerns regarding policies, and, while they typically avoid mentioning group names, they do send signals about their inclinations and future behavior. In this setting, the audience can frequently see the path a piece of legislation will take depending on the signals members intentionally and unintentionally send.

Each of these characteristics help to identify in a qualitative way which members may be acting as agents in concert with interest groups. Chapter 4 reports the findings of the quantitative model on legislation in which interest group influence was highly successful.

Conclusion

Lobbyists make strategic decisions to use their resources of information, campaign contributions, and reputation to pitch arguments of equity for their clients in an effort to influence public policymaking. In doing their jobs, lobbyists further recognize the point of entry into the policy process is the earliest point in the process – the agenda setting, problem definition, and issue emergence stages – long before issues become legislative bills considered in committee. They focus on specific political and policy factors surrounding individual members in order to determine who, why, and how to lobby to recruit legislators to support their legislative agendas.

For their parts, Members of Congress are not unwilling nor innocent actors in these lobby relationships. If they are proxies of some interest groups on specific policy goals, those members admittedly in turn transform those interest groups into the vehicles of their ambitions – political and electoral success. The relationship between the two groups becomes so integral to normal daily operations on the Hill, neither members nor lobbyists and their groups could long exist without them before being replaced by others willing to forge these relationships for mutual benefit. Every single interviewee for this study but two Members of Congress unwilling to take PAC money and with dim views of interest groups confirmed the important role lobbyists serve in the policy process. One senior staff member admitted: “We’d be lost without these guys if I didn’t meet with them a couple times each week.”²⁸ While that may be a bit of an overstatement for some, this staff member’s characterization of lobbyists and their roles sums up many staff members’

opinions and members' views.

The ultimate goal each of these sets of actors sees is the development of strong mutually-beneficial relationships which help members understand policy and political contours and boosts interest groups' agendas.

Table 2.1
Strategic Choices Lobbyists Make

Lobbyists seek...	Because...
to avoid partisan battles to which they can easily forecast the outcome	unless their goal is to remind powerful actors of their positions or generate grass-roots support, they conserve their resources for more malleable situations.
to influence on issues of technical complexity	because they often provide the sole expertise members and committees have in making decisions regarding complicated matters.
a select group of members with whom to develop deeper relationships and do not pursue quantity	they understand that sometimes it takes only a few actors to influence the early policy making process and that recruiting too many actors may be counterproductive.
members who are in special committee positions	those members in subcommittee chairmanships, particularly, can start or stop a bill before most members know it exists and can also make changes to a bill most efficiently.
members with issue expertise and reputation among their colleagues	those members will most likely be receptive to arguments based on technical matters and, once persuaded, those members bring with them the support of many others who look to them for policy guidance.
members who are electorally insecure	those members are more open to developing cordial relationships with groups which can help them in their electoral arenas.

Endnotes

1. From personal interview conducted by the author with this congressional staff member.
2. From personal interview conducted by the author with this Member of Congress.
3. Ibid.
4. From personal interview conducted by the author with this lobbyist.
5. Bresnahan, John. "GOP Tightens Grip on K Street." *RollCall*. March 12, 2001: p. 1.
6. From personal interview conducted by the author with this Member of Congress.
7. From personal interview conducted by the author with this lobbyist.
8. From discussion between the author and Mr. Hymel.
9. From personal interview conducted by the author with this individual.
10. Ibid.
11. Ibid.
12. Ibid.
13. From personal interview conducted by the author with this individual.
14. From personal interview conducted by the author with this Member of Congress.
15. From personal interviews conducted by the author with several lobbyists.
16. Eilperin, Juliet. "Hastert Drawing Crowds – of Lobbyists, With Eager Audience, Speaker Builds a Fundraising Machine." *Washington Post*, March 10, 1999. P. A1.
17. Data from FECInfo, available at: <http://www.tray.com>.
18. Ibid.
19. From personal interview conducted by the author.
20. Ibid.
21. Ibid.
22. From personal interview conducted by the author with this Member of Congress.

23. From personal interview conducted by the author with this Member of Congress.
24. From personal interview conducted by the author with this Member of Congress.
25. From personal interview conducted by the author with this Member of Congress.
26. From personal interview conducted with this lobbyist.
27. From personal interview conducted by the author with this Member of Congress.
28. From personal interview conducted by the author with this staff member.

Chapter 3: The Background of Lobbying in the Contemporary Congress

“Last year my job was more policy. This [election] year my sole job is to shake down the money tree, and people here know it. They’ve completely stopped calling me for meetings. I’m too busy.”¹

– Chief of Staff to a junior Republican Member of Congress running for higher office

“I don’t even know who contributes to me. The checks are sent to a post office box back home.... They write the thank-yous, and I sign ‘em. That’s it. I wouldn’t know a contributor if they walked in the door unless someone brought it to my attention.”²

– Senior Democrat Member of Congress on the Commerce Committee

“I really do not believe that any member is bought and paid for by a PAC. I just don’t believe it. People here are generally honest.”³

– Senior Democrat Member of Congress

Introduction

The political environment in which lobbying takes place defines its success. Such an environment is composed of many factors – including political and partisan dynamics, campaign circumstances, policy agendas, and personal relationships. Interest groups and their lobbyists of one form or another have long been present in Washington, DC, but their increasing numbers, financial and information resources, and potential influence in the past several decades underscores just how critical their roles can be in representative democracy (Ainsworth 2001). These PACs and lobbyists have grown in influence as their functions have become more synonymous with campaign fund-raising in an era in which the costs of congressional elections has risen dramatically. Many scholars cite PAC contributions as a primary inflationary cause in the rising price of elections (Alexander

1992; Berry 1997; Herrnson 1998). Following Federal Election Commission rules on giving and exploiting the benefits of largely unregulated “soft money” contributions to political parties, interest groups have, in a sense, made themselves indispensable to congressional elections.

Against this backdrop, interest groups pursue their strategies. They have experienced a confluence of environmental variables in the political and policy arenas in the 1990s which have served only to strengthen their roles. The year 1994 in congressional elections represented a stunning change in the political and partisan balance of the U.S. Congress, particularly the House of Representatives. The election of 73 House Republican freshman to the 104th Congress, ending four decades of Democrat control of the chamber, began a new era of partisan competitiveness for control of Congress largely conducted through races for highly-prized open seats (Gaddie and Bullock 2000). Seven years later, the same close competition still persists with no end in sight for the close partisan balance in Congress. After forty years of Democratic dominance, the Republicans were once again competitive enough to win control of the House. This bodes very well for K-Street lobbyists, named for the location in Northwest Washington, DC which thousands of lobbyists call home. The partisan competition makes them all the more valuable in providing resources – information, coalition-building, campaign contributions, and grass-roots support – for both political parties. Either party will take an advantage any way it can, and interest groups are all too willing to help both in order to increase their leverage. The greater the party competition, the more active

interest groups are.

Lobbying has benefitted greatly in the 1990s by changing policy issues. The kinds of policy issues Congress faces now require greater technical expertise sometimes only interest groups could provide. The groups who weigh in on such issues are, of course, some of the wealthiest organizations and businesses in America. Issues involving healthcare reform and social security reform in the late 1990s, including plans to provide for an added prescription drug coverage for senior citizens has brought with it some of the deepest-pocketed groups in the country (Gaddie, Mott, Satterthwaite 1999). The American Medical Association (AMA), for example, had been ranked first in group financial contributions in 1998 and spent \$17 million in campaign funds alone in 1999 – a non-election year.⁴ The related tobacco liability cases of the decade, which involved whether Congress and the Food and Drug Administration should regard nicotine as an addictive drug, spurred British American Tobacco to contribute \$25 million and Philip Morris \$23 million in 1999.⁵ The telecommunications battle over Internet service delivery and property rights led the communications and electronics industries as a whole to lay down \$186 million in 1998.⁶

This chapter examines the factors which explain how interest groups have risen in power and influence in Washington, DC in recent years. Historical and institutional reasons for the rise of interest groups are explored. Then the focus shifts onto one of the most powerful tools in lobbying – the role of money in congressional elections – and a review of the findings of current scholarship on its effects on campaigns and elections.

The chapter then turns to examine how the political circumstances among competing parties within Congress empowers interest groups. The chapter concludes with an overview of recent policymaking issues which Congress has faced and still faces and how those kinds of policies led to increased lobby influence.

The Rise and Role of Interest Groups in the Electoral and Legislative Processes

The growth of the power and influence of individual lobbyists has only come about due to the ascendance of interest group politics primarily in the last quarter of the twentieth century. A vast array of political science literature in the past two decades explores the growth of these interest groups and their fundraising arms, political action committees (PACs), in Washington, DC. Most scholars argue that the growth of interest groups and PACs has not occurred in a vacuum and that their growth occurred simultaneously to the appearance of several other institutional and electoral factors.

The Decline of Parties

Chief among the reasons for the rise of interest groups has been the continuing decline of political parties in the American electoral process (Biersack, Herrnson, Wilcox 1999). Scholars in mid-century witnessed the apex of the two major political parties' powers. Peters (1997) illustrates the monolithic power of Democrat control of Congress, in modern times, during the speakership of Sam Rayburn beginning in 1940 and extending through Thomas P. "Tip" O'Neill in the 1970s. By the end of the century, the two major

parties were significantly weaker compared with previous decades (Peters 1990, 1997; Wattenberg 1998). From organizing legislative agendas to ensuring strict party line votes, congressional political parties into the 1980s served as cartels to translate party platforms into legislative results (Cox and McCubbins 1993). Outside Congress and Washington, political parties in mid-century served as the purveyors of information on policy matters and the grass-roots organizations to energize and turn out voters (Wattenberg 1998). Political parties, with some interruption, largely structured the way political life in much of America functioned. They defined the issues, chose the candidates, and energized voters since the second quarter of the nineteenth century.

Since the 1970s, at least, the decline of parties has allowed for the simultaneous ascendance of entrepreneurial interest groups advancing their issues and in the process taking up many of the roles parties once performed. Interest groups and their PACs have, at least to some extent, supplanted the political parties' ability to structure political life (Bibby 1990; Berry 1997). With the weakening of the electorate's partisan ties in recent years, scholars have increasingly argued that voters continue to seek out guideposts for their own understanding of political issues and politics in general. Accordingly, given the absence of party direction with the continued need for political guidance, the electorate often turns to issue-oriented interest groups for that guidance (Wattenberg 1998). Ainsworth (1995) lends support to the finding that in the absence of party strength individuals find other linkages to the federal government to convey their interests. He discovers that the Grand Army of the Republic (GAR), the veterans' organization

resulting from the Civil War, emerged as one of the first powerful interest groups to convey membership concerns to legislators. At a time of unorganized party structure, the GAR effectively served as a powerful interest group to affect legislators' votes on pension issues.

Not only are parties in the past quarter century weakened, but that they make strategic decisions to satisfy critical interest group support that funds them (Wright 2000). Wright interprets present-day political parties as little more than "reelection machines" (232). His study of the shift in the Democratic Party in the 1970s from labor interests toward business interests reveals that the party sought to accommodate the preferences of growing business interests that had eclipsed labor power. Accordingly, the party embarked on key institutional and structural reforms which allowed it to orient itself more toward business interests in an effort to attract vital campaign money. The point is that parties are so dependent on interest group support that they behave in ways to court that support.

One recent addition to our view of present day political parties holds that parties are networks of communication which are built on input from a multiplicity of actors (Monroe 2001). In *The Political Party Matrix: The Persistence of Organization*, J. P. Monroe argues that parties are really institutions through which political elites coordinate their activities in the political process. Such communication requires neither an elaborate bureaucracy nor a formal organization since parties rely on elites of all kinds – including interest groups – to coordinate party messages and reach common goals in conjunction

with party officials. Ultimately, Monroe sees modern parties as elaborate communication networks built on interaction and collaboration among party members at all levels.

The Growth of Government

In addition to the decline of parties fostering the growth of interest groups, the growth in the size of the federal government drives the need for lobbyists and interest groups. Such growth creates new issue terrain and policy options to consider (Davidson and Oleszek 1996). Although groups have influenced congressional decisions from the beginning, the move from limited government to big government in the second half of the twentieth century has deepened the mutual dependence of lobbyists and legislators. Growing complexity in dealing with contemporary issues contributed to the rise in interest group formation (Truman 1973). Groups may be more or less successful in influencing the legislative process, depending on such factors as internal organization, strategy, status, and access to governing institutions. In the U.S. there are many – and a growing number of – access points in a porous policymaking system. The complexity of issues in which interest groups seek to become foremost technical experts allows for their penetration into the porous American political system as the size of the federal government exploded in the wake of the Great Society programs President Lyndon Johnson engineered (ibid).

The Cost of Campaigns

A third reason interest groups have become more powerful is that the need for money in congressional campaigns increased dramatically since the 1970s (Berry 1997; Jacobson 1997; Herrnson 1998). In their studies of the “interest group society,” scholars argue that the largest amount of growth in the interest group arena has been in the area of Political Action Committees, as they serve as the fundraising and fund-distributing branches of issue-oriented groups (Berry 1997; Gaddie, Mott, and Satterthwaite 1999; Gaddie and Bullock 2000).

Herbert Alexander’s *Financing Politics* asserts that money transactions illuminate political behavior and the flow of political power. Alexander invokes the famous axiom from Jesse “Big Daddy” Unruh, former speaker of the Assembly of California, who observed, “Money is the mother’s milk of politics” (1). Framing his work around Unruh’s assertion, Alexander defines the campaign finance problem by introducing the metaphor that the political system is a patient’s body. The only way to determine its illness, he maintains, is to follow the flow of the “tracer” element throughout it. To Alexander, the tracer element in the body politic is money (2). He blames four factors for the spiraling costs of elections, including: long election cycles; incumbents’ psychological needs to discourage challengers; congressmen’s ignorance of the incremental value of spending; and candidates’ psychological motives to never cease fundraising (8). Fleshing out the metaphor of the bloodflow in the body, Alexander vividly describes the unchecked growth of political action committees emerging in the 1970s that rose from just 90 registered PACs in 1971 to 950 in 1979 to over 4,000 in the 1990s (39). (A more in-depth

discussion of PAC money appears below.)

The Sophistication of Interest Groups

Interest groups and their PACs have grown tremendously in their sophistication in the 1990s. PACs have sought “parent” organizations, or groups which support them financially. These professional PACs are known as “connected” PACs (Ainsworth 2001). In contrast, citizen-based PACs who do not enjoy the sponsorship of wealthy parent organizations must pay their overhead expenses on their own, a restraint which greatly diminishes their ability to distribute their donations as contributions to political candidates. There is a growing gap in sophistication between citizen-PACs and corporate and union PACs underscored by the fact that nearly 90% of corporate and union PACs have financial parent organizations while just 7% of citizen PACs enjoy such funding support (ibid).

Whether citizen-based or corporate, PACs have pioneered ways to circumvent campaign funding guidelines through soft money donations. With the vast amounts of money that they control they are able to gain access to Members of Congress, who need the money for at least the following four reasons. First, to secure re-election to their seats (Gaddie, Mott, and Satterthwaite 1999). Second, to amass large war chests to scare-off potential challengers to protect their seats (Box-Steffensmeier 1996). Third, in an era in which partisan control of Congress now swings on a handful of seats, party leadership in Congress often places demands on their membership to contribute to their general congressional campaign funds (Gaddie and Bullock 2000). In the 2000 election cycle, for

instance, both the Republicans and the Democrats made demands of up to \$100,000 from prominent members to contribute to the general “majority” funds each party controlled to either preserve their majority in Congress or regain the majority. Fourth, related to this issue, the race for critical chairmanships of influential congressional committees requires that members who want these positions aggressively raise and spend money on their party’s vulnerable candidates or hopeful challengers to unseat the opposition. Having the credibility to be a chairman in the teetering majority control of Congress often requires a financial contribution never seen before.

Interest groups’ ability to help control congressional elections translates into their lobbyists’ access to sitting Members of Congress. Often such access then equates to real influence, or at least the development of relationships which later become influential (Berry 1997). In giving to incumbents, oil PACs, for instance, exercised strategic decision-making and helped conservative ideological allies regardless of party and friends regardless of ideology (Evans 1988). In giving to challengers, oil PACs focused exclusively on conservatives and opponents of outspoken liberals. In addition to affecting electoral outcomes in this strategic manner, PAC contributions can affect policy in a number of ways. Such desired outcomes could include gaining access to members and their key staff members, gaining support for their views, and influencing the partisan makeup of the Congress.

PACs have also become integral parts of congressional elections and can help shape the nature of partisan control of Congress by strategically helping one candidate or

specifically targeting another, particularly vulnerable, incumbent. While organized interests have always been involved in the electoral process, now they rely on PACs (Hermson 1998). The Federal Election Campaign Act (FECA) of 1974 set the stage for PACs as a way to circumvent campaign finance regulations as it allowed such groups first to donate five times as much as individuals (\$5,000 compared to \$1,000) and allowed for the creation of “soft-money.” This soft money is unrestricted money parties raise for “party-building” activities, which parties then use generally to be spent on specific vulnerable candidates – emphasizing the transcendence of individuals over the party. PAC strategies include trying to increase the number of legislators who share their views in order to further their ideological positions, while other PACs try to use their money to gain access and ultimately influence in the legislative process. The largest and most successful PACs target both the electoral and legislative arenas. PAC strategies are determined by wealth, organizational structure, and proximity to members (location). PACs have also started doing activities that used to be related to political parties, such as conducting polls, recruiting candidates, running advertisements, and getting out the vote. PAC strategies vary, but most PAC money goes to incumbents, key decision-makers in the public policymaking process who may often be more easily influenced than forcibly removed from office through interest group targeting (Wright 1996).

PAC Money and Congressional Elections

“I’ve got a very safe seat, but if I didn’t and I needed a lot of money to stay here, I don’t think I could do it. It would take too much time and energy to be worth it.”

– Senior Republican Member of Congress

Harold Laswell defined politics as “who gets what, when, and how” (1936). His view of politics was as an economic and social system designed to distribute goods and services among actors. Chief among those goods in today’s political environment is campaign money. While individuals can contribute up to \$5,000 per election cycle to a candidate, coordinated contributions from industries allied for a legislative agenda can easily generate hundreds of thousands of dollars for political parties or leadership PACs, which prominent members accumulate to demonstrate their own fundraising ability and dole out to friends in need. PACs know who to give money to and prefer to give it to those who need it most. With those candidates, PACs get the most attention for their contributions and presumably influence future behavior for their help at a critical time in the campaign (Regens and Gaddie 1995).

Incumbents

PACs clearly favor incumbents. In *Money and Congressional Elections*, Jacobson (1980) begins, “The principal theme of this book is that money has an important effect on what happens in congressional elections” (xv). There is a vast literature on the incumbency advantage in political science from the 1970s onward. While not all scholars agree on the electoral incumbency advantage (Jacobson 1987), others contend that

incumbents enjoy an edge over challengers because of the institutional benefits incumbency affords (Bauer and Hibbing 1988). Regardless of the electoral advantage debate, nearly all of these scholars agree that incumbents enjoy hefty financial advantages over their challengers (Jacobson 1997; Herrnson 1998).

Money, largely from PAC donations, in incumbents' warchests also affects the quality of challengers they may face in the next election (Abramowitz 1991). Challenger quality in primaries and general elections is often determined by apparent incumbency strength (Kazee 1980). Indeed, potentially stronger candidates are discouraged the most by incumbent strength (Banks and Kiewet 1989). The vacuum leaves a pool of unknown, inexperienced challengers as strong would-be challengers wait for open seat contests.

Box-Steffensmeier (1996) reports that, "A Texas state legislator was indicted earlier this year on charges that she falsified her campaign reports to show that she had raised more money than she had actually received. Why? She wanted to scare-off any possible opposition by showing that she was so well-funded that it would be foolhardy to challenge her" (352). The implications of the incumbent fundraising scare-off factor may affect election competitiveness, challenger quality, and the very essence of congressional elections, political science research demonstrates.

Challengers

Perhaps the more dynamic debate in political science scholarship regarding money

in politics has been on the effect of money on challengers. This scholarship explores the relationship among money (held by both incumbents and challengers), timing of money and candidate emergence, and challenger scare-off effects. Most often, the literature examines each of these congressional election factors separately. Kazee's *Who Runs for Congress* (1994) qualitatively demonstrates the scare-off factors inhibiting candidate emergence – a prime factor of which he finds is money (1994). Fowler and McClure (1989) examine New York's 30th District and its confluence of ambition and contextual factors, including financial considerations, that leads to a decision to run or avoid a congressional campaign.

Scholars examine money in congressional elections and its effect on candidate familiarity (Jacobson 1978, 1980) and money's effects on candidate emergence and its timing. Presidential popularity and national economic performance affect voting behavior in the year's quarter coinciding with the election (Tufte 1975). Jacobson and Kernell (1982) maintain these two factors indirectly predetermine voting behavior (and thus the winner) as early as the first quarter of the election year when challengers consider entering the race. Their contribution to the literature is a concern for first quarter challenger emergence factors. They tie Tufte's factors to candidate emergence and explicitly cite the timing of candidate emergence as spring of the election year. *Strategy and Choice* is critical as it demonstrates a conscious concern for the timing of challengers' emergence. It reiterates that economic and presidential popularity factors affect candidate emergence

and thus predict general election results.

Other scholars demonstrate how money affects challengers for congressional seats (Jacobson 1978; Herrnson 1995, 1998). Herrnson creates an empirical analysis of challenger voting bases and the direct effect of money on voter support. He identifies eight factors which, provided enough money, can improve the electoral chances of challenger victory. The significance of these findings are simple yet profound: money does affect challenger potential success, and it can be quantified. Employing a regression analysis of six separate questions from the 1992 Congressional Campaign Study combined with FEC data and Congressional Quarterly Weekly Report data, Herrnson calculates that the base challenger vote is 27.99%. He then identifies eight factors that, coupled with the money to carry them out, increase the challenger vote. These include: partisan bias (per one point advantage in party registration); the presence of a contested primary⁷; interest group-based targeting; the challenger campaigning on position issues; challenger spending on campaign communications; incumbent spending on campaign communications; party spending on behalf on challenger; and a media advantage favoring the challenger. As noted with each of these eight factors, each directly requires or is related to the need for scarce money in congressional campaigns, inviting interest group PAC donations.

The importance of Herrnson's findings is the empirical demonstration that not only is money important, money is important for different reasons. From running a contested primary to targeting groups to sustaining a media campaign, Herrnson concludes, money directly affects voting behavior. This finding differs from Tufte (1975) and Jacobson and

Kernell (1983) as it shows that challengers' abilities to raise and spend money in these eight areas are the significant factor in determining the general election winner – not presidential popularity or national economic performance.

PAC money from interest groups has become critical to challengers' viability (Jacobson 1978, 1990, 1997). Jacobson concludes that, "...money is a particularly important campaign resource for nonincumbent candidates. Incumbents do not seem to benefit from campaign spending to anywhere near the same degree" (1980, 49). Challengers' spending has a significant impact on elections, and incumbents who spend more do worse – usually because they are spending more in a tight race (Jacobson 1978). The importance of the study is that statistical findings from OLS and 2SLS models demonstrate that, "...marginal gains from a given increase in campaign spending are much greater for challengers than for incumbents" (489). As a result, spending limits may actually hinder challengers and stifle competition and candidate emergence (Jacobson 1987). Accordingly, campaign finance reforms limiting money short of federal-only funding would hinder challengers, the opposite effect of what most reformers seek (Goidel and Gross 1996).⁸

Through a different methodological approach, Jacobson (1990) demonstrates that increased challenger spending yields increased popular support. His use of an ABC/Washington Post Congressional District Poll shows that challengers' expenditures are far more effective on popular support than incumbents' expenditures in the final six weeks of a race. Jacobson presents data that demonstrates that the more a challenger

spends, the less likely are his supporters to switch to support the incumbent. The gem of Jacobson's study is the importance of challenger spending in the last six weeks of the campaign. Furthermore, it implies that spending by periods within a campaign season may be distinctive.

The timing of receipts of PAC money is also an influential variable in the outcome of congressional elections. Krasno, Green, and Cowden (1994) juxtapose daily fundraising by incumbents and challengers in a two-year FEC-defined reporting period in 1985-1986. Their approach is simple yet pathbreaking in the literature on timing of spending in congressional races. They examine 319 candidates for congressional seats and calculate their daily mean and median fundraising totals over two years. The study recognizes the theory of the continuous campaign (Goldenberg, Traugott, and Baumgartner 1986) and concludes that candidates always insist that the earlier a check is sent the better and that challengers must show they are financially viable to continue to keep the checks coming in (Krasno, Green, and Cowden 466-67).

To measure challenger political quality, Green and Krasno (1988) developed an evaluative scale from 0-8. It inventories the challengers' backgrounds for factors of candidate attractiveness and skill. Those challengers who had held elective office automatically begin on the chart at level 4. Several factors may raise them higher on the scale by one point each, including: type of office; currently in office; previous congressional run; and celebrity status. Political novices begin at level 0 and may be increased 1 point each for many of the same factors as well as: professional status;

political activity; nonelective office and its type; and previous candidate for other office.

Challengers of low political quality raise less money while challengers defined as being of high quality raised the most money (ibid). PACs gravitate toward winners, based on cues from in-district giving, make them look viable, and therefore encourage the bandwagon effect of contributions from other PACs.

Political science scholarship explores the potential for early spending's effects on congressional competitiveness, challenger quality, and opposing candidate emergence. In addition to these effects, coveted money in congressional races is also designed to inflate the perceptions of incumbents' invulnerability. That is, early money is supposed to trigger more money later in the campaign season acting as "seed money" as it grows into greater amounts over time (Biersack, Herrnson, and Wilcox 1993). Two variables predict the amount of early money: candidate quality and incumbent vulnerability, and contributions by in-district individuals serve as the important signals to out-of-district PACs and other contributors (ibid).

PAC Money in the 1990s

In short, the literature in political science demonstrates the centrality of money in congressional elections. The need for money helps incumbents scare off challengers, secure their seats, spread surplus contribution money around to help others in their party, and impress their colleagues when seeking promotions within the parties to leadership positions or committee chairmanships.

PAC money does not always go directly from PAC to candidate. PACs and House leaders in recent years have devised a simple but powerful means of increasing both of their political capital – leadership PACs. These PACs are held by influential House leaders who attract money and then dole it out to other candidates, instilling in those candidates a sense of loyalty both to the House leader and to the traditional groups who support the party and gave to the party leaders from the beginning. A 1998 study by the Center for Responsive Politics (CRP), finds that between 1994 and 1996, contributions by politicians supporting their colleagues increased 75 percent from \$8.25 million to \$14.5 million.⁹ Seeking valuable chairmanships for the Republican-controlled 107th Congress, Republican members throughout the 106th Congress tapped into valuable PAC money to boost their political futures by generating goodwill among colleagues. While leadership PACs have long been used to promote ambitious politicians' career prospects within the House, their numbers have proliferated in the 1990s as the control of the chamber has narrowed with each election since 1994. These leadership PACs have the benefit of allowing Members of Congress to transfer up to \$5,000 instantly to other members per election; acting as individuals those same members could only give \$1,000 (See Table 3.1)¹⁰

The race for PAC money among leaders has also spread to the newest members of the House – freshmen in the 107th Congress. Within two weeks of election, a majority of these members-elect declared their preference for only the most lucrative congressional committees that allow members to attract the most PAC contributions. The top committee requested was the newly named Energy and Commerce Committee, members

on which on average collected over \$364,000 during the 106th Congress followed by the Agriculture Committee, members on which collected an average of \$274,000 in the 106th Congress. These freshmen look at examples like Congressman Clay Shaw (R-FL) who used his lucrative position on the House Ways and Means Committee to raise \$2.2 million and win by just 1,000 votes in 2000. Clearly, they see the value of PAC money. (See Tables 3.2 and 3.3.)

While it is popular to call for various forms of campaign finance reform to aid challengers and weaken the money-fueled incumbency advantage, scholarship is less clear about the implications of various approaches to campaign finance reform. Goidel and Gross (1996) create simulations to consider the likely impact of various kinds of campaign finance reforms on electoral competition. They consider spending limits, matching funds, public financing, and public financing with limits. They find that only some forms of public funding would likely increase electoral competitiveness between challengers and incumbents, suggesting that such reforms would reduce the PAC advantage for incumbents. Increased competitiveness in House elections serves as a critical incentive for effective representation from Members of Congress. Contested elections keep Members of Congress honest, and they respond to the presence of high quality challengers by improving their quality of representation (Squire 1989). Goidel's and Gross's findings suggest that popular calls for limits on campaign money will have little effect in increasing electoral competitiveness and, by extension, improving representative democracy.

Lobbying in the 1990s

Lobbyists exist to win, but most do not see it as a zero-sum game. Rather, it is as a cut-throat business in which winners do not necessarily create losers and losing a vote does not mean the issue did not advance. Competition among top lobbying firms is fierce and is growing fiercer in the tightly-competitive partisan tones in Congress since the 104th Congress's Republican Revolution. In 1998, 117 law firms specializing in lobbying in Washington reported at least \$1 million in income, with the top firms earning nearly \$20 million in profits – this after often massive expenses in the lobbying process (see Table 3.1).¹¹ While profit margins for some groups remain so high, 261 groups in 1998 spent over \$1 million, and the “industry” that professionalized lobbying has spent \$1.42 billion to deliver its messages to Congress.¹² The Center for Responsive Politics documented that the number of lobbyist-client relationships (a group lobbying on its own behalf or hiring a law firm to do it in its place) numbered 15,705 in 1998, up from 12,960 documented in 1997.

One lobbyist who works for the “government relations” department of a major corporation that does its own in-house lobbying, underscored the dog-eat-dog mentality of lobbying Congress today. A former top staff member to a Speaker of the House, this lobbyist admits that, feeling equipped with the name and policy expertise, he could not refuse the financial offer his company provided to take him away from life as a harried congressional staff member. “I make several times what I used to make and work much less. I don’t want to do this forever, but...a few years means a lot to my family.”¹³

All this money in the lobby industry means that a tug for experienced personnel within the Capitol Hill community is on-going. Lines between staff, lobbyists, and Members of Congress frequently blur when staff are under constant watch from head-hunting top lobby firms looking for new recruits with connections to paths of power within certain committees or policy arenas. Former Members of Congress or top party officials, such as former Republican National Chairman Haley Barbour, who founded Barbour, Griffith and Rogers in the mid-1990s and is already the 6th most profitable firm in Washington, make office visits to sitting Members of Congress more of a social occasion among old colleagues and friends than a hard-sell. Staff and Members of Congress alike throughout the Republican conference are all too familiar with the home-spun tales of life growing up in Yazoo City, Mississippi which Barbour spins into his meetings on “technical” matters, often left to his traveling companion. The Senate Office of Public Records reports that the number of registered lobbyists on the Hill in 1999 totaled 20,512 individuals, up 5,566 lobbyists from two years before.¹⁴ By all accounts, it is an industry whose growth has never declined but continues to flourish. Barbour is a high-profile perfect example of the recent additions to lobbyists’ ranks from positions of political prominence.

Interest groups today perform a wide variety of functions critical to both the electoral and the legislative processes. Berry (1997) focuses on the strategic choices interest group leaders make to influence Members of Congress but recognize they gain their influence on legislative matters from their support in the electoral arena. He argues

that interest groups mobilize and organize voters and contribute to campaigns to develop a credibility that their issues matter outside Washington, DC. Having established their credibility with large membership rolls, proven activism and voting power, and campaign financial strength to lend to friends or use to oppose foes, lobby efforts turn to the legislative arena to win policy battles before Congress. The interest groups hire policy experts who generate policy analyses that congressional staffers are frequently either incapable or unable to perform rigorous policy analysis as policy issues become more complicated and technical. Interest groups couple these policy experts with well-spoken advocates who actually deliver their messages – “make the sell” – to Members of Congress or their key staff people.¹⁵

Interest groups play a substantially greater role in the legislative process than they have as earlier as just a few decades ago (Sinclair 1997). Their recent activity represents the continuing “flouting” of the textbook Congress, which is increasingly replaced by one which deals with issues in an “unorthodox” manner in which competing actors like interest groups play larger roles. The continued deviation from standard approaches to making and passing legislation, particularly in the 1990s and during the Gingrich Speakership, leaves the door wide open for lobbyists to leave their mark on public policy. Specific examples of interest groups exacerbating the “unorthodox” manner of lawmaking include: the Clinton economic program of 1993; the Contract with America in 1994; Medicare Reform legislation in 1995; and regulatory reform in 1995 (ibid). In each of these battles, interest groups played a substantially greater role in the process.

One senior Democrat on the Commerce Committee argues that with the growing complexity of issues his Committee faces, including telecommunications, electricity, and health care policies, interest groups provide him and his staff with reliable information he needs to make informed decisions in the Committee process.

What's changed since I've been here is the number of issues and complexity of those issues has grown. The Commerce Committee does something like 43% of all legislation here. I'm so busy, I don't have time to figure these things out, so staff and lobbyists provide the information and research I need.¹⁶

Overworked and often inexperienced junior staff members who are stretched to know the caveats of a variety of unrelated policy areas, some members contend, unintentionally force them to find outside sources of information on complex topics. One junior Republican on the Commerce Committee frankly admits:

Unfortunately, my senior staff has left me – lured by big bucks to the private sector. That leaves me with a group of young college graduates trying to help me on complicated issues before the Commerce Committee. I tried hiring expertise from within Congress, but I can't afford it. I advertised at the mid \$30,000s, and \$40,000 is really breaking the budget. Who wants to do this for that kind of money? So I manage as best I can.¹⁷

Another mid-level Democrat on the Commerce Committee admits that he relies on old friends in the lobby community to inform him on complicated telecommunications issues that predominated the late 1990s. When he was a freshman state legislator, a

lobbyist approached him and asked if he could explain some of these issues to him.

Fifteen years later, he is now an old trusted friend, not viewed as a threat but as a resource and support for information and expertise. The member notes:

I'm no technocrat. I don't understand these complicated issues from electricity deregulation to telecomm, but I rely on my common sense and political instincts to navigate me through. I listen to lobbyists on both sides and try to find a middle ground. I'd like to have a more charitable view of the Committee than the idea that just 5 people [Members] have a clue on any one given issue, but I'm not so sure.¹⁸

Indeed, twenty Members of Congress who discussed the role of interest groups in their legislative duties ranked the access to valuable, expert information as a top reason they regularly spoke with and developed relationships with lobbyists.¹⁹

A Senior Republican on the Appropriations Committee, which deals with lobbyists and special interests in the annual feeding frenzy over the upcoming fiscal year budget, observed that he was not friendly with any specific lobbyists but met with them frequently for the information they provided him and his staff. He underscored the golden rule of lobbying – honesty in information provided to Members of Congress and their staff:

I allow lobbyists into my office, but usually the ones who agree with me show up. They know very well that if they ever lie to me or only tell me part of the story, they will lose their credibility and will never be allowed access to me or my staff again. Truthfulness is the way they stay in business. A few times I've learned

lobbyists were less than completely open with me, and they knew and never came back again. You go out of business that way.²⁰

Underscoring how interest groups' simultaneously pursue both electoral support and legislative access, one senior Democrat on the Transportation Committee who regularly faces no competition in re-election in a compact inner-city district, argues one interest group wields far more power with votes than money. He does not need new information they might provide him but just their votes. He reciprocates with complete access to them and a hard-nosed advocacy of their issues in Congress. With a relatively small campaign war chest, he knows he need not worry about the safety of his seat unless this group parts ways with him:

I come from a district with 25,000 Teamsters. They want to see me, they want to talk to me, they can call me any time of day and get me on the phone. They have been with me from the beginning, and they have complete access. Not because of the money but because of the votes they hold. Their issues are my issues. You can't get away from it in my district.²¹

Accordingly, this member does not need the money because he faces no opponents; he simply needs the Teamsters' unwavering public support and votes to scare off challengers. He coyly writes a number on a crumpled corner scrap of a piece of paper and holds it up proudly. It read: "\$173,000."

