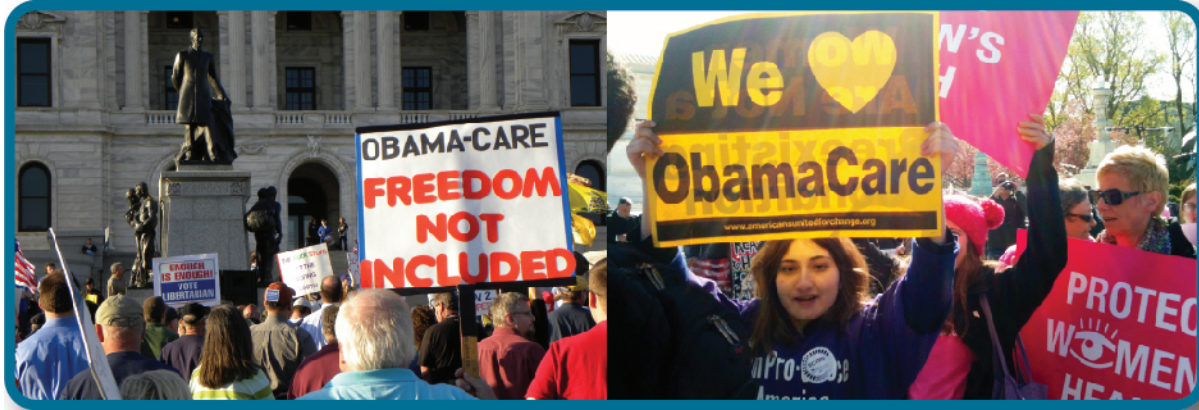


## Chapter 10

# Interest Groups and Lobbying



**Figure 10.1** On April 15 (or “tax day”), 2010, members of the Tea Party movement rallied at the Minnesota State Capitol in St. Paul in favor of smaller government and against the Affordable Care Act (left). Two years later, supporters of the law (right) demonstrated in front of the U.S. Supreme Court during oral arguments in *National Federation of Independent Business v. Sebelius*, in which the Court eventually upheld most provisions of the law. (credit left: modification of work by “Fibonacci Blue”/Flickr; credit right: modification of work by LaDawna Howard)

### Chapter Outline

- 10.1 Interest Groups Defined
- 10.2 Collective Action and Interest Group Formation
- 10.3 Interest Groups as Political Participation
- 10.4 Pathways of Interest Group Influence
- 10.5 Free Speech and the Regulation of Interest Groups

### Introduction

The 2010 Patient Protection and Affordable Care Act (ACA), also known as Obamacare, represented a substantial overhaul of the U.S. healthcare system.<sup>1</sup> Given its potential impact, interest group representatives (lobbyists) from the insurance industry, hospitals, medical device manufacturers, and organizations representing doctors, patients, and employers all tried to influence what the law would look like and the way it would operate. Ordinary people took to the streets to voice their opinion (**Figure 10.1**). Some state governors sued to prevent a requirement in the law that their states expand Medicaid coverage. A number of interest groups challenged the law in court, where two Supreme Court decisions have left it largely intact.

Interest groups like those for and against the ACA play a fundamental role in representing individuals, corporate interests, and the public before the government. They help inform the public and lawmakers about issues, monitor government actions, and promote policies that benefit their interests, using all three branches of government at the federal, state, and local levels.

In this chapter, we answer several key questions about interest groups. What are they, and why and how do they form? How do they provide avenues for political participation? Why are some groups advantaged by the lobbying of government representatives, while others are disadvantaged? Finally, how do interest groups try to achieve their objectives, and how are they regulated?

## 10.1 Interest Groups Defined

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### Learning Objectives

By the end of this section, you will be able to:

- Explain how interest groups differ from political parties
  - Evaluate the different types of interests and what they do
  - Compare public and private interest groups
- 

While the term *interest group* is not mentioned in the U.S. Constitution, the framers were aware that individuals would band together in an attempt to use government in their favor. In *Federalist* No. 10, James Madison warned of the dangers of “factions,” minorities who would organize around issues they felt strongly about, possibly to the detriment of the majority. But Madison believed limiting these factions was worse than facing the evils they might produce, because such limitations would violate individual freedoms. Instead, the natural way to control factions was to let them flourish and compete against each other. The sheer number of interests in the United States suggests that many have, indeed, flourished. They compete with similar groups for membership, and with opponents for access to decision-makers. Some people suggest there may be too many interests in the United States. Others argue that some have gained a disproportionate amount of influence over public policy, whereas many others are underrepresented.

Madison’s definition of factions can apply to both interest groups and political parties. But unlike political parties, interest groups do not function primarily to elect candidates under a certain party label or to directly control the operation of the government. Political parties in the United States are generally much broader coalitions that represent a significant proportion of citizens. In the American two-party system, the Democratic and Republican Parties spread relatively wide nets to try to encompass large segments of the population. In contrast, while interest groups may support or oppose political candidates, their goals are usually more issue-specific and narrowly focused on areas like taxes, the environment, and gun rights or gun control, or their membership is limited to specific professions. They may represent interests ranging from well-known organizations, such as the Sierra Club, IBM, or the American Lung Association, to obscure ones, such as the North Carolina Gamefowl Breeders Association. Thus, with some notable exceptions, specific interest groups have much more limited membership than do political parties.

Political parties and interest groups both work together and compete for influence, although in different ways. While interest group activity often transcends party lines, many interests are perceived as being more supportive of one party than the other. The American Conservative Union, Citizens United, the National Rifle Association, and National Right to Life are more likely to have relationships with Republican lawmakers than with Democratic ones. Americans for Democratic Action, Moveon.org, and the Democratic Governors Association all have stronger relationships with the Democratic Party. Parties and interest groups do compete with each other, however, often for influence. At the state level, we typically observe an inverse relationship between them in terms of power. Interest groups tend to have greater influence in states where political parties are comparatively weaker.

### WHAT ARE INTEREST GROUPS AND WHAT DO THEY WANT?

Definitions abound when it comes to interest groups, which are sometimes referred to as special interests, interest organizations, pressure groups, or just interests. Most definitions specify that *interest group* indicates any formal association of individuals or organizations that attempt to influence government decision-making and/or the making of public policy. Often, this influence is exercised by a lobbyist or a lobbying firm.

Formally, a **lobbyist** is someone who represents the interest organization before government, is usually compensated for doing so, and is required to register with the government in which he or she lobbies, whether state or federal. The lobbyist’s primary goal is usually to influence policy. Most interest

organizations engage in lobbying activity to achieve their objectives. As you might expect, the interest hires a lobbyist, employs one internally, or has a member volunteer to lobby on its behalf. For present purposes, we might restrict our definition to the relatively broad one in the Lobbying Disclosure Act.<sup>2</sup> This act requires the registration of lobbyists representing any interest group and devoting more than 20 percent of their time to it.<sup>3</sup> Clients and lobbying firms must also register with the federal government based on similar requirements. Moreover, campaign finance laws require disclosure of campaign contributions given to political candidates by organizations.

### Link to Learning

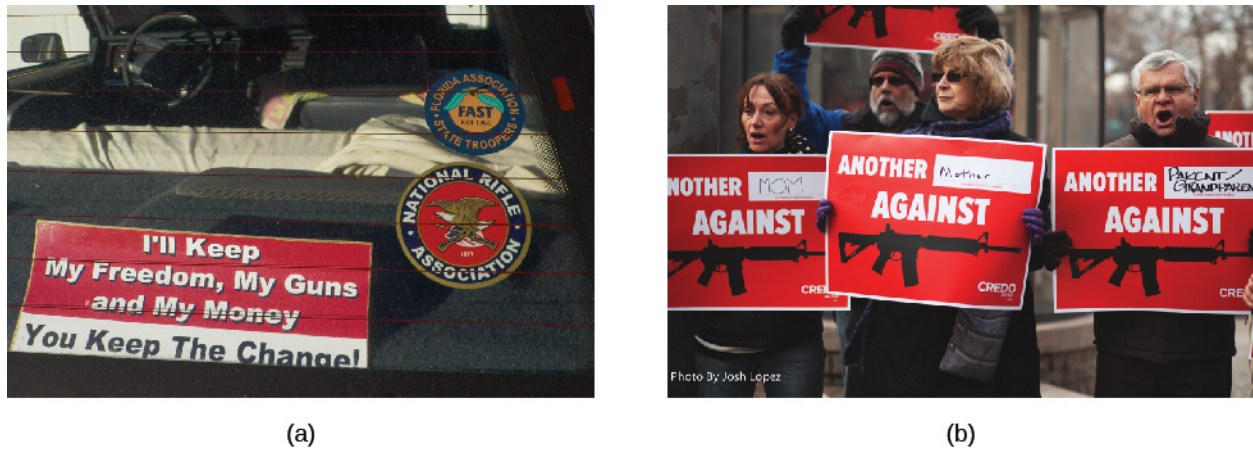


Visit this [site \(https://openstaxcollege.org//29opensecrets\)](https://openstaxcollege.org//29opensecrets) to research donations and campaign contributions given to political candidates by organizations.

Lobbying is not limited to Washington, DC, however, and many interests lobby there as well as in one or more states. Each state has its own laws describing which individuals and entities must register, so the definitions of lobbyists and interests, and of what lobbying is and who must register to do it, also vary from state to state. Therefore, while a citizen contacting a lawmaker to discuss an issue is generally not viewed as lobbying, an organization that devotes a certain amount of time and resources to contacting lawmakers may be classified as lobbying, depending on local, state, or federal law.

Largely for this reason, there is no comprehensive list of all interest groups to tell us how many there are in the United States. Estimates of the number vary widely, suggesting that if we use a broad definition and include all interests at all levels of government, there may be more than 200,000.<sup>4</sup> Following the passage of the Lobbying Disclosure Act in 1995, we had a much better understanding of the number of interests registered in Washington, DC; however, it was not until several years later that we had a complete count and categorization of the interests registered in each of the fifty states.<sup>5</sup>

Political scientists have categorized interest groups in a number of ways.<sup>6</sup> First, interest groups may take the form of **membership organizations**, which individuals join voluntarily and to which they usually pay dues. Membership groups often consist of people who have common issues or concerns, or who want to be with others who share their views. The National Rifle Association (NRA) is a membership group consisting of members who promote gun rights (**Figure 10.2**). For those who advocate greater regulation of access to firearms, such as background checks prior to gun purchases, the Brady Campaign to Prevent Gun Violence is a membership organization that weighs in on the other side of the issue.<sup>7</sup>



**Figure 10.2** A Florida member of the NRA proudly displays his support of gun rights (a). In December 2012, CREDO, a San Francisco telecommunications company that supports progressive causes, called on the NRA to stop blocking Congress from passing gun control legislation (b). (credit a: modification of work by Daniel Oines; credit b: modification of work by Josh Lopez)

Interest groups may also form to represent companies, corporate organizations, and governments. These groups do not have individual members but rather are offshoots of corporate or governmental entities with a compelling interest to be represented in front of one or more branches of government. Verizon and Coca-Cola will register to lobby in order to influence policy in a way that benefits them. These corporations will either have one or more **in-house lobbyists**, who work for one interest group or firm and represent their organization in a lobbying capacity, and/or will hire a **contract lobbyist**, individuals who work for firms that represent a multitude of clients and are often hired because of their resources and their ability to contact and lobby lawmakers, to represent them before the legislature.

