Institutional Constraints on Legislative Lobbying:
the Case of Indian Casino Advocacy in New York

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The Social Science Journal
46(December, 2009): 756 – 775

Presented at the Annual Meeting of the Western Political Science Association, Albuquerque, New Mexico, 2006. I thank Jeff Cummins, Ken Hansen, and Mark Somma for their valuable advice and Ashlin Mattos for research assistance.

Abstract

Prevailing theory holds that lobbyists lobby their legislative allies, yet the literatures on advocacy and legislative organization suggest that we should not always expect this. Institution design elevates some legislators, and jurisdictional requirements create a contentious environment often forcing lobbyists to lobby their ideological opponents. Drawing on these literatures, I revise the basic lobbying model to predict conditions where we might expect to see advocates contribute to their foes. I test my hypotheses with data on campaign contributions made in New York on the contentious issue of Indian gambling casinos. I find that while advocates often lobbied their allies, they were more likely to contribute heavily to legislative leaders regardless of position, and often even contributed to rank-and-file opponents as the environment became more competitive. I also find that this was systematically different for Indian nations, who appeared to employ a more naïve advocacy strategy than more traditional interest groups.

Counter-intuitive behavior observed in case studies of politics and policy making is often fertile ground for debating the assumptions and structures of our behavioral models. Scholars generally hold, for example, that interest group lobbyists target their advocacy at their ideological allies in legislatures and executive branch agencies in order to mobilize bias in favor of their members' interests. Why waste time and resources trying to persuade somebody who has no interest in what a group's members want to begin with? A pair of articles by Austen-Smith and Wright (1992; 1994) challenging this belief stimulated an out-pouring of criticism (e.g., Baumgartner and Leech 1996; Kollman 1997; Hojnacki and Kimball 1998), convincing most scholars to stick with the conventional wisdom. Lobbyists are still lobbying their friends.

Yet the public policy and legislative organization literatures give us some reason to doubt that this is always the case. It is, after all, well known that institutional structures and political environments shape elite behavior so that we observe choices that are, from the point of view of prevailing theory, counter-intuitive. In this paper I use data on PAC contributions by Indian nations and their organized opponents seeking to promote or oppose casino gambling policy in New York to take a closer look at how competing lobbyists target their advocacy in the context of legislative structure. What I find striking about their contribution patterns is how frequently both sides gave, and how much they gave, to their ideological enemies. Not because they wanted to, but because they had to. To explain why these competing lobbyists chose to do so, I draw on the advocacy and legislative organization literatures to sketch a model of lobbying which I then test using the contribution data. In this case at least I find that the conventional wisdom is not wrong, it is simply incomplete. Institutional design and the competitiveness of the political environment were the culprits responsible for producing counter-intuitive results, even for Indian nations and other relative newcomers to interest group politics.

Whom to Lobby

Although popular perceptions of lobbying emphasize strong-arming reluctant elected officials into supporting undesirable policies, often through political action committee (PAC) contributions, the academic literature has largely come to the opposite conclusion. In the 1960s Milbrath (1963) painted a benign portrait of legislators working with lobbyists simply because the citizens in the latter's group also tended to be the former's key constituents. The highly decentralized structure of the Congress, with norms of committee autonomy and reciprocity, gave lawmakers free reign over policy important to their constituents; all lobbyists for these same constituents had to do was connect with these ideological friends. Lobbyists for farmers successfully lobbied farm state legislators, just as legislators representing industrial and mining districts granted access to lobbyists for those industries, working together to devise policies directing government largess towards their mutual constituents. For legislators this symbiosis guaranteed re-election, while lobbyists trumpeted this success to expand their group's memberships and resources (McCool 1990). These allies then defended the mutually beneficial policy status quo by simply bottling-up any threats in committee (Lowi 1969). Approaching other, less electorally sympathetic, legislators was considered a waste of time and resources.

This prevailing view was challenged by a pair of articles by Austen-Smith and Wright in 1992 and 1994. Arguing that it made little sense to use scarce resources to lobby legislators who already wanted to support group members, they suggested that lobbyists actually only lobby when they see advocates for competing interests attempting to sway their ideological allies, a proposition they supported with evidence from the campaign to confirm or reject Judge Robert Bork to the U.S. Supreme Court. This could happen, they argued, because the electoral connection was imperfect, legislators often not knowing precisely what key constituencies really wanted or how to provide it. Their work set off a firestorm of criticism, most notably from Baumgartner and Leech (1996), who argued that their theory was flawed and their test case too atypical for any broad generalization. Evidence they produced, along with Kollman (1997) and Hojnacki and Kimball (1998) supported the lobbying-friends view. Kollman's work was especially persuasive in that he drew on theories of legislative organization to argue that self-selection to committees by legislators creates ideologically homogenous policy making bodies. Lobbyists for interests similar to those dominating the committee have allies willing to give them access, while those for competing interests seek *other* venues controlled by lawmakers with electoral incentives to be *their* friends rather than try to change committee members' positions.