This is what I've got in my campaign account. If I had a real race, this is nothing compared to what I would need in the media market, and it's nothing compared to

what other guys need now. So long as they're [the Teamsters] with me, I don't need the money, and I don't have competition.

In his district, bloc voting is a better substitute than a million dollars in campaign contributions in protecting his seat, he says. In return for their support, he frankly admits, he is their "advocate" – whatever that may mean.

Not all Members of Congress have such a favorable view of lobbyists and their roles in providing expertise and money to incumbents. One senior Republican member is particularly unique in his assessment. His office is oddly quiet, and his scheduling secretary is more than willing to have him, a former academic, speak with an academic regarding his philosophy on lobbyists and interest groups in general. He is unabashed in his criticism of a system he sees is marred by corrupt special interests. "They [members of Congress] are all a bunch of unmitigated whores. I don't take PAC money. Most do, and they sell their wares – votes – to the those vipers, the highest bidders, and hide behind representative democracy in the process." He adds:

None of these guys knock on my door, which frees my staff to do real constituent work rather than meet with lobbyists. Why don't they come a-knocking? Because there is no for-sale sign on my door as you see on most others' – both parties. It's a real mess, and I am sick over it. I have a safe seat and can use my own money if I need it. We need to purge our system from the corruption of corporate donations that forces people to act certain ways.

He also argues he does not need the information and technical expertise lobbyists provide

other members who praise such assistance in the legislative process, claiming that since he and his staff have almost no contact with lobbyists of any sort besides the occasional faxes and papers stuffed in his mailbox, they have time to learn and think on their own. In a two-hour period within his office, the only phone call interrupting discussion was from his wife asking when he was coming home. “See? That’s the only lobbyist around here.”²²

The Politics of the 106th Congress

Uncertainty and partisanship defined the 106th Congress. The role, impact, and ultimate success of lobbying depends in part on this political environment in which such lobbying occurred. The politics of slim majority control in a congress which impeached but failed to remove a president and which later was forced to work with that president (and his vocal minority in Congress) made lobbyists’ work more complicated. One lobbyist noted,

In this environment, you have to be very careful to make sure you have the votes and the right people on board. When the majority is held by just 6 seats, it’s even more important for us to get Democrats on board on these issues for now and for next year, when we’re not sure who will control the House or the Senate.²³

Another lobbyist, a former staffer for the seemingly impregnable Democratic majorities of the 1970s and 1980s, said:

The days of just lobbying [former Speaker] Tip O’Neill and a few committee barons are long gone. In this environment of uncertainty and partisanship, every

vote counts, and you never know what will happen next week or next year to affect the political calculus around here.²⁴

Assessing the political environment in the 106th Congress – the third resulting from the Republican revolution of 1994 made lobbying more complex as committee leadership could swing from extremely conservative chairmen in the 106th to extremely liberal chairmen in the 107th Congress with a change of majority control in the House. Lobbyists, staff, and Members of Congress, particularly those who have been in Congress when the Democrats controlled both chambers, each admit that partisanship is at an all-time high and that a focus on first the impeachment of January and February 1999 and then the campaign of 2000 sucked the attention from policy issues in the 106th Congress. “It’s like yelling into a gale-forced wind,” one staff member concerned more with policy than politics said of the difficulty of getting Members of Congress to deal with heavy policy issues in the 106th Congress. “Not this year, but maybe next year.”²⁵ By the summer of 2000, staff, lobbyists, and Members of Congress alike were focused primarily on two issues – the politics surrounding the budget negotiations for Fiscal Year 2001 (which kept members in Washington through October 2000) and the horse-race mentality of the congressional and presidential races. Given these circumstances, one mid-level Republican member of Congress on the Commerce Committee who takes the policy issues there seriously, stated:

The debate for now is just to set up the agenda for the next congress. The guys knocking on my door know that it is all over for this congress. We began with

impeachment and end with a huge election in which the House, Senate, and presidency are all competitive. Those guys [telecommunication lobbyists] are focused on making friends who they want to keep after the elections – no matter who wins and who loses, because they know and we all know that no matter who wins, it's still going to be a closely-controlled chamber for the 107th Congress. So what do they do? They make friends, inform the decision-makers of issues, and serve as resources. Maybe most importantly, and especially for members on my [Commerce] committee, the interest groups are spreading their money around to both parties this year more than I have seen since I came. They're hedging their bets.”²⁶

This finding that interest groups, facing the uncertainty of close congressional elections, hedge their bets and contribute larger sums than ever before to both parties is supported in research focusing on the close elections of 1996 and 1998 as well (Gaddie, Mott, and Satterthwaite 1999).

The circumstances of the 106th Congress underscore the validity of some observations about the role of interests in American politics. Dahl (1956) understands the American political system in a Federalist light as one that balances competing interests. His classic study of nearly a half century ago claims that in democratic societies, it is generally meaningless to talk about the preferences of a majority of voters. He argues that we should recognize influential groups of various types and sizes, each seeking to advance their goals usually at the expense, in part, of other groups in society. This search for

inequity tilted to particular groups really define public policymaking. It is natural for a government constructed as ours is, Dahl argues, to be dependent upon the influence of competing actors. Certainly in the tightly-controlled 106th Congress and its electoral and political circumstances, lobbyists understood their power was only increased rather than weakened. One nearly bragged: “They [Members of Congress] need us more now than ever. We have the money to throw to either side and tip the election if we wanted. So our power is enhanced, and they listen to us more this year.”²⁷

The Policies of the 106th Congress

The 106th Congress was able to squeeze in some policy matters between the colossal bookends of presidential impeachment and presidential and congressional elections, but many regarded what happened as either mandatory or as part of a public relations battle for the next election. In many cases, legislation which Members of Congress themselves thought were critical did not leave committee for a full vote on the floor of the House of Representatives. Certainly, the Commerce, Education, and Judiciary Committees were among the more successful in the 106th Congress to move their agendas out of committee and to the full House for consideration. The success of these committees may have been do in large part to pressing needs which the committees could not ignore, though, for various reasons, each faced difficult circumstances standing in the way of policy creation. (See Tables 3.4 and 3.5)

One commonality among the three committees was that each had a term-limited

chairman bound by GOP conference rules written by then-Speaker Newt Gingrich (R-GA) and reiterated by Speaker Dennis Hastert (R-IL). The chairmen had to go after six years of service. Two of the three – Tom Bliley (R-VA) of the Commerce Committee and Bill Goodling (R-PA) of the Education and Workforce Committee – decided that losing the chair meant it was time to leave Congress altogether and announced their retirements. The third, Chairman Henry Hyde of the Judiciary Committee, who became synonymous with presidential impeachment as the head impeachment floor manager, decided against retiring and sought to bid for chairman of another committee. Arguing that he essentially burnt up two years as committee chairman carrying the Republicans' water on impeachment, he ultimately persuaded the GOP Steering Committee to grant him the chairmanship of the International Relations Committee for the 107th Congress.

Each of the impending chairmanship vacancies meant a different dynamic in the 106th compared with the 104th or 105th Congresses. The departures of the chairs meant a domino effect of members within each committee vying for chair and subcommittee chairman slots. Members on each committee openly sought support and lobbied other members and even key interest groups to support them for upcoming leadership posts within the committees. The Commerce battle became a famous Cold War between two vying subcommittee chairs – Billy Tauzin of Louisiana and Mike Oxley of Ohio. Pre-1994 standards in the GOP Conference would have meant that seniority was the key factor in determining who would ascend to their chairmanship. Even by this simple measurement there was confusion. Tauzin, a former Democrat, was elected in May of 1980 in a special

election and switched parties in 1994 under the condition with then-Speaker Gingrich that his seniority be retained. Oxley, the longest serving continuous Republican other than the chairman on the Commerce Committee, was elected in a special election in June 1981. Thus, while Tauzin had more service, Oxley had nearly as much service and had always been a conservative Republican. Since the GOP was no longer wedded to old ideas that seniority defined leadership position but also looked to expertise, competence, and fundraising prowess, the question remained throughout the 106th about how the all-powerful Steering Committee was going to find an equitable solution without tearing the committee apart and wrecking havoc on its agenda.²⁸ Similar races for opening leadership positions in the other committees were occurring simultaneously to varying degrees.

The Judiciary Committee

Of all these committees, the Judiciary Committee brought with it to the 106th perhaps the most baggage of all – impeachment. Committee members found themselves faced with a policy dilemma over information copyright protections and the renewal and expansion of high-technology worker visas, both complicated issues which members felt compelled to address given the time-sensitive nature of both. While trying to focus on policy, members of the committee throughout the 106th Congress still seemed shell-shocked from the trauma of the impeachment hearings and trial of the president, which the Republicans on the committee essentially managed and controlled throughout 1998 and early 1999. The policy issues the Judiciary Committee faced were largely of three kinds –

they were partisan affairs that served as reminders of impeachment, were technical issues on which they shared jurisdiction with the Commerce Committee, or, most rarely, they were technical issues under the committee's sole jurisdiction.

The aftermath of impeachment for these members regardless of party was palpable and no doubt played a role in the committee's 106th agenda and performance. Members, staff, and interest groups found themselves exhausted and drained after impeachment and frantically (and sometimes unsuccessfully) switching gears from a partisan operation back to a more traditionally policy-creating body to take care of business that had largely been neglected for over a year. The resulting situation became one which blended highly partisan measures such as manufacturer-employer-worker battles over liability for exposure to asbestos in the workplace to complicated issues regarding copyright ownership of data published on the Internet. By one senior member's account who supported the committee shedding its partisanship to forge ahead on technical matters of database copyrights, he noted other members found it difficult to concentrate on the complicated issues far removed from partisan overtones.²⁹ (See Table 3.8.)

The Education and Workforce Committee

The Education and Workforce Committee is a highly partisan body divided largely along party lines and over long-standing, controversial issues. (See Table 3.6) A senior Republican on the committee admitted with dry understatement that the committee was "less than desirable" in its environment and level of comity among members and staff.³⁰

One staff member associated with the committee frankly admitted that the Republican (majority) staff give little notice to the Democrats about upcoming agenda items – from hearings to witnesses to markups. The staff member noted that after so many years of Democrat dominance of the committee, the Republicans were being generous in their behavior to the minority and argued that the Democrats did “everything they can to slow us down, obstruct, push their extreme agenda to spend more money at every opportunity. So we’d screw with them.”³¹

The Education and Workforce Committee, in many ways, is dealt a bit of a double whammy when it comes to committee jurisdiction. The amalgamated product of the old Labor Committee under Democratic control before 1995 and new education jurisdiction, then-Speaker Gingrich wanted to neutralize the power of largely left-leaning labor unions who once dominated much of the agenda under Democratic control. Accordingly, Gingrich and others in the GOP leadership decided to create the Education and the Workforce Committee in the 104th Congress with the responsibilities of tackling highly contentious issues in education and labor policy, which the Republicans prefer to refer to as “workforce” issues as a not-so-subtle signal to the decline of big labor under their watch. As a result, beginning in 1995, this committee performed a nearly perfect about-face on most education and labor/workforce issues, from a new majority philosophy regarding education funding and priorities emphasizing state and local control to a clear preference toward positions of management and business ownership rather than those of labor on workplace issues from occupational safety to litigation liability to the constant

battle over the minimum wage.

Perhaps the single most divisive issue since the committee's reorganization in 1995 was the presence of a voluble number of conservative, largely western Republicans, with the support of the Speaker, who actually called for the elimination of the Department of Education. To the Democrats on the committee, such a claim was heretical to the purpose of the committee and federal responsibility to school children. It immediately set the tone for war within the committee. While this sentiment waned by the 106th Congress, the residue over these initial partisan battles did not. One staff member likened the environment to that of guerilla warfare, with each side lobbying explosive issues to the forefront intended to both irritate and embarrass the other party.³²

In this political and policy backdrop, the Education and the Workforce Committee had been gearing up throughout the 105th Congress to tackle the extremely contentious issues of a reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965. The legislation would have expired at the end of the 106th Congress if each part were not individually scrutinized and renewed, meaning each were subject to long hours of scrutiny from both parties and their supporting interest groups. The battle over the ESEA took up most of the entire Congress, with parts re-authorized in 1999 and others left to the election year 2000, with all the additional pressures the close presidential and congressional races brought to the committee environment. In the end, the Congress could not take up the last part of the ESEA reauthorization, H.R. 4141, which it left to the 107th Congress. Overall, the political and policy elements defining the committee made its

deliberations contentious and strained throughout the 106th Congress. (See Table 3.7.)

The Commerce Committee

The Commerce Committee was less partisan than either of the two other policy committees studied. It experienced real policy dialogue on most issues and witnessed bipartisan coalitions on a variety of bills competing with other bipartisan coalitions on the same bills. A swirling on-going debate over the role of Congress and Internet regulations and taxation issues seemed to define much of the issues for its elite Telecommunications Subcommittee and brought about the introduction of many bills providing prescriptions for the taxation of Internet sales and access fees. While the policy debate was typically robust, the Commerce Committee found itself in a situation which the Education and Judiciary Committees avoided in the 106th – major factional divisions appearing within the Republican membership itself. While Republicans and Democrats largely worked together on many issues within the Commerce Committee, leading Republicans on the committee often found themselves on separate sides of an issue. Two contentious bills in particular, H.R. 2420 The Internet Freedom and Broadband Deployment Act of 1999 and H.R. 2944 The Electricity Competition and Reliability Act, drained the committee of time and energy, with the committee chairman and at least one of his powerful subcommittee chairmen taking very different sides of these issues. In the case of HR 2420, the bill went exactly nowhere in committee yet gained over 230 cosponsors throughout the House due to the popularity, political capital and lobby assistance, and likely successful future of its

author, Congressman William “Billy” Tauzin. While Tauzin had the ability to generate so much support on the bill, he could not get it past the retiring chairman. H.R. 2944 moved further along the process in a formal sense but ultimately died in committee, left to a reformed Energy and Commerce Committee under new leadership in the 107th to tackle the on-going issues involved. Again, the chairman and a powerful subcommittee chairman, Joe Barton (R-TX) found themselves disagreeing over key components. Bliley won, stymying the bill for the 106th Congress. (See Table 3.9.)

Beyond the internal circumstances of committees, external policy circumstances were also largely changing throughout the 1990s. The advent of the “information age” which former Speaker Gingrich was so fond of invoking, meant that Congress was forced to come to grips with a host of new regulatory issues and their inevitable competing interests in the policy arena. Indeed, it was Gingrich’s contention that the federal government and private sector economy were growing increasingly distant throughout the 1980s and 1990s as technology and innovation transformed the private sector and yet somehow missed improving the bureaucratic operations of the federal government. This idea had so struck Gingrich that upon his departure from Congress, he turned to creating a project dedicated to understanding the missing linkages in the language, technology, and operations between the private and public sectors. His central argument in one paper entitled “The Age of Transitions” contended that society was increasingly outpacing the language, technology, and service of an archaic government bureaucracy. The impact was a growing chasm between the two worlds and that distance made it difficult for

government to even understand economic and market phenomena to know if, how, and in what ways government should regulate new industries.

Members agreed that the implications of the computer revolution meant that government had to both keep up in a logistical sense as well as tackle complicated regulatory questions with multi-billion dollar industries that never existed before the 1990s. One junior Democrat on the Science Committee frankly stated that government was both outpaced and outwitted by the technology revolution that left members searching for ways to understand it in order to capitalize on it.³³ Another implication was that these new corporate groups began to lobby Congress more and more, especially focusing on the Commerce Committee. As Table 3.10 demonstrates, the Commerce Committee during the 106th Congress heard largely from corporations and interest groups, compared with fewer for the Judiciary Committee and very few for the Education and the Workforce Committee.

The beginning of the decade for Congress was far different than the end of the decade. At the beginning of the decade, the country was in recession, the savings and loan crisis was costing taxpayers hundreds of billions of dollars, and annual budget deficits had risen to over \$300 billion, pushing the national debt to over \$4 trillion from \$1 trillion just a decade earlier. Franklin (1991) outlines the difficulty of working out a budget in those circumstances, terming the end result something “more than a failure, less than a success” (231). Congress, according to one Senior Democrat, was no fun place to be around during those times.³⁴ Less than ten years later, however, he noted that the situation had

reversed itself. He argued that Democrats regard the era of budgetary surpluses as windfalls to be spent on new, needed programs while Republicans seek tax cuts. He feared that in the middle debt reduction would suffer most.³⁵ Overall, this member noted, surpluses create an environment in which robust, optimistic, and policy-oriented dialogue could occur.

With this improved fiscal condition and advancing information age emerge new issues and new lobby groups affecting congressional policymaking. Technology and the “new economy” seem to be changing the sources of influence in Congress in several ways. First, new technology-related issues have percolated to the top of the leadership agenda of both parties and drive floor consideration. The Commerce and Judiciary Committees are often at the forefront of those discussions. Second, new groups exist that never existed before on Internet, communication technology and privacy issues, among others. Microsoft, Apple, Intel, and a dizzying number of Silicon Valley “dot.com” businesses, among others, have fully surrounded the territory of the Commerce Committee and to a lesser extent the Judiciary Committee. These groups have quickly risen to prominence on the promise of offering technical advice and expertise regarding their new industries and now regularly testify before the committees sometimes to the exclusion of most other groups on other issues. At stake for some members of both parties is finding a way the federal government can tap in to the “cash cow” in tax revenue these new industries represent. Third, the need for competent and affordable staff expertise in these new areas affects how the committees operate and how quickly members learn the contours of

issues. Many members (particularly on the Commerce Committee) defer to others, including personal staff, committee staff, knowledgeable interest groups, and committee leaders. Fourth, similarly, the development of member expertise in these areas stresses how critical they think these issues are and how lasting they may be. One Member of Congress in particular reported that developing issue expertise is among his highest priorities.³⁶ Fifth, the new groups are rich products of the booming 1990s economy, and they spread their resources around the Hill as necessary to pursue their legislative interests. All of these factors intermingle and build upon themselves to create new issue networks in policymaking in recent years.

Major public policy issues in America are dynamic, complex, subtle, and long-lasting (Carmines and Stimson 1989). One quickly-rising Member of Congress on the Commerce Committee echoes these themes:

We are at the beginning of a new phase of dialogue and argument in the Commerce Committee on fundamental questions regarding how government should orient itself to new technologies like the Internet, computer, satellite, and energy issues, and biotechnology and health issues. This is just the beginning of a long process.³⁷

Conclusion

Simply put, lobbyists exist to win. Their goal is to use their resources of information, notoriety, and money to advance a cause in the legislative arena. To this end,

they do what is necessary to find another cosponsor, persuade a friendly member to introduce a critical amendment, neutralize opposition if and where possible, and mine another vote for a specific bill. They often revolve around policy areas, becoming technically expert in fields in which members and their staffs struggle for lack of resources – time, manpower, and information. Oftentimes, their names become synonymous on Capital Hill with a policy agenda – “broadband,” “telecom,” “e-commerce,” are recent words which have come to dominate much of the agendas in the Commerce and Judiciary Committees. Say the word to knowledgeable House staff and they typically can name the lobbyists who work that beat.

Lobbyists try to win by using their names, their organizations’ money and staff, and their unique birds’-eye view of the political landscape to make calculated, strategic decisions about who to contact, why, how, and when. Interest group organizations in Washington, DC know how small the town and Capital Hill are, and they hire “big names” accordingly for effect, credibility, and access. Former Members of Congress – former Senate Majority Leaders Bob Dole (R-KS) and George Mitchell (D-MN), former Speaker-elect Bob Livingston (R-LA), and former House Rules Chairman Gerald Solomon (R-NY), among dozens of others, are recent additions to the flanks of the top lobbying firms in Washington. These former Members of Congress, many of whom do not personally lobby but lend their names to firms for large sums, must wait one year after leaving office to begin their lobby careers.

Understanding lobbying requires an understanding of the role and impact of

interest groups in American electoral and legislative processes. Elements in the political environment, including the decline of parties, money in politics, and increased competition for control of Congress, have unwittingly fueled the influence and penetration of interest groups in Congress. Particularly the need for money and information make lobbyists indispensable to many legislators concerned with reelection and understanding complicated policy issues. In addition, elements in the economic environment of recent years have had a similar effect. Growing technology, issue complication, and potential sources of government revenue in the private sector have forced Members of Congress to climb a steep learning curve in order to understand their own jurisdiction over these matters. These combined circumstances have set the stage for increased financial contributions to candidates, policy dialogue on complicated issue agendas in Congress, and more intense and sophisticated lobbying.

Table 3.1:
2000 Leadership PACs among Members of the House Leadership
and Commerce, Education and the Workforce, and Judiciary Committees

PAC Name	Affiliate	Committee	Total	to Democrats	to Republicans
29th Congressional Dist of Calif PAC	Henry A. Waxman (D-Calif)	Judiciary	\$346,000	\$346,000	\$0
Americans for Law & Liberty	Asa Hutchinson (R-Ark)	Judiciary	\$33,500	\$0	\$33,500
Bayou Leader PAC	W. J. "Billy" Tauzin (R-La)	Commerce	\$300,704	\$0	\$300,704
Congressional Black Caucus PAC		at-large	\$32,500	\$32,500	\$0
Continue the Majority	Bill McCollum (R-Fla)	Judiciary	\$13,000	\$0	\$13,000
District 20 Florida Federal PAC	Peter Deutsch (D-Fla)	Judiciary	\$126,500	\$124,500	\$2,000
Effective Government Committee	Richard A. Gephardt (D-Mo)	Leadership	\$485,500	\$480,500	\$5,000
Evergreen Fund	David E. Bonior (D-Mich)	Leadership	\$197,877	\$196,877	\$1,000
Faith, Family & Freedom PAC	David M. McIntosh (R-Ind)	Education and the Workforce	\$22,500	\$0	\$22,500
Freedom Project	John A. Boehner (R-Ohio)	Education and the Workforce	\$537,407	\$0	\$537,407
Fund for a Responsible Future	Thomas J. Bliley Jr. (R-Va)	Commerce	\$100,000	\$0	\$98,000

Jerry's PAC	Jerrold Nadler (D-NY)	Judiciary	\$5,000	\$5,000	\$0
Keep Our Majority PAC	Dennis Hastert (R-Ill)	Leadership	\$760,005	\$0	\$755,005
Leadership Alliance	James M. Talent (R-Mo)	Commerce	-\$2,000	\$0	-\$2,000
Leadership PAC 2000	Michael G Oxley (R-Ohio)	Commerce	\$239,500	\$0	\$239,500
Liberty PAC	Ron Paul (R-Texas)	Education and the Workforce	\$7,500	\$0	\$7,500
Majority Leader's Fund	Dick Armey (R-Texas)	Leadership	\$758,077	\$1,512	\$756,565
Rely on Your Beliefs	Roy Blunt (R-Mo)	Leadership	\$211,575	-\$2,000	\$212,575
Secure America's Majority PAC	Sam Johnson (R-Texas)	Education and the Workforce	\$11,545	\$0	\$11,545
Texas Freedom Fund	Joe L. Barton (R-Texas)	Commerce	\$128,500	\$0	\$128,500
TRUST PAC	Fred Upton (R-Mich)	Commerce	\$32,500	\$0	\$32,500
William Penn Leadership Fund	James C. Greenwood (R-Pa)	Education and the Workforce	\$4,000	\$0	\$4,000
Wisconsin Leadership PAC	Tom Petri (R-Wis)	Education and the Workforce	\$132,567	\$750	\$131,817
ZackPAC	Robert Wexler (D-Fla)	Judiciary	\$63,250	\$63,250	\$0

Table 3.2
1998 PAC Contributions to Members By Committee

Commerce		Education and the Workforce		Judiciary	
BLILEY	\$714,288	GOODLING	\$91,884	HYDE	\$372,508
TAUZIN	\$619,288	PETRI	\$216,736	SENSENBRENNERS	\$153,656
OXLEY	\$483,970	ROUKEMA	\$408,636	MCCOLLUM	\$428,200
BILIRAKIS	\$292,207	BALLENGER	\$127,205	GEKAS	\$92,133
BARTON	\$666,036	BARRETT	\$68,331	COBLE	\$397,408
UPTON	\$288,596	BOEHNER	\$589,821	SMITH	\$73,725
STEARNS	\$279,458	HOEKSTRA	\$28,602	GALLEGLY	\$132,894
GILLMOR	\$267,932	MCKEON	\$191,394	CANADY	\$76,447
GREENWOOD	\$7,600	CASTLE	\$208,300	GOODLATTE	\$321,920
COX	\$348,727	JOHNSON	\$362,742	CHABOT	\$743,247
DEAL	\$255,402	TALENT	\$356,052	BARR	\$317,876
LARGENT	\$231,095	GREENWOOD	\$7,783	JENKINS	\$179,433
BURR	\$196,610	GRAHAM	\$154,214	HUTCHINSON	\$175,850
BILBRAY	\$695,647	SOUDER	\$88,194	PEASE	\$340,913
WHITFIELD	\$464,570	MCINTOSH	\$427,184	CANNON	\$258,631
GANSKE	\$430,517	NORWOOD	\$465,902	ROGAN	\$683,615
NORWOOD	\$465,902	PAUL	\$119,988	GRAHAM	\$154,214
COBURN	\$214,727	SCHAFER	\$229,158	BONO	\$414,363
LAZIO	\$713,073	UPTON	\$288,596	BACHUS	\$295,872
CUBIN	\$304,558	DEAL	\$255,402	SCARBOROUGH	\$106,289
ROGAN	\$683,615	HILLEARY	\$25,051	VITTER	\$403,400
SHIMKUS	\$518,942	EHLERS	\$116,595	CONYERS	\$155,024
WILSON	\$991,637	SALMON	\$186,739	FRANK	\$80,025
SHADEGG	\$178,051	TANCREDI	\$219,100	BERMAN	\$250,696
PICKERING	\$285,186	FLETCHER	\$405,446	BOUCHER	\$454,103
FOSSILLA	\$654,252	DEMINT	\$7,190	NADLER	\$168,900
BLUNT	\$341,782	ISAKSON	\$121,259	SCOTT	\$133,150
BRYANT	\$217,240	CLAY	\$217,785	WATT	\$406,325
EHRlich	\$312,663	MILLER	\$123,850	LOFGREN	\$312,663
DINGELL	\$870,913	KILDEE	\$375,927	JACKSON LEE	\$166,414
WAXMAN	\$111,846	MARTINEZ	\$69,550	WATERS	\$132,550
MARKEY	\$24,084	OWENS	\$108,650	MEEHAN	\$11,571
HALL	\$377,740	PAYNE	\$159,025	DELAHUNT	\$424,767
BOUCHER	\$454,103	MINK	\$94,200	WEXLER	\$175,384
TOWNS	\$350,924	ANDREWS	\$374,650	ROTHMAN	\$451,799
PALLONE	\$458,705	ROEMER	\$313,083	BALDWIN	\$315,212
BROWN	\$535,925	SCOTT	\$133,150	WEINER	\$74,050
GORDON	\$708,094	WOOSLEY	\$224,664		
DEUTSCH	\$327,655	BARCELO	\$12,750		
RUSH	\$142,058	FATTAH	\$170,100		
ESHOO	\$247,226	HINOJOSA	\$207,425		
KLINK	\$544,914	MCCARTHY	\$275,443		
STUPAK	\$451,875	TIERNEY	\$387,428		
ENGEL	\$243,650	KIND	\$343,313		
SAWYER	\$352,747	SANCHEZ	\$670,204		
WYNN	\$366,027	FORD	\$124,350		
GREEN	\$388,366	KUCINICH	\$366,678		
MCCARTHY	\$255,507	WU	\$382,274		
STRICKLAND	\$581,349	HOLT	\$98,670		
DEGETTE	\$384,287				
BARRETT	\$190,256				
LUTHER	\$336,577				
CAPPS	\$972,466				

Table 3.3
1998 PAC Contributions to the Commerce,
Education and the Workforce, and Judiciary Committees

	Commerce	Education and the Workforce	Judiciary
Committee PAC Average	\$405,511	\$227,266	\$262,853
Republican PAC Average	\$407,474	\$218,293	\$287,504
Democrat PAC Average	\$395,206	\$238,828	\$237,174
Minimum PAC Contributions	\$7,600	\$7,190	\$11,571
Maximum PAC Contributions	\$991,637	\$670,204	\$743,247
Total	\$21,086,577	\$10,908,789	\$9,462,719

Table 3.4
Legislation Bill Number and Title Studied By Committee

Committee	Bill Number	Title
Commerce Committee	H.R. 1858	Consumer and Investor Access to Information Act
	H.R. 1714	Electric Signatures in Global and National (E-SIGN) Commerce Act
	H.R. 3261	Satellite Privatization Conference Report
	H.R. 2420	Internet Freedom and Broadband Deployment Act of 1999
	H.R. 2944	Electricity Competition and Reliability Act
Judiciary Committee	H.R. 1283	Asbestos Litigation Reform
	H.R. 2121	Secret Evidence Repeal Act of 2000
	H.R. 850	Security and Freedom through Encryption (SAFE) Act
	H.R. 3709	Internet Nondiscrimination Act
Education & the Workforce Committee	H.R. 800	Education Flexibility and Partnership Act of 1999
	H.R. 1995	The Teacher Empowerment Act
	H.R. 1987	Fair Access to Indemnity and Reimbursement (FAIR) Act
	H.R. 4141	Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act
	H.R. 2434	Worker Paycheck Fairness Act

Table 3.5
Status of Legislation in the 106th Congress

Bill Number	Subcommittee Hearing	Subcommittee Markup	Committee Hearing	Full Committee Markup	Floor Action
H.R. 1858	X	X	X	X PASSED BY VOICE VOTE	
H.R. 1714	X	X	X	X	X PASSED 356-66
H.R. 3261				X	X PASSED BY VOICE VOTE
H.R. 2420					
H.R. 2944	X	X	X	X	
H.R. 1283			X	X PASSED 18-15	
H.R. 850	X	X	X	X PASSED BY VOICE VOTE	
H.R. 3709	X	X	X	X	X PASSED 352-75
H.R. 2121	X		X	X PASSED BY VOICE VOTE	
H.R. 1995			X	X	X PASSED 239-185
H.R. 1987			X	X PASSED 24-19	
H.R. 2434			X	X PASSED 25-22	
H.R. 4141				X PASSED 25-21	
H.R. 800				X	X PASSED 330-90

Table 3.6
1998 Partisan Scores of Members by Committee

Commerce		Education and the Workforce		Judiciary	
BLILEY	-96.00	GOODLING	-77.00	HYDE	-77.00
TAUZIN	-95.00	PETRI	-68.00	SENSENBRENNER	-82.00
OXLEY	-91.00	ROUKEMA	-27.00	MCCOLLUM	-94.00
BILIRAKIS	-68.00	BALLENGER	-79.00	GEKAS	-95.00
BARTON	-81.00	BARRETT	-74.00	COBLE	-83.00
UPTON	-67.00	BOEHNER	-82.00	SMITH	-100.00
STEARNS	-62.00	HOEKSTRA	-83.00	GALLEGLY	-58.00
GILLMOR	-73.00	MCKEON	-91.00	CANADY	-79.00
GREENWOOD	-6.00	CASTLE	-17.00	GOODLATTE	-95.00
COX	-75.00	JOHNSON	-88.00	CHABOT	-73.00
DEAL	-74.00	TALENT	-77.00	BARR	-57.00
LARGENT	-72.00	GREENWOOD	-6.00	JENKINS	-74.00
BURR	-79.00	GRAHAM	-30.00	HUTCHINSON	-84.00
BILBRAY	-18.00	SOUDER	-75.00	PEASE	-80.00
WHITFIELD	-90.00	MCINTOSH	-79.00	CANNON	-90.00
GANSKE	-10.00	NORWOOD	-61.00	ROGAN	-70.00
NORWOOD	-61.00	PAUL	-50.00	GRAHAM	-56.00
COBURN	-57.00	SCHAFER	-65.00	BONO	-78.00
LAZIO	-36.00	UPTON	-67.00	BACHUS	-78.00
CUBIN	-86.00	DEAL	-74.00	SCARBOROUGH	-63.00
ROGAN	-53.00	HILLEARY	-68.00	VITTER	-83.00
SHIMKUS	-81.00	EHLERS	-76.00	CONYERS	80.00
WILSON	-73.00	SALMON	-78.00	FRANK	67.00
SHADEGG	-79.00	TANCREDI	-78.00	BERMAN	59.00
PICKERING	-88.00	FLETCHER	-96.00	BOUCHER	35.00
FOSELLA	-76.00	DEMINT	-92.00	NADLER	76.00
BLUNT	-86.00	ISAKSON	-81.00	SCOTT	62.00
BRYANT	-87.00	CLAY	78.00	WATT	72.00
EHRlich	-63.00	MILLER	96.00	LOFGREN	48.00
DINGELL	56.00	KILDEE	70.00	JACKSON LEE	56.00
WAXMAN	78.00	MARTINEZ	63.00	WATERS	81.00
MARKEY	84.00	OWENS	79.00	MEEHAN	69.00
HALL	-51.00	PAYNE	79.00	DELAHUNT	72.00
BOUCHER	22.00	MINK	67.00	WEXLER	82.00
TOWNS	67.00	ANDREWS	70.00	ROTHMAN	71.00
PALLONE	71.00	ROEMER	20.00	BALDWIN	86.00
BROWN	100.00	SCOTT	62.00	WEINER	76.00
GORDON	-1.00	WOOSLEY	83.00		
DEUTSCH	55.00	BARCELO	100.00		
RUSH	77.00	FATTAH	71.00		
ESHOO	67.00	HINOJOSA	60.00		
KLINK	65.00	MCCARTHY	46.00		
STUPAK	69.00	TIERNEY	88.00		
ENGEL	71.00	KIND	46.00		
SAWYER	76.00	SANCHEZ	59.00		
WYNN	78.00	FORD	60.00		
GREEN	46.00	KUCINICH	78.00		
MCCARTHY	51.00	WU	76.00		
STRICKLAND	65.00	HOLT	71.00		
DEGETTE	76.00				
BARRETT	88.00				
LUTHER	73.00				
CAPPS	56.00				

Note: calculated by averaging ADA and CCUS interest group rating scores for members from the 105th Congress, or, for freshmen in the 106th, scores for the first session. -100 = most conservative and +100 equals most liberal.