Governments such as municipalities and executive departments such as the Department of Education register to lobby in an effort to maximize their share of budgets or increase their level of autonomy. These government institutions are represented by a **legislative liaison**, whose job is to present issues to decision-makers. For example, a state university usually employs a lobbyist, legislative liaison, or government affairs person to represent its interests before the legislature. This includes lobbying for a given university's share of the budget or for its continued autonomy from lawmakers and other state-level officials who may attempt to play a greater oversight role.

In 2015, thirteen states had their higher education budgets cut from the previous year, and nearly all states have seen some cuts to higher education funding since the recession began in 2008.<sup>8</sup> In 2015, as in many states, universities and community colleges in Mississippi lobbied the legislature over pending budget cuts.<sup>9</sup> These examples highlight the need for universities and state university systems to have representation before the legislature. On the federal level, universities may lobby for research funds from government departments. For example, the Departments of Defense and Homeland Security may be willing to fund scientific research that might better enable them to defend the nation.

Interest groups also include **associations**, which are typically groups of institutions that join with others, often within the same trade or industry (trade associations), and have similar concerns. The American Beverage Association<sup>10</sup> includes Coca-Cola, Red Bull North America, ROCKSTAR, and Kraft Foods. Despite the fact that these companies are competitors, they have common interests related to the manufacturing, bottling, and distribution of beverages, as well as the regulation of their business activities. The logic is that there is strength in numbers, and if members can lobby for tax breaks or eased regulations for an entire industry, they may all benefit. These common goals do not, however, prevent individual association members from employing in-house lobbyists or contract lobbying firms to represent their own business or organization as well. Indeed, many members of associations are competitors who also seek representation individually before the legislature.



## Link to Learning



Visit the website of an association like the **American Beverage Association** (<https://openstaxcollege.org//29ambevasoc>) or the **American Bankers Association** (<https://openstaxcollege.org//29amerbankassoc>) and look over the key issues it addresses. Do any of the issues it cares about surprise you? What areas do you think members can agree about? Are there issues on which the membership might disagree? Why would competitors join together when they normally compete for business?

Finally, sometimes individuals volunteer to represent an organization. They are called amateur or volunteer lobbyists, and are typically not compensated for their lobbying efforts. In some cases, citizens may lobby for pet projects because they care about some issue or cause. They may or may not be members of an interest group, but if they register to lobby, they are sometimes nicknamed “hobbyists.”

Lobbyists representing a variety of organizations employ different techniques to achieve their objectives. One method is **inside lobbying** or direct lobbying, which takes the interest group’s message directly to a government official such as a lawmaker.<sup>11</sup> Inside lobbying tactics include testifying in legislative hearings and helping to draft legislation. Numerous surveys of lobbyists have confirmed that the vast majority rely on these inside strategies. For example, nearly all report that they contact lawmakers, testify before the legislature, help draft legislation, and contact executive agencies. Trying to influence government appointments or providing favors to members of government are somewhat less common insider tactics.

Many lobbyists also use **outside lobbying** or indirect lobbying tactics, whereby the interest attempts to get its message out to the public.<sup>12</sup> These tactics include issuing press releases, placing stories and articles in the media, entering coalitions with other groups, and contacting interest group members, hoping that they will individually pressure lawmakers to support or oppose legislation. An environmental interest group like the Sierra Club, for example, might issue a press release or encourage its members to contact their representatives in Congress about legislation of concern to the group. It might also use outside tactics if there is a potential threat to the environment and the group wants to raise awareness among its members and the public (**Figure 10.3**). Members of Congress are likely to pay attention when many constituents contact them about an issue or proposed bill. Many interest groups, including the Sierra Club, will use a combination of inside and outside tactics in their lobbying efforts, choosing whatever strategy is most likely to help them achieve their goals.



**Figure 10.3** In February 2013, members of the Sierra Club joined a march on Los Angeles City Hall to demand action on climate change and protest the development of the Keystone pipeline. (credit: Charlie Kaijo)

The primary goal of most interests, no matter their lobbying approach, is to influence decision-makers and public policies. For example, National Right to Life, an anti-abortion interest group, lobbies to encourage government to enact laws that restrict abortion access, while NARAL Pro-Choice America lobbies to promote the right of women to have safe choices about abortion. Environmental interests like the Sierra Club lobby for laws designed to protect natural resources and minimize the use of pollutants. On the other hand, some interests lobby to reduce regulations that an organization might view as burdensome. Air and water quality regulations designed to improve or protect the environment may be viewed as onerous by industries that pollute as a byproduct of their production or manufacturing process. Other interests lobby for budgetary allocations; the farm lobby, for example, pressures Congress to secure new farm subsidies or maintain existing ones. Farm subsidies are given to some farmers because they grow certain crops and to other farmers so they will *not* grow certain crops.<sup>13</sup> As expected, any bill that might attempt to alter these subsidies raises the antennae of many agricultural interests.

## INTEREST GROUP FUNCTIONS

While influencing policy is the primary goal, interest groups also monitor government activity, serve as a means of political participation for members, and provide information to the public and to lawmakers. According to the National Conference of State Legislatures, by November 2015, thirty-six states had laws requiring that voters provide identification at the polls.<sup>14</sup> A civil rights group like the National Association for the Advancement of Colored People (NAACP) will keep track of proposed voter-identification bills in state legislatures that might have an effect on voting rights. This organization will contact lawmakers to voice approval or disapproval of proposed legislation (inside lobbying) and encourage group members to take action by either donating money to it or contacting lawmakers about the proposed bill (outside lobbying). Thus, a member of the organization or a citizen concerned about voting rights need not be an expert on the legislative process or the technical or legal details of a proposed bill to be informed about potential threats to voting rights. Other interest groups function in similar ways. For example, the NRA monitors attempts by state legislatures to tighten gun control laws.

Interest groups facilitate political participation in a number of ways. Some members become active within a group, working on behalf of the organization to promote its agenda. Some interests work to increase membership, inform the public about issues the group deems important, or organize rallies and promote get-out-the-vote efforts. Sometimes groups will utilize events to mobilize existing members or encourage new members to join. For example, following Barack Obama's presidential victory in 2008, the NRA used the election as a rallying cry for its supporters, and it continues to attack the president on the issue of guns, despite the fact that gun rights have in some ways expanded over the course of the Obama presidency. Interest groups also organize letter-writing campaigns, stage protests, and sometimes hold fundraisers for their cause or even for political campaigns.

Some interests are more broadly focused than others. AARP (formerly the American Association of Retired Persons) has approximately thirty-seven million members and advocates for individuals fifty and over on a variety of issues including health care, insurance, employment, financial security, and consumer protection (**Figure 10.4**).<sup>15</sup> This organization represents both liberals and conservatives, Democrats and Republicans, and many who do not identify with these categorizations. On the other hand, the Association of Black Cardiologists is a much smaller and far-narrower organization. Over the last several decades, some interest groups have sought greater specialization and have even fragmented. As you may imagine, the Association of Black Cardiologists is more specialized than the American Medical Association, which tries to represent all physicians regardless of race or specialty.



**Figure 10.4** Health care is an important concern for AARP and its members, so the organization makes sure to maintain connections with key policymakers in this area, such as Katherine Sebelius, secretary of Health and Human Services from 2009 to 2014, shown here with John Rother, director of legislation and public policy for AARP. (credit: modification of work by Chris Smith, HHS)

## PUBLIC VS. PRIVATE INTEREST GROUPS

Interest groups and organizations represent both private and public interests in the United States. *Private interests* usually seek **particularized benefits** from government that favor either a single interest or a narrow set of interests. For example, corporations and political institutions may lobby government for tax exemptions, fewer regulations, or favorable laws that benefit individual companies or an industry more generally. Their goal is to promote private goods. Private goods are items individuals can own, including corporate profits. An automobile is a private good; when you purchase it, you receive ownership. Wealthy individuals are more likely to accumulate private goods, and they can sometimes obtain private goods from governments, such as tax benefits, government subsidies, or government contracts.

On the other hand, **public interest groups** attempt to promote public, or collective, goods. Such **collective goods** are benefits—tangible or intangible—that help most or all citizens. These goods are often produced collectively, and because they may not be profitable and everyone may not agree on what public goods are best for society, they are often underfunded and thus will be underproduced unless there is government involvement. The Tennessee Valley Authority, a government corporation, provides electricity in some places where it is not profitable for private firms to do so. Other examples of collective goods are public safety, highway safety, public education, and environmental protection. With some exceptions, if an environmental interest promotes clean air or water, most or all citizens are able to enjoy the result. So if the Sierra Club encourages Congress to pass legislation that improves national air quality, citizens receive the benefit regardless of whether they are members of the organization or even support the legislation. Many environmental groups are public interest groups that lobby for and raise awareness of issues that affect large segments of the population.<sup>16</sup>

As the clean air example above suggests, collective goods are generally nonexcludable, meaning all or most people are entitled to the public good and cannot be prevented from enjoying it. Furthermore, collective goods are generally not subject to crowding, so that even as the population increases, people still have access to the entire public good. Thus, the military does not protect citizens only in Texas and Maryland while neglecting those in New York and Idaho, but instead it provides the collective good of national defense equally to citizens in all states. As another example, even as more cars use a public roadway, under most circumstances, additional drivers still have the option of using the same road. (High-occupancy vehicle lanes may restrict some lanes of a highway for drivers who do not car pool.)

## 10.2 Collective Action and Interest Group Formation

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### Learning Objectives

By the end of this section, you will be able to:

- Explain the concept of collective action and its effect on interest group formation
  - Describe free riding and the reasons it occurs
  - Discuss ways to overcome collective action problems
- 

In any group project in which you have participated, you may have noticed that a small number of students did the bulk of the work while others did very little. Yet everyone received the same grade. Why do some do all the work, while others do little or none? How is it possible to get people to work when there is a disincentive to do so? This situation is an example of a collective action problem, and it exists in government as well as in public and private organizations. Whether it is Congress trying to pass a budget or an interest group trying to motivate members to contact lawmakers, organizations must overcome collective action problems to be productive. This is especially true of interest groups, whose formation and survival depend on members doing the necessary work to keep the group funded and operating.