Lobbying in an Institutional Context

Although powerful, this prediction is too simple. Here I use the interest group literature to quickly sketch the broad contours of a model leading to the hypothesis that, ceteris paribus, lobbyists will target their advocacy at ideological allies. I then use the legislative organization and policy literature to argue that we are also likely to observe lobbying behavior that is distinctly different from the prediction of this basic hypothesis. I start with Salisbury (1969), who argued that lobbyists, the individuals charged with representing the interests of a group's members, should be considered as analytically distinct from these members. Individuals see joining groups as investments that must produce returns justifying the payment of dues and time. Although some may judge the worth of group membership by the tangible private benefits they receive, others join because they want to see their desires or visions of the public good enacted as policy (Olson 1965; Moe 1980). This means that portions, perhaps large portions, of any membership care about the position a lobbyist takes on issues and how effective he or she is at advocating for these interests.[1] As long as they are (or appear to be) faithful agents and win policy victories, or at least bring home the private benefits, members will be happy and enrollment in the group may expand, thereby increasing the group's power and prestige (Wilson 1973). Failure leaves members wondering if they are getting their money's worth and they may leave the group or even try to fire the lobbyist (Hirschman 1971). Thus my first assumption:

A1: Lobbyists desire to please group members by faithfully representing their interests and achieving significant policy victories.

Lobbyists also cannot directly influence the lawmaking process because they are not members of political institutions constitutionally charged with the enactment or implementation of laws. If they are going to influence policy on behalf of their members, they need to develop the long term relationships with legislators essential for gaining access and influence (Wright 1996). Legislators, scholars have long held, focus their careers on those issues likely to get them re-elected (Mayhew 1974) or advance their careers (Dodd 1977). The positions they take on issues (their policy preferences) reflect their beliefs regarding what key constituencies, whether they be citizens crucial to re-election or colleagues crucial to advancing careers, really want. So:

A2: Legislators desire to support policy positions on issues that they believe will allow them to achieve goals of policy change or professional advancement.

Finally, both lobbyists and legislators share the need to use finite resources wisely. An interest group's resources come from member dues, the donations of wealthy philanthropies and patrons, or public and private sector grants (Walker 1983), all who may be less willing to provide if they believe lobbyists are carelessly wasting them. Legislators too are given only limited resources by their institution, so they must carefully develop networks of personal contacts with lobbyists to help them decide which votes and policy initiatives best serve their constituents, and therefore their own, policy preferences (Clausen 1973; Kingdon 1973). Thus the need to use resources carefully is a constraint on legislators' and lobbyists' choices, pushing them to ensure the biggest bang for the buck when advancing member / constituent interests. Therefore:

A3: Legislators and lobbyists both desire to achieve their policy goals for the smallest expenditure of resources.

These three simple assumptions are the foundation of a broadly accepted theory of lobbying. If an issue concerns a majority of an interest group's members, they likely prefer to see it resolved with a specific policy solution. Furthermore, most issues are resolvable in a variety of ways, so it is useful to think of a continuum of possible solutions forming an issue space, only one of which represents a particular group's collective preference for policy and only one (if any) of which can become law. Legislators, of course, also vary in how *they* would like to see issues resolved. As they seek the best way to promote their re-election and career-advancing solutions (per *A2*) for the least expenditure of resources (per *A3*). Lobbyists representing group members who also happen to be a legislator's key electoral constituency are thus in a position to "cheaply" provide information on how the legislator can reach this goal (Hansen 1991), as well as contribute financially towards keeping these ideological allies in office (Wright 1996). Thus the legislator advances his or her policy preferences and conserves resources by granting access to lobbyists whose information can be more or less trusted because they represent members with interests similar to their own key electoral constituency. Lobbyists benefit from this exchange relationship because they can advance member interests (per *A1*) for a small expenditure of resources (per *A3*) once the connection is made. Thus the basic hypothesis:

H1: The more closely aligned are the policy preferences of a legislator and an interest group's members, the more likely the lobbyist for that group will lobby that legislator.

This may even be true for lobbying state legislatures. Most of the state interest group literature follows Gray and Lowery's (e.g., 1998; 2001) focus on variation in the diversity of group communities across states, and is therefore at too high a level of analysis to assess whether a legislator – lobbyist model developed in a Washington, D.C. context is appropriate for studying state lobbying. Squire (1988) and Hamm and Moncrief (2004), however, argue that many state legislatures are becoming more "professionalized," or more like the U.S. Congress in terms of organizational structure and the demands made on legislators, including the need for information. Furthermore, Nownes and Freeman (1998) and Thomas and Hrebenar (2004) find that the tactics employed by lobbyists in these professionalized legislatures to gain access and influence are coming to resemble those employed at the national level, with lobbyists trading on the quality of their information (Nownes 1999) and confronting competing groups (Nownes 2000). The implication is that the more professionalized a state legislature, the more assumptions regarding lobbyists and legislators developed in the context of national politics may apply here as well.

