

"Lobbying and Policy Change" 20 years later

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Abstract:

The *Lobbying and Policy Change* project (Baumgartner et al. 2009) broke new ground by studying 98 randomly selected lobbying issues and studying those issues over a four-year period. As the largest study of its kind and the only one to make use of randomly selected issues, it was well placed to come to conclusions about the nature of money and political resources for interest groups in Washington, DC. Now, 20 years after data collection for this project was completed, we look back at those 98 issues to see what has changed. While 62 of the 98 issues saw some form of policy change in the ensuing two decades, there was no evidence that those change systematically favored the more well-resourced points of view. Changes of venue led to changes in 17 of the cases and large-scale change was slightly more likely to occur than incremental change.

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Policy change often takes a long time. In the US context especially, political roadblocks and veto points are everywhere, making change from the status quo difficult. As time passes, issues may wax and wane in terms of their relative salience for the public and policymakers, while the interest groups that are the primary advocates for those issues keep hoping for change. Despite this, political scientists often study such change cross-sectionally or by selecting “interesting” cases to examine historically. Scholars of public opinion often have panel data or at the very least the same questions over time. The methodological problem in attempting such longitudinal studies of policy change related to interest groups is that we usually do not have access to panel data, and it is difficult to find a random selection of cases to consider.

The *Lobbying and Policy Change* project (Baumgartner et al. 2009) broke new ground by studying 98 randomly selected lobbying issues and studying those issues over a four-year period. As the largest study of its kind and the only one to make use of randomly selected issues, it was well placed to come to conclusions about the nature of money and political resources for interest groups in Washington, DC. The book somewhat surprisingly concluded that in most cases, the interest groups with the most money were not the groups most likely to win, in large part because the "sides" of the issues were usually heterogenous, with both well-resourced and poorly resourced groups represented on each point of view.

Now, 20 years after data collection for this project was completed, we look back at our 98 issues to see what has changed. Are the winners still the winners? Have business groups gained an advantage over citizen groups? The subtitle of the book was “Who Wins, Who Loses, and Why.” Do our answers to those questions still hold?

What we learned from *Lobbying and Policy Change*

One of the central findings from the *Lobbying and Policy Change* project was that the status quo dominated – it was much harder for advocates inside and outside of government to successfully create a policy change than it was to prevent such change. The hurdle of the status quo is especially high in the United States because of the many veto points in the system (Bevan and Jennings 2013, Carpenter 2010, Epp and Baumgartner 2016, Schoenfeld 2019). Of our 98 issues, only 40 underwent even minor policy change during the four years we studied each issue (the equivalent of two two-year congressional sessions). Although change was relatively uncommon, we found that major change was twice as common as minor changes, a fact that we attributed to the high degree of friction in the US system (Jones and Baumgartner 2005). When even minor changes are difficult, a great deal of mobilization and effort is required to accomplish any policy action. When results occur and policy breaks past the opposition, that change is likely to overshoot the incremental and substantial policy change is the result.

We also found that organizations with more financial resources were, for the most part, not more likely to get the policy outcome they desired, nor were business interests more likely to win than citizen groups. There are several reasons why this was so. In the first place, most of the sides were heterogenous. Most issues were not David and Goliath match-ups of big corporations versus tiny citizen groups. Instead, both sides tended to include both well-resourced interest organizations and more poorly funded organizations. For example, major pharmaceutical organizations teamed up with small activist organizations to advocate for greater government funding for drugs to treat HIV. Citizen groups also seemed to have great legitimacy in the eyes of policymakers and interest groups alike. Although business and business trade associations are known to outnumber citizen groups in Washington by as much as four to one (Baumgartner and

Leech 2001), we found that citizen groups were mentioned nearly as often as business and trade associations as being a “major player” in our issues (Baumgartner et al. 2009, 9). In addition, one of the most important resources an organization can have is highly placed government officials who support the organization’s point of view. We found that having the president as a strong advocate of an organization’s policy preference was the single most important determinant of whether a policy change occurred.

