

The Changing Process of Direct Lobbying

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Abstract

In this paper I argue that lobbying is a multifaceted and dynamic process. The perspective I present is rooted in the idea that organized interests have multiple legislative goals that vary as an issue is considered by Congress. To accomplish these goals, groups are expected to engage in different forms of lobbying. Specifically, I suggest that when groups' objectives require the action of a legislative proxy or agent (e.g., when they are interested in attracting cosponsors or in changing the language of a proposal), lobbying takes the form of mobilization. When groups have objectives that depend upon the relative distribution of legislative support and opposition (e.g., a floor vote), lobbying is expected to take the form of conversion and counteraction. When groups expect an issue they care about to come to a vote in committee, lobbying is expected to take the form of issue manipulation. Based on these expectations, I explain how each form of goal-oriented lobbying is manifest in groups' choices of whom to contact in the legislature and in the advocacy appeals they employ. Data obtained from interviews with 30 organization representatives interested in health-related issues lend preliminary support to my ideas about the linkage between organizations' legislative goals and the forms of lobbying they undertake.

Within the literature on organized interests there have recently coexisted three radically different portrayals of legislative lobbying. One perspective suggests that lobbying is designed to bring about the mobilization of bias, particularly at the committee stage of the legislative process (Denzau and Munger 1986; Hall and Wayman 1990). In other words, groups use lobbying and PAC contributions to leverage the support of their allies to work on their behalf in the legislature. A second view holds that the “strategic objectives of lobbying are to change legislator’s beliefs, and hence positions, or else to prevent these beliefs from being changed” (Wright 1996, 96; see also Austen-Smith and Wright 1994, 1996). The former approach involves proactive contacts with opponents during which information is provided in an effort to change legislators’ positions. The latter approach is counteractive in that it involves the provision of information to a priori supporters in an effort to “prevent an opposing group from changing the legislator’s position” (Wright 1996, 96). Finally, a third view is that lobbying is about issue manipulation. From this perspective lobbyists “raise those issues over which the targeted legislators’ preferences already imply a decision in line with the group’s objectives” on policy matters (McKissick 1997, 14). In contrast to the mobilization and conversion perspectives, the issue manipulation thesis characterizes support and opposition as endogenous to the claims made by organized interests.¹

At least implicitly, each of these perspectives presumes that the task of lobbying is constant over the course of a group’s advocacy effort on a particular issue. In other words, the form lobbying takes is presumed to remain constant regardless of an organization’s legislative objectives at any particular moment during the issue consideration process (e.g., to have a bill introduced, to have legislators urge an agency to take action, to change the language of a bill, to

¹ McKissick (1997) adds lobbying as issue manipulation to what he identifies as the two extant perspectives of lobbying, mobilization and conversion. Some scholars might consider Bauer, Pool and Dexter’s (1963) notion of groups as “service bureaus” a fourth perspective of lobbying. I believe that contemporary scholars of organized interests think about lobbying in terms of conversion, mobilization, or issue manipulation. However, as an explanation for why groups contact allies the mobilization rationale is distinct from the accounts which suggest that groups act as “service bureaus” for their allies and that they are dependent on legislative friends for policy and political information (Bauer, Pool, and Dexter 1963; Dexter 1969; Hayes 1981; Matthews 1960; Milbrath 1963; Ziegler 1964).

prevent a bill from moving forward, to amass support to pass a measure into law). Thus, depending on the perspective adopted any one of a lobbyist's multiple goals can be pursued either by lobbyists mobilizing allies to act as their legislative agents, converting legislative opponents to support their positions and ensuring that their allies do not defect, or changing sets of legislators' understandings of what is at stake on an issue. But because lobbyists have multiple objectives, what they are trying to accomplish when they are engaged in advocacy will depend on where in the process of consideration and deliberation an issue is situated. If objectives change, the form of lobbying can be expected to change as well. Thus, while each of the existing perspectives of lobbying may be valid in the space of the issue consideration process in which it is situated, no one perspective captures adequately the full process of lobbying.

A presumption that the nature of lobbying will remain fixed across the span of time during which an issue is considered has important implications for our understanding of the role groups play in shaping policy, and the nature of organizational influence in the legislative process. At present scholars who assess organizational influence on policy look for empirical evidence either of conversion, mobilization, or issue manipulation. But if what lobbying is changes over time as an issue develops and organizations' objectives change, then how influence is manifest should change across time as well. Indeed, absent an understanding of what groups are trying to accomplish, we cannot assess whether they are able to achieve the form of influence they pursue. Moreover, if lobbying takes different forms then it is reasonable to expect that organized interests will vary in their capacity to exert influence over the course of their advocacy efforts on an issue. For reasons related to their own characteristics, those of their organizations, and those of the issues that attract their attention, some lobbyists may be effective at building coalitions of legislators and groups that do not typically work in concert whereas others may have access to a relatively small circle of legislators who share their commitment to (and therefore are easily mobilized to act on) a set of issues. In short, if we adopt a more dynamic perspective on

lobbying then it is possible to think about how the level and form of influence a group pursues might vary during its advocacy effort on a single issue.

The perspective I present here is rooted in the idea that organized interests have multiple goals that vary as an issue evolves. Moreover, because different legislative tasks must be undertaken to pursue different goals, the forms of lobbying groups use as an issue is considered can be expected to vary as well. Although the contradictory portrayals I describe above are valid (to varying degrees) within the context of this new perspective, their failure to recognize the dynamic character of lobbying has impeded our ability to understand how organized interests are influential in affecting policy and how these forms of influence are manifest over the course of an issue's consideration by the legislature.