Table 3.7
Corporations/PACs with Representatives Testifying on Specific Issues
Education and the Workforce Committee, 106th Congress

Minneapolis PTA Charter Friends National Network Association of American Educators Teach For America California Business for Education Excellence American Association for the Advancement of Science Association for Education of Teachers of Science National Association for the Education of Homeless Children and Youth National Environmental Education and Training Foundation Maryland Environmental Business Alliance Children and Adults with Attention- Deficit/Hyperactivity Disorder Home School Legal Defense Association	Intel Corporation Apple Computer, Inc. Empower America Fabrizio, McLaughlin, & Associates U.S. Chamber of Commerce (2) Society for Human Resource Management United Food and Commercial Workers International Union, AFL-CIO Association of Private Pension and Welfare Plans (APPWP) GTE Corporation LPA, Public Policy Association of Senior Human Resource Executives Information Technology Association of America (ITAA) Xerox Corporation
--	--

Table 3.8
Corporations/PACs with Representatives Testifying on Specific Issues
Judiciary Committee, 106th Congress

<p>Internet Corporation for Assigned Names and Numbers (ICANN) Network Solutions, Inc. (NSI) Intellectual Property Constituency of the Domain Name Supporting Organization of ICANN Internet Council of Registrars (CORE) Copyright Coalition on Domain Names American Intellectual Property Law Association (AIPLA) International Trademark Association (INTA) Hewlett-Packard Company National Association of Manufacturers National Consumer Law Center TRUST-e (2) Entertainment Software Ratings Board Privacy Online Association for Competitive Technology Motion Picture Association of America The Copyright Assembly Office of the Commissioner of Baseball Digital Media Association iCraveTV.com Intervox Communication Recording Industry Association of America, Inc. National Association of Broadcasters American Society of Composers, Authors, and Publishers RadioAMP.com WWW.com American Bar Association American Intellectual Property Law Association (AIPLA) (2) Information Technology Association of America (ITAA) Business Software Alliance (2) America Online, Inc. (2) Online Privacy Alliance Electronic Privacy Information Center Direct Marketing Association, Inc. Adobe Systems, Inc.</p>	<p>Software & Information Industry Association (SIIA) 2 The National Association of Realtors Micromedex, Inc. Doane Agricultural Services Company Data & Communications Security, Sybase, Inc. Privada Americans for Tax Reform American for Computer Privacy Electronic Industries Alliance Verizon Communications iAdvance Prism Communications Services, Inc. National Association of Regulatory Utility Commissioners The Walt Disney Company EarthLink, Inc. The openNET Coalition AT&T (2) Sanford C. Bernstein & Co. National Cable Television Association American Civil Liberties Union American Jewish Committee Anti-Defamation League Terrorism Newswire The Civil Rights Project Association of Trial Lawyers of America GAF Corporation Owens Corning U.S. Chamber of Commerce AFL-CIO Miller, Canfield, Paddock and Stone, P.L.C. GTE Corporation Legg Mason Precursor Group MCI WorldCom Time Warner, Inc. Association for Local Telecommunications Services Sanford C. Bernstein & Co., Inc. Consumers Union</p>
--	---

Table 3.9
Corporations/PACs with Representatives Testifying on Specific Issues
Commerce Committee, 106th Congress

<p>The Walt Disney Company Circuit City Stores Wink iCast Shore.Net Darby Associates, Communications Consultants Cincinnati Telephone Company/Broadwing CenturyTel Pac-West Telecommunications Americans for Computer Privacy Network Associates CyberSource Corp. Global Integrity Corp. Baltimore Technologies V-One Corp American Online, Incorporated (2) Time Warner Incorporated Securities and Exchange Commission The Nasdaq Stock Market, Inc. The Bond Market Association Oracle Corporation Utility Consumers' Action Network Independent Energy Producers Solar Turbines Incorporated Reliant Energy Enron Corporation VoiceStream Communications Workers of America Swidler Berlin Shereef Friedman, LLP U.S. Chamber of Commerce SBC Communications (4) Verizon Communications (2) Rainier Group Covad Communications ICG AT&T (2) Joel Popkin & Co. Zenith Electronics Corporation Sinclair Broadcasting Group LIN Television Corporation Cable TV Laboratories NxtWave Communications Viacel</p>	<p>Internet Corporation for Assigned Names and Numbers (2) Network Solutions Incorporated Domain Name Rights Coalition Consumer Project on Technology Common Carrier Bureau Bell Atlantic (2) Paine Webber On Ramp Access Incorporated Focal Communications Virginia Thoroughbred Association The National Collegiate Athletic Association Traditional Values Coalition Covington and Burling Ford Motor Credit American Association of Retired Persons InfoCision Management Corporation iAdvance The Legg Mason Precursor Group Association for Local Telecommunications Services Alliance for Public Technology USTA PSINet Netcom Competitive Telecommunications Association Westfield America Americans for Tax Reform Information Technology Association of America Cornerstone Television National Religious Broadcasters American Family Association Birch Telecom RMI.NET McLeodUSA Teligent Teledesic NORTEL Networks Pseudo Programs EMusic.com Tekamah Corporation American Telemedicine Association Association of Imaging and Sound Technology</p>
--	--

Table 3.9 continued...

<p> Precursor Group Leap Communications International Mass Corporation for Educational Telecommunications iHighway.net Inc. Sidley & Austin Morrison & Foerster Direct Marketing Association Alladvantage.com Cellular Telecommunications Industry Multistate Tax Commission National Translators Association National Association of Broadcasting Bonneville International Corporation Jackson Telecom Consulting Amherst Alliance Motion Picture Association of America Granite Broadcasting Corporation LIN Television LAUNCH Media RealNetworks iCraveTV.com New Century Energies North American Electric Reliability Council American Public Power Association Edison Electric Institute Electric Power Supply Association National Rural Electric Cooperative Association American Association of Retired People Americans for Affordable Electricity Consumer Federation of America Consumers for Fair Competition Regulatory Assistance Project Public Citizen Trigen Energy Corporation Bracewell and Patterson LLP Cox Enterprises </p>	<p> Charles River Associates News Corporation Network Affiliated Stations Alliance Benedict Broadcasting Association of Local Television Stations Newspaper Association of America Tribune Publishing TRUSTe PrivaSeek Direct Marketing Association Midwest Energy, Inc. 1st Rochdale Cooperative NYC Charles Schwab & Co., Inc. DLJ Direct, Inc. Quick & Reilly/Fleet Securities, Inc. Computer & Communications Industry Association MCI Worldcom Doan Agricultural Services Corporation USADemocracy.com Yahoo! Inc. Stamps.com IriScan, Inc. Capital One East Coast Power Trigen Energy Corporation Union Pacific Resources Energy Marketing Inc. Clean Air Task Force Amerem Corporation Commonwealth Edison First Energy North American Electric Reliability Council American Superconductor Corporation Distributed Utility Associates Nashville Electric Service Sprint Time Warner Cable </p>
---	--

Table 3.10
Non-Government Witnesses Testifying
Before Committee on Specific Issues, 106th Congress

Judiciary Committee		
Group	Number	Percent
Individuals	7	7.3
Academic Institutions	13	13.5
Corporations /PACs	76	79.2
Education and the Workforce Committee		
Individuals	53	51.4
Academic Institutions	24	23.3
Corporations /PACs	26	25.2
Commerce Committee		
Individuals	6	3.1
Academic Institutions	11	5.8
Corporations /PACs	174	91.1

Note: Figures calculated by the author from committee transcripts of the 106th Congress. Since each committee relies on federal and state government witnesses, I exclude them here to capture a better look at other kinds of witnesses.

Endnotes

1. From personal interview the author with this staff member.
2. From a personal interview the author conducted with this Member of Congress.
3. Ibid.
4. *Influence, Inc.: Lobbyists Spending in Washington* (1999 Edition) from the Center for Responsive Politics. Available at: <http://www.opensecrets.org>
5. Ibid.
6. Ibid.
7. Gregory S. Thielemann (1992) argues that intraparty competition in the South would greatly advantage the Republican Party by forcing it to develop after decades of stagnation at the local level. He notes that intraparty competition is linked to positive increases in party registration and message development.
8. In one of the earliest studies of the impact of campaign finance reform on electoral competitiveness, Silberman and Yochum (1978) argue that short-term incumbents benefit least from increased spending, long-term incumbents benefit more, and challengers benefit most from more campaign spending. Grier (1989) finds that the marginal returns on increased spending do diminish over time and are not the same for incumbents as they are for challengers. Regens and Gaddie (1995) note that if this is the case, lawmakers responding to the push for reform, could benefit by setting low campaign spending limits at a point which benefits them by preempting potential challenger benefits from increased spending.
9. Schlesinger, Robert. "Study: Pols Increase Support for Colleagues Up 75 Percent."

The Hill. March 25, 1998.

10. Schlesinger, Robert and Alysson Ford. "PACs Pave the Way for Future Chairs." *The Hill*. June 30, 1999.

11. *Influence, Inc.: Lobbyists Spending in Washington* (1999 Edition) from the Center for Responsive Politics. Available at: <http://www.wopensecrets.org>

12. Ibid.

13. From personal interview conducted by the author with this lobbyist.

14. The Senate Office of Public Records and the Legislative Resource Center (LRC) in the House regularly update registered PACs and lobbyists on Capitol Hill.

15. From personal interview conducted by the author with a top business lobbyist.

16. From personal interview conducted by the author.

17. Ibid.

18. Ibid.

19. From personal interviews conducted by the author.

20. Ibid.

21. Ibid.

22. Ibid.

23. From an interview conducted by the author with this lobbyist.

24. Ibid.

25. From an interview conducted by the author with this congressional staff member.

26. From an interview conducted by the author with this Member of Congress.

27. From an interview conducted by the author with this lobbyist.

28. Ultimately, the Steering Committee did arrive at a solution given the extremely

difficult and delicate circumstances. Tauzin received the chairmanship of a slightly diluted Commerce Committee, entitled the Energy and Commerce Committee for the 107th Congress. Oxley took his expertise in banking and financial services with him to lead the new Financial Services Committee, which replaced the Banking Committee of the 106th Congress whose chairman, Jim Leach (R-IA) was bound to depart. The solution meant that some of the old Commerce Committee's jurisdiction would be ceded to the newly formed Financial Services Committee, but it pleased most within the commerce community. An unintended side effect of the race for the chairmanship was that the natural successor to the Chair of the Banking/Financial Services Committee, Congresswoman Marge Roukema (R-NJ), who came to Congress the year before Oxley, was overlooked to make room for Oxley. Accordingly, a handful of other banking/financial services subcommittee chair aspirants were likewise prevented from rising in the ranks since Roukema was stymied. This approach to choosing committee chairs greatly differed from the Democrats' approach dating from midcentury through the 1980s in which member seniority and committee tenure were the key criteria (Peters 1997).

29. From an interview conducted by the author with this Member of Congress.

30. From an interview conducted by the author with this Member of Congress.

31. From an interview conducted by the author with this staff member.

32. Ibid.

33. Ibid.

34. Ibid.

35. Ibid.

36. Ibid.

37. Ibid.

Chapter 4: When Lobbying Works

“People around here do trade their votes for money, but I never see it. Those are the things no other Member ever witnesses but happens. It’s unfortunately a side-effect of a system which allows for influence and representation. But overall I don’t believe it largely affects the democratic health.”¹ Senior Republican Member of Congress

Introduction

Personal lobbying and campaign contributions affect the way members behave in congressional policymaking. This chapter employs a quantitative approach to complement the previous chapter’s use of qualitative data to test the theory interest groups affect a policy agendas by influencing the behavior of Members of Congress. Findings indicate that on seven policy bills before the Commerce, Judiciary, and Education and the Workforce Committees, the behavior of Members of Congress was significantly affected by lobbyists’ personal contact with members and their staff as well as by PAC contributions to their re-election campaigns.

These influences are the hallmark of groups who seek to enlist legislative proxies to act on their behalf in congressional policymaking. Complemented with elite interviews and personal observation, these statistical findings support the theory that groups’ highest goals are to influence member behavior and that they sometimes succeed. The maximum likelihood estimator models use ordered probit analysis on 14 bills in the 106th Congress with member behavior as a dependent variable with the following seven independent variables: district interest, member electoral insecurity, member issue interest, member partisan score, PAC dollars on specific bills, ratio of PAC dollars on specific bills to total

PAC dollars, and personal lobbying efforts mounted by interest groups and lobbyists to contact Members of Congress and their staffs. Each model revealed a highly statistically significant model fit with a mixture of the dependent variables being statistically significant in each case – i.e., influencing member behavior on that bill. On each of these bills, either lobby efforts or PAC money explained a substantial amount of the variance in the dependent variable. (Appendix A explains the data collection and Appendix D defends the use of ordered probit analysis for this study.)

When Members Participate

What makes a Member of Congress get involved with a specific issue before a committee, and are lobbyists successful in prodding members to get involved to push or block a bill? Some members report they participate due to conviction to a certain public policy. Others do so at the behest of constituents. It seems each member has his or her own reasons on each bill. Interviews and personal observation revealed that one rule seems to hold true: participation is as idiosyncratic as each member is.

One anecdotal case highlights the multiple – and sometimes unarticulated – reasons members get involved in the policy process, including a sense that action will attract interest group attention and be helpful to an industry in the future.² In the summer of 2000, one junior member's thoughts were disjointed because he was in the midst of making a difficult decision about whether to participate in a legislative decision in the Commerce Committee. A senior congressman offered a bill regarding financial services, and another leading member of the Commerce Committee asked this junior member to

offer an amendment from the committee staff that would be beneficial to the trade and commodity markets in the same state – but not the district – this junior member served. Asked to do this the day Dick Cheney was announced as the Vice Presidential candidate in the summer of 2000, this Republican member was busy doing phone interviews with the media back home. Talking on the phone, his eyes were darting around the room, and he was making lists of things he needed to do next. In this hectic setting, he did not understand the particulars of the amendment and had a growing awareness of the overall legislation itself. He did know that an influential member asked him to do it, and that meant a lot to him. Meanwhile, the retiring senior congressman who sponsored the bill was back in his home state.

The junior member brought along two staff members to the park to discuss the issue as he waited in the early evening for the typical late night appropriations votes of summer – occurrences more and more frequent in recent years. He asked his young staff (in their early 20s) what the amendment would do, and they provided vague answers. He asked: “Why should I do this?” He asked again, and they tried again. He was displeased with their summaries but not upset. He would let them talk with the more expert committee staff about it and summarize it to him later. From what the leading committee member told him, he did know that it was good for his state and that it would mean he was “a player later on at the table, someone whom the Chairman would have to invite in on discussions if this bill moves this year.”

After the two staff members left, he turned and said: “I should do this because it’s good for [my state], good for me to be involved, and will keep me in the room when the

bill goes farther. But I'll do this only if my friend agrees I can amend his bill this way."

Then he called the senior congressman at home from his cell phone in the park. He asked him how he was feeling, apologized for the intrusion, and then asked him: in his absence, would the sponsor mind if he offered a friendly amendment to the bill? What would it do? "Well, it would benefit the trade and commodities markets [back home]," and he launched into a 15 second summary of it. "Well, I'm not sure of the particulars, but it's a good thing, and [Member X] wants it and he is shopping around for someone to be involved. Do you mind if I do it?" He shook his head and hung up. Having gotten approval, he calls his staff and asks: "Do I have Democratic cover on this? Will anyone support this so I'm not blind-sided in committee tomorrow morning? I'm not real familiar with what this does, but so long as nobody objects, I will be a player on this bill by doing this. By tomorrow morning I'll understand this as best as possible and finalize then." His admission was frank. He then tells his staff it's a go, asks them to do the necessary research and then hangs up. The next morning he will offer this substantial amendment to a bill before the Commerce Committee.

Soon afterward, a House colleague on the Committee approaches him in the park and asks how he is doing. He mentions his proposed amendment, tries briefly to explain it, and then gives up somewhat embarrassed by the lack of technical detail but looking for approval from his party colleague, who looks at him and says: "I hope you're right that the Democrats support you, because if they question it, and it becomes controversial, then I'll have to figure out what this means." The member continues to look confused by his explanation, and both express hope that it is a noncontroversial issue. Later, the member

planning to introduce the amendment admits: “I came here three years ago, and I didn’t know much of anything about this place. I was a county [official], and now I need to know a lot about complicated issues before the Commerce Committee.”

This is just one example of how and why members get involved in the technical issues of the top policy committees in Congress like the Commerce Committee. Many members recognize the sheer political value of being appointed to this highly-selective committee as it draws among the highest of all committees PAC money to its members and provides the widest jurisdiction of policy interests possible of any committee in Congress. Sometimes confused by the technical issues before the Committee, members rely on instinct, political intuition, cues from senior members on the panel who know the details of issues, and direction from “industry,” often a euphemism for interest groups and lobbyists, as the member confides he often does.

Members of Congress also turn to experts – industry lobbyists who wield awesome power within the relatively small but growing policy community of the Commerce Committee. Speaking of the Commerce Committee and the burgeoning high-technology issues it faces, one Senior Democrat on the panel flatly states: “We don’t understand computers. We oughtta hold off for six months and hold a school for members to learn how to hit the start button...If we can’t understand ‘em [computers], how do we do anything in Congress related to them?”³ Despite this obvious concern for the lack of expertise among Members of Congress pulled in so many policy directions, he concludes:

I’m not real worried about the expertise thing. Yeah, members are generally out of it on those high tech votes. I’d say only about 5 members really know what’s

going on in Committee. But I've got 18 people who are smart young minds trying to figure this stuff out – Ph.D.s, J.D.s. They bone up on this stuff ahead of time. And usually there is at least a week's notice or 2-3 days' notice on a vote. So they bone me up on it as soon as possible, and I vote. The thing I worry about is that a year from now it shows I didn't know what I was doing and voted wrong. But those are the vicissitudes of holding office. There is money around here, but that's the way this place works. Lobbyists give me the information I need, and I balance opposing views – they play a real role in the process.

Another member agrees, "I'd like to have a more charitable view of the committee than the idea that just 5 [members] have a clue on any one given issue, but I'm not so sure."⁴

When Influence Works

Seven policy bills demonstrated that lobby influence and PAC money influence played statistically significant roles in members' behavior in the policymaking process. On four bills before the Commerce Committee, one before the Judiciary, and two before the Education and the Workforce Committee, sometimes the only significant factors influencing member behavior were personal lobby contacts and PAC influences, occasionally accompanied by one or more of the other variables in the ordered probit models. In each of these cases, the significance of the model fit was better than 0.01, with one bill significant at the 0.1 level. As Tables 4.3–4.9 below demonstrate, Nagelkerke pseudo R^2 for these models ranged from .267 to .614, indicating relatively robust explanations of the variance in member behavior. The bills on which member behavior

was significantly influenced in the models by lobby variables are: 1) H.R. 1858 Consumer and Investor Access to Information Act; 2) H.R. 1714 Electric Signatures in Global and National (E-SIGN) Commerce Act; 3) H.R. 2420 Internet Freedom and Broadband Deployment Act of 1999; 4) H.R. 2944 Electricity Competition and Reliability Act; 5) H.R. 3709 Internet Nondiscrimination Act; 6) H.R. 800 Education Flexibility and Partnership Act of 1999; and 7) H.R. 1995 The Teacher Empowerment Act. A brief discussion of each bill follows below.

The Legislation of Influence

The legislation on which lobbying was successful in this examination involved a variety of topics, members, and interest groups over the course of the 106th Congress. Not all the legislation became law, passed the Senate, passed the House, or even left the committee in which it originated. In fact, the ultimate success of each bill is a relatively irrelevant issue because it is the influence of member behavior at the beginning of the policy process which is of concern. Regardless of the ultimate success of the legislation, each of these bills represented a significant policy dialogue among Members of Congress, professional staff, and interested lobbyists during prolonged periods of the 106th Congress. Demonstrating the lasting power of these bills, on several of those which did not become law, influential members vowed to take them up again in the 107th Congress – regardless of who they believed would be in majority control. Brief descriptions of each bill below, sometimes augmented with reflections by Members of Congress who shared their views of the political environment surrounding each issue, illuminate the richness of each as

appropriate data for the study of interest group influence.

Consumer and Investor Access to Information Act (H.R. 1858)

Chairman Tom Bliley (R-VA) introduced bipartisan legislation in 1999 to ensure that consumers have full access to information available on the Internet. The legislation prevents the distribution of pirated databases, which some industries report threatens their investment in creating new databases. The legislation ensures consumers' abilities to reuse information to create a new database with others' information for other purposes. As more consumers use the Internet to make investment decisions, among others, this bill's proponents argue that safeguards must be enacted to ensure that there are as few disruptions as possible in this growing marketplace. The legislation also supports educational endeavors where accurate information is paramount to learning, teaching, and research. H.R. 1858 was reported by the full Commerce Committee to the floor of the House of Representatives where it received no action at the end of the first session of the 106th Congress. Subject to a vigorous policy debate about the ownership of data, its use by others, and a jurisdictional claims from the Judiciary Committee, H.R. 1858 in the 106th Congress likely laid the groundwork for future debate on consumer rights to information.

Electric Signatures in Global and National (E-SIGN) Commerce Act (H.R. 1714)

The recent growth of electronic commerce over the Internet has given rise to new forms of business transactions. Electronic signatures can facilitate legally binding, secure electronic commerce transactions which require the identification and authentication of

parties. Several technologies can formulate an electronic signature, but the most popular is known as the digital signature, which uses personal identification techniques in data coding to identify individuals. Most states have enacted laws recognizing electronic signatures, but none have identical laws. Chairman Tom Bliley (R-VA) sponsored H.R. 1714 to provide that any contract or agreement entered into or affecting interstate or foreign commerce shall be given legal effect under the ordinary rules of state contract law. States have four years to modify their laws to conform with minimum standards in the bill. H.R. 1714, suspected to enjoy wide support from both parties, was placed on the suspension calendar, which requires 2/3 passage for expedited matters. It failed to garner that level of support with a 234-122 vote. It later passed the House 356-66 on November 9, 1999 but received no action in the Senate. With the growing number of transactions over the Internet, legislation of this nature is likely to reappear on the congressional agenda in the 107th Congress as businesses continue to argue for uniform standards on electronic signatures.

The Broadband Deployment Act (H.R.2420)

Under the Telecommunications Act of 1996, local telephone monopolies (such as Southwestern Bell and Verizon, known as the “Baby Bells”) must open their transmission lines to competitive voice and data providers who want to offer Internet services to consumers. According to the Act, once the local telephone lines are opened, the local telephone service providers can offer both long-distance telephone and full Internet service

– as competitors among many. In order to promote maximum competition, the Act stipulates that as long as local telephone companies do not fully open their lines to Internet providers, any Internet service they offer must rely on other companies to help transfer the data.

H.R. 2420, known as the Tauzin-Dingell bill, named for sponsors Billy Tauzin (R-LA) and Congressman John Dingell (D-MI), removes restrictions on local telephone companies so they may transfer Internet data alone without the requirement of partnerships with outside providers. This legislation has been opposed by a powerful coalition of long distance carriers, cable companies, and the competitive Internet start-up companies who lease local telephone lines and who currently profit from the Baby Bells' inability to market their own Internet access. These groups argue that once local providers provide full Internet services without opening their local services there will be no incentive for those local providers to open their networks to competition. The bill spurred a furious debate of telecommunications services delivery among competing industries eager to profit from explosive growth in home Internet usage. While Tauzin and his allies garnered over 230 cosponsors at one point, his bill never received the support of the committee chairman or Republican leadership and was not discharged from the Commerce Committee. Since Tauzin became chairman of the full Energy and Commerce Committee in the 107th Congress, the issue is likely to return to the congressional agenda as well.

Electricity Competition and Reliability (H.R. 2944)

Congressman Joe Barton (R-TX), chairman of the Commerce Subcommittee on Energy and Power in the 106th Congress, sponsored H.R. 2944 to promote competition in electricity markets and to provide consumers with a greater amount and more reliability of continuous electrical services. Congressman Barton's bill, heavily lobbied by informal coalitions of energy companies competing for transmission capabilities, would encourage the expansion of transmission networks by requiring consideration of cost and benefit of new transmission in cost-based ratemaking and would promote voluntary innovative pricing policies, such as incentive rates for usage by customers. In addition, the bill gives the federal government regulatory authority to permit negotiated rates between buyers and sellers and allows for market-based rates if federal investigation finds that effective competition is in place for consumers. Essentially, the bill's intent is to allow electric companies flexibility to develop a market-driven resolution to contentious transmission issues while protecting consumers by allowing negotiated rates and fostering greater competition to lower electricity costs. One informal coalition, composed of CMS/Consumers Energy, Detroit Edison Company, Duke Energy, FirstEnergy Corp, Northern States Power Company, and Public Service Electric and Gas Company, which together own one-fifth of all transmission in the country, lobbied Commerce members heavily for this bill in order to gain some of the operating flexibility they seek to deliver their power. The bill passed Barton's subcommittee 17-11 October 28, 1999 but did not leave the full Commerce Committee. It was also bogged down by multiple referrals to three other committees simultaneously, reflecting the complexity and breadth of issues

involved in electricity reform.

A senior Democrat on the Commerce Committee highlights the swirling lobby atmosphere surrounding H.R. 2944 and his own vague understanding of the bill, relating the following account:

Some lobbyists came to see me the other day about an electricity deregulation issue. They pitched it to me in their favor, of course. But I asked them who was against this, and they named a good 19-year long lobbying friend of mine who I hadn't heard on the issue. My lobbyist friend hadn't told me about this particular vote in Commerce, and I wondered why. I agreed with these new guys I didn't know, and who I'm sure never gave me a dime. But that put me against my friend who has been a supporter. That was a difficult situation. Well, I lucked out and didn't have to take a stand because it was settled by voice vote in committee. See, my friend is smart and knew all along he didn't have to bother me because it would be settled by voice vote. I'm not sure what I would have done if I had to take a stand.⁵

Internet Nondiscrimination Act of 2000 (H.R. 3709)

Congressman Christopher Cox (R-CA), the Republican Policy Chairman, the fifth-ranking leadership position of the conference in the 106th Congress, sponsored this legislation to extend for five years a moratorium (imposed by the Internet Tax Freedom Act of 1998 which expires at the end of 2001) on the ability of state and local government

to tax Internet transactions. The legislation frustrates states and local governments from tapping into lucrative revenues on the sale of products over the Internet and plays in favor of the interest of e-tailers (retail sales companies using the Internet to sell their products), who have heavily lobbied the Republican party to protect their interests. They argue that taxing the Internet will harm their sales and hurt the overall economy while pitching the ideological argument that taxes inherently harm the environment for unfettered free market capitalism. This legislation draws the opposition of traditional brick-and-mortar sales companies whose growth has been harmed by phenomenal Internet sales growth. These companies argue that a level playing field must mean that all retail sales are taxed to protect their businesses. The debate was an extremely contentious one among members of both parties in the Commerce and Judiciary Committees as well as in the House overall.

Speaking about H.R. 3709, one Republican member vehemently argues that now is the most important time for the Republicans to be in charge of the Congress to prevent the Democrats from interfering with “new economy” issues such as Internet sales. Taxation and budget issues are so important that a Democratic Congress would greatly interfere with the strength and innovation of these new start-up companies, he argues. As a member of the Ways and Means Committee, he watches how the Commerce Committee and Judiciary Committee approach the policy-making aspects of these issues and almost exudes an aura that if they screw things up too badly, his own committee really has the final say on any taxation matters and will set it right – meaning a Republican no taxation approach.

With strong interests in Internet and telecommunications issues before the

Judiciary and Commerce Committees, this member flatly argues for H.R. 3709:

Do you know what these brick and mortar retail stores are? They're the caboose!

Do you know why trains used to need a caboose? Because the old trains that ran on coal would often have sparks that could light the train on fire! The caboose was meant to be a fail-safe so someone could sit at the back of the train and watch for fires and put them out if necessary. But new electric trains made the caboose obsolete. No risk of fire – no caboose. Now the brick and mortar retailers and local municipalities are facing the fate of the caboose. Within a few years they suddenly find themselves being outperformed by Internet sales companies. And they blame the tax code on it. So, they make this equity argument that since they are taxed, why shouldn't everyone? I argue just the opposite: since Internet sales are not taxed, why should brick and mortar businesses' [sales be taxed]? But instead of coming in here and asking us to push for sales tax repeals in the states, they ask us to impose more taxes on this new growing sector of the economy.

Wrong approach....As a member of the Ways and Means Committee, I don't have to understand the intricacies of the Internet, telecomm, or computer issues. What I do need to do is grasp how these industries are affecting revenue for the federal government. And although we do not tax Internet sales, the industry still brings in great federal revenue because of the jobs they create and the personal wealth people are gaining from it. That translates into income tax and other revenue.

Why tax the exchange of goods and services if we are still making money?⁶

One Democrat on the Transportation Committee opposed to H.R. 3709 looks to

the Internet and telecommunications industries as a means for tapping additional federal revenues for new programs, including those projects on his committee. He is an ardent and proud liberal who believes that Republicans are paying back political favors to their natural constituency – high-tech companies – and so naturally would not want to expand taxation to Internet sales. He claims that if the Democrats take charge of the 107th House, they will bring equity among retailers by implementing Internet sales taxes. In addition to tapping new sources of revenue through Internet sales, this member also believes Democrats are standing up to protect states and local municipalities so that they continue to have general sources of revenue streams while Republicans have hurt states and local governments by hindering their ability to collect revenue. He sees the irony in the Republican rhetoric that they want to empower states and local communities but prevent them from finding the revenue to become empowered by blocking the imposition taxes on Internet sales within their jurisdictions.⁷

Another Senior Republican on the Budget Committee argues that his goal is to prevent Democrats from tapping into the “cash cow” of the Internet sales by allowing taxation of e-commerce. His fascination with the Internet is apparent: “Isn’t the Internet great?! I can sit here in my Washington, DC office and listen to my favorite hometown rock station.”⁸ He adds that he would want to do nothing to harm the ingenuity and creativity of the Internet that has dramatically changed personal and professional lives in the past few years. He strongly supports H.R. 3709. This legislation passed the Commerce Committee by a bipartisan vote of 29-8 on May 4, 2000 and passed the House six days later by a vote of 352-75. The Senate did not consider the legislation. Given the

fact that the original moratorium expires at the end of 2001, Republicans promised swift action in the first session of the 107th Congress.

Education Flexibility Partnership Act (H.R. 800)

This bill expands to all 50 states the “Ed-Flex” demonstration program, which was limited to 12 states when originally begun in 1994. The Ed-Flex program, created in Educate America Act (P.L. 103-227), gives states, in exchange for increased accountability for results, the authority to waive certain federal statutory and regulatory requirements. The bill makes the Ed-Flex demonstration a nationwide, stand-alone program. To qualify for Ed-Flex waivers, states must: 1) have approved challenging educational content standards and performance measures; and 2) hold local educational agencies (LEAs) accountable for meeting the educational goals submitted in their applications for waivers. In addition, states must waive their own education regulations. The waiver authority will not apply to federal health, safety, or civil rights rules, nor will it apply to the Individuals with Disabilities Education Act (IDEA). The House passed H.R. 800 by a vote of 330-90 on March 11, 1999; the Senate passed a companion measure (S. 280) by a vote of 98-1 the same day. On April 21, 1999, the House adopted the conference report by a vote of 368-57, and the Senate adopted it by a vote of 98-1. President Clinton signed the bill into law (P.L. 106-25) on April 29, 1999.

Teacher Empowerment Act (H.R. 1995)

Passing the House by a vote of 239-185 on July 20, 1999, this legislation amends Title II of the Elementary and Secondary Education Act (ESEA) of 1965. It creates a block grant that consolidates several federal education programs, including the Eisenhower Professional Development program, the Goals 2000 program, and the president's class-size reduction initiative to hire 100,000 new teachers. The block grant is designed to empower states and local education associations (LEAs) to choose which of these programs is most effective for them and pursue them with federal revenue but remain accountable to federal standards of achievement. The bill also extends the authorization of other programs, including the Reading Excellence Act through FY 2004. The legislation did not receive action in the Senate in the 106th Congress and will likely be a major part of the education agenda in the 107th Congress under the direction of the new committee chairman, Congressman John Boehner (R-OH) in a bipartisan effort with House and Senate Democrats.

Findings

The findings from these policy bills reveals when and how lobbying works regarding member behavior on this legislation. In order for lobbying to be successful, qualitative data instructs that several conditions must exist. First, member circumstances, including the members' interests and district interests, are favorable to be influenced. Second, policy circumstances are favorable to being lobbied, indicating that the issue is on

which captures members' attention and requires outside input. Third, lobbyists are successful in making strategic decisions (as discussed in chapter 2) to maximize member and issue circumstances to their advantage. Each of these policy bills demonstrate that these conditions were present in these circumstances and a more broad discussion of those circumstances follows the findings below.

Analysis of these models indicates the following ten findings which help to reveal the power and circumstances under which lobbying becomes successful. Three general findings provide the broad framework about the role of member behavior in light of the variables included in the models. First, a combination of diverse variables affects member behavior on policy bills. Each of the dependent variables in the models became statistically significant at the 0.10 level or higher, indicating that variables ranging from district influence to electoral insecurity to lobby variables each played substantive roles in members' decisions on their behavior in this legislation. Second, lobby activity (measured through the personal contact variable and the two PAC money variables) influenced member behavior, but not always. As with personal interview and observation data, quantitative analysis reveals that of the fourteen policy bills studied, half of them demonstrated the influence of lobbying on member behavior. (Chapter 5 explores when lobbying fails to effect member behavior.) On issues which groups choose to heavily lobby, they were successful in affecting member behavior about half the time (seven of fourteen bills in this study). That is, lobbying does not always work to affect member behavior, though it may have other positive effects not measured by the models.

Third, personal lobby contact is highly effective in influencing member behavior.

On five of seven bills in which lobbying worked, the findings indicate that personal lobbying worked alone or in conjunction with PAC contributions. Only in two of these seven cases did PAC money alone influence member behavior. The five bills in which personal contact worked are: H.R. 800, $B=0.574$, yielding a significance of 0.026; H.R. 1995, $B=0.470$, yielding a significance of 0.096; H.R. 1858, $B=0.520$, yielding a significance of 0.038; H.R. 3709, $B=1.758$, yielding a significance of 0.002. For these four bills, the findings indicate that personal lobby activity influenced members to behave to advance the legislation in subcommittee and committee level. For one bill, H.R. 2420, $B=-0.509$, yielding a marginal significance of 0.105. This finding indicates that personal lobby contact was marginally effective in persuading members to move against H.R. 2420. Given the fierce battle over the Broadband Deployment Act, its 230 cosponsors, and the fact that it did not leave committee due to heavy lobby efforts from long distance carriers, this finding may not be surprising. Furthermore, it demonstrates that lobby activity was partially successfully not to activate members to support a bill but to activate them to undermine one.

Fourth, in four of seven cases in which lobbying is effective PAC money proved an influential variable. Positive Beta coefficients of statistical significance on these four bills indicate that money played a role in encouraging behavior to advance legislation. For H.R. 1858, $B=0.00002203$, yielding a significance of .054; H.R. 2944, $B=0.00002036$ yielding a significance of .075; H.R. 1714 $B=0.00004718$, yielding a significance of .000; and for H.R. 3709, $B=0.00001652$, yielding a significance of .011. This indicates that personal lobby efforts by groups and their representatives do not “pay” off if pursued

alone, and that money as a separate lobby tactic reaps dividends in conjunction with (on H.R. 1858 and H.R. 3709) or even in the absence of personal lobby activity (on H.R. 2944 and H.R. 1714). These findings contradict Wright (1990), who argues that personal lobby contact really affects member decisions while PAC money may affect who members grant their attention. These findings demonstrate the effectiveness of both PAC contributions and personal lobby contact to encourage members to advance legislation.

Fifth, successful lobbying is almost always accompanied by a set of favorable forces defining a members' situation. These forces include member issue specialization, electoral insecurity, and district interest or disposition on a bill, issue, or set of issues. On three bills, members' electoral insecurity was significant in influencing member behavior: for H.R. 1995, $B = -0.04485$, yielding a significance of 0.048; for H.R. 1714, $B = -.03131$, yielding a significance of .086; and for H.R. 2420, $B = -0.04085$, yielding a significance of .059. These findings indicate that members do take into consideration their reelection vulnerability and that, in these three cases, the lower the vulnerability, the higher the likelihood members would act in favor of this legislation. On two other bills, members' behavior was subject to their district preferences and their own policy preferences, working in conjunction with significant lobby variables. For H.R. 3709, the B coefficient for district preferences equals 0.645, with a significance of 0.072, and the B coefficient for member's preferences equals -1.525, with a significance of 0.015. For H.R. 2944, the district preference $B = 0.544$, yielding a significance of 0.010, and the member preference $B = 0.860$, yielding a significance of .009. These findings on these two bills underscore that members assess a host of variables other than lobbying in making key decisions regarding

their behavior on policy issues. In addition, the presence of both positive and negative coefficients indicates that members allow these conditions to both encourage or discourage their action in the policymaking process.

