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Choosing Battlegrounds: Interest Group Lobbying Across Multiple Venues

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Most research on the lobbying strategies of organized interests is venue specific. Yet organized interests frequently lobby in many different kinds of institutional venues, often on a single issue. I develop and test a model of the decision to lobby in one venue over another on a specific issue. Included in the model is the impact of oppositions from opposing interests in a particular venue, a factor that has not been considered in past research. I test the model with data from interviews with lobbyists for groups that were active on the issue of financial modernization between 1997 and 1999. I find significant variation in the amount of lobbying performed by different organizations on this issue in different venues; expectations of opposition from other interests are a significant factor in the decision to lobby in a given venue.

Why does an interest group decide to lobby in one institutional venue, or set of venues, but not another? Do the lobbying strategies of allied and opposing interest groups influence this decision, and, if so, how? Too often the choice to lobby in a particular venue has been treated by scholars as a given rather than a strategic choice. Yet lobbyists themselves frequently speak of designing their advocacy strategies as if they were preparing for war, carefully selecting battlefields that play to their strengths at the expense of their enemies. The history of almost any issue reveals an ebb and flow of lobbying activity by interest groups from one venue to another. For instance, in the mid-1990s banking interests pursued efforts to reshape the nation's banking, finance, and insurance laws for the modern marketplace almost exclusively through regulatory agencies. By contrast, interest groups representing the insurance and investment industries, fearing the emergence of a new market biased toward banks, retaliated by pushing the conflict into the courts. Only after their defeat in the Supreme Court did the latter industries carry the fight to Congress. Even there, battles were fought in several law-making venues. Some interests concentrated on the House and Senate Banking Committees; others pinned their hopes on the House Commerce Committee and on floor action, where their opponents had less of an edge.

Models of lobbying that focus on the provision of information and other resources to lawmakers in return for influence would likely explain venue shopping simply as a decision to lobby where the group has access. But the example above suggests a more complex decision. I argue that competitiveness among interest groups shapes expectations of success and failure within an institutional venue, giving lob-

byists an incentive to pick their battlegrounds with greater care than resource exchange models would suggest. Drawing on data collected from interviews with lobbyists active on the financial modernization issue from 1997 to 1999, I test a set of hypotheses regarding the impact of the presence and strength of competitor and allied interest groups on groups' decisions about where to lobby and how intensely to lobby when multiple venues are available.

MULTIPLE VENUES AND THE RESOURCE EXCHANGE MODEL

Building on a foundation laid by an earlier generation of researchers (e.g., Truman 1972; Milbrath 1963; Bauer, Pool and Dexter 1963), scholars have learned a great deal about how interest groups gain access to members of Congress (Hansen 1991), target legislators in committee (Hojnacki and Kimball 1998), and build support for their positions on the floor of Congress (Smith 1984). This work has produced debates as to whether organized interests lobby unsympathetic legislators (Austen-Smith and Wright 1992; 1994) or stick with their allies (Baumgartner and Leech 1996; Kollman 1997; Leech and Baumgartner 1999). Looking beyond Capitol Hill, we know how groups lobby regulatory agencies through the filing of public comments (Kerwin 1999) and service on advisory committees (Balla and Wright 2001). We also know that interest groups try to influence Supreme Court decisions by submitting amicus briefs (Caldeira and Wright 1988, 1990) or by sponsoring cases (Olson 1990; Epstein 1991; Scheppele and Walker 1991). In other words, the constitutional separation of powers and the growing decentralization of government decisionmaking (see Hecl 1978; Deering and Smith 1997) have created a multiplicity of venues lobbyists may target even on a single issue. But how do interest groups decide which venues to lobby when many are available?¹

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¹ In their study of the evolution of policy issues and the influence of political actors who support these issues, Baumgartner and Jones (1993), drawing on Schattschneider (1960), demonstrated how organized interests shift their issues from one decisionmaking venue into another

The prevailing model of decisionmaking by lobbyists emphasizes an exchange between the resources organizations have to offer and the influence lawmakers can provide them. Assuming that lawmakers lack the resources to gather intelligence on the intricacies of policy proposals and constituent opinion, scholars from Milbrath (1963) onward have cast organized interests as suppliers for this demand. By providing information on constituent views (Hansen 1991; Austen-Smith 1993) and technical aspects of policy (Kingdon 1984), as well as financial contributions (McCarty and Rothenberg 1996; Wright 1996), lobbyists gain access to, and develop relationships with, lawmakers, permitting them to wield influence over the development of public policy. If this resource exchange model captures the critical factors underlying a lobbyist's decision-making process, then venue selection may be a relatively trivial question. Interest groups will simply target all venues where they have exchange relationships.

Yet this focus on the attributes of the interest group—lawmaker connection ignores the lobbying decisions made by *other* organized interests, both friends and foes. One reason for this oversight may be that not all scholars accept the notion that interest groups regularly interact with each other. Browne (1990), for instance, argues that interest groups tend to retreat into exclusive issue niches where they are the sole advocates for an issue rather than work in dense communities where multiple groups are struggling to make a mark. Yet Laumann and Knoke (1987), Heinz et al. (1993), and Nownes (2001) find considerable interaction among interest groups on many issues, and recent research on alliance building by interest groups (Hojnacki 1997; Hula 1999) demonstrates that group interaction is an increasingly common fact of life. Instead of finding issues to call exclusively their own, such studies suggest that on many issues many interest groups are involved simultaneously. Indeed, a recent analysis of Lobbying Disclosure Act data by Baumgartner and Leech (2001) shows that there are at least two interest groups involved in the vast majority of issues.

If multiple interest groups are trying to influence the same policy, then individual lobbyists may well be concerned about the positions taken by their colleagues, particularly those representing positions contrary to their own. More importantly, they are likely to pay close attention to the capacity of their competitors to persuade lawmakers and will shape their own strategy to counter these attacks as effectively as possible. This type of strategic behavior, where actors condition their decisions on expectations of their peers' behavior, has been studied in Congress (Shepsle and Weingast 1987; Krehbiel 1998) and the Supreme Court (Maltzman et al. 2000), but rarely in interest group research.