### COLLECTIVE ACTION AND FREE RIDING

Collective action problems exist when people have a disincentive to take action.<sup>17</sup> In his classic work, *The Logic of Collective Action*, economist Mancur Olson discussed the conditions under which collective actions problems would exist, and he noted that they were prevalent among organized interests. People tend not to act when the perceived benefit is insufficient to justify the costs associated with engaging in the action. Many citizens may have concerns about the appropriate level of taxation, gun control, or environmental protection, but these concerns are not necessarily strong enough for them to become politically active. In fact, most people take no action on most issues, either because they do not feel strongly enough or because their action will likely have little bearing on whether a given policy is adopted. Thus, there is a disincentive to call your member of Congress, because rarely will a single phone call sway a politician on an issue.

Why do some students elect to do little on a group project? The answer is that they likely prefer to do something else and realize they can receive the same grade as the rest of the group without contributing to the effort. This result is often termed the **free rider problem**, because some individuals can receive benefits (get a free ride) without helping to bear the cost. When National Public Radio (NPR) engages in a fund-raising effort to help maintain the station, many listeners will not contribute. Since it is unlikely that any one listener's donation will be decisive in whether NPR has adequate funding to continue to operate, most listeners will not contribute to the costs but instead will free ride and continue to receive the benefits of listening.

Collective action problems and free riding occur in many other situations as well. If union membership is optional and all workers will receive a salary increase regardless of whether they make the time and money commitment to join, some workers may free ride. The benefits sought by unions, such as higher wages, collective bargaining rights, and safer working conditions, are often enjoyed by all workers regardless of whether they are members. Therefore, free riders can receive the benefit of the pay increase without helping defray the cost by paying dues, attending meetings or rallies, or joining protests, like that shown in **Figure 10.5**.





**Figure 10.5** In February 2009, in protest over the “union-busting” efforts of the Rite-Aid Corporation, members of the AFL-CIO demonstrated at the drugstore chain’s corporate headquarters in Camp Hill, Pennsylvania. (credit: Amy Niehouse)

If free riding is so prevalent, why are there so many interest groups and why is interest group membership so high in the United States? One reason is that free riding can be overcome in a variety of ways. Olson argued, for instance, that some groups are better able than others to surmount collective action problems.<sup>18</sup> They can sometimes maintain themselves by obtaining financial support from patrons outside the group.<sup>19</sup> Groups with financial resources have an advantage in mobilizing in that they can offer incentives or hire a lobbyist. Smaller, well-organized groups also have an advantage. For one thing, opinions within smaller groups may be more similar, making it easier to reach consensus. It is also more difficult for members to free ride in a smaller group. In comparison, larger groups have a greater number of individuals and therefore more viewpoints to consider, making consensus more difficult. It may also be easier to free ride because it is less obvious in a large group when any single person does not contribute. However, if people do not lobby for their own interests, they may find that they are ignored, especially if smaller but more active groups with interests opposed to theirs lobby on behalf of themselves. Even though the United States is a democracy, policy is often made to suit the interests of the few instead of the needs of the many.

Group leaders also play an important role in overcoming collective action problems. For instance, political scientist Robert Salisbury suggests that group leaders will offer incentives to induce activity among individuals.<sup>20</sup> Some offer **material incentives**, which are tangible benefits of joining a group. AARP, for example, offers discounts on hotel accommodations and insurance rates for its members, while dues are very low, so they can actually save money by joining. Group leaders may also offer **solidary incentives**, which provide the benefit of joining with others who have the same concerns or are similar in other ways. Some scholars suggest that people are naturally drawn to others with similar concerns. The NAACP is a civil rights group concerned with promoting equality and eliminating discrimination based on race, and members may join to associate with others who have dealt with issues of inequality.<sup>21</sup>

Similarly, **purposive incentives** focus on the issues or causes promoted by the group. Someone concerned about protecting individual rights might join a group like the American Civil Liberties Union (ACLU) because it supports the liberties guaranteed in the U.S. Constitution, even the free expression of unpopular views.<sup>22</sup> Members of the ACLU sometimes find the messages of those they defend (including Nazis and the Ku Klux Klan) deplorable, but they argue that the principle of protecting civil liberties is critical to U.S. democracy. In many ways, the organization’s stance is analogous to James Madison’s defense of factions mentioned earlier in this chapter. A commitment to protecting rights and liberties can serve as an incentive in overcoming collective action problems, because members or potential members care enough about the issues to join or participate. Thus, interest groups and their leadership will use whatever incentives they have at their disposal to overcome collective action problems and mobilize their members.

Finally, sometimes collective action problems are overcome because there is little choice about whether to join an organization. For example, some organizations may require membership in order to participate in a profession. To practice law, individuals may be required to join the American Bar Association or a state bar association. In the past, union membership could be required of workers, particularly in urban areas controlled by political machines consisting of a combination of parties, elected representatives, and interest groups.

### Link to Learning



Visit the **Free Rider Problem** (<https://openstaxcollege.org//29freeridprob>) for a closer look at free riding as a philosophical problem. Think of a situation you have been in where a collective action problem existed or someone engaged in free riding behavior. Why did the collective action problem or free riding occur? What could have been done to overcome the problem? How will knowledge of these problems affect the way you act in future group settings?

## DISTURBANCE THEORY AND COLLECTIVE ACTION

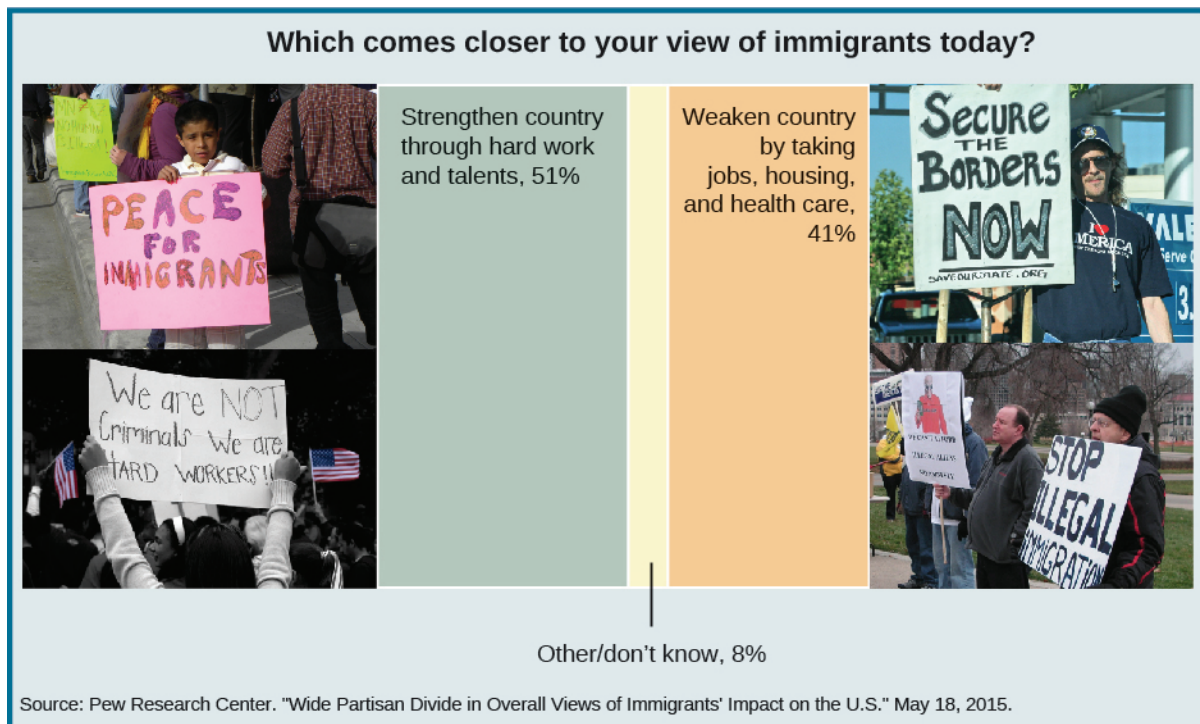
In addition to the factors discussed above that can help overcome collective action problems, external events can sometimes help mobilize groups and potential members. Some scholars argue that **disturbance theory** can explain why groups mobilize due to an event in the political, economic, or social environment.<sup>23</sup> For example, in 1962, Rachel Carson published *Silent Spring*, a book exposing the dangers posed by pesticides such as DDT.<sup>24</sup> The book served as a catalyst for individuals worried about the environment and the potential dangers of pesticides. The result was an increase in both the number of environmental interest groups, such as Greenpeace and American Rivers, and the number of members within them.

More recently, several shooting deaths of unarmed young African American men have raised awareness of racial issues in the United States and potential problems in policing practices. In 2014, Ferguson, Missouri, erupted in protests and riots following a decision not to indict Darren Wilson, a white police officer, in the fatal shooting of Michael Brown, who had allegedly been involved in a theft at a local convenience store and ended up in a dispute with the officer.<sup>25</sup> The incident mobilized groups representing civil rights, such as the protestors in **Figure 10.6**, as well as others supporting the interests of police officers.



**Figure 10.6** Protestors in Washington, DC, rally against the decision not to indict police officer Darren Wilson in the 2014 shooting death of teenager Michael Brown in Ferguson, Missouri. (credit: modification of work by Neil Cooler)

Both the *Silent Spring* and Ferguson examples demonstrate the idea that people will naturally join groups in response to disturbances. Some mobilization efforts develop more slowly and may require the efforts of group leaders. Sometimes political candidates can push issues to the forefront, which may result in interest group mobilization. The recent focus on immigration, for example, has resulted in the mobilization of those in support of restrictive policies as well as those opposed to them (**Figure 10.7**). Rather than being a single disturbance, debate about immigration policy has ebbed and flowed in recent years, creating what might best be described as a series of minor disturbances. When, during his presidential candidacy, Donald Trump made controversial statements about immigrants, many rallied both for and against him.<sup>26</sup>



**Figure 10.7** Protestors take to the streets on different sides of the immigration issue. Some argue that the United States is a nation of immigrants, whereas others demonstrate in support of greater restrictions on immigration.

