

## The Spatial Model of Interest Group Choice

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**Abstract:** To understand how and under what conditions interest groups select lobbying strategies, we must begin to model them as strategic players in legislative policy making. I adapt the spatial model of legislative choice to include interest groups. I show that groups use strategies that aim to change the preferences of members of Congress, change the dimensions of debate, and change the docket of bills. Groups engage in individual tactics to achieve these goals based on a cost-benefit analysis of action. The benefits of group action are derived from the level of importance that a group ascribes to a policy. The costs are derived from a variety of features of the legislative context, including how salient the issue is, whether the issue is new, and the level of activity of party leaders on the bill of interest. Groups act when the benefits of lobbying outweigh the costs. I analyze two cases from the 106<sup>th</sup> Congress (1999-2000) to test my hypotheses about group action: HR1180, Work Incentives Improvement Act of 1999, and HR4444, Permanent Normal Trade Relations for China. Results show support for the overall theoretical approach, but mixed support for my expectations about how legislative circumstances affect groups' assessments of lobbying costs.

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What role do organized interest groups play in influencing the legislative process? Attempts to answer this question have inspired some of the most seminal work in twentieth century study of American politics (Truman 1951; Olsen 1964; Schattschneider 1960; Lowi 1979). Now more informed, modern scholars still seek to understand interest group legislative strategies; how does a group decide how to lobby Congress? To answer this question, we must begin to think of interest groups as rational players in a legislative process who attempt to achieve some strategic goal. If we include interest groups as players in the spatial model of legislative choice, we will better understand how they affect the process. A policy expert for a respected Washington think tank tells me, “what you do depends on what you’re trying to accomplish” (John, Heritage). In this paper, I argue that interest groups use tactics to achieve one of three legislative goals: to change the policy preferences of members of Congress, to change the dimensions of the policy space, or to affect the docket of legislation. An interest group weighs the benefits of taking some action against the costs of action to determine when, and under what circumstances, it acts. I outline the strategies, costs, and benefits of action and derive expectations about group behavior. I use

case studies of group action on two bills in the 106<sup>th</sup> Congress (1999-2000) to show how interest groups respond to the legislative context of bills when determining legislative action.

## 1.0 Interest Group Strategies

Prior studies of interest group behavior in Congress tell us that a group selects its lobbying tactics based on the group's size (Berry 1977, 1989, 1999), wealth (Schlozman and Tierney 1986), area of expertise (Sabato 1985; Hansen 1991), coalition partners (Evans 1986; Hojnacki 1998), or level of interest in a policy (Wright 1996). However, most studies of interest groups do not consider groups as strategic players in the legislative game. I use the spatial model of legislative choice to demonstrate that interest groups attempt to achieve strategic legislative goals.

First, consider that a policy is represented as a single point in a multidimensional (Euclidean) policy space,  $R^m$ , where  $m$  is the number of dimensions.<sup>1</sup> Each legislator has an ideal point  $x_i$  in the outcome space from which her utility  $u_i(x)$  is determined. A legislator's utility is maximized for a legislative proposal at her ideal point and declines monotonically as legislative proposals become further from her ideal point. Legislators have perfect information about each other's ideal points and vote sincerely over alternatives in pairwise contests. There are three stages of decision-making. First, the committee in each jurisdiction decides whether to take a proposal to the floor. Each committee has the power of gate keeping. That is, only the committee can propose changes to the status quo and if the committee does not put forth a proposal the status quo remains unchanged.<sup>2</sup> Second, once the committee has put forth a proposal, the proposal must go to a Rules Committee before the entire voting body of the legislature, the floor, considers it. The Rules Committee decides whether the bill will be "open" to amendments or "closed" to amendments when the floor considers it. Third, after a proposal has been submitted from a committee and the Rules Committee has assigned an open or closed rule for the proposal, the floor can accept, reject or amend (if an open rule has been granted) the policy by majority

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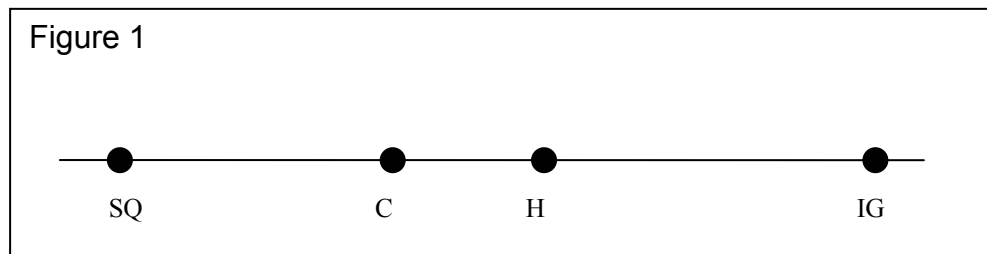
<sup>1</sup> It is important to note that legislators make their selections about a *policy* in the policy space, however, their utility functions are derived from preferences over *outcomes*. The differences between the policy and outcome are random and are represented by uncertainty in more complex spatial models of legislative choice (see Krehbiel 1991).

vote. Any amendment to a bill must be of the same dimension as the existing bill, or, amendments to bill  $x_i$  are restricted to changes only in the  $j^{\text{th}}$  dimension of  $R^m$ .<sup>3</sup> Given these assumptions, Black's median voter theorem (1958) allows me to use the ideal point  $x_i$  of the median voter of a body to represent the ideal point of the collective body.

### 1.1 Changing Preferences

While rational choice models of legislative choice assume that members of Congress have fixed and endogenous preferences, I assume that members have fixed preferences over *outcomes* and potentially alterable preferences over *policy*. A member's policy preferences are derived from her preferences of outcomes. Her utility function for a policy is derived from her preferences over outcomes, but she takes action on policies. Interest groups want to change members' policy preferences in an attempt to get legislators to choose a policy alternative that is closer to the interest group's ideal point.

Consider the following simple one-dimensional model where the congressional committee ( $C$ ) with jurisdiction has a median member with preferences oriented between the median member of the House floor ( $H$ ) and the status quo ( $SQ$ ). An interest group ( $IG$ ) has preferences to the right of the House floor.



The line in figure 1 represents a one-dimensional policy space. The status quo is to the left of the committee median and the House median. The median member of each body represents the ideal points of the House floor and committee. In this scenario the following sequence of events would likely occur. The committee would offer a policy proposal at their ideal point,  $C$ . Given a closed rule from the House

<sup>2</sup> Later, I relax this assumption.

<sup>3</sup> Later, I relax this assumption.

Rules committee,  $C$  then becomes the outcome (because the House floor median is unable to change the closed rule). The position of the House floor median,  $H$ , represents the open rule outcome because given an open rule, amendments would be accepted to the policy while on the House floor that move the proposal to  $H$ . The interest group would benefit from moving  $C$ 's ideal point to the right (closer to  $IG$ ) given the closed rule scenario. Also, groups would benefit from moving  $H$  right, given the open rule scenario.

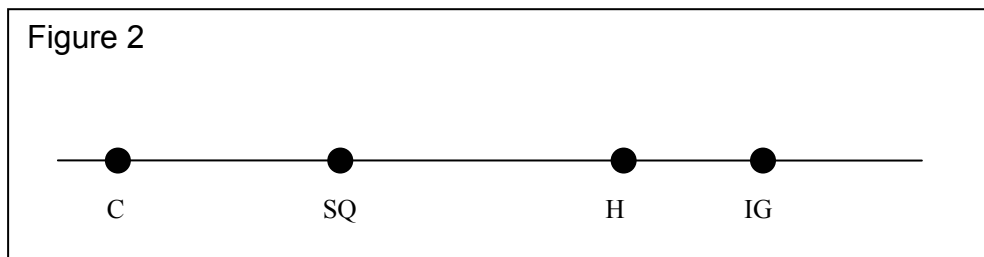
Changing preferences (or moving the ideal point of the median member of the floor or committee in the policy space) a great distance is more expensive than changing preferences a short distance. In other words, interest groups that engage in lobbying strategies to try to change the preferences of members may be able to change a few members' preferences or to change them a short distance without a full-blown lobbying campaign. However, changing many members' preferences or changing preferences a great distance requires a significant effort and significant cost. Therefore the cost of changing preferences is a function of the number of people whose preferences a group aims to change and the distance they wish to change them. When preference change becomes prohibitively expensive, groups turn to the other two strategy types (changing dimensions and changing dockets).