The problem is that legislatures such as Congress and more professionalized state legislatures are more complex than is recognized by the assumptions undergirding hypothesis *H1*. How institutional rules and norms shape the behavior of legislators took a center role in legislative research in the 1980s, scholars arguing that, lacking any sort of control mechanism, voting on bills would produce "cycles" where no single proposal could win and hold a majority (McKelvey 1976; Schofield 1978). Institutional structures such as the committee system, the party system, rules limiting amendments and debate, and executive vetoes becoming crucial for building majorities or maintaining the status quo in the face of majorities (e.g., Shepsle 1979; Shepsle and Weingast 1987; Krehbiel 1998). So, if structure shapes behavior, then it may also help explain lobbyist behavior inconsistent with *H1*. Kollman's (1997) study drew on one element of legislative structure, arguing that because committees specialize in relatively well defined areas of policy, they attract legislators electorally interested in those issues so that most committees are ideologically homogenous. Lobbyists for groups with similar preferences simply target those committees, finding lots of allies and few foes, a result consistent with *H1*.

Committee self-selection and property rights, however, are not the only institutional features important to lobbyists. Both national and state governments require policy proposals to be approved by upper and lower legislative bodies (except Nebraska) and be signed by a chief executive, creating a multitude of veto points where they may kill bills. Overlapping committee policy jurisdictions may also allow a committee seeking to expand its jurisdiction, and less sympathetic to the preferences of a lobbyist's members, to grab bills the lobbyist hoped would be sent to a friendlier committee (Talbert et al. 1995). Even when a bill is referred to a committee where a lobbyist has allies, we cannot assume that every committee member holds the same preferences as the lobbyist and his or her allies, for Krehbiel (1990) found in the U.S. Congress that many committees, such as Judiciary, are quite ideologically heterogeneous. Lobbyists may find their issues being taken up in committees split between friends and foes, and foes may be in the majority. Unfortunately for them, lobbyists often do not have the luxury to cherry-pick the venues of action; they must go where the action already is. Therefore:

A4: Institution design determines the lawmaking venue where issues will be first addressed, as well as which legislators are available for lobbying.

Institution structure also makes some legislators more influential over the fates of bills than others. Party leaders often have broad discretion to shape decision agendas and control which bills become law. Some state legislatures concentrate virtually all power over agendas in the hands of party leaders, while others give similar control over policy domains to committee or sub-committee chairs (Hamm and Moncrief 2004). Thus whether bills are viable, or whether issues are ever raised, may be determined by the preferences of a small group of leaders. So:

A5: Institution design confers vastly greater power to influence the fate of legislation on a minority of lawmakers.

Following *A1*, lobbyists must still strive to advance their members' interests; quitting the field because they face a hostile legislature is unlikely to promote their group's integrity. Although committing substantial resources to major grassroots and public relations campaigns might change the preferences of legislators en masse, per *A3* a more cost effective strategy is to focus persuasive advocacy efforts on changing the preferences of those few lawmakers in key positions, per *A5*. Indeed, focusing their efforts on chairs or party leaders may be the only realistic, cost-effective strategy if policy jurisdictions, per *A4*, place issues important to lobbyists' members in venues heavily populated with undecided or opposing legislators. So:

H2: The more a lawmaker dominates a venue, the greater the probability a lobbyist will target that lawmaker regardless of the congruence of legislator and group policy preferences.

Majority party legislators also tend to be privileged by institution structure. The party system that prevails in Congress and most state legislatures exerts great control over the fate of legislation with little regard for the preferences of minority party legislators, especially when issues are crucial to the agenda of the majority (Cox and McCubbins 1993). It therefore may be a dangerous waste of resources for lobbyists to push policy priorities through the minority even if they are ideological allies. Majority members, regardless of their policy preferences, are a wiser investment if advocacy can convince them to support the lobbyist's members. Thus:

H3: The more one party dominates a venue, the more likely it is that lobbyists will target majority party members regardless of policy preference congruence with their members.

The assumption regarding institutional venue jurisdictions also suggests that if there are other groups concerned with the same issue, most likely having different, and therefore competing, policy preferences, they have little choice but to all lobby the same legislators in that venue, just as they must when bills are before the parent chamber. This squeezes lobbyists between assumptions *A1* and *A3*. By *A1* they need to be seen advocating for member interests, but *A3* holds that they use resources wisely. Resources may be spent shoring up support among allies in the committee or chamber, but this only advances member interests *if* a lobbyist's allies dominate that venue. Otherwise, as the supporter-to-opponent ratio shrinks, lobbying only allies becomes a waste of resources. Per *A2*, legislators desire to pursue their goals, but through intense effort lobbyists might persuade them that their goals are best realized by supporting the group's position, though this may be more resource intensive when the position differences are large. So:

H4: The greater the organized opposition to a group's position, the greater the probability of targeting legislators with policy preferences different from group members.

Newcomers to political advocacy, such as the Indian nations I use in my analysis, may conform to the predictions of *H1* by targeting their ideological allies, even if those allies are unable to advance their goals. Empirical evidence for such naïve advocacy would yield statistically significant results for *H1*, but not reject the null hypothesis for the other three.