The issues we studied did not, for the most part, go away when our study ended. Interest groups often work for many years – even many decades – on the same issue. We heard this from many of the lobbyists we interviewed for the *Lobbying and Policy Change* project. At the time we coded 11 of the 98 issues as having “ended” during the period of our study, while the others were seen as continuing (Baumgartner et al. 2009, 10). The Agendas and Interest Groups project (Berkhout et al. 2018) kept systematic track of the number of years organizations had worked on their issues, and for the 366 US cases in that project, lobbyists reported in 2016 that their organization had spent a mean of 13.7 years on their issues. Similarly, in a survey of US interest groups conducted by Leech in 2012, 33 percent of organizations said they had been active on their most recent issue for more than 10 years (Leech 2012).

If issues are ongoing, what factors lead to policy change? There are many broad theories of large-scale political change: critical elections (V.O. Key 1955), conflict expansion (Schattschneider 1960), social movements (Jones, Theriault, Whyman 2019), to name just a few. But here we are talking about 98 specific policies, some of which are potentially large scale (reforming the US health care system), but others of which are incremental (getting a bit more money to buy a particular helicopter for the Army). Certainly changes in presidential administrations and control of the houses of Congress should matter for such policy change, even

if the election is not “critical” or a full partisan realignment. And certainly pressure from social movements active outside of the beltway and changes in public opinion could help lead to policy change. But there will be other factors as well.

For changes to particular policies, a tactic that often is successful in the US system, which has many points of entry as well as many veto points, is a change of venue (Baumgartner and Jones 1991, Baumgartner, Jones, and MacLeod 2000). If policy success is elusive in Congress, try appealing to the courts. If decisions at the national level are less than favorable, turn to the states and try changing the laws state by state. We saw this happen in the original study with efforts to legislate “safe needles” with retractable points that would make it impossible for health care workers to accidentally stick themselves (and potentially infect themselves with hepatitis or HIV). The union spearheading that fight, SEIU, began convincing state legislatures to pass laws requiring all hospitals to use such retractable needles. Needle manufacturers saw their markets fragmenting and the prospect of needing to make a different type of needle for every state and decided to support the national effort to require safe needles. The opposition now crumbling, the issue passed both houses of Congress and became law.

In the original project we had hypothesized that issue redefinitions might precede policy change. Baumgartner and Jones (1993) found this to be the case in the issues they had studied, with redefinitions of the issues in the media and Congress (and changes of venue) preceding major policy changes. Riker (1986) had argued convincingly that argumentation and introducing new dimensions of conflict is a powerful weapon for political change. And so we sought to document cases in which such new dimensions of conflict – which we referred to as *issue redefinitions* had occurred. We saw such redefinitions as more than a simple frame. A single actor can introduce a frame, but if the frame is not generally adopted and repeated, it has not

caused an issue redefinition. And yet, at the end of four years we found that only four of our issues had any kind of issue redefinition – one complete change in framing and three partial. Interesting, but not enough variance to conclude much of anything. Could it be that such redefinitions take more time than a mere four years? After all, Baumgartner and Jones tracked their issues over multiple decades. The current investigation offers an opportunity to find out.

Expectations

- The status quo will tend to hold. Once a policy has changed, it becomes difficult to undo. So we expect that whatever the status quo was in 2003, will be more likely to remain in place today than it will be to change. Having said that, twenty years is a long time, and as advocates inside and outside of government continue to work on an issue, the breakthrough to change may finally occur.
- Winners and losers in these policy struggles will not be determined by resources alone. Financial and other types of organizational and political resources are, of course, important in any policy debate, but in our original study we found that the sides of an issue were often fairly evenly matched, so that winning or losing resulted from other factors.
- Highly placed allies within government, especially support from the president, was one of the most important factors leading to policy success. If the president was an active advocate on behalf of a policy change, change became more likely, and if the president was actively in opposition, the status quo became even more likely to endure. This means that changes in presidential administrations and in the partisan control of Congress will precede policy change.
- Change often may come from venue changes.

- Issue redefinitions will often precede large-scale policy changes.