Current Perspectives on Direct Lobbying

Many researchers who study organized interests would probably agree that there is at least something appealing about the theoretical framework underlying each of the extant perspectives of lobbying. Their intrinsic appeal along with the empirical evidence offered in support of the mobilization, conversion, and issue manipulation perspectives (Austen-Smith and Wright 1994, 1996; Hall and Wayman 1990; Hojnacki and Kimball 1998, 1999; McKissick 1997) may explain why they have coexisted with little attention to their contradictory claims and implications. But when one tries to examine lobbying at different moments in the evolution of an issue it becomes clear that there is a disjunction between the persuasiveness of the arguments that underlie the mobilization, conversion, and issue manipulation models in the situations being described, and the broader claims being made about lobbying. In other words, each argument is valid in its own space but none is attentive to the fact that the consideration and debate over policy matters unfolds over time, sometimes coincident with and sometimes separate from the formal stages of the legislative process.

Consider first the view that lobbying involves the mobilization of allies to serve as legislative agents on a group's behalf. For the most part, those who adopt this perspective have

focused on the mobilization of legislators in congressional committees (Hall and Wayman 1990; Hojnacki and Kimball 1998, 1999; but see Denzau and Munger 1986). The idea is that at the committee mark-up stage of the legislative process, 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). Thus, a group will lobby to encourage legislators to craft legislation that conforms to its interests, to change the wording of a bill, and to ensure that favorable bills and amendments are placed prominently on a committee's agenda.² Consistent with this perspective of lobbying is evidence showing that PAC contributions given to supporters have a substantial impact on supporters' actions in committee (Hall and Wayman 1990), and that allies are the most likely targets of organizations' lobbying contacts in committee (Hojnacki and Kimball 1998, 1999). The assumption of these studies – either explicitly or implicitly – is that, outside of committee, lobbying involves conversion. In this way, proponents of mobilization explain the coexistence of the mobilization and conversion perspectives as a product of the different stages of the lobbying process being examined but they ignore what this implies about the broader concept of lobbying.

Those who adopt the second perspective define lobbying as the conversion of opponents to supporters and the counteraction of opponents' efforts to attract supporters. Although this perspective was never explicitly associated with a particular point in the legislative process, the idea of converting opponents and maintaining supporters has been most transferable conceptually to the time when a legislative proposal is approaching a final vote on the floor. Indeed, most studies that seek to assess the effects of lobbying examine the linkage between groups' contacts (financial and otherwise) with legislators and legislators' roll call votes (Austen-Smith and Wright 1994; Langbein 1991; Rothenberg 1992). But under circumstances where the agenda is fixed and there is little or no opportunity for legislators to alter the content of a proposal, groups

² My description of the mobilization perspective and the conversion/counteraction perspective draws extensively on the presentation in Hojnacki and Kimball (1998).

have little else to do than to attempt to convert opponents and "swing" legislators to their side, and to minimize the defections of legislators who are likely to support them. But to maintain such a narrow view of the legislative and lobbying processes is to ignore a good deal of what lobbyists do that is directed toward advancing their legislative preferences. I agree with Austen-Smith and Wright (1996) that the concept of lobbying becomes meaningless if it has no boundaries but I also believe that it is possible to include as lobbying such tasks as enlisting legislative allies to contact other legislators, and altering the dimensions of issues members come to understand as salient without broadening the concept to an extent that it becomes meaningless.

A relatively new perspective holds that lobbying is about issue manipulation (McKissick 1997). The basic thrust of this argument is that "...lobbyists...raise those issues over which the targeted legislator's preferences already imply a decision in line with the group's objectives...The target is the legislator's *attention* to some issue dimension rather than his or her preferred *position* on the dimension" (1997, 13). In this way, McKissick contends that legislative support for and opposition to a group's preferences are endogenous.

There is nothing in McKissick's (1997) account of issue manipulation to indicate that it applies to any particular stage of the legislative process or to any particular point during which an issue is being considered. One may infer, then, that issue manipulation is intended to characterize what lobbying is about regardless of when during an advocacy effort that lobbying occurs. But not all exchanges between lobbyists and legislators fit with the notion of issue manipulation. For example, it seems straightforward to characterize as issue manipulation a meeting in which a group representative explains an issue in such a way that a legislator who almost never shares the group's policy goals comes to support it. But less transparent is how to categorize an exchange between an organization representative and a legislator who frequently shares the group's policy goals in which the lobbyist explains how the legislator's leadership on a specific policy matter would help the legislator gain some visibility on an issue that is popular with his constituents. In this case, the lobbyist is emphasizing one aspect of an issue on which the legislator's preferences

are in accord with the group's preferences. However, for a legislator who historically agrees with a group, most any aspect of the issue might produce the same reaction. To characterize the task faced by the lobbyist in this exchange as a manipulation of what is salient, then, seems a bit extreme. Indeed, to equate the two exchanges is to muddy the concept of issue manipulation to such an extent that it applies to everything and nothing at the same time. That McKissick (1997) did not intend for the latter type of exchange to fall within the realm of issue manipulation is made clearer by his discussion about lobbyists' efforts to restructure the issue space and redirect legislators' attention to induce support. Upon closer inspection, issue manipulation is not solely about alerting legislators to the stakes of an issue. Rather, it is about alerting legislators to a particular set of stakes that induce their support when the emphasis on another set of stakes would probably induce opposition (i.e., legislators are assumed to have competing preferences along different dimensions).³ Still, to the extent that this form of lobbying is used, it is unlikely to be appropriate when organizations seek to spur legislators into action. Emphasis on an element of an issue that induces a legislator's support probably will be insufficient to encourage that legislator to expend scarce time and resources to act as an agent on the group's behalf.