## *1.2 Changing Dimensions*

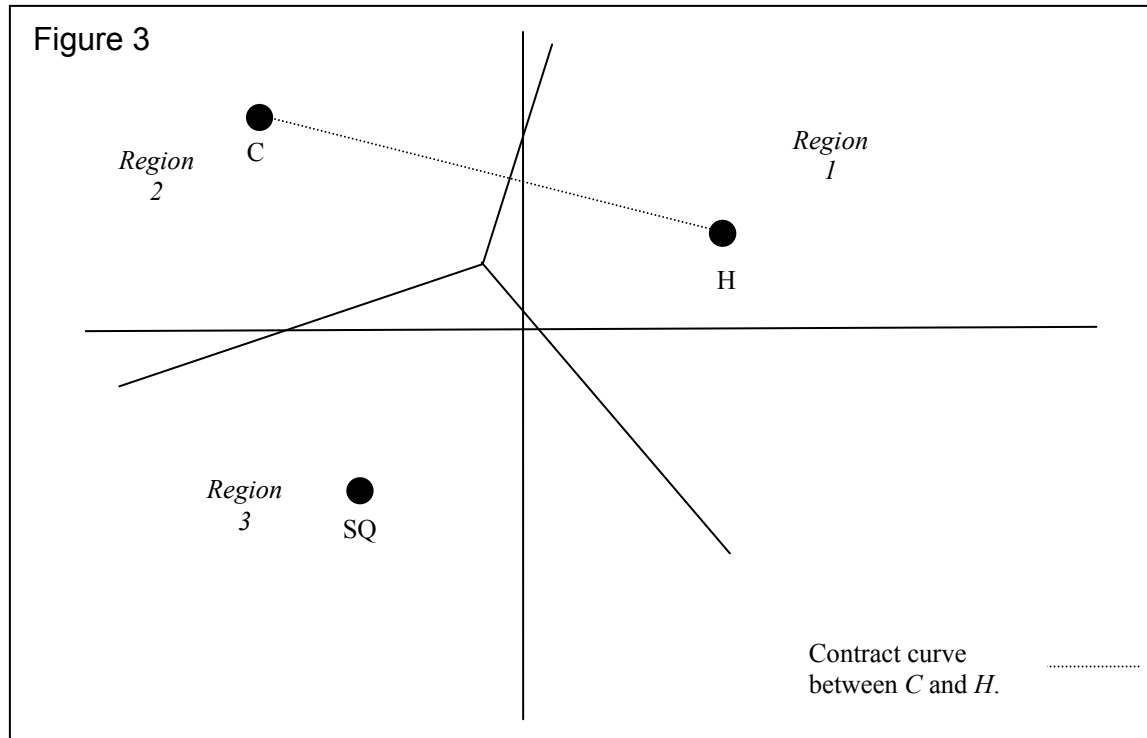
Dimensional manipulation is an attempt to alter the main issue of debate on which decision-makers focus during their deliberation. Riker argues that the most common heresthetic device is when one is able to make an existing dimension more salient: "This manipulation works even though those who are manipulated know they are being manipulated because, once a salient dimension is revealed, its salience exists regardless of one's attitude toward it" (Riker 1986, 151). Thus, introducing a new dimension only amounts to making an issue relevant to debate. Dimensional manipulation can come in two forms: the formal introduction of a new aspect of an issue (*i.e.*, through amendments), or the rhetorical introduction of a new aspect of debate over an issue. A group can convince some member of Congress to introduce an amendment that effectively alters the dimension of debate, or, if a group uses

some public means of reframing an issue so that a new dimension becomes salient, the dimension is then part of the policy space.

Spatially, a group's attempt to alter the dimensions of a debate amounts to groups making a "new" axis of the policy space salient. By "new" axis, I mean to say a dimension of the policy space that was not previously salient to the deliberation over an issue. In the previous section I provided an example of a one-dimensional policy space in which groups would be likely to try to change the policy preferences of committee and floor members of Congress. In the above hypothetical represented by figure 1, the committee's policy gate was in effect "open" because the House floor median and committee median were on the same side of the status quo. Now, suppose that the status quo ( $SQ$ ) position is between the ideal point of the committee median ( $C$ ) and the House floor median ( $H$ ). Further, suppose the ideal point of the interest group ( $IG$ ) is adjacent to the House floor median (see figure 2).



In this instance the committee's policy gates are essentially "closed." In other words, the committee can put forth no proposal that the House floor median would prefer to the status quo that the committee also prefers to the status quo, so the committee does not put forth any policy proposal. The interest group in this scenario is out of luck, unless some change is made. Under these circumstances, the interest group might engage in dimensional strategies to force the committee gates open (see figure 3).



In this hypothetical (figure 3), the contract curve between  $H$  and  $C$  represents the set of points that both  $C$  and  $H$  prefer to the status quo. If this scenario were to ensue after a group introduced a new policy dimension to the policy space, it would effectively open the policy gates. In figure 2, as above,  $H$  represents the open rule outcome and  $C$  represents the closed rule outcome. The three lines in figure 3 represent bisectors of the three contract curves between  $C$ ,  $H$ , and  $SQ$ .<sup>4</sup> The bisectors then form three regions (labeled *region 1*, *region 2*, and *region 3*). An interest group in *region 1* would find that dimensional strategies effectively opened the policy gates. The group would lobby for an open rule (because the group is closest to  $H$ ), and would likely find preference changing strategies ineffective. An interest group in *region 2* would also find that the dimensional strategy worked to their advantage by opening the policy gate; however a group in this region would lobby for a closed rule (because the group is closest to  $C$ ). Again, preference-changing strategies would be relatively ineffective. Finally, a group in *region 3* would still find the status quo a favorable outcome to any policy  $H$  and  $C$  would choose. Such a group should not engage in making the vertical dimension more salient.

<sup>4</sup> While a member cannot technically make a contract with the status quo, the bisector line is useful for illustrative purposes to demonstrate the region of space that contains points a member would prefer to the status quo.

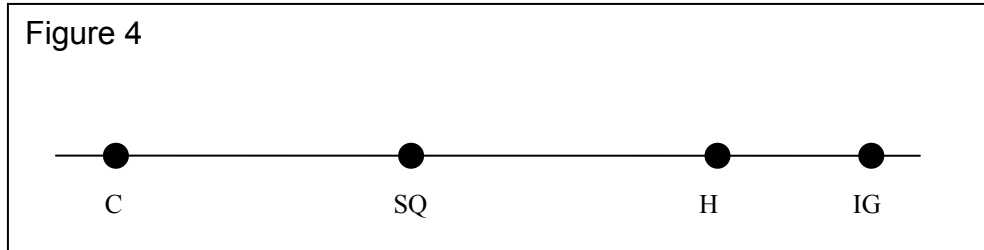
These predictions about behavior are based on the assumption that groups know of a dimension to introduce in order to capitalize on this effect. In other words, a second dimension may not exist that achieves the effect described above. Here, I assume that such a dimension exists and an interest group can “discover” it, bring it to the forefront of debate and achieve an effect like the one described in figure 3. There are, of course, congressional constraints on this strategy because of germaneness restrictions. Even if a group knows that the introduction of a particular dimension would advantage them, they may not be able to effectively introduce it because of the germaneness restriction on amendments. Engagement in dimensional strategies can be rhetorical (such as using the media to reframe a policy debate) or formal (such as offering amendments or lobbying for committee jurisdictional changes that affect an issue’s dimensionality). I will further describe these two approaches later.

### *1.3 Changing Dockets*

Docket manipulation is an attempt to alter the policy alternatives under consideration, or change the rules governing how policy alternatives are considered. In Riker’s vignettes about agenda control, heresticians use the manipulation of voting alternatives, the elimination (or inclusion) of a Condorcet winner, and the manipulation of voting rules to alter the docket and rules under which an issue is considered. Riker terms this type of manipulation, “agenda control” (Riker 1986, 147-149). Further, what Kingdon calls “alternative selection” may actually be docket manipulation by my definition: “The actual creation of policy agenda items by interest groups may be a less frequent activity than blocking agenda items or proposing amendments to or substitutions for proposals already on the agenda” (Kingdon 1995, 51). So, while Riker suggests that dimensional manipulation is the most common form of agenda transformation, Kingdon supposes that interest groups use a form of docket manipulation most frequently. Kingdon’s suggestion that interest groups may frequently attempt to block alternatives from consideration is a form of docket manipulation that is not dissimilar to Riker’s agenda control.

Groups, I argue, use docket strategies for two purposes. First, under a closed-gate situation, groups can use docket strategies to try to force open the policy gates. For example, the policy gates are

closed when the status quo is between the House floor median and the committee median. The primary docket tactic that a group could use in the House to force open the policy gates is a discharge petition. See, for example, figure 4.<sup>5</sup>



Here, the committee has no incentive to make a policy proposal. They cannot offer a policy that they prefer to the status quo that the House floor would not veto in favor of the status quo. This is a *closed gate* situation. Under these circumstances, the interest group has few options. However, the fact that they are on the same side of the status quo as the median member of the House means that interest groups may be able to bypass the committee and engage in a docket strategy where they get a member of the House (non-member of the committee) to propose an alternative between *H* and *SQ*. Of course, such a move would involve bypassing the committee system. This would be a sophisticated form of docket manipulation that groups would use when they have been locked out of the policy space because of closed policy gate. Were the status quo is between the positions of the interest group and median House member, the interest group would not likely have any docket strategy options.

Second, groups might use docket strategies when the policy gates are already open. Under these circumstances, groups may try to submit an alternative proposal, offer an amendment to an existing proposal, argue for an open or closed rule, argue that a bill be considered under suspension of the rules, or bargain over the floor schedule of a bill. Convincing a floor leader to make a change in the schedule for a bill's consideration is a relatively costless and simple way to affect the docket of a bill. However,

<sup>5</sup> In this case, the committee median is distant from the floor median. Why might Congress allow this to happen? Shepsle and Bonchek note that sometimes specialist committees deviate further from the floor median than do generalist committees (1997, 337). In a Congress with a narrow party majority and a committee that has highly expert or specialized members, it would not be impossible to find a committee median distant from the floor median. In this case however, the distance does not need to be great; the distance is only great enough to include the status quo and house median ideal point between the other two positions.

submitting an alternative proposal is a technical and expensive docket strategy, and one that is likely to have a greater impact than a simple schedule change. So there exists a trade-off with docket strategies that is similar to that observed in preference strategies. Small changes in the docket are less expensive and large docket changes are more expensive.

For example, consider the open-gate situation described by figure 1 above (*SQ-C-H-IG*). In that scenario, the interest group would lobby for an open rule from the House Rules Committee, because the interest group is closer to the ideal of the median House floor member than the median committee member. If the group were closer to *C*, the group would lobby for a closed rule outcome. This is true because *C* represents the closed rule result and *H* represents the open rule result. Groups' attempts to obtain open or closed rules from the House Rules Committee represent docket strategies.