Only Austen-Smith and Wright (1994) model lobbyist behavior as a response to actions by another group, but their results are limited to cases where an opposing organization is openly seen lobbying a friendly legislator. Yet this type of strategic behavior might be manifested at various decision points, including venue selection. Furthermore, a strategy developed in anticipation of the actions of allied and opposing interest groups may very well produce outcomes contrary to those predicted by the resource exchange model. For instance, when an organization has multiple allies, a lobbyist may choose to advocate in a venue where he or she lacks an exchange relationship, relying on allies' contacts to gain access. Similarly, expecting fierce opposition from other interest groups may dissuade a lobbyist from targeting a venue if the relationships the group's competitors have with legislators there are stronger than those enjoyed by the group itself. Instead of lobbying, the logical course may be to husband resources and fight in another venue.

COMPETITION, ALLIANCES, AND VARIATIONS IN LOBBYING INTENSITY

Intuitively, greater competition should decrease the probability of lobbying in a venue, and coalition support should increase it. Yet as Ainsworth and Sened (1993) point out, organized interests play to more than one audience at a time, placing counter pressure on the lobbyist. Apart from how they deal with lawmakers and other interest groups, lobbyists must also take into account the desires of their group's members. Furthermore, the actual pressure these audiences exert is likely to vary over the life of an issue. This means that lobbyists must consider not only which audiences to play to, but which is the most important to please at a given moment. Because each venue contains a different set of government officials, the quality of the relationships between a group's lobbyist and these policymakers is likely to vary from venue to venue. For the same reason, the capacity of competitor and allied groups to wield influence should also vary from venue to venue. On the other hand, the desires of a group's membership may not change as dramatically, nor are they likely to depend on the capacity of the lobbyist to be influential in a venue. For example, the pressure that individual bankers place on the American Bankers Association to lobby for deregulation is not likely to depend on whether ABA enjoys influence in a particular venue or how intensely consumer interests are lobbying.

The potentially conflicting pressures stemming from the need to react to these different audiences may ensnare the lobbyist in a Catch-22. Because it might appear irrational for a lobbyist to spend time and resources lobbying in a venue where he or she does not have any realistic chance of changing the direction of legislation, the sensible decision would be to select an alternative venue. Yet at the same time, pressure from the membership, especially when an issue is highly salient, may give the lobbyist an incentive to be seen working in as many venues as possible. After all, to be caught not lobbying when a critical issue is being considered might

through the expansion and re-definition of conflict. This is not the issue I address in this article. Baumgartner and Jones describe a process of changing jurisdictions where issues are handled over a long period of time. I discuss how lobbyists decide in which venues, out of the many a specific policy must pass through to become law, they will focus their advocacy efforts.

create an impression of shirking, angering members and even costing the lobbyist his or her job. One lobbyist interviewed for this study recounted an occasion when a colleague was marginalized by board members for apparently ignoring a critical issue even though he had little chance of effectively lobbying against it. A logical solution when a lobbyist must lobby but does not wish to waste finite resources because the likelihood of success is low is to vary the intensity of lobbying. Instead of wasting resources in a futile effort, advocates may instead choose merely to go through the motions, engaging in pro-forma lobbying through visible but low-cost activities such as testifying before a committee, urging members to mail postcards to legislators, or running ads in the *Washington Post*. This means that rather than simply deciding whether to lobby, advocates are making a more complex decision. They must first decide in which venues they will lobby, and then, for each venue selected, they must decide on the intensity of their advocacy. Note that lobbyists can decide how intensely to lobby in a venue only after deciding whether to lobby in that venue at all, and factors that affect one decision need not affect the other.

If this interpretation is correct, then whether an interest group chooses to lobby in one or more institutional venues, and how intensely it decides to lobby, are at least partially determined by the competitiveness of the group environment surrounding the issue. More specifically, the number of other organized interests lobbying for or against the position taken by the organization should shape both decisions. For instance, although groups often form coalitions, they are more likely to enter coalitions with groups “perceived to be ‘pivotal’ to success” (Hojnacki 1997: 62). In other words, a group will be more likely to lobby in a venue when it is able to work with a more influential group. Furthermore, interest groups are believed to work frequently in coalitions in order to cover more venues in their lobbying efforts by sharing resources with other members (Hula 1999). A lobbyist for the finance industry interviewed for this study remarked how it was coordination among allies that allowed them to cover all of the legislative bases needed to successfully influence the re-write of critical legislation. Therefore:

Coalition Hypothesis: Membership in a coalition of interest groups will, ceteris paribus, increase the likelihood of lobbying in a venue.

Yet coalition behavior is also subject to the influence of Olson’s (1965) collective action problem. Groups may want to lobby to impress members and lawmakers, but unless the specific issue being considered in a venue is of great importance to its members the lobbyist is likely to shirk from taking any intensive leadership role such as spearheading the advocacy effort. As Hula (1999) explains, coalition work is often more about being seen lobbying than actually influencing the choice of tactics. So:

Issue Importance and Coalition Hypothesis: Groups in a coalition are less likely to lobby intensely unless the issue under consideration in a venue is very important to them.

The assumption that lobbyists desire to be at least perceived as active has implications beyond encouraging coalition membership. As Wilson (1973) and Gray and Lowery (1996) have noted, in addition to competition to shape policy, groups compete for members. A lobbyist who fails to act when the opposition is busy engaging in advocacy risks sending a signal to members, lawmakers and competitor groups that this organization is unable to defend its turf and is therefore a poor investment. Although the active presence of a single opponent may have some power to stimulate a lobbyist into activity, the effect is likely to be greater, and hence more likely to be observed empirically, when multiple opposing groups are working in a coalition. So:

Opposition in Coalition Hypothesis: When its opposition is working in a coalition in a venue, an interest group is, ceteris paribus, more likely to lobby in that venue.