Data and Methods¹

For the original Lobbying and Policy Change project, we first drew a random sample of interest groups active in Washington from the Lobbying Disclosure Reports that lobbying organizations must file with the House and Senate. We weighted this sample so that organizations that mentioned more issues in their reports were more likely to be selected. We then interviewed a lobbyist from each of these sampled organizations and asked them to tell us about the most recent issue on which they had spent time (and if they were working on multiple issues, the issue connected to the most recent phone call they made or paper that crossed their desk). This procedure gave us a random snapshot of the issues on which interest groups were active at a given point in time. The issues identified in this way became one of our 98 case studies. We conducted additional interviews with other actors related to the issue both inside and outside of government – 315 interviews in all. We then collected a wide array of publicly available information about the issues – government documents, media coverage, campaign contribution data, and lobbying expenditures. The issues we studied were identified in interviews in 1999, 2000, and 2001; we followed what happened on those issues through follow-up interviews and publicly available information until 2003.

In seeking to update what had happened on these issues in the past 20 years, we began with where the issues stood in 2003 then searched for any changes. There were 10 years of

¹ This is a very early draft of this paper, and we acknowledge that we have raised many questions that we are not yet able to answer but hope to do so soon. In particular, we have not yet done the analysis to see how changes in congressional and presidential partisanship affected our issues, nor have we investigated the degree to which interest groups protecting the status quo were more likely to succeed.

Republican administrations and 10 years of Democratic administrations during this period, with three changes in administration, providing a ample degree of partisan variance for our investigations. For each issue, we began using a simple Google search to identify news stories and Wikipedia pages about the topic, a strategy that served to point us in the right direction and identify additional specifics to search for. We searched government documents, including all congressional bills and laws from the past 20 years, and all mentions in the Federal Register of agency activity (rulemaking, official guidance) during those 20 years.² We searched for interest group and think tank statements about the policies. We often relied heavily on reports from the Congressional Research Service (CRS), a nonpartisan research agency serving that provides policy analysis to Congress, reports from the Government Accountability Office (GAO), an independent nonpartisan agency focusing on the use of public funds, as well scholarly papers about particular policies. In nearly all cases it was quite easy to determine whether there had been any changes in government policy affecting the topic and to see which side had benefited from that change.

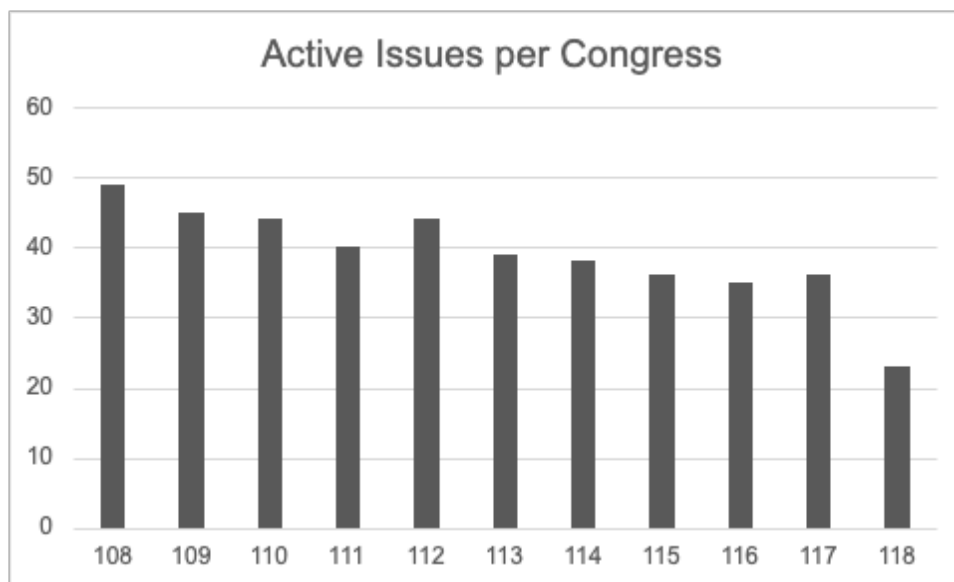
Results

Of the 98 original issues, 62 experienced some level of change over the 20 years since the original study concluded. Does this represent a lot of change or a little? Is the glass half empty or half full? Considering that more than one third of the issues remained unchanged for 20 years, during a period where some advocates both inside and outside of government would have liked for that issue to change back, perhaps this shows the staying power of the status quo. On the

² The coding of the Federal Register is still underway; coding of congressional bills and laws has been completed.

other hand, the majority of our issues did in fact see policy change during this period and there was more change in the 20-year period than we had observed in the original four-year period. As expected, large changes occurred more often than minor or partial changes, although the effect was slight: 50 sides experienced substantial changes toward their goal while 40 received only partial success.