The importance members attribute to electoral vulnerability, their own policy interests, and district policy concerns underscores that fact that personal lobbying and PAC money by themselves do not affect member behavior. Rather, when a certain chemistry of these other forces exist, the situation becomes ripe for potentially successful PAC influence. Qualitative interviews with members suggest that first these “foundational” elements – electoral insecurity, member preferences, and district preferences – must be such that they encourage outside input for lobby arguments and PAC money to influence their decisions. Qualitative interviews with lobbyists suggest that they carefully study members’ situations and strategically choose who and when to approach to lobby personally and send contributions. That is, lobbyists understand this foundation of circumstances and choose accordingly. Quantitative evidence for each piece of legislation illustrated in the tables below indicate the truth to the fact that PAC money alone does not significantly change member behavior. Indeed, the quantitative evidence on these seven bills reveals that PAC influence occurs only in the presence of other influences as well and never alone, indicating both the dynamic nature of members’ decision-making and the limited power of PAC contributions.

Sixth, lobby success thrives on issue complexity. The more complicated a bill is the greater chance of successful lobbying. Of the fourteen bills studied in this research, the bills which indicate lobby success are the most technically complicated among them.

Indeed, given the fact that policy committees typically address the most complicated issues by definition, it is not unrealistic to claim that these policy bills are perhaps the most technically complex in substantive issue matters than nearly all bills facing the 106th Congress. This suggests, with personal interview data discussed in previous chapters, that with complicated bills members do not have an instinct about them and therefore seek out or are more receptive to interest groups' information and opinions about those bills. Other guideposts such as partisanship, district concern, and electoral insecurity are missing or more diluted in these cases of extreme issue complexity. In these circumstances, members and the general public have difficulty determining clear lines of winners and losers. In the absence of clear decision-making, the arguments and influence of lobby variables are amplified.

Seventh, as qualitative evidence suggested in previous chapters, findings from the empirical models indicate that lobbyists demonstrate a sophisticated strategic decision-making of their own. They act as rational actors maximizing their information in order to shape their own actions. They seem to know already much of these findings regarding what influences members, when: a) in highly partisan matters, they indicate a weakened lobby presence. This indicates that they do not aim to change minds (the more difficult task) but to reinforce friends' positions and persuade the neutral, and this requires less effort; b) in the absence of partisanship, they raise their levels of intensity, indicating an understanding of the opportunity to be influential in the absence of traditional member guideposts regardless of partisan affiliation. For committee issues, lobby intensity averaged 3.17 on the 0-4 scale, while on the Education Committee, lobby intensity

averaged 2.86 on the same scale; c) they know that PAC influence with members is definitely important, but in the absence of other variables, it does not typically influence members. Lobbyists and members often view financial contributions as “thresholds of credibility” which make members ultimately pay attention and which almost always accompany personal lobbying (though not at the same time). Interviews with lobbyists indicate that they know funneling money is ineffective if it does not coincide with assertive personal lobby efforts and a host of other favorable lobby factors which would indicate their reasonable chance of having some success; d) lobbyists act strategically on some issues to deliberately affect the partisan nature of an issue. The diffusion of ideologically-charged elements surrounding an issue allows lobbyists the opportunity to play a greater, more influential role given the absence of party impulses in members. If they seek to change minds, this diffusion of partisanship is critical. If on the other hand lobbyists find themselves on the side of an ideological advantage, they seek to raise the level of ideological division to solidify their voting advantage in the committee system.

Eighth, much of the same regarding lobby influence can be said of electoral insecurity, district preference, and member preference. That is, among all fourteen bills in this study, they do not affect members’ behavior on this legislation by themselves except for in two instances, which are described in the following chapter, in which legislation resisted lobby influence. For the seven bills in which lobby influence was successful, district influence, when it is significant, is accompanied by PAC money contributions to affect member decision-making. Determining the directionality or causality between the two variables is difficult. As a result, it seems safe to conclude that PAC involvement

could spur district interest, or that district interest could trigger greater PAC contributions. The bottom line is they go hand in hand and may be self-reinforcing impulses, using well-established networks of communication and relationships linking district preferences to PAC and interest group leadership. One boosts another. Regardless, qualitative data suggests that lobbyists closely monitor a members' constituency circumstances and are, at the very least, aware of general district impulses when they lobby those members. Accordingly, it makes sense that PAC money and district concerns typically influence members in a significant way in tandem.

Ninth, member issue interest, when it is significant, occurs only in the presence of influential PAC contributions as well. As with district influence, this suggests that PAC money is a significant factor affecting member decisions for those who have a strong issue interest. This makes sense because interviews reveal that members in positions to gain expertise (subcommittee chairmen and ranking members and committee chairmen and ranking members) or other policy mavericks are most targeted by lobbyists when the issue is not partisan. On non-partisan matters, the endorsement of key players on the committee becomes crucial to swaying less experienced, more junior members. Accordingly, members' policy interests seem to be either spurred by PAC contributions, or, alternatively and perhaps more plausibly, PAC contributions seem to follow members who have expertise, which much of the scholarship demonstrates (Grier and Munger 1991; Regens, Elliot, and Gaddie 1991; Regens, Gaddie, Elliot 1993, 1994).

Finally, electoral insecurity affects member behavior but in no cases by itself. Electoral insecurity members face affects how they act in the policymaking process, but

only in conjunction with the presence of other highly statistically significant variables. This finding, reflecting the same phenomena with district interest and member policy interest, suggests that the “foundational element” theory lobbyists and members offered in interviews. When personal variables about members confluence, they attract the attention of strategic lobbyists who use their influence to remind members that their personal circumstances make their action on a piece of legislation appropriate. Of course, since lobbyists watch for these circumstances to be favorable to them, their influence, then, accompanies the influence of one or more of the personal variables. Table 4.1 below summarizes the findings of the empirical models in which lobby influence was statistically significant.

The Wide Lobby Window

These findings, which draw on the behavior of 139 members in three committees on seven pieces of legislation, serve as the particular building blocks to create a larger picture of the successful lobby environment. Using inductive reasoning from discrete observation in these varied models to draw larger lessons for general theories, there accumulates a record of circumstances which helps to define the successful lobbying of policy bills in congressional committees. The theoretical construction of this successful lobbying environment, or window, helps to advance the interest group theory of legislative proxy by addressing when and under what circumstances members and lobbyists join forces to advance an agenda.

The commonalities of these circumstances in the legislation involved in this study suggests that there is a wide lobby window, or opportunity, for lobbyists to make their cases with some possibility of success. If the theory of legislative proxy bears out in this quantitative analysis, what larger lessons can be drawn about when and how such relationships are more likely to occur than not? These bills indicate common environmental features in which lobbying successfully affected member behavior on legislation. Seven common elements derived from these bills help to draw a larger picture of the circumstances surrounding lobbying success in the 106th Congress which, given the breadth of the study, may be generalizable to lobbying success overall.

First, and perhaps most obvious to observers, issue complexity invites lobby success, which interview data in previous chapters corroborates. The issues before the Commerce Committee including The “Tauzin” Bill, H.R. 2420, on the profusion of broadband technology, became a haven for swarming interest group influence. One member vehemently opposed to Tauzin’s approach to allow local telephone companies to carry Internet services argues that such action would clearly benefit them to the exclusion of outside competition, in effect handing a monopoly to local telecommunications service providers.⁹ As a Republican opposed to the bill, he noted that lobbyists were taking advantage of the opportunities to teach members these new issues and pitch their causes at the same time. He argued that the technical issues before the Commerce Committee provide a perfect environment for a “lobby frenzy.” Another Republican Member of Congress made similar comments regarding H.R. 2944 regarding electricity regulation issues, noting that the complicated matter “invited input” and increased the lobby dialogue

with his staff and himself in order to learn it.¹⁰

Second, high member interest and issue expertise also encourage lobbyists to be active. Qualitative evidence suggests lobbyists seek out members who demonstrate an issue interest and legislative prowess in committee as serious actors in the policymaking arena. Quantitative evidence reinforces this finding, indicating that lobby intensity and frequency of contacts with members and their staff increases with those members who typically serve as the leaders of issues, agendas, or subcommittees. For instance, on the Commerce Committee, the mean lobby activity on the 0-4 scale for 12 identified “leaders” is 3.917, and the corresponding number for the remaining 41 members is 2.951, a significant difference in lobby intensity between those two groups, indicating intensity concentrates on elite members in key positions. Commerce subcommittee chairmen including Billy Tauzin(R-LA) and Mike Oxley (R-OH), for instance, attract the interest and activity of hundreds of interest groups with their offices because of their key positions on Commerce in the 106th Congress. Other less senior members not in subcommittee leadership positions but expressing increasing issue sophistication and interest, including Steve Largent (R-OK) and Albert Wynn (D-MD), attract dozens or more groups lobbying them on issues ranging from telecommunications to energy deregulation. Overall, however, more junior members and those who remain less active on the committee attract lobby efforts but less intense than members who are in key positions or who are issue experts.

Third, related to issue complexity, the partisan element of legislation greatly affects how lobbyists approach their tasks of lobbying. Issues which are non-partisan or less

partisan generate the most lobby activity, because, as one lobbyist put, those are the issues which members do not understand as well, and their parties have not yet articulated a clear message for them to follow.¹¹ In the absence of such cues and the rancor of partisanship which has been increasing throughout the decade of the 1990s, members are more open-minded. Lobbyists seize these rare opportunities on legislation like the “Tauzin Broadband Bill” to build far-reaching bipartisan coalitions of support, an effort in that instance which generated 230 bipartisan co-sponsors. Other issues of complexity which forced members to learn and seek information include electricity deregulation, satellite privatization, and electronic signatures.

Fourth, sheer overall lobby intensity on legislation tends to indicate lobby success. Simply put, on some kinds of legislation which lack partisan dividing lines, groups are more successful when they try harder. On each of these seven bills, groups’ lobby intensities were generally heavier as measured on the lobby scale 0–4 compared with groups lobbying on partisan matters (discussed in Chapter 5). One Member of Congress explained: “It’s about message simplicity and delivery. Get it simple and get it out, and some groups can persuade non-committal members just by showing up to fill the vacuum when there are few other voices out there.”¹²

Fifth, as both quantitative models and interviews suggest, lobby effort aimed to shape minds, not reverse staunch partisan positions, indicate the path of least resistance for many lobbyists. Interviews with lobbyists underscored the fact that while they often schedule meetings with members they know are predisposed to oppose their issue or who are outright vocal opponents, they reserve their energy on technical legislation for the

uncommitted and friendly Members of Congress. Lobby efforts measured through these quantitative models indicate that they increase as issue complexity increases and on members who have not taken a public stand against a bill. This finding supports Matthews (1960) that lobbyists choose to lobby friends and non-committed members over opponents, though there is typically some minimal lobbying of opponents on issues of concern.

Anecdotal evidence here is illustrative. One small group of lobbyists knew a Republican member was opposed to a trade bill allowing for the increased transfer of technology from the United States abroad. Largely a Republican issue, this legislation raised fears with some Republicans that competing countries could use American technology against the U.S. The lobbyists, who typically find themselves agreeing with the position this member took, made their strong pitch to him and his staff regardless. Because of their existing relationship, they argued they felt compelled to visit their “friend” who opposes their agenda on this issue and at the very least deliver their message, hoping to change his mind. While they ultimately did not change his mind, they maintained that on most major issues, the member is in step with their agenda, and that his current position, while they believed it was wrong, would not harm their long term relationship. They represent groups who are solid contributors to his campaigns.¹³

Sixth, another commonality this legislation shares relates to the previous point that there were, at the beginning of the policy process of this legislation, few predisposed minds about it. In fact, because of the nature of the technical material before the Commerce Committee, in particular, most members and lobbyists agreed that there was a

learning period for most legislators in which to determine the real winners and losers of these bills to set their positions about these bills. In that environment, lobbyists thrive. Quantitative evidence on lobby activity for members on these bills show that lobby intensity was most intense, with an average of 3.17 on the 0-4 scale on Commerce Committee legislation. On the other hand, for members on the Education Committee and Judiciary Committee dealing with far more partisan matters, lobby activity averaged on each bill for all members was 2.85 and 2.84, respectively. This difference underscores that lobby activity significantly increased as issues became less partisan, more technical, and, at the same time, left more open minds among Members of Congress.

Seventh, perhaps one of the most important overarching characteristics defining legislation in which lobbying was successful was the perceived uncertainty of outcome among most stakeholders. Lobbyists reported that when legislation is less partisan, and when it is more technical, a perception on Capitol Hill that its outcome was uncertain lends itself to a feeding frenzy of lobbying. One lobbyist used H.R. 2420 as an example of feeding frenzy. He argued that this bill was perhaps the number one priority for most Republicans on the Commerce Committee as the majority in the party believed that the open rights of local providers like Southwestern Bell to create their own Internet access would lower those cost to consumers. Tauzin spent the better part of two years lobbying members and organizing powerful and well-financed coalitions to push this legislation. Not all Republicans, and not all Republicans on the committee agreed, however, including committee Chairman Tom Bliley (R-VA), who remained conspicuously off the bill. Bliley's opposition to Tauzin's bill meant that it would not pass from the 106th Congress.

It also meant that warring camps emerged within the Republican membership on the issue.

Two junior Republicans on the committee voiced their concerns about H.R. 2420 and separately received what each termed as a “barrage” of lobby activity over the course of the 106th Congress. One of the members said he was getting several requests a week to meet with members of the coalition surrounding the bill, principally led by local telecommunications carriers and independent Internet startup companies looking to break what they considered the monopoly of current major providers. This member confided: “What I’ve told everyone, including Tauzin, is that I am not exactly opposed to this bill but that I am remaining neutral on it to learn these issues. That position has just opened the floodgates to groups who want to be my best friends and information sources. I didn’t expect this deluge.”¹⁴ The second member, vocal in his opposition, reports that instead of his attracting many from Tauzin’s coalition, his opposition to the bill has drawn unsought support from those groups most likely to lose from the enactment of H.R. 2420. He argues that he firmly believes allowing local carriers the right to carry their own Internet service would empower local providers to bundle delivery of multiple services to customers and cause conditions for a monopoly from them in the future. Accordingly, he wants to study the issue more in the 107th Congress and explore more options as he learns the issues. His position of being opposed to the bill more than his neutral counterpart Republican colleague means he gets less traffic but not that he is any less likely to support a measure in the 107th Congress.¹⁵ The perception among lobbyists and Members of Congress alike of uncertainty regarding broadband rights opened the floodgates of lobbying on this legislation.

Finally, long, protracted discussion, planning, and preparation of legislation tends to indicate bills in which there present themselves many opportunities for outside input and therefore the greater chance of lobby success. Lobbyists first lobby committee leadership for hearings and, if successful, then use those key occasions to mine porous legislation for amendments to their advantage. Lobbyists scramble to get on the agenda as witnesses to hearings. It allows their group a sense of establishment, an institutionalization of sorts that lends them credibility within the committee room, on Capitol Hill, and with grass-roots supporters far outside Washington, DC. The holding of committee hearings on legislation is an open invitation to lobbyists to make that legislation advantage their issues. Groups scramble for influence with key committee staff members and personal staff that place them in positions to be credible witnesses when committee hearings on issues become necessary. In addition, the commencement of committee hearings often indicates the seriousness of at least the majority party on the committee to see an issue through the policymaking process. Groups perceive that legislation beginning with hearings, coupled with their own intelligence from their sources, could represent the beginning of a long policy discussion resulting in the passage of legislation. Accordingly, as one lobbyist put it, "I get in on the ground floor, push the buttons for other riders to get off, and ride to the top," referring to his strategy of outlasting competing groups and remaining an influential voice until the legislation reaches a conclusion.¹⁶

The counterpoint to this example regarding the hearing process demonstrates that the lack of hearings on legislation sometimes frustrates the efforts of lobbyists to formally log their positions before the forum. The Education and Workforce Committee, chaired

by Bill Goodling (R-PA) in the 106th Congress, holds few or no hearings for many bills and often holds field hearings across the country to speak with parents and students, a staple of the Republican approach to education. Goodling's preference for fewer formal hearings in Congress in which interest groups get the chance to express their positions reveals several important aspects of the policymaking process. First, it underscores the point that lobbyists often feel frozen out of those discussions because the chairman deliberately prefers field hearings across the country and limits DC-based hearings where lobbyists are most influential. Accordingly, the quantitative analysis for legislation in that committee shows a marked drop of lobby influence on member behavior for all bills before the Education Committee compared with some more technical bills of the Judiciary and Commerce Committees. One left-leaning teacher union representative, not a professional "lobbyist" registered as such with the Clerk of the House, disagrees with much of the Republican approach to national education policy and commented that his access to Republicans is severely limited, and that the Chairman's approach to running the committee hampers his agenda.¹⁷ A second point about the limited access Goodling prefers is that it is a deliberate construction engineered by the chairman, who openly disdains most interest groups and generally accepts no PAC money himself, a rare position for an influential committee chairman. His preference to deal with bills in markup sessions among members and staff is deliberate. Table 4.2 below summarizes the observed conditions of successful lobbying derived from the findings.

Conclusion

Personal lobby efforts and campaign contributions from PACs sometimes influence the behavior of Members of Congress in congressional policymaking. Prior to this study, no scholarship explicitly developed a quantitative model to measure the influence of lobbying on member behavior. These findings are important because they lend support to the theory of legislative proxy, which holds that lobbyists' highest-order goal is to influence members to serve as their proxies in congressional policymaking. Prior scholarship typically has focused on the ways and means of group influence but not on developing or executing verifiable quantitative models to help capture lobby influence systematically over a broad and deep enough sample of legislation.

Broadly speaking, findings indicate that interest groups' powerfully influence legislation. Indeed, in many specific instances on legislation, complementary qualitative interviews and personal observation reveal that lobbying is an integral part of congressional policymaking and life in general on Capitol Hill. Staff require their expertise, members seek their guidance, and lobbyists remain doggedly determined to do what it takes to remain influential. They do seek to activate members to act in the policy process, and, based on this data, they are sometimes conditionally successful in influencing members to act in favor of their agendas.

Table 4.1
Summary of Statistical Findings

1) Diverse variables affect member behavior.	6) Issue complexity both encourages members to seek expert advice and lobbyists to offer it.
2) Lobby activity (including personal contact and PAC contributions) affect member behavior sometimes.	7) Lobbyists demonstrate sophisticated strategic decision-making deciding who to lobby.
3) Heavily lobbied bills resulted in influencing member behavior in 7 of 14 bills examined.	8) The district interest of members affects their behavior but not alone.
4) Assertive personal lobbying yielded success in 5 of 7 bills and PAC money influence succeeded in affecting members' behavior in 4 of 7 bills.	9) Member issue interest attracts PAC money of like-minded groups but does not by itself affect member behavior.
5) Lobbying is more successful when a combination of member circumstances is favorable toward it.	10) Member electoral insecurity affects their behavior but not alone.

Table 4.2
Conditions Under Which Lobbying Was Successful

1) When legislation/issue matter was ranked as highly technical among actors (staff, lobbyists, members).	5) When lobbyists sought to focus on members to persuade or reinforce their positions.
2) When members expressed high issue interest.	6) When members did not take positions on bills at the earliest stages of the policy process.
3) When the issue was less partisan or non-partisan and enjoyed significant bipartisan cosponsorship.	7) When all actors perceived there was uncertainty over the outcome of a policy.
4) When lobbying intensity was greatest.	8) When the policy process was longer and more involved, allowing for greater entry points for influence.

Table 4.3

Ordered Probit Regression Model for Predicting Member Behavior on H.R. 800

Bill	Model Fit	Sig.	Nagelkerke	Pseudo R ²
H.R. 800	.010			.344
Parameter Estimates for Legislator Behavior on H.R. 800, Education Flexibility Act				
	Estimate	Std. Error	Wald	Sig.
District's Policy Interest	-.408	.321	1.617	.204
Member's Electoral Insecurity	1.469E-02	.019	.622	.430
Member's Policy Interest	3.397E-02	.380	.008	.929
Party/Ideological Affiliation	-7.401E-03	.003	6.941	.008***
PAC Money on Specific Committee Issues	-5.355E-06	.000	.250	.617
Ratio of PAC Money in Campaign Cooffers	3.877	3.420	1.285	.257
Personal Lobby Activity	.574	.257	4.987	.026**

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 800 that Members would:

<u>Activity:</u>	<u>Predicted Probability:</u>
Engage in no activities	.0012
Attend one or more markups	
Vote in one or more roll calls	.329
Speak during markup, minor participant in the discussion	
Speak during markup, major participant in the discussion	
Offer minor or technical amendment or procedural motion	
Offer one or more substantive amendments	.336
Engage in agenda action	.336

Note: For this bill, members' observed behavior occurred only in the four categories indicated and for which predicted behavior can be calculated.

Table 4.4
Ordered Probit Regression Model for Predicting Member Behavior on H.R. 1995

Bill	Model Fit	Sig.	Nagelkerke	Pseudo R ²
H.R. 1995	.000			.614
Parameter Estimates for Legislator Behavior on H.R. 1995, Teacher Empowerment Act				
	Estimate	Std. Error	Wald	Sig.
District's Policy Interest	-.368	.364	1.019	.313
Member's Electoral Insecurity	-4.485E-02	.023	3.925	.048**
Member's Policy Interest	-4.026E-02	.425	.009	.925
Party/Ideological Affiliation	-9.943E-03	.003	9.969	.002***
PAC Money on Specific Committee Issues	1.765E-06	.000	.024	.877
Ratio of PAC Money in Campaign Coffers	-.559	3.727	.022	.881
Personal Lobby Activity	.470	.283	2.769	.096*

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 1995 that Members would:

<u>Activity:</u>	<u>Predicted Probability:</u>
Engage in no activities	.000000022
Attend one or more markups	
Vote in one or more roll calls	.179
Speak during markup, minor participant in the discussion	
Speak during markup, major participant in the discussion	
Offer minor or technical amendment or procedural motion	
Offer one or more substantive amendments	.420
Engage in agenda action	.402

Note: For this bill, members' observed behavior occurred only in the four categories indicated and for which predicted behavior can be calculated.

Table 4.5

Ordered Probit Regression Model for Predicting Member Behavior on H.R. 2420

Bill	Model Fit Sig. Nagelkerke Psuedo R ²			
H.R. 2420	.105 .267			
Parameter Estimates for Legislator Behavior on H.R. 2420, Broadband Deployment Act				
	Estimate	Std. Error	Wald	Sig.
District's Policy Interest	-.163	.216	.568	.451
Member's Electoral Insecurity	-4.085E-02	.022	3.561	.059*
Member's Policy Interest	5.689E-02	.342	.028	.868
Party/Ideological Affiliation	-3.451E-03	.002	4.186	.041**
PAC Money on Specific Committee Issues	2.324E-06	.000	.033	.855
Ratio of PAC Money in Campaign Coffers	1.415	8.005	.031	.860
Personal Lobby Activity	-.509	.314	2.630	.105*

*p<.10 ; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 2420 that Members would:

Activity:

Predicted Probability:

Engage in no activities

.498

Attend one or more markups

Vote in one or more roll calls

Speak during markup, minor participant in the discussion

Speak during markup, major participant in the discussion

Offer minor or technical amendment or procedural motion

Offer one or more substantive amendments

Engage in agenda action

.502

Note: For this bill, members' observed behavior occurred only in the two categories indicated and for which predicted behavior can be calculated.

Table 4.6**Ordered Probit Regression Model for Predicting Member Behavior on H.R. 1858**

Bill	Model Fit Sig. Nagelkerke Psuedo R ²			
H.R. 1858	.012			.296
Parameter Estimates for Legislator Behavior on H.R. 1858, Consumer Information Act				
	Estimate	Std. Error	Wald	Sig.
District's Policy Interest	2.518E-02	.176	.020	.886
Member's Electoral Insecurity	2.495E-03	.017	.022	.882
Member's Policy Interest	.189	.269	.493	.483
Party/Ideological Affiliation	-1.517E-03	.001	1.264	.261
PAC Money on Specific Committee Issue	2.203E-05	.000	3.727	.054*
Ration of PAC Money in Campaign Coffers	-2.922	6.581	.197	.657
Personal Lobby Activity	.520	.250	4.306	.038**

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 1858 that Members would:

<u>Activity:</u>	<u>Predicted Probability:</u>
Engage in no activities	
Attend one or more markups	.076
Vote in one or more roll calls	.206
Speak during markup, minor participant in the discussion	.363
Speak during markup, major participant in the discussion	.110
Offer minor or technical amendment or procedural motion	.060
Offer one or more substantive amendments	.020
Engage in agenda action	.165

Note: For this bill, members' observed behavior occurred only in the seven categories indicated and for which predicted behavior can be calculated.

Table 4.7

Ordered Probit Regression Model for Predicting Member Behavior on H.R. 2944

Bill	Model Fit	Sig.	Nagelkerke	Pseudo R ²
H.R. 2944	.003			.369
Parameter Estimates for Legislator Behavior on H.R. 2944, Electricity Competition Act				
	Estimate	Std. Error	Wald	Sig.
District's Policy Interest	.544	.210	6.699	.010***
Member's Electoral Insecurity	7.299E-03	.019	.150	.698
Member's Policy Interest	.860	.329	6.825	.009***
Party/Ideological Affiliation	-8.821E-04	.002	.345	.557
PAC Money on Specific Committee Issues	2.036E-05	.000	3.173	.075*
Ratio of PAC Money in Campaign Cooffers	-5.910	7.193	.675	.411
Personal Lobby Activity	-9.754E-02	.291	.113	.737

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 2944 that Members would:

<u>Activity:</u>	<u>Predicted Probability:</u>
Engage in no activities	.512
Attend one or more markups	
Vote in one or more roll calls	
Speak during markup, minor participant in the discussion	
Speak during markup, major participant in the discussion	.238
Offer minor or technical amendment or procedural motion	
Offer one or more substantive amendments	.236
Engage in agenda action	.013

Note: For this bill, members' observed behavior occurred only in the four categories indicated and for which predicted behavior can be calculated.

Table 4.8
Ordered Probit Regression Model for Predicting Member Behavior on H.R. 1714

Bill	Model Fit Sig. Nagelkerke Psuedo R ²			
H.R. 1714	.006	.335		
Parameter Estimates for Legislator Behavior on H.R. 1714, Electronic Signatures Act				
	Estimate	Std. Error	Wald	Sig.
District's Policy Interest	5.413E-02	.188	.083	.773
Member's Electoral Insecurity	-3.131E-02	.018	2.945	.086*
Member's Policy Interest	.138	.287	.229	.632
Party/Ideological Affiliation	-1.719E-03	.001	1.413	.235
PAC Money on Specific Committee Issues	4.718E-05	.000	12.935	.000***
Ratio of PAC Money in Campaign Coffers	-23.008	7.506	9.397	.002***
Personal Lobby Activity	5.199E-02	.259	.040	.841

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 1714 that Members would:

<u>Activity:</u>	<u>Predicted Probability:</u>
Engage in no activities	.061
Attend one or more markups	.020
Vote in one or more roll calls	.641
Speak during markup, minor participant in the discussion	.063
Speak during markup, major participant in the discussion	.113
Offer minor or technical amendment or procedural motion	
Offer one or more substantive amendments	
Engage in agenda action	.102

Note: For this bill, members' observed behavior occurred only in the six categories indicated and for which predicted behavior can be calculated.

Table 4.9

Ordered Probit Regression Model for Predicting Member Behavior on H.R. 3709

Bill	Model Fit Sig.	Nagelkerke Psuedo R ²		
H.R. 3709	.001	.586		
Parameter Estimates for Legislator Behavior on H.R. 3709, Internet Nondiscrimination				
	Estimate	Std. Error	Wald	Sig.
District's Policy Interest	.645	.359	3.230	.072*
Member's Electoral Insecurity	7.540E-03	.030	.063	.801
Member's Policy Interest	-1.525	.629	5.879	.015**
Party/Ideological Affiliation	8.460E-04	.003	.083	.773
PAC Money on Specific Committee Issues	1.652E-05	.000	6.502	.011**
Ratio of PAC Money in Campaign Coffers	.446	2.946	.023	.880
Personal Lobby Activity	1.758	.563	9.755	.002***

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 3709 that Members would:

<u>Activity:</u>	<u>Predicted Probability:</u>
Engage in no activities	
Attend one or more markups	
Vote in one or more roll calls	.849
Speak during markup, minor participant in the discussion	
Speak during markup, major participant in the discussion	
Offer minor or technical amendment or procedural motion	
Offer one or more substantive amendments	.123
Engage in agenda action	.028

Note: For this bill, members' observed behavior occurred only in the three categories indicated and for which predicted behavior can be calculated.

Endnotes

1. From personal interview the author conducted with this Member of Congress.
2. Information from this incident come for a personal interview conducted by the author along with personal observation of the member at work.
3. From personal interview the author conducted with this Member of Congress.
4. Ibid.
5. Ibid.
6. Ibid.
7. Ibid.
8. Ibid.
9. Ibid.
10. Ibid.
11. From personal interview the author conducted with this lobbyist.
12. From personal interview the author conducted with this Member of Congress.
13. Evidence from personal observation by the author.
14. From personal interview the author conducted with this Member of Congress.
15. From personal interview the author conducted with this Member of Congress.
16. From personal interview the author conducted with this lobbyist.
17. From personal interview the author conducted with this individual.

Chapter 5: When Lobbying Fails

“The high tech field is still so young – they don’t know how the game is played up here. They give to the wrong party wrong on the issues and then expect our vote to keep them regulation free. Why? They contribute to the Dems so much because the hard right wing of the GOP scares them and annoys them on social issues. So they know the Dems are no good for them on high tech issues, but on a personal level, it’s about more than high tech. On a corporate level, they give to the Republicans because we’re right on a non-regulatory approach to the Internet. Yet there are some individuals on an individual level who give to the Democrats for social reasons. When they come to ask us for help, we’re not always willing.”¹
– Chief of Staff to a Republican Member of Congress

Introduction

Lobbying does not always work for a variety of reasons. Members do not always choose to act on a groups’ behalf. Lobbyists do not always seek to engage members in this way on every policy bill. Members sometimes resist outside input. Partisan ties still outweigh other influences in some instances as well. Lobbyists know when to save their valuable resources for other battles. They understand when, who, and how to lobby, and it is not always worth the cost to attempt to influence Members of Congress who are solidified in their positions on some issues. Political conditions preclude intense lobby activity, and instead of fighting, some lobbyists preserve their resources for other battles. The lobbyists composing the debate on both sides over highly contentious, partisan issues know that there is little prospect for success for them to lobby members opposing their views. They instead reinforce friends and activate grass-roots support but can typically forecast the outcome of a vote in Congress based on solidified ideological lines on an issue.

In other cases, lobbyists do choose to become highly active but still fail. Such failures can be attributed to a number of explanations that deal mostly with the conditions of the lobbying environment in which they were operating. When lobbyists fail, it is not typically because they failed to deliver effective messages, cultivate friendships, or use their financial resources. Indeed, it is usually because a variety of other environmental political factors about the policy and the members shaped member behavior.

This chapter discusses legislation in which lobbying did not succeed in influencing members' behavior in the policy process on seven pieces of legislation in the 106th Congress. The lack of evidence for lobby influence in these circumstances can be attributed to two explanations. First, lobbyists did not choose to lobby or lobby heavily because they calculated the cost of action too high for the potential return. Second, groups did choose to lobby heavily but were ultimately unsuccessful. In these cases, the explanation for failure is tied to the variables surrounding Members of Congress, including their issue interests, district impulses, electoral insecurity, and partisanship.

Legislation Resisting Lobby Influence

Not all legislation lends itself to lobby influence. Seven bills, three from the Education Committee, three from the Judiciary Committee, and one from the Commerce Committee, showed no measurable sign that lobby influence affected the course of policymaking or that interest groups recruited legislative proxies to carry out their agendas. The legislation includes: H.R. 3261 Satellite Privatization; H.R. 2434 Worker

Paycheck Fairness Act; H.R. 1987 Fair Access to Indemnity and Reimbursement (FAIR) Act; H.R. 1283 Asbestos Litigation Reform; H.R. 850 Security and Freedom through Encryption (SAFE) Act; H.R. 4141 Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act; and H.R. 2121 Secret Evidence Repeal Act of 2000.

This legislation is crucial, for it helps to demonstrate the boundaries of lobbying. Chapter 4 illustrated the power of lobbyists to affect member behavior. They are able to use their resources to meet with Members of Congress, deliver forceful, persuasive, informational arguments about their positions, donate large campaign contributions to individual members and soft money to the two major political parties. The quantitative evidence found that, in return, on some bills, their influence helped shaped member's participation on legislation which mattered to those lobbyists. Legislation in this chapter demonstrates that there are limits to lobbying.

Lobbying is an always-thing, but it is also a sometimes-successful thing in achieving some of its goals. Lobbying is always occurring, even if it is not aimed at the highest-order goal of influencing member behavior. There are other forms of lobbying which occur that do not deal with the dramatic influencing of member behavior. Perhaps the most curious and most publicized of these within the Capitol Hill community are the infamous Capitol Hill receptions. Nearly every night that the House of Representatives is in session (approximately 150 days per year), major corporations, groups, and unions host dinner-time "Capitol Receptions" throughout the Capitol Complex. One could hop around from room to room after 5 PM on legislative days and eat enough not to eat again

until the next night. Powerful enough to attract hundreds of underpaid staff members looking for the few perquisites of their profession, these nightly receptions are nothing more than lobbying in its most accepted, even embraced, form. Receptions for the Business Software Alliance (BSA), representing a consortium of powerful computer software companies including Microsoft, offer delicacies, sandwiches, and a variety of alcohol periodically throughout a congress. Whether staff have the foggiest idea of what that group means, does, or wants on Capitol Hill often does not matter. The fact that the reception is being held, the group knows enough of the ways of the Hill to demonstrate its respect by holding an evening reception, and it gets positive name recognition is all that matters.

These receptions are of enormous importance to groups' images and are a form of lobbying intent on less than the recruitment of legislative agents. Many cash-strapped staff members find themselves scheduling their attendance at two or three receptions an evening for four nights of the week when members are "in town," referring to the legislative business on the calendar, that changes the way life is on the Hill compared with when "they" are absent. Staff do not seem to care that, coincidentally, such receptions only seem to occur on nights when members are in town. For their part, the hosts and hostesses are happy to have the attendance of staff and realize the accepted fact that for every 50 staff members in attendance there may be only one Member of Congress who shows up to grab some food and is inevitably surrounded by staff and lobbyists alike.

Low-member turnout at receptions does not matter, for the event still represents a generosity that is a noticed but subtle form of lobbying. By and large, such receptions are

not to twist arms or recruit proxies in some sinister way, but they are perhaps the most beneficent form of soft lobbying on the Hill, garnering a large name recognition for a relatively small amount. Furthermore, it does not hurt that the next day or week when H.R. 1714, The Electric Signatures in Global and National (E-SIGN) Commerce Act, comes due for committee or floor consideration there still sits on hundreds of desks of House staff little red rubber balls (squeezed for stress relief) conveniently emblazoned with “BSA” on them.