Instead of being allies, other interest groups may actively oppose a group’s position on an issue. The effect of this opposition on the choice to lobby and on the subsequent choice of intensity depends on the opposition’s credibility. An opposing group without the capacity to translate its opposition into a serious counter-lobbying effort is unlikely to be an effective deterrent. In fact, given that an interest group is conscious of the image it projects to lawmakers, other groups, and its own members, the mere presence of opposition should make an interest group more likely to lobby. Again, to be seen not lobbying might be taken as a sign of weakness, damaging the group’s reputation as a force to be taken seriously and encouraging members to look elsewhere for representation. Therefore:

Opposition Hypothesis: The presence of opposing interest groups, or a coalition of groups, should, ceteris paribus, make it more likely that a group will decide to lobby in a venue.

The opposition’s negative effect also manifests in the lobbying intensity choice, but only when it is seen as credible. For instance, when its opponents enjoy access to decision-makers in a venue, a lobbyist should be more likely to reconsider the wisdom of spending precious resources by engaging in a full-scale lobbying campaign. As the odds of victory diminish in the face of an opponent’s strength, the appeal of mounting a pro-forma advocacy effort to placate members and demonstrate continued interest in the issue should increase. As an insurance lobbyist recalled from the financial modernization debate, the banking lobby was so deeply entrenched in the Banking Committee that the only practical option was for insurance to save its big guns for the Commerce Committee where banks would be in less friendly territory. So:

Opposition with Access Hypothesis: If an opposing interest group enjoys access, then the deciding group should, ceteris paribus, engage in more pro-forma lobbying.

The “opposition with access” hypothesis assumes that the deciding interest group lacks sufficient resources of its own to counteract the access of its opponents. In other words, it should hold only if the former lacks the capacity to fight back effectively. If the deciding interest group also enjoys access to lawmakers within a venue, it should have the means to lobby effectively in the face of strong and credible opposing interest groups. Therefore:

Access and Opposition Hypothesis: If an organized interest has access in a venue, it should be more likely to lobby intensely, even when opposing groups also have access.

Access is not the only tool an interest group may have to deter its opponents. As Kollman (1998) finds, grassroots advocacy, the mobilization of a group’s rank and file members to pressure lawmakers, can be effective on highly salient issues. Nonetheless, when opposing interests decide to call out their members in a grassroots effort to pressure lawmakers, an interest group developing its own lobbying strategy is placed in a difficult position. As when the opposition has access, the group comes under pressure to respond in that venue. But if lawmakers are responding to grassroots pressure, then the most sensible response is likewise to utilize member advocacy tactics. Responding with traditional direct lobbying tactics when the issue lends itself to grassroots influence might appear foolish and weak to opposing interests and lawmakers, damaging the group’s reputation. But effective grassroots advocacy is costly, and as Kollman points out, the less important the issue to the members, the greater the cost of mobilization. Here the appeal of pro-forma lobbying tends to break down; little can be gained by attempting some form of posturing through grassroots tactics. Instead, the best response is an all or nothing approach of either not lobbying or engaging in an all-out grassroots effort. Therefore:

Opposition using Grassroots Hypothesis: If an opposing interest group uses grassroots tactics, the deciding group should, ceteris paribus, be less likely to lobby overall but more likely to lobby intensely if it does choose to lobby.

DATA AND METHODS

As Browne (1999) has noted, each policy domain is unique in terms of the structure of relationships among different actors and the processes these actors have developed to influence policy. If some domains are more likely to contain antagonism between groups than others, as Heinz et al. (1993) found, then studying a cross-section of interest group decisions irrespective of domain boundaries could mask the effects of factors involving the strength of opposing interests.

This study focuses on the domain of banking and finance policy. Banking law has existed as a distinct area of federal policymaking since the passage of the National Bank Act of 1864. The main features of this policy domain include its own landmark pieces of legislation, four major regulatory

agencies, its own congressional committees, and a set of case law precedents (see Williams and Jacobsen 1995).² This policy domain also has a long history of conflict and trade-offs among a diverse array of competing interest groups. The issue of financial modernization was by no means the first time these interests had clashed.³ Broadly, financial modernization was the effort by the banking industry to allow cross-industry mergers among commercial bankers, insurance agents and underwriters, and Wall Street securities brokers.⁴ The issue surged to the forefront in the early 1990s, when federal banking regulators began using their authority to expand the scope of the business in which commercial banks and bank holding companies can engage. When the courts upheld these regulatory interpretations, interests whose market territory was being encroached upon turned to Congress to ensure that if legal barriers came down, at least they would do so on terms more favorable than those the bank regulators were offering. After years of fighting and coalition building by a multitude of organizations, on November 12, 1999, President Clinton signed the Gramm-Leach-Bliley Act into law.

In 1999–2000 I conducted semi-structured, on-site interviews with interest group government affairs representatives working on the financial modernization issue. I selected 31 organizations on the basis of evidence of their participation on this issue, such as presenting congressional testimony, filing *amicus curiae* briefs in two major cases, and repeatedly being mentioned as active participants in popular and trade publications.⁵ These organizations constitute

² Banking and finance policy is the province of the Office of the Comptroller of the Currency (OCC), the Office of Thrift Supervision (OTS), the Federal Reserve System and the Federal Deposit Insurance Corporation (see Khademian 1996 for more details). The congressional committees with jurisdiction are the House Banking and Finance Committee and the Senate Banking and Urban Affairs Committee, although prior to the 107th Congress, the Commerce Committee in the House has jurisdiction over investing and securities law.

³ “Financial modernization” became a whirlpool of many issues, such as reforming or eliminating the federal thrift charter, reforming the Community Reinvestment Act, affiliations between investment firms and insurance companies with commercial banks, the sharing of customer information between corporate affiliates and third parties, the degree to which banks can invest in non-financial companies, and the level of authority the federal government will exercise over traditionally state regulated insurance and securities activities.