## Finding a Middle Ground

### Student Activism and Apathy

Student behavior is somewhat paradoxical when it comes to political participation. On one hand, students have been very active on college campuses at various times over the past half-century. Many became politically active in the 1960s as part of the civil rights movement, with some joining campus groups that promoted civil rights, while others supported groups that opposed these rights. In the late 1960s and early 1970s, college campuses were very active in opposition to the Vietnam War. More recently, in 2015, students at the University of Missouri protested against the university system president, who was accused of not taking racial issues at the university seriously. The student protests were supported by civil rights groups like the NAACP, and their efforts culminated in the president's resignation.<sup>27</sup>

Yet at the same time, students participate by voting and joining groups at lower rates than members of other age cohorts. Why is it the case that students can play such an important role in facilitating political change in some cases, while at the same time they are typically less active than other demographic groups?

*Are there groups on campus that represent issues important to you? If not, find out what you could do to start such a group.*



## 10.3 Interest Groups as Political Participation

### Learning Objectives

By the end of this section, you will be able to:

- Analyze how interest groups provide a means for political participation
- Discuss recent changes to interest groups and the way they operate in the United States
- Explain why lower socioeconomic status citizens are not well represented by interest groups
- Identify the barriers to interest group participation in the United States

Interest groups offer individuals an important avenue for political participation. Tea Party protests, for instance, gave individuals all over the country the opportunity to voice their opposition to government actions and control. Likewise, the Occupy Wall Street movement also gave a voice to those individuals frustrated with economic inequality and the influence of large corporations on the public sector. Individually, the protestors would likely have received little notice, but by joining with others, they drew substantial attention in the media and from lawmakers (**Figure 10.8**). While the Tea Party movement might not meet the definition of interest groups presented earlier, its aims have been promoted by established interest groups. Other opportunities for participation that interest groups offer or encourage include voting, campaigning, contacting lawmakers, and informing the public about causes.



**Figure 10.8** In 2011, an Occupy Wall Street protestor highlights that the concerns of individual citizens are not always heard by those in the seats of power. (credit: Timothy Krause)

### GROUP PARTICIPATION AS CIVIC ENGAGEMENT

Joining interest groups can help facilitate civic engagement, which allows people to feel more connected to the political and social community. Some interest groups develop as **grassroots movements**, which often begin from the bottom up among a small number of people at the local level. Interest groups can amplify the voices of such individuals through proper organization and allow them to participate in ways that would be less effective or even impossible alone or in small numbers. The Tea Party is an example of a so-called **astroturf movement**, because it is not, strictly speaking, a grassroots movement. Many trace the party's origins to groups that champion the interests of the wealthy such as Americans for Prosperity and Citizens for a Sound Economy. Although many ordinary citizens support the Tea Party because of its opposition to tax increases, it attracts a great deal of support from elite and wealthy sponsors, some of whom are active in lobbying. The FreedomWorks political action committee (PAC), for example, is a conservative advocacy group that has supported the Tea Party movement. FreedomWorks is an offshoot of the interest group Citizens for a Sound Economy, which was founded by billionaire industrialists David H. and Charles G. Koch in 1984.

According to political scientists Jeffrey Berry and Clyde Wilcox, interest groups provide a means of representing people and serve as a link between them and government.<sup>28</sup> Interest groups also allow people to actively work on an issue in an effort to influence public policy. Another function of interest groups is to help educate the public. Someone concerned about the environment may not need to know what an acceptable level of sulfur dioxide is in the air, but by joining an environmental interest group, he or she can remain informed when air quality is poor or threatened by legislative action. A number of education-related interests have been very active following cuts to education spending in many states, including North Carolina, Mississippi, and Wisconsin, to name a few.

Interest groups also help frame issues, usually in a way that best benefits their cause. Abortion rights advocates often use the term “pro-choice” to frame abortion as an individual’s private choice to be made free of government interference, while an anti-abortion group might use the term “pro-life” to frame its position as protecting the life of the unborn. “Pro-life” groups often label their opponents as “pro-abortion,” rather than “pro-choice,” a distinction that can affect the way the public perceives the issue. Similarly, scientists and others who believe that human activity has had a negative effect on the earth’s temperature and weather patterns attribute such phenomena as the increasing frequency and severity of storms to “climate change.” Industrialists and their supporters refer to alterations in the earth’s climate as “global warming.” Those who dispute that such a change is taking place can thus point to blizzards and low temperatures as evidence that the earth is not becoming warmer.

Interest groups also try to get issues on the government agenda and to monitor a variety of government programs. Following the passage of the ACA, numerous interest groups have been monitoring the implementation of the law, hoping to use successes and failures to justify their positions for and against the legislation. Those opposed have utilized the court system to try to alter or eliminate the law, or have lobbied executive agencies or departments that have a role in the law’s implementation. Similarly, teachers’ unions, parent-teacher organizations, and other education-related interests have monitored implementation of the *No Child Left Behind Act* promoted and signed into law by President George W. Bush.

## Milestone

### Interest Groups as a Response to Riots

The LGBT (lesbian, gay, bisexual, and transgender) movement owes a great deal to the gay rights movement of the 1960s and 1970s, and in particular to the 1969 riots at the Stonewall Inn in New York's Greenwich Village. These were a series of violent responses to a police raid on the bar, a popular gathering place for members of the LGBT community. The riots culminated in a number of arrests but also raised awareness of the struggles faced by members of the gay and lesbian community.<sup>29</sup> The Stonewall Inn has recently been granted landmark status by New York City's Landmarks Preservation Commission (**Figure 10.9**).



**Figure 10.9** The Stonewall Inn in New York City's Greenwich Village was the site of arrests and riots in 1969 that, like the building itself, became an important landmark in the LGBT movement. (credit: Steven Damron)

The Castro district in San Francisco, California, was also home to a significant LGBT community during the same time period. In 1978, the community was shocked when Harvey Milk, a gay local activist and sitting member of San Francisco's Board of Supervisors, was assassinated by a former city supervisor due to political differences.<sup>30</sup> This resulted in protests in San Francisco and other cities across the country and the mobilization of interests concerned about gay and lesbian rights.

Today, advocacy interest organizations like Human Rights Watch and the Human Rights Council are at the forefront in supporting members of the LGBT community and popularizing a number of relevant issues. They played an active role in the effort to legalize same-sex marriage in individual states and later nationwide. Now that same-sex marriage is legal, these organizations and others are dealing with issues related to continuing discrimination against members of this community. One current debate centers around whether an individual's religious freedom allows him or her to deny services to members of the LGBT community.

*What do you feel are lingering issues for the LGBT community? What approaches could you take to help increase attention and support for gay and lesbian rights? Do you think someone's religious beliefs should allow them the freedom to discriminate against members of the LGBT community? Why or why not?*

## TRENDS IN PUBLIC INTEREST GROUP FORMATION AND ACTIVITY

A number of changes in interest groups have taken place over the last three or four decades in the United States. The most significant change is the tremendous increase in both the number and type of groups.<sup>31</sup> Political scientists often examine the diversity of registered groups, in part to determine how well they reflect the variety of interests in society. Some areas may be dominated by certain industries, while others may reflect a multitude of interests. Some interests appear to have increased at greater rates than others. For example, the number of institutions and corporate interests has increased both in Washington and in the states. Telecommunication companies like Verizon and AT&T will lobby Congress for laws beneficial

to their businesses, but they also target the states because state legislatures make laws that can benefit or harm their activities. There has also been an increase in the number of public interest groups that represent the public as opposed to economic interests. U.S. PIRG is a public interest group that represents the public on issues including public health, the environment, and consumer protection.<sup>32</sup>

### Get Connected!

#### Public Interest Research Groups

Public interest research groups (PIRGs) have increased in recent years, and many now exist nationally and at the state level. PIRGs represent the public in a multitude of issue areas, ranging from consumer protection to the environment, and like other interests, they provide opportunities for people to make a difference in the political process. PIRGs try to promote the common or public good, and most issues they favor affect many or even all citizens. Student PIRGs focus on issues that are important to students, including tuition costs, textbook costs, new voter registration, sustainable universities, and homelessness. Consider the cost of a college education. You may want to research how education costs have increased over time. Are cost increases similar across universities and colleges? Are they similar across states? What might explain similarities and differences in tuition costs? What solutions might help address the rising costs of higher education?

*How can you get involved in the drive for affordable college education? Consider why students might become engaged in it and why they might not do so. A number of countries have made tuition free or nearly free.<sup>33</sup> Is this feasible or desirable in the United States? Why or why not?*

### Link to Learning



Take a look at the [website \(https://openstaxcollege.org//29studPIRGs\)](https://openstaxcollege.org//29studPIRGs) for Student PIRGs. What issues does this interest group address? Are these issues important to you? How can you get involved? Visit this [section of their site \(https://openstaxcollege.org//29studPIRGsfin\)](https://openstaxcollege.org//29studPIRGsfin) to learn more about their position on financing higher education.

What are the reasons for the increase in the number of interest groups? In some cases, it simply reflects new interests in society. Forty years ago, stem cell research was not an issue on the government agenda, but as science and technology advanced, its techniques and possibilities became known to the media and the public, and a number of interests began lobbying for and against this type of research. Medical research firms and medical associations will lobby in favor of greater spending and increased research on stem cell research, while some religious organizations and anti-abortion groups will oppose it. As societal attitudes change and new issues develop, and as the public becomes aware of them, we can expect to see the rise of interests addressing them.

The devolution of power also explains some of the increase in the number and type of interests, at least at the state level. As power and responsibility shifted to state governments in the 1980s, the states began to handle responsibilities that had been under the jurisdiction of the federal government. A number of federal welfare programs, for example, are generally administered at the state level. This means interests might be better served targeting their lobbying efforts in Albany, Raleigh, Austin, or Sacramento, rather than only in Washington, DC. As the states have become more active in more policy areas, they have become prime targets for interests wanting to influence policy in their favor.<sup>34</sup>

We have also seen increased specialization by some interests and even fragmentation of existing interests. While the American Medical Association may take a stand on stem cell research, the issue is not critical



to the everyday activities of many of its members. On the other hand, stem cell research is highly salient to members of the American Neurological Association, an interest organization that represents academic neurologists and neuroscientists. Accordingly, different interests represent the more specialized needs of different specialties within the medical community, but **fragmentation** can occur when a large interest like this has diverging needs. Such was also the case when several unions split from the AFL-CIO (American Federation of Labor-Congress of Industrial Organizations), the nation's largest federation of unions, in 2005.<sup>35</sup> Improved technology and the development of social media have made it easier for smaller groups to form and to attract and communicate with members. The use of the Internet to raise money has also made it possible for even small groups to receive funding.

None of this suggests that an unlimited number of interests can exist in society. The size of the economy has a bearing on the number of interests, but only up to a certain point, after which the number increases at a declining rate. As we will see below, the limit on the number of interests depends on the available resources and levels of competition.