The legislation in this chapter shows no signs of legislative agent-recruiting that clearly occurs on some bills under some conditions. Yet, it is not to say that this legislation is devoid of lobbying, for few bills are devoid of some lobbying on Capitol Hill. The lobbying, here, though, is of a different nature and with a different goal. These bills lack the successful lobby influence captured in the maximum likelihood ordered probit models of the previous chapter. Lobbying, like the reception described above, however, clearly occurred on these bills. Correspondence, meetings with staff and members, the usual war of paper and faxes on each bill, all happened, but the stakes here are different. They are lower.

The lobbying stakes in these important policy bills are lower because lobbyists and their interest groups chose them to be lower. As previous chapters have demonstrated, lobbyists strategically choose when, who, and how to lobby. In most cases here, there are still active interest groups seeking support of their positions, but the surrounding political environment is substantially different on these bills that altered the way interest groups operate and the way Members of Congress think about this legislation.

One of the strongest explanations for the lack of powerful interest group influence affecting member behavior on this legislation is that partisanship defined most of it. As tables 5.3-5.9 demonstrate statistically, and as qualitative data revealed, most of these policies are highly partisan in nature, sponsored variously by prominent Republican members and aimed typically at some Democratic constituency or interest, provoking partisan warfare on policy matters. These bills demonstrate the increasing partisanship on Capitol Hill, too, for they represent a significant portion of legislative work on the these three elite policy committees, which traditionally avoid partisan battles saved for other committees like Ways and Means, Appropriations, Rules, and even pork committees such as Transportation and Agriculture (Smith and Deering 1997). These bills demonstrate that, first, lobbyists do not always seek to recruit or are unsuccessful in recruiting legislative proxies. Second, they demonstrate environmental conditions, including partisanship, member interest, and electoral insecurity, are variables which affect whether lobbyists seek to exert their efforts in recruiting agents to shape their legislative behavior. Third, these bills underscore what many congressional observers consider to be a troubling development in the U.S. Congress in the past decade or more – heightened partisanship. Here, even the policy committees, typically at the apex of congressional issue sophistication and bipartisanship, become embroiled in partisan matters. Below is a brief description of each of the pieces of legislation, followed by the findings from the quantitative models measuring influence on member behavior regarding these bills.

Satellite Privatization (H.R. 3261)

International satellite communications are not what they used to be. When communications satellites were developed in the 1950s and 1960s, economic and technological challenges required government organizations and non-government organizations to pool their resources in partnership to succeed. Congress passed the Communications Satellite Act of 1962 which created the Communications Satellite Corporation (Comsat), a private company that originally was the only source of American satellite communications. Today, new technology and increases in worldwide demand have made satellite communications economically feasible for private industry to develop, and they are clamoring for an increased role in the lucrative industry.

Chairman Tom Bliley (R-VA) sponsored this legislation to make it possible for Lockheed Martin to acquire Comsat by removing the statutory ownership cap on any one entity owning more than 49 percent of Comsat. The bill promotes the privatization of Intelsat and Inmarsat, related organizations, by offering the incentive of access to the U.S. marketplace if the international governmental organizations privatize in an expeditious and pro-competitive manner. This in turn, Bliley argued, would bring consumers lower prices, higher quality service, improved efficiency, innovative new products, and more choice. H.R. 3261 passed the House by voice vote on November 10, 1999 and passed the Senate in similar legislation (S. 376) by unanimous consent on July 12, 1999. President Clinton ultimately signed Conference Report 106-509 in March 2000.

Fair Access to Indemnity and Reimbursement (FAIR) Act H.R. 1987

This bill amends current law to permit employers and labor organizations who win a case brought against them by the National Labor Relations Board (NLRB) or the Occupational Safety and Health Administration (OSHA) to recover attorneys' fees – even if the federal agency's position was “substantially justified” in pursuing the case. That is, even if the government's case was substantially justified and it loses, the government under this legislation would be responsible for often costly attorney's fees for the victorious defendants. The bill applies to employers, including labor organizations, with fewer than 100 employees and a net worth of less than \$7 million. The legislation is intended to assist small business owners and labor groups seeking review of federal actions despite legal expenses and hold the NLRB and OSHA more accountable for actions they take against small employers and labor groups. The bill, a Republican initiative to strengthen small businesses in lawsuits these federal agencies may bring against them, also served as a warning signal to the Clinton Administration's NLRB and OSHA, which many congressional Republicans regarded as too activist in their pursuit of minor regulatory issues with small businesses. H.R. 1987 passed the committee on a narrow, partisan vote of 24-19 but did not receive floor consideration.

Worker Paycheck Fairness Act (H.R. 2434)

This measure, which the Employer-Employee Relations Subcommittee reported by a vote of 25-22 along party lines in the first session of the 106th Congress, required that unions get the written consent of their members before union dues are spent for purposes

unrelated to collective bargaining, including and especially political contributions. The bill also requires unions to provide more and better information to members on how union leadership spends members' dues. A Republican initiative sponsored by Chairman Bill Goodling (R-PA), H.R. 2434 was intended to send a message to powerful liberal labor unions that their financial resources, which their members contribute but do not often follow at the federal level, are subject to membership desires. An attempt to weaken the power of Democratic fund-raising by attacking one of the single largest sources of Democratic campaign funds, H.R. 2434 went nowhere beyond the Education and Workforce Committee.

One influential labor lobbyist from the AFL-CIO underscored the highly partisan and controversial battle a bill such as H.R. 2434 creates.² The AFL-CIO, which coordinates the efforts of over 50 separate labor unions on Capitol Hill, was adamantly opposed to a bill which would eviscerate the financial power of unions to lobby Congress. To mount the battle, the AFL-CIO, which has friendly relationships with nearly every Democrat on the Hill and about 30 House Republicans, sought to reinforce its support rather than waste precious resources to convince conservatives to vote against the bill. Indeed, as a practical matter, the lobbyist admitted that their legislative strategy, though it tangentially touches upon conservative Republicans, typically avoids conservatives to solidify Democratic votes and work hard to win over the crucial 30 Republican votes of members with whom they have cultivated relationships. The grassroots strategy the AFL-CIO followed on this bill as well as others, including H.R. 1283, discussed below, included four steps; 1) determine the facts of the legislation; 2) notify local union members

of the issue, asking them to call their legislators; 3) distribute workplace flyers and arguments about the legislation to educate mass membership; and 4) establish extensive phone banks to then call union members, remind them of these issues, and ask if they can transfer them free-of-charge to their Member of Congress to voice their concerns. Ultimately, the combination of grass-roots efforts, personal lobbying of members and staff, and a likely presidential veto worked to quash this legislation to prevent it from receiving House floor consideration.

Asbestos Litigation Reform (H.R. 1283)

Congressman Henry Hyde (R-IL), chairman of the Judiciary Committee, introduced this legislation to establish a separate, nonprofit legal entity to adjudicate the huge backlog of cases related to asbestos compensation claimed by thousands of workers across the country. Asbestos, a group of naturally occurring minerals commonly used for insulation and other building materials, is composed of microscopic fibers that potentially causes significant health problems, including lung cancer, if inhaled. Hyde proposed the non-profit legal entity, called the “Asbestos Resolution Corporation,” to contract for physicians, arbitrators, financial consultants, accountants, and attorneys, with the power to sue and be sued under its corporate name. Hyde and 74 Republican colleagues cosponsoring the bill believed it would more efficiently deal with a massive volume of asbestos litigation straining state and federal courts at enormous taxpayer expense, pointing to more than 150,000 such lawsuits currently pending in the tort system and tens of thousands of new cases filed every year.

This bill received an extremely heavy lobby attack from trial lawyers and a variety of labor unions whose membership perceived the legislation as harmful to their long term interests. H.R. 1283 represents an excellent example of lobbyists' reliance on grass-roots support to deliver their messages to members who are predisposed against them. In this case, "coordinated" telephone calls organized by labor unions helped deliver tens of thousands of phone calls to the Capitol Hill switchboard in the spring of 2000. Union leadership, particularly from groups including the United Mine Workers and United Steelworkers, some of whose membership had been exposed to asbestos and some of whom had displayed side effects of exposure and contracted serious illnesses, were animated. In these cases, unions organized vast phone banks to call their membership and explain to them the negative consequences of H.R. 1283 if it became law. Primarily, their concern was that a cap on financial liability among manufacturers and employers would ultimately mean that victims of asbestos would someday be left to pay their medical bills alone when the liability cap was reached.

The coordinated phone calls were extremely effective in delivering the message. One exasperated Republican staff member reported that the office in which she worked had received as many as 200 phone calls from constituents per day for a period of several weeks. Coupled with letters and emails, these phone calls, most of which were from organized union members, delivered their blunt disagreement with H.R. 1283. One Republican member perceived the legislation as a party attack on liberal trial lawyers whom this member believed hoped to cash in on unwitting asbestosis victims by winning them large sums of money and extracting generous legal fees. H.R. 1283's intent, he

argued, was to care for real victims, prevent fraud and abuse of medical funds, and limit the swarming litigiousness surrounding the issue. The legislation, in his view, had the added bonus of cutting into the livelihoods of many lawyers', traditionally Democratic supporters. Ultimately, because of the highly partisan and controversial nature of the legislation, it went nowhere, passing the Judiciary Committee by a partisan vote of 18-15 on March 16, 2000 and never receiving action on the floor of the House of Representatives. It served as more of a signal and saber-rattling than policy creation.

Security and Freedom through Encryption (SAFE) Act (H.R. 850)

This bill amends current law to affirm the right of U.S. citizens to use and sell encryption and to relax export controls on encryption. Electronic communications and electrically stored information is "encrypted," or scrambled, by mathematical formulas to preserve confidentiality. This measure prohibits the federal government and states from requiring that a so-called "key" – the means to decrypt wire communications – be: 1) built into computer hardware or software; 2) provided to the federal government or states; or 3) retained by the manufacturer of the software. Accordingly, consumers of information could then be certain that no other federal or private entity possess the encryption key to their data. Importantly, these stipulations do not apply to law enforcement entities or to the intelligence community, which require such access for security purposes.

This legislation is unique in this study because the Clinton Administration preempted the need for it before it received full congressional consideration. The Clinton

Administration announced that it would relax restrictions on exporting encryption technology, in effect obviating H.R. 850 for the time being. Nevertheless, the bill experienced lobby activity in its formative stages before the Clinton Administration's actions.

Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act (H.R. 4141)

H.R. 4141 is designed to reauthorize the remaining Elementary and Secondary Education Act programs. These programs include funding for education technology, drug-free schools programs, the innovative education program block grant, and a host of other federal education initiatives such as 21st century community centers, gun-free schools programs, and environmental education. The bill embodies the Republican conservative approach to education that promises more school funding flexibility to allow schools to choose programs which work specifically for them while implementing increased standards of accountability. The bill attracted 22 cosponsors, all Republican, and mostly committee members. It passed the committee after a heated markup session by a 25-21 vote and did not receive floor consideration.

While most members of the Education Committee accept PAC contributions and meet regularly with interest groups, not all members do, frustrating lobbying strategies. A senior member and leader on the Education and Workforce Committee is in self-professed exile from interest group influence. He defers to his committee staff to communicate with groups if there is a strong message that a group wants to deliver to him. Otherwise, he

lets the message go out that his staff is not to be bothered by many groups so they can go about the work of the committee. He does what he wants and remains relatively untouched or unmoved by a swirling interest group storm around education issues, to which he admits he is happily oblivious. Furthermore, it helps him remain untouched that he does not typically accept PAC money. He does speak with some groups and sees his personal and committee staff speaking with them as “educational” experiences. He does not hold an altogether dark view of these groups, but he prefers to remain removed from them. Given this member’s position on the committee to influence its outlook and agenda, his refusal to “play ball” with groups is a sore sticking point with them, he admits. Oddly enough, that refusal seems to only fuel more interest group activity and higher PAC contributions to other influential Republican members on the committee who seek to avoid the roadblock this member represents to them.

This member argues that many of the issues before the committee, including and especially H.R. 4141, meet with intense partisan rancor because the battles reflect long-time ideological divisions separating two stark approaches to the federal role in education. He argues that the committee fights the same policy battles each year but since the Republicans gained control in 1995, they have reversed many of the Democratic policies, inflaming Democratic resistance. This member says of the Democrats: “They haven’t gotten over the liberal ‘60s mindset of offering one more program, one more program, all hopelessly underfunded. They would rather offer a host of programs than give a large lump sum of freedom flexibility to schools.”³ In some ways, the Democrats’ orientation to interest groups in education is more open – they like a hodgepodge of various

solutions, so they naturally like to talk with more groups. The GOP has solidified an approach of funding freedom and block grants – which means fewer programs. The fewer programs mean that groups know that approach indicates they do not have a captive audience. The overall result is that Democrats raise more PAC money than Republicans an average of \$20,000 per member per year, a unique occurrence among the policy committees.

The Secret Evidence Repeal Act (H.R. 2121)

This Judiciary Committee legislation defies the partisan label much of the legislation here embodies. Introduced by Congressmen Bob Barr (R-GA), Tom Campbell (R-CA), David Bonior (D-MI) and John Conyers (D-MI), H.R. 2121 is designed to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien. Amending the Immigration and Nationality Act, it protects aliens from the use of secret evidence being used against them in five areas: court procedures; other immigration proceedings; applications for immigration benefits; bond proceedings and judicial review of bond determinations; and parolees into the United States. This legislation, largely backed by the Arab-American communities across the country, will ensure aliens enjoy similar rights as American citizens.⁴ With 128 House co-sponsors, it passed the Judiciary Committee by voice vote in the second session of the 106th Congress but received no action of the floor of the House. A sensitive issue with many minorities, secret evidence

gained the support of presidential candidate George W. Bush in the fall of 2000 and may have more success in the 107th Congress with his support as president.

Findings

Empirical findings derived from the ordered probit models reveal that variables other than those capturing lobby influence explained member behavior on these seven bills. The findings reveal that variables measuring partisanship, district policy interest, member policy interest, and member electoral insecurity regarding the legislation in all cases but H.R. 2121 (discussed in Footnote 4) provide robust explanations for the variance in the dependent variable of member behavior. This empirical evidence indicates that there are numerous occasions on major policy initiatives when there are clearly impediments for interest groups to initiate active lobbying or reasons why Members of Congress are ultimately not influenced in their policymaking behavior by the arguments of lobbyists. Both explanations underscore the notion that, while Chapter 4 demonstrated empirical evidence that interest groups successfully influence members' behavior as the theory of legislative agents holds, there is no evidence that the theory applies to every bill. That is, there are limits to lobbying and the theory of legislative agents-recruiting. Below is a discussion of the major individual empirical findings of the seven models in which lobbying influence did not significantly affect member behavior. It is followed by a more broad discussion of the environmental circumstances which seem to define when lobbying is not successful.

Perhaps the most striking, and even most obvious, finding from nearly all of the models is that so many of the “policy” bills are primarily partisan in nature. While political science scholarship regards these three policy committees as the venues for some of the most technical, complicated, and non-partisan issues in the U.S. Congress, these findings clearly demonstrate that some partisanship has come to dominate some of the agenda in these policy committees. The findings are important, for, coupled with interviews and personal observation, they show that contemporary policy committees can be highly partisan in nature a significant amount of the time.

The bills in which partisanship alone provided significant explanation in the variance of member behavior include: H.R. 1283 Asbestos Litigation, in the Judiciary Committee ($B = -0.00419$, yielding a significance of 0.082); H.R. 1987 The Fair Act, in the Education and Workforce Committee ($B = -0.00684$, with a significance level of .014); and H.R. 3261 Satellite Privatization in the Commerce Committee ($B = -0.009756$, with a significance of .004). In each of these cases, no other variable in the model was statistically significant to explain why members choose to act they way they did in shepherding these bills through the committee policymaking process. In addition, partisanship, coupled with district concerns, explained a significant amount of member behavior for H.R. 2434 The Worker Paycheck Fairness Act (for partisanship, $B = -.005472$, significant at 0.075). Interview data and personal observation with actors on each of these four bills demonstrated that the most important characterization of these issues were the partisan overtones of their discussion in committees. Congressional staff, in particular, cited these bills as generally the most partisan of legislation confronted in

those committees.

The finding here on one bill, H.R. 3261, is curious and underscores the need to complement quantitative modeling with qualitative interviews and soaking and poking. In this case, the findings derived from different approaches conflicted. H.R. 3261, while quantitative findings demonstrated a partisan influence in member behavior, nonetheless enjoyed passage by voice vote and the president's signature. This may be because, while the measure enjoyed bipartisan support, the Republicans in committee took control of this legislation and saw it through the policy stages. Democrats and President Clinton supported the rules changes regarding satellite technology and ownership seemingly as much as Republicans. However, the Democrats did not largely act positively or negatively against the measure in the policy process, compared with sometimes active and intense Republican support. The result is a picture of Republican activity against a Democratic backdrop of seeming indifference. Accordingly, the model showed the partisan differences, but qualitative interviews revealed that Democrats did not oppose the bill but were not largely concerned about it, either. Ultimately, the bill demonstrates when lobbying was ineffective because the broad base of support meant that its passage was nearly certain.

Regarding H.R. 3261 as nonpartisan, still three of the seven bills here were highly partisan affairs in which members acted because of partisanship and no other influences. Why such a significant amount of partisan-defined legislation in a sample naturally disposed to be less partisan and openly bipartisan? These findings are yet another indicator of many underscoring the increased partisanship defining the House of

Representatives in recent years. Certainly, the unusual circumstances of the heightened partisanship of the 104th - 107th Congresses given the slim majority GOP control has led to an overtone all congressional observers have measured in recent years. Indeed, some congressional scholars point to the rise of House partisanship to the growing stature of Newt Gingrich in the late 1980s during the Wright Speakership, in which Wright fell victim to both poor judgement and partisan long knives (Peters 1997). Ultimately, this finding indicates that even these “brain” committees have become influenced by partisan votes, which may be the manifestation of the constant campaign environment for control of the chamber defining Congress beginning in the 104th Congress. Accordingly, in an environment in which one would expect the least partisanship and the most issue expertise in complicated policy, a surprising number of major bills were highly partisan affairs that defined member behavior.

Second, two factors other than partisanship seem to have the power to explain member behavior in instances when lobby efforts (both money and personal contacts) had little impact on member behavior: members’ policy interest and members’ electoral insecurity. Member electoral insecurity, for instance, played significant explanatory roles in two bills – H.R. 4141, the OPTIONS bill, and H.R. 850, the SAFE Act regarding encryption standards. Indeed, for H.R. 4141, the only explanatory independent variable was member electoral insecurity, which may be an indication that members on the Education and Workforce Committee who had high degrees of electoral insecurity for the 2000 election had a tendency to be opposed to the legislation because of the rather dramatic turn much of the education agenda took that in H.R. 4141. (Here, $B = -0.03201$,

significant at 0.105.)

Regarding H.R. 850, the findings make sense in that the two explanatory variables were verified through personal interviews of members interested in high tech issues. The SAFE Act attracted the attention of a small number of highly focused Members of Congress who were known as experts or were developing expertise in electronic commerce issues, which includes encryption standards ($B = -0.983$, significant at the .025 level). In addition, these members were acting in concert with the perceived positions of their high-tech oriented districts, many of which included major computer, banking, and telecommunications companies that strongly favored the revision in the encryption standards. Members who were more electorally insecure were more likely to be in favor of the bill ($B = -0.05466$, significant at 0.061). Overall, these findings demonstrate that member policy interest and expertise as well as district impulses play crucial roles in affecting member behavior. In these instances, members retained the final decision of when and how to affect policy and that they allowed their own convictions and the interests of their constituents to supercede other reasons for acting, including partisanship and pressure from coordinated lobby efforts.

A third noteworthy finding from the empirical models, including all fourteen bills, is that on eleven of the fourteen, party/ideological influence and lobby factors (PAC contributions and personal lobby activity) were mutually exclusive when it comes to affecting member behavior. That is to say, if a bill is a partisan matter, lobbying is usually not successful in influencing member behavior. Qualitative evidence suggests that partisan bills indicate the presence of existing and compelling guideposts for members to follow

which preclude the success of intervening lobby efforts. For instance, a senior Republican on the Education and Workforce Committee admitted that he believed measurable lobby influence on the committee was less than on other committees because of the stark partisan nature of the committee, arguing that such clear ideological divisions served as barometers of committee action and ultimately discouraged the need for fierce lobby battles.⁵ It is important to note that this does not apply to all issues before the committee, but that three of the five bills (H.R. 1987, H.R. 4141, and H.R. 2434) studied there demonstrate a reduced lobby effort and no lobby success in influencing behavior.

Fourth, this data demonstrates the action of lobbyists as much as it does about Members of Congress. It shows that lobbyists act strategically depending on whether an issue is partisan or not. As the theory of legislative agents holds, lobbyists read the political environment and take other factors into consideration to decide when and how to act. On partisan matters, since lobby activity does not tend to significantly affect member behavior, and qualitative interviews with lobbyists indicate they are generally aware of this, this suggests that those PACs and groups which act do so not to change minds but to reinforce predetermined party stances in members' minds. Data compiled from staff, lobbyists, and members used in the empirical models, moreover, shows that on a scale of 0-4 on lobby intensity, education issues received on average 2.85 while Commerce Committee policies registered 3.17. The Education Committee is a good example in which groups personally lobby and significantly contribute, but they do so to their friends as a reminder of their presence since they know the member is likely to behave as they hope from the beginning. Of all the committees, it is by far the most ideologically divided,

with the least complicated issues, less intense lobbying, and the least accompanying PAC money. Accordingly, empirical findings on reduced lobby activity for these issues demonstrates that lobbyists know when and how to do their jobs for maximum effectiveness.

Qualitative data reveals more about the intentions and calculations of strategic lobbying. Several interviews with key lobbyists from different industries, including the banking and telecommunications industry, the defense industry, the labor field, and education indicate that even when lobbying does not work to achieve a specific goal, lobbyists truly believe their efforts are not in vain. Indeed, lobbyists rationalize their behavior when they lose a battle and argue about its longer term importance to their message and cause. Each of these four disparate lobbyists defend their losing actions, listing the positive impact such actions possess. They suggest that unsuccessful lobbying performs several valuable functions, including: a) maintains interest group visibility, even if it is connected to a loss; b) maintains issue visibility that indicates the issue, if lost, is not a closed subject for the future; c) ignites grass-roots supporters to make contact with members and contribute to PAC leadership for that money in turn to be doled out; and d) overall lends credibility that even when unsuccessful, lobbyists and their interest groups are constant forces to be reckoned with on the Hill. These qualitative findings reinforce the empirical finding that lobbyists act strategically and carefully assess the political environment surrounding them.

Fifth, these findings reveal much about the differences between the three policy committees studied. Several qualities, aside from the committee jurisdictions, seem to

divide them, including: issue complexity, partisanship levels, and nature and rate of successful lobbying. Typically, bills which are more partisan tend to be least complicated, and bills in which party plays little role tend to be more complicated policy matters. These matters in turn attract greater interest group activity, which tends to be significant influencing variables on member behavior given the absence of partisan rancor and party guideposts. As data in the previous chapter indicated, complicated matters tend to make members more open minded and ultimately affected by PAC money and/or personal lobby efforts. The Commerce Committee and to some extent the Judiciary Committee are a full-court press for most lobbyists much of the time. The Commerce Committee in particular attracts less ideological members who tend to both balance pro-business and pro-consumer interests at once (see Table 3.6). With moderate Republicans coupled with New Democrats, this committee continues to demonstrate that lobbying by groups crosses party lines without notice, a rarity in the Education Committee.

Finally, issues in these bills in which lobbying was both less intense and not statistically significant are measured as less technically complex and less difficult to understand for Members of Congress by their staff, the quantitative evidence, based on qualitative data gathering, reveals. In some ways, this is not surprising, as members and staff involved in education issues throughout the 106th Congress routinely reported that the problems of policymaking they faced were not attributable to policy complexity which required all the actors to undergo long periods of learning on issues. Indeed, as Table 3.5 illustrates, not one of the five policy bills in this committee received hearings or markups at the subcommittee level. In addition, only three of the five bills received a full

committee hearing, indicating that the issues in these bills were well known and understood by members and staff. At the most basic level, school vouchers, union paycheck dues, and education flexibility are far easier to understand than electricity transmission reform, broadband deployment, or Internet taxation policies. With the education issue simplicity, as several staff put it, comes the opportunity for them to become lightning rod, partisan matters, easily encapsulated in words such as “vouchers,” “union dues,” and “edflex,” a codeword Democrats believed meant lumping education funding together to eliminate programs and reduce funding but making the appearance of increased funding through seemingly large block grants.

The Narrow Lobby Window

These findings draw a larger picture about the circumstances of legislation in which lobbying was both less intense and less successful than in other instances. Simply put, lobbying is not always easy, nor do some situations lend themselves to make lobbying cost-effective or useful for the highest-order goal of changing member behavior. The combination of political variables which helps to define these circumstances as unfavorable to lobby influence may be akin to a narrow lobby window. This is in contrast to the circumstances set forth in the previous chapter on the wide lobby window sometimes available to lobbyists in which evidence demonstrated that lobbying had measurable significant effects on member behavior. Many of these qualities of the narrow lobby window serve as counterfactuals of the characteristics defining the wide lobby window.

One of the most significant factors involved in nearly all these bills is the increased

partisanship dominating these issues, bills, and policy environments. It is clear from both empirical and qualitative findings that partisanship in recent congresses has been on the rise. This atmosphere is due in part to two factors. One factor is more purely ideological and the other is strategic maneuvering, which reflects the first.

The growing ideological divide in Congress resulting from the elections of 1994 and continued Republican control even as Democrats have slowly chipped away a dozen seats has dramatically affected the institution (McSweeney and Owens 1998). Republican fervor from 1994 election of the historic 73 freshmen may have waned over time in the 104th and 105th Congresses, but the residual ideological divide in the House was still quite larger after the Republican revolution than before it (Rae 1998). Interviews conducted in 2000 in the midst of the crucial congressional elections in which the Democrats needed only a net gain of six seats underscored the ideological fervor reminiscent of 1995. During the period of the 2000 election cycle, several Republican members elected in 1994 and 1996 argued that while the party sought to appear more moderate with the public by offering a prescription drug plan and increasing investment in education, strong ideological differences were hard to mask about the two approaches the parties would take in policymaking. In their minds, the “moderation” associated with the rise of Speaker J. Dennis Hastert was a ruse to put a soft face on the Republican party for the public. Underneath, led in spirit and sometimes often in fact by conservative Majority Whip Tom Delay (R-TX), the remaining Republican revolutionaries were as conservative as ever and now approaching leadership positions with accrued tenure.⁶

Strategic maneuvering in the policy committees was also a manifestation of

partisanship in the 106th Congress. Not only were members' core convictions on questions of ideology and the role of the federal government important, but the way the Republicans ran the House and the Democrats reacted were signs of partisanship as well. The Education and Workforce Committee as a policy environment was a perfect example of this manifestation as the committee worked to reauthorize the Elementary and Secondary Education Act. Republicans, led by Chairman Goodling, recognized that their approach was anathema to the Democrats' preference for more programs and more funding, judging the Republican block grant approach as a scheme to eliminate many federal programs, even while federal spending in education increased under Republican control. H.R. 4141, the OPTIONS Act, is a perfect example of strategic maneuvering which reflected ideological intensity. Considered in the spring of 2000, H.R. 4141 experienced the grinding efforts of staff to bridge some of the differences when possible or push the Republican agenda solely when necessary. With 71 amendments offered to this bill, Democrats offered 52 of them and won adoption on just 11 of those (in contrast, Republicans won adoption to 15 of their 19 amendments offered). In the process, Democrats' anger at last-minute notice of meetings and amendments as well as the nature of amendments, fueled their resistance to the bill in which they forced 47 excruciating roll call votes and four procedural roll call votes during consideration. One Republican staff member reported that dialogue between the Republican and Democratic staff had almost completely broken down on this bill.⁷

For all the strategic ability much of the empirical and qualitative data attributes to the keen decision-making of lobbyists, the findings also demonstrate that there are

circumstances beyond their control. Part of their strategic behavior is recognizing their own limits, tailoring their message to reinforce predisposed members (a prospect much less costly than persuading the uncommitted or arguing with the opposition) when the cost of more intense lobbying significantly increases with no apparent gain. This legislation demonstrates the legislative circumstances when intense lobbying is untenable and the ability to persuade a majority of a committee of members is beyond reach. This demonstrates that lobbyists are sometimes unsuccessful in acting strategically to maximize member and issue circumstances to their advantage, as they do in some legislation.

The lack of lobby influence measured here may be attributed to two possible reasons: 1) when warring camps of lobbyists' efforts cancel each other out so that no appreciable measurement of lobby influence in one direction or the other can be ascertained in the quantitative models; and 2) instead of strong efforts canceling each other out, sometimes lobbyists on both sides of an issue recognize that political circumstances, primarily partisanship, electoral insecurity, and member expertise, will dictate the fate of an issue no matter what lobbyists do. Accordingly, if and when they make this judgment, lobby activity decreases to conserve precious resources of time, money, and reputation. This second explanation happened on these seven bills in the 106th Congress.

These circumstances also demonstrate that the relevant actors see these issues with greater simplicity. Not only are the issues simpler with dichotomous choices – privatize Comsat or not?; penalize unions or not?; limit asbestos liability or not? The ability to think of most of this legislation in which lobby influence was not significant as a choice

between two clear paths allowed members to think of policy outcomes in terms of clear winners and losers. Republicans wanted to penalize lawyers, fraudulent asbestos claimants, unions, and the bureaucracy of the Department of Education. They wanted to help high technology industry using encryption for transaction, electronic commerce businesses, and grass-roots level parents and students. Democrats, on the other hand, played defense on much of this legislation, seeking to protect their natural constituencies, including trial lawyers, union members, union leadership, and a variety of interest groups seeking more federal education programs over block funding formulas. In these instances when lobbying was both less intense and less successful in influencing behavior, a dichotomy of legislation paths seemed apparent. While lobbying may have been less intense, members and staff frankly admitted that members were animated to protect lobby interests representing natural partisan constituencies, nonetheless.

Related to this clear division of choices in this legislation, there was no real uncertainty of outcome for any of these bills. Members knew that the Republicans would push the satellite privatization bill with Democratic support. Democrats realized the time had come for this issue, and while not largely championing it, they generally acquiesced to it and allowed the majority Republicans to make it happen in committee. It seemed members in both parties knew that both the asbestos legislation in the Judiciary Committee and the worker paycheck legislation in the Education and the Workforce Committee were more Republican bark than bite. Republicans, while firmly believing in the need to limit frivolous lawsuits that were the bread and butter of trial lawyers (traditionally liberal Democratic supporters), and while they believed union members should not have their

dues unknowingly applied to hurt the Republican party when thirty percent of all union members voted Republican, knew these were propaganda masquerading as policy. Accordingly, the chance of committee passage was as certain as the impossibility that the Speaker or House Majority Leader would schedule floor consideration for them. Conversely, while Democrats on these committees held their noses through the consideration of these bills and voted against them, they enjoyed some consolation in knowing they would go nowhere beyond the committee. Certainty prevailed. Members were in synchronization with their interests in these cases thereby eliminating the need for intense lobby efforts.

These instances of issue certainty, for instance, come in stark contrast to issues in which lobbying was influential because the entire dynamic of those issue dialogues among actors was rife with complexity, interest group activation, steeper member learning curves, and legislative uncertainty. Electricity reliability and transmission issues involving hundreds of power and utility companies struggling over narrow paths of electric delivery forced members and staff to pay attention to figure out just who those winners and losers might be in granting greater transmission flexibility to major producers and owners. Similarly, Tauzin's description of the broadband delivery issues between local telecommunications providers and long distance carriers sparked a bitter, entrenched battle of interest group hyperactivity that left some members uncertain over the technical aspects of the legislation as well as the ultimate outcome of it in the 106th Congress. No such battles of intensity or uncertainty marked the seven bills in which lobbying was unsuccessful.

Related to the issue of uncertainty, lobbyists knew when to back down and let the certain outcomes take their course. Qualitative interviews reveal that most stakeholders (including staff, members, and lobbyists) knew how these would turn out from the beginning. Voting on some of this legislation could have been predicted from the beginning without the trouble of having hearings and markups which were absurd “jokes,” as one senior staff member put it, acknowledging a sense of inevitability regarding the fate of the asbestos litigation reform bill from the beginning of the process.⁸

Lobbying in these circumstances was not successful, also, due in part to the fact that lobbyists engaged in no great lobby effort to change minds on these bills. Perhaps they realized that even if they tried they could not have changed circumstances. Instead, they realized that most members of both parties had predisposed and frequently adamant opinions from the beginning highly unlikely to change. When faced with circumstances like that, a senior telecommunications and banking lobbyist remarked that, “you just hold on for the ride sometimes and wait for your next chance to shape a debate.”⁹

While partisanship did dominate much of the debate surrounding this legislation, other forces played significant roles in shaping member behavior as well. Members’ actions on the encryption legislation (H.R. 850) in the Judiciary Committee were influenced strongly by member interest and electoral insecurity. On the worker paycheck bill, members found themselves representing the perceived wishes of their congressional districts, largely influenced by the number of union households, which vote regularly, in them. This finding highlights an atmosphere in which other forces beyond interest group

influence, PAC money, and partisanship do play a role. How members perceive the majority positions of their districts is taken into account, along with the member's attitude about bills brought on by their legislative experience and expertise. Such a finding is consistent with Miller's and Stokes' understanding of the linkages between constituency attitudes and members' roll call behavior. These findings are important to disprove the notion that interest group contact, PAC contributions, and partisan alignment crowd out other factors in influencing members' decision-making on policy legislation. While those three explanations account for most of this legislation, they do not exclude other important factors in the representation process, including members' issue expertise, district concerns, and electoral vulnerability.

Another critical characteristic of the narrow lobby window was the significantly smaller opportunity for outside input. In these cases, the policy process was far less porous. Because of the closed nature of the policy process in the Education and Workforce Committee as well as some issues before the Judiciary Committee, interest groups frequently were, and felt, shut out of the process. One exasperated education lobbyist expressed his continued frustration with Education and Workforce Chairman Bill Goodling (R-PA) because he prefers to do business by skipping hearings and subcommittee consideration. This preference, the lobbyist argued, effectively negated a large part of the first stages of the policy process where agenda setting in hearings and issue definition and formulations occur at the subcommittee level. Instead, Goodling preferred to head straight to Committee consideration of many issues and encourage his subcommittee chairs to, when they do hold hearings, hold them outside of Washington

with “real” people. When hearings were held in Washington, Republicans largely froze out many of the traditional stakeholders, particularly on workforce issues on which labor was most active.

Conclusion

This chapter illustrates the limits of interest group influence on member behavior. Sometimes there are occasions in which the policy environment is not conducive to interest group success or high activation. In these circumstances, lobbyists do not pursue their goals of recruiting members to act as their legislative agents in the policymaking process of the committee system. Instead, they carefully gauge the political environment seeking information from many actors for certainty of outcome, partisanship on an issue, and member’s convictions and expertise to see an issue through committees. Often, when these circumstances indicate that lobbying will not change minds, lobbyists reduce their costs by lowering the intensity of their efforts. At the same time, however, they accumulate information on the potential long-term fate of legislation in order to learn when and if an issue might be open later in the policy process.