Discussion of groups engaging in dimensional and docket strategies requires the relaxation of some basic assumptions. Earlier, I assumed that only the committee can propose changes to the status quo and if the committee does not submit a change, the status quo does not change. I also assumed that only germane amendments can be attached to a policy proposal. Dimensional and docket strategies suggest the relaxation of both of these assumptions. First, if an interest group successfully uses a docket strategy to obtain a discharge petition to get a bill out of committee, the bill could effectively bypass committee, thus violating the former assumption. Also, if a group successfully uses a dimensional strategy to introduce a second dimension to a policy space by rhetorical devices or amendment, the latter assumption is essentially violated. Relaxation of these assumptions is critical for accurately modeling interest group participation in the legislative process. Without the relaxation of these assumptions, one could not adequately portray the role that interest groups play in congressional policymaking.

## **2.0 The Costs and Benefits of Legislative Action**

The spatial model of interest group participation in the legislative process that I laid out in the previous section can be applied to "real life" interest group decisions about action through a cost-benefit analysis. In this section I first describe how a multitude of individual interest group *tactics* might fit into

the three categories of *strategy* that I have described in the previous section. Second, I argue that interest groups make decisions about when to engage in specific tactics by calculating the costs and benefits of such an action. I describe the benefits of group action based on a group's policy preferences. I describe the costs of action as being comprised of a multitude of congressional factors; however, I specifically describe three primary features that groups consider when weighing costs of action (salience of an issue, age of an issue, and strength of party leaders). Finally, a group takes account of their resources to determine whether an action is feasible for it.

## 2.1 *Tactics and Strategies*

In order to determine in which category of strategy a particular tactic, or activity, might fall in, it is necessary to know the *intent* of the tactic.<sup>6</sup> In other words, specific tactics do not naturally fall into the three categories by the nature of the activity; rather, tactics must be categorized by the purpose they try to achieve. For example, if an interest group has lunch with a member of Congress, it is unclear whether the tactic should be considered changing preferences (did the group representative try to *persuade* the member of Congress regarding her position?), changing dimensions (did the representative attempt to *reframe* the issue or bring a new issue dimension to light?), or changing dockets (did the representative encourage the member to introduce an amendment to a bill?). There is a behavioral equivalence problem here; the same behavior (having lunch) can be ascribed to different catalysts. Therefore, categorization of the tactics requires knowledge of the *intent* the user of the tactic attempts to achieve. In most cases, however, we do not know the *intent* of a lobbyist. We simply know what exactly the lobbyist did.

Any activity in which an interest group engages that has the intent to affect a member's ideal point, or policy preference, can be considered a preference-changing tactic. Such tactics can come in the form of traditional insider strategies, such as providing information to members, or outsider strategies, such as engaging in protests to suggest to members that their preference over an issue is "wrong." Those tactics that include the purveyance of information are likely to be preference-changing tactics. "When an

organization's lobbyists meet directly with members of congress or their staff, they may communicate an array of information: [including] ...arguments and appeals outlining why a legislator should support the group's interest on a bill" (Hojnacki and Kimball 1999, 1005). Wright argues that interest groups provide a supply of scarce and desirable information because members demand this information. Moreover, the more specialized and scarce the information, the more desirable it becomes (1996, 87). Data show that interest groups effectively use their information to affect policy preferences (Caldeira and Wright 1998; Austen-Smith 1993). The literature reinforces the idea that members have policy preferences that can be changed through the dissemination of appropriate information. Groups can also use outsider strategies as a means of communicating dissatisfaction with a member's policy preferences (and a desire that the member changes their preference). Kollman notes that modern lobbying increasingly finds need to mobilize the public (Kollman 1998, 3). When groups engage in protests, grassroots campaigns, and other traditional "outsider" tactics, their message may be one of preference-change.

Dimensional tactics can be either "insider" or "outsider," and either formal or rhetorical. Formal dimensional tactics would include offering amendments or language to a bill that emphasizes a different aspect or issue in the bill. These formal dimensional tactics are likely to be traditionally "insider." Research suggests some interest groups may find success by altering the "policy subsystem" in which an issue exists by changing an issue's jurisdiction (Baumgartner and Jones 1993). Talbert, Jones and Baumgartner (1995) show that legislative entrepreneurs use non-legislative hearings in their efforts to change the jurisdiction of an issue over time. When dimensional tactics are rhetorical they will often include "outsider" activities. A rhetorical dimensional tactic is one that aims to emphasize a new aspect of a debate over an issue. A group that effectively alters the dimensions of debate often requires the support of many decision makers, or the pressure of the public. Some have showed that groups engage in outside strategies when there is little conflict over an issue: "In the absence of conflict, issues are likely to reach the agenda only through what we have termed a mobilization of enthusiasm" (Baumgartner and

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<sup>6</sup> To be clear, I adopt Milbrath's distinction between strategies and tactics (1963). Strategies are "broad plans of attack;" whereas, tactics are a "specific action taken to advocate certain policy positions" (Milbrath 1963, 41).

Jones 1993, 178). Others have argued that not only conflict, but group resources determine a group's willingness to engage in outsider tactics (Gais and Walker 1991, 103). Lipsky provided evidence that protest can be an effective political resource (Lipsky 1968). He argues that "relatively powerless groups" may be able to attain more political gain from protest than from more traditional insider strategies (Lipsky 1968, 1144). Grassroots strategies, another form of outsider politics, are often attempts to alter the dimensions of a political debate (for an example see Caldeira and Wright 1998).

Docket manipulation is necessarily "insider." Docket manipulation is affecting the alternatives to be considered or the rules that govern the alternatives under consideration. Groups engaging in docket manipulation must have a relationship with a bill manager or other leader in Congress who can affect the docket on their behalf. Interest groups cannot engage in docket manipulation directly—they must convince members of Congress (leadership) to do it. Successful docket manipulation requires deep relationships between interest groups and legislators. Examples of docket manipulation include affecting the rules that govern a bill on the House floor, such as the open or closed rules that come from the House Rules Committee. Also, groups who attempt to affect the membership of a conference committee are engaged in docket changing. This would be a way in which groups can attempt to influence the rules that govern the progress of a piece of legislation. A group that attempted to get an alternative (bill) removed from the docket or added to the docket in the form of amendments are also engaged in docket manipulation. Therefore, offering amendments could be considered a docket strategy or a dimensional strategy and in many cases would necessarily be both. If an amendment were offered in an attempt to emphasize a previously non-salient aspect of debate, the tactic could be classified as docket or dimensional under my definitions.

While any tactic could potentially be used to accomplish one or more of the three strategy types I have outlined, most groups use a tactic in a way that attempt to accomplish some *goal*. I, of course, do not observe the goal, only the tactic, or behavior of groups. This presents a research design problem: how can one determine whether or not a group is engaged in using a particular *strategy* when the researcher only observes a *tactic*, which could be used to accomplish any one of the strategies? I attempt

to overcome this empirical challenge by using case studies described in the next section. First, under what conditions should we expect groups to change preferences, change dimensions, or change dockets?

## 2.2 *Benefits of Group Action*

The benefit that a group receives from engagement with a policy is derived from the priority, or level of importance, of the issue to the interest group. The more important an issue is to an interest group, the more likely the group will be to incur costs associated with participating on the issue. Groups must make decisions about which policies to take action on and which to devote resources to. They therefore prioritize the policies about which they care and derive more benefit from policies that are of higher priority to the group than those of lesser priority. In a complex legislative world where many issues are addressed, actors must make decisions, sometimes simultaneously, about which policies to pay attention to. For interest groups, this determination stems from a setting of priorities about issues. Groups set priorities prior to the introduction of issues. In other words, groups decide, a priori, which issues they most care about and they devote their resources to these issues, in ordinal rank. The issue they care about most, gets the most allocated resources. Groups then, care most about the issues at the top of their ordinal ranking and derive the most benefit from those issues. *The higher priority, or importance, a group ascribes to an issue, the more benefit the group derives from activity toward that issue.*

## 2.3 *Costs of Group Action*

There are many factors that bear weight on a group's decision to act toward legislation in Congress. In all likelihood everything from the position of the President to the state of the economy affects the ways in which an interest group might perceive the costs of taking action on a bill; however, in this section, I concentrate on three primary descriptors of the legislative context that help groups determine how expensive it is to act on a policy. The salience of an issue, the relative age of the policy, and the strength of party leaders on a bill contribute to the costs associated with interest group action. A

group weighs these costs in conjunction with the availability of its resources and a calculus of the benefits of action in order to decide whether or not to engage in a tactic.

### 2.3.1 Issue Salience

Many scholars have noted the importance of issue salience to the legislative context (see Kollman 1998; Hansen 1991; Maltzman 1995; Price 1978; Baumgartner and Jones 1993; Berry 1977; Schattschneider 1960). Kollman notes, “the salience of policy issues to constituents, an often-overlooked characteristic of public opinion, lies at the center of interest group politics” (1998, 9). Political actors use a variety of cues to recognize the public salience of an issue. Some issues are labeled “major legislation” by journalistic congressional experts, like *Congressional Quarterly’s Weekly Report*. Some issues are perceived as more salient because they are appropriations issues or issues raised in a congressional campaign. Issues gain public attention by a variety of means, and my goal here is not to identify those means. Rather, I seek to explain how increased public attention to an issue imposes costs on interest groups’ decisions about legislative action.

When an issue is highly salient it is more expensive for groups to engage in preference-changing strategies. A Congress member’s policy preferences over an issue that is highly salient are less likely to be malleable because the issue is likely to be one that the member has been forced to take a stance on previously. When an issue is of low salience it is less expensive for groups to change the preferences of members of Congress. If a member perceives relatively few members of her constituency to care about an issue, she may have fewer misgivings about changing her stance. Therefore, highly salient issues are more expensive for interest groups seeking to change members’ preferences.

When an issue is highly salient it is more expensive for groups to engage in dimensional strategies because the public arena for a highly salient issue is already filled with a cacophony of voices. Groups face great costs to attempt to overcome those other voices and introduce an entirely new policy dimension. When issues are less salient it is less expensive for groups to introduce a new policy

dimension. For such issues, the audience is smaller and the effort required to make a new dimension salient is much less.