Research Design

To test these hypotheses I use PAC contributions made to legislators as an indicator of who lobbyists targeted. Contributions, of course, have an ambiguous history in the literature. Some have found evidence of vote buying (e.g., Kau and Rubin 1982; Kroszner and Stratmann 1998) and using contributions to shape the partisan make-up of legislatures (e.g., Eisner and

Pollack 1986), while others find little evidence of such influence (e.g., Grenzke 1989; Wright 1990). But I am not studying the influence of contributions so much as using them as a proxy for whom lobbyists target their advocacy at, similar to Gopoian (1984), Langbein (1986), and Romer and Snyder (1994). Wright (1990) in particular argues that contributions are a good indicator of who is being targeting for direct lobbying, so while Hojnacki and Kimball (1999) find that a group's presence in a legislator's district helps get them in the door (also see Chin et al. 2000), I assume that contributions show which doors lobbyists are trying to get in.

Interest group advocacy occurs in the context of issues, lobbying for or against a proposed policy challenging a status quo, and testing my hypotheses requires an issue that divides lawmakers and interest groups. I therefore use a case involving an ongoing contentious issue: lobbying to promote or hinder the creation of Indian casinos in the State of New York. By Hamm and Moncrief's (2004) measure, the New York legislature is one of the most professionalized, or most like Congress, in terms of money spent on itself, staff, numbers of days in session, and incumbency advantage, so hypotheses developed using national level theories of lobbyist and legislator behavior can reasonably be expected to apply here, although legislative power in New York is highly concentrated in party leaders (Clucas 2001). The case also satisfies my requirements because there are two distinct sides: for and against casinos. Although lobbyists on both sides frame their advocacy in terms of economic development, social and moral decay, compensation for the historic wrongs done to Indian tribes, the actual point of contention is whether the state has the legal authority to allow tribes to build casinos. This makes it relatively easy to determine which side of the debate lobbyists and legislators were on.

The Indian Gaming Regulatory Act of 1988 (IGRA) formally allows states to negotiate compacts with Indian nations to build gambling casinos on ancestral land, even if it is not currently reservation land, subject to the approval of the Bureau of Indian Affairs at the U.S. Department of the Interior (Mason 2000). At least fourteen distinct Indian nations claim land in New York (Morgan and Tooker 1983), and in the early 1990s one of them, the Oneida Nation, entered into a compact with then Governor Mario Cuomo (D) to acquire land to build the state's first casino. The deal was approved and the highly profitable Turning Stone Casino opened, setting off a wave of additional land claims and casino applications. Though IGRA does not require state legislatures to ratify these compacts, the succeeding governor, George E. Pataki (R), nonetheless came under considerable pressure to do so. Unfortunately for Pataki, the senate majority leader, fellow Republican Joseph Bruno, was a staunch opponent of gambling, as were most of the rest of the highly conservative senators in the majority Republican Party.

Furthermore, after the approval of Turning Stone, four distinct groups of organized interests mobilized to oppose any more casino compacts. One consisted of local property owners fearful of the loss of land and the influx of traffic and "social undesirables" to their communities. Another was the state's powerful horseracing industry desiring to preserve its legal gambling monopoly. A third was the gambling industry in Atlantic City (including Donald Trump) which feared the competition. Finally, opposition came from religious organizations and the state Conservative Party that derided gambling as a moral sin.

Several Indian nations mobilized to support the governor and the ratification of casino compacts, and in this paper they are treated as interest groups. Some have argued that the status of Native American tribes as legally autonomous governments gives them a privileged position when negotiating with government, even dealing with states as equals (e.g., Corntassel and Witmer 1997; Mason 2000). McCool (1994), for example, notes how the special standing of tribal governments has benefitted Native Americans before the courts when it comes to enforcing water rights conferred on reservations by the Federal Government. Yet he also argues that in practice over the last couple of decades, this special position largely failed to provide any practical advantage over other competing interest groups when they tried to use those water rights for development projects. In a follow-up book, McCool (2006) even notes that tribes have been forced to bargain along with traditional interests as water settlements are hammered out.

As Skopek and Hansen (2006) suggest, the sovereign status of Indian nations, and their historical grievances, helps them open up political opportunities, such as the enactment of IGRA, and gain seats at bargaining tables. The advantage also ends here, with tribes becoming one more voice in a sea of competing interests at these bargaining tables as they seek government support for Indian country. This, in turn, pushes them to employ the standard methods of advocacy, such as contributing money and hiring professional lobbyists. Indeed, Witmer and Boehmke (2007) find that IGRA not only provides Indian nations an incentive to lobby, but also the resources to do so. Whether there is any empirical evidence that Indian nations are better or worse at the lobbying game than other interests, because of their special status or because being newcomers leaves them naïve regarding the folkways of Albany, is something I test below.

I obtained data on who gave contributions to New York legislators in four election cycles, 1998 - 1999, 2000 - 2001, 2002 - 2003, and 2004 - 2005 (the years for which complete data records were available), from the Institute for Money in State Politics (IMSP). This nonprofit provides information on who gave contributions, whom they were given to, the year they were given, and basic information regarding the contributor. Contributions came from a variety of sources and in varying amounts. Among the Indian nations concerned, the majority of contributions came from the Oneida Nation of New York, with some also coming from the St. Regis Mohawks seeking to build a casino in the Catskills Mountains. Out of the $274,802 given in contributions over these eight years, the Oneida gave $47,730 and the Mohawks $5,250, with $7,590 coming from an assortment of other tribes.