⁴ Although this issue has been popping up in one fashion or another since Senator Carter Glass (R-VA) tried to repeal the original Glass-Steagall Act (which he sponsored) in the 1930s, economic pressures on the banking industry to expand into new lines of business became increasingly intense due to the rapidly shrinking share of the nation’s assets currently held as deposits in banks. Americans have been investing more of their savings in money market accounts, mutual funds or investing it directly in the stock market (Mayer 1997), forcing the commercial banking industry to push into lines of business traditional denied them under the National Bank Act and the Glass-Steagall Act. The insurance agent and underwriting industries, as well as the Wall Street investment and brokerage industries, have resisted these attempts to encroach on their business and have fought back.

⁵ Specifically, I used stories printed in *Congressional Quarterly*, *American Banker*, *Credit Union Times*, *Community Reinvestment Monitor* and relevant

virtually all of the major players at any stage of the development of Gramm-Leach-Bliley.⁶ I initially sent a letter of introduction to the government relations official I identified through staff listings in *Washington Representatives* (1999 edition). After follow-up calls, 26 organized interests granted me an interview.⁷ The responding organizations form a cross-section of the types of organized interests in this policy domain, but are not unique to banking policy. Table 1 describes these group types.

In the interviews I asked a series of close-ended questions designed to probe the behavior of these groups in each of the 15 different venues within all three branches of the federal government I identified as important battlegrounds in the development of the law (see Appendix A for a chronology). Given my focus on whether a given interest group chose to lobby in each venue and how intensely, the unit of analysis is not the interest group itself but the group in a particular venue. This means that the number of cases analyzed here is 390 (i.e., 26 groups multiplied by 15 venues).

Dependent Variables

Because observed behavior, such as testifying before a committee, often fails to convey the true relationship between lobbyists and lawmakers, it would be problematic to use these as proxies of lobbying intensity. Instead, I rely on the lobbyists' own accounts to indicate the intensity of their efforts. I asked them not only what tactics they employed in each venue, when they chose to lobby at all, but how intense their efforts had been, distinguishing among "didn't lobby," "lobbied moderately" (pro-forma lobbying), and "lobbied intensely" and coded on an ordinal scale of 0 through 2.⁸

stories found in *The Washington Post* and *Wall Street Journal*. The trade publication *American Banker* especially provided an exhaustive list since it tracked the issue on a daily basis and mentioned many organizations not necessarily involved throughout the life of this issue, preventing my list of organizations from being skewed toward those who participated the most.

⁶ Readers might suspect that such a selection rule creates a degree of truncation in the dependent variables as groups that might have lobbied on Gramm-Leach-Bliley, but chose not to, would not end up being included. However, my focus is on which venues were chosen for lobbying and the intensity of that lobbying, not on whether a group chose to lobby at all on this issue. Furthermore, as a practical matter, it is unlikely that interest group lobbyists would have been willing to set aside valuable time to discuss an issue with me that their organization does not feel strongly about.

⁷ Originally there were 27 interviews, but one was dropped because the individual I interviewed was not directly connected to the interest's lobbying enterprise and not sure how to respond to specific questions. Three other organized interests agreed to be interviewed, but the person I desired to interview indicated that he or she had recently joined the organization and was not familiar with the lobbying enterprise the organization had conducted on financial modernization. Finding no other lobbyists on staff familiar with events, I decided to omit these organizations from my list.

⁸ Before asking these questions, I briefly discussed these answers with the interviewees so that there was clarity as to their meaning. Initially I

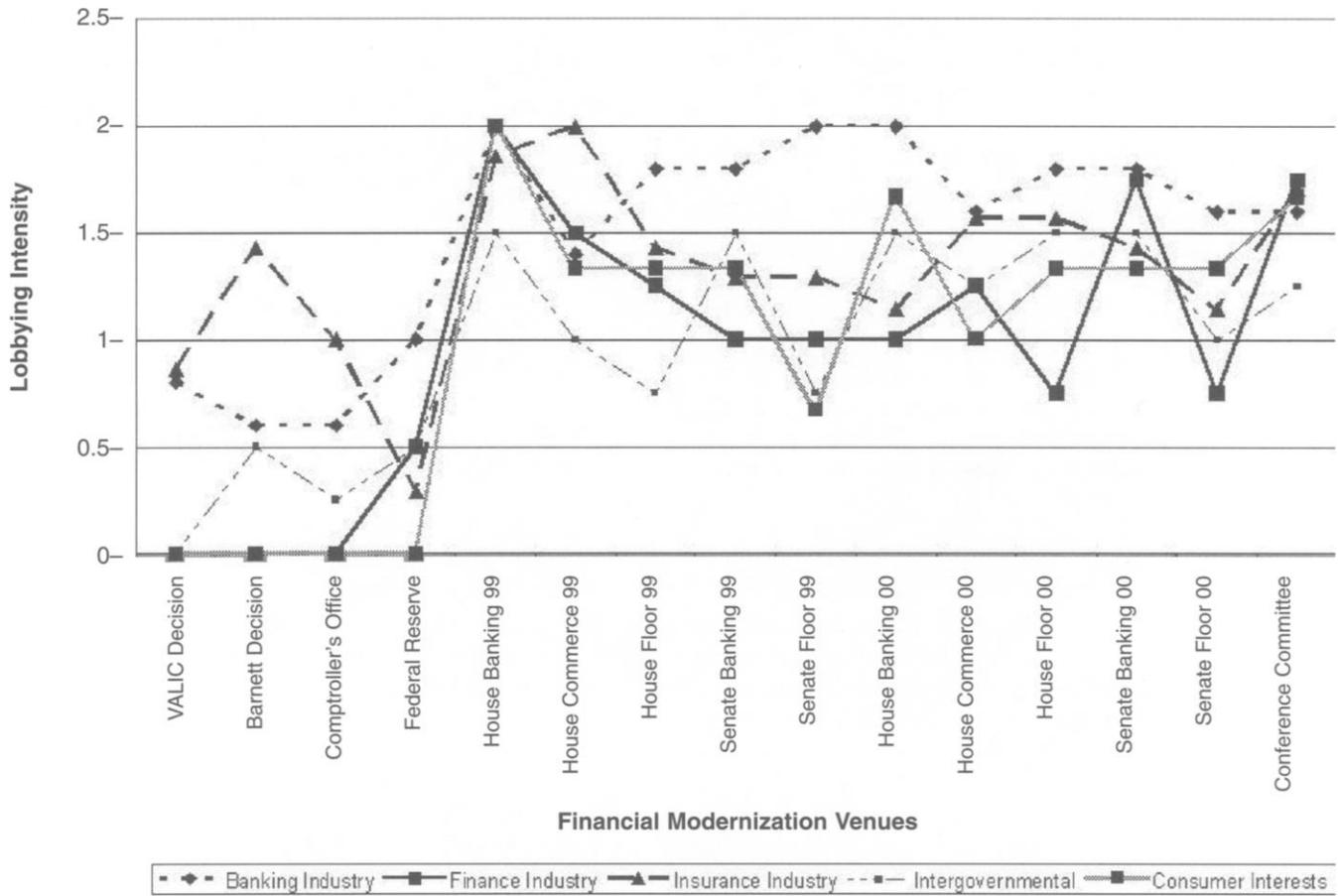
≡ TABLE 1
ORGANIZED INTERESTS INTERVIEWED BY THE CONSTITUENCIES
THEY REPRESENT OR ORGANIZATIONAL TYPE