Figure 1.



In addition, 77 of the issues were the topic of at least one congressional bill during this 20-year period (Figure 1). Broken down by Congress, the highest number of active issues were those occurring in the earlier years, but there was substantial activity across all years. Policy change takes a long time and issues usually don't go away. This demonstrates what a lobbyist for a professional association representing health care providers told us in 1999:

“We are working on many issues – very few have finite beginnings and ends. Rather these issues move through stages: You're defending what you won or you're trying again.”

The effect of resources

A central question in the study of interest group influence is whether business and those with greater levels of financial resources are more likely to succeed in the policy realm than are citizen groups and unions. Although in the original study we found that was rarely the case, since the opposing sides of most issues were heterogenous and fairly equally matched in terms of resources, it could be that with the benefit of 20 years of effort, the more well-resourced eventually do win. Here we take the level of total resources held by a side at the time of the original study and see whether those better-resourced sides were more likely to see policy change in their favor in the ensuing 20 years.

Table 1. Issue Outcomes: The Richer Do Not Always Prevail

Type of Resource	% where side with more won originally	N	% where side with more won in next 20 years	N
High level gov't allies	78	23	57	7
Revolving lobbyists	63	35	40	15
Midlevel gov't allies	60	48	59	17
Business resources	53	34	33	12
Lobby spending	52	58	33	18
Association resources	50	58	76	11
Membership	50	58	72	17
PAC contributions	50	58	50	18

Note: Cell entries are the percentage of issues in which the side with the greatest amount of that type of resource achieved its policy goals. *N* varies because not every issue had multiple sides and in some issues, none of the sides used that type of resource. Cases from the past 20 years are included only if there was a change in that subsequent period, thus *N* is smaller than for the original data.

Table 1 replicates Table 10.5 from *Lobbying and Policy Change*, which assessed whether sides with greater amount on resources were more likely to get their preferred policy outcome than their opposing side. We conduct the analysis in this way (rather than just looking at the correlation between resources and winning) because different policy areas attract different amounts of energy. Interest groups working in the energy or health sectors, for example, tend to spend more on lobbying than do interest groups working in the civil rights or social welfare areas. The first two columns report the results from the original study; the second two columns reflect changes in the past 20 years. For the more recent results, we are considering only those issues that underwent change during that period. The total number of cases varies and sometimes quite small for a number of reasons. In the first place, there were 17 issues in the original study that had no organized opponents. This sometimes was because the side was not seen as a credible threat – for instance, in the case of criminal justice reform, at the time there were no bills before Congress on the topic and the advocates were not getting much policy traction in any venue – and sometimes because the interest groups in question just wanted more money for some government program, so the only opposition was members of Congress who preferred to keep the budget smaller, while opposing interest groups did not exist. In addition, sometimes neither side used the resource (neither side had a high level government ally or neither side made campaign contributions) and in some cases the two sides had an equal amount of the resource in question.

In the original study, high-level government allies (president or congressional leadership), mid-level government allies (e.g. committee chairs), and revolving door lobbyists were all significantly more likely to be associated with the winning side. All of the other resources were fairly equal for both winning and losing sides , including spending on lobbying,

campaign (PAC) contributions, or the overall level of resources associated with the association or business that was a part of a given side. The results from the past 20 years indicate that those governmental allies and revolving door lobbyists no longer make a significant difference. In the case of the allies, this makes sense, since there have been changes in presidential administrations, congressional leadership, and committee chairs in the past two decades. And yet, if those resources were indicators of power – or of a “power elite” (Mills 1956, Domhoff 1967, 2017), then we would expect power in 2000 to correspond with power today. That is, we would expect those with friends in high places in 2000 to continue to have such friends today and the relationship should still hold. We do not see that happening here.