When an issue is highly salient it is more expensive for groups to engage in docket strategies because groups must compete with other interests for congressional leaders' attention. An issue that is "major legislation," a campaign issue, or other issue of heightened attention will have many groups seeking to affect the rules of engagement for such a bill. A group wishing to obtain a special rule, an amendment rule, or other docket tactic will have to compete with other groups, members of Congress, bureaucrats, and any other potential interests wishing to do the same. Because there will be more actors involved with a salient issue it will be more expensive for groups to engage in docket strategies for such issues. When an issue is of low salience an interest group wishing to affect the docket will have an easier time gaining access to the necessary leadership and the tactic will be less costly.

- When an issue is highly salient to the public as opposed to less salient, it is more costly for groups to engage in preference-changing, dimension-changing, and docket-changing strategies.

### 2.3.2 Age of Issue

A primary characteristic that describes how the nature of an issue imposes costs on groups' choices is whether a bill represents a new issue or a previously existing issue. A new issue might arise from a catastrophic or otherwise pivotal event (such as terrorist attacks), a new discovery (such as genetic cloning), or re-framing a previously addressed issue (such as shifting a debate about dependence on foreign oil to a debate about searching for oil in protected national lands). The first two means of creating a new issue are more common than the latter. This is because issues have a tendency to become locked into "subsystems" of policy that are difficult to break (Baumgartner and Jones 1993).

Newer issues are less costly from the perspective of shaping members' preferences because members' policy preferences are less likely to be firm regarding a new issue. When issues are new, members' ideal points are likely to be less "sticky" in either a one or two-dimensional setting. Groups would therefore be likely to attempt to change the locations of members' policy ideal points when issues

are new. When members are faced with issues they have faced before they are likely to have strong policy preferences over these issues. Changing the preferences of members of Congress over a longstanding issue would require a significant cost for interest groups. When members have strong policy preferences over older issues it will be more expensive for groups to attempt to change the ideal points of members.

Groups may also be likely to attempt to change the dimensions of a policy space for a new issue. As described above, to engage in dimensional manipulation groups need to have identified an alternate dimension to try to make salient. As a new issue begins to take shape, it may be relatively easy (low cost) for groups to attempt to frame a new issue. However, it may be more expensive to introduce a new policy dimension for an older issue that already has a consistent framework.

Also, because docket-altering strategies are necessarily “insider” (discharge procedures, amendments, suspension of rules, etc.), they require a deep relationship between congressional leaders (or those in charge of the docket) and interest groups. When an issue is new, groups are less likely to have relationship with the pivotal leaders because the issue represents a new policy and therefore a new policy dimension. Therefore, when issues are new it will be more costly for groups to engage in docket strategies because they will need to forge a new relationship in order to do so. However, when groups want to use docket strategies to affect a previously tackled issue, the strategies are less costly because groups are likely to have already established the necessary links with Congress.

- When an issue is new as opposed to older, preference-changing and dimension-changing tactics are less costly.
- When an issue is new as opposed to older, docket-changing strategies are most costly.

### 2.3.3 Strength of Party Leaders

First, groups can use the overall involvement of party leaders on a bill as an indicator of general congressional preferences. The conditional party government hypothesis tells us that party leaders are more likely to exert influence over a bill and members’ votes over that bill when the rank-and-file are relatively consensual in their preferences (Rohde 1991). Further, potential party strength is best measured

by the homogeneity of the preferences of rank-and-file members (Cox and McCubbins 1993, 6-7). Therefore, if the whip organizations for the parties are actively “whipping” members and their voting behavior, groups can use this observation as an indication that members of Congress are relatively unified in their preferences over the issue.

When members have relatively homogenous policy preferences over an issue it is costly for groups to change preferences of members, introduce new policy dimensions, and engage in docket altering tactics. When groups perceive members to be relatively united in their stance, groups will bear great cost to change the preferences of members. Members will be unlikely to change their preference when their party leadership and elected cohort stand with them. Members can bear costs when they stray from the party-line (Cox and McCubbins 1993). Moreover, for an interest group to successfully change the median voter position of the floor, they would need to move the ideal policy points of *many* members—an expensive scenario when members are united. The same logic holds for groups wishing to introduce a new policy dimension or engage in docket altering tactics. When Congress is united, groups will have less access to the docket and fewer opportunities to interject a new policy dimension. When Congress is united, lobbying strategies of all sorts become more costly. By counterfactual then, when Congress is divided these strategies become less expensive because there would be more avenues of access and fewer people to persuade.

- When members of Congress are relatively consensual in their policy preferences it will be more expensive for groups to engage in preference-changing, dimension-changing, and docket-changing tactics.

**Table 1: Costs that interest groups assume for lobbying in the following legislative contexts.**

Legislative Context	Costs of Engaging in Interest Group Strategy		
	Changing Policy Preferences	Dimensional Manipulation	Docket Manipulation
Issue is Highly Salient	High	High	High
Issue is “New”	Low	Low	High
Party Whips are Active	High	High	High

## 2.4 Group Calculus

In general, the calculus a group makes when deciding whether or not to engage in any specific tactic takes the form:

$$E(U) \text{ Benefit} > E(U) \text{ Costs} = ACT$$

$$E(U) \text{ Costs} > E(U) \text{ Benefit} = NO ACT,$$

where  $E(U)$  is the expected utility and,

$$\text{Benefits} = \text{importance of issue to group},$$

and

$$\text{Costs} = \text{Spatial context, legislative context costs} + \text{resource depletion}.$$

In general, my expectation is that groups make decisions about whether or not to engage in an individual tactic based on their assessment of the costs and benefits of engaging in that tactic. Groups must expend resources to engage in a tactics and this contributes to the costs of action.<sup>7</sup>

The summaries of costs below show the costs that are associated with specific characteristics of the strategic context, derived from the theoretical arguments made in the previous sections. Using this information and the argument made above I make the following three hypotheses.

The following conditions are associated with the higher cost of engaging in changing preference tactics for group  $X$  on policy  $j$ .

- $j$  is a highly salient issue
- $j$  is an older issue
- Congressional consensus (or party leaders are active)

**Hypothesis 1: As the costs associated with preference changing tactics increase, an interest group is less likely to use a preference-changing tactic.**

The following conditions are associated with the higher cost of engaging in changing dimensions tactics for group  $X$  on policy  $j$ :

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<sup>7</sup> The literature on how groups' resources affect their lobbying choices is vast and I do not take the time to explore it in depth here. A few key authors that have written about the association of groups resources and their lobbying choices are Bauer, Pool, and Dexter (1963); Hansen (1991); on PACs and legislator voting see Kau and Rubin

- $j$  is a highly salient issue
- $j$  is an older issue
- Congressional consensus (or party leaders are active)

**Hypothesis 2:** As the costs associated with dimension changing tactics increase, an interest group is less likely to use a dimension-changing tactic.

The following conditions are associated with the higher cost of engaging in changing docket tactics for group  $X$  on policy  $j$ :

- $j$  is a highly salient issue
- $j$  is a newer issue
- Congressional consensus (or party leaders are active)

**Hypothesis 3:** As the costs associated with docket changing tactics increase, an interest group is less likely to use a docket-changing tactic.

To test these hypotheses I require information on interest group activities toward a specific piece of legislation and the costs (legislative context and resources) associated with taking action on the issue. The behavioral equivalence problem mentioned previously makes testing these hypotheses difficult. If I observe an interest group engaged in protest, for example, I do not know whether to use the information about group behavior to test the hypothesis about preference changing or dimension changing. In order to test these hypotheses I must attempt to ascertain a group's *intentions* or *goals* when engaged in tactics. I use case studies to accomplish this.

### 3.0 Two Cases of Interest Group Action

To test my hypotheses, I look at Congress's effort to extend permanent normal trade relation status to the People's Republic of China and a bill to expand government health benefits to recipients of social security disability insurance. If prior explanations of group behavior were complete, we should believe that a group's resources, type, and area of expertise should drive the groups' behaviors that were involved with these bills. However, here I show that these two issues existed in different strategic

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(1982); Wilhite and Theilmann (1987); Green and Krasno (1988); Grenzke (1989); Hall and Wayman (1990); Evans (1986); Sabato (1985); Hojnacki and Kimball (1999).

legislative contexts. On the one hand, granting permanent normal trade relation status to China (or PNTR) was one of the hotbed issues of the 106<sup>th</sup> Congress, especially in the second session. On the other hand, the fact that millions of disabled beneficiaries of social security disability insurance have a disincentive to find jobs because they are at risk of losing their Medicare benefits went relatively unnoticed by most Americans. President Clinton eventually signed both of these bills into law. A variety of interest groups were active on these bills. The different levels of salience of each issue and the level of importance groups ascribed to the issues drove groups' lobbying choices.

HR1180 and HR4444 are good cases to examine for the purposes of understanding how legislative context affects interest groups' strategies because they present two different bills that existed in different contexts; however, they also attracted some of the same types of interest groups. I chose these two cases because they are two issues that had some of the most interest group activity in the 106<sup>th</sup> Congress. I needed a case that would allow me to examine different types of groups as they lobbied on a single issue, and enable me to compare that case to another issue with similar groups, but for an issue in a different context. These two issues meet these criteria. While the two bills attracted activity from some of the same *types* of groups, the groups themselves were different and used different lobbying strategies toward each bill. I begin by describing each issue, then presenting evidence about how groups perceived the legislative context of these bills and selected their lobbying tactics accordingly.