Although the existing perspectives of lobbying do not characterize fully the array of goals and tasks that a lobbyist will attempt to complete over the course of an advocacy effort, I am not suggesting that they be discarded. Rather, each may appropriately reflect the tasks a lobbyist encounters at different moments during the time when an issue is considered and deliberated. In the next section I present a multifaceted way of conceptualizing lobbying that draws extensively on these existing perspectives. I link the objectives lobbyists have at different moments during the consideration of a policy issue to the form of lobbying that most likely will allow a group to

³In this way, I believe that the concept of issue manipulation differs from the concept of issue definition or policy image. The definition of an issue or its image refers simply to the ways in which an issue comes to be understood (see Baumgartner and Jones 1993). Lobbying as issue manipulation requires purposive efforts to redirect an individual's attention to a particular dimension of an issue. Lobbying as issue manipulation may affect the way an issue comes to be understood in the aggregate but the two concepts are not identical.

attain successfully its varying objectives. In outlining this perspective I attempt to strike a balance between a broader but still meaningful conceptualization of lobbying.

Multiple Goals and Multiple Forms of Direct Lobbying

Lobbyists must accomplish myriad objectives -- having a bill or amendment introduced, trying to alter the language in a legislative proposal, gathering support from committee members, enlisting a set of legislators to gather support from colleagues, attracting enough support to keep an issue moving forward or to prevent an issue from moving ahead -- as they try to affect legislative policy. The goal or goals that are most pressing for a lobbyist at any given time will depend on where an issue is situated in the context of the policy process. To accomplish specific goals, lobbyists will have to engage different legislators with different types of appeals. If goals change, so too will the legislators groups seek out as they try to exert their influence, and so will the appeals groups make. In short, my argument is that what direct lobbying looks like will vary as groups' objectives change over the course of time when an issue is under consideration by Congress. Indeed, recent work about interest group advocacy makes similar assumptions about the diverse goals of groups and their use of different advocacy activities (Gerber 1999; Goldstein 1999; Hojnacki and Kimball 1998, 1999).⁴ Moreover, an assumption that organized interests have different objectives that vary across legislative circumstances and issues is similar to the way in which researchers have come to understand the goal-oriented behavior of members of Congress (Fenno 1973).

A richer and more dynamic view of lobbying, then, should link interest group goals to specific legislative appeals and contacts. With this in mind, I describe sets of legislative objectives that are likely to be accomplished most effectively through mobilization, conversion/counteraction, and issue manipulation, and I explain how each goal-oriented form of lobbying is manifest in groups' choices of whom to contact in the legislature and in the advocacy

⁴ In addition, Richard Hall is working on a project in which lobbying is seen as a set of strategies from which groups select depending on their goals.

appeals they employ. Two interrelated points are in order before I proceed. First, I do not attempt to relate each form of lobbying to every possible objective that could be associated with every possible circumstance a group might encounter as part of a legislative advocacy effort. Rather, I describe how particular forms of lobbying are suited to the accomplishment of different sets of objectives that are common when groups work through Congress. Second, by selecting particular objectives that groups may have I am isolating discrete events in what is aptly understood as a process of issue consideration. Some may see this as too stylized a representation of a process that unfolds sometimes within and sometimes outside of a precise sequence of events. Although there is merit to such claims, there are also benefits to my dissection of the process. In particular, this level of specificity facilitates my efforts to make predictions about and assess empirically how organizations' goals (and changes in those goals) are manifest in the different forms of direct lobbying they pursue.

The view of lobbying that I outline here is based on two straightforward assumptions. First, I assume that groups prefer to successfully achieve their policy goals so that they choose among alternative means of achieving those goals based on their assessments of the alternative most likely to bring them success. In other words, groups are assumed to act rationally on the basis of whatever information they have about the effectiveness of different courses of action. The second assumption I make is that groups categorize members of Congress as regular supporters, sometime supporters, unknowns, sometime opponents, or regular opponents for each issue that has implications for the interests they represent. Although the labels used by individual groups will vary and there may be movement across these categories on a given issue, it remains true that groups assess and periodically update legislators' a priori support on policy matters of interest.

Lobbying as Mobilization. Organization representatives will frequently engage in lobbying to mobilize legislative agents as an issue is considered and deliberated in Congress. The primary reason for the pervasiveness of this form of lobbying is the fact that many of an

organization's legislative objectives can be achieved effectively and efficiently only by enlisting members of Congress to act as agents on their behalf. "Interest groups are not allowed to introduce legislation, offer amendments, or otherwise participate formally in drafting legislation, so they need to find legislators who will carry out those tasks" (Hojnacki and Kimball 1998, 778). Indeed, an array of legislative objectives including having a bill or an amendment introduced, preventing an amendment from being offered, having legislators contact and put pressure on an administrative agency to take or halt action, shaping the language of a bill or amendment, and getting cosponsors for a bill can be accomplished only if an organization is able to spur one or more legislators to act on its behalf. For some of these objectives, the action a group wants a legislator to take on its behalf involves relatively minimal time and effort (e.g., being a cosponsor) whereas other forms of activity require a costly investment of time and effort (e.g., sponsoring a measure since that almost invariably involves the preparation and distribution of a "Dear Colleague" letter and interaction with other legislators, intervening with an agency to insure that it takes action a group supports). Regardless of whether costs are high, moderate, or low, lobbyists try to minimize the cost and effort involved in exchange for legislators' efforts. As Hall (1998) argues, lobbyists subsidize the legislative enterprises of members of Congress so that the cost of serving as an agent for a group is minimized. Subsidization may include the provision of information about how taking the lead on a particular issue for a group will enhance a legislator's standing with his constituents, gathering information about the likely support a measure will receive from members of a particular caucus to assist a legislator's decision about sponsoring a bill or amendment, and providing a legislator with sound-bites he can use when he speaks with the press about an issue.⁵

Of course, for any of these objectives groups must decide which legislators are most likely to be persuaded to work on their behalf, and which members, if mobilized, are most likely

⁵ Provision of information by lobbyists to legislators also will shape the way legislators perceive an issue. Moreover, to the extent that legislators talk about the issue to others they are helping to disseminate a

to successfully carry out their objectives. Because a group's allies are most likely to work vigorously on its behalf (Hall and Wayman 1990), a lobbyist will look to his or her usual supporters to take the lead in addressing a problem, and within that subset to members who because of their formal position of leadership (e.g., a committee chair) or their expertise or interest in a particular issue will likely accomplish successfully the objectives of the group. Hojnacki and Kimball (1998) offer evidence that groups rely primarily on allies when they have objectives that require the involvement of legislative agents.