Over the last few decades, we have also witnessed an increase in professionalization in lobbying and in the sophistication of lobbying techniques. This was not always the case, because lobbying was not considered a serious profession in the mid-twentieth century. Over the past three decades, there has been an increase in the number of contract lobbying firms. These firms are often effective because they bring significant resources to the table, their lobbyists are knowledgeable about the issues on which they lobby, and they may have existing relationships with lawmakers. In fact, relationships between lobbyists and legislators are often ongoing, and these are critical if lobbyists want access to lawmakers. However, not every interest can afford to hire high-priced contract lobbyists to represent it. As **Table 10.1** suggests, a great deal of money is spent on lobbying activities.

**Top Lobbying Firms in 2014**

Lobbying Firm	Total Lobbying Annual Income
Akin, Gump et al.	\$35,550,000
Squire Patton Boggs	\$31,540,000
Podesta Group	\$25,070,000
Brownstein, Hyatt et al.	\$23,400,000
Van Scoyoc Assoc.	\$21,420,000
Holland & Knight	\$19,250,000
Capitol Counsel	\$17,930,000
K&L Gates	\$17,420,000
Williams & Jensen	\$16,430,000
BGR Group	\$15,470,000
Peck Madigan Jones	\$13,395,000
Cornerstone Government Affairs	\$13,380,000
Ernst & Young	\$12,440,000
Hogan Lovells	\$12,410,000
Capitol Tax Partners	\$12,390,000

**Table 10.1** This table lists the top twenty U.S. lobbying firms in 2014 as determined by total lobbying income.<sup>36</sup>

### Top Lobbying Firms in 2014

Lobbying Firm	Total Lobbying Annual Income
Cassidy & Assoc.	\$12,090,000
Fierce, Isakowitz & Blalock	\$11,970,000
Covington & Burling	\$11,537,000
Mehlman, Castagnetti et al.	\$11,180,000
Alpine Group	\$10,950,00

**Table 10.1** This table lists the top twenty U.S. lobbying firms in 2014 as determined by total lobbying income.<sup>36</sup>

We have also seen greater limits on inside lobbying activities. In the past, many lobbyists were described as “good ol’ boys” who often provided gifts or other favors in exchange for political access or other considerations. Today, restrictions limit the types of gifts and benefits lobbyists can bestow on lawmakers. There are certainly fewer “good ol’ boy” lobbyists, and many lobbyists are now full-time professionals. The regulation of lobbying is addressed in greater detail below.

### HOW REPRESENTATIVE IS THE INTEREST GROUP SYSTEM?

Participation in the United States has never been equal; wealth and education, components of socioeconomic status, are strong predictors of political engagement.<sup>37</sup> We already discussed how wealth can help overcome collective action problems, but lack of wealth also serves as a barrier to participation more generally. These types of barriers pose challenges, making it less likely for some groups than others to participate.<sup>38</sup> Some institutions, including large corporations, are more likely to participate in the political process than others, simply because they have tremendous resources. And with these resources, they can write a check to a political campaign or hire a lobbyist to represent their organization. Writing a check and hiring a lobbyist are unlikely options for a disadvantaged group (**Figure 10.10**).



**Figure 10.10** A protestor at an Occupy Times Square rally in October 2011. (credit: Geoff Stearns)

Individually, the poor may not have the same opportunities to join groups.<sup>39</sup> They may work two jobs to make ends meet and lack the free time necessary to participate in politics. Further, there are often financial barriers to participation. For someone who punches a time-clock, spending time with political groups may be costly and paying dues may be a hardship. Certainly, the poor are unable to hire expensive lobbying firms to represent them. Structural barriers like voter identification laws may also disproportionately affect

people with low socioeconomic status, although the effects of these laws may not be fully understood for some time.

The poor may also have low levels of **efficacy**, which refers to the conviction that you can make a difference or that government cares about you and your views. People with low levels of efficacy are less likely to participate in politics, including voting and joining interest groups. Therefore, they are often underrepresented in the political arena.

Minorities may also participate less often than the majority population, although when we control for wealth and education levels, we see fewer differences in participation rates. Still, there is a bias in participation and representation, and this bias extends to interest groups as well. For example, when fast food workers across the United States went on strike to demand an increase in their wages, they could do little more than take to the streets bearing signs, like the protestors shown in **Figure 10.11**. Their opponents, the owners of restaurant chains and others who pay their employees minimum wage, could hire groups such as the Employment Policies Institute, which paid for billboard ads in Times Square in New York City. The billboards implied that raising the minimum wage was an insult to people who worked hard and discouraged people from getting an education to better their lives.<sup>40</sup>



**Figure 10.11** Unlike their opponents, these minimum-wage workers in Minnesota have limited ways to make their interests known to government. However, they were able to increase their political efficacy by joining fast food workers in a nationwide strike on April 15, 2015, to call for a \$15 per hour minimum wage and improved working conditions. (credit: "Fibonacci Blue"/Flickr)

Finally, people do not often participate because they lack the political skill to do so or believe that it is impossible to influence government actions.<sup>41</sup> They might also lack interest or could be apathetic. Participation usually requires some knowledge of the political system, the candidates, or the issues. Younger people in particular are often cynical about government's response to the needs of non-elites.

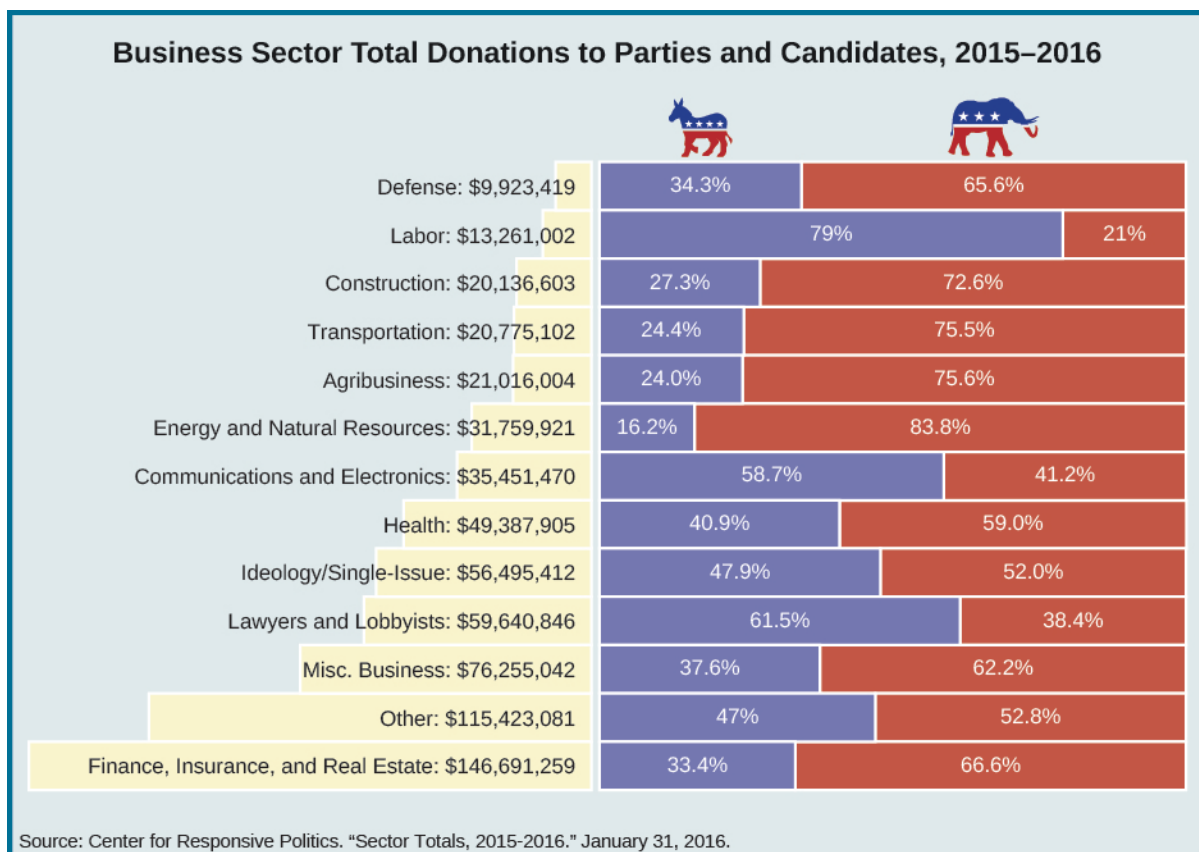
How do these observations translate into the way different interests are represented in the political system? Some **pluralist** scholars like David Truman suggest that people naturally join groups and that there will be a great deal of competition for access to decision-makers.<sup>42</sup> Scholars who subscribe to this pluralist view assume this competition among diverse interests is good for democracy. Political theorist Robert Dahl argued that "all active and legitimate groups had the potential to make themselves heard."<sup>43</sup> In many ways, this is an optimistic assessment of representation in the United States.

However, not all scholars accept the premise that mobilization is natural and that all groups have the potential for access to decision-makers. The **elite critique** suggests that certain interests, typically businesses and the wealthy, are advantaged and that policies more often reflect their wishes than anyone else's. Political scientist E. E. Schattschneider noted that "the flaw in the pluralist heaven is that the heavenly chorus sings with a strong upperclass accent."<sup>44</sup> A number of scholars have suggested that businesses and other wealthy interests are often overrepresented before government, and that poorer

interests are at a comparative disadvantage.<sup>45</sup> For example, as we've seen, wealthy corporate interests have the means to hire in-house lobbyists or high-priced contract lobbyists to represent them. They can also afford to make financial contributions to politicians, which at least may grant them access. The ability to overcome collective action problems is not equally distributed across groups; as Mancur Olson noted, small groups and those with economic advantages were better off in this regard.<sup>46</sup> Disadvantaged interests face many challenges including shortages of resources, time, and skills.

A study of almost eighteen hundred policy decisions made over a twenty-year period revealed that the interests of the wealthy have much greater influence on the government than those of average citizens. The approval or disapproval of proposed policy changes by average voters had relatively little effect on whether the changes took place. When wealthy voters disapproved of a particular policy, it almost never was enacted. When wealthy voters favored a particular policy, the odds of the policy proposal's passing increased to more than 50 percent.<sup>47</sup> Indeed, the preferences of those in the top 10 percent of the population in terms of income had an impact fifteen times greater than those of average income. In terms of the effect of interest groups on policy, Gilens and Page found that business interest groups had twice the influence of public interest groups.<sup>48</sup>

**Figure 10.12** shows contributions by interests from a variety of different sectors. We can draw a few notable observations from the table. First, large sums of money are spent by different interests. Second, many of these interests are business sectors, including the real estate sector, the insurance industry, businesses, and law firms.



