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Lobbying and Policy Change

Who Wins, Who Loses, and Why

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THE UNIVERSITY OF CHICAGO PRESS

CHICAGO AND LONDON

Why is reframing so uncommon? Nothing in the literature offers an estimate of just how frequently reframing occurs, but that work certainly implies that it is not rare. Although there is work which is cautionary, citing barriers to reframing, the literature as a whole clearly suggests that reframing is a common strategy and sometimes succeeds.²⁷ It's not clear from the data gathered here as to how often reframing is tried, but our judgment is that when it is attempted it is aimed at a partial reframing and not at a wholesale reorientation.

The denizens of Washington continue to believe that reframing works but not because they've read William Riker or any of the others who have written on this subject. Rather, a central part of the culture of Washington is spin. Spin and reframing are certainly overlapping concepts, but in colloquial language *spin* usually refers to immediate and more transitory contexts—in particular the story being written that day by journalists. Spinning and public relations are so much a part of the day-to-day life of Washington, that it's easy to assume that reframing, efforts aimed at more enduring change in the way an issue is perceived over the next policy-making cycle, is often successful. Also, recent party history is often linked to success at such public relations skills. The triumph of conservatives and Republicans' success since the 1994 congressional elections has been widely attributed in large part to abilities to package their policies in an appealing and benign way.²⁸ Conversely, liberals are excoriated for their inability to match the conservatives on this score. George Lakoff, for example, argues stridently that the liberals' problems are not with their basic policies but with the way they're presented to the American people.

We're confident that our finding that reframing is rare is correct, not only because we used a random sample instead of selecting out cases, but also because our interviews with advocates left us with an indelible impression of just how difficult reframing is. In talking to lobbyists, legislative aides, and administrators, we observed people with little, if any, control over the definition of the problem at hand. In looking back at the sample of cases, many obstacles to reframing become evident. We group these explanations into three general categories: resources, political realities, and lobbyist skills and strategies.

Resources

Fights over public policy are not contests of ideas alone, but of resources as well. We focus our analysis here on resources related to the opposition,

sunk costs, and coalitions. The most fundamental reason why reframing is difficult is that the advocates who want to reframe will very likely run into an *opposition side* that will fight any effort contrary to its interests. For example, on the issue of CAFE standards (which set miles per gallon thresholds for automobile manufacturers), both sides on this issue have substantial resources and many friends in Congress. Environmental organizations and auto manufacturers are both well represented in Washington and are savvy, aggressive lobbies. In our interviews on this case, we observed lobbyists fully engaged in watching the opposition's every move. Each lobbyist we spoke with went into enormous detail about the other side's arguments. Neither side is going to sit idly by and let the other redefine the issue without a concerted attempt to push such efforts off to the side.

Summary statistics from the completed interviews illustrate this point. The median issue had nineteen separate advocates who were identified during the research. That's a fair number of policy experts on an issue (and, of course, these represent only the most prominent advocates, not the even larger policy communities, often consisting of hundreds or thousands of professionals who are knowledgeable and concerned with the issue). Would they all be willing to support a new policy frame proposed by one of them, or even half of them support a new frame? The ability of the opposition to combat redefinitions is aided by the slow gears of Washington's policy-making machinery. Redefinition efforts are not tactical strikes but part of long-term strategy. Thus, opponents can't be caught off guard by an overnight sneak attack, as might happen with a new sweetener to be proposed as an amendment just for a floor vote.

A second resource-related constraint on reframing is *sunk costs*. Here we refer to tangible costs only, excluding psychological commitment, which we take up below. The arguments put forward by interest groups are more than the rhetoric of conversations or the theme in a memo left in the office of a member of Congress. Those arguments reflect an investment by an interest group or government office in supporting that line of advocacy. People working for interest groups are assigned to work on a particular problem from a particular viewpoint. Individuals may even be hired for their expertise on a particular aspect of a policy problem.

Over the years lobbyists and executives from Lockheed Martin have continued to argue as hard as they can that the C-130 transport plane is vital to the nation's defense. There is, of course, fierce competition for weapons purchases from the Pentagon, and the C-130 is not cheap. Nor is it sexy, as it lugs cargo around rather than attacking the enemy. And, weapons-wise,

it is an aging senior citizen dating all the way back to the Korean War. It is not as though Lockheed Martin would refuse to use other arguments to try to promote the plane, but it's hard to imagine that anything would be as strong as arguments about the plane's success, functionality, and cost-effectiveness. The Lockheed Martin office in Washington works continually to develop evidence to support this basic story line. Every budget iteration requires that its lobbyists go forward with data to support the enduring arguments about the C-130. Frames themselves have histories and often large institutional investments that make them relatively stable.