To this point I have argued that lobbying will take the form of mobilization at points in the issue consideration process when organizations seek to introduce or prevent the introduction of bills or amendments, shape the language of proposals, and put legislative pressure on an agency. In addition, I contend that allies, especially those who are expected to have the greatest impact, will be targeted to serve as an organization's legislative agents. These points reinforce and expand upon similar arguments made elsewhere (see especially Hall and Wayman 1990; Hojnacki and Kimball 1998, 1999). In order to get a fuller understanding of what this form of lobbying looks like, it also makes sense to think about the nature of the appeals organized interests will make when they lobby to mobilize.

For each of the objectives associated with this form of lobbying, groups are looking to secure the assistance of legislative agents. Thus, a lobbyist not only needs to explain to a targeted legislator why action needs to be taken but also why that legislator should be willing to take action on the organization's behalf. A lobbyist will attempt to illustrate how taking action for her group will help legislators achieve their electoral, policy, or procedural goals using information that might be difficult for a legislator or his staff to obtain; costly information enhances the credibility of lobbyists' appeals (Ainsworth 1993). Moreover, when groups' objectives lead them to mobilize legislators on their behalf, they are in essence seeking to create an informed proxy who can act within the legislature. Thus, it is reasonable to expect that a lobbyist's appeals will

articular issue definition. I have more to say about issue definition in the concluding section of the paper.

be intended to prepare the potential legislative agent to undertake the action they seek effectively. For example, if a group wants an amendment introduced in committee, it will communicate to its legislative target as accurately and completely as possible what degree and type of opposition the legislator can expect. If a group seeks to put some legislative pressure on an agency, its lobbyist knows that the legislator will be a more effective proxy if he can anticipate the agency's concerns.

In sum, when groups' objectives require the action of a legislative proxy or agent, lobbying takes the form of mobilization. Under these circumstances, organization representatives will spend time providing their regular and sometime allies with costly information about the benefits of acting as their agent, and detailed information about the context under which action will be taken.

Lobbying to Convert and Counteract. According to the conversion and counteraction perspective lobbying involves efforts to convert legislators whose positions on an issue are uncertain or opposed, and to counteract opponents' efforts to convert supporters. The end product of conversion and counteraction will be most important to a group when the objective it seeks depends on the relative distribution of legislative support and opposition. Distribution of legislative support and opposition matter whenever a vote is tallied and when there is otherwise some assessment of the status of a proposal. Thus, I expect that groups are most likely to engage in conversion and counteraction when they have as their goal winning a committee vote or a floor vote (including votes on amendments, reconciliation bills, and presidential vetoes), when they are trying to send a signal to an agency that legislation might occur if an agency does not act, and when groups are trying to pressure a committee to address a bill. In the case of votes it is obvious why the distribution of supporters and opponents matter. But the distribution of support and opposition also is relevant when a group is trying to demonstrate to an agency that Congress will intervene if the agency refuses to act, and when it is trying to signal salience to a committee. With either of these objectives, a group can send a credible signal by introducing a bill and

gathering a large number of cosponsors so that there is a nontrivial possibility that the measure could move through Congress. Thus, having more supporters than opponents may matter as much in these circumstances as it does for a vote.

For each of the objectives I associate with this form of lobbying, the organization faces a difficult task. That is, an organization needs to find a way to demonstrate why, contrary to an a priori inclination to not support a measure, a legislator's goals (or one of a legislator's goals) are more likely to be attained by taking a stand on a matter that goes against his inclinations.⁶ Counteraction, albeit a bit easier because it involves a legislator with a priori inclinations to support, requires an organization to expend time and effort to persuade members not to defect. In addition, the difficulty of conversion and counteraction will increase along with the visibility of the legislator's action (i.e., conversion on floor votes, especially contentious ones, should be more difficult than cosponsorship or committee voting).⁷

Although this form of lobbying will not be rare, there is reason to expect that it will be observed relatively less often than lobbying in the form of mobilization. The reason for this expectation is that conversion and counteraction are not the only means through which groups can affect the distribution of supporters and opponents. Moreover, objectives may be accomplished through these other forms of lobbying at a cost lower than they might be through conversion. For one, whenever a proposal being considered can be altered (e.g., a bill in committee), a group can try to mobilize its allies to affect the content of the proposal by adding or deleting provisions that it considers negotiable in order to affect the degree of opposition and support. A group also may attempt to redefine the stakes of the issue. Second, allies can be mobilized to lobby on an organization's behalf. A group can work indirectly through its supporters to contact legislators

⁶ The task is easier, but not easy, when a legislator's a priori inclination is unknown.

⁷ Opposing organizations may be attentive to circumstances when a member takes a public stand that goes against his a priori inclinations, especially when the change is inconsistent with the preferences of that member's constituents. Events like these provide opposing organizations with ammunition for a grassroots campaign when groups seek to affect the outcomes of legislative elections (Goldstein 1999).

whose positions are unknown as well as a priori opponents. Third, because there is evidence that a considerable number of committee members vote by proxy or fail to vote at mark-up hearings, those who are mobilized to attend on a groups' behalf can shape the outcome (Hall 1989).