The horseracing industry, including race horse breeders, track owners, and fan associations, represented by a multitude of interest groups, gave $133,205. Economic development groups supporting the legalization of casinos as a boon to their own communities, such as chambers of commerce and similar local business organizations in Monticello and Buffalo, gave $6,770. Supporters in the casino industry hoping for contracts with Indian nations, including famous names from Las Vegas such as Caesar's Entertainment and Harrah's, gave $8,250. Opponents in the entertainment industry from Atlantic City, such as Trump Hotels and Casinos, gave $10,750. None of the small community groups, such as Upstate Citizens for Equality or Citizens Against Gambling in New York made any contributions and thus are not included in the data set, an absence that must be taken into consideration when drawing conclusions from the analysis. Descriptive statistics are provided in Table 1.

---- Insert Table 1 about here ----

An essential requirement for testing my hypotheses is determining which contributors and which recipients supported Indian casinos and which opposed it. This task was simple in the case of the Indian nations appearing in the data set, which were all coded 1 as supporters.[2] Similarly, every contributor representing some facet of the horseracing industry and Atlantic City entertainment companies were coded as 0, but Las Vegas companies looking to expand their business in the Empire State were coded 1. Finally, organizations hoping to benefit from the economic revitalization casino gambling promised to bring, such as Yonkers Raceway Management and Monticello Racetrack, were coded 1 as supporters. Other contributors in the data set who could not be clearly identified on one side or the other were dropped. Overall 13 contributors were supporters and made 77 contributions totaling $105,600. On the other side, 134 contributions totaling $169,202 were made by 30 interest groups and corporations. It is also worth noting that while supporters consistently gave more frequently across all four cycles, opponents gave by far the most in the 2003 – 2004 cycle, 1,292 contributions totaling $54,500, when proponents made a concerted, if rather un-unified, push for multiple Catskills casinos with 456 contributions totaling $23,000. Interestingly, within each year both sides tended to give the most in February when legislative agendas were being developed, a small bump also occurring in October when flurries of bills were being passed in the last minutes of the session, although casino bills never did come up for votes in either chamber.

Coding the positions of legislators was harder as there never was any roll call vote, nor are there any publicly available lists of supporters or opponents created by interest groups or the media. Instead I coded legislators based on the positions they publicly took for or against gambling, as stated in the media, searched through LEXIS / NEXIS, or their own websites.[3] Others were coded on the basis of sponsorship or co-sponsorship of legislation either promoting or opposing casino gambling. Those whose positions could not be clearly established were dropped, as were those who were not re-elected during my time frame, leaving with me with 77 legislators, all of whom received at least one contribution between 1998 and 2004. These two indicators, the ideological positions of contributors and recipients, are used to test *H1* below (groups coded as supporters should be more likely to give to legislative allies and vice versa). Overall 113 contributions totaling $180,925 were made to supporters and 98 at $93,877 to opponents. Of these, 66 were made by groups opposing gambling to known supporters (including the governor) totaling $106,125, and 30 by supporters to opponents worth $28,800.

For *H2* regarding the power of committee chairs and legislative leaders, a binary variable was coded 1 if the recipient of the contribution was the senate's majority and minority leaders, the assembly's speaker and minority leader, or the chairs of the committees in each chamber with jurisdiction over the issue. All groups should be more likely to contribute to them regardless of ideological positions. *H3* regarding the majority party was another dummy coded 1 if the legislator was a Republican senator or a Democrat assembly member. All groups should be more likely to contribute to majority members regardless of ideological positions.

Finally, *H4* regarding competition among interest groups was operationalized as the percentage of all groups making contributions in the relevant election cycle coded as opposing the position of the observed group. If the group in the observation was a supporter, the value entered was the percentage of all groups contributing that year opposing gambling, and vice versa. As the percentage of groups opposed to casinos grew, supporters should have become more likely to contribute to legislative opponents, just as opponents should have been more likely to contribute to legislative supporters when the percentage of supporting groups was larger. Although hardly united, the percentage of groups opposed grew from 47% in 1998 to 73% in 2004 and became better organized.

I also created four control variables. The New York Republican Party had historically opposed gambling, so a binary variable for party membership was coded 1 if the recipient was a Republican and 0 if he or she was a Democrat. Many contributions came from outside of the state and may have been made by individuals not as versed in the intricacies of state politics that might be systematically different, so I coded a dummy 1 for a New York contributor as indicated in IMSP's files. New York City legislators often took positions favoring casinos different from their colleagues from other parts of the state because city residents were eager to travel to casinos in the Catskills closer than those in Atlantic City, so a variable was coded 1 if a legislator represented a City district. A dummy was also coded 1 if the contributor was an Indian nation.

Multivariate Analysis and Discussion

Who Gave to Whom

Here I estimate four statistical models. The first examines contributions to legislators supportive of casinos and the second to opponents, with both including all contributing interest groups. In both the dependent variable indicates whether a group gave a contribution to a pro- (model 1) or anti-casino legislator (model 2). The key independent variable for *H1* in both models is whether the contributing group was pro- or anti-casino. The leadership dummy (*H2*), majority party dummy (*H3*), and controls are included in both models and I explain below how the opposition group variable (*H4*) is used. To build the data matrix I paired every group with every legislator once for each of the four contributing cycles (each group paired four times with the same legislator, one dyad, or pairing, each contributing cycle) for 4,620 legislator – lobbyist dyads overall, $N = 1{,}680$ in model 1 and $N = 2{,}940$ in model 2.

