Lobbying and Policy Change

Who Wins, Who Loses, and Why

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CHAPTER NINE

Washington: The Real No-Spin Zone

Speaking at a Judiciary Committee hearing, Senator John Cornyn (R-TX) argued passionately in support of a proposed constitutional amendment banning gay marriages. Yet rather than attacking the basic validity of such marriages, Cornyn contended that the underlying question was the need to protect children. Senator Patrick Leahy (D-VT), who opposed the amendment, rebutted Cornyn, declaring the issue was clearly one of states' rights. Surprisingly, perhaps, neither focused on the surface issue, whether gays and lesbians should have the legal right to marry.[1] It's not that Cornyn and Leahy were trying to hide the basic conflict over gay marriage; everyone knew what the debate concerned. Rather, each thought it advantageous if the nation viewed the issue through the prism that they offered. Knowing that public opinion stood against gay marriage, Leahy believed that it was strategic to try to shift debate to states' rights, an enduring principle of federalism traditionally championed by conservatives. For his part, Cornyn thought that it would be more appealing for conservatives to be seen as protecting children rather than trying to crack down on an oppressed minority wishing to marry.

Social scientists refer to this process as "framing." Framing can be thought of as a competition among perspectives describing the same underlying phenomenon. Both Cornyn and Leahy were talking about the identical constitutional amendment, but each wanted the public to give greater weight to one of the considerations that related to the fundamen-

tal issue.[2] Frames are no small matter. In the words of Donald Kinder and Thomas Nelson, frames "live inside the mind; they are cognitive structures that help citizens make sense of politics. . . . Frames provide order and meaning, making the world beyond direct experience seem natural."[3]

The emergence and success of a new frame on an existing issue can sharply alter public perceptions. To reframe is to try to raise the salience of a particular aspect of a problem or of a particular solution to a problem.[4] Conservatives' aim in promoting the term "partial-birth abortion" was to make people understand exactly what happens during a late-term abortion. The term evokes a gruesome image: a fetus moving down the birth canal, only to have its life brutally terminated by a physician. Virtually all Americans find this upsetting, and no one needs specialized medical training to have an opinion about the matter when it is presented in these terms. Standing in stark contrast is the technical term "intact dilation and extraction," which conjures up a medical procedure about which most people would have no opinion and which would imply that perhaps only those with medical training should be making these decisions. "Partial-birth abortion" is not merely more evocative, but it pushes people to think of the larger issue in a particular way. For anti-abortion activists, gaining acceptance of their frame was a brilliant tactical victory in this ongoing and bitter conflict. Those who defend a woman's right to choose lost that skirmish in the framing wars and have never succeeded in reestablishing the widespread use of a more neutral term. This example surely supports George Lakoff's contention that "reframing *is* social change."[5]

Several things are clear. One is that framing can have huge impacts on policy outcomes. Second is that a given issue is often associated with dramatically different frames. Third, it is easy to point to individual cases, such as "partial-birth abortion," where a given debate has indeed been redefined. Finally, we know that lobbyists and political leaders of all kinds *attempt* to reframe issues all the time—they are masters of spin.

Still, there is much we don't know about framing and reframing. Most importantly, we know very little about the ability of individuals or organizations to affect frames. How difficult is it for lobbyists or government officials to successfully reframe an issue? If such an attempt is made, don't the opponents fight back? Are there particular conditions that make reframing more or less likely? Are there structures or institutions that affect this process, limiting the ability of actors to reframe? We utilize the case studies, including the initial and follow-up interviews with advocates, to try to answer some of these questions.