**Figure 10.12** The chart above shows the dollar amounts contributed from PACs, soft money (including directly from corporate and union treasuries), and individual donors to Democratic (blue) and Republican (red) federal candidates and political parties during the 2015–2016 election cycle, as reported to the Federal Election Commission.

Interest group politics are often characterized by whether the groups have access to decision-makers and

can participate in the policy-making process. The **iron triangle** is a hypothetical arrangement among three elements (the corners of the triangle): an interest group, a congressional committee member or chair, and an agency within the bureaucracy.<sup>49</sup> Each element has a symbiotic relationship with the other two, and it is difficult for those outside the triangle to break into it. The congressional committee members, including the chair, rely on the interest group for campaign contributions and policy information, while the interest group needs the committee to consider laws favorable to its view. The interest group and the committee need the agency to implement the law, while the agency needs the interest group for information and the committee for funding and autonomy in implementing the law.<sup>50</sup>

An alternate explanation of the arrangement of duties carried out in a given policy area by interest groups, legislators, and agency bureaucrats is that these actors are the experts in that given policy area. Hence, perhaps they are the ones most qualified to process policy in the given area. Some view the iron triangle idea as outdated. Hugh Hecló of George Mason University has sketched a more open pattern he calls an **issue network** that includes a number of different interests and political actors that work together in support of a single issue or policy.<sup>51</sup>

Some interest group scholars have studied the relationship among a multitude of interest groups and political actors, including former elected officials, the way some interests form coalitions with other interests, and the way they compete for access to decision-makers.<sup>52</sup> Some coalitions are long-standing, while others are temporary. Joining coalitions does come with a cost, because it can dilute preferences and split potential benefits that the groups attempt to accrue. Some interest groups will even align themselves with opposing interests if the alliance will achieve their goals. For example, left-leaning groups might oppose a state lottery system because it disproportionately hurts the poor (who participate in this form of gambling at higher rates), while right-leaning groups might oppose it because they view gambling as a sinful activity. These opposing groups might actually join forces in an attempt to defeat the lottery.

While most scholars agree that some interests do have advantages, others have questioned the overwhelming dominance of certain interests. Additionally, **neopluralist** scholars argue that certainly some interests are in a privileged position, but these interests do not always get what they want.<sup>53</sup> Instead, their influence depends on a number of factors in the political environment such as public opinion, political culture, competition for access, and the relevance of the issue. Even wealthy interests do not always win if their position is at odds with the wish of an attentive public. And if the public cares about the issue, politicians may be reluctant to defy their constituents. If a prominent manufacturing firm wants fewer regulations on environmental pollutants, and environmental protection is a salient issue to the public, the manufacturing firm may not win in every exchange, despite its resource advantage. We also know that when interests mobilize, opposing interests often counter-mobilize, which can reduce advantages of some interests. Thus, the conclusion that businesses, the wealthy, and elites win in every situation is overstated.<sup>54</sup>

A good example is the recent dispute between fast food chains and their employees. During the spring of 2015, workers at McDonald's restaurants across the country went on strike and marched in protest of the low wages the fast food giant paid its employees. Despite the opposition of restaurant chains and claims by the National Restaurant Association that increasing the minimum wage would result in the loss of jobs, in September 2015, the state of New York raised the minimum wage for fast food employees to \$15 per hour, an amount to be phased in over time. Buoyed by this success, fast food workers in other cities continued to campaign for a pay increase, and many low-paid workers have promised to vote for politicians who plan to boost the federal minimum wage.<sup>55</sup>



## Link to Learning



Visit the websites for the **California** (<https://openstaxcollege.org//29calobbying>) or **Michigan** (<https://openstaxcollege.org//29michgovweb>) secretary of state, state boards of elections, or relevant **governmental entity** (<https://openstaxcollege.org//29txethics>) and **ethics** (<http://ethics.alabama.gov/lobbyists.aspx>) websites where lobbyists and interest groups must register. Several examples are provided but feel free to examine the comparable web page in your own state. Spend some time looking over the lists of interest groups registered in these states. Do the registered interests appear to reflect the important interests within the states? Are there patterns in the types of interests registered? Are certain interests over- or underrepresented?

## 10.4 Pathways of Interest Group Influence

### Learning Objectives

By the end of this section, you will be able to:

- Describe how interest groups influence the government through elections
- Explain how interest groups influence the government through the governance processes

Many people criticize the huge amounts of money spent in politics. Some argue that interest groups have too much influence on who wins elections, while others suggest influence is also problematic when interests try to sway politicians in office. There is little doubt that interest groups often try to achieve their objectives by influencing elections and politicians, but discovering whether they have succeeded in changing minds is actually challenging because they tend to support those who already agree with them.

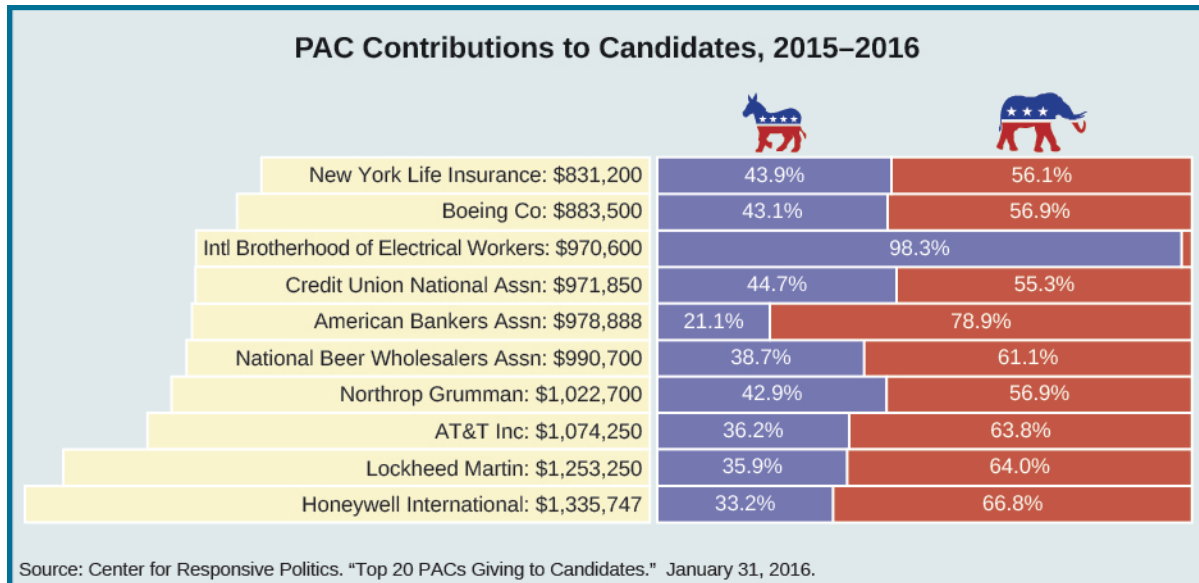
### INFLUENCE IN ELECTIONS

Interest groups support candidates who are sympathetic to their views in hopes of gaining access to them once they are in office.<sup>56</sup> For example, an organization like the NRA will back candidates who support Second Amendment rights. Both the NRA and the Brady Campaign to Prevent Gun Violence (an interest group that favors background checks for firearm purchases) have grading systems that evaluate candidates and states based on their records of supporting these organizations.<sup>57</sup> To garner the support of the NRA, candidates must receive an A+ rating for the group. In much the same way, Americans for Democratic Action, a liberal interest group, and the American Conservative Union, a conservative interest group, both rate politicians based on their voting records on issues these organizations view as important.<sup>58</sup>

These ratings, and those of many other groups, are useful for interests and the public in deciding which candidates to support and which to oppose. Incumbents have electoral advantages in terms of name recognition, experience, and fundraising abilities, and they often receive support because interest groups want access to the candidate who is likely to win. Some interest groups will offer support to the challenger, particularly if the challenger better aligns with the interest's views or the incumbent is vulnerable. Sometimes, interest groups even hedge their bets and give to both major party candidates for a particular office in the hopes of having access regardless of who wins.

Some interests groups form political action committees (PACs), groups that collect funds from donors and distribute them to candidates who support their issues. As **Figure 10.13** makes apparent, many large corporations like Honeywell International, AT&T, and Lockheed Martin form PACs to distribute money to candidates.<sup>59</sup> Other PACs are either politically or ideologically oriented. For example, the MoveOn.org

PAC is a progressive group that formed following the impeachment trial of President Bill Clinton, whereas GOPAC is a Republican PAC that promotes state and local candidates of that party. PACs are limited in the amount of money that they can contribute to individual candidates or to national party organizations; they can contribute no more than \$5,000 per candidate per election and no more than \$15,000 a year to a national political party. Individual contributions to PACs are also limited to \$5,000 a year.



**Figure 10.13** Corporations and associations spend large amounts of money on elections via affiliated PACs. This chart reveals the amount donated to Democratic (blue) and Republican (red) candidates by the top ten PACs during the most recent election cycle.

PACs through which corporations and unions can spend virtually unlimited amounts of money on behalf of political candidates are called super PACs.<sup>60</sup> As a result of a 2010 Supreme Court decision, *Citizens United v. Federal Election Commission*, there is no limit to how much money unions or corporations can donate to super PACs. Unlike PACs, however, super PACs cannot contribute money directly to individual candidates. If the 2014 elections were any indication, super PACs will continue to spend large sums of money in an attempt to influence future election results.

## INFLUENCING GOVERNMENTAL POLICY

Interest groups support candidates in order to have access to lawmakers once they are in office. Lawmakers, for their part, lack the time and resources to pursue every issue; they are policy generalists. Therefore, they (and their staff members) rely on interest groups and lobbyists to provide them with information about the technical details of policy proposals, as well as about fellow lawmakers' stands and constituents' perceptions. These **voting cues** give lawmakers an indication of how to vote on issues, particularly those with which they are unfamiliar. But lawmakers also rely on lobbyists for information about ideas they can champion and that will benefit them when they run for reelection.<sup>61</sup>

Interest groups likely cannot target all 535 lawmakers in both the House and the Senate, nor would they wish to do so. There is little reason for the Brady Campaign to Prevent Gun Violence to lobby members of Congress who vehemently oppose any restrictions on gun access. Instead, the organization will often contact lawmakers who are amenable to some restrictions on access to firearms. Thus, interest groups first target lawmakers they think will consider introducing or sponsoring legislation.