Where we do see some correspondence with resources and the likelihood of gaining a policy goal over the long term is in membership and associational resources. Sides of a policy issue that had greater numbers of members for their associated organizations and sides of a policy issue that included a greater number of association resources (possible because more such non-business groups were part of that side) succeeded in their efforts more than 70 percent of the time over sides with fewer of those resources. Business resources did not have the same effect. Sides with great amounts of business resources succeeded in their policy goals only 33 percent of the time – meaning that those sides with less of those resources won nearly 70 percent of the time. Overall, while acknowledging that N is very small here, we see no support for the idea that sides with greater financial resources or that represent more businesses are more likely to win in US politics.

Changes in administration

While a detailed look at the effects that shifts in partisan control of Congress and new presidential administrations had on the 98 issues must be left for a future iteration of this paper, it

is already clear anecdotally that presidential advocacy matters and that presidential executive orders can have a substantial impact. For example, the Patient Protection and Affordable Care Act of 2010 (known colloquially as “Obamacare”) affected two of our issues – providing health care for the uninsured and creating a patient’s bill of rights. That law never would have passed without the active advocacy and involvement of President Obama. President Bush was strongly supportive of what was known as “bankruptcy reform.” A law that made it more difficult for average people to default on credit card and other debt – a proposal that had been vetoed by President Clinton after it passed both houses of Congress – passed in 2003, towards the the end of our original study, after Bush became president. Two years later, while Bush was still in office, an additional law passed that made the limitations of the 2003 law even more strict. President Trump campaigned on anti-foreign trade and isolationist policies, and once in office succeeded in renegotiating the North American Free Trade Agreement, aspects of which had constituted one of our original 98 issues. In addition to these cases of strong advocacy by presidents, we found that executive orders and related unilateral actions by presidents contributed to changes in nine additional issues.

Venue changes

It is perhaps unsurprising that of the 62 changes we observed in our issues over the past 20 years, 39 of those changes took place within Congress. Our original sample of issues came from lobbyists identified through the *Lobbying Disclosure Act* and the *Washington Representatives* directory, which provides contact information for government relations offices in Washington. The scientists and other specialists who work on agency rulemaking and lawyers who file suit on behalf of their organizations are usually not required under law to register as a lobbyist and they do not consider themselves lobbyists even though they are certainly policy

advocates. As a result, most of the interest group representatives who we interviewed and who identified the issues we should follow did most of their work before Congress. Despite this congressionally focused sample, however, 56 percent of the original issue also included significant involvement by a government agency.

Still, venue change can provide leverage for interest groups that are making little progress in Congress. We observed 17 cases that featured changes of venue: 11 moved to the states, 9 were affected by executive orders or other unilateral presidential actions, and 5 were decided by federal courts.³ A recent prominent example is the US Supreme Court's 2022 decision in *Dobbs v. Jackson Women's Health Organization*, which overturned a 1973 ruling that the US constitution guaranteed a right to abortion. One of our original 98 issues was an attempt to limit "late-term abortions" in the second or third trimester. Anti-abortion advocates had gotten little traction in Congress and had turned to the states, working incrementally trying to adopt laws limiting abortion that could pass muster in the federal courts. With the *Dobbs* decision, the floodgates opened. Twenty-two states have now passed bans on abortion and others have adopted gestational limits that provide as much or more as the advocates opposing "late-term abortion" had originally sought. State-level changes also provided partial wins for advocates who had wanted new regulations on vehicle diagnostic services to make it easier for mechanics other than car dealers to repair vehicles – in Massachusetts a citizen ballot initiative made that change a requirement in the state. Likewise, advocates on one of our original issues involving a tax credit for wind energy producers have gained ground on their issue in several states, but not at

³ This totals more than 17 because some issues took place in multiple venues.

the federal level, although the state-level activity seems to have reawakened the issue before Congress.