General Group Classification	Number of Respondents in Category
Commercial Banking Industry (Trade groups representing commercial banks such as American Bankers Association)	4
Thrift Banking Industry (Trade groups representing savings banks such as Americas Community Bankers)	1
Insurance Underwriters Industry (Trade groups representing the insurance industry such as American Insurance Association)	2
Insurance Agents Industry (Association representing individual insurance agents such as Independent Insurance Agents of America)	5
Investment and Brokerage Industry (Trade groups representing the securities brokerage industry such as Securities Industry Association)	3
Community Reinvestment Advocates (Public interest organizations such as National Community Reinvestment Coalition)	2
Consumer Protection Advocates (Member based consumer advocacy organizations such as USPIRG)	1
Intergovernmental Organizations (Representing state government officials, both elected and appointed, such as the Conference of State Bank Supervisors)	4
Other (Other involved organizations such as Credit Union National Association and corporations such as Citibank)	4
Total	26

In order to see the variation in lobbying intensity, as well as get a sense of where different "sides" in the financial modernization debate lobbied most intensely, I averaged the intensity scores of all organizations working in a common sector (banking, finance, insurance, intergovernmental and consumer interests) and plotted the results in Figure 1. Clearly the banking industry sustained the greatest intensity

expected some resistance on the part of those I interviewed to being boxed into such a format. I did find some resistance, but most interviewees seemed quite content to provide an answer. In fact, many understood the purpose of the format. One respondent told me "so you want to know when we postured and when we actually meant it, right?" This, of course, is the distinction I draw between lobbying moderately and lobbying intensely.

FIGURE 1
VARIATION IN LOBBYING INTENSITY ACROSS VENUES



of lobbying, dipping down in Congress only when it lobbied the relatively unfriendly House Commerce Committee and, rather surprisingly, the final conference committee. Two other interesting features also stand out. First, variation is somewhat greater in the judicial and regulatory venues where many groups, particularly consumer interests, did very little lobbying at all.⁹ Second, the House Banking Committee in 1999 and the conference committee were focal points for the most intense lobbying. This appears to reflect the importance of getting one's priorities in the original legislation noted by Kingdon (1984) and the power of conference committees as final arbiters of legislation (Shepsle and Weingast 1987).

To capture decisions of whether to lobby, I collapsed the moderate, or pro-forma, and intense responses to indicate whether an interest group lobbied in a given venue coded 1 or not 0. For cases coded 1 (279 in all), I distinguished intense 1 from moderate 0 lobbying.

⁹ Interestingly, when dummy variables for the judicial and regulatory venues were entered into the statistical model below, with Congress as the omitted baseline variable, neither achieved statistical significance at the 0.05 level. They were therefore omitted in the final model.

Independent Variables

Most of the predictors in this study are drawn from the interviews. Mindful that this type of research design might create an endogeneity problem where explanatory variables are not entirely independent of the dependent variables, I used the Durbin-Wu-Hausman test to check for endogeneity bias (see Davidson and MacKinnon 1993).¹⁰ Only the indicator of whether an organization worked in a coalition in a specific venue exhibited potential endogeneity bias. This variable, drawn from answers to a question in the interviews,

¹⁰ More specifically, since they are drawn from the same source, interviews with lobbyists, the independence of the measures may be suspect. Although the threat was mitigated by asking questions forming the explanatory variables in a different section of the interview protocol than the question on lobbying intensity (which were at the end), the Durbin-Wu-Hausman procedure provides a more straight forward test for endogeneity bias. Each explanatory variable drawn from the interviews was estimated using the other independent variables and the residual entered in the final statistical model. If the residual is statistically significant, there is endogeneity bias and the true direction of causality must be called into question. Fortunately, only the original coalition membership variable was significant, and that only at the 0.1 level.