### ***3.1 The case of HR1180: Extending Government Health Care Benefits to the Working Disabled***

“Rarely do we have a group of people coming to us in Washington and saying, ‘We want to be taxpayers,’” said Rep. Kenny Hulshof (R-MO) the sponsor of HR3070 a bill directly related to HR1180 (Kirchhoff, 10/23/99). The people that want to be taxpayers to whom Representative Hulshof refers are disabled recipients of social security disability insurance (SSDI). The reason they want to pay more taxes is because they exist in a system with the “perverse incentive” that if they take a job, they lose the Medicare health benefit provided by their SSDI. Senator Edward Kennedy (D-MA) has been interested in

this issue for a number of years. He finds the disincentive to work contrary to the American work ethic (Harris, 10/20/1999).

HR1180 passed the House commerce committee and merged with the Ways and Means version (HR3070) on October 14, 1999. The House passed the bill (HR1180) in a form that would provide 10 years of Medicare coverage for disabled recipients of SSDI, instead of the current 4 years of coverage. This would expand Medicare coverage to an estimated 42,600 people over 10 years (Kirchhoff, 10/23/99). It is estimated that 75 percent of disabled adults are unemployed. Moreover, it has been reported that 76% of people with disabilities “want to work” (Dewar, 11/19/99). Pro-reform interest groups estimate that the passage of HR1180 would cause 2 million of America’s 8 million disabled persons who receive SSDI to forgo their SSDI payments in lieu of employment (Dewar, 11/19/99). The bill has two other provisions that benefit the disabled. First, it allows the working disabled to buy into Medicaid if they make less than \$75,000 annually. Also, the bill includes a pilot program in which states could extend Medicaid coverage to people with degenerative diseases (such as Parkinsons, multiple sclerosis, or AIDS) but who are not yet disabled (Dewar 11/19/99).

The primary concern in Congress was not whether to pass the bill. Indeed, few members of Congress were against providing incentives for the disabled to join the work force in lieu of receiving government payments (except those concerned about the expansion of Medicare). Rather, the primary concern was how to pay for the measure, which would cost an estimated \$800 million over five years. In the Senate, Kennedy and Senator Jim Jeffords (R-VT) proposed paying for the measure by eliminating more than \$800 million in tax breaks for some overseas corporate opportunities. Senator Phil Gramm (R-TX) however, opposed the eliminations and the Senate eventually passed the bill without any funding (S331, vote 99-0, June 1999). The House also struggled to find means of funding the measure that was amenable to the White House. Clinton had made the passage of the bill a high priority, but did not like many of the suggestions regarding funding, including imposing a surcharge on lawyers’ fees in social security benefit cases and an idea that would alter the formula for calculating interest rates on federal guaranteed student loans. The House and Senate dealt with these issues in conference and spent weeks

haggling over how to pay for it. The cost of the bill would be recouped if only 70,000 disabled recipients earned an independent income and relinquished their SSDI payments. Moreover, Senator Kennedy's office estimated that if 210,000 people took advantage of replacing their government income with a private wage income, the government would save \$1 billion annually (Dewar, 11/19/1999).

Finally, the cost of the program was defrayed from student loan rate recalculations, eliminating some tax breaks for foster care, and speeding up some state payments to the federal government. Moreover, the final bill was attached to a bill to extend a series of tax breaks that were going to expire at the end of 1999 (Dewar, 11/19/1999). Since the SSDI provision had become so favored and was relatively assured to pass, it became a convenient vehicle to pass a series of otherwise unpopular tax break extensions. These included breaks for:

- Research—a credit for up to 20 percent of a company's research and development costs extended through 2004. Cost: \$13.1 billion over 10 years.
- Alternative minimum tax—a system designed to prevent people from wiping out all their tax liability, but still allowing one to take standard tax deductions, such as those for dependents. Cost: \$2.9 billion over 10 years.
- Overseas Investment—extends companies' exemption from Subpart F rules which requires them to pay taxes on interest earned in other countries before the money is returned to the US. Cost: \$1.7 billion over 10 years.
- Employment tax credits—extends two provisions for employers who hire workers from hard-to-place groups (*i.e.*, welfare-to-work tax credit). Cost: \$1.4 billion over 10 years.
- Education—employers who help pay for employees' college classes can deduct the expense from their income taxes. Cost: \$584 million over 10 years.
- Environment—tax credits to those using wind power or biomass power. Cost: \$318 million over 10 years. (Nitschke, 11/20/1999)

The bill contained several other provisions involving tariffs and other non-tax break extensions. The bill also contained more than a dozen provisions that helped to offset its costs, including one that would raise \$2.1 billion over 10 years by changing the accounting methods of contract workers (Nitschke, 11/20/1999). The total costs of the bill became \$21 billion over 10 years, and the agreement included provisions that would offset the cost by \$2.9 billion. Democrats and Republicans supported the bill in its final form and passed it overwhelmingly in the House (418-2) and Senate (95-1). The President signed

the bill into law applauding the bipartisan effort of members of Congress for fixing the reverse-incentive that prevented the disabled from working.

While the issues of extending government health benefits to working recipients of SSDI and extending particular tax breaks were not particularly publicly salient issues, there were a number of interest groups that participated in lobbying HR1180. Congress probably would not have tried to pass the tax break extension in a bill that had received a lot of public attention and been in the general news a number of times while it was in Congress. However, I found that 96 groups participated in hearings (presented evidence or testified) in the House Ways and Means Committee or the House Energy and Commerce Committee with respect to this bill.<sup>8</sup> Most of the groups were in some way involved with disabled citizens, education, or law. The tax break extensions did not get added to the bill until very late in the game, long after the bill had received hearings, so groups that lobbied Congress vis-à-vis the tax break extensions would not have shown up in the hearing record. I contacted four interest groups to get more detailed information about their lobbying activities regarding this bill. They are: The American Council of the Blind (ACB), American Federation of State, County, and Municipal Employees (AFSCME), Heritage Foundation, and National Treasury Employees Union (NTEU).

All four groups agreed that the issue was one that was old, non-salient to the public, and non-consensual in Congress.<sup>9</sup> Other contextual features of the bill are: *Congressional Quarterly* did not consider HR1180 a piece of major legislation; the sponsor was not a party leader (Kenny Hulshof, D-MO); there were 249 cosponsors; the bill was considered under suspension of the rules when it passed the House; it was referred to both the House Ways and Means Committee and the House Energy and Commerce Committee; and, the bill was eventually signed into law by President Clinton. Three of the groups favored passage, while the Heritage Foundation maintains that they never support or oppose

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<sup>8</sup> U.S. Congress, House, Energy and Commerce hearing number 106-15; Ways and Means hearing numbers: 106-5, 106-46, 106-56, 106-59, 106-65, 106-70, 106-94, 106-102 (complete citations in bibliography).

<sup>9</sup> The “non-consensual” characteristic is surprising given the overwhelming support in final passage and high number of cosponsors. It is unclear why groups felt Congress was not consensual about the issue.

legislation (because their 501(c)3 tax-exempt status prevents them from lobbying or taking any position on a bill).

Evidence suggests that interest groups active on HR1180 did not engage in dimensional strategies. Generally, *no* groups engaged in many traditional outsider strategies such as working with the media, placing advertisements, protests, or making public endorsements of candidates. Such activities could be aimed at changing preferences or changing dimensions, but groups did not use these tactics. Only ACB used the press at all in their lobbying campaign and they are the group with the smallest staff (perhaps they used the media in some instances to compensate for their lack of professional staff to work on the issue). Groups knew that the fact that it was not a publicly salient issue might hurt their effort to get it noticed and passed. Moreover, I found that *all* the groups (except Heritage) encouraged citizens to contact their member of Congress regarding the issue, engaged in grassroots strategies, offered testimony, alerted members of Congress to the effects of the bill in their district, and entered into coalitions with other organizations. All the other activities that groups used with respect to this issue were of the type that included direct contact with members. A representative of the NTEU said that it would be a “waste of resources” to try to use the public as leverage for an issue like HR1180. It would cost a lot to educate the public and it would not be likely to generate the kind of voting action they hoped to get out of members of Congress (NTEU, 11/8/02). This suggests that these groups were primarily interested in preference changing or docket strategies over dimensional strategies.

The evidence indicates that groups may have used docket strategies to help get HR1180 noticed by the right legislators. A legislative director for the ACB said, “This one [HR1180] had a cost consequence and only affected a very small segment of the disability population. The only way for us to get it somewhere was to get it tied to something else” (Crawford, 11/06/02). Crawford’s statement suggests that the ACB was engaged in docket strategies in hopes that HR1180 would be more likely to pass if it were tied to other legislation. They were not at all disappointed that the issue got tied to the tax break extension because they feel it helped get the bill passed; they did not care about the tax break extensions. Crawford also suggests that his group is aware of the limitations of docket-altering strategies:

“Once a bill has been formed and gets to the floor, it takes on a much more defined existence, it’s not so easy to change it” (Crawford, 11/06/02). Here he demonstrates that bills are easier to manipulate prior to the floor stage. Therefore, if groups wish to engage in docket strategies, they are more likely to take action prior to floor debate, as the ACB did. Other groups also showed that docket manipulation is more easily done behind closed doors. The Heritage Foundation is careful to portray itself as a non-partisan, non-lobbying organization, as not to jeopardize their tax-exempt status. However, I was told that Heritage “offer[s] language, consult[s] with lawyers on language, etc” (John, 11/04/02). Also, the AFSCME engaged in the most expensive types of lobbying for this issue, such as taking members to lunch, offering legislative strategy, helping to draft legislation, offering research about the issue and so forth. Offering legislative strategies and drafting legislation are certain examples of docket strategies; the others *may* be docket strategies.