For models 3 and 4 I divide the data set by the positions of the interest groups, one set containing only those groups supporting casinos while the other contains only those opposing casinos. Now the dependent variable is whether pro-casino groups gave a contribution to a pro- or anti-casino legislator (model 3), or whether anti-casino groups gave to one side or the other (model 4). In other words, it is the legislator's position that now varies in both models so that *H1* is empirically supported in model 3 (pro-casino groups) if the legislator position dummy is positive and statistically significant, but negative and significant for the pool of anti-casino interest groups in model 4. The leadership and majority party variables, as well as the control variables, are the same as in models 1 and 2. I again structure the data matrix as one group – legislator dyad per cycle but now *N = 1,540* in model 3 and *N = 3,080* in model 4.

The organized group opposition variable requires some modification in order to test *H4*. Alone it can only be used to estimate the effect of growing opposition on the observed group regardless of whether or not there is ideological congruence between that group and the legislator it is paired with in that dyad (remember that this is the percentage of groups lobbying against casinos that cycle *if* the observed group is pro-casino *or* the percentage lobbying for casinos if the observed group is against). In model 1 I solve this by multiplying the group position variable, coded 1 for pro-casino, by the percentage of groups opposing the observed group that cycle so that I can see whether pro-casino groups became *less* likely to give to pro-casino legislators as opposition increased (the multiplicative term's value for observed groups opposing casinos is 0). In model 2 I use the same multiplicative term but expect a positive effect, pro-casino groups giving more to anti-casino legislators as opposition increased.

I take a similar approach in model 3 where I examine the choices of the pro-casino groups only to give to legislators of either position, so here it is the legislator position variable that varies and, for *H4* to be supported, I expect a negative sign indicating that pro-casino groups became *less* likely to give to their allies, now preferring anti-casino legislators, as opposition from anti-casino groups grew. For the anti-casino groups in model 4 I use the same interactive variable, but as the level of opposition from pro-casino groups increases I expect to see anti-gambling groups *more* likely to make contributions to pro-casino legislators if *H4* is supported.

As Beck et al. (1998) note, models with time elements may have inaccurate standard errors if the panels are correlated by time (they are temporally dependent). Following their recommendation, I conducted likelihood ratio tests of the models with dummy variables for three of the four contributing cycles versus the same models without them. The tests revealed that the panels are *not* temporally dependent, so I do not include time dummies and use the standard probit technique to estimate the parameters of the independent variables in the four statistical models.[4] As seen at the bottom of Table 2, all of the models have significant Wald χ^2 statistics indicating that the results are not what I would expect to find due to random chance.

---- Insert Table 2 about here ----

The results reveal mixed empirical support for *H1*, although the findings for this variable should be examined in conjunction with those of the interactive term for *H4*. In model 1 there is some support for the contention that, all else being equal, pro-casino groups are more likely to give to their legislative allies, just as *H1* predicts. Yet there is no evidence in model 2 to support the alternative - anti-gambling groups generally giving to their friends. It may be that pro-casino groups, most of whom (like Indian nations) were outsiders, might not have been experienced enough in the norms of Albany to build broad coalitions by contributing beyond their ideological allies. Yet, consistent with *H4*, the choices of contributors appear to reverse as the environment became more competitive. Pro-gambling groups became less likely to give to their allies as their opponents grew in number over time (and by 2004 the number of opposing groups had nearly doubled from 1998). Not that they became more likely to give to rank-and-file legislators on the other side, which might be true if there had been a negative but significant result in model 2. Instead, these groups, as well as those on the other side, seem to have acted strategically by giving more to the leadership regardless of their issue positions. Similarly, I find in model 4 that lobbyists for anti-casino groups were more likely to give to their allies, as seen in the negative coefficient for the lawmaker position variable (pro-casino lawmakers were coded 1), but also more likely to give to anti-casino legislators as the percentage of opposing groups increased.

The Indian nation variable is significant in all three models (none were in model 4), but they appear to contribute in a pattern largely consistent with *H1*. In 64% of cases where they could have made contributions they gave to their allies (pro-casino legislators), not to those opposing compacts. Nor did this pattern change dramatically over the four election cycles. Even as the level of opposition from anti-casino groups grew over time, Indian nation contributions did not change much, as *H4* predicts. Seven were made in 1998 when the percentage of groups opposing was 59%, and in 2000 when it was 66% contributions rose to 12, but when opposition fell to 47% in 2002 contributions continued to rise to 21 and when opposition redoubled to 73% in 2004 Indian contributions fell to a mere 11. By contrast, opposing groups gave only 36% of contributions to ideological allies.[5] If Indian nations were strategically reacting to the competition, it does not appear in this rough cut at the data. It may also be that tribal advocates believed legislators opposing casinos for religious reasons may be too ideologically committed to their positions to be susceptible to change so that contributions would still be seen as a waste.