≡ TABLE 2
DEPENDENT AND EXPLANATORY VARIABLES

Variable	Mean	Standard Deviation	Minimum Value	Maximum Value
Dependent Variables				
Group Chose to Lobby in the Venue	0.71	0.45	0	1
Intensity of the Lobbying in the Venue	0.57	0.49	0	1
Explanatory Variables				
<i>Group Context Variables</i>				
Deciding Interest Group is Part of a Coalition of Interest Groups	0.68	0.47	0	1
Deciding Group is in a Coalition and Faces an Important Issue	0.46	0.50	0	1
Total number of Opposing Interest Groups in the Venue	4.19	4.16	0	22
Total number of Opposing Interest Groups with Access in the Venue	2.06	2.51	0	12
Total number of Opposing Interest Groups Using Grassroots Tactics in a Venue	2.14	2.24	0	10
Total Number of Opposing Interest Groups Working in a Coalition in a Venue	2.82	2.98	0	16
Total number of Opposing Interest Groups with Access in the Venue × Deciding Interest Group has Access to Policymakers in the Venue	1.37	2.29	0	12
<i>Control Variables</i>				
Deciding Interest Group has Access to Policymakers In the Venue	0.52	0.50	0	1
Deciding Interest Group is Affiliated with a PAC	0.73	0.44	0	1
Number of Government Affairs Staff Members at the Group	15.07	15.96	1	65
Number of Members in the Deciding Interest Group	42,791	104,419	0	500,000
Specific Issue is Important to the Membership of the Deciding Interest Group	0.57	0.49	0	1

was replaced by a new indicator. All of the organizations interviewed for this study provided testimony before Congress, some of them up to four times. Groups working in coalitions with others went out of their way to press that point home, doubtlessly trying to impress members of Congress with their unity. The trade publications covering the financial modernization issue used earlier are also checked to see if explicit mentions were made of groups advocating in coalitions while the issue was in a particular venue. A binary variable was coded 1 for indication of coalition membership, 0 otherwise. This new variable correlates highly with the old at 0.85, but only moderately with the lobby—didn't lobby dependent variable at 0.55 demonstrating its suitability as an instrumental variable. To test whether groups in a coalition are more likely to lobby intensely when a specific issue is exceptionally important to them is under consideration, I interacted this new coalition variable with a binary variable indicating whether during the interview the lobbyist indicated that the part of the financial modernization bill being worked on in a venue was especially important.

To indicate opposition from other interest groups an organization expected to face in a given venue, I asked interviewees to identify the organizations opposing them on financial modernization. I supplemented their answers with material from their accounts of their efforts on the issue.

From this information, supplemented by congressional testimony and press accounts, it was relatively easy to determine which organizations had opposed each group in each venue; I totaled all opposing organizations to form the "opposition" variable.

To construct variables testing the hypotheses regarding credible opposition, I combined the total opposition faced per venue variable with information I collected on opposing groups to develop my control variables below. For instance, by cross-checking the opposition variable with the variable indicating whether a group had access to lawmakers in a venue, I was able to calculate the number of opposing groups in each venue that also enjoyed access in that venue, creating an opposition with access indicator. I used parallel strategies to create an opposition in coalition variable, using my indicator of whether a group worked in a coalition, and an opposition using grassroots variable using an indicator of whether the group engaged in grassroots lobbying developed below. Finally, to test the access and strong opposition hypothesis, I created a multiplicative term from the access and opposition with access variables.

To gauge the impact of these group context variables, I need to take other pertinent factors into account. In particular, many of the resources an organization has to draw on apart from the strategic context may also influence the

≡ TABLE 3
HECKMAN ESTIMATIONS OF THE DECISION TO LOBBY IN A VENUE (SELECTION EQUATION)

Explanatory Variable	Maximum Likelihood Estimate	Robust Standard Error	First Difference Effect
<i>Group Context</i>			
Group is a Member of a Coalition of Groups Lobbying in the Venue	1.54***	0.28	0.43
Group is Faced with Opposition From Other Groups in the Venue	0.08***	0.03	0.07
Opposing Groups are Working in a Coalition in the Venue	0.45***	0.11	0.12
Opposing Groups are using Grassroots Tactics in the Venue	-0.27*	0.11	-0.18
<i>Relations with Lawmakers</i>			
Group has Access to Lawmakers in the Venue	1.00***	0.17	0.22
<i>Organizational Influences</i>			
Issue Under Consideration in Venue is Important to the Group's Members	0.64***	0.21	0.15
Number of Members in the Group	2.01*	8.83	0.04
Size of Group's Government Affairs Staff	-0.01	0.01	-0.02
Group is Affiliated with a Political Action Committee	0.77*	0.34	0.20
Constant	-2.45***	0.48	—

Wald χ^2 (indicating the fit of the full model) = 22.30***

Log-Likelihood (for the full model) = -267.90

Wald Test (of $\rho = 0$) to see if the full two-stage model produces results significantly different from running each stage as separate probit models: Wald $\chi^2 = 5.83**$

Standard errors adjusted for clustering on group identification code

N = 390 for selection equation

Percentage of observations correctly predicted by selection equation = 91%

Reduction of error in selection equation = 68%

* $p < 0.05$

** $p < 0.01$

*** $p < 0.005$

likelihood of lobbying a venue or lobbying it intensely. Accordingly, I control for access in a venue by the deciding interest group, the staff resources the organization has to work on a lobbying campaign, including a political action committee (PAC), and the number of group members who might possibly be mobilized for grassroots lobbying. The issue importance variable discussed above was also entered as a control variable. The control variable representing a group's access in a particular venue comes from answers to a question asking lobbyists to identify the venues in which they regularly work on the organization's issues.¹¹ I coded responses as 1, indicating access, or 0 otherwise.¹²

I measured organizational resources on several dimensions, including the number of members (derived from the 1999 edition of *Organizations and Associations in Washington*) and whether the organization was affiliated with a PAC. As an indicator of the level of political mobilization of the organization's members, I asked interviewees whether their organization regularly used grassroots mobilization in its lobbying efforts, coding 1 for yes and 0 for no. Finally, as an indicator of organizational resources dedicated to lobbying, I asked lobbyists how many staff members were in government affairs, including research and public relations.