Second, they target members of relevant committees.<sup>62</sup> If a company that makes weapons systems wants to influence a defense bill, it will lobby members of the Armed Services Committees in the House

and the Senate or the House and Senate appropriations committees if the bill requires new funding. Many members of these committees represent congressional districts with military bases, so they often sponsor or champion bills that allow them to promote policies popular with their districts or state. Interest groups attempt to use this to their advantage. But they also conduct strategic targeting because legislatures function by respectfully considering fellow lawmakers' positions. Since lawmakers cannot possess expertise on every issue, they defer to their trusted colleagues on issues with which they are unfamiliar. So targeting committee members also allows the lobbyist to inform other lawmakers indirectly.

Third, interest groups target lawmakers when legislation is on the floor of the House and/or Senate, but again, they rely on the fact that many members will defer to their colleagues who are more familiar with a given issue. Finally, since legislation must pass both chambers in identical form, interest groups may target members of the conference committees whose job it is to iron out differences across the chambers. At this negotiation stage, a 1 percent difference in, say, the corporate income tax rate could mean millions of dollars in increased or decreased revenue or taxation for various interests.

Interest groups also target the budgetary process in order to maximize benefits to their group. In some cases, their aim is to influence the portion of the budget allocated to a given policy, program, or policy area. For example, interests for groups that represent the poor may lobby for additional appropriations for various welfare programs; those interests opposed to government assistance to the poor may lobby for reduced funding to certain programs. It is likely that the legislative liaison for your university or college spends time trying to advocate for budgetary allocations in your state.

Interest groups also try to defeat legislation that may be detrimental to their views. For example, when Congress considers legislation to improve air quality, it is not unusual for some industries to oppose it if it requires additional regulations on factory emissions. In some cases, proposed legislation may serve as a disturbance, resulting in group formation or mobilization to help defeat the bill. For example, a proposed tax increase may result in the formation or mobilization of anti-tax groups that will lobby the legislature and try to encourage the public to oppose the proposed legislation. Prior to the election in 2012, political activist Grover Norquist, the founder of Americans for Tax Reform (ATR), asked all Republican members of Congress to sign a "Taxpayer Protection Pledge" that they would fight efforts to raise taxes or to eliminate any deductions that were not accompanied by tax cuts. Ninety-five percent of the Republicans in Congress signed the pledge.<sup>63</sup> Some interests arise solely to defeat legislation and go dormant after they achieve their immediate objectives.

Once legislation has been passed, interest groups may target the executive branch of government, whose job is to implement the law. The U.S. Department of Veterans Affairs has some leeway in providing care for military veterans, and interests representing veterans' needs may pressure this department to address their concerns or issues. Other entities within the executive branch, like the Securities and Exchange Commission, which maintains and regulates financial markets, are not designed to be responsive to the interests they regulate, because to make such a response would be a conflict of interest. Interest groups may lobby the executive branch on executive, judicial, and other appointments that require Senate confirmation. As a result, interest group members may be appointed to positions in which they can influence proposed regulation of the industry of which they are a part.

In addition to lobbying the legislative and executive branches of government, many interest groups also lobby the judicial branch. Lobbying the judiciary takes two forms, the first of which was mentioned above. This is lobbying the executive branch about judicial appointments the president makes and lobbying the Senate to confirm these appointments. The second form of lobbying consists of filing amicus briefs, which are also known as "friend of the court" briefs. These documents present legal arguments stating why a given court should take a case and/or why a court should rule a certain way. In *Obergefell v. Hodges* (2015), the Supreme Court case that legalized same-sex marriage nationwide, numerous interest groups filed amicus briefs.<sup>64</sup> For example, the Human Rights Campaign, shown demonstrating in **Figure 10.14**, filed a brief arguing that the Fourteenth Amendment's due process and equal protection clauses required that same-sex couples be afforded the same rights to marry as opposite-sex couples. In a 5–4 decision, the U.S. Supreme Court agreed.



**Figure 10.14** Members of the Human Rights Campaign, an interest that supports LGBT rights, march toward the Supreme Court on June 26, 2015, the day that the *Obergefell v. Hodges* decision is announced. (credit: modification of work by Matt Popovich)

### Link to Learning



The briefs submitted in *Obergefell v. Hodges* are available on the [website \(https://openstaxcollege.org//29scotusobvhod\)](https://openstaxcollege.org//29scotusobvhod) of the U.S. Supreme Court. What arguments did the authors of these briefs make, other than those mentioned in this chapter, in favor of Obergefell's position?

Measuring the effect of interest groups' influence is somewhat difficult because lobbyists support lawmakers who would likely have supported them in the first place. Thus, National Right to Life, an anti-abortion interest group, does not generally lobby lawmakers who favor abortion rights; instead, it supports lawmakers and candidates who have professed "pro-life" positions. While some scholars note that lobbyists sometimes try to influence those on the fence or even their enemies, most of the time, they support like-minded individuals. Thus, contributions are unlikely to sway lawmakers to change their views; what they do buy is access, including time with lawmakers. The problem for those trying to assess whether interest groups influence lawmakers, then, is that we are uncertain what would happen in the absence of interest group contributions. For example, we can only speculate what the ACA might have looked like had lobbyists from a host of interests not lobbied on the issue.

### Link to Learning



Examine websites for the [American Conservative Union \(https://openstaxcollege.org//29amerconuni\)](https://openstaxcollege.org//29amerconuni) and [Americans for Democratic Action \(https://openstaxcollege.org//29amerdemact\)](https://openstaxcollege.org//29amerdemact) that compile legislative ratings and voting records. On what issues do these organizations choose to take positions? Where do your representatives and senators rank according to these groups? Are these rankings surprising?



## 10.5 Free Speech and the Regulation of Interest Groups

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### Learning Objectives

By the end of this section, you will be able to:

- Identify the various court cases, policies, and laws that outline what interest groups can and cannot do
  - Evaluate the arguments for and against whether contributions are a form of freedom of speech
- 

How are lobbying and interest group activity regulated? As we noted earlier in the chapter, James Madison viewed factions as a necessary evil and thought preventing people from joining together would be worse than any ill groups might cause. The First Amendment guarantees, among other things, freedom of speech, petition, and assembly. However, people have different views on how far this freedom extends. For example, should freedom of speech as afforded to individuals in the U.S. Constitution also apply to corporations and unions? To what extent can and should government restrict the activities of lobbyists and lawmakers, limiting who may lobby and how they may do it?

### INTEREST GROUPS AND FREE SPEECH

Most people would agree that interest groups have a right under the Constitution to promote a particular point of view. What people do not necessarily agree upon, however, is the extent to which certain interest group and lobbying activities are protected under the First Amendment.

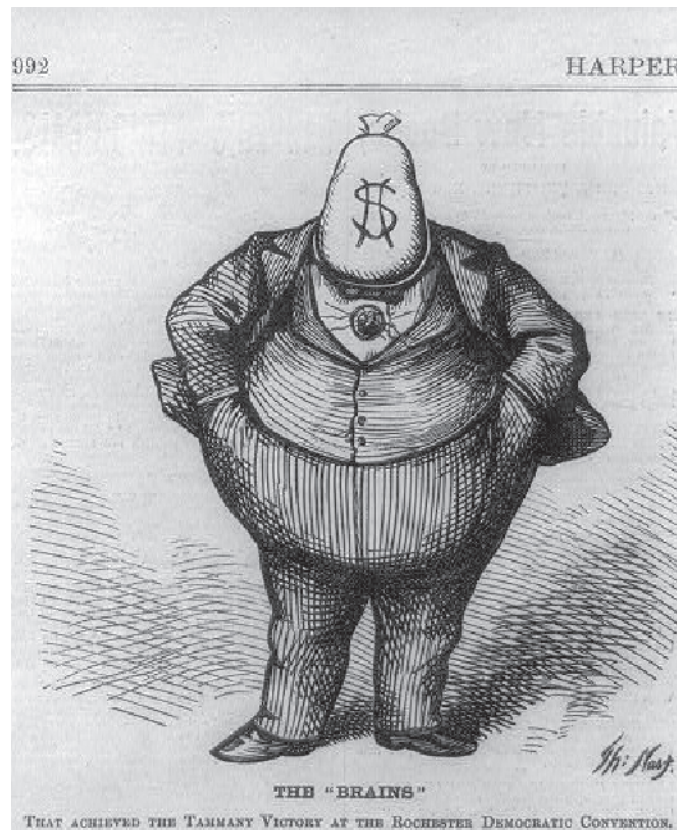
In addition to free speech rights, the First Amendment grants people the right to assemble. We saw above that pluralists even argued that assembling in groups is natural and that people will gravitate toward others with similar views. Most people acknowledge the right of others to assemble to voice unpopular positions, but this was not always the case. At various times, groups representing racial and religious minorities, communists, and members of the LGBT community have had their First Amendment rights to speech and assembly curtailed. And as noted above, organizations like the ACLU support free speech rights regardless of whether the speech is popular.

Today, the debate about interest groups often revolves around whether the First Amendment protects the rights of individuals and groups to give money, and whether government can regulate the use of this money. In 1971, the Federal Election Campaign Act was passed, setting limits on how much presidential and vice-presidential candidates and their families could donate to their own campaigns.<sup>65</sup> The law also allowed corporations and unions to form PACs and required public disclosure of campaign contributions and their sources. In 1974, the act was amended in an attempt to limit the amount of money spent on congressional campaigns. The amended law banned the transfer of union, corporate, and trade association money to parties for distribution to campaigns.

In *Buckley v. Valeo* (1976), the Supreme Court upheld Congress's right to regulate elections by restricting contributions to campaigns and candidates. However, at the same time, it overturned restrictions on expenditures by candidates and their families, as well as total expenditures by campaigns.<sup>66</sup> In 1979, an exemption was granted to get-out-the vote and grassroots voter registration drives, creating what has become known as the soft-money loophole; **soft money** was a way in which interests could spend money on behalf of candidates without being restricted by federal law. To close this loophole, Senators John McCain and Russell Feingold sponsored the Bipartisan Campaign Reform Act in 2002 to ban parties from collecting and distributing unregulated money.

Some continued to argue that campaign expenditures are a form of speech, a position with which two recent Supreme Court decisions are consistent. The *Citizens United v. Federal Election Commission*<sup>67</sup> and the *McCutcheon v. Federal Election Commission*<sup>68</sup> cases opened the door for a substantially greater flow of money into elections. *Citizens United* overturned the soft money ban of the Bipartisan Campaign Reform Act

and allowed corporations and unions to spend unlimited amounts of money on elections. Essentially, the Supreme Court argued in a 5–4 decision that these entities had free speech rights, much like individuals, and that free speech included campaign spending. The *McCutcheon* decision further extended spending allowances based on the First Amendment by striking down aggregate contribution limits. These limits put caps on the total contributions allowed and some say have contributed to a subsequent increase in groups and lobbying activities (**Figure 10.15**).