Strategic Politicians

The belief that framing is central to modern politics is grounded in both scholarship and in the conventional wisdom that underlies contemporary journalism. We turn here first to scholarship and then discuss journalism in the section that follows. The study of framing is no small academic niche, but rather has attracted attention from researchers across the social sciences, including social psychologists, economists, and political scientists. At a very basic level laboratory experiments have demonstrated unequivocally that subjects can be influenced in their opinions by framing effects. In one simple experiment, for example, subjects were given information on the risks of two alternative treatments for lung cancer, surgery or radiation. One group was told that out of 100 surgeries, 68 people are alive at the end of the first year. For the alternative, radiation therapy, 77 are alive at the end of the first year. Another group is told that out of 100 surgeries, 32 die by the end of the first year. For radiation, this same group is told that 23 die during the first year. Odds at the end of five years were similarly expressed. Even though both groups receive the exact same statistical odds for both treatments, many more in the second group opt for radiation. Apparently, people judge risks differently when they are expressed in terms relating to the chances of dying rather than to the chances of living.[6]

Recent research has focused on identifying the conditions under which framing is most likely to succeed or fail. For example, James Druckman found that the credibility of the source of information has a significant impact on the chances for the successful framing of an issue with the public.[7] Consider the credibility conferred by post-9/11 stories on Iraq in the *New York Times* and *Washington Post*. Although President Bush's own standing was high at that point, those papers' tacit support of his contention that Iraq possessed weapons of mass destruction (WMDs) burnished the credibility of the few fragments of flimsy evidence concerning WMDs that the administration put forward. Both papers would later issue unprecedented public apologies for their failure to examine critically the claims made by the administration. Nevertheless, at the time Bush was framing a proposed invasion of Iraq as an appropriate response to worldwide terrorism, the papers' acceptance of the case he put forth was crucial. The Bush administration's reliance on Secretary of State Colin Powell, who presented his devastating indictment of Saddam Hussein's ostensible weapons program at the United Nations General Assembly, was not coincidental. Secretary Powell had enormous personal credibility on the issue, much more

than others within the administration more personally connected with the hard-line stance on Iraq. Source credibility matters, and Powell had great credibility.

William Riker's pioneering analysis of reframing claims that argumentation is far more than the art of rhetoric. Rather, reframing considerations are critical to the strategy of advocacy. He calls this process *heresthetics*—a neologism so awful it gives jargon a bad name.[8] Whatever the label, Riker called attention to a little appreciated aspect of political life, especially in the context of legislative policy making. In his slender classic, *The Art of Political Manipulation*, he offers readers a dozen cases where clever tacticians successfully reframed an issue. In one of these cases he recounts the efforts of Senator Warren Magnuson (D-WA) to stop the shipment of nerve gas from Okinawa to the United States. The gas was initially to be shipped through Seattle, but even when the Pentagon abandoned that idea, Magnuson kept fighting to make sure the gas never got anywhere near the Northwest. As the issue developed, the savvy, experienced Magnuson recognized that he did not have the votes to kill the revised plan on its merits (no matter where the gas was to be transported, there would be far more Senators pleased that their state or region had been spared than upset that they had been targeted). He then switched from an argument about the inherent dangers of nerve gas to one instead focused on senatorial prerogatives. His new argument claimed that the Nixon administration had ignored a previously passed resolution requiring the president to consult with the Senate on both issues relating to Okinawa and to the existing peace treaty with Japan. Magnuson implored his colleagues to stand up for their institution and to send the president a message about his need to consult with them. After closely examining the vote on some cognate issues, Riker concluded that Magnuson's introduction of a new frame won over enough votes to ban the shipment of the Okinawa nerve gas into the United States.[9]

Riker describes heresthetics as "structuring the world so you can win."[10] In his mind, such strategic efforts are common as legislators and other policy makers constantly rework their arguments to introduce new dimensions. Riker says that "accomplished herestheticians maneuver every day as part of their ordinary business."[11] This is very much a Madison Avenue view of human nature: even policy makers can be sold an old product repackaged as new. Riker does not deny the importance of partisanship or ideology but encourages readers not to consider decision making as a static set of choices dictated by standing positions or cleavages. In fact,

the cleavages themselves are not fixed—each issue relates to many different dimensions, and each of those may divide the voters along a different cleavage, creating a majority on some dimensions but not on others. Determining what the fight is going to be about—setting the terms of the debate—has long been recognized by both practitioners and theorists alike as fundamental to determining the outcome of a legislative vote, a debate, or an election. We agree with Riker that *attempts* at strategic reframing are indeed part of the everyday work of policy makers and advocates around government. Success, however, is a different matter.