Evidence suggests groups were involved with preference-changing strategies for HR1180. The ACB was involved with informational lobbying: “As a 501c(3) organization we’re not in a position to lobby in the classic sense. Informing and persuading can be seen as separate things or one can be seen as a consequence of the other. If we properly inform them, the merits of our position should ultimately persuade them” (Crawford 11/06/02). Thus, the ACB uses information lobbying in hopes that they will persuade legislators. Even the Heritage Foundation, which is extremely careful not to violate their 501(C)(3) tax-exempt status with direct lobbying, suggests that they engage in informational lobbying that may be aimed at changing preferences. While HR1180 was not a high priority for Heritage in the 106<sup>th</sup> (they said it was only a sub-issue of social security for them), they reiterated the idea that most communication they have with members outside of hearings is behind closed doors. “We can offer strategic information or compromises when in private” (John, 11/04/02). John also suggested that,

There are two types of lobbyists. Those that win on their personality and those that win with their information. To win with information you have to present both sides and show the positives and negatives of your position, then convince them why you’re right (John, 11/04/02).

His argument shows that groups use information to persuade legislators. He also argues that groups must provide accurate and trustworthy information in order to preserve their reputation in the legislative arena. Moreover, John indicated that technical issues are better suited to insider politics and said that insider politics is often better because it “plays to the environment where something can happen” (John, 11/04/02). This type of statement demonstrates recognition that interest groups tailor their lobbying strategies to a strategic political environment. The Heritage Foundation “provide[s] information [legislators] can use now—quickly, readily available stuff.” (John, 11/04/02). Groups use their information to attempt to change the policy preference of members of Congress: “We also try to persuade them to introduce something in particular or to prevent them from introducing something. We can try to persuade them that we’ll publicly be for or against their action” (NTEU, 11/08/02). This suggests that the NTEU uses preference-changing strategies vis-à-vis information by offering reasons why legislators should change their preferences *and* by threatening their current stance. The evidence supports my argument that informational lobbying is aimed at changing members’ preferences over policy and shows that groups engaged in such efforts over HR1180.

Other evidence of groups working on HR1180 using preference strategies comes in the form of monetary contributions. Both NTEU and AFSCME are labor unions and have political action committees and NTEU indicated they made financial contributions to members with respect to this issue. This behavior is most likely to be aimed at changing members’ preferences, when viewed in conjunction with the statements and other behaviors of these groups.

Further, evidence does not support my hypothesis that salient issues are more expensive to lobby and groups should therefore be less likely to take action on such issues. I find that evidence counters my expectation insofar as salient issues seem to pose fewer costs to groups. Mr. John, at Heritage, said that, “If it’s highly salient, we’re more likely to get involved. We’ll get more press calls and we’ll be more likely to put together stats on the issue” (John, 11/04/02). This is counter to my hypothesis that more salient issue should be *more* costly for groups to take action on. John continues, “There aren’t really [many] negative consequences to an issue becoming high salience. We’ll produce more papers for such

an issue” (John, 11/04/02). In addition, the NTEU used an example about September 11<sup>th</sup> to show how highly salient issues *reduce* their cost of action:

Until 9-11 public employees were down there with dogcatchers in terms of how the public thought of them and needed them. Just because the public at-large disagrees with our position doesn’t necessarily mean we would stand down. Post 9-11 public employees are more important. 9-11 made the issues of public employees more salient. You know usually people don’t think about whether or not their borders are protected, but after 9-11 [they] did (NTEU, 11/08/02).

Therefore, the NTEU argues that the September 11<sup>th</sup> terrorist attacks made public support for employees a more salient issue and this new sentiment aided their cause. This is further evidence that does not support expectations about salient issues posing high costs to groups.

I also found evidence that suggests support for my overall theoretical approach to understanding how and why groups make lobbying choices. Crawford, of the ACB indicated that their “strategy is a combination of all these tactics that are moving you toward a goal” (Crawford, 11/06/02). The ACB therefore views their individual *tactics* as part of a larger *strategy* that helps them achieve some legislative *goal*. This is consistent with my spatial model of interest group choice. Crawford went on to explain that the ACB makes lobbying choices by observing the following process:

First, how likely is it that the general public would support...our position. ...Second, are there any costs associated with it? If [so], what revenue measures would have to be taken in order to support it, or is it revenue neutral? [We] have to have an answer for the “how much does it cost” question. Third, [there is the question of] legalities. [We must determine] if [the bill] passes, will it muster [standing] in court? Fourth, [we must ask] is this a popular cause in the Senate or House or both? How does the administration feel about it? Those give you indices toward how simple or difficult it will be to conduct your advocacy campaign, or whether you should bother (Crawford, 11/06/02).

Crawford suggests that groups engage in a calculus similar to what I have described above. They gauge the salience of the issue, legislative costs, political context, and balance these features with an assessment of the group’s resources. Finally, they determine whether or not “it is worth it” to engage in lobbying. Crawford’s description of how the ACB makes lobbying choices is in line with my theoretical spatial model. Moreover, he emphasizes that,

...everyone operates out of self interest. The strategy we adopt or the involvement we conduct will go anywhere from a simple letter that says, 'we like the bill' or '[we] dislike [the bill]', or '[we] like [the bill] with this language added' (Crawford, 11/06/02).

Not only does Crawford's description of the ACB's decision-making process reflect a rational model of choice, he shows that the ACB acts and reacts strategically to the political environment in which it operates.

Other evidence supports my theoretical approach as well. The AFSCME suggested that it determines the level of priority of an issue to the group before they take action on it: "Some [issues] we care about, but we assume other groups will work on the issue, so we don't spend our resources on it. Dividing up of the issues on a bill is determined by our priorities and our mission" (AFSCME, 11/08/02). This supports my claim that groups determine the benefits of taking action on a bill based on how important the bill is to them. When the bill is relevant, but not high priority, and they know other groups will take action, the benefits of acting do not outweigh the costs. Further, the AFSCME suggests that they, "always want to know, 1. who's in power, 2. who are our allies, 3. who is the opposition. This helps form our strategies" (AFSCME 11/08/02). Therefore, not only the priority of the issue, but the relative positions of other groups, helps to determine the benefits that groups derive from participating in lobbying. The AFSCME's description of these "benefits" supports my theoretical claim.

Generally, interest groups involved with HR1180 used tactics that were aimed at changing preferences and changing dockets. Also, they did not engage in any dimensional activities, by and large. Groups involved in HR1180 tended to use similar tactics; there is not great variance in their choice of activities. I find support for my hypotheses about how groups chose their tactics in terms of the three strategy types; however, I find do not find support for my expectation that highly salient issues are pose more costs for groups. Rather, I find that groups are more likely to lobby highly salient issues. However, groups made these statements broadly and they did not reflect their specific participation on HR1180, which was considered a low salient issue.

### ***3.2 The Case of HR4444: China's Permanent Normal Trade Relations Status***

In 1999 President Clinton's presidency was drawing to a close. In the wake of impeachment he spent the last congressional session of his presidency trying to solidify a legislative legacy. He had already floundered on foreign policy by failing to pass "fast-track," the proposal to transfer trade agreement power to the executive office, and his foreign policy leadership was looking like the weak spot of his administration. Clinton therefore made approval of China's permanent normal trade relation (PNTR) status a priority. Given his 1993 success with the North American Free Trade Agreement, passing PNTR for The People's Republic of China (PRC) would provide the foreign policy bookends to his executive term that he needed. Previously, the US has required an annual renewal of China's normal trade relation status (or what the World Trade Organization (WTO) calls 'most favored nation' status). Making their trade relations with the US permanent would do away with the annual renewal and pave the way for PRC to join the WTO. Passing PNTR for China would become one of Clinton's most significant achievements. Then White House spokesman Joe Lockhart noted that "the President has correctly identified this as one of the most important votes that we'll take in decades" (Babington, 5/21/2000).

Several observers at the time noted that the submission of HR4444 "prompted the onset of one of the most intense lobbying campaigns of the 106<sup>th</sup>" (Nitschke and Tully, 5/27/2000). Groups engaged in lobbying efforts of all types, including thousands of dollars in campaign contributions and mountains of evidence, enough to wholly support the passage or death of the bill. The two camps of lobbyists prompted the formation of an unlikely coalition. Those against the measure were primarily labor unions and human rights advocates. Groups supporting the measure included big business, agriculture, and of course, the White House. Everyone knew the vote would be close. A priori, many thought that passage of PNTR would not be wildly different from the votes of those that support the annual passage of NTR for China. After all, why would those members who support normal trade relations not support a permanent relationship? However, Clinton teamed up with big business and agriculture to court Democratic members of the House and Senate. Vote-counters believed that at least 70 Democrats would need to join about 150 Republicans to form the majority needed to pass the bill. Knowing that about two-

thirds of House Democrats would oppose HR4444, the White House found itself making an unusual coalition with traditionally Republican allies.

While scores of interest groups were involved with lobbying the bill, the biggest persuader was President Clinton. He met with small groups of undecided Democrats in the White House in an attempt to persuade them to vote for PNTR. Some Democrats wanted promises about Clinton's participation in their reelection campaigns in exchange for their support. While members of Congress never explicitly asked for quid-pro-quo arrangements, they asked Clinton for specific benefits for their districts, such as tougher sanctions against steel dumping or an executive order regarding displaced workers (Babington 5/21/2000). Lockhart noted that "lawmakers generally aren't crass enough to explicitly barter their vote for a Presidential favor, but few are shy about discussing their needs or wants" (Babington). President Clinton was not only persuasive and personally appealing, but he commanded an amazing knowledge of policy issues. He was able to speak one-on-one with Democrat lawmakers and tell them, extemporaneously, how PNTR would specifically help their district (Babington). The White House devoted an incredible staff to this issue. Clinton created a China Trade Relations "war room" with about 150 staffers that was later challenged by Representative Frank Wolf (R-VA) as violating federal law for illegal use of federal funds for lobbying. The General Accounting Office later investigated the working group. The White House even organized at least two trips to China for members of Congress so they could see first-hand the benefits of free trade on Chinese soil. Clinton intended to have White House staff escort Democratic fence-sitters on the trip. However, labor unions learned the names of those Democrats invited on the trip and waged an all-out campaign to these members to "encourage" them not to attend. Labor unions and human rights advocates distributed a "propaganda survival kit" that included a bible, a union membership card, a Tibetan bracelet, a bottle of "clean air," an hourly sweat shop wage of 20 cents, a pair of handcuffs, a book by a well-known Chinese human rights advocate, and a pamphlet on dog and cat fur processing in China. The trip to China was canceled after several members backed out at the last minute. The White House said the trip was canceled because of scheduling difficulties (Crabtree 4/17/2000).