For their parts, Members of Congress do not always seek to engage in close relationships with interest groups on issues. A few members choose never to do this and do not accept PAC money as a signal to interest groups to back off. Other members do not discourage lobby contacts but do not encourage them, either. While these members may be undecided on difficult policy issues in a bipartisan environment, they wait

to see who contacts them. Still other members actually initiate their contact with interest groups in order to learn issues as well as to increase their visibility and begin long-term relationships on Capitol Hill. In these latter two groups are members who ultimately seek to work an agenda for groups, as Billy Tauzin openly champions the rights of local telecommunications carriers to carry broadband access of the Internet or Tom Bliley works with Lockheed Martin to open commercial satellite use to them through legislative action. Bill Goodling clearly champions the rights of parents to home-school their children when many members oppose in order to strengthen public schools. Chris Cox works in concert with small and large businesses who have pioneered the use of on-line Internet sales and seek to avoid paying burdensome sales taxes on their products, hampering growth.

While these members may be agents, and quibble with that label, to their respective principals, such agent-making does not always occur. Certainly every bill introduced in Congress has a member who serves as its sponsor, and most significant bills have cosponsors, but agent-making does not always occur to get members to act in this way. Some members act for other reasons, completely oblivious or unconcerned with interest group positions and influence. They act because they seek to fulfill policy goals which their expertise drives them to think is right. Or, they seek to act because district concerns, including an electoral insecurity. In three of seven cases, in the absence of lobby influence, the 139 members in his study acted in a partisan manner influenced by ideological goals. Such partisanship indicates that in an era in which the political parties have been in decline, according to some scholars including Wattenberg (1998), partisanship is sufficiently strong

enough to preclude the ability of lobbyists to effectively mount their cases with Members of Congress. Perhaps most importantly, on legislation which has partisan overtones, members act to protect their natural party constituencies. Such protection may obviate the need for lobbyists to activate intensely since members use their political instincts to make decisions. Those decisions protect the lobbyists who are their ideological allies, anyway. Lobbyists judging whether to act realize their remaining goal to persuade opponent on ideological matters costs too much and returns little. They differ, and partisan voting blocs sometimes appear.

Overall, the findings from both Chapters 4 and 5 draw a picture of member behavior influenced largely by lobby factors or partisan affiliation. While other factors occasionally come to bear on members' decisions, according to quantitative and qualitative findings, they rarely are influential in the absence of both party and lobby variables. This finding, if one is to generalize from it, may be indicative of the fact that both increased lobbying and increased partisanship in the 1990s has altered the priorities Members of Congress use to make decisions in the policy arena, having the effect of crowding out the influences of other variables which may once have been more central to members' behavior. Chapter 6 serves as a conclusion reflecting on this possibly troubling finding and other implications of the statistical and qualitative findings of previous chapters.

Table 5.1
Summary of Statistical Findings

1) Bills in which partisanship is high play a significant role in the policy committees.	4) Lobbyists use partisanship as a criteria for entrance and lobby less as bills become more partisan.
2) Member issue interest and partisanship surrounding a bill crowd out the opportunity for lobby influence.	5) The three policy committees are different. The Commerce Committee tends to be less partisan and have more complicated policy. The Education is the reverse, with the Judiciary in between.
3) Partisanship and lobby influence are mutually exclusive characteristics of these bills.	6) Issue complexity declines with increased partisanship on policy bills, which corresponds with less lobbying.

Table 5.2
General Conditions Under Which Lobbying Was Unsuccessful

1) Partisanship on bills remained high to solidify Member opinion and increase the cost of lobbying.	4) Issues were less complex and technical, as measured by staff, members, and lobbyists.
2) Members' issue interest and electoral insecurity sometimes drove member decision-making.	5) Lobbyists judged the certainty of the outcome of legislation as high and not easily swayed by their actions.
3) Lobbyists strategically chose when to decrease their lobby intensity because various factors, including the above two conditions, increased lobby costs.	6) The "narrow lobby window" included a truncated consideration process which limited input from outside actors.

Table 5.3

Ordered Probit Regression Model for Predicting Member Behavior on H.R. 1283

Bill	Model Fit Sig.	Nagelkerke Psuedo R ²
H.R. 1283	.021	.386

Parameter Estimates for Legislator Behavior on H.R. 1283, Asbestos Litigation Reform

	Estimate	Std. Error	Wald	Sig.
Personal Lobby Activity	.255	.259	.969	.325
District's Policy Interest	.284	.242	1.378	.240
Member's Policy Interest	.346	.317	1.188	.276
Member's Electoral Insecurity	1.334E-02	.022	.368	.544
Party/Ideological Affiliation	-4.194E-03	.002	3.033	.082*
PAC Money on Specific Committee Issues	-1.248E-06	.000	.067	.796
Ratio of PAC Money in Campaign Coffers	3.070	2.486	1.526	.217

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 1283 that Members would:

<u>Activity:</u>	<u>Predicted Probability:</u>
Engage in no activities	
Attend one or more markups	
Vote in one or more roll calls	.517
Speak during markup, minor participant in the discussion	.193
Speak during markup, major participant in the discussion	.179
Offer minor or technical amendment or procedural motion	
Offer one or more substantive amendments	
Engage in agenda action	.111

Note: For this bill, members' observed behavior occurred only in the four categories indicated and for which predicted behavior can be calculated.

Table 5.4
Ordered Probit Regression Model for Predicting Member Behavior on H.R. 850

Bill	Model Fit Sig.	Nagelkerke Psuedo R ²		
H.R. 850	.120	.348		
Parameter Estimates for Legislator Behavior on H.R. 850, Secure Encryption Act				
	Estimate	Std. Error	Wald	Sig.
Personal Lobby Activity	.168	.341	.244	.622
District's Policy Interest	.436	.288	2.294	.130
Member's policy Interest	-.983	.438	5.033	.025**
Member's Electoral Insecurity	-5.466E-02	.029	3.497	.061*
Party/Ideological Affiliation	6.335E-04	.003	.042	.837
PAC Money on Specific Committee Issues	3.245E-06	.000	.338	.561
Ratio of PAC Money in Campaign Coffers	1.143	3.315	.119	.730

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 850 that Members would:

Activity:

Predicted Probability:

Engage in no activities

Attend one or more markups

Vote in one or more roll calls

.213

Speak during markup, minor participant in the discussion

.032

Speak during markup, major participant in the discussion

Offer minor or technical amendment or procedural motion

Offer one or more substantive amendments

Engage in agenda action

.754

Note: For this bill, members' observed behavior occurred only in the three categories indicated and for which predicted behavior can be calculated.

Table 5.5**Ordered Probit Regression Model for Predicting Member Behavior on H.R. 2434**

Bill	Model Fit Sig.	Nagelkerke Psuedo R ²		
H.R. 2434	.003	.437		
Parameter Estimates for Legislator Behavior on H.R. 2434, Worker Paycheck Fairness				
	Estimate	Std. Error	Wald	Sig.
District's Policy Interest	.657	.357	3.381	.066*
Member's Electoral Insecurity	1.299E-02	.020	.421	.516
Member's Policy Interest	-.396	.445	.792	.373
Party/Ideological Affiliation	-5.472E-03	.003	3.160	.075*
PAC Money on Specific Committee Issues	-5.201E-06	.000	.184	.668
Ration of PAC Money in Campaign Coffers	-1.805	3.835	.222	.638
Personal Lobby Activity	-.175	.289	.370	.543

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 2434 that Members would:**Activity:****Predicted Probability:**

Engage in no activities

.0000036

Attend one or more markups

Vote in one or more roll calls

.776

Speak during markup, minor participant in the discussion

Speak during markup, major participant in the discussion

Offer minor or technical amendment or procedural motion

Offer one or more substantive amendments

Engage in agenda action

.224

Note: For this bill, members' observed behavior occurred only in the three categories indicated and for which predicted behavior can be calculated.

Table 5.6**Ordered Probit Regression Model for Predicting Member Behavior on H.R. 1987**

Bill	Model Fit Sig.	Nagelkerke Psuedo R ²		
H.R. 1987	.008	.354		
Parameter Estimates for Legislator Behavior on H.R. 1987, Fair Access/Reimbursement				
	Estimate	Std. Error	Wald	Sig.
District's Policy Interest	1.420E-02	.313	.002	.964
Member's Electoral Insecurity	-2.372E-03	.018	.017	.896
Member's Policy Interest	-.386	.398	.938	.333
Party/Ideological Affiliation	-6.844E-03	.003	6.012	.014**
PAC Money on Specific Committee Issues	9.727E-07	.000	.008	.927
Ratio of PAC Money in Campaign Coffers	.335	3.384	.010	.921
Personal Lobby Activity	.273	.251	1.183	.277

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 1987 that Members would:

<u>Activity:</u>	<u>Predicted Probability:</u>
Engage in no activities	.002
Attend one or more markups	
Vote in one or more roll calls	.467
Speak during markup, minor participant in the discussion	
Speak during markup, major participant in the discussion	.178
Offer minor or technical amendment or procedural motion	
Offer one or more substantive amendments	.061
Engage in agenda action	.292

Note: For this bill, members' observed behavior occurred only in the five categories indicated and for which predicted behavior can be calculated.

Table 5.7

Ordered Probit Regression Model for Predicting Member Behavior on H.R. 3261

Bill	Model Fit Sig.	Nagelkerke Psuedo R ²		
H.R. 3261	.041	.342		
Parameter Estimates for Legislator Behavior on H.R. 3261, Satellite Privatization				
	Estimate	Std. Error	Wald	Sig.
District's Policy Interest	5.867E-02	.253	.054	.817
Member's Electoral Insecurity	-1.129E-02	.024	.218	.641
Member's Policy Interest	.217	.384	.320	.571
PAC Money on Specific Committee Issues	-5.490E-06	.000	.159	.690
Ratio of PAC Money in Campaign Coffers	3.719	8.781	.179	.672
Personal Lobby Activity	.260	.346	.566	.452
Party/Ideological Affiliation	-9.756E-03	.003	8.327	.004***

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 3261 that Members would:

Activity:

Predicted Probability:

Engage in no activities

Attend one or more markups

Vote in one or more roll calls

.753

Speak during markup, minor participant in the discussion

Speak during markup, major participant in the discussion

Offer minor or technical amendment or procedural motion

Offer one or more substantive amendments

Engage in agenda action

.247

Note: For this bill, members' observed behavior occurred only in the two categories indicated and for which predicted behavior can be calculated.

Table 5.8**Ordered Probit Regression Model for Predicting Member Behavior on H.R. 4141**

Bill	Model Fit	Sig.	Nagelkerke	Pseudo R ²
H.R. 4141	.029			.314
Parameter Estimates for Legislator Behavior on H.R. 4141, Education OPTIONS				
	Estimate	Std. Error	Wald	Sig.
District's Policy Interest	-.140	.325	.186	.667
Member's Electoral Insecurity	-3.201E-02	.020	2.635	.105*
Member's Policy Interest	.100	.393	.065	.799
Party/Ideological Affiliation	-4.418E-03	.003	2.432	.119
PAC Money on Specific Committee Issues	1.398E-05	.000	1.570	.210
Ratio of PAC Money in Campaign Coffers	-3.694	3.546	1.085	.298
Personal Lobby Activity	.202	.261	.599	.439

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 4141 that Members would:**Activity:****Predicted Probability:**

Engage in no activities

Attend one or more markups

Vote in one or more roll calls

.0158

Speak during markup, minor participant in the discussion

Speak during markup, major participant in the discussion

Offer minor or technical amendment or procedural motion

Offer one or more substantive amendments

.570

Engage in agenda action

.414

Note: For this bill, members' observed behavior occurred only in the three categories indicated and for which predicted behavior can be calculated.

Table 5.9**Ordered Probit Regression Model for Predicting Member Behavior on H.R. 2121**

Bill	Model Fit Sig.	Nagelkerke Psuedo R ²		
H.R. 2121	.103	.298		
Parameter Estimates for Legislator Behavior on H.R. 2121, Secret Evidence Act				
	Estimate	Std. Error	Wald	Sig.
District Policy Interest	.379	.240	2.486	.115
Member's Electoral Insecurity	-6.456E-04	.020	.001	.975
Member's Policy Interest	3.515E-02	.312	.013	.910
Party/Ideological Affiliation	1.497E-03	.002	.399	.527
PAC Money on Specific Committee Issues	3.382E-06	.000	.546	.460
Ratio of PAC Money in Campaign Coffers	-3.952	2.558	2.387	.122
Personal Lobby Activity	7.437E-02	.270	.076	.783

*p<.10; **p<.05; ***p<.01. Models estimated with maximum-likelihood ordered probit analysis.

Predicted Probabilities for H.R. 2121 that Members would:**Activity:****Predicted Probability:**

Engage in no activities

Attend one or more markups

Vote in one or more roll calls

.254

Speak during markup, minor participant in the discussion

.193

Speak during markup, major participant in the discussion

.172

Offer minor or technical amendment or procedural motion

Offer one or more substantive amendments

Engage in agenda action

.382

Note: For this bill, members' observed behavior occurred only in the four categories indicated and for which predicted behavior can be calculated.

Endnotes

1. From a personal interview the author conducted with this congressional staff member.
2. These observations come from a lobbyist representing the AFL-CIO who agreed to speak with the group of American Political Science Association Fellows as part of the Woodrow Wilson series of speakers which the APSA Congressional Fellowship Program sponsors.
3. From a personal interview the author conducted with this Member of Congress.
4. Explanations for member behavior on this bill are weakly tied to district policy interest ($B = 0.379$ with a marginal significance of 0.115) and PAC donations ($B = -3.952$ with a marginal significance of 0.122), as table 5.7 demonstrates. No single factor or combination of factors in the model captures well the influence which affected member's behavior on this bill in the Judiciary Committee. Anecdotal evidence suggests that members supported it because of Arab American influence in their districts, foreign policy interests which they translate into domestic policies such as this, or an ideological commitment to the equality of treatment among all individuals regardless of their citizenship status. Of the fourteen bills in the study, it is the only bill which the statistical model could not measure well the influences of the independent variables.
5. From a personal interview the author conducted with this Member of Congress.
6. The author conducted formal interviews with 10 Republicans elected in 1994 or 1996, remarks of whom resembled each others' on this point of continued conservative fervor.
7. From a personal interview the author conducted with this staff member.
8. From a personal interview the author conducted with the staff member.

9. From a personal interview the author conducted with the staff member.

Chapter 6: Lobbying, Partisanship, and Representation

“The public thinks this place is full of a bunch of bums who take money and trade favors for it. It’s just not so.”¹ Senior Democrat Member

Introduction

Lobbyists have outsmarted political scientists. They understand much more about their business, their influence, and the way Congress works than current political science scholarship indicates political scientists understand. The different kinds of evidence from this study indicate the strategic influence of lobbyists, the role they play in policymaking, and their impact on members’ behavior. They are, quite frankly, smart operators. Operating within the confines of the law and obeying federal rules on lobbying, they form relationships in order to play a big part in some of the most dynamic legislation Congress ever considers today. While political science scholarship recognizes their increasingly active and influential roles in recent years, it has yet to come fully to grips with the concept that they want members to shape legislation for them, and this sometimes happens. Key to understanding this phenomena of the lobby explosion is understanding the underlying human nature which drives it and which political theorists centuries ago perhaps best captured.

The Power of Lobbying

Lobbying works. On seven of fourteen bills, lobbying successfully influenced the decision-making of members. It worked when conditions were uncertain, members were interested, issues were complex, bipartisanship prevailed, members kept open minds on

their positions until later in the process, lobbying intensity was greater, and the policy process was relatively long. Satisfying these conditions for the successful recruiting of legislative proxies is not easy, but it happens, and it happened with some frequency during the 106th Congress.

Yet, lobbying does not always work. Members do not always want to engage as agents with interest groups to pursue a common policy agenda. Lobbyists sometimes calculate the costs of intense activity as too great for the potential benefits of action. In their decision-making, they judge political circumstances of members and policies in order to know when and how to act themselves. When conditions in which legislation was highly partisan with fairly certain outcomes, when members expressed less interest in legislation, policies were less technical, and the policy process was truncated, interest groups were inhibited from choosing to pursue members to serve as their legislative proxies in the committee system. These conditions occurred for seven of the fourteen bills examined in this study.

Lobbyists are actors which are influenced by circumstances perhaps as much as they influence circumstances. They realize they have a window of opportunity to be successful, and they make strategic decisions based on three criteria: 1) member circumstances; 2) policy circumstances; and 3) political circumstances, chief of which is partisanship intensity. Serious, professional lobbyists remain strategic for future successes and do not allow temporary setbacks to deter them. Even when unsuccessful, they often seek to frame the loss into a positive light to enhance their long-term chances of success.

The findings of both chapters 4 and 5 underscore the potential power of

professional lobbying to affect representative decision-making. They demonstrate that lobbyists' influence is often contingent on a host of political environmental variables which they carefully gauge to calculate their own response. In addition, qualitative interviews with lobbyists indicates that their decision-making concerning their actions is not always of a responsive nature. That is, while they are responsive to a political climate, they also try to *craft* it. Interview data suggests that the political environment which shapes their actions on Capitol Hill is first shaped by their groups' long term strategies, especially grass-roots efforts. Accordingly, lobbyists attempt to shape the policy process from beginning to end but somewhere in between shape their behavior based upon the environment they and their groups helped to create sometime in the past. It is an ongoing process of action and reaction.

This understanding of lobbying shows the great potential power they possess. Traditional political science studies of interest group activity give them great credit for grass-roots efforts, agenda setting, group maintenance, organization, and message delivery (Biersack, Hermson, and Wilcox 1999). These views do not track how lobbyists working for interest groups continue their strategic behavior throughout the length of the policy process. Just as groups actively shape agendas from grass-roots efforts, lobbyists assess the resulting political environment on Capitol Hill and act accordingly. The strategy remains to maximize chances for legislative results. When it is time for lobbyists to act, they do so both in response to other variables as well as to shape those same variables.

On a more qualitative note, professional lobbyists are largely smart operators. Most have long-term legislative experience as Hill staff, and many of the top lobbying law

firms in Washington, DC attract the big names of recently retired Members of Congress, including Bob Dole, Bob Livingston, Gerald Solomon, Dan Coats, Bill Paxon, and Vic Fazio.² Paxon, for instance, is a former Republican Congressman close to the leadership in the 104th and 105th Congresses and a new addition to Akin Gump, one of the top law firms in Washington, DC. He is currently retained by AT&T to lobby the 106th and 107th Congresses' Republican leadership to stop H.R. 2420, The Broadband Deployment Act, from ever reaching the floor of the House for a vote. Paxon understands the intricacies of House operations, rules, and personalities. He meets with both Speaker Hastert and Assistant Majority Whip Roy Blunt (R-MO) weekly as part of a small group of Republican strategists. AT&T pays Akin Gump \$500,000 per year to hire Paxon for his ability to stop a bill with 230 cosponsors dead in its tracks. Paxon was able to help do so in the 106th Congress and will undoubtedly be waging the same battle in the 107th Congress. His goal is to stifle momentum at the committee level by persuading the leadership not to schedule its consideration on the floor of the House. This should be more difficult in the 107th Congress as Tauzin has assumed the chairmanship of the newly redesigned Energy and Commerce Committee and is eager to have the committee pass the legislation, forcing Hastert into the awkward position of denying consideration to a bill with over half the House's support – again.

Lobbyists like Paxon and Former Speaker-elect Bob Livingston (R-LA) view the world differently as lobbyists than they did as members. As lobbyists, they align their allegiances to clients who seek legislative goals, and these former Members of Congress are perhaps best-suited to recruit their friends in Congress to serve as partners to reach

their goals. Livingston, who established the Livingston Group in 1999, for instance, says of his new loyalties: “I was an advocate for my district and my country. Now I’m an advocate for my clients.”³

The Strength of Partisanship

Any contemporary examination of Congress cannot ignore the powerful role of partisanship. Part of the picture lobbyists face is the partisan atmosphere of the House of Representatives exacerbated by a close majority control possible to switch at any election since 1994. Quantitative evidence from models in Chapter 5 suggest that the partisan atmosphere of the House “crowds out” the ability of lobbyists to make clear, successful cases to Members of Congress. The quantitative evidence clearly indicates that when strong partisanship exists on an issue, it is very difficult for other factors to influence members’ behavior. Yet qualitative evidence suggests that the same relatively new partisan environment has been accompanied by only more feverish and intense lobbying in Washington in the 1990s. So on the one hand partisanship impedes lobbying on some issues, but on the other it has been meant an explosion of more groups on the Hill seeking to largely reinforce partisan minds. As the quantitative models underscore, partisanship and lobby influence account for a large majority of member behavior, both effectively crowding out other considerations members may take into account.

Lobbyists who want to change minds want just the right balance of partisanship surrounding an issue – but in different places in the policymaking process. They want enough partisanship to generate grass-roots efforts to keep an issue afloat in hopes of

setting the agenda in Congress and getting members' attention. They do not, however, want ideological terms to seep into the next phase of the policy process – problem-definition, unless they are on the side of a solid majority standing on firm ideological principle unlikely to shift beneath them. Within the policymaking area of congressional committees and subcommittees, given the current political environment, it seems members need only an excuse to tap into their partisan instincts, and once tapped, they are difficult to plug. This makes changing minds difficult. Indeed, at the committee stage, a high degree of partisanship seems to be the kiss of death to groups who seek to change minds. Conversely, if all a group seeks to do is reinforce existing partisan lines which originally favor their position, it fans flames of partisan rancor on an issue. As Matthews (1960) points out, reinforcing friends is by far the easier task of the lobbyist. These days, fanning the partisan flames to reinforce friends is even easier in the “us-vs.-them” environment of the contemporary House.

Ultimately, the political environment of the 1990s has dominated how lobbying works in Congress. New groups are in, old groups are out, yet the close chamber control only fuels groups of all kinds to intensify their efforts, even though on partisan matters such lobbying efforts seem ultimately to only reinforce rather than transform member predispositions. The result is more groups, more lobbying, and much more PAC contributions driving up the cost of elections, as recent scholarship has recorded (Berry 1997; Ainsworth 2001). Indeed, lobbyists themselves add to the partisan battles in some ways as they raise hundreds of thousands of dollars to contribute to their parties of choice. Ironically, the competition which they help create and sustain between the two parties

leads to partisan battles in policy arenas where partisanship closes minds and makes the fine art of persuasion more difficult.

Perhaps we will never know which came first – increased Hill partisanship among members alone or interest groups fueling partisanship. Perhaps it does not matter. In the end, one reinforces the other, and the result is a charged atmosphere in which members must sort through the added congestion of more voices on issues before the policy committees (Ainsworth 2001). Both quantitative and qualitative evidence suggests that members and their staff retain the ultimate decision of when to let lobbyists in the door and to whom to listen. They judge based on a host of circumstances affecting them. Keenly aware of their own political fortunes, Members of Congress instinctively know when they have the leverage or discretion to first listen and second be influenced by interest groups. Interestingly, when lobby efforts are highly influential variables in their decisions, members often claim the information-providing function of lobbyists was the key to their success. Indeed, over a dozen Members of Congress mentioned the number one reason they talk to lobbyists is for the policy and political information they gain from such exchanges.⁴

The findings also illuminate important points about the policymaking arena – the committees – in which lobbyists' and legislators' agendas meet. Committees are the arenas in which policy is made. They serve as bottlenecks for all policy in certain areas from which to emerge. Committees define the communities in which their members will circulate, the issues which they will learn, and the people with whom they associate. Each policy committee has its own personality and environment, as the findings in previous

chapters demonstrated. Particularly with the long-term ideological battle on the Education and Workforce Committee and the impeachment battle in the Judiciary Committee, the policy committees seem to be reflecting changes in Congress overall, if more slowly. They, too, have witnessed increased partisanship, self-reinforcing cadres of interest groups and member coalitions, and increased lobby contacts and PAC money as Congress has overall in the past decade.

In Search of Representation

One of the important questions that emerges from these findings is how this empowered conception of lobbyists affects the central goal of the first branch of government – representation. What does all this mean for the kind of quality representation most Americans expect from their representatives? Perhaps there are as many answers to this question as there are people with an opinion about their elected representatives. Nevertheless, the evidence here offers some useful data about the nature of representation.

In the seminal work *The Concept of Representation* (1967) Hanna Pitkin offers a definition of “political representation” which offers a useful criteria by which to judge information regarding the quality of representation. Synthesizing concepts of political representation from Plato to Thomas Hobbes, John Locke, Edmund Burke, and John Stuart Mill, she concludes there are certain common conceptions within a sound definition of political representation. She outlines such a definition, arguing:

The formulation of the view we have arrived at runs roughly like this: representing

here means acting in the interest of the represented, in a manner responsive to them. The representative must act independently; his action must involve discretion and judgment; he must be the one who acts. The represented must also be (conceived as) capable of independent action and judgment, not merely being taken care of. And, despite the resulting potential for conflict between representative and represented about what is to be done, the conflict must not normally take place. The representative must act in such a way that there is no conflict, or if it occurs an explanation is called for. He must not be found persistently at odds with the wishes of the represented without good reason in terms of their interest, without a good explanation of why their wishes are not in accord with their interest. (pp. 209-10)

This is a useful definition for its breadth and depth and contains several components applied to representation in light of these interest group findings.

Pitkin's definition can be unpacked into nine components: 1) that representing must be acting in the interests of the represented; 2) it must be responsive; 3) the representative must act independently; 4) that action must involve discretion and judgment; 5) the representative must act; 6) the represented must be capable of independent action as well, or at least be conceived of as such; 7) conflict between the two parties must not normally occur; 8) conflict must be limited, and the representative must offer an explanation for a conflict between himself and the represented; and 9) if conflict is persistent, the representative must offer good reason for why the represented's wishes are not in accord with their best interests.

The central question this definition raises is whether or not, in light of the findings regarding interest group influence, representation is still “good.” Using these nine criteria for effective political representation, the empirical and qualitative findings tend to indicate that both the role of lobbying (personal contact and PAC contributions) as well as heightened partisanship crowded out the ability of Members of Congress to rely upon other factors – typically constituent desires, upon which Pitkin’s definition largely rests – to make choices in representation. That is, Pitkin’s definition of effective political representation relies upon the nexus of representative-represented relationships and mutual understanding. Here, the data demonstrates that the represented’s opinions sometimes play a role in influencing member behavior on policy bills but not always – and not even frequently – in the sample of legislation studied. That is, upon initial inspection, this data does not offer an optimistic assessment of political representation in Washington, DC today.

While lobbying and partisanship affect much of the behavior examined, there may be some positive signs that key components of Pitkin’s definition are still in place. First, it should be noted that the perceived distance between represented and representative interrupted by lobby influence may be due to the nature of policy bills themselves on which the public may be under informed or completely unaware. Typically, these policy issues are generally both more complex than issues before other committees (such as the Transportation and Infrastructure Committee considering where to build a highway or the Agriculture Committee determining levels of farm assistance) and more national (i.e., universal) in their implications. As a result, it may be that on policy bills, members believe

they have more discretion from gauging their constituents' desires than on issues which affect constituents solely, such as pork-barrel projects other committees deal with more directly. Accordingly, members turn to informed actors in the absence of clear district signals.

In addition, while the findings indicate that members take their cues from interest groups as well as entrenched party positions, the findings are not clear in saying that the action they took in the policy committees run in direct contrast to the wishes of their constituents. That is, while lobbying and partisanship certainly have dominated how members behave, there is not enough data to conclude that the behavior they took *opposed* constituents' concerns. It may be that their behavior influenced by lobbying and party positions is a perfect reflection of district desires, which was exactly the case discovered through several personal interviews with Members of Congress.

Certainly, these findings serve as clear warning signs that by any reasonable definition of political representation, of which Pitkin's is one, lobby activity runs the risk if interfering with traditional representative-represented relationships, communication, and understanding. Lobbyists' voices drown out the messages of more traditional groups to which Members of Congress may have been more accustomed in the past. Lobbyists' numbers, access, power, and measurable influence have grown and take valuable time from the days of Members of Congress and their staffs to perform their roles in the way Morris Fiorina warned 25 years ago. This loss of time could have been dedicated to hearing the concerns of constituents and demonstrates that lobbying, with all its positive functions of information delivery and technical expertise, can, simply, get in the way of

old-fashioned representation.

Accordingly, it would seem appropriate to engage in further study to examine the influences of member behavior vis-a-vis district preferences to determine if, how, when, and in what quantity Members of Congress knowingly prefer to be influenced by lobby interests and party positions even when they know such actions run counter to district concerns. Such a study would highlight the “crowding out” syndrome this examination and others, including Ainsworth (2001), proffer. Such a study would most likely require some form of congressional district-based survey data on each of the policy positions to gauge district preferences in addition to following much of the methodology used here. That kind of study would be able to test systematically that when legislators first chose to listen lobbyists and partisan instincts whether they knowingly violate constituent wishes in the process.

Lobbying, Representation, and Human Nature

The findings here indicate that there is a potential battle among lobbying, partisanship, and other forces to grab the attention of Members of Congress and shape the representation they offer. Lobbying essentially comes down to socialization. While it is strategic and sometimes contrived, lobbying is more social than it is scientific. As a social experience, lobbying, like the construction of the federal government itself, sits upon a foundation of human interests which shapes it. What is it that drives the nature of the lobby-legislator relationships which lead lobbyists to seek members as legislative proxies and members to accept or decline lobby overtures? Certainly, the porous structure of the

federal government which allows for so much outside input, particularly in the congressional milieu, helps foster lobbying activism.

Central to the actions of lobbyists and Members of Congress is the age-old concept of the character of human nature, perhaps best written about in the American context in the Federalist Papers, including No. 10 and No. 51, which over two hundred years later seem to capture the essence of the actors in this examination. In Federalist No. 10, Madison writes of the nature and causes of factions and concludes that inequality of property, passions, and intelligence will always fuel the urge to create competing factions in a society which grants its citizens liberty. In Federalist No. 51, he further argues that to counter human nature that pursues inequality to favor powerful factions, the shape of government must reject tyrannical manipulation and control:

But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary...A dependence on the people is, no doubt, the primary control of the government; but experience has taught mankind the necessity of auxiliary precautions. (Rossiter 322)

The Federalist Papers serve as a reminder that the American political experience has been the pursuit of a difficult goal – the creation and maintenance of a liberal republic. Since the writing of the Constitution as a democratic republic, American political development has progressed with the notion of the liberal republic as the proper goal of American society. Such a liberal republic has brought with it a unique fusion of personal

rights, public consent, and representatives' public obligations and citizen's civic responsibilities in an attempt to balance freedom and obligation in a unique system of government. Within this system, lobbying is a legal version of influence which reflects mankind's desire, as Madison warned, to pursue inequality to favor the powerful.

Present-day America, some scholars argue, is manifest in several troubling indicators, including: excessive capitalism and growth of the wealthy at the expense of the poor to influence government (West and Loomis 1999); a litigious-based society seeking excessive personal rights and liberties (Glendon 1991); the absence of a moral dialogue (Sandel 1996); and the appearance of the "interest group society" which amplifies the voices of the privileged as it drowns out those of common citizens (Berry 1997). Each of these symptoms seems a manifestation of human nature the founders outlined, which rests on conceptions of Thomas Hobbes and John Locke.

The drafters of the Constitution crafted a structural system designed to harness the self-interest of human nature Hobbes and Locke offer. Hobbes' (1650) *The Leviathan* emphasizes a "new foundation of politics" in which he portrays man as inherently selfish. He argues mankind is fearful of violent death, lives horrifying lives, and joins together to empower a sovereign to satisfy their basic needs of life. His exploration of human nature is explored thoroughly in the early chapters of *The Leviathan*, and he concludes that human beings are, more than anything, self-interested and fearful. As a result, Hobbes' two natural laws are: 1) that man can do nothing to hurt himself, and 2) that he does everything to further his position to pursue inequality among men. This second principle, in particular, is harnessed in the construction of the checks and balance system of the

federal government.

Certainly Hobbes' second point regarding the pursuit of inequality perfectly captures the perspective lobbyists take of their roles to influence Members of Congress. They frankly admit their goals are to serve the interests of their clients or corporations (as Livingston brashly did as described in the previous chapter), to change the level of the congressional playing field to their advantages. Local Telephone Carriers, the "Baby Bells," Verizon (formerly Bell Atlantic) and Southwestern Bell launched massive lobby efforts in favor of H.R. 2420, Tauzin's broadband deployment act, which would have granted them access to the lucrative market of individually operating broadband access. Striving to preserve an inequity in their favor, electronic commerce retailers such as Amazon.com and Yahoo! launched lobby blitzes with sympathetic Republican members to retain the moratorium on taxation of sales over the Internet, which the Internet Tax Freedom Act of 1998 established but which expires in 2001. Chris Cox (R-CA) gladly sponsored legislation proposing five more years to allow electronic commerce to go untaxed while brick-and-mortar stores such as WalMart faced state sales taxation on all goods' sales. These examples and others demonstrate the Hobbesian principle of human nature which holds that actors seek inequitable situations to their advantage. In this case, lobbyists employ their considerable resources to affect congressional behavior which allows and invites outside influence.

John Locke (1689) in *Two Treatises of Government* emphasizes this same negative view of human nature Hobbes describes and that encapsulates current lobbying. Self-interest, for Locke, is perhaps the overriding concern which drives citizens to pursue

materialism in property and freedoms in rights. Taking this liberal conception of human nature from Hobbes and Locke, one can see how the founders crafted a system that counts on selfishness among competing actors. The detailed description of institutional checks and balances in the American system largely based on Lockean liberalism includes the legislature's ability to override the presidential veto, its responsibility to craft the budget the president can approve or veto, and its required approval of Supreme Court and cabinet nominees. At the same time, the president is guaranteed certain specific checks on congressional power outlined in Article 2, including the veto of legislation.⁵ These checks were designed because the founders believed human nature would warp power relationships. They made counter-balancing conduits of power in order to safeguard the public good.

Lobbying and lobbyists, too, have checks upon their power and influence which Congress slowly instituted throughout the twentieth century. Interest groups must register their lobbyists with the federal government. They must disclose the names of all lobbyists who work for them, the issues on which they work, and the agencies of the federal government with which they come in contact, as outlined by the Lobby Disclosure Act of 1995. Furthermore, lobbyists's financial arms, PACs, face annual financial caps on how much money they can give to candidates. Easily reaching these maximum levels of \$5,000 per candidate, however, as the liberal conception of human nature would predict, interest groups beginning in the early 1990s conceived new ways to extend their influence. They contrived the role of "soft" money, which are largely unregulated and have no limitations on their amounts, and funneled an explosion of it to the two major political

parties. They now normally give annually millions of dollars to “party-building” activities of the two parties through soft money contributions.

What Locke saw in human nature was the ability of men to animate their political positions with energy and vigor given their desire to protect their self-interest. By this account, then, the liberal conception of human nature correctly accounts for the manipulation, ingenuity, and energy which interest group lobbyists have taken to gain greater access and influence in the U.S. Congress. Such actions have been met with periodic efforts by the Congress itself to counter the encroaching influence of interest groups in the Federal Election Campaign Act of 1974 and the Lobby Disclosure Act of 1995. A more recent manifestation of this effort to place another check on continued lobby growth is campaign finance reform legislation which would limit the valuable soft money contributions which endear groups to the two major political parties.

Hobbes, Locke, and John Stuart Mill seemed to have collectively captured several of the core themes of American political development, which include: the essence of human nature and the need to create an appropriate government harnessing rational actors seeking gains; the idea that human volition animates political offices and creates power; the notion of progression through order and incremental policy improvements over time; and the general expansion of rights and representation in nineteenth and twentieth century America. Lobbying Congress is yet another manifestation which falls within their conceptions of American liberalism. It is a right, whose techniques have been perfected through incremental improvements, and it is driven by ambitious, self-interested human nature which ultimately has required progressively more institutional checks to prevent

powerful factions from manipulating arguments for inequality tilted in their favor.