During the moments in the issue deliberation process when lobbying to convert and counteract are suitable means to achieving a group's goals, the legislators contacted will most likely be sometime opponents, undecided members, and sometime supporters who are known targets of a group's organizational opponents. The targets of conversation and counteraction are clear by definition. The nature of the appeals used by groups engaged in this form of lobbying is not so transparent. However, the difficulty of conversion and counteraction offer clues regarding the type of appeals groups should be expected to make, particularly when the actions of a legislator are relatively visible. In the case of conversion, a legislator is being asked to make a public expression against his a priori inclination on a matter of policy. Unless this inclination is at odds with the preferences of his reelection constituency, such an expression could have implications for his reelection, or in the shorter term, for his ability to explain his decision. The most effective appeal for a lobbyist to make to a legislator, then, is one that also could be used to explain his decision to constituents. Appeals that are rooted in uncontested values (e.g., protecting children, prescription drug safety), would likely be very effective under these circumstances. For one, appeals like these are difficult to oppose and are easy for constituents to follow. Indeed, appeals to uncontested values are simple to comprehend and elicit more affect (Cobb and Kuklinski 1997). Second, they minimize a lobbyist's uncertainty about the reaction such an appeal will elicit (McKissick 1997). Third, value-based appeals are likely to be effective during the moments in the issue deliberation process when lobbying takes the form of conversion and counteraction because the dichotomous nature of the expression a legislator is being asked to make (support or oppose) leaves no room for equivocation. This same dichotomy is apparent in the value-based appeals (i.e., it is difficult to explain being uncertain or equivocal about one's position on keeping drugs safe for the elderly). Appeals that are intended to convert and

counteract also are likely to focus on the electoral implications of legislators' positions. This emphasis on electoral information is reasonable because of the potential electoral ramifications of a vote or cosponsorship.

In sum, when groups have objectives that depend upon the relative distribution of legislative support and opposition, lobbying may take the form of conversion and counteraction. Under these circumstances, organization representatives will spend time making value-based appeals that resonate with constituents to sometime opponents, legislators whose positions are indeterminate, and supporters who are the target of organizational opponents.

Lobbying as Issue Manipulation. Lobbying takes the form of issue manipulation when a group attempts to draw a legislator's attention to the dimensions of an issue along which he is predisposed to support the group's policy goals rather than to the dimensions of an issue along which he is predisposed to oppose the group's goals.⁸ In order for this type of effort to be beneficial a group must perceive that, in the current context, support for its policy preferences is insufficient to achieve its objectives, and a group must recognize that there are alternative ways of characterizing the relevant issue such that it can expect a net increase in support (the predispositions of non-supporters would be altered while those of supporters would not be altered). As I describe above, a group is most likely to care about the distribution of support and opposition when a vote is tallied in committee or on the floor, and when the objective is to signal an agency or committee to take action. But not all of these circumstances offer the same opportunity to manipulate issue salience effectively.

For instance, it is possible for a group to alter the way in which legislators perceive an issue such that those legislators would be inclined to cosponsor a measure the group supports. But even though this is possible, it is unlikely. For efforts like these to be achieved effectively by issue manipulation, one would need to assume that legislators are unaware of or do not care about other elements of the same issue on which their preferences are not in accord with the group. But

through contact with other groups and with other legislators, any potentially salient aspect of an issue likely will be raised. Similarly, by the time a bill comes to the floor it will have been widely discussed and debated so that the potentially myriad things at stake on that issue will be apparent. Altering a legislators understanding of what is relevant or salient about an issue at this point in the process, then, is unlikely. To presume otherwise is to imagine the member has no contact with other groups or with other legislators who could suggest another salient aspect of that same issue (on which the legislator's preferences differ). In short, it is hard to imagine that at the end stage of a debate a group can alter a legislator's understanding of an issue in a way that could have escaped the member or any legislator or group with whom the member has communicated throughout the deliberation and discussion about an issue. However, when an issue still is in flux as it is when it is about to be considered in committee, lobbying in the form of issue manipulation will likely have more potential benefits for a group. This is because the issue still *is* in flux. As a result, a group has a rather unique opportunity to experiment with different appeals in order to determine which aspects of an issue alter the way sets of their likely non-supporters come to understand an issue (without alienating likely supporters), and which aspects of an issue appear to produce a more negative context for the group (e.g., a strong counterargument on the same aspect of the issue). At these moments in the issue consideration process, there is relatively less risk than there is when an issue reaches the floor to discussing a variety of ways in which an issue may be salient.

When an organization is involved in issue manipulation its targets in the legislature will be opponents and members who are undecided. That these members will be targeted follows from the idea that issue manipulation is about emphasizing one of a competing set of preferences, where the preferences given emphasis are those for which the predispositions of a legislator and a group are consistent. Because groups are expected to "try out" different appeals during the time in the issue consideration process when lobbying takes the form of issue manipulation it is

⁸ As I explain above, competing preferences are critical to the concept of issue manipulation.

difficult to predict the type of appeals that will be employed. However, groups are likely to make use of more appeals than they do at earlier or later points in the issue consideration process, and they are likely to use distinctive appeals for different sets of targeted legislators. In this way, even though the legislators who are targeted when a group engages in lobbying as issue manipulation and lobbying as conversion are the same and both forms of lobbying can be employed when a committee vote is imminent, there should be more variation and more targeting in the appeals used for issue manipulation relative to conversion.

In sum, when groups expect an issue they care about to be considered in committee, lobbying may take the form of issue manipulation. Committee deliberations provide a relatively low risk opportunity for a group to experiment with different appeals. Under this form of lobbying, organization representatives can be expected to tailor their arguments to legislators whose positions are unknown and those who are probable opponents.

Data

The critical question at this juncture is whether these expected linkages between forms of lobbying and legislative objectives are borne out empirically. To determine whether there is empirical support for my expectations I conducted a very preliminary assessment of whether the legislators targeted and the appeals used by organizations with different legislative objectives follow the patterns I describe. My assessment is based on data I am gathering through in-person interviews with Washington, DC-based representatives of organized interests who are interested in health-related issues.⁹ The data from these interviews eventually will be well suited to examine whether lobbying goals and lobbying tasks are linked because they provide detailed information about organizations' lobbying efforts on a number of different issues at two to three points in time.