Because both dependent variables are dichotomous, and because the distinction between pro-forma versus intense lobbying comes into play only when an organization lobbied in a given venue, I employ a Heckman two-stage sample selection probit model.¹³ This method allows me to

¹¹ The Supreme Court is excluded since the notion of having "access" to the Court in a manner similar to the way access is understood for executive agencies and the Congress is unwarranted. Interestingly, one of the lobbyists I interviewed reported that he regularly plays golf with one of the justices of the Supreme Court and discusses legal issues with that justice. Yet familiarity did not translate into sympathy from the Court, that organization sponsored one of the two cases used in this study and lost.

¹² I suspected that using the word "access" in the question might lead the lobbyist to start boasting about his or her access irrespective of whether it actually existed, so I focused on identifying the venues in which the lobbyist normally worked with the assumption that these are where the lobbyist is most likely to target resources for developing relationships. I specifically asked about those venues the lobbyist worked in on issues

generally, not on the issue of financial modernization specifically lest I confound the relationship between "access" and the venues lobbied in for financial modernization. In answering this question, the lobbyists frequently began talking about venues that were not connected to financial modernization.

¹³ As I used fifteen dyads for each interest group, the analysis must take into account differences between groups, not within groups. To achieve this I employ the "cluster" feature in Stata 7.0 using a group identification variable.

≡ TABLE 4

HECKMAN ESTIMATIONS OF THE DECISION TO LOBBY INTENSELY OVER PRO-FORMA LOBBYING (OUTCOME EQUATION)

Explanatory Variable	Maximum Likelihood Estimate	Robust Standard Error	First Difference Effect
<i>Group Context</i>			
Group is Working in a Coalition and is Facing an Issue Important to it in the Venue	0.60***	0.19	0.23
Group is Faced with Opposition from Other Groups in the Venue	0.06***	0.02	0.10
Opposing Groups have Access to Lawmakers in the Venue	-0.10**	0.04	-0.11
Both the Group and its Opposition have Access to Lawmakers in the Venue	0.16***	0.06	0.14
Opposing Groups are using Grassroots Tactics in the Venue	-0.01	0.04	-0.01
<i>Relations with Lawmakers in the Venue</i>			
Group has Access to Lawmakers in the Venue	-0.13	0.19	-0.05
<i>Organizational Influences</i>			
Group is Affiliated with a Political Action Committee	0.46*	0.16	0.18
Constant	-0.57	0.36	—

Observations censored by the selection equation = 111

N (uncensored observations in the outcome equation) = 279

Standard errors adjusted for clustering on group identification code

Percentage of observations correctly predicted by outcome equation = 67%

Reduction of error in outcome equation = 16%

* $p < \text{or} = 0.05$

** $p < \text{or} = 0.01$

*** $p < \text{or} = 0.005$

condition the analysis of an observation's intensity of lobbying, the outcome equation, on whether the organization chose to lobby at all, the selection equation.

RESULTS AND DISCUSSION

Overall the model performs well, as indicated by the Wald goodness of fit statistic in Table 3.¹⁴ The premise underlying the use of a two-stage selection model is borne out by the second Wald chi-square statistic, also shown in Table 3, indicating that the obtained results are significantly different from those obtained by estimating each equation independently (see Dubin and Rivers 1989). This confirms the endogeneity effect, that lobbying intensity is indeed conditional on the choice to lobby at all. The results for the

decision to lobby stage are presented in Table 3, and for the intensity stage in Table 4.

The primary results of interest are those pertaining to the interactions among interest groups. Some hypotheses pertain purely to the decision to lobby, others to lobbying intensity, and some to both. The first concerning the decision to lobby is that membership in a coalition increases the likelihood of lobbying in a venue. As seen in Table 3, groups were willing to step out and lobby when other, possibly more influential, organizations took the lead. *Ceteris paribus*, coalition membership increased the probability of lobbying by 43 percent. The presence of opposition, either alone or in a coalition, also enhanced the probability of lobbying in a venue. Almost certainly the presence of opposition signaled the importance of the venue to an interest group, making it more important to be seen lobbying there. Furthermore, the fact that this opposition had built a coalition did not, in of itself, persuade the interest group that it only risked defeat by attempting to lobby. On the other hand, grassroots tactics employed by the opposition did form a somewhat credible deterrent; under this circumstance a group was 18 percent less likely to lobby. Unlike the forming of a coalition by its opponents, the use of grassroots lobbying, largely by organizations representing insurance agents and consumer interests in this case, sent a relatively unambiguous signal that a heavy-duty lobbying campaign was underway and an interest group unready for such a challenge might be wise to avoid the fight altogether.

¹⁴ It may be suspected that some of the explanatory variables, particularly those drawn from the interviews, are highly collinear and therefore create problems for the standard errors. Partial correlations were run on the variables, the highest correlation result being 0.57 between the variable indicating that both the group and its opposition having access and the variable for opposition working in a coalition. Although collinearity is normally considered to be dangerous only if it is in excess of 0.8, to be sure I used the Variance Inflation Test recommended by Gujarati (1995) where each suspect variable is regressed on all of the other explanatory variables. The R^2 value is subtracted from 1 and then divided into 1. If the result is in excess of 10, multicollinearity is present. The VIF for the first variable was 2.45, and 2.12 for the second.

Factors representing resource exchange and issue importance also influenced the decision to lobby in a venue. Having access in a venue made it more likely that a group would opt to lobby. Groups are also more likely to lobby when an issue important to their membership was addressed in a venue. Even group resources had a positive effect on the decision to lobby, although in the case of group size as measured by the number of members the effect was fairly marginal. Affiliation with a PAC, however, increased the probability of lobbying, perhaps cashing in on investments, by 20 percent.