The United States is a highly litigious society fueled by the pursuit of endless debates often cast in the language of “rights” debates (Glendon 1991) and the growth of the interest group society - what political scientist Jeffrey Berry terms the “advocacy explosion” in which over 4,000 interest groups now regularly lobby Congress. Such groups, while possibly having a positive impact of providing information and views of citizens, also interfere with the deliberative process and risk crowding out other, less influential or affluent or organized, groups or individual citizens.

Normative Assessments of Lobbying

What do these actors themselves think of lobbying? Interviews with lobbyists, Members of Congress, and professional staff indicate there are competing normative conceptions of just what lobbyists are, what roles they perform, and the value of those roles in representative democracy. Aggregating the comments and organizing them by themes indicates five different conceptions emerged from seventy-five interviews, which are labeled below. These include: Democratic Participants; Institutional Assistance Providers; Ideological Cohorts; Political Cohorts; and Privileged Obstructionists. (See Table 6.1)

Democratic Participants and Privileged Obstructionists represent the outlying conceptions of lobbyists. The first holds lobbyists as crucial to the role of democracy and positive manifestations of representation, which was an opinion typically held by optimistic lobbyists themselves. The second contemptuously holds lobbyists as obstructing the

operations of Congress and deliberately subverting the intent of democracy, which several Members of Congress and congressional staff asserted. The Members of Congress who asserted these views admitted they generally do not speak with lobbyists, do not allow their staff to significantly interact with them, and limit their acceptance of PAC money or deny it altogether.

The three conceptions in between the overwhelmingly positive and overwhelmingly negative assessments represent shades of gray the actors credit to lobbyists' contributions to representative democracy. Every lobbyist in the study argued one of their crucial roles was to provide valuable technical and political information to Members of Congress. Many staff members and their bosses agreed that the information lobbyists provide, most of which they judged to be fair and honest, immensely helped them perform their jobs. Many of these same Members of Congress view interest groups as Ideological Cohorts, or groups to whom they can trust to turn on an issue for assistance. Seen as compatriots who share the same view of the world on an issue or a host of issues, these groups serve as the go-to quasi-institutional organization which can advance an agenda, help shape a policy definition, or bring along other members.

The darkest of these shades of gray encapsulates a view of lobbyists emerging from interviews as Political Cohorts, or actors who align themselves with like-minded Members of Congress and act strategically (read: financially) in their interests. This is the conception most Members of Congress and staff articulated when they described how interest groups were crucial to their chances of either retaining or regaining the majority control of the House in the 2000 congressional elections. Lobbyists also saw themselves

as crucial financial and political partners affiliated with certain members and one political party. While all the actors confessed the benefits of these relationships, some staff and members judged the financial arrangements as both positive and negative.

It is important to note that these conceptions come from the articulated views of the actors themselves, many of whom simultaneously saw lobbyists serving in two or more of these roles simultaneously. The description of them here does not offer itself as a model by which to conceive lobbyists but rather a schematic of the accumulated normative assessments interviewees offered on the subject. While by no means a hard and fast model, Table 6.1 offers a helpful view of the spectrum of roles and normative assessments of those roles lobbyists perform. It shows the varying evaluations of human nature and human intent, including the more suspicious of Hobbes and Locke.

Conclusion

The purpose of this research has been to test the theory of legislative proxy best articulated by Hojnacki and Kimball (1998) which holds that lobbyists' highest-order goals are to influence members to act on their behalf as legislative proxies of interest groups, fulfilling their agenda in places in policymaking where only Members of Congress can act. This research, exploring policy legislation in three different committees composing 139 Members of Congress, finds support for the theory of legislative proxy. Interest groups do seek to recruit members, who sometimes enter into these relationships to act for groups. Lobby influence matters, and it can be measured.

This research concludes that lobbyists are a lot smarter than observers of lobbyists,

including political scientists, have previously given them credit for being. They are strategic, generally rational actors who thrive on issue uncertainty among other decision-makers and weigh the costs of action against the benefits of policy creation. They have found that in legislative environments in which issues are complex, members act in a bipartisan manner, and the stakes are high for their clients, lobbyists can become highly active to influence a majority of committee members to act one way or another. They did so in half the legislation studied here.

Using this same strategic decision-making, lobbyists know when to quit when they are ahead, too. They do not always choose to seek agents to pursue policy goals. When issues are highly charged partisan affairs (particularly as many have been in the 1990s), when they tend to be more simple issues which require less outside expertise and input, lobbyists sometimes choose to conserve their resources with the realization of highly certain outcomes not being influenced by lobby activity. Particularly if they are already on the presumed winning side of some partisan matters, they realize they need not exhaust their limited resources to affect an outcome almost certainly likely to favor their positions. That is, they know better when not to pursue members as legislative agents.

What does this say about the health of democracy? To some, the findings may be a reminder that influence and money talk, underscoring E.E. Schattschneider's observation that the "flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent" (1960, 34-35). While these findings indicate that lobbyists seem to have risen in stature and influence to a position in which they are integral parts of public policymaking, concluding that such phenomena are indicative of weakness in

representative democracy would be premature, to say the least. As Madison and Hamilton outlined in the *Federalist Papers*, a sign the democratic republic is healthy is its ability to check the power of overly-influential agents within the system. It should be noted that Congress retains the power to regulate the business of lobbying through legislation, which it did as recently as 1995 when it required more complete disclosure of lobby activity for public records.

In addition, Congress has recently in the 107th Congress engaged in a serious debate regarding campaign finance reform, which goes to the heart of much lobby activity by limiting PAC soft money contributions to political parties. One bill, made popular by its chief Senate sponsors, Senator John McCain (R-AZ) and Senator Russ Feingold (D-WI), passed the House of Representatives in the 106th Congress and gained the crucial support of 60 senators in the 107th Congress, rendering it filibuster proof, and gained the promise of Senate Majority Leader Trent Lott (R-MS) to be scheduled for full floor consideration.

While some may argue that if both or either chamber fails to pass this legislation in the 107th Congress, such failure is a sign of their lack of will to limit incumbent-favoring campaign funds, this may not necessarily be so. Indeed, the fact that Congress is seriously engaged in this issue demonstrates that it retains both the ability and the will to limit the growth of too-powerful factions as it was designed in the eighteenth century to do. When it deems that lobbying has become too great an influence on its behavior, it will act, through legislation or of individual members' own accord. This research indicates that for all the power of lobby influence, members still listen to their constituents, and, when the

message concerning lobby power gets loud enough, they will likely respond, whether through formal legislation or otherwise.

Table 6.1
Normative Assessments of Lobbying

Views of Lobbying and Lobbyists	Roles and Services Provided	Normative Implication of roles in representative democracy
Democratic Participants	Provide Members of Congress with knowledge regarding electorate's preferences	essential
Institutional Assistance Providers	Provide members with unique information necessary for good decision-making	essential
Ideological Cohorts	Lend credibility and assistance to members who generally agree with their policies	positive
Political Cohorts	Provide crucial financial resources and grass roots motivation to reach shared electoral goals	positive and negative
Privileged Obstructionists	Exploit resources and position to corrupt representative democratic processes for narrow self-interests	negative

Endnotes

1. From personal interview the author conducted with this Member of Congress.
2. Stone, Peter H. "Starting Over." *National Journal*. February 26, 2000, pp.607-08.
3. Ibid, p. 605.
4. From personal interviews the author conducted with these Members of Congress.
5. Fisher (1991) in *Constitutional Conflicts between the Congress and President* outlines a historical progression of battles between the two branches over military use, the budget, and information, among others, in the federal governing process. He, too, notes that the system was established to pit selfish branches, armed with legal ammunition, against each other for the purposes of maximizing overall systemic gain.

Bibliography

- Abramowitz, Alan I. 1991. "Incumbency, Campaign Spending, and the Decline of Competition in U.S. House Elections." *Journal of Politics* 53(1): 34-56.
- Ainsworth, Scott. 1993. "Regulating Lobbyists and Interest Group Influence." *Journal of Politics* 55: 41-56.
- . 1995. Electoral Strength and the Emergence of Group Influence in the Late 1800s: The Grand Army of the Republic. *American Politics Quarterly* 23: 319-338.
- . 2001. *Analyzing Interest Groups: Group Influence on People and Policies*. New York: W.W. Norton & Co. (Forthcoming)
- Aldrich, John H. and Forrest D. Nelson. 1985. *Linear Probability, Logit, and Probit Models*. Beverly Hills, CA: SAGE Publications, Inc.
- Alexander, Herbert. 1992. *Financing Politics: Money, Elections and Political Reform*. Washington, DC: CQ Press.
- Arnold, R. Douglas. 1990. *The Logic of Congressional Action*. New Haven: Yale University Press.
- Austin-Smith, David and John R. Wright. 1992. "Competitive Lobbying for a Legislator's Vote." *Social Choice and Welfare* 9: 229-57.
- . 1994. "Counteractive Lobbying." *American Journal of Political Science* 38: 25-44.
- . 1996. "Theory and Evidence for Counteractive Lobbying." *American Journal of Political Science* 40: 543-64.
- Banks, Jeffrey S, and D. Roderick Kiewet. 1989. "Explaining Patterns of Competition in Congressional Elections." *American Journal of Political Science* 33: 997-1015.
- Baumgartner, Frank R. and Bryan Jones. 1993. *Agendas and Instability in American Politics*. Chicago: University of Chicago Press.
- Baumgartner, Frank R. and Beth L. Leech. 1996. "The Multiple Ambiguities of 'Cointeractive Lobbying'." *American Journal of Political Science* 40: 521-44.
- Bauer, Raymond and John Hibbing. 1989. "Which Incumbents Lose in House Elections:

- A Response to Jacobson's 'The Marginals Never Vanished'." *American Journal of Political Science* 33: 262-71.
- Bauer, Raymond, Ithiel de Sola Pool, and Lewis A. Dexter. 1963. *American Business and Public Policy*. Chicago: Aldine and Atherton.
- Becker, Jo. "Moran Got Loan from Drug Lobbyist." *The Washington Post*. October 31, 2000. Page A1.
- Berry, Jeffrey M. 1977. *Lobbying for the People*. Princeton, NJ: Princeton University Press.
- . 1989. *The Interest Group Society*, 2nd edition. New York: HarperCollins Publishers.
- . 1997. *The Interest Group Society*, 4th edition. New York: HarperCollins Publishers.
- Biersack, Robert, Paul Herrnson, and Clyde Wilcox. 1993. "Seeds for Success: Early Money in Congressional Elections." *Legislative Studies Quarterly* 18: 535-552.
- . 1999. *After the Revolution: PACS, Lobbies, and the Republican Congress*. Boston: Allyn and Bacon.
- Box-Steffensmeier, Janet. 1996. "A Dynamic Analysis of the Role of War Chests in Campaign Strategy." *American Journal of Political Science* 40: 352-371.
- Bresnahan, John. "GOP Tightens Grip on K Street." *RollCall*. March 12, 2001: p. 1.
- Cain, Bruce, John Ferejohn, and Morris Fiorina. 1987. *The Personal Vote: Constituency Service and Electoral Independence*. Cambridge, Mass.: Harvard University Press.
- Carmines, Edward G. and James A. Stimson. 1989. *Issue Evolution: Race and the Transformation of American Politics*. Princeton, NJ: Princeton University Press.
- Chappell, Henry. 1982. "Campaign Contributions and Congressional Voting: A Simultaneous Probit-Tobit Model." *Review of Economics and Statistics* 62: 77-83.
- Cigler, Allan J. and Burdett A. Loomis. 1998. *Interest Group Politics*, 5th edition. Washington, DC: CQ Press.
- Cook, Constance Ewing. 1998. *Lobbying for Higher Education: How Colleges and*

- Universities Influence Federal Policy.* Nashville, TN: Vanderbilt University Press.
- Cox, Gary W. and Matthew D. McCubbins. 1993. *Legislative Leviathan: Party Government in the House.* Berkeley: University of California Press.
- Daganzo, Carlos. 1979. *Multinomial Probit: The Theory and Its Applications to Demand Forecasting.* New York: Academic Press.
- Dahl, Robert. 1956. *Who Governs?* New Haven: Yale University Press.
- Davidson, Roger H. and Walter J. Oleszek. 1996. *Congress and its Members.* Washington, DC: CQ Press.
- Deering, Christopher J. and Stephen S. Smith. 1997. *Committees in Congress.* Washington, DC: CQ Press.
- DeGregorio, Christine A. 1997. *Networks of Champions: Leadership, Access, and Advocacy in the U.S. House of Representatives.* Ann Arbor: University of Michigan Press.
- Denzau, Arthur T. and Michael C. Munger. 1986. "Legislators and Interest Groups: How Unorganized Interests Get Represented." *American Political Science Review* 80: 89-106.
- Dexter, Lewis Anthony. 1969. *The Sociology and Politics of Congress, with a chapter by Kenneth Kerle.* Chicago: Rand McNally.
- . 1970. *Elite and Specialized Interviewing.* Evanston, IL: Northwestern University Press.
- Edwards, George C. III and Stephen J. Wayne, ed. *Studying the Presidency.* Knoxville, TN: University of Tennessee Press, 1983.
- Eilperin, Juliet. "Hastert Drawing Crowds – of Lobbyists, With Eager Audience, Speaker Builds a Fundraising Machine." *Washington Post*, March 10, 1999. P. A1.
- . "Shuster and the Island Invitation; Ethics Panel Report Provides an Inside Glimpse at Lobbying." *The Washington Post*. October 10, 2000. P. A23.
- Eliason, Scott R. 1993. *Maximum Likelihood Estimation: Logic and Practice.* Newbury Park, CA: SAGE Publications.
- Evans, Diana. 1988. "Oil PACs and Aggressive Contribution Strategies." *Journal of*

- , 1996. "Before the Roll Call: Interest Group Lobbying and Public Policy Outcomes in House Committees." *Political Research Quarterly* 49: 287-304.
- Fenno, Richard F. 1973. *Congressmen in Committees*. Boston: Little Brown.
- , 1978. *Homestyle*. Boston: Little Brown.
- , 1990. *Watching Politicians: Essays on Participant Observation*. Berkeley, CA: UBC Press.
- Ferejohn, John A. 1977. "On the Decline of Competition in Congressional Elections." *American Political Science Association* 71: 166-76.
- Fiorina, Morris P. 1989. *Congress: Keystone of the Washington Establishment*, 2nd edition. New Haven: Yale University Press.
- Fisher, Louis. 1991. *Constitutional Conflicts between the Congress and President*, 3rd edition. Lawrence, KS: University Press of Kansas.
- Fowler, Linda L. and Robert D. McClure. 1989. *Political Ambition: Who Decides to Run for Congress*. New Haven, Conn.: Yale University Press.
- Gaddie, Ronald Keith. 1995c. "Investing in the Future: Economic Political Action Committee Contributions to Open Seat House Candidates." *American Politics Quarterly* 23: 339-354.
- Gaddie, Ronald Keith and Charles S. Bullock III. 2000. *Elections to Open Seats in the U.S. House*. Lanham, MD: Rowman & Littlefield.
- Gaddie, Ronald Keith, Jonathan D. Mott and Shad D. Satterthwaite. 1999. "Partisan Dimensions to Corporate Realignment in Congressional Campaign Finance." *Public Integrity* 4: 6-43.
- Goidel, Robert K. and Donald A. Gross. 1996. "Reconsidering the 'Myths and Realities' of Campaign Finance Reform." *Legislative Studies Quarterly* XXI: 129-149.
- Gingrich, Newt. 2000. "The Age of Transitions." www.newt.org.
- Glendon, Mary Ann. 1991. *Rights Talk. The Impoverishment of Political Discourse*. New York: Free Press.

- Goldenberg, Edie N., Michael W. Traugott, and Frank R. Baumgartner. 1986. "Preemptive and Reactive Spending in U.S House Races." *Political Behavior* 8: 3-20.
- Gray, Virginia and David Lowery. 1996. "A Niche Theory of Interest Representation." *Journal of Politics* 58 (1): 91-111.
- Green, Donald Philip and Jonathan S. Krasno. 1988. "Salvation for the Spendthrift Incumbent: Reestimating the Effect of Campaign Spending in House Elections." *American Journal of Political Science* 32: 884-907.
- Grenske, Janet M. 1989. "PACS and the Congressional Supermarket: The Currency is Complex." *American Journal of Political Science* 33: 1-24.
- Grier, Kevin B. 1989. "Campaign Spending and Senate Elections, 1978-1984." *Public Choice* 63: 201-19.
- Grier, Kevin B. and Michael C. Munger. 1991. "Committee Assignments, Constituent Preferences, and Campaign Contributions." *Economic Inquiry* 29: 24-43.
- Grier, Kevin B., Michael C. Munger, Brian E. Roberts. 1994. "The Determinants of Industry Political Activity, 1978-1986." *American Political Science Review* 88: 911-926
- Gujarati, Damodar N. 1995. *Basic Econometrics*, 3rd edition. New York: McGraw-Hill.
- Guth, James L, Lyman A. Kellstedt, Corwin E. Smidt, and John S. Green. 1998. "Thunder on the Right? Religious Interest Group Mobilization in the 1996 Election." In *Interest Group Politics*, Allan J. Cigler and Burdett A. Loomis, eds. Washington: CQ Press.
- Hall, Richard L. 1987. "Participation and Purpose in Committee Decision Making." *American Political Science Review* 81: No. 1, pp. 105-27.
- . 1996. *Participation in Congress*. New Haven, CT: Yale University Press.
- Hall, Richard L. and C. Lawrence Evans. 1990. "The Power of Subcommittees," *Journal of Politics* 52:335-54.
- Hall, Richard L. and Frank W. Wayman. 1990. "Buying Time: Moneyed Interests and the Mobilization of Bias in Congressional Committees." *American Political Science Review* 84: No. 3, pp. 799-820.

- Hansen, John Mark. 1991. *Gaining Access: Congress and the Farm Lobby, 1918-1981*. Chicago: University of Chicago Press.
- Hayes, Michael T. 1981. *Lobbyists and Legislators*. New Brunswick: Rutgers University Press.
- Heinz, John P, Edward O. Laumann, Robert L. Nelson, and Robert H. Salisbury. 1993. *The Hollow Core: Private Interests in National Policy Making*. Cambridge, MA: Harvard University Press.
- Heard, Alexander. 1950. "Interviewing Southern Politicians." *American Political Science Review* XLIV: 886-896.
- Herrnson, Paul S. 1995. *Congressional Elections: Campaigning at Home and in Washington*. Washington: CQ Press.
- . 1998. *Congressional Elections: Campaigning at Home and in Washington*, 2nd edition. Washington, D.C.: Congressional Quarterly, Inc.
- Hojnacki, Marie. 1997. "Interest Groups' Decisions to Join Alliances or Work Alone." *American Journal of Political Science* 41: 61-87.
- Hojnacki, Marie and David C. Kimball. 1998. "Organized Interests and the Decision of Whom to Lobby in Congress." *American Political Science Review* 92: 775-90.
- Hobbes, Thomas. 1650. *Leviathan*. New York: W.W. Norton and Company.
- Hula, Kevin W. *Lobbying Together: Interest Group Coalitions in Legislative Politics*. Washington, DC: Georgetown University Press.
- Jacobson, Gary C. 1978. "The Effects of Campaign Spending in Congressional Elections." *American Political Science Review* 72: 769-783.
- . 1980. *Money in Congressional Elections*. New Haven: Yale University Press.
- . 1987. "The Marginals Never Vanished: Incumbency and Competition in Elections to the U.S. House of Representatives." *American Journal of Political Science* 31: 126-141.
- . 1990. *The Electoral Origins of Divided Government: Competition in U.S. House Elections, 1946-1988*. Boulder, Colo.: Westview Press.
- . 1997. *The Politics of Congressional Elections*, fourth edition. New York, NY.:

Longman.

Jacobson, Gary C. and Samuel Kernell. 1982. "Strategy and Choice in the 1982 Congressional Elections." *PS* 15: 423-30.

Kau, James B. and Paul H. Rubin. 1982. *Congressmen, Constituents, and Contributors: Determinants of Roll Call Voting in the House of Representatives*. Boston: Martinus Nijhoff.

Kazee, Thomas A. 1980. "The Decision to Run for the U.S. Congress: Challenger Attitudes in the 1970s." *Legislative Studies Quarterly* 5: 79-100.

----- . 1994. *Who Runs for Congress?* Washington, DC: CQ Press.

Key, V.O., Jr. 1949. *Southern Politics in State and Nation*. New York: Knopf.

----- . 1964. *Politics, Parties, and Pressure Groups*, 5th edition. New York: Thomas Y. Crowell Company.

King, Gary. 1989. *Unifying Political Methodology: The Likelihood Theory of Statistical Inference*. New York: Cambridge University Press.

King, Gary and Andrew Gelman. 1991. "Systemic Consequences of Incumbency Advantage in U.S. House Elections." *American Journal of Political Science* 35(1): 110-38.

King, Gary, Robert O. Keohane, and Sidney Verba. 1994. *Designing Social Inquiry: Scientific Inference in Qualitative Research*. Princeton, NJ: Princeton University Press.

Kingdon, John W. 1989. *Congressmen's Voting Decisions*, 3rd edition. Ann Arbor: University of Michigan Press.

Kollman, Ken. 1997. "Inviting Friends to Lobby: Interest Groups, Ideological Bias, and Congressional Committees." *American Journal of Political Science* 41: 519-544.

Krasno, Jonathan S., Donald Philip Green, and Jonathan A. Cowden. 1994. "The Dynamics of Campaign Fundraising in House Elections." *Journal of Politics* 56: 459-74.

Laswell, Harold D. 1936. *Politics*. New York: Whittlesey House.

----- . 1948. *Power and Personality*. New York: Norton.

- Light, Paul 1985. *Artful Work: The Politics of Social Security Reform*. New York: Random House.
- Locke, John. 1689. *Two Treatises of Government*. Cambridge, UK: Cambridge University Press.
- Lowi, Theodore. 1969. *The End of Liberalism*. New York: Norton.
- Madison, James. 1787. "Federalist No. 10." in Clinton Rossiter, ed., *The Federalist Papers*, 1961. New York: Penguin Books
- Matthews, Donald R. 1960. *U.S. Senators and their World*. New York: Random House.
- McConnell. Grant. 1966. *Private Power and American Democracy*. New York: Knopf.
- McChesney, Fred S. 1997. *Money for Nothing: Politicians, Rent Extraction, and Political Extortion*. Boston: Harvard University Press.
- Milbrath, Lester W. 1963. *The Washington Lobbyists*. New York: Rand McNally.
- Mitchell, William C.. and Michael C. Munger. 1991. "Economic Models of Interest Groups." *American Journal of Political Science* 35: 512-546.
- Monroe, J.P. 2001. *The Political Party Matrix: The Persistence of Organization*. Albany, NY: SUNY Press.
- Olson, Mancur. 1965. *The Logic of Collective Action*. Cambridge, MA: Harvard University Press.
- Ornstein, Norman J. and Shirley Elder. 1978. *Interest Groups, Lobbying, and Policymaking*. Washington, DC: Congressional Quarterly Press.
- Overby, L. Marvin. 1991. "Assessing Constituency Influence: Congressional Voting on the Nuclear Freeze, 1982-83." *Legislative Studies Quarterly* XVI 297- 312.
- Patterson, Kelly. 1998. "The Political Firepower of the National Rifle Association." In *Interest Group Politics*, ed. Allan J. Cigler and Burdett A. Loomis. Washington, DC : CQ Press.
- Peters, Ronald M., Jr. 1990. *The American Speakership*. Johns Hopkins University Press: Baltimore.
- . 1997. *The American Speakership*. Johns Hopkins University Press: Baltimore.

- Regens, J.L., E. Elliot, and R. K. Gaddie. 1991. Regulator Costs, Committee Jurisdictions, and Corporate PAC Contributions. *Social Science Quarterly* 72: 751-60.
- Regens, James L. and Ronald Keith Gaddie. 1995. *The Economic Realities of Political Reform*. New York: Cambridge University Press.
- Regens, J.L., R.K. Gaddie, and E. Elliot. 1993. "Member attributes and Corporate Contributions U.S. Senators: Do Environmental Compliance Costs Matter?" *Canadian Journal of Political Science* 19: 331-42.
- . 1994. Corporate Campaign Contributions and Rent Provision in Senate Elections. *Social Science Quarterly* 75: 152-65.
- Ripley, Randall B. 1983. *Congress: Process and Policy*. New York: W.W. Norton & Company.
- Rossiter, Clinton, ed. 1961. *The Federalist Papers*. New York: Penguin Books.
- Rothenberg, Lawrence S. 1988. "Putting the Puzzle Together: Why People Join Public Interest Groups." *Public Choice* 60: 241-257.
- . 1992. *Linking Citizens to Government: Interest Group Politics at Common Cause*. New York: Cambridge University Press.
- Salisbury, Robert H. 1969. "An Exchange Theory of Interest Groups." *Midwest Journal of Political Science* 13: 1-32.
- . 1986. "Washington Lobbyists: A Collective Portrait." In Allan J. Ciglar and Burdette A. Loomis (eds.) *Interest Group Politics*, second edition. Washington, DC: CQ Press.
- Sandel, Michael. 1996. *Democracy's Discontent: America in Search of a Public Philosophy*. Cambridge, MA: Bellknap Press.
- Schattschneider, E.E. 1941. *Party Government*. New York: Holt, Reinhart, and Winston.
- . 1960. *The Semisovereign People: A Realist's View of Democracy in America*. New York: Holt, Reinhart, and Winston.

- Schlesinger, Robert. "Study: Pols Increase Support for Colleagues Up 75 Percent." *The Hill*. March 25, 1998, P. 1.
- Schlesinger, Robert and Alysson Ford. "PACs Pave the Way for Future Chairs." *The Hill*. June 30, 1999, P. 1.
- Schlozman, Kay L. and John T. Tierney. 1986. *Organized Interests and American Democracy*. New York: Harper and Row.
- Schneider, Edward V. and Bertram Gross. 1993. *Legislative Strategy: Shaping Public Policy*. New York: St. Martin's.
- Shaiko, Ronald G. "Lobbying in Washington: A Contemporary Perspective" in *The Interest Group Connection: Electioneering, Lobbying, and Policymaking in Washington*, eds. Paul S. Herrnson, Ronald G. Shaiko, and Clyde Wilcox. Chatham, NJ: Chatham House Publishers.
- Shaiko, Ronald G. and Marc A. Wallace. 1999. "From Wall Street to Main Street: The National Federation of Independent Business and the New Republican Majority." In *After the Revolution: PACs, Lobbies, and the Republican Congress*, eds. Robert Biersack, Paul Herrnson, and Clyde Wilcox. Boston: Allyn and Bacon.
- Silberman, Jonathan and Garey C. Durden. 1976. "Determining Legislative Preferences on the Minimum Wage: An Economic Approach." *Journal of Political Economy* 84: 317-329.
- Silberman, J. and G. Yochum. 1978. "The Role of Money in Determining Election Outcomes." *Social Science Quarterly* 58: 671-82.
- Sinclair, Barbara. 1997. *Unorthodox Lawmaking*. Washington, DC: CQ Press.
- Smith, Steven S. and Christopher Deering. 1990. *Committees in Congress*, 2nd edition. Washington, DC: CQ Press.
- . 1997. *Committees in Congress*, 3rd edition. Washington, DC: CQ Press.
- Sorauf, Frank J. 1984. *What Price PACs?* New York: Twentieth Century Fund.
- . 1992. *Inside Campaign Finance: Myths and Realities*. New Haven: Yale University Press.
- Squire, Peverill. 1989. "Competition and Uncontested Seats in U.S. House Elections." *Legislative Studies Quarterly* XIV: 281-296.

- Stone, Peter H. "Starting Over." *National Journal*. February 26, 2000, pp. 604-609.
- Thielemann, Gregory S. 1992. "The Rise and Stall of Southern Republicans in Congress." *Social Science Quarterly* 73: 123-135.
- Thompson, Margaret Susan. 1985. *The Spider Web: Congress and Lobbying in the Age of Grant*. Ithaca, NY: Cornell University Press.
- Truman, David B. 1951. *The Governmental Process: Political Interests and Public Opinion*. New York: Knopf.
- . 1973. *The Congress and America's Future*. Englewood Cliffs, NJ: Prentice-Hall.
- Tufte, Edward R. 1975. "Determinants of the Outcomes of Midterm Congressional Elections." *American Political Science Review*. 69: 812-26
- Walker, Jack. 1983. "The Origins and Maintenance of Interest Groups in America." *American Political Science Review* 77: 390-406.
- Walker, Jack. 1991. *Mobilizing Interest Groups in America: Patrons, Professions, and Social Movements*. Ann Arbor, MI: University of Michigan Press.
- Wattenberg, Martin P. 1991. *The Rise of Candidate-Centered Politics*. Cambridge, Mass.: Harvard University Press.
- . 1998. *The Decline of American Political Parties, 1952-1996*. Cambridge, Mass.: Harvard University Press.
- Wayman, Frank W. 1985. "Arms Control and Strategic Arms Voting in the U.S. Senate: Patterns of Change, 1967-1983." *Journal of Conflict Resolution* 29: 225-51.
- Welch, William P. 1982. "Campaign Contributions and Legislative Voting: Milk Money and Dairy Price Supports." *Western Political Quarterly* 35: 478-95.
- West, Darrell M. 1993. *Air Wars: Television Advertising in Election Campaigns, 1952-1992*. Washington D.C.: Congressional Quarterly, Inc.
- West, Darrell M. and Burdett A. Loomis. 1999. *The Sound of Money: How Political Interests Get What They Want*. New York: W.W. Norton and Company.
- Wilson, James Q. 1970. *Political Organizations*. New York: Basic Books.

- Wolpe, Bruce. 1990. *Lobbying Congress*. Washington, DC: CQ Press.
- Wright, John R. 1983. "PACs, Contributions, and Roll Calls: Evidence from Five National Associations." (Doctoral Dissertation, University of Rochester).
- . 1985. "PACS, Contributions, and Roll Calls: An Organizational Perspective." *American Political Science Review* 79: 400-14.
- . 1990. "Contributions, Lobbying, and Committee Voting in the U.S. House of Representatives." *American Political Science Review* 84: 417-438.
- . 1996. *Interest Groups and Congress: Lobbying, Contributions, and Influence*. Boston, MA: Allyn and Boston.
- . 2000. "Interest Groups, Congressional Reform, and Party Government in the United States." *Legislative Studies Quarterly* XXV: 217-235.
- Zeigler, Harmon. 1964. *Interest Groups in American Society*. Englewood Cliffs, NJ: Prentice-Hall.

Appendix A

Methodology and Procedures

Lobbying and its influences are difficult concepts to measure. In order to capture a large picture of lobbying in Congress, I have chosen to focus on three committees – Commerce, Education and the Workforce, and Judiciary. These are three of the five committees which Smith and Deering (1997) term “policy” committees, which also includes Banking and Resources. Policy committees provide the venue for complex legislative debate to occur among Members of Congress, their personal staff, committee staff, and outside interested parties. Policy committees provide the backdrop in which to find the rich context of heavy lobby activities for several reasons (Fenno 1973; Smith and Deering 1997).

Policy committees have jurisdictions which often deal with complicated, technical matters that affect the direction of significant public policy questions. The Commerce Committee has an extraordinarily wide jurisdiction on issues involving telephone and telecommunications competition to internet taxation issues to electricity deregulation policies, to healthcare, among others.¹ The Education and the Workforce Committee during the 106th Congress had the massive task of reauthorizing the Elementary and Secondary Education Act (ESEA) of 1965, which authorizes the federal government’s approach to nearly every aspect of all levels of education in the nation. The Judiciary Committee, aside from its famed role of serving as the incubator for impeachment in the 105th Congress, addresses technically complicated questions regarding the legalities of

internet gambling, database protection, and copyright laws on information distributed over the internet. Each committee's jurisdiction is described in Appendix B.

These three committees in the 106th Congress determined federal policy on a number of key issues. As a result, they provide the playing field for lobby activity to take place and represent a wide range of public policy questions that attract the attention, interest, and stakes of competing interest groups. They are, in short, an ideal policy milieu in which to observe and measure lobby activity and influence on Members' of Congress behavior in the committee system.

Lobbying occurs in many other ways in Congress and in other congressional committees, perhaps most particularly in "pork" committees which are responsible for determining federal contracts or other rules which award federal funding to specific groups. The Agriculture, Ways and Means, Budget, Transportation, Appropriations, and Science Committees are good examples of arenas in which lobbying occurs but usually on less technical matters that do not address the public at large as in the policy committees.² Defense contractors are vicious to vie with each other to capture scarce dollars from military appropriators. States and localities and their construction companies compete for the largess of the money which the Transportation Committee decides. Interest groups representing businesses of all kinds have a stake in the taxation policy which the Ways and Means Committee determines. Generally, in these committees, the battles are usually narrow, usually do not attract national attention, and are typically finite issues which recur with each Congress. These issues typically do not address national issues of federal policy

which affect all Americans, as issues before the Commerce, Judiciary, and Education and the Workforce Committees largely do. These three committees, composed of 139 Members of Congress, provide an ideal testing ground to examine lobby influence. Each Committee's structure and membership is outlined in Appendix C.

Unit Of Analysis

The proper unit of analysis for this kind of study of interest group influence is the Member of Congress. Following the lead of forty years of prior research that focuses on member responsiveness to lobby efforts, I suggest that a study explicitly focused on member behavior in the congressional policymaking process will best illuminate how lobbies affect the member in his or her habitat. In addition, the question needs answered: what is the "proper" policy laboratory to measure member responsiveness to lobby influence? Clearly, the literature argues that member participation is best measured through subcommittee and committee behavior. Hall concludes that, "In sum, committees and subcommittees are central to answering the question of who participates in Congress," noting that most of the legislative work by which member participation could be measured occurs in the committee structure (1996, 10-11). In addition, Reiselbach notes that, "To understand legislative performance requires comprehension of committee actions, which in turn draws attention to the behavior of committee leaders and followers" (1992, 2). In their recent study of congressional committees, Deering and Smith (1997) argue that the bulk of legislative policymaking in the 1990s occurs within five committees – Commerce,

Judiciary, Education and the Workforce, Banking, and Resources. Measuring member behavior in these settings, then, becomes the starting point for building a larger model to understand the influence of interest groups to ultimately test the theory of legislative proxy.

The Research Design

Scholars in the post-positivist vein suggest the best way to measure behavior is the use of precise quantitative modeling buttressed by qualitative data collection (most notably, see King, Keohane, and Verba 1994). This is the approach I use for this study, in which I develop a quantitative model using an ordered probit regression analysis to determine the influences of interest groups on members' behavior in the policy process.

Supplementing a quantitative analysis, I employ a rigorous qualitative element in my research design which has proved crucial to understanding the nuance and personalities involved in so much of what goes on in Congress. Qualitative observation, including personal interviews, participant observation, and what Fenno calls "soaking and poking" add three primary strengths to the research design. First, qualitative observation often better finds the context of a situation. By looking more in depth at a whole situation as the participant sees it can allow the researcher to develop a more full understanding of what the participant sees. Fenno made this clear in *Watching Politicians* (1990) as well as Kazee (1994, 15) who explores the reasons why candidates choose to run for Congress. Second, qualitative observation allows the researcher to learn more about and from the

sequence of events or processes. Overby (1991) recognized this in looking at the impact of constituent influence in Congress on the nuclear arms freeze. When roll call votes alone were analyzed, it looked as though constituent interest lost importance as the process proceeded. A historical, qualitative analysis of the legislative process (the sequence of changes in the legislation) found that constituent influence was important in affecting actions of members all the way through the process. The influence did not show in the roll call analysis because the key legislative changes that resulted from the constituent influence were made before the legislation got to a vote. The influence made a difference when the legislation was being drafted. Without a qualitative approach to the study, Overby would not have understood the real motivations in the creation of critical national nuclear policy in the early 1990s.