⁹ The interviews are being conducted as part of a larger project on organizational advocacy in collaboration with Professors Frank Baumgartner, Jeff Berry, David Kimball, and Beth Leech (National Science Foundation, SBR-9905195).

The issues that comprise the study are being identified by a set of organizational advocates (i.e., the issue identifiers). These issue identifiers are selected at random from the list of organized interests that registered to lobby Congress about any one or more of six health-related policy categories (i.e., Medicare/Medicaid, pharmacy, health issues, tobacco, alcohol and drug abuse, and medical/disease research/clinical labs). These registration data come from 1996, the last year for which these registration data are compiled in a usable format (see Baumgartner and Leech 1999). During the interviews, the issue identifier is asked to select the most recent issue he or she has spent time on, and to describe what he or she has done and what the organization is trying to accomplish on the issue.¹⁰ Interviewees also are asked to narrate the appeals they make when they speak with others about the issue, to specify with whom they are talking about the issue, to describe the type of opposition they face, and to provide a variety of other information about their organizations.

Subsequent interviews are conducted with the main actors representing each of the distinct perspectives on the identified issues. Some issues (e.g., managed care reform) involve many additional interviews whereas other issues (e.g., Medicare reimbursement for clinical social workers) involve very few. These personal interviews are being followed-up by short telephone interviews at roughly twelve and eighteen months after the initial interview is completed. The telephone interviews will be used to determine whether any changes or developments have occurred in the appeals used, objectives sought, and targets selected by advocates. Attention also is given to the passage or definitive rejection of a policy action or proposal.

¹⁰ The question is: "Could you take the most recent issue you've been spending time on and describe what you're trying to accomplish on this issue and what type of action are you taking to make that happen? The issue we talk about doesn't have to be associated with a particular bill, rule, or regulation, and it doesn't have to be an issue that's been receiving coverage by the media -- whatever issue you've most recently spent a significant amount of time on is fine so long as it involves the federal government."

The data I consider here were obtained through 30 interviews with interest group representatives active on the 10 health-related issues that involve legislative activity.¹¹ The issues are: managed care reform and a patients' bill of rights, patent extension for "pipeline" drugs, increasing hearing screenings of infants, the Medicare reimbursement rate for Pap screenings, parity in insurance coverage for mental illness, Medicare reimbursement for clinical social workers in skilled nursing facilities, funding for the AIDS Drug Assistance Program, proposals to provide health insurance coverage for the uninsured, funding for graduate medical education, and prescription insurance for contraceptive coverage (brief descriptions of these issues are available from the author by request). These issues exhibit considerable variability in their level of public visibility, policy scope, number of interested participants, and venues of activity. In addition, some of these issues have been considered and reconsidered by Congress for some time, whereas others have not yet been introduced onto the legislative docket. Most important, this set of issues reflects the interests of the community of organizational health advocates in Washington, DC rather than my interests or those of the national media. I do not make use of the follow-up data here because those interviews are only recently underway.

Preliminary Evidence for Multiple Forms of Goal-Oriented Direct Lobbying

As I mention above, the data from these interviews eventually will be well suited to an assessment of whether lobbying goals and lobbying tasks are linked because they will provide detailed information about organizations' lobbying efforts on a number of different issues at two

¹¹A total of 73 interviews have been completed to date. The interviews not examined here include: (1) interviews that provide incomplete information about targets or appeals; (2) interviews that have been completed with legislative staff who are active on the 10 health-related issues that involve legislative activity; (3) interviews that were completed with organizational and congressional advocates on three other health issues involving legislative activity that have not been transcribed; (4) interviews with organization representatives and agency personnel active on health issues that do not involve legislative activity; and (5) interviews on issues outside the area of health policy. Although I plan to make comparisons across policy areas the vast majority of the 73 interviews completed so far involve health-related issues.

to three points in time. But as Table 1 illustrates, the variation in objectives and especially the form of lobbying expected given these objectives is rather limited at present.¹²

| Table 1: Distribution of Objectives and Forms of Lobbying Expected | | |
|---|--------------------------------|----------------------------------|
| <u>Legislative Objective</u> | <u>Number of Organizations</u> | <u>Form of Lobbying Expected</u> |
| Shaping content | 14 | Mobilization |
| Seeking cosponsors | 4 | Mobilization |
| Bill introduction | 3 | Mobilization |
| Pressuring agency with Legislative action | 2 | Mobilization |
| Moving/stopping bill from Consideration in committee | 4 | Mobilization |
| Pass an amendment | 1 | Conversion/counteraction |
| Bill content/committee vote | 2 | Issue manipulation |
| Total | 30 | |

This skewed distribution in conjunction with the small number of organizations examined underscore the tentative nature of any inferences that will be drawn from these data. With that said, it is encouraging that the legislative targets and type of appeals used by these 30 organizations conform fairly well to my expectations. Consider first the 27 organizations that are expected to engage in mobilizing legislative agents on their behalf. Without exception the legislators targeted by these groups fit the patterns anticipated by the mobilization thesis. Specifically, each of the 27 lobbyists with goals that could be accomplished effectively and efficiently through mobilization mention targeting allies who have formal positions of party or committee leadership, credibility with or expertise on the issue at hand, or membership on committees of jurisdiction. These are exactly the type of legislators whom a group could expect to work effectively and vigorously on its behalf. Only a small subset of these 27 lobbyists

¹² Of course, groups may have more than one objective. I classified groups according to the primary goal each lobbyist indicated he or she was pursuing at the time of the interview. Where two goals appeared to be equally important (bill content and an upcoming committee vote, see Table 1), both are specified.