The third and final resource constraint is participation in *coalitions*. Interest-group coalitions are ubiquitous in Washington, and, given the limited room on the congressional agenda and opposition from other interest groups, lobbies are eager to find allies with whom to fight. But with allies come compromises and reduced autonomy. Although a coalition isn't limited to a single argument that all participants must parrot, it makes sense for coalitions to coordinate their messages. Significant changes from that message may need to be negotiated. Since politics can make for strange bedfellows, some arguments may be tempered to keep opponents on other issues civil, if not friendly, on the matter at hand. On the regulations designed to reduce the sulfur content of gasoline, environmental groups and car manufacturers found themselves on the same side. The environmentalists surely had to agree to arguments that avoided their differences of opinion with auto manufacturers on other clean air issues. As one lobbyist told us, his coalition was "not this huge lockstep no-cracks phalanx." But he added, "there is an interest on our part in how we develop better relationships" with other groups, even those with which his organization is sometimes "at loggerheads."

The subject of coalitions suggests a broader point. As discussed in chapter 3, interest groups operate in a community of organizations with whom they commonly work. While coalitions of strange bedfellows are always striking, most coalition partners, most of the time, are like-minded organizations. Thus, one community of advocates typically monitors another community of advocates.²⁹ These policy communities are communication networks, and the regular interaction of advocates with their regular partners facilitates quick strategizing and mobilization. Again, our summary statistics are telling: the median number of advocates per side is eight. This multiplicity of actors and the resources they aggregate in policy communities make it all the more difficult for one set of participants to quickly or

dramatically change the terms of debate. Thus, the very structure of issue networks supports the stability of frames over time.

Political Realities

For many issues, a reframing effort is a waste of time and resources. Given the difficulty of reframing under the best of circumstances, members of the Washington community will think long and hard about the political realities of such an endeavor. Our time spent with lobbyists and policy makers led us to reflect on three types of political realities that can deter reframing: political alignments, ripeness, and media norms.

By *political alignments* we refer to those who are in power and those who are in the minority. It is always the case that for some interests in Washington, the wrong people are in power. And for all practical purposes, those interests need to wait until an election brings change. One lobbyist told us that he's always asking, "What's the climate like?" and "Is the climate going to change?" These may seem like obvious questions, but they're ones that bear consideration in the context of reframing. A lobby, even as wealthy as some are, must rationally allocate its resources. In plain English, each lobby must put its money and staff where they are going to do the most good. And contrary to popular misconception, most lobbies in Washington are constrained by budgets and staffing limitations.

If the wrong people come to power, lobbies may rethink the arguments they've been presenting. In some instances a new argument might be a good idea. If the conservatives are in power, for example, an environmental group might want to shift argumentation toward market-based reasons, if there are any, for a particular goal. But even so, it is more likely that the disadvantaged group is instituting a change in emphasis rather than trying to reframe. Other counterstrategies may be considered, such as looking for a legislative trade in which allies in Congress logroll with the opposition, giving up something to gain something. But similarly, this is a strategic choice, not reframing.

Leaving aside changes in emphasis and legislative maneuvering, efforts to truly reframe may be too problematic for the typical Washington lobby. To begin with, the people who are in power and who don't share a lobby's goals must be assumed to be just as politically savvy. Is the opposition going to be swayed by a new argument, even one that is closer to its own philosophy? If a lobbyist wanting to reframe cannot convince himself that it

is likely to work, why would he expend his scarce resources on it? Instead of a reframing effort, attention might turn to another, more promising issue. Or the organization might sponsor research that might create a more favorable environment for the issue when an opportunity presents itself sometime in the future. Or it might work the grassroots to strengthen itself and keep the issue alive with members of Congress when they visit home.

The largest group of lobbyists interviewed for this study worked for corporations and trade associations. Given the tax-cutting focus of the first term of the Bush administration, it is interesting that we came across relatively few tax cut proposals being worked on by lobbyists interviewed during the Clinton administration's last year. It seems clear that they had strategically decided on other issues as their priorities, issues where they might find the administration receptive, since tax cuts were not a major focus of the Clinton White House. What we didn't run across were efforts to reframe tax cut issues. Yet tax cut interests were there under the surface, and business lobbyists brought them forward in abundance when George W. Bush came to town.