Issue redefinition

Although our analyses of issue redefinition in our issues is still in the early stages, it is clear that the generally understood framing of some issues has changed. One of the issues in our original sample was talked about in 2020 as “human cloning,” but what was meant by this phrase – at least for the scientists caught up in the issue -- was stem cell research. The phrase came into being after the cloning of Dolly the Sheep in 1996, and stuck to the issue in its early years, but there was no real planning for human cloning. The issue was instead focused on in vitro fertilisation (IVF) and subsequent embryos being utilised for stem cell research. Since then, the issue has undergone considerable reframing. When we first approached the issue and attempted to find relevant bills and other government activity using “human cloning” as our search terms, there were hardly any results. The issue has moved to a focus on stem cell research and the use of embryos that were formed through IVF: no one talks about human cloning anymore. The original way of talking about human cloning was a scare tactic to make people think about ethically slippery slopes (“it’ll be just like the sheep!”). Under Presidents Clinton, Bush, and Obama, there have been considerable developments to this issue. Ultimately, President Obama made the final decision: embryos can be used for research and the federal government can fund this research, but embryos cannot be created solely for stem cell research; the only embryos that can be used are those which were created for IVF and ended up not being needed and would otherwise be destroyed.

Conclusion

This paper represents an initial attempt at updating the findings of the book *Lobbying and Policy Change*, 20 years after the conclusion of our research. Obviously a lot remains left to be accomplished, but the initial findings are suggestive. As we had found earlier, the outcomes of the issues today does not seem to be driven by uneven levels of financial resources. The findings also indicate that 20 years is long enough to begin to get some traction over the status quo for interest groups and other advocates who continue with their efforts – a larger percentage of our issues changed during the 20 year period than had changed in the four years that our original research took place. We will continue our efforts to assess the role of partisan change, efforts to defend the status quo, venue shifting, and issue redefinition and provide more definitive answers to these questions. We also will examine changes in interest group mobilization on these issues over time, to see whether such mobilization contributes to policy change. The original project took more than 10 years from start to finish; we hope to provide answers to the questions above a bit more quickly.

References

- Baumgartner, F. R., Berry, J. M., Hojnacki, M., Leech, B. L., & Kimball, D. C. (2009). *Lobbying and Policy Change: Who wins, who loses, and why*. University of Chicago Press.
- Baumgartner, F. R., & Jones, B. D. (1991). Agenda Dynamics and Policy Subsystems. *The Journal of Politics*, 53(4), 1044-1074.
- Baumgartner, F. R., & Jones, B. D. (2010). *Agendas and Instability in American Politics*. University of Chicago Press.
- Jones, B. D., & Baumgartner, F. R. (2005). *The Politics of Attention: How government prioritizes problems*. University of Chicago Press.
- Baumgartner, F. R., Jones, B. D., & MacLeod, M. C. (2000). The evolution of legislative jurisdictions. *Journal of Politics*, 62(2), 321-349.
- Bevan, S. and Jennings, W. (2013). Representation, agendas and institutions. *European Journal of Political Research* 53(1), 37-56. <https://doi.org/10.1111/1475-6765.12023>
- Carpenter, D. (2010). Institutional Strangulation: Bureaucratic Politics and Financial Reform In The Obama Administration. *Perspectives on Politics* 3(8), 825-846. <https://doi.org/10.1017/s1537592710002070>
- Domhoff, G. William. (1967). *Who Rules America?*
- Domhoff, G. W. (2017). *Studying the Power Elite: Fifty years of who rules America?* Routledge.
- Epp, D., Baumgartner, F. (2016). Complexity, Capacity, and Budget Punctuations. *Policy Studies Journal* 2(45), 247-264. <https://doi.org/10.1111/psj.12148>
- Mills, C. W. (1956). *The Power Elite*. Oxford University Press.
- Schoenfeld, H. (2019). American Exceptionalism in Crime and Punishment. *Contemporary Sociology* 5(48), 567-569. <https://doi.org/10.1177/0094306119867060ff>
- Weintraub, Karen. (2016). "20 Years After Dolly the Sheep Led the Way, Where is Cloning Now?" *Scientific American*. <https://www.scientificamerican.com/article/20-years-after-dolly-the-sheep-led-the-way-where-is-cloning-now/>