mentioned additional legislative targets. Specifically, two lobbyists reported targeting subcommittee members whose positions on expanding liability in the managed care debate were unknown, and three lobbyists said they were targeting members in districts where their organizations have considerable presence in the district (e.g., branches of a business, active local affiliates). A pattern consistent with expectations also is evident in the appeals used by these 27 lobbyists. For the most part, the appeals made by the 27 lobbyists to their influential allies seemed designed to have these allies serve as their informed proxies in Congress. Information was given so that the legislators could respond to the actual or anticipated objections or concerns of opponents and so they could speak with some specific knowledge about the issue at hand. For example, one lobbyist seeking to put legislative pressure on the Health Care Financing Administration to raise Medicare reimbursement rates for Pap screenings explained the appeal she made to targeted legislators as follows:

“I make sure members recognize what gets paid for out of the reimbursement rates. The payment covers the lab, the cytotechnologist who does the initial screen, and everything else associated with the test. So if you’re not paying an appropriate amount, you can’t buy equipment or hire cytotechnologists...I also explain how detailed the screen is and how difficult it is for the cytotechnologists to complete many of these tests.”

Similarly, a lobbyist interested in moving legislation that would provide coverage parity for the treatment of mental illness under Medicare explained how he “educated” members of Congress about how Medicare needed to be adapted to work for people with severe and chronic mental disorders:

“First, prescriptions have to be provided because...prescription drugs are the preferred treatment for people with mental illness. Medicare doesn’t cover prescriptions... Second, with the aging of the baby boom and the longer lifespan of folks with mental illness, Medicare needs to be attentive to the issues of diagnosis and treatment of mental disease. We’re concerned about the lack of treatment and the under-treatment of depression in the over 65 population. Many of these folks are treated by primary care physicians rather than by psychiatrists so primary care physicians must be educated to recognize the symptoms of depression.”

Organizations with goals that were suited to enlisting legislative agents also made clear to the supporters they targeted why action on behalf of the group would serve legislators' objectives, particularly their electoral objectives. This latter point (and the utility of providing detailed information to potential agents) is made clear by an organization representative seeking a specific level of funding for the AIDS Drug Assistance Program (ADAP):

“We talk about the fact that every year 40,000 people are getting infected, a rate that’s not very different from years past. However, what’s different is that these people can take drugs and not die. In your state, this is the number of people who get infected each year, this is the number in the ADAP, this is how much money your state would get for drug assistance under the President’s request, and this is how much money your state would get under our request. We give members of Congress the data to argue on behalf of the higher appropriation that can serve more of the infected in their state.”

Although these data are very preliminary, they suggest that organizations with goals such as enlisting cosponsors, shaping the content of legislative proposals, and putting legislative pressure on an agency used the type of appeals and targeted the type of legislators one would expect if they were lobbying to mobilize legislative agents.

Only one organization was expected to engage in conversion and counteraction. This organization was interested in the passage of an amendment that would require health plans that participate in the Federal Employees Health Benefits Program (FEHBP) to cover contraception if the plan offered a prescription drug benefit. Although evidence from one interview can be considered suggestive at best, the targets of this organization’s lobbying efforts and the appeals made to the targeted legislators are consistent with what is expected when lobbying takes the form of conversion. The legislators targeted were members whose votes were uncertain, members who sometimes opposed the group, and members who sometimes supported the group. The sometime supporters and sometime opponents were Democrats and Republicans who generally vote against expanding abortion rights but who sometimes vote in support of family

planning measures. The appeals made to these members focused on fairness, equity, and common sense.

“The legislation is needed because the vast majority of FEHB plans offer prescription drug coverage but discriminate against women by failing to include coverage for the full range of prescription contraceptives which prevent unintended pregnancy and reduce the need for abortion...Contraceptive coverage is basic health care...It's equity, it's prevention, it's one of the sure fire means of reducing the need for abortion, it's common sense. We're creating a real solution to a very real problem.”

The emphasis on values and appeals to common sense are quite different from the nature of the appeals made by the groups engaged in mobilization. Considered in concert with the targets of this message it seems clear that the organization seeking passage of the contraceptive coverage amendment was engaged in conversion.¹³

The lobbyists for two (opposing) organizations were interested both in the content of a managed care bill and in a committee vote on that bill. Given the impending vote in committee, it is expected that these organizations would engage in issue manipulation or perhaps conversion. The information provided through the interviews with these two lobbyists shows some support for issue manipulation and conversion, but also some evidence that one of the organizations was engaged in mobilizing its supporters to act on its behalf. Consider first the legislators' targeted by these groups. On the one hand, the lobbyists for both groups targeted committee members whose positions were indeterminate, with special attention given to members who were considered to be influential with other members. This approach to targeting is consistent with the logic of issue manipulation and with conversion. However, both lobbyists also were concentrating their efforts on supportive legislators who had histories of working on health issues, and members of the committees with jurisdiction over the managed care proposals. This form of targeting is better suited to mobilizing agents.

¹³ There is no information in the interview with this lobbyist to assess whether she was engaged in counteractive efforts.

The appeals also provide mixed evidence for issue manipulation, conversion, and mobilization. On the one hand, both of these lobbyists indicated that they made appeals that were targeted to certain subsets of members, a strategy suited to issue manipulation. But the targeted appeal made by the lobbyist opposed to managed care reform is virtually identical to the appeal he described using with his supporters. The only difference evident in the targeted appeal was the inclusion of some district-specific information about the impact of mandates on health care plans (e.g., which companies, specifically, would drop coverage).¹⁴ The electoral angle of this appeal could be seen as evidence of conversion. The targeted appeal made by the lobbyist who was supportive of a patients' bill of rights was somewhat more targeted. Specifically, the targeted appeal emphasized the cost element of one of the provisions of interest to the group. Cost was not something the lobbyist raised with the organization's allies. The appeal made by this lobbyist to legislators who were influential allies seemed tailor-made to providing them with information to counter opponents and to serve as an informed proxy on the group's behalf:

“It's critical that people have access to [emergency room] care because every minute counts. The best therapy that exists for stroke [has] a three hour window so people have to act, and people are slow to act and realize what the numbness and headache mean. By the time people feel it's severe enough to call, then time is ticking away. With cardiac arrest, it's every minute. Every minute that you aren't in the emergency system you decrease your survival rate. If people are concerned that something might not be paid for, that's just another impediment to seeking care. And it's real and perceived too because the health plans will argue that there are good health plans that won't deny care. That's terrific but do you know if you have one of those health plans? There are good actors and there are bad actors out there and the bad actors cause enough fear in the general population to warrant action.”