It is the leadership dummy variable that proves to be the most robust. Regardless of the group's position or the leader's position, at least on this issue most lobbyists appear eager to give to committee chairs and party leaders, making them advocacy focal points as lobbyists tried to get into their offices to make their cases. While most interest groups were sophisticated enough to target a significant number of contributions at the leadership, Indian nations only made 28% of their contributions to leaders. Although none of the leaders represented districts where casinos were being contemplated, failing to prioritize these powerful individuals may also suggest that they were not lobbying with the same degree of strategy as more experiences lobbyists for older, more entrenched interest groups.[6]

Interesting nuances in the likelihood of making contributions appear when I calculate first difference effects. For instance, in model 4 where I examine contributions by anti-gambling groups, I find that when holding all other variables at their mean or modal values, and setting the group opposition and interactive variables at 0, switching the ideological position of the legislator from opposing casinos to supporting them decreases the probability of observing a contribution to an opposing legislator by 10 percentage points. Then setting this position variable at 0 and increasing the interactive variable one standard deviation above its mean increases the probability of contributing by 28 percentage points. As the values of this variable are zero when the binary group ideological indicator component is zero, this means that as long as there is competition from pro-gambling groups, any competition at all, anti-gambling forces start spreading their money around, not just to their ideological allies. In Figure 1 I graph the increase in the probability of an anti-gambling group giving to a pro-gambling legislator as opposition increases. I also graph the change in the likelihood a legislator receives a contribution because he or she is a leader (0.44) versus rank-and-file (0.04), and find that the overall effect of organized opposition was greater than the leadership dummy variable, though only in this model.

---- Insert Figure 1 about here ----

Similarly, examining the results of model 1 regarding the probability of an interest group contributing to pro-gambling legislators, I find that the first difference of switching the binary variable regarding the group's position from anti-casino to pro-casino increases the likelihood of making a contribution to pro-casino legislators by 19 percentage points. As the probability of giving with all variables set at mean and modal values is only 0.03 in this model, I cannot explore the negative effect of the interactive variable by changing it while holding all other variables at their mean and modal values. Instead, I set the leadership dummy at 1 (not its mode), which results in a likelihood of contributing of 0.15. Then I increased the interactive variable of organized resistance by anti-gambling groups to a pro-gambling group's position by one standard deviation, which decreased the likelihood of the pro-casino group giving to an ideological ally by 12 percentage points, an effect nearly equal to the leadership influence.

Finally, while leadership mattered, being in the majority party (*H3*) did not, except in model 1. Whether because positions on this issue did not break along party lines, or because ideological similarities, group competition, and leadership positions were simply more important, being in the party controlling a legislative chamber was not enough to draw contributions. Nor did Indian nations show any more or less inclination to favor the majority parties than non-Indian contributors. Indeed, the overall assessment of Indian advocacy is one that is somewhat naïve, giving largely to ideological allies instead of focusing more contributions to New York's key leaders, or favoring the majority parties, or even changing their strategy as organized opposition to their casinos increased or decreased over time. Unlike them, opponent interests, who in many cases had long histories in New York politics, such as horseracing, did show more inclination towards strategic giving, at least as far as favoring political leaders.

How Much was Given to Whom

An objection to this analysis is that by simply looking at whether a group gave to a legislator I am disregarding the importance of how much was actually contributed. A contribution of $50 is unlikely to weigh the same as one for $10,000, and the motivations for making a small contribution may be different from large ones. I therefore re-estimate the same four statistical models but I now replace the binary dependent variable with the monetary value of the contribution, with legislators not receiving a contribution scored 0. Since the dependent variable has a lower bound of 0, the tobit procedure is used, the same approach used by Langbein

(1986), Romer and Snyder (1994), and McCarty and Rothenberg (1996). I re-estimate the four models using the tobit procedure and present the results in the four columns of Table 3.

---- Insert Table 3 about here ----

The results are striking in that they are nearly identical to the previous ones in terms of statistical significance and direction. There is some support for *H1* of interest groups contributing to their ideological allies, at least in models 1 and 4. But again this result reverses when organized opposition grows. In the 2000 cycle, the cycle with the second highest percentage of groups opposing gambling, supporters gave 57% of all contributions to legislators opposing casinos, and in the 2004 cycle when there were the most opposing groups, supporters split evenly between ideological allies and opponents, although Indian nations that cycle, in a sign of more sophisticated lobbying strategy, gave $11,900 to ideological opponents and only $7,600 to allies. Similarly, in the 2002 cycle when groups supporting gambling were strongest, opponents of casinos gave $10,500 to legislators supporting casinos and only $6,425 to their allies. The legislative leader as focal points of advocacy hypothesis, *H2*, is again clearly supported here. On average, rank-and-file legislators received $1,617 during this eight year study, while leaders received an average of $11,738. Leaders also received $36,375 contributions in the 2004 cycle while only receiving $8,860 in the 1998 cycle, and increase of over 300%. Even Indian nations increased their contributing to leaders from $2,650 in the 1998 cycle to $9,650 in the 2004 cycle.