Independent of who is in power, new issues that lack urgency must be nurtured through the governmental process until the time is right for action. We term this evolution *ripeness* to acknowledge that there is huge variation in the opportunity structure of public policy making. It may take years for an issue to develop, as advocates work to build support over the long-term. John Kingdon calls this a "softening up" period to educate policy makers so that "when a short-run opportunity to push their proposal comes, the way has been paved."³⁰ One of our issues, legislation aimed at obtaining federal funding for infant hearing screening, had been circulating in Congress for a decade before a program was incorporated into an omnibus piece of legislation. This is not unusual in Washington, where there are a limited number of bills that get enacted each year. Organizations like the American Speech-Language-Hearing Association and the National Association of the Deaf persevered over the years, pushing the same basic argument that it is much more advantageous to diagnose a hearing problem at infancy rather than waiting for it to be diagnosed when a child starts school. There was no reframing that could push this basic argument into the background. Eventually this long-term effort bore fruit.

But the ebb and flow of politics does not evolve in predictable cycles. Sometimes opportunities suddenly emerge, what Kingdon metaphorically describes as the opening of policy windows.³¹ Sometimes long-term stability can be disrupted by events, intellectual developments, and greater

media attention. Such opportunities may lead to reframing, as established truths have been shattered and everyone is considering the issue in a new light. After 9/11, for example, there was a mad rush in Washington to reframe all issues as related to national security. This sometimes reached the levels of farce. The American Traffic Safety Services Association, a trade group for road sign manufacturers, lobbied for more federal funds for street signs on the grounds that Americans would need better street signs to prevent traffic jams in the aftermath of a terrorist attack.³² Nevertheless, some lobbies did successfully link a proposal they had been working on to post-9/11 security legislation before argumentation returned to more normal advocacy.³³

Lobbies thus live in a world that rewards patience. Those that work to build support over time while they wait for the right party to win an election may sometimes find that fortune shines upon them. The reward may come with the sudden emergence of an opportunity, as was the case with 9/11. Generally, though, lobbies facing a hostile or apathetic government must be prepared to work for years to get their proposals enacted—if they're enacted at all.

Another facet of the pragmatism that guides Washington lobbying is that advocacy must contend with a *skeptical media*. Reporters and editors will consider new frames presented to them with a jaundiced eye, being sophisticated enough to understand that lobbies push that which is to their advantage, not what is objective and true. It is part of the professional training of reporters that they try to resist spin and to balance all views in their reporting. A reporter who prepares a story with a novel frame runs up against the norms of the profession and the vetting structure of a newspaper or broadcaster.

The greatest obstacle for lobbies needing media attention to help them persuade policy makers is to get the media to pay attention in the first place. Many of the issues in our sample were invisible to anyone outside of the specialists in the field. As a consequence, most efforts to persuade the media are not efforts to convince reporters that they should view the relevant issue through a new frame, but that they should regard the issue as worthy of their attention. To get any kind of coverage is a major victory for many lobbyists around town. For the American Optometric Association pushing Congress to fund residency training for newly graduated optometrists, any publicity would have been a godsend. The problem wasn't the frame but that the *Washington Post* didn't regard the issue as important. When we asked a lobbyist working on this issue to outline what he would

be doing to advance his cause, we noticed that mention of media was conspicuous by its absence. When we asked specifically, he responded simply, "No PR." What was left unsaid was obvious: it was unrealistic to think that journalists would be interested in covering the issue.

But even for those lobbyists considering a new effort to reframe an issue that the *Washington Post* does cover, they must develop a realistic strategy to convince an experienced and talented beat reporter that he or she has the story all wrong. This is no small challenge. Since this is so difficult to do those lobbies with the resources may try to change the environment around a story rather than influence reporters directly. Tactics such as paid advertising, histrionics, protests, photo ops with prominent celebrities, media events on Capitol Hill, sponsorship of research, appearances on talk shows, and the like may over the long run result in more attention for a lobby's cause. Most likely, however, such advocacy is really aimed at shifting attention to an argument that is already present in the debate over an issue and not at reframing.³⁴

Lobbyist Skills and Strategies

A third set of constraints on reframing derives from beliefs about what is right and about how an advocate succeeds at her vocation over time. Discussion here is organized around advocacy decisions influenced by conviction, credibility, and commitment over time. Although many lobbyists are happy to work for whoever will pay for their services, there are many others who work out of *conviction*. This is especially true of lobbyists for citizen groups and labor unions, who are typically fueled by ideology and are passionate about the righteousness of the issues they work on. Certainly labor union lobbyists are flexible on legislative strategy, but are they ever going to make arguments about justice and equality for workers a minor part of their advocacy? Is an environmental lobbyist ever going to be swayed from a primary argument that we must do more to clean the air or preserve the wilderness?