In these two cases, then, it is unclear whether issue manipulation is being pursued. However, of the three forms of lobbying, issue manipulation is the most difficult to detect with the data currently available. This is because one of the expectations about the appeals used is that they will be greater in number around the time when committee action is imminent than they will

¹⁴The use of different (targeted) arguments for different subsets of legislators is rare among the 30 organizations whose appeals I consider here. Only four organizations in addition to the two groups interested in managed care claimed that they targeted their legislative appeals. But like the reform

be at any other time. The data considered here represent what groups are doing at one particular point in time. Thus, a more comprehensive assessment of the linkage between organizations' legislative goals and the use of issue manipulation – and the two other forms of lobbying – must await the incorporation of additional data gathered over a longer span of time.

Concluding Comments

In this paper I argue that lobbying is a multifaceted process that changes in form over the span of time during which an issue is considered. Central to my argument is the idea that groups' changing legislative objectives drive the changes in lobbying I predict. Specifically, I suggest that when groups' objectives require the action of a legislative proxy or agent, lobbying takes the form of mobilization. Under these circumstances, organization representatives are expected to spend time providing their regular and sometime allies with costly information about the benefits of acting as their agent, and detailed information about the context under which action will be taken. However, when groups have objectives that depend upon the relative distribution of legislative support and opposition, lobbying is expected to take the form of conversion and counteraction. Under these circumstances, organization representatives will spend time making value-based appeals that resonate with constituents to sometime opponents, legislators whose positions are indeterminate, and supporters who are the target of organizational opponents. Finally, when groups expect an issue they care about to be considered in committee, lobbying is expected to take the form of issue manipulation. Committee deliberations provide a relatively low risk opportunity for a group to experiment with different appeals. Under this form of lobbying, organization representatives can be expected to tailor their arguments to legislators whose positions are unknown and those who are probable opponents. Although my assessment of these claims is very preliminary, data obtained from interviews with 30 organization

opponent I mention above, the targeted appeals of all but one of these four groups are not distinctive. Instead the same appeal is made with some district-specific information added in.

representatives interested in health-related issues provide support for my ideas about the linkage between organizations' legislative goals and the forms of lobbying they undertake.

The evidence for lobbying as issue manipulation was the most inconclusive. That there was more conclusive evidence of lobbying as mobilization and as conversion may result from the relatively greater difficulty of observing issue manipulation. In other words, organizations may be engaged in issue manipulation but it may be more difficult to discern with available data. However, it also may be that groups target their efforts more toward issue definition in the aggregate than toward issue manipulation at the individual level. As I mention above, when groups mobilize their legislative supporters they provide them with an array of information. This information includes policy-relevant information that may be useful to deflect the claims of opponents and to draw in additional supporters; explanations that may be useful to articulate their positions to constituents; and, sound bites for use with the media. Through these efforts, and through organizations' use of the media and communications with their supporters, organized interests, members of Congress, and the media affect the way an issue is understood in the aggregate. Although these aggregate issue definition efforts have implications for the ways in which groups speak about issues individually with legislators, the two processes are not the same. Indeed, attempts to produce more significant shifts in the way an issue is understood by advocates, decision makers, and the public at large may be long-term strategies that groups pursue. Studies that describe dramatic policy changes following increased attention to previously ignored issue-dimensions typically examine issues over the period of several years or decades (Baumgartner and Jones 1993). Efforts to alter the way in which an issue is understood in the aggregate will likely yield high payoffs to some but these gains are probably unlikely to come in the short term.

More generally, the ideas and evidence I present about the dynamic character of direct lobbying have implications for how organizational influence is understood, and for our understanding of how groups shape the character of the policy debate. For instance, very little

attention is paid in the literature to the lobbying groups engage in to have their problems and concerns addressed legislatively. It is early on in the issue consideration process where much more weeding out occurs in terms of what does and does not make its way onto the congressional agenda. Moreover, this is the time when decisions are made about the content of those proposals that do make it onto the legislative agenda. Researchers, however, pay much more attention to the more visible (and sometimes more exciting) events that occur when a bill reaches the floor of one or both chambers. But because groups are involved throughout the process, we should care at least as much about points in the process when the agenda and the items on that agenda are still in flux than we do about who wins a floor vote.

The perspective of lobbying I present here also can be helpful to assessing organizational influence and in tracking the degree of influence exerted over time. Knowledge about what a group is trying to accomplish as an issue moves through the legislative process and what form of lobbying a group uses to achieve its changing objectives is critical to assessing whether a group achieves the forms of influence it pursues. In addition, a dynamic view of lobbying means that organizational influence may vary across issues and over time.

Finally, the perspective of lobbying I offer here clarifies the divergent roles groups play in shaping policy and the policy debate. Under some circumstances groups provide their legislative supporters with expert information so that legislators can craft a proposal to groups liking in committee. At other times a group uses symbolic rhetoric in the hopes of making it difficult for some members of Congress to do anything other than vote as the group prefers. In short, there are many points in the process of issue consideration and deliberation, and many types of issues that are of interest to organizations. Therefore, how organized interests contribute to the policy debate and the forms of influence they exert can be expected to differ considerably over time and across issues.

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