Even before the 2000 lobbying campaigns began, PRC's PNTR status was identified as the key struggle of the 106<sup>th</sup> Congress (*The Hill*, 12/1/1999). Every year when Congress debated the renewal of China's normal trade relation status the same issue arose. Supporters argued that normal trade with China ties China to international law and customs and encourages democracy. They tout the overall economic benefits to American business and remind members that China has 1.3 billion consumers in a market that has yet to be fully tapped (Baucus 1/26/2000). Opponents argue that granting China normal trade relations rewards China for human right violations and that American workers will lose jobs to American companies that seek to take advantage of China's cheaper labor (Babington 5/21/2000). Members of both political parties had concerns about passing PNTR. Democrats were generally concerned about human rights, labor, and environmental standards, while Republicans worried over Chinese militarism and religious freedom for Chinese. Religious freedom had not been an issue in previous NTR debates regarding the PRC, however the PRC's recent crack-down on non-mainstream Chinese religions provided more fodder for religious-right Republicans who wanted to be sure Chinese Christians could practice their faith without fear of persecution by the government.

There were 60 interest groups that testified or presented evidence in the hearings held by the Ways and Means and Agriculture Committees in the House.<sup>10</sup> I interviewed four Washington-based groups that were particularly active on the issue—two that were in favor and two against. I spoke with the Direct Selling Association (DSA), The International Brotherhood of Teamsters (Teamsters), the United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW), and the Wheat Export Trade Education Committee (WETEC). The UAW and Teamsters were part of the large movement put forth by labor unions who opposed PNTR. They are well-funded groups with political action committees and large memberships. DSA represents the big business portion of the lobbying effort for PNTR and WETEC represents the agricultural interests, both of whom strongly supported passage. The primary organizers of the business interests' lobbying campaign were the US Chamber of Commerce

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<sup>10</sup> U.S. Congress. House. Agriculture hearing number 106-52; Ways and Means hearing numbers: 106-78, 106-105 (complete citations in bibliography).

and the Business Roundtable. The stage was set for a fight between a big-business/agriculture coalition with White House support, versus a coalition of organized labor, human right advocates and environmentalists.

The coalitions are surprising for four reasons. First, in typical domestic affairs, organized labor and environmentalists are on opposite sides of an issue. Rarely does a situation arise in which labor supports the stricter regulations desired by environmentalists. Second, it is not often the case that labor will join with human right advocates. This is not to say that they have diverging interests, rather it is to suggest that they are rarely active on the same issues. It is fair to say that labor unions do not typically have human rights organizations and their causes on their primary radar screen. Third, the President found himself siding with the opposite party and using his political leverage and clout to persuade members of his own party. This position contributed to Clinton's critics, especially toward the end of his term, who said he looked less like a liberal and more like a Republican. Fourth, while agricultural groups are accustomed to forming coalitions with other agricultural groups of all types (*i.e.*, wheat with dairy, pork with corn, etc.) they do not often join forces with big-business. More often than not, agricultural groups find themselves fighting the demands of big-business and supporting the causes of rural America. These odd coalitions are symptomatic of the heightened level of importance that most groups ascribed to this issue. Its status as a critical issue meant PNTR had a grave impact on the legislative context and the costs that groups were willing to bear to achieve their goals.

The effort put forth by the business groups was formidable. *Congressional Quarterly* reports that the Business Roundtable and US Chamber of Commerce were the primary business forces in the lobbying battle; however, a number of business groups were heavily involved:

Business and agricultural interests, who are salivating at the chance to offer China's billion-plus population everything from food to insurance, are taking nothing for granted. When Congress returns, the big corporations and their allies at the Business Roundtable and the US Chamber of Commerce will be lobbying hard, giving big, and are reportedly targeting about 60 congressional districts for grassroots campaigns in favor of the measure (Rice and Schlesinger 11/24/1999).

The level of importance of this issue for business groups resulted in groups using a variety of tactics. Its status as a highly salient issue (as evidenced, in part, by President Clinton's attention to the issue), one that Congress had dealt with repeatedly in the past, and one on which party leaders were particularly active would not lead me to theoretically believe that there would be a high degree of lobbying on the issue. I had predicted that high salience issues were more expensive to lobby and groups would be less likely to take action, of any type, on such issues. Also, given that PNTR is an older issue, I would expect that groups would be unlikely to use preference-changing and dimensional strategies, but perhaps more likely to use docket strategies. Finally, given that party leaders were active on the issue, I expect that groups would take this as a signal that Congress was consensual and lobbying would be costly for the issue. I would therefore expect groups not to lobby, in any form, on such an issue unless the benefits of lobbying could outweigh the costs. My theoretical expectations lead me to believe that groups might be inclined to use docket strategies toward this issue, but other strategies would be particularly costly. Groups' evaluation of HR4444 as extremely important to their cause seem to force the great benefits to outweigh any costs associated with taking action on PNTR.

Groups suggested that PNTR for the PRC was one of the most important issues they had faced in many years. For example, the Direct Selling Association said they see the PRC as the biggest market in the world and opening and maintaining a relationship with that market is part of their long-term strategy. I DSA is a trade association for the direct selling industry, or sellers that generally do door-to-door or in-home sales (*i.e.*, Avon, Mary Kay, etc.). They are part of a 53-nation world federation of direct sellers and represent 150-200 US companies. The President of DSA, Neil Offen, said that DSA had companies in China that were beginning to expand when in 1998 the PRC banned direct sellers. For the DSA passing PNTR for the PRC meant reopening a retail market of millions of consumers. This is consistent with stories about the leaders of industry participating on this bill:

'The only time CEOs walk the halls around here and see rank-and-file members is during China week,' says Rep. Sherrod Brown (D-OH). 'You will see more money by corporate America lobbying for this than ever before' (Rice and Schlesinger 11/24/1999).

WETEC agreed that regarding PNTR, “the intensity was about as high as it could go” (Spangler 11/5/2002). The cumulative effort of business and agriculture was immense and likely comparable to labor. The UAW indicated that PNTR was one of the most important issues they had lobbied on in recent years, “With China PNTR or fast-track it’s a huge issue for our membership so we go all out: we do the grassroots and the build coalitions, talk about media, and all of that” (UAW, 11/04/02). The stakes were high for big business, labor, and agriculture because passage of PNTR not only meant that they would never have to fight about the annual NTR China renewal, but it also meant that China could join the WTO which would be a huge step in opening markets to American industry.

Evidence suggests that groups used dimensional strategies toward HR4444. The DSA held an ice-cream social for members of Congress and their staff. They staged the event to show how their industry helps China, Chinese women, and capitalism. DSA emphasized that their main tactic in the HR4444 campaign was to use grassroots forces to communicate their position to members of Congress. Offen said “grassroots are the ultimate strategy” (Offen 11/1/02). He indicated that he had a high level of personal involvement with the issue. DSA therefore made efforts to get Congress to concentrate on the business dimension of PNTR.

WETEC also emphasized their use of dimension-changing strategies in the PNTR campaign. WETEC is the trade policy, information, education, lobbying arm of the wheat industry. Barbara Spangler, the Executive Director, described PNTR, and all trade votes, as being “tricky because it’s always the unions against reality. How can longshoremen be against trade when they don’t have a job unless we’re shipping something out?” (Spangler 11/5/02). Spangler emphasized that their biggest challenge was overcoming the sheer number of bodies that labor unions have to exert against big important bills like PNTR. She knows that members of Congress receive letters from both sides and sometimes they make decisions based on how big the stack is, regardless of its content. She admits that unions have sophisticated machinery to get their members to submit thousands of letters and phone calls and the wheat industry cannot compete with that. Agriculture represents two percent of the population and they simply do not have the human power to make an impression like the unions do. WETEC

compensates for this by their message. They present research and form coalitions with other agricultural groups to make their message as loud as possible. They use their grassroots members for lobbying as well, but know that they have to find another way to win. Spangler's emphasis on message indicates that WETEC's goal was to emphasize a particular dimension of the PNTR debate. While unions attempted to force attention on American jobs, WETEC emphasized benefits to the American economy, especially in agriculture. This battle over the agenda can be viewed spatially as a struggle to control the dimensions of debate. Groups like WETEC invested many hours in attempting to make their message as loud as possible—this is their attempt to control the dimensions of debate.

The UAW used congressional testimony as a dimensional strategy, "Presenting testimony doesn't really change the mind of any voting member, really you only do it for PR purposes. It's not as much a part of persuading folks" (UAW, 11/04/02). The UAW's participation in congressional hearings was therefore not to change the preferences of members of Congress, rather its "PR" objective was to highlight the effects of PNTR on the auto industry. This is an attempt to control the dimensions of debate. The UAW relied on other means of attempting to make their perspective on PNTR the dominant issue of the campaign. UAW uses their "community action programs" to kick start their members within districts into sending letters and making phone calls. A service exists wherein a member of the union can call an 800 number and give their zip code and the service produces a personalized letter from the worker to their member of Congress, and labor unions often contract with this type of service. Unions hold meetings where they hand people cell phones as they walk in the door and ask them to call the service and have a letter drafted on their behalf. They also rely on coalition efforts especially for big issues like PNTR. Dimensional strategies were crucial for the UAW and Teamsters. Their goal in the PNTR campaign was to attempt to control the public agenda and get members of Congress to focus on the potential loss of American jobs if PNTR passed.