Third, and perhaps most importantly, qualitative observation allows the scholar to learn more about and from the complexity of Congress (Heard 1951; Dexter 1970). While quantitative methods require taking the institution apart to look at the impacts of individual variables, qualitative methods allow research to account for nuance and complexity and learn how the complexity itself is important by taking individual members or situations and learning about all the complex variables that affect that person or situation, as Fenno pioneered in *Congressmen in Committees* (1973) *Homestyle* (1978) and *Watching Politicians* (1990). In some cases in this study, a quantitative model explaining lobby influence on a member confirms its existence but the interview data with key actors provided the story behind this finding and helped to draw larger conclusions

about the conditions under which lobbying is successful and unsuccessful.

Given this confluence of quantitative and qualitative research, I examine interest groups' influence of member behavior at very different points along the policymaking process. First, I examine three policy committees and track five key pieces of legislation on each during the 106th Congress, employing an ordered probit model designed to capture the influence of interest groups on those committee members' behavior.³ Second, I extend the study to the crucial subcommittee level to track the five key pieces of legislation on each during the second session of the 106th Congress. Third, I interview Members Congress who take active positions on a specific policy bill before any of the subcommittees or committees in the research design. In this approach, I pursue a much more qualitative path to understand the under-studied social nature of lobbying and its effects on participation in Congress.

The rationale for choosing three levels of analysis is both theoretical and practical. Theoretically, choosing three separate committees, including subcommittees within each, containing different membership, ideologies, legislation, and active lobby groups helps to reduce concerns for risks in generalizing findings of the study. Focusing on three policy committees largely represents the legislative policymaking capacity of the U.S. Congress and should therefore be fairly certain of capturing some or much of the lobby influence in the policymaking process. On a practical level, I need to limit the study to these parameters as one individual attempting to employ a research methodology studying all five of the policy committees and their subcommittees with their related actors and issues

simultaneously becomes impractical and unwieldy. As a result, I interview and follow Members to study in a much more detailed way to add context, nuance, and understanding to the broad quantitative models I construct.

Comparing behavior of the same unit of analysis at different levels of observation can yield systematic knowledge about the regularities of the political process and is a widely-used approach in the social sciences (see Edwards and Wayne 1983). For instance, employing a comparison of one committee and subcommittee with a another committee and subcommittee may both help isolate experimental variables and provide contextual background revealing patterns in lobby influence and member participation. Defending the comparative levels of analysis approach as both methodologically sound and theoretically fruitful, Thomas argues that comparative approaches with similar behavior at different levels of analysis is a sound approach toward theory-building and theory-testing (Ibid, 55).

Method 1: A Quantitative Approach

The quantitative model captures the influence of lobby efforts on member participation. Participation refers to the extent that a member chooses to be involved on a bill on the subcommittee and committee levels and becomes the dependent variable of the model.

Operationalizing the Dependent Variable

Formal participation is operationalized by actual participation replicating Hall (1996). Data on formal participation are obtained through subcommittee and committee transcripts that detail member behavior during proceedings complemented by personal observation and elite interviewing. To measure actual participation as levels of intensity, Hall's eight-point scale is applied⁴, where

0 = Engaged in none of the activities.

1 = Attended one or more markups.⁵

2 = Voted in one or more roll calls.⁶

3 = Spoke during markup, minor participant in the discussion.⁷

4 = Spoke during markup, major participant in the discussion.⁸

5 = Offered minor or technical amendment or procedural motion.⁹

6 = Offered one or more substantive amendments.¹⁰

7 = Engaged in agenda action.¹¹

This scale helps quantify behavior in an ordinal manner each level of activity in which a member might engage. Each activity includes the behavior in all previous categories, reflecting the increasingly levels of participation. Measuring the lack of activity or the presence of highest-order activity can be simple. The contribution of this scale is its ability to capture behavior ordinally between no activity and intense activity.

Informal participation, including the direction of how members behaved on certain bills and how they worked behind the scenes in various ways to affect an outcome, is

measured through qualitative interviews with members, key staff, and associated lobbyists. This data allows for a better understanding of formal participation and seeks to capture successful influence not otherwise measured by a formal scale.

Operationalizing the Independent Variables

Hali (1996) tests for the effects of three sets of variables on member participation. Hall argues that three kinds of variables are influential in determining how a member might behave in subcommittee, committee, or on the floor of the House. These are: 1) bill-specific interests; 2) institutional position; and 3) seniority/status.

The bill-specific interests vector includes five independent variables:

- 1) the district-related interest on the bill¹²;
- 2) minority-district interaction (see model below for elaboration);
- 3) electoral insecurity of the member (measured as 100 minus the lower winning % of the most recent winning primary or general election);
- 4) the members' interest on the specific policy area (measured the same as district interests);
- 5) a variable measuring the commitment of a member to prosecuting the president's agenda – that is, how committed that member is to advancing a policy on which the president has taken a stand. This is measured on the same four-point scale as district and policy interests (refer to methodological note 16).

The institutional position vector includes three dichotomous independent variables (1

indicates the presence of the following conditions, 0 indicates their absence):

- 1) subcommittee chair;
- 2) ranking subcommittee member;
- 3) minority party member.

The seniority/status vector includes four dichotomous independent variables (1 indicates the presence of the following conditions, 0 indicates their absence):

- 1) committee seniority;
- 2) freshman status;
- 3) new committee transfer;
- 4) chair, other subcommittee.

I believe Hall proved his variables above to be both theoretically and statistically significant factors in his study. For this examination, however, some modifications are necessary. The models in this study face a significant constraint – the largest of the three committees studied contains 53 members, and since the unit of analysis is member behavior, the N for each model is no larger than 53. For the Education and the Workforce Committee N = 49 and for the Judiciary Committee, N = 37. While each of these meet the minimum requirement of 30, given these constraints, any set of independent variables must accordingly be drastically reduced in number to maintain the overall validity of the model. As a result, I have in some cases chosen just one variable from among Hall's vectors to represent the theoretical thrust of that vector. In other cases, for instance for the partisan/ideological variable, I have created an additive variable which combines party,

ideological scores from interest group ratings to arrive at a more precise ideological score for each member.

Ultimately, from Hall's discussion of bill-specific interests, I include in my model a measure for: 1) a member's electoral insecurity; 2) a member's specific interest in an issue; and 3) a district's interest in an issue, calculated similarly to Hall's approach. I do this primarily as a result of qualitative findings which suggests their theoretical centrality to understanding lobby influence and member behavior. Staff members nearly uniformly reported the role of their district's and member's interest in bills as factors which influenced them, and lobbyists often cited member's electoral chances as variables which they knew played on the minds of members' when deciding how to act on specific legislation.

I depart from Hall's model significantly in several ways. First, I include a partisan measurement that Hall does not which combines party affiliation with ideological rankings from liberal and conservative groups to create a partisan summary variable for each member.¹³ I add this variable as a result of observation and interviews in Congress which suggest the theoretical and practical importance of party affiliation to most Members of Congress. In addition, regarding institutional position and seniority /status vectors, while I recorded these variables, my theoretical understanding, which was based on 10 months of interviews and observation in Congress, indicated that such variable were not significant factors. Indeed, one of the important thrusts of the theory of legislative proxy is that while lobbyists do fawn over more senior members and those positioned in the right

places, their strategy includes an explicit courting of junior members as central to their long-term success. Accordingly, I record these characteristics to test this empirically but do not hold that such differences on their own drive member behavior.

In a quantitative model, how does one operationalize lobby influence to approximate the existence of the theory of legislative proxy? The most important components of this model to measure the influence of lobbying on member behavior are the independent variables which I label Lobby Effort variables. Theoretically, a theory of legislative proxy as outlined by Hojnacki and Kimball (1998) and extended here, relies upon the resources and techniques lobbyists use most to gain influence – money and personal access, yet the scholarship has never before systematically empirically tested for the impact of lobby influence as factors influencing member behavior among other circumstantial conditions, as outlined above. Here, I propose that components of the theory of legislative proxy can be developed and used as independent variables in the ordered probit models in order to test for their influence on member behavior in policymaking.

These components include two primary kinds of lobby efforts, which are personal lobby activity with specific offices and the influence of PAC money on member behavior. This PAC component is broken into two variables – raw dollars on specific issues contributed from PACs to members in the 105th Congress, which I term specific issue PAC money. This variable is important because it shows, for example, how much money from the telecommunications industry a member of the Commerce Committee who sits on the

Telecommunications Subcommittee received in the previous congress. In addition, in order to get a sense of how much PAC money represented the overall contributions to each member, I include another variable, the percent of PAC money in the 105th Congress originating from PACs and their lobbyists. This is calculated by dividing total PAC contributions by total contributions to candidates and demonstrates the relative presence of PAC money in a member's coffer in percentage form.

Personal lobby activity of a member's office is a crucial variable in this equation.¹⁴ It represents the efforts lobbyists made to contact an office on a specific bill and is at the heart of measuring to test the theory of legislative proxy. Lobbyists who seek to energize members as allies or agents to work in various ways for their interests rely heavily on relationships built resulting from intense personal lobby efforts. At the same time, the two PAC money variables represent a triangulation of sorts which lobbyists employ – to both develop personal contact as well as indicate a heavy financial commitment on specific issues and a large proportion of a member's overall financial fortunes. Empirical proof that these three lobby variables significantly affect member behavior on specific policy legislation, I argue, indicates the successful lobbying of Members to become agents or proxies of interest groups in the policymaking process.

A Linear Look at the Model and its Estimation

A linear look at the model outlined above, looks like the following:

$$P_{ij} = \Phi(B_{ij}, I_{ij}, L_{ij})^{15}$$

where P_{ij} represents the participation of subcommittee or committee member i on subcommittee or committee bill j . This model is designed to measure the impact of the independent variables on participation.

B_{ij} = the group of independent variables for members' bill-specific information defined as follows:

$$B_{ij} = \beta_1 D_{ij} + \beta_2 EI_i + \beta_3 P_{ij}^{16}$$

where D represents the district-related interests of member i on bill j ; EI represents the electoral insecurity of member i (measured as $100 -$ the lower winning % of the most recent winning primary or general election); and P represents the policy interest or ideological commitments of member i on bill j .

I_i = the single independent variable of a member i party/ideological additive score for all bills calculated as described above and below in endnote.

L_{ij} = the last group of independent variables for lobby efforts directed at member i regarding bill j , defined as follows:

$$L_{ij} = P_{ij} LM_{ij}^{17}$$

where P_{ij} = the amount of PAC contributions member i received in the 105th Congress from PACs targeting congressional action on an issue related to bill j in the subsequent Congress. LM_{ij} represents the amount of lobby efforts aimed at member's i office regarding bill j . Measurement, as noted above, is found in endnote.

The choice of the proper estimator for a model with a bounded, non-interval dependent variable is crucial in achieving accurate results of the influence of the

independent variables on member participation. In his 1996 model, Hall recognizes two appropriate estimators for his model – Ordinary Least Squares (OLS) estimation and a Maximum Likelihood Estimator (MLE), ordered-probit analysis. Hall initially estimates his data using OLS, but, in response to concerns about the bounded and non-interval nature of the dependent variable, he reestimates his model using ordered-probit analysis. In this check, he finds that the coefficients' signs and their statistical significance were similar in both the OLS and the MLE ordered-probit model. Gary King (1989) offers a compelling methodological argument that the MLE approach is preferable to an OLS model when the dependent variable is bound and ordinal.¹⁸ As a result, it seems prudent to estimate the model using both OLS and the MLE ordered-probit method, comparing the robustness of the findings.

Method 2: A Qualitative Approach

The second method of analysis is a much more qualitative, observational approach to the same phenomena being measured with the quantitative model described above. I take this approach in order to gain a better sense of the “social” nature of lobbying reported throughout much of literature (Matthews 1960; Baumgartner and Leech 1996; and Wright 1996).

Qualitative participant observation and elite interviewing, then, are two primary means of tracking members' participation in the policymaking process and the influence of interest groups. Alexander Heard was among the earliest political scientists to rely heavily

on elite interviewing. His 1950 work, "Interviewing Southern Politicians," includes an analysis of the interviews he helped collect for V.O. Key's seminal work, *Southern Politics in State and Nation* (1949). The extensive interviews included 538 individuals in eleven states. Heard's work is useful today because it both provides important advice on how to conduct elite interviews as well as discussing the overall utility of this kind of data collection. Heard discusses the details of how interviewers are introduced to interviewees, the nature of the appointments, the necessity for the interviewer of retaining a friendly attitude, the research benefits from granting "off the record" assurances, and advice on how to ask questions. Having collected each of the interviews and compiled them into narratives about each of the eleven states, Heard and Key distributed their findings to three or four informed persons in each state. They found that while there may have been disagreement about broad interpretations, in no instance was there dispute on points of fact and the nature of politics in those states (896).

Richard Fenno in the 1970s made his similarly-qualitative approach to data collection famous as well. Fenno argues that elite interviewing and personal observation enhances the researcher's understanding of the political process, the "habitat" Members of Congress inhabit and social networks they use regularly, and the pressures of the daily job of Members of Congress (1973, 1990). Personal elite interviews and participant observation, or "soaking and poking," have three primary insights that are sometimes overlooked or unable to be tapped by traditional behavioralist models: 1) they allow the researcher to find better the context of a situation and look more in-depth at it (Fenno

1973); 2) they allow the researcher to learn more about the sequence of events and processes occurring in decision-making (see Kazee 1994, 15); and 3) they allow the researcher to absorb the atmosphere of Congress more holistically than quantitative approaches, which require disassembling behavior to examine the impact of individual behavior (Fenno 1973).

The purpose of this approach is to better familiarize the researcher with the intimate interactions of lobbyists with Members of Congress. To do so, I benefit through close observation of at least one Member of Congress. This member, familiar with my research project and helpful to me, allowed me the access to watch his informal dealings with interest groups, particularly his or her interpersonal meetings with them. In addition, I observed how this member analyzes his meeting with groups and communicates with other Members of Congress about those interactions. In this same way, I located several other members who were amenable to interviews concerning interest group activity on his or her committee and/or subcommittee to conduct a similar research. In all, I interviewed and observed 22 Members of Congress, some of whom granted 30 minute interviews while others of whom gave more than two hours of their time in one sitting, with one member allowing me a nearly year-long access period to study his relationships with lobbyists. There is no question that qualitative observations and elite interviews are arguably the most difficult data to acquire successfully in the social sciences. Gaining interviews with members and important lobbyists often require persistence, patience, and thick-skin in the congressional setting. Nevertheless, this method of data collection and

analysis holds the potential to yield fruitful lessons about the social nature of lobbying in Congress.

Data Sources

In answering the research question, how do interest groups influence member participation in bills in subcommittees, both quantitative and qualitative data will be collected as described above. To summarize, the research design proposes to collect quantitative as well as qualitative data. Sources for such data include: interviews with members' staffers, committee and subcommittee staffers, lobbyists, members of Congress themselves. More quantitative data needed to complete the proposed model includes: Federal Election Commission data on campaign contributions to members in the 1998 congressional races; various demographic data from *The Almanac of American Politics* and *Politics in America* for the 106th Congress regarding the variables on district, policy, institutional, seniority/status, and lobby efforts variables outlined above. It should be noted that much of the qualitative data from staff interviews will be central ingredients to the proposed empirical model. The reliance upon interviews for this data, I argue, strengthens the use of an empirical model as one approach in the research design. For more specific data sources related to each aspect of the research design, see Appendix A, Table 1.

Appendix A

Table 1

Research Methodology and Data Sources

The Methodology	Data Sources
Quantitative Method	
<p><i>Dependent Variable</i></p> <p>I. Formal Participation</p> <p><i>Intensity:</i></p> <ul style="list-style-type: none"> 0 = Engaged in none of the activities. 1 = Attended one or more markups.¹⁹ 2 = Voted in one or more roll calls.²⁰ 3 = Spoke during markup, minor participant in the discussion.²¹ 4 = Spoke during markup, major participant in the discussion.²² 5 = Offered minor or technical amendment or procedural motion.²³ 6 = Offered one or more substantive amendments.²⁴ 7 = Engaged in agenda action. <p><i>Direction:</i></p> <ul style="list-style-type: none"> 1 = Favorable 2 = Mostly Favorable 3 = Mostly negative 4 = Negative <p>II. Informal Participation</p> <ul style="list-style-type: none"> 0 = Negligible²⁵ 1 = Minor²⁶ 2 = Moderate²⁷ 3 = Major²⁸ 4 = Principle Author 	<p>Committee Records</p> <p>Committee/Personal Staff</p>

<p><i>Independent Variables</i></p> <p>Vector 1: Bill-Specific Interests</p> <ul style="list-style-type: none"> 1) the district-related interest on the bill²⁹; 2) minority-district interaction (see model below for elaboration); 3) electoral insecurity of the member (measured as 100 minus the lower winning % of the most recent winning primary or general election); 4) the members' interest on the specific policy area (measured the same as district interests); 5) a variable measuring the commitment of a member to prosecuting the president's agenda – that is, how committed that member is to advancing a policy on which the president has taken a stand. 	<p><i>Almanac of American Politics 2000</i></p>
<p>Vector 2: Institutional Position</p> <ul style="list-style-type: none"> 1) subcommittee chair 2) ranking subcommittee member 3) minority party member 	<p><i>Almanac of American Politics 2000 / Committee Records</i></p>
<p>Vector 3: Seniority/Status</p> <ul style="list-style-type: none"> 1) committee seniority; 2) freshman status; 3) new committee transfer; 4) chair, other subcommittee. 	<p><i>Almanac of American Politics 2000 / Committee Records</i></p>
<p>Vector 4: Lobby Efforts</p> <ul style="list-style-type: none"> 1) PAC contributions to the member in the previous Congress (105th) or first session of the 106th on similar policy issues 2) lobby activity of member's office³⁰; <p>1=negligible; 2=minor; 3=moderate; 4=major. =major</p>	<p>Various Sources</p> <ul style="list-style-type: none"> 1) FEC Data – www.trav.com 2) Interviews with member's staff and survey instrument; Lobby Disclosure Form – LD -2 3) Interviews with members' staffs and survey instruments; Lobby Disclosure Form – LD -2 4) FEC Data – www.trav.com

Qualitative Method	
Tracking how members react to interest group influence, how they perceive their relationships with lobbyists, and their views of the role of interest groups in the legislative process	Interviews with Members of Congress and congressional staff
Tracking how lobbyists view their goals, how they achieve them, how they perceive their relationships with members of Congress, and how they see their role in the legislative process	Interviews with lobbyists

Endnotes

1. It should be noted that in the 107th Congress a race for the chairmanship of the Commerce Committee between two congressman led to its ultimate breakup that removed financial services and securities oversight from it and placed it solely in the jurisdiction of the newly named Financial Services Committee, replacing the Banking Committee of the 106th Congress. The cause for the breakup was due mainly to the GOP leadership efforts to mollify an important Republican member, Mike Oxley (R-OH), who challenged Billy Tauzin (R-LA) for the Commerce gavel upon the expiration of the six-year term of Chairman Tom Bliley (R-VA). Because both Tauzin and Oxley were long-serving members with issue expertise and proven fundraising skills for the party, Speaker Hastert engineered the committee reorganization.
2. These committees are not completely devoid of policy debates. The Agriculture and Science Committees, for instance, routinely debate technical matters such as environmental issues as well as matters involving allocations of goods in a more traditional pork-barrel approach.
3. "Policy" committees, defined by Christopher Deering and Stephen Smith in their recent work *Committees in Congress* (1997), include: Commerce, Judiciary, Education and the Workforce, Banking, and Resources. Deering and Smith argue that these five committees, of the 19 standing committees in the GOP-controlled Congress, deal the most with specific and technical public policy that would tend to affect the public far beyond the boundaries of any member's electoral constituency. As a result, these five committees are

most likely to attract the influence of interest groups geared toward policy creation by members who may have less of a district-influence and, perhaps, more of a need to rely upon outside sources of information – including interest groups.

4. The operationalization of these variables is first defined and tested by Hall (1996, 40).

5. This will be a dichotomous variable indicating whether a member attended a meeting.

Because of data constraints, information about the length of time a member stayed at the meeting or when the member arrived will not be collected.

6. Measured as participation in recorded roll call votes.

7. Measured in two ways: actual amount said by each member and speaking turns. Rather than counting words, number of transcript lines attributed to each member will be recorded to determine actual amount spoken. Responses to roll calls and quorum calls will not be counted. Major/minor speaker determined as whether mentioned in the summary minutes.

8. Ibid.

9. Measured as dichotomous variable, but data gathered as a continuous variable.

Number of amendments offered will be recorded. Following Hall (1996), two considerations determine whether the amendment is technical or substantive. First, the substance of the amendment is considered to see whether it was technical in nature. Second, whether the amendment was voted on unanimously will be considered (Hall argues that technical amendments are usually unanimous votes). Procedural motions will be considered as technical.

10. Ibid.

11. Measured as whether the member called up or was otherwise responsible for drafting the bill used as the original markup vehicle or if the member offered an amendment as a substitute to the vehicle.

12. As measured through personal interviews with each members' staff and/or complimented with data from lobbyists and other sources, including the *Almanac of American Politics* description of district interests focusing on the specific policy areas where applicable. Measurement for district interests is a four-point scale: 1=negligible; 2=minor; 3=moderate; 4=major.

13. To create the partisan added variable, I first created a party variable -100=Republican, +100 =Democrat. I then created a second variable for the interest group rating of the Americans for Democratic Action (ADA), a liberal group, which ranked all members on their voting records for 1998, the second session of the 105th Congress. This ADA rating was entered on a range from 0 to 100, with 100 being the most liberal. I created a third variable which includes the rating of the Chamber of Commerce of the United States (CCUS), a conservative group, which ranked all members on their voting records in 1998. Here, the scale ranged from -100 for the most conservative to 0 for the most liberal. Fourth, I created a variable called Ideological Average (IDEOAVG) which added the positive-ranged liberal scores with the negative-ranged conservative scores. The range, then, on this variable which accounts for liberal and conservative voting, is -100 for most conservative to +100 for most liberal, with political moderates scoring in the middle near

zero. Finally, I recognized a need to create a fifth variable, entitled party additive variable (PARTYADD). This variable is needed to add the final ideological average to the original party score so that an ideological score can be countermeasured against partisan affiliation. Accordingly, members who measured near 0 on the ideological average as moderates then have their true partisan affiliation averaged in to place them on a spectrum from +200 Democrat true liberal to -200 Republican true Conservative. The point of this variable is that in some cases, Democrats were ranked in the negative territory, indicating they were Democrats who voted in a conservative way. A few Republicans, too, ended near or in positive territory indicating they were Republicans who voted with liberals.

14. As measured through personal interviews with each members' staff focusing on the specific policy area. Measurement for lobby efforts is a four-point scale: 1=negligible; 2=minor; 3=moderate; 4=major. Lobby efforts include: formal and informal communication between the member's office and the interest group; lobby groups running media campaigns targeted at the member's office; lobby groups helping to plan legislative strategy with member's office; and groups drafting legislative language. (This criteria for lobby efforts was selected from among the most frequently used lobby techniques as described by Schlozman and Tierney 1986, 150.)

15. Note that this model is a change from Hall's original model with the addition of a fourth vector of variables – lobby efforts aimed at specific members' of Congress. Hall and Wayman (1990) first develop a model to test for the impact of lobby efforts on member participation. In their model, they rely upon PAC contributions to members as

the single way to operationalize lobby efforts. In my model, I have added to the original Hall and Wayman model with the addition of several other lobby efforts supported in scholarship on interest groups (for a thorough discussion of recent lobby techniques employed in Congress and their prevalence by types of interest group, see: Schlozman and Tierney 1986 and Cook 1998, 146).

16. This is the original vector of variables Hall uses in his 1996 model to determine how bill-specific variables influence member behavior.

17. This is a vector of my own creation designed to capture theoretically important variables that quantify the kind and intensity of lobby efforts targeted at members of Congress in the policymaking process.

18. For a brief discussion of probit analysis, see Gujarati (1995, 563-70). For a brief discussion of the utility of maximum likelihood estimation (MLE) being preferable to OLS estimation, see Gujarati (1995, 107). For an in-depth explanation of MLE and the desirable properties of estimators, see Eliason (1993) and especially pages 7-21.

19. This will be a dichotomous variable indicating whether a member attended a meeting. Because of data constraints, information about the length of time a member stayed at the meeting or when the member arrived will not be collected.

20. Measured as participation in recorded roll call votes.

21. Measured in two ways: actual amount said by each member and speaking turns. Rather than counting words, number of transcript lines attributed to each member will be recorded to determine actual amount spoken. Responses to roll calls and quorum calls

will not be counted. Major/minor speaker determined as whether mentioned in the summary minutes.

22. Ibid.

23. Measured as dichotomous variable, but data gathered as a continuous variable.

Number of amendments offered will be recorded. Following Hall (1996), two considerations determine whether the amendment is technical or substantive. First, the substance of the amendment is considered to see whether it was technical in nature. Second, whether the amendment was voted on unanimously will be considered (Hall argues that technical amendments are usually unanimous votes). Procedural motions will be considered as technical.

24. Ibid.

25. Member not involved in any behind-the-scenes activity.

26. Member rarely involved in behind-the-scenes activity, but some involvement is indicated.

27. Involvement infrequent. Member active in pursuing a particular provision or involved in a key compromise.

28. Member involved in most of the behind-the-scenes deliberations. However, not principle author of legislation.

29. As measured through personal interviews with each members' staff focusing on the specific policy area. Measurement for district interests is a four-point scale: 1=negligible; 2=minor; 3=moderate; 4=major.

30. As measured through personal interviews with each members' staff focusing on the

specific policy area. Measurement for lobby efforts is a four-point scale: 1=negligible; 2=minor; 3=moderate; 4=major. Lobby efforts include: formal and informal communication between the member's office and the interest group; lobby groups running media campaigns targeted at the member's office; lobby groups helping to plan legislative strategy with member's office; and groups drafting legislative language. (This criteria for lobby efforts was selected from among the most frequently used lobby techniques as described by Schlozman and Tierney 1986, 150.)

Appendix B
106th Congress Committee Jurisdictions

Committee	Jurisdiction
Commerce	<p>1) Biomedical research and development; (2) Consumer Affairs and consumer protection; (3) Health and health facilities, except health care supported by payroll deductions; (4) Interstate energy compacts; (5) Interstate and foreign commerce generally; (6) Measures relating to the exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, and other unconventional or renewable energy resources; (7) Measures relating to the conservation of energy resources; (8) Measures relating to energy information generally; (9) Measures relating to (A) the generation and marketing of power (except by federally chartered or Federal regional power marketing authorities), (B) the reliability and interstate transmission of, and ratemaking for, all power, and (C) the siting of generation facilities; except the installation of interconnections between Government waterpower projects; (10) Measures relating to general management of the Department of Energy, and the management and all functions of the Federal Energy Regulatory Commission; (11) National energy policy generally; (12) Public health and quarantine; (13) Regulation of the domestic nuclear energy industry, including regulation of research and development reactors and nuclear regulatory research; (14) Regulation of interstate and foreign communications; (15) Securities and exchanges; (16) Travel and tourism.</p> <p>The Committee has the same jurisdiction with respect to regulation of nuclear facilities and of use of nuclear energy as it has with respect to regulation of nonnuclear facilities and of use of nonnuclear energy. In addition to its legislative jurisdiction, the committee has the special oversight functions with respect to all laws, programs, and Government activities affecting nuclear and other energy, and nonmilitary nuclear energy and research and development including the disposal of nuclear waste. The Committee on Commerce has the function of reviewing and studying on a continuing basis, all laws, programs and government activities relating to nuclear and other energy.</p>

<p>Education and the Workforce</p>	<p>(1) Child labor; (2) Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; (3) Convict labor and the entry of goods made by convicts into interstate commerce; (4) Food programs for children in schools; (5) Labor standards and statistics; (6) Measures relating to education or labor generally; (7) Mediation and arbitration of labor disputes; (8) Regulation or prevention of importation of foreign laborers under contract; (9) United States Employees' Compensation Commission; (10) Vocational rehabilitation; (11) Wages and hours of labor; (12) Welfare of miners; (13) Work incentive programs.</p> <p>In addition to its legislative jurisdiction, the committee has the special oversight function with respect to domestic educational programs and institutions, and programs of student assistance, which are within the jurisdiction of other committees.</p>
---	---

<p>Judiciary</p>	<p>The full Committee has jurisdiction over the following subject matters: antitrust law, tort liability, including medical malpractice and product liability, legal reform generally, and such other matters as determined by the Chairman.</p> <p>There are five standing subcommittees of the Committee on the Judiciary, with jurisdictions as follows:</p> <p>(1) Subcommittee on Courts and Intellectual Property: copyright, patent and trademark law, administration of U.S. courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, other appropriate matters as referred by the Chairman, and relevant oversight.</p> <p>(2) Subcommittee on the Constitution: constitutional amendments, constitutional rights, federal civil rights laws, ethics in government, other appropriate matters as referred by the Chairman, and relevant oversight.</p> <p>(3) Subcommittee on Commercial and Administrative Law: bankruptcy and commercial law, bankruptcy judgeships, administrative law, independent counsel, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.</p> <p>(4) Subcommittee on Crime: Federal Criminal Code, drug enforcement, sentencing, parole and pardons, Federal Rules of Criminal Procedure, prisons, other appropriate matters as referred by the Chairman, and relevant oversight.</p> <p>(5) Subcommittee on Immigration and Claims: immigration and naturalization, admission of refugees, treaties, conventions and international agreements, claims against the United States, federal charters of incorporation, private immigration and claims bills, other appropriate matters as referred by the Chairman, and relevant oversight.</p>
-------------------------	--

Appendix C
Committee Membership

Committees	Subcommittees
<p>Commerce Tom Bliley, (VA), Chairman John D. Dingell, (MI), Ranking Member Committee Membership = 53</p>	<p>Subcommittee on Telecommunications, Trade & Consumer Protection W.J. "Billy" Tauzin, (LA), Chairman Edward J. Markey, (MA), Ranking Member Membership = 29</p> <p>Subcommittee on Finance & Hazardous Materials Michael G. Oxley, (OH), Chairman Edolphus Towns, (NY), Ranking Member Membership = 29</p> <p>Subcommittee on Health & Environment Michael Bilirakis, (FL), Chairman Sherrod Brown, (OH), Ranking Member Membership = 31</p> <p>Subcommittee on Energy & Power Joe Barton, (TX), Chairman Ralph M. Hall, (TX) Ranking Member Membership = 31</p> <p>Subcommittee on Oversight & Investigations Fred Upton, (MI), Chairman Ron Klink, (PA), Ranking Member Membership = 19</p>

<p>Education and the Workforce William F. Goodling, (PA), Chairman William (Bill) Clay, (MO), Vice Chairman Membership = 49</p>	<p>Subcommittee on Employer-Employee Relations John A. Boehner (OH), Chairman Robert E. Andrews, (NJ), Ranking Member Membership = 19</p> <p>Subcommittee on Workforce Protections Cass Ballenger (NC), Chairman Major R. Owens, (NY), Ranking Member Membership = 14</p> <p>Subcommittee on Oversight and Investigations Peter Hoekstra (MI), Chairman Tim Roemer, (IN), Ranking Member Membership = 10</p> <p>Subcommittee on Postsecondary Education, Training and Life-Long Learning Howard P. "Buck" McKeon (CA), Chairman Matthew G. Martinez, (CA) Ranking Member Membership = 22</p> <p>Subcommittee on Early Childhood, Youth and Families Michael N. Castle (DE), Chairman Dale E. Kildee, (MI) Ranking Member Membership = 31</p>
---	---

<p>Judiciary Henry Hyde, (IL), Chairman John Conyers, (MI), Ranking Member Membership = 37</p>	<p>Subcommittee on Commercial and Administrative Law George Gekas, (PA), Chairman Jerrold Nadler, (NY), Ranking Member Membership = 12</p> <p>Subcommittee on the Constitution Charles Canady, (FL), Chairman Mel Watt, (NC), Ranking Member Membership = 13</p> <p>Subcommittee on Courts and Intellectual Property Howard Coble, (NC), Chairman Howard Berman, (CA), Ranking Member Membership = 15</p> <p>Subcommittee on Crime Bill McCollum, (FL), Chairman Robert C. Scott, (VA) Ranking Member Membership = 13</p> <p>Subcommittee on Immigration and Claims Lamar Smith, (TX), Chairman Sheile Jackson Lee, (TX), Ranking Member Membership = 13</p>
--	---

Appendix D

Why Ordered Probit Analysis?

Lobbying and its influences are difficult concepts to measure. The use of a proper estimator depends upon the measurement of the dependent variable. As described in Appendix A, this study relies upon Hall's (1996) scale for measuring participation in Congress. The scale has ordered steps of involvement from 0 (no activity) to 7 (full action in the legislative process). The measurement of the data into these eight categories derives from qualitative and quantitative measures as described in Appendix A. The result is a model which offers a qualitative-based categorical dependent variable.

Ordinary Least Squares (OLS) regression analysis, the typical regression tool in the social sciences for multivariate models, is not an appropriate measurement for a bound, categorical dependent variable such as congressional participation as it is measured here (Aldrich and Nelson 1985). OLS estimations of dependent variables developed from qualitative measures generate dangerous problems for nonlinear, categorical, and qualitative dependent variables. Most obvious of these problems is that they seriously misestimate the magnitude of the effects of independent variables because they treat the dependent variable as unbound linear models.

Aldrich and Nelson argue that the use of an OLS model on polytomous or multiple category dependent variables lead to several significant errors in estimating the behavior of the dependent variable. While they note that OLS will correctly measure the sign of behavior in these cases, but it does little else properly. None of the distributional properties hold, so therefore any statistical inferences will have no justification ground in a

proper statistical estimation. Data analysis and theoretical construction based on these estimations would be worthless.

Overall, Aldrich and Nelson argue that assuming OLS estimation of a qualitative categorical dependent variable model would lead to estimates that: 1) have no known distributional properties; 2) are sensitive to the range of the data; 3) may underestimate the magnitude of true effects; 4) yield probability predictions outside the range of 0–1; and 5) get worse as common approaches to improve the data are applied (30). Ultimately, OLS does not yield estimates which, by any standard with a qualitative dependent variable, are BLUE – the best, linear, unbiased, efficient estimates.

Logit and probit analyses present themselves as viable alternatives. While logit analysis frequently deals with dichotomous dependent variables, a related technique – probit – is used specifically for estimation of multiple category dependent variables created from qualitative data-gathering. Probit and Logit and OLS all share the same assumptions underlying their estimations other than specifying the relationship between the mean of Y and X, which is, of course, of critical importance in any model. First developed by Tobin (1958) to investigate limited-range, interval dependent variables, probit is based on assumptions which reasonably estimate behavior of categorical data and allows for interesting, accurate inferences to be drawn based on the findings. Probit analysis fits in these circumstances because it does not assume linearity, yields probability predictions within a bounded range of 0 to 1, and provides accurate estimations of the magnitude of true effects. From the specification of the probit estimation, and with its calibration to the data, it is safe to draw statistical inferences which yield interesting and accurate data

regarding the behavior of congressional members as measured in this study.

(Two useful references on probit are: Daganzo 1979; Aldrich and Nelson 1985.)