It is important to distinguish Riker's contention about the manipulation of arguments and issue frames from real-world changes in the external environment. Riker focused on alternative frames for an otherwise stable issue. It is a somewhat different situation when outside events alter the underlying issue. At any given time, the salience of an issue can rise or fall for reasons having little to do with the frames advocates are using in their effort to gain support. Bryan Jones uses the example of a proposal to build a superconducting supercollider, which was endorsed by the House of Representatives in 1991. A year later the same body of legislators turned around and voted against the supercollider. What had changed in the intervening year was that national concern over the budget deficit grew. As Jones explains, the underlying preferences of legislators didn't change, but the national environment led a number of representatives to pay more attention to the budget implications of building the expensive supercollider. In short, what happened outside the House of Representatives enabled opponents of the project to utilize a budgetary frame with more effectiveness.[12]

Scholarship has thus concentrated on two related but still distinct dynamics. In some cases a new dimension is introduced by advocates to try to reframe an otherwise unchanged, underlying condition. In other instances events and societal trends have altered the policy-making environment and advocates use the opportunity to reframe the issue. In both cases, either working alone or by taking advantage of windows of opportunity, policy entrepreneurs inside and outside of government sometimes succeed in their efforts to reframe debates.

Shadow or Substance?

Those who follow politics closely might scratch their heads at this literature, wondering about the value of research seemingly designed to docu-

ment the obvious: that politicians and their press aides constantly try to shape stories. Is *heresthetician* anything more than academese for *spin doctor*? These terms are, in fact, two sides of the same coin. It's not often that serious academic research has a journalistic analog, but framing surely qualifies as just such a case.

Journalists are not late to this game. Joe McGinniss's *The Selling of the President 1968* was an early exposé of those trying to shape the coverage of politics, but savaged journalists as well.[13] But the common knowledge that all sides do it does little to reduce the efforts of spinners to spin and journalists to identify spin for what it is. Sometimes the effort to spin the story is the story itself. In a *New York Times* article about the Bush administration's Medicare drug benefit plan, reporter Robert Pear wrote not of the program's actual performance, but of the efforts of the two parties to spin their version of reality. Pear lampooned Republicans because they "manipulated enrollment figures" and ridiculed Democratic leader Nancy Pelosi for her hyperbole in claiming the law wasn't working because "a Republican culture of corruption has infected our government."[14]

The norms that direct journalists to be wary of spin, the spoon-feeding of information shaded to frame a story toward a particular perspective, are now well entrenched in the profession. Journalists must also try to understand the broader efforts of large-scale campaigns that extend far beyond a single story. Typical of this genre is Bob Thompson's article in the *Washington Post* dissecting the marketing analysis that led conservatives to use the term "death tax" instead of the conventional "estate tax." Use of the term "death tax" was shown by a party pollster to generate greater anger among voters, convincing Republican lawmakers and lobbyists to change their vocabulary.[15]

The behind-the-scenes stories focusing on the strategizing and mechanics of political spin machines offer valuable insight into modern politics. At the same time, a steady diet of newspaper and magazine articles can easily lead a reader to the conclusion that politics is shallow and susceptible to the basest manipulation.[16] For whatever level of cynicism is truly warranted, it's important to recognize that the frames that are spun are often connected to powerful, central ideas about the nature of government. The problem with both the academic and journalistic literature on this topic is that we have no baseline. That is, we can point to examples of successful reframing or spinning, but we have no idea whether these represent 1 percent, 50 percent, or 99 percent of what takes place on a typical day in Washington. If spin were all that mattered, there would be no structure to politics. If underlying structures were the whole picture, then there would

be no spin. We need to pin down some basic points of comparison. How common is successful spinning? Or to put it more precisely, how often do spin or framing change the generally understood definition of an issue? Anyone can push a new frame, but how often is such an effort successful in gaining broad acceptance of that frame?