Groups also used preference-changing strategies in the campaign for HR4444. The UAW revealed that the party leadership will use an interest group to help do party whipping:

We serve as an informal arm of the leadership. Members are often so busy they may not know what the latest is with any bill, so we tell them. We get data on health care cost and employment rates, etc. Some of [our contact with members] is just providing arguments, pro and con, [but we also provide information about] the political ramifications [of a policy] (UAW, 11/04/02).

Groups can act as agents of party leadership and engage in preference changing strategies by convincing other members of Congress that the leadership desires a particular outcome. Also, the DSA revealed that they communicated with members of Congress about how PNTR would affect their congressional districts. DSA engaged in a variety of direct communication with party leaders and members of Congress because of the importance of the issue to their group.

Once again, I find evidence counter to my expectation about issue salience and group involvement. Spangler indicated that the public attention to the issue made a difference in their tactics because they were able to use the media to communicate the importance of their issue and how it would benefit American business and agriculture. She believes that in general when issues are of higher salience, they are easier to pass and the opposition against them is less strong. However, she also suggested that if the opposition has used the media to their advantage in a campaign over a salient issue, WETEC is forced to counter the effects of opposing groups and ensure that members have correct information.

I find support for my expectation that groups are more likely to lobby when issues are new. Spangler noted that when legislators are uninformed about an issue, WETEC takes advantage of the opportunity to educate them (in a way that favors WETEC's position). UAW suggested that new issues can be more costly because of the increased effort to provide information to members, "There might be a learning curve for members so we would provide more education" (UAW, 11/04/02). This suggests that groups are more likely to lobby on new issues; this is consistent with expectations.

I find some evidence for the expectation that when groups perceive active party leaders on a bill they are less likely to spend resources toward a bill. Spangler recognized the importance of party leadership because of its ability to control which bills get to the floor. She gave the example of working for sanctions reforms toward India and Pakistan:

We know we have the votes to pass anything we want on sanction reform, but the leadership in the house is adamantly opposed to this measure (especially Tom Delay), so you try to figure out how many times you can roll Tom Delay in committee or on the floor (Spangler, 11/05/02).

So there exists some support for the idea that a strong leadership stance makes group action more expensive. Clearly, WETEC will only be able to roll Tom Delay a limited number of times in a session. On the other hand, Spangler also noted that when Congress has heterogeneous policy preferences over an issue, WETEC's lobbying effort must become more severe. "If they're split over it, we have a big job. We have to get to those who are against it and try to persuade them. You spend more resources when they're split" (Spangler, 11/05/02). This is contrary to expectations. I had expected that a non-consensual Congress would lead to less party activity and make the costs of lobbying Congress less, therefore making group action more likely. The results here are mixed. Evidence suggest that strong party activity makes for more expensive lobbying, but that a consensual Congress makes for less expensive lobbying. The conditional government hypothesis tells us that strong leadership should accompany a united Congress. The results for this hypothesis are mixed.

I find general support for my theoretical approach that groups weigh the benefits and costs of action. When asked how they determine which lobbying activities to use, Spangler noted: "we used these [tactics] because we knew it was going to be difficult to get it passed. [Our tactics were determined by] the importance of the issue balanced against how difficult it will be to pass (Spangler, 11/05/02). Therefore, the level of importance of the issue helped to determine the benefits of action and the difficulty of passage helped to determine the costs. When the benefits outweigh the costs, groups act.

Lobbyists concentrated their efforts of about 130 House members who had mixed voting records on China or trade issues in the past. In the end these swing voters rejected the measure 53-77 (Nitschke and Tully, 1248). The effect of business and labor lobbying is seen rather dramatically in the final vote breakdowns. Of the 108 House Democrats who received at least 20 percent of their campaign contributions in the last election cycle from labor political action committees, fully 80 percent of them voted against HR4444. Looking at economic variables, congressional districts that are identified as

traditionally supporting free-trade and big business had representatives that tended to support the bill, while representatives from districts with many blue-collar workers tended to vote against. Specifically, support for the bill was found in white-collar districts (59 percent), agricultural districts (72 percent), and wealthier districts (65 percent), while in blue-collar districts 61 percent of members voted against HR4444.<sup>11</sup> Clearly, lobbyists were able to have an effect on the PNTR vote. However, the coalition of big business and agriculture proved too strong for labor to overcome.

#### **4.0 Conclusion**

The cases of HR1180 and HR4444 show mixed support for my theoretical approach and hypotheses. First, I find support for the expectation that groups engage in a cost-benefit analysis of action. Several groups indicated that they make such calculations when considering action. Second, I find support for the claim that preference-changing tactics often come in the form of informational lobbying. Many groups indicated that they provide information to members of Congress in an attempt to persuade them to a particular point of view. Third, I find support for the general claim that legislative context drives interest group behavior. In each of the two cases, groups tended to engage in similar tactics. Most groups in the HR1180 campaign used preference-changing and docket-altering strategies, while groups active on HR4444 used a wider variety of tactics that covered all three categories of strategic action. The fact that each bill exists in its own context, but similar types of groups lobbied on the two bills, demonstrates that the legislative context of the bills was a primary factor that drove group strategies. If group resources alone explained group behavior, I should have viewed groups engaged in similar activities between the two bills. However, the different legislative environment around each bill determined the actions that groups took towards the bills.

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<sup>11</sup> “White-collar” districts are those 106 districts where at least 65 percent of workers held white-collar jobs according to the 1990 census (district average 57.4 percent). “Agricultural” districts are those 60 districts where at least 4 percent of workers are farm laborers (1995 statistic, district average is 2.2 percent). “Wealthier” districts are those 68 districts where the median family income was at least \$40,000 according to the 1990 census (district average \$30,711). “Blue-collar” districts are those 57 districts where at least 35 percent of the workers have blue-collar jobs according to the 1990 census (district average 26.7 percent). Source: Nitschke and Tully, 5/27/2000, 1249.

Regarding the specific expectations I had about group cost, the results are mixed; I find support for my expectations for HR1180 but less support for my expectation of HR4444. For HR1180, groups indicated that the issue was non-salient to the public, *not* a new issue, and that Congress was not consensual about the issue. Based on the expectation laid out previously, this would lead me to expect that groups would be active in all strategy types for this issue. That the issue was non-salient and that Congress was divided would lead me to expect groups to find the three strategies less costly. That the issue was old leads me to expect groups to use docket strategies, but not preference or dimensional strategies. However, I found that groups were likely to use preference or docket strategies, but not likely to use dimensional strategies. Groups indicated that issue was generally important to them, but no group indicated that the issue topped their priority list for the session. Therefore, the environment was somewhat low cost and the benefits were high enough to merit group action. The results generally support expectations for this case.

For HR4444, groups indicated that the issue was highly salient to the public, and old issue, and that Congress was non-consensual. Therefore, the primary difference between HR4444 and HR1180 in terms of legislative context, is the salience of the issue. For HR4444, I expect that the salience of the issue would make the environment costly for group action. That the issue is old leads me to expect groups to use docket strategies and that congress was divided leads me to expect groups to find all types of action less costly and therefore appealing. Evidence shows that groups engaged in many dimensional and preference-changing strategies. There is less evidence of docket strategies for HR4444.

There are a few surprises. First, regarding HR4444, groups indicated that Congress was both divided *and* party leaders were influential. This observation is contrary to the conditional government hypothesis (Rhode 1991) and seems unlikely. It is possible that groups perceived party leaders to be active because they spoke out on the issue, but that the whip organizations for parties on HR4444 were not actually all that active. Second, the highly salient nature of PNTR led me to expect it to be a very expensive issue to lobby. However, groups were not at all deterred by the salience of PNTR; rather they indicated that its salience made it a more attractive issue to lobby. It must be the case therefore, that

either my expectations about salient issues are wrong (they are actually cheaper issues to lobby) *or* salient issues actually are high cost issue to lobby, but the extreme importance of the issue to groups simply outweighed the extra costs imposed by the salience. In other words, that PNTR was so important to groups like the UAW and WETEC meant that it was a very expensive issue to lobby, but it was also a very important issue to lobby on. Therefore, my expectations about the costs that salience imposes on groups is not necessarily incorrect. It may be the case that groups found the great importance of acting on PNTR to outweigh the high costs of lobbying the issue. Evidence supports the latter claim because groups indicated that HR4444 was so highly important for them during the 106<sup>th</sup> Congress.

The primary difference in legislative context between these two bills is the level of salience the public ascribed to the issues. President Clinton made PNTR a priority of his administration, while HR1180 was a relatively quiet bill that got little public notice. Groups active on HR4444 tended to regard its passage or failure as critical—perhaps more critical than the groups that lobbied on behalf of HR1180.

Evidence presented in this paper shows that interest groups do not select their lobbying tactics based on what they can afford, what they are used to doing, or at random. Rather interest groups respond, strategically, to the political environment they wish to affect. I argued that groups have objectives when they lobby—they seek to change the preferences of legislators, change the dimensions of debate, or change the dockets of bills. Groups make their decisions about whether or not to engage in a tactic based on a measure of the costs and benefits of using the tactic. Factors such as the salience of the issue, the age of the issue, and the whips of party leaders contribute to the costs that groups consider when deciding whether to take action. Group benefits are derived from the level of importance of the issue to a group. When the costs of action are less than the benefits, groups act. Anecdotal evidence from two bills in the 106<sup>th</sup> Congress show that groups indeed engage in cost-benefit analysis in their lobbying choices *and* groups hope to achieve strategic goals with their tactics. Moreover, the salience of the issue drove the difference in interest group behavior between the China trade bill and social security benefits bill.

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