Now, what about the intensity of a group's lobbying efforts in a venue? As predicted, facing opposing interest groups, *ceteris paribus*, made a group more likely to lobby intensely. The negative effects of opposition occurs when this opposition was credible, as indicated by its access to lawmakers in a venue where it increased the likelihood of pro-forma, as opposed to intense lobbying, by 11 percent. In other words, when an organization was confronted with entrenched opposition, instead of fighting from a position where it cannot match its opponent's access, its lobbyist was more likely to posture and give the appearance of activity while husbanding resources to fight more intensely another day. Yet this effect was nullified if the deciding interest group also enjoyed access in the venue. As indicated by the positive sign of the coefficient for the multiplicative term, the probability of intense lobbying increased by 14 percent, offsetting the 11 percent decrease just reported. This probably explains the dips in the otherwise high intensity lobbying campaign of the banking industry seen in Figure 1. Lacking access to lawmakers in the House Commerce Committee, bankers reverted to more pro-forma tactics. But when the legislation came to the House floor, where both sides enjoyed access to lawmakers from both the Banking and Commerce Committees, bankers again launched a full court press.

Unexpectedly, there is no indication that the use of grassroots tactics by opposing groups affected intensity decisions at all. The largest increase in the probability of intense lobbying, however, came from the results for the issue importance and coalition hypothesis. Interest groups working in a coalition, but faced with the need to address an issue important to their members lawmakers are considering in the venue, were 23 percent more likely to lobby intensely, overcoming the incentive to free-ride in the coalition by engaging in pro-forma lobbying.

Finally, the remaining influences on lobbying intensely were mixed. A group's access to lawmakers did not significantly influence the decision of whether to engage in pro-forma or intense lobbying.¹⁵ On the other hand, a PAC affil-

iation made it 18 percent more likely that an interest group would lobby intensely.

CONCLUSION

I have identified two decision points prior to decisions about whom and how to lobby Congress, the bureaucracy, and the Court. The first is whether to lobby in a given venue and the second is how intensely to lobby and are interrelated. Almost certainly other choices further down the line, such as whom to lobby within a venue, are likewise influenced by decisions on where and how intensely to lobby. Taken together, this evidence points to three general types of influences on where interest groups choose to lobby on an issue. Pressure from the membership when an important facet of the issue is called up leaves the lobbyist with little choice but to target that venue, and to do so with maximum effort. The access a lobbyist enjoys within a venue is also critical in the targeting of an advocacy effort, supporting the resource exchange model. But in addition to internal organizational pressures and the group's relationship with lawmakers inside a venue lies another potent force, the array of other interest groups concerned with the same issue that are also attempting to influence the policy. The presence and intensity of effort these organizations are expected to put forth influence venue selection.

This may be the stage of the lobbying process at which these factors are the most influential. Once an interest group decides to target a particular venue, such as a congressional committee, it has committed itself to a course of action; the dice have been thrown. But when multiple battlegrounds are available, as they nearly always are, lobbyists have the flexibility to build an advocacy strategy that maximizes their assets and expected gains by avoiding unnecessary conflict by considering the influence of competing groups. Lobbyists avoid venues where their opponents are strong and engage in low-cost lobbying tactics in venues where pressure from members and lawmakers demand that they lobby but prospects for success are dim. Lobbying, like most other types of political decisions, is strategic in that expectation of behavior by peers shapes and constrains the decisions made and the tactics selected.

The analysis of venue shopping provides evidence of a set of factors influencing lobbying decisions often missed in lobbying research. The effect of the group context, meaning the behavior of other interest groups, is seen in the results reported above. If interest groups are truly strategic actors, as they appear to be, then opponents' and allies' policy preferences and strategies should shape their decisions. Instead of lobbying full-force when their opponents are strong, they revert to posturing to please their members but not waste resources. Research on the behavior of members of Congress has advanced the notion of the "sophisticated voter" (Downs 1957; Krehbiel 1987), who votes in committee with an eye toward the distribution of preferences on the floor. The need for more research on "sophisticated" decisionmaking by organized interests and their lobbyists seems clear.

¹⁵ Because access is not issue-specific, on a particular issue the legislator or regulator to whom the group normally enjoys access may not be able to support the group, encouraging the lobbyist to engage in pro-forma lobbying. Regrettably, my access variable cannot capture this nuance. Irrespective of whether the decisionmakers to whom the lobbyist has access are interested in helping, the lobbyist is still under pressure to advocate in some manner, which is supported only in stage one.

The results reported here also add a new twist to the debate over whether interest groups lobby their friends, enemies, or fence-sitters (see Austen-Smith and Wright 1994, 1996; Baumgartner and Leech 1996). Although I have not posed a direct test of this question, my results suggest that interest groups may concentrate their efforts in a venue, or venues, where the array of players is more sympathetic. In unfriendly venues, interest groups may engage in pro-forma lobbying, reserving their greatest efforts for venues in which the cards are not stacked against them.

Future research along these lines needs to strive for generalizability across issues and policy domains. It may be that policy domains and issues less contentious than Gramm-Leach-Bliley in the financial services arena are less likely to elicit strategic multi-venue lobbying activity (see King 1997). The central difficulty with replicating these results on a larger scale across policy domains is largely one of data collection, a formidable task. So far only Heinz et al. (1993) have been able to mount such an effort, although new efforts appear to be underway (see Leech et al. 2002). Further research of this type appears to be the most promising key to unlocking the strategies and influences of Washington lobbyists.

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≡ APPENDIX A VENUES RELEVANT TO THE EVOLUTION OF THE FINANCIAL MODERNIZATION ISSUE

Venue Name	Year
Supreme Court in <i>Variable Annuity Life Insurance v. American Council on Life Insurance</i>	1994
Supreme Court in <i>Barnett Bank of Marion County v. Nelson</i>	1995
Office of the Comptroller of the Currency Interpretation of the National Bank Act	1996
Board of Governors of the Federal Reserve Amendments to Regulation Y	1997
House Banking and Financial Services Committee	1997
House Commerce Committee	1997
Floor of the House of Representatives	1997
Senate Banking, Housing and Urban Affairs Committee	1998
Floor of the Senate	1998
House Banking and Financial Services Committee	1999
House Commerce Committee	1999
Floor of the House of Representatives	1999
Senate Banking, Housing and Urban Affairs Committee	1999
Floor of the Senate	1999
Conference Committee between the House and Senate	1999

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