Issue redefinition is clearly a challenge. By way of illustration, consider four major endeavors to frame broad-scale policy change: the Republican Contract with America, the Clinton health care proposal, the invasion of Iraq in 2003, and the Bush proposal to create private Social Security accounts. Each was accompanied by a major public relations campaign emphasizing a new frame that was a bold departure from the prevailing conventional wisdom. In the wake of the Republicans' landslide in the 1994 House elections, the new Speaker, Newt Gingrich, claimed that the voters had knowingly endorsed the Contract with America, ten broad policy planks supported by over three hundred Republican candidates for Congress that year. Even though polls showed only a small minority of the population knew of the Contract prior to the election, the frame offered by Gingrich and the Republicans' claiming an electoral mandate for this set of policies gained widespread acceptance among policy makers, journalists, and other observers. President Clinton proposed a revolutionary new health care system, managed competition, arguing that the existing system was broken and inefficient. The Republicans beat back this effort by emphasizing a familiar frame, that the government is too inefficient to be entrusted with health care.[17] The Bush administration's spinning of the need to invade Iraq is best symbolized by his chief of staff's explanation of why they waited until the fall of 2003 to push a war against Iraq: "From a marketing point of view, you don't introduce new products in August."[18] Bush's push for a new Social Security system was launched with an effort to convince Americans that there was a crisis in the system, one so urgent that it demanded immediate attention. Ironically, as the proposal began to sink, the White House scrambled to try to alter the frame that it had helped to develop, that the president wanted to "privatize" the system. The public reacted quite negatively to the idea that Social Security would be privatized. The White House's switch in terminology to "personal" accounts from "private" accounts never gained traction.

These four massive framing efforts all involved fundamental principles about the role of government, and all mobilized the nation's top leadership, including in three cases the president, armed with that most powerful of spin machines, the bully pulpit. All but the invasion of Iraq centered

on the appropriate scope of government, the most basic of all differences between liberals and conservatives. The proposed war against Iraq forced citizens to consider the use of American military power in a world where terrorism presents a much greater threat than conventional warfare. For all the spinning on these issues, the frames pushed by advocates and opponents put a fundamental idea about the role of government front and center. Should we have a responsible party system? To what degree is government responsible for those who can't take care of themselves? What is more important, freedom or equality? Should America use its power to promote democracy in other countries? The manifestations of these debates, these contentious ideas, are the policies that affect people's lives.

No one disputes that ideas in the political arena have real-world impact. What should be emphasized, though, is that the framing of public-policy proposals is typically designed to evoke a broader political or ideological position. As Jacobs and Shapiro note, "A priming approach concentrates on raising the priority and the weight that individuals assign to particular attitudes already stored in their memories."[19] But priming is challenging, as the messages sent must break through the clutter of all the other messages that bombard us on an average day. And priming can easily stimulate opponents to launch their own efforts at persuasion.

Spin Rates

What is evoked by a particular effort at framing may disturb those on one side of a divide while pleasing others. What is used to prime may be false or misleading, as were President's Bush's claims about why it was necessary to invade Iraq. Frames can be used to stigmatize groups of people as undeserving of government assistance.[20] During the heated debate over immigration reform in 2007, some of the critics of the bipartisan legislation argued that illegal immigrants brought infectious diseases from their home countries into the United States.

Even if they are not purposefully misleading, frames are almost always, by definition, partial; they never tell the whole story. Thus, the question is which part of the story one prefers to put out there. Although it is evident that frames can be of great consequence, what is less certain is how often the introduction of a new frame has such an impact. It could be that cases where the emergence of a new frame succeeds, like the partial-birth abortion frame, are relatively uncommon. It could be that initial

perspectives characterizing an issue may be rather durable, altered only incrementally over time, if at all. Another possibility is that frames change in response to things that are beyond the control of any single actor; these policy advocates may attempt to take advantage of them if they occur, but they cannot make them happen.[21] And even if issues are reframed because of the rhetorical skills of individual policy entrepreneurs or because of surprise events beyond the control of any single actor, we still know very little about how often this occurs.