**Figure 10.15** With his *Harper's Weekly* cartoon of William “Boss” Tweed with a moneybag for a head, Thomas Nast provided an enduring image of the corrupting power of money on politics. Some denounce “fat cat” lobbyists and the effects of large sums of money in lobbying, while others suggest that interests have every right to spend money to achieve their objectives.

### Link to Learning



Read about the **rights** (<https://openstaxcollege.org/l/29nprcorprig>) that corporations share with people.

Should corporations have the same rights as people?

## Insider Perspective

### The Koch Brothers

Conservative billionaires Charles and David Koch have become increasingly active in U.S. elections in recent years. These brothers run Koch Industries, a multinational corporation that manufactures and produces a number of products including paper, plastics, petroleum-based products, and chemicals. In the 2012 election, the Koch brothers and their affiliates spent nearly \$400 million supporting Republican candidates. Many people have suggested that this spending helped put many Republicans in office. The Kochs and their related organizations planned to raise and spend nearly \$900 million on the 2016 elections. Critics have accused them and other wealthy donors of attempting to buy elections. However, others point out that their activities are legal according to current campaign finance laws and recent Supreme Court decisions, and that these individuals, their companies, and their affiliates should be able to spend what they want politically. As you might expect, there are wealthy donors on both the political left and the right who will continue to spend money on U.S. elections. Some critics have called for a constitutional amendment restricting spending that would overturn recent Supreme Court decisions.<sup>69</sup>

*Do you agree, as some have argued, that the Constitution protects the ability to donate unlimited amounts of money to political candidates as a First Amendment right? Is spending money a form of exercising free speech? If so, does a PAC have this right? Why or why not?*

## REGULATING LOBBYING AND INTEREST GROUP ACTIVITY

While the Supreme Court has paved the way for increased spending in politics, lobbying is still regulated in many ways.<sup>70</sup> The 1995 Lobbying Disclosure Act defined who can and cannot lobby, and requires lobbyists and interest groups to register with the federal government.<sup>71</sup> The Honest Leadership and Open Government Act of 2007 further increased restrictions on lobbying. For example, the act prohibited contact between members of Congress and lobbyists who were the spouses of other Congress members. The laws broadened the definition of lobbyist and require detailed disclosure of spending on lobbying activity, including who is lobbied and what bills are of interest. In addition, President Obama's Executive Order 13490 prohibited appointees in the executive branch from accepting gifts from lobbyists and banned them from participating in matters, including the drafting of any contracts or regulations, involving the appointee's former clients or employer for a period of two years. The states also have their own registration requirements, with some defining lobbying broadly and others more narrowly.

Second, the federal and state governments prohibit certain activities like providing gifts to lawmakers and compensating lobbyists with commissions for successful lobbying. Many activities are prohibited to prevent accusations of vote buying or currying favor with lawmakers. Some states, for example, have strict limits on how much money lobbyists can spend on lobbying lawmakers, or on the value of gifts lawmakers can accept from lobbyists. According to the Honest Leadership and Open Government Act, lobbyists must certify that they have not violated the law regarding gift giving, and the penalty for knowingly violating the law increased from a fine of \$50,000 to one of \$200,000. Also, **revolving door laws** also prevent lawmakers from lobbying government immediately after leaving public office. Members of the House of Representatives cannot register to lobby for a year after they leave office, while senators have a two-year "cooling off" period before they can officially lobby. Former cabinet secretaries must wait the same period of time after leaving their positions before lobbying the department of which they had been the head. These laws are designed to restrict former lawmakers from using their connections in government to give them an advantage when lobbying. Still, many former lawmakers do become lobbyists, including former Senate majority leader Trent Lott and former House minority leader Richard Gephardt.

Third, governments require varying levels of disclosure about the amount of money spent on lobbying efforts. The logic here is that lawmakers will think twice about accepting money from controversial donors. The other advantage to disclosure requirements is that they promote transparency. Many have argued that

the public has a right to know where candidates get their money. Candidates may be reluctant to accept contributions from donors affiliated with unpopular interests such as hate groups. This was one of the key purposes of the Lobbying Disclosure Act and comparable laws at the state level.

Finally, there are penalties for violating the law. Lobbyists and, in some cases, government officials can be fined, banned from lobbying, or even sentenced to prison. While state and federal laws spell out what activities are legal and illegal, the attorneys general and prosecutors responsible for enforcing lobbying regulations may be understaffed, have limited budgets, or face backlogs of work, making it difficult for them to investigate or prosecute alleged transgressions. While most lobbyists do comply with the law, exactly how the laws alter behavior is not completely understood. We know the laws prevent lobbyists from engaging in certain behaviors, such as by limiting campaign contributions or preventing the provision of certain gifts to lawmakers, but how they alter lobbyists' strategies and tactics remains unclear.

The need to strictly regulate the actions of lobbyists became especially relevant after the activities of lobbyist Jack Abramoff were brought to light (**Figure 10.16**). A prominent lobbyist with ties to many of the Republican members of Congress, Abramoff used funds provided by his clients to fund reelection campaigns, pay for trips, and hire the spouses of members of Congress. Between 1994 and 2001, Abramoff, who then worked as a lobbyist for a prominent law firm, paid for eighty-five members of Congress to travel to the Northern Mariana Islands, a U.S. territory in the Pacific. The territory's government was a client of the firm for which he worked. At the time, Abramoff was lobbying Congress to exempt the Northern Mariana Islands from paying the federal minimum wage and to allow the territory to continue to operate sweatshops in which people worked in deplorable conditions. In 2000, while representing Native American casino interests who sought to defeat anti-gambling legislation, Abramoff paid for a trip to Scotland for Tom DeLay, the majority whip in the House of Representatives, and an aide. Shortly thereafter, DeLay helped to defeat anti-gambling legislation in the House. He also hired DeLay's wife Christine to research the favorite charity of each member of Congress and paid her \$115,000 for her efforts.<sup>72</sup> In 2008, Jack Abramoff was sentenced to four years in prison for tax evasion, fraud, and corruption of public officials.<sup>73</sup> He was released early, in December 2010.



**Figure 10.16** Jack Abramoff (center) began his lifetime engagement in politics with his involvement in the 1980 presidential campaign of Ronald Reagan (left) while an undergraduate at Brandeis University and continued it with his election to chair of the College Republican National Committee in a campaign managed by Grover Norquist (right). Abramoff thus gained unique access to influential politicians, upon which he capitalized in his later work as a DC lobbyist. Since his release from federal prison in 2010 after being convicted for illegal lobbying activity, Abramoff has become an outspoken critic of the lobbying industry.<sup>74</sup>



## Key Terms

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**association** groups of companies or institutions that organize around a common set of concerns, often within a given industry or trade

**astroturf movement** a political movement that resembles a grassroots movement but is often supported or facilitated by wealthy interests and/or elites

**Citizens United** *Citizens United v. Federal Election Commission* was a 2010 Supreme Court case that granted corporations and unions the right to spend unlimited amounts of money on elections

**collective good** a good such as public safety or clean air, often produced by government, that is generally available to the population as a whole

**contract lobbyist** a lobbyist who works for a contract lobbying firm that represents clients before government

**disturbance theory** the theory that an external event can lead to interest group mobilization

**efficacy** the belief that you make a difference and that government cares about you and your views

**elite critique** the proposition that wealthy and elite interests are advantaged over those without resources

**fragmentation** the result when a large interest group develops diverging needs

**free rider problem** the situation that occurs when some individuals receive benefits (get a free ride) without helping to bear the cost

**grassroots movement** a political movement that often begins from the bottom up, inspired by average citizens concerned about a given issue

**in-house lobbyist** an employee or executive within an organization who works as a lobbyist on behalf of the organization

**inside lobbying** the act of contacting and taking the organization's message directly to lawmakers in an attempt to influence policy

**iron triangle** three-way relationship among congressional committees, interests groups, and the bureaucracy

**issue network** a group of interest groups and people who work together to support a particular issue or policy

**legislative liaison** a person employed by a governmental entity such as a local government, executive department, or university to represent the organization before the legislature

**lobbyist** a person who represents an organization before government in an attempt to influence policy

**material incentives** substantive monetary or physical benefits given to group members to help overcome collective action problems

**membership organization** an interest group that usually consists of dues-paying members who organize around a particular cause or issue

**neopluralist** a person who suggests that all groups' access and influence depend on the political environment

**outside lobbying** the act of lobbying indirectly by taking the organization's message to the public, often through the use of the media and/or by issue press releases, in hopes that the public will then put pressure on lawmakers

**particularized benefit** a benefit that generally accrues to a narrow segment of society

**pluralist** a person who believes many groups healthily compete for access to decision-makers

**public interest group** an interest group that seeks a public good, which is something that accrues to all

**purposive incentives** benefits to overcome collective action problems that appeal to people's support of the issue or cause

**revolving door laws** laws that require a cooling-off period before government officials can register to lobby after leaving office

**soft money** money that interests can spend on behalf of candidates without being restricted by federal law

**solidary incentives** benefits based on the concept that people like to associate with those who are similar to them

**voting cues** sources—including fellow lawmakers, constituents, and interest groups—that lawmakers often use to help them decide how to vote, especially on unfamiliar issues

## Summary

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### 10.1 Interest Groups Defined

Some interest groups represent a broad set of interests, while others focus on only a single issue. Some interests are organizations, like businesses, corporations, or governments, which register to lobby, typically to obtain some benefit from the legislature. Other interest groups consist of dues-paying members who join a group, usually voluntarily. Some organizations band together, often joining trade associations that represent their industry or field. Interest groups represent either the public interest or private interests. Private interests often lobby government for particularized benefits, which are narrowly distributed. These benefits usually accrue to wealthier members of society. Public interests, on the other hand, try to represent a broad segment of society or even all persons.

### 10.2 Collective Action and Interest Group Formation

Interest groups often have to contend with disincentives to participate, particularly when individuals realize their participation is not critical to a group's success. People often free ride when they can obtain benefits without contributing to the costs of obtaining these benefits. To overcome these challenges, group leaders may offer incentives to members or potential members to help them mobilize. Groups that are small, wealthy, and/or better organized are sometimes better able to overcome collective action problems. Sometimes external political, social, or economic disturbances result in interest group mobilization.

### 10.3 Interest Groups as Political Participation

Interest groups afford people the opportunity to become more civically engaged. Socioeconomic status is an important predictor of who will likely join groups. The number and types of groups actively lobbying to get what they want from government have been increasing rapidly. Many business and public interest groups have arisen, and many new interests have developed due to technological advances, increased specialization of industry, and fragmentation of interests. Lobbying has also become more sophisticated in recent years, and many interests now hire lobbying firms to represent them.

Some scholars assume that groups will compete for access to decision-makers and that most groups have