Such lobbyists are surely open to additional frames. The environmental lobbyist who is unyielding on matters of nuclear safety would not be averse to bringing forward the financial risks associated with nuclear power if she saw that it was advantageous. Nevertheless, ideological arguments endure over long periods of time and are not dropped just because they are out of fashion or the wrong party holds office. Commenting on an is-

sue centered around tariffs on imported steel, the industry representative couldn't have been more emphatic: "Our argument? That's easy. . . . We believe in the free market." The labor lobbyist saw things differently but was equally direct: "These are good-paying jobs at stake." Their arguments were so basic that we could have been talking to Adam Smith and Samuel Gompers. Even when it seems that the time is propitious for a lobbyist to look for additional frames, the ideological core of their advocacy is never completely pushed aside.

Although conviction may be more important for some lobbyists than others, all lobbyists must be concerned about their *credibility*. Advocates know that to maximize their effectiveness with key staffers, legislators, and administrators, they need to develop a relationship with those individuals. This process is nurtured over the years, through a variety of interactions, where the lobbyist tries both to build support for their position and to build respect for their work ethic and trustworthiness. In the words of one lobbyist, "my reputation is my most valuable asset."³⁵ Part of building trust comes from when a lobbyist makes an argument about what is critical to the organization and then stays with that argument for some time. To come back to an office a few months or even a year later with a whole new frame can work against one's reputation.

This is not to argue that lobbyists should be unyielding and refuse to compromise. Lobbyists, even the most idealistic of the bunch, are ultimately pragmatists who are open to compromise. But, again, it's important to distinguish between strategic considerations as to how to move a proposal forward and efforts to reorient an argument through reframing. For a lobbyist to jump around from argument to argument, trying to find a frame that works, is counterproductive. When a lobbyist meets with a legislative staffer and asks her to buy into an argument, that lobbyist is, in effect, asking the staffer to go to her boss and ask the legislator to push that argument forward. After making that pitch to the legislator, is that same staffer going to want to hear the lobbyist try to reframe the issue on his next visit? It's conceivable that a lobbyist who would love to catalyze a reframing would have to make such a pitch to staffers whose boss actually wrote the original legislation now at issue. In short, continuity is often part of credibility.

Finally, *staying the course* turns out to be an effective strategy. In his study of interest groups and the legislative agenda Jeffrey Berry found that there is much to be said for continuity in issue advocacy. Berry did not use arguments or frames as a unit of analysis, but what he did observe over

decades is that a key ingredient of the liberal citizen groups' success was to stay in the trenches, working on the same issues, year after year. By investing organizational resources into the development of expertise by staffers, the lobbies enhanced their influence by investing in people who developed reputations as leading experts on particular issues. When legislative staffers, administrative agency officials, or reporters need information about a problem, they know who to call for reliable intelligence.³⁶

Is such an organizational development strategy incompatible with reframing? In theory, no. One's expertise on an issue could be broad enough to be able to adapt it to different frames. However, expertise on complex public-policy matters can be highly technical. Reporters may call a particular person at an environmental group precisely because she has a great deal of expertise on emissions from steel mills. It is the data that is offered and the proven reliability of that expert over the years that makes her so valuable. If that person has been documenting for years that particulate emissions at a specific level are harmful to public health, she may not be the best lobbyist for arguing a new frame about the economic inefficiency of such steel mills. In sum, people invest in frames, and this investment pays dividends.

Change and the Status Quo

The central finding on framing is not that nothing ever changes. Forty-one percent of the issues in the sample underwent some policy change during the four years of our research. Rather, the data demonstrate that change is rarely the consequence of the emergence of an entirely new frame. Thus, policy change is likely to originate from other sources (including increased attention to a frame that may have long been present in the debate).

Change can evolve from long-standing work by advocates, who build support over time by educating policy makers, reaching out to constituents, supporting research, and then publicizing the results. External events can make some proposals more or less appealing. Occasionally an external shock is so great that an issue can be reframed, such as was the case with civil liberties after 9/11. Other times trends and events move policy in less dramatic fashion, as was the case with the telephone excise tax. The decline in the economy simply made Congress less interested in tax cut proposals unrelated to the president's fiscal agenda. Most obviously, change can also come about from elections.