To answer our question about how frequently reframing occurs, we asked our interview subjects about the arguments they were using. Thus, we know for each case what frames were being pushed and by whom. Further, because we went back to study what happened to our ninety-eight issues, typically 18–24 months after our initial interviews, we are in a position to make some judgments about how framing may evolve over time.

As we proceeded through our initial round of research on the ninety-eight issues, we certainly came across issues that seemed ripe for a talented heresthetician, issues where one side had not achieved dominance and where at least one of the sides would find it advantageous to change other participants' or observers' perceptions. Take, for example, opening up trade with Cuba. This issue has been around literally for decades, as fervently anti-Castro Cuban expatriates have blocked agricultural interests and others who lobby for open trade with Cuba. The three sides we heard in interviews—free trade with Cuba, expanded trade of pharmaceuticals and food only, and no broadening of trade—were perspectives that advocates have plied for years. No one we talked to expected any movement, and no new sides emerged during the following two years we tracked the issue.

Another case, one where we did observe policy change, involved new EPA regulations to reduce the sulfur content of gasoline. Like free trade with Cuba, gasoline-related air pollution is an issue of some years' standing. Our period of field research caught the end of one policy-making cycle, during which time the EPA published new low sulfur regulations. The two basic sides we heard were an environmental, clear-air position and a probusiness, antiregulatory viewpoint. This second view was pushed by smaller refiners, as large refineries were less concerned about additional costs to be incurred from reformulating gasoline. Large refiners may have even welcomed additional costs placed on their small competitors. The initiative for the new regulations came from an EPA review of the problem and from policies adopted by the state of California to reduce sulfur pollu-

tion there. During the period of the research, no new side and no new heresthetics appeared to have played a significant role. The issue itself arose only because of the possibility of dramatic action. Research findings suggesting the effectiveness of a sulfur-reduction approach made movement in this direction all but inevitable. There was some new evidence attesting to the feasibility of a new approach, but there were no new arguments.

These cases offer cautionary observations about the widely accepted view that public-policy making is commonly shaped by framing and reframing. One caution is methodological. In the Cuba case, there had been some change over the years. At some point, before this research took to the field, the ban on trade was modified, and limited amounts of drugs and food were permitted to be sold to Cuba. It was an incremental change—proponents of trade want much more—but it was a change. Because incremental change doesn't come out of thin air, one can only assume that advocates began pushing for a humanitarian opening to Cuba and that this view eventually influenced policy. The Cuba trade case raises a simple question: At any time policy is modified, is there reframing? Nothing in the abundant literature on framing makes a distinction between incremental modifications and larger-scale change.[22]

Stable Frames

The sample of issues collected for this research is well suited for a broad analysis of framing. The random sample is particularly important, as most research on framing done outside the laboratory takes the form of case studies. As Druckman points out, selecting cases is dangerous, because "nearly every time scholars look for a framing effect, they tend to find it."[23] Aside from avoiding a selection bias, the random sample offers a wide array of policies at various stages of the policy-making process. The issues range from the nearly invisible to the highly salient, across virtually all major sectors of public policy.

Let us emphasize as strongly as we can that ours is only an analysis of *reframing*. The research design for this study did not allow for an analysis of initial *framing*, because our random sample comprised the issues lobbyists were working on the very week we interviewed them. Although some of the lobbyists were trying to push issues on the periphery forward, they mostly identified issues that were already far along in the legislative process. Overall, a significant proportion of the sample of issues related

to long-term problems. Yet to study initial framing requires observations at the beginning, and the true beginning of an issue is difficult to fix. In this respect, some of the literature on reframing suffers from the same problems that we have noted in the literature on lobbying in general. Just as in lobbying there is almost always an existing policy that establishes a status quo, so too in framing studies. In the policy process, there is virtually always an established, status quo frame that dominates discussion.[24] Reframing, like lobbying, is about changing the status quo. But the status quo achieved its status usually for many reasons, and these may not easily disappear.

In reviewing each of the ninety-eight cases, coding revolved around a simple question: Over the time we followed each issue, did a new frame emerge by stage two of the research (that is, in the subsequent Congress, as much as two years after our initial interviews)? Each issue was coded as being characterized by stable framing, partial reframing, or complete reframing. A complete reframing was defined as the emergence of a new, dominant frame that reoriented debate over an issue. A partial reframing meant that a new frame altered the fundamental debate but that it did not become a dominant side. In practical terms this would reflect a new argument coming to the fore, joining the mix of other arguments that remained viable. An issue coded as having stable frames was still being debated in the same general terms as it was when we first interviewed participants. Our coding decisions were guided by comparing the original interviews with a follow-up interview during the next Congress, reviews of stories in the media, and any other pertinent information that we came across during the time we studied the issue.

The results are surprising. Of the 98 issues that fell into our sample, we judged just 4 issues to have undergone some degree of reframing over the period studied. One of those we coded a complete reframing, and three were partial. This is just 4 percent. (If issues that appeared to have reached a conclusive termination point at the time of the initial interviews are removed from the calculation, it is 4 issues out of 85, or 5 percent.)[25] One example of partial reframing came at the end of the Clinton administration when the Forest Service issued regulations banning further road building in the national forests. Proponents of the ban argued that the environmental degradation that came from the roads and the lack of funds to maintain existing roads dictated putting a stop to additional road building. Opponents from the timber industry were concerned about limiting access for logging. After it took office, the Bush administration was faced

with a set of regulations it did not like, but believed the law constrained it from simply tossing out the Clinton rules. Instead, Bush administration officials fashioned a new policy that offered local control, so that officials at each site could determine what was best at that location.[26] The competing frames were not pushed aside, but this local-control perspective was successfully added to the mix by the administration.

In another case of partial reframing, a bankruptcy bill was tied up when Republicans hostile to abortion put in a provision exempting anti-abortion groups from civil claims that were the product of protests of violence at abortion clinics. The virulently anti-abortion group Operation Rescue declared bankruptcy rather than pay restitution to abortion clinics. Senate Republicans sympathetic to the anti-abortion movement believed that as a matter of conscience, such groups as Operation Rescue should not be required to distribute their assets to Planned Parenthood or other pro-choice organizations.

The third case of partial reframing involved Internet taxation, or more accurately, the lack of taxation on items purchased over the Internet. Initially the debate was argued on the basis of no new taxes versus the need for revenue by cities and states, which were losing revenue as consumers moved some of their purchases to Internet providers. A new argument came into play as so-called bricks-and-mortar stores began to emphasize fairness to all businesses. An identical product found both online and at a store at the mall can be sold more cheaply by the Internet supplier because no sales tax need be assessed. As one lobbyist working for a national retail chain put it, "All channels of commerce should be tax neutral. The government should not be in the business of picking winners and losers."

The one issue undergoing a complete reframing was a minor matter concerning the excise tax on telephone bills. The tax actually goes back to the time of the Spanish-American War and was justified as a luxury tax, because only the upper class had phones at that time. At the beginning of our research, phone companies were pushing Congress to eliminate the tax. At a later point in time, when the case was updated, the declining economy had effectively killed the proposal. Deteriorating economic conditions made legislators reluctant to give up the $5 billion a year the tax generated. The government's need for revenue was a new perspective and one that dominated what little discussion there was on the issue at the time of the follow-up research. (After this legislative defeat, advocacy turned to the courts, and, in a series of decisions, the application of this tax to long-distance phone calls was invalidated.)