What are the implications of the rarity of successful reframing? At the broadest level, we must recognize the power of the status quo. As we have documented in so many other parts of this book, in a policy debate defenders of the status quo side typically possess enormous advantages. In the national policy-making system, there are many obstacles to overcome to enact change—it's just plain difficult to climb that mountain. In the Congress there are structural obstacles—two separate houses, divided control, and the filibuster among others—that change agents must overcome to succeed in achieving their goals. As we discussed in chapter 7, defenders of the status quo can use simpler and often more convincing arguments; they often need only to raise doubts about "untested schemes."

Much of the advocacy we observed was oriented toward what Bryan Jones and Frank Baumgartner have called "attention shifting."³⁷ The limited space on the political agenda pushes advocates to select strategies that call attention to their issue, to their priorities, and to the severity of the problem as they see it. When we spoke with a business lobbyist working to try to amend the Food Quality Protection Act of 1996, he complained that "in Congress, the enviros wear the white hat, and the farmers and business wear a black hat." He then conceded that "it's hard to argue that you shouldn't be looking at exposure from products." In his own way, he was acknowledging the dense structure on policy making on food safety. He knew that consumer interests and powerful consumer arguments on food safety could not be dismissed, so his focus was to get legislators and their aides to pay attention to the problems of his industry. It wasn't possible to alter the fundamental frames associated with his issue, but it was possible that modifications in the law might help the industry reduce regulatory costs.

It's also the case that reframing can emerge incrementally. Beyond shifts in attention that, over time, yield more weight to particular arguments, there are transformations that are qualitatively different than a reweighting of attention.³⁸ In the case of capital punishment, for example, an "innocence frame" emerged over the course of many years. As more and more death sentences were overturned by DNA tests and other exculpatory evidence, press coverage became dominated by stories emphasizing wrongful convictions of death row inmates. In turn, public opinion was influenced.³⁹ Unfortunately, the research design of our study did not allow for an analysis of incremental reframing. Or perhaps we should say that a major finding of our study, based on our extensive fieldwork, is just how long it takes for this incremental reframing to occur. A much longer time

frame than two elapsed Congresses would be necessary to adequately measure such change. Given the infrequency of reframing found in this study and all the constraints on reframing identified here, our best guess is that change over time is more typically a matter of slow attention shifting than dramatic reframing.

On a methodological note, it should be acknowledged that we have no measure of how many issues may have gone through some reframing before we initiated our interviews. Thus, it's possible that we missed a significant reframing that altered an issue before we identified the arguments and sides surrounding it. We did gather information about each issue's recent history, however, and we doubt that previously reframed issues form any significant portion of the overall sample. Analysis of each issue's sides typically reveals a rather basic set of arguments. Recall that 17 of the 98 issues had only one side and fully 58 of them had just two.

Given the infrequency of reframing, why is it that journalists, pundits, politicians, and not a few political scientists have assumed that it is widespread? Certainly part of the reason is that reframing, beneath the surface of the academic language, embodies a popular, cynical view of the policy-making process. Teena Gabrielson captures this view succinctly, noting, "In the marketplace of American politics, the packaging of political issues is often as important as the product."⁴⁰ For all of us, there is the tendency to believe that the objective virtue of our own policy positions is a victim of the other side's success at confusing the public with deceptive marketing of their positions. Beyond cynicism, however, is the reality that when reframing does take place, it can be of enormous importance. Although that wasn't the case in our sample of issues, there are examples of reframing making a huge difference. As noted above, the partial-birth abortion reframing had such a profound influence in that policy area that it became iconic evidence of the power of reframing. And, of course, the nation is at war in Iraq partly because of the great success of the Bush administration in presenting the case for the war in terms that were misleading. The use of capital punishment in America has been seriously eroded because of increased attention to problems and errors in trials.

Since reframing is so unusual, it appears that adjustments in the "packaging" of issues may not be nearly as important as is commonly thought. Initial frames tend to be enduring, and over time debate revolves around the core, not the surface. Assumptions that policy making is highly influenced by the superficiality of advertising, public relations campaigns, test marketing, and well-designed sound bites finds little support in the history

of the ninety-eight issues tracked for this study. There is, of course, change over time as modest alterations move policies in one direction and the other. Surely, enduring frames can adjust incrementally to accommodate evolutionary change, but this is not the result of the kind of strategic effort to reframe envisioned by Riker. Instead, policy changes over the years are likely to reflect the long-term investment of resources by interest groups in conventional advocacy, the accumulation of research, and the impact of real-world trends and events.