As with the choice to contribute, the amount contributed cannot be taken to mean that access was granted and influence had. Indeed, looking at the historical record of this particular case it is likely that anti-casino groups made any headway with Governor Pataki, who never changed his position. It *may* have had an effect on the Senate Majority Leader, Joseph Bruno, who, after intense lobbying by pro-casino groups and tens of thousands of dollars contributed to his campaign account in 2006, was believed by many Albany insiders to have come around to considering the approval of a few more casinos (Bagli 2005). The evidence is circumstantial, but it may be evidence of contributions to an ideological opponent being used effectively.

Conclusion

There is still evidence here that lobbyists are lobbying their friends, although it is perhaps the need to please those politicians holding the keys to the kingdom that brought about victory. Apart from the multivariate models, the evidence suggests that this was better understood by the more established and politically experienced advocates opposing casino gambling. Advocates on the pro-casino side seem more inclined to rely on their ideological friends, a choice that now appears to have been somewhat naïve given the relatively small number of casino compacts that have been negotiated in New York. This may have been especially true for Indian nations relatively new to state politics, at least as players of significance, and is perhaps a poignant reminder that real policy success, and therefore meaningful political representation, goes to the experienced. Not only were organizations lobbying for the horse racing industry and other interests opposing gambling defending the status quo, always easier than advancing new policy, they were better known to lawmakers (and thus perhaps more trusted) and knew on whom to concentrate their resources. The complexities of the system pushed savvy lobbyists to make counter-intuitive choices, at least from the stand point of prevailing interest group theory.

In general, then, the best approach to furthering this theory and explain perplexing behavior is to better link a lobbyist's need to please the members who support his or her group with their need to effectively advance these members' policy desires. I have tried to provide a starting point in this paper. I began with a simple theoretical explanation for why lobbyists lobby their allies that was partially grounded in what a lobbyist's membership desires. Then, integrating this with some of the literature on institutional organization, I derived hypotheses predicting circumstances when lobbyists might lobby legislators with preferences distinctly different than those of their members. Just as institutional structure shapes the choices of legislators, so too does it shape that of lobbyists who depend on legislators for access to the lawmaking system, pushing them to make decisions their members might not understand or be sympathetic to. This need to act strategically was seen in the large numbers of contributions made to a small group of individuals on whom political institutions had conferred great power. There was also some evidence of it occurring when competition existed among groups, an environmental influence concentrated and intensified by institutional design.

This is a case study, so my results can only suggest future work, not serve as a vehicle for stating definitive conclusions. It may be that the structural features of other states might empower lobbyists, and perhaps Indian nations, to be more or less active, as Gerber (1999) and Boehmke (2002; 2008) find to be the case generally for more ideological groups in states with citizen-driven ballot initiatives. More research on how the strategic decisions of lobbyists are shaped by their environment, itself often shaped by the constitutional designs of political institutions and lawmaking procedures, is essential. Doing this should push us to better integrate the two dominant interest group theories, collective action and lobbying, to learn how lobbyists are constrained by members and how members are recruited by incentives as much as the need to gain access to legislators. Some types of groups may be exceptions, as Indian nations may be, at a disadvantage because they are new to a lobbying community over two centuries old. How we integrate these unusual types of "groups" into our theory, assuming we can, will also push the envelope and lead to a richer theoretical understanding of interest group politics.

Table 1
Descriptive Statistics of All Variables

Variable	Mean	Standard Deviation	Minimum Value	Maximum Value
Number of Contributions (dependent variable)	0.04	0.20	0	1
Amount of Contributions (dependent variable)	$40.62	$293.22	$0	$6,150
H1: Interest Group Supports Casinos	0.33	0.47	0	1
H1: Legislator Supports Casinos	0.36	0.48	0	1
H2: Lawmaker is Party Leader, Committee Chair, or Governor	0.06	0.25	0	1
H3: Legislator is a Member of the Chamber Majority Party	0.72	0.45	0	1
H4: Percent of Opposition to an Interest Group's Position	0.44	0.16	0.27	0.73
Legislator Represents a District in New York City	0.29	0.45	0	1
Contributing Interest Groups is Based in New York State	0.85	0.36	0	1
Lawmaker is a Member of the Republican Party	0.43	0.50	0	1
Interest Group is an Indian Nation	0.13	0.34	0	1

Table 2: Estimation of Contribution Models
Probit Maximum-Likelihood Estimates (Robust Standard Errors)

Explanatory Variable	**Giving to Pro-Casino Lawmakers**(1)	**Giving to Anti-Casino Lawmakers**(2)	**Giving by Pro-Casino Groups** (3)	**Giving by Anti-Casino Groups** (4)
H1: Interest Group is Advocating for Indian Casino Gambling	1.19*	0.09	–	–
	(0.59)	(0.55)		
H1: Lawmaker is a Supporter of Indian Casino Gambling	–	–	–0.26	–1.22***
			(0.72)	(0.35)
H2: Lawmaker is Legislative Leader, Committee Chair, or	0.91***	1.20***	0.68***	1.18***
Governor	(0.12)	(0.21)	(0.19)	(0.13)
H3: Legislator is a Member of the Chamber's Majority Party	0.34*	0.01	0.04	0.09
	(0.15)	(0.11)	(0.14)	(0.11)
Percent of Interest Group Opposition to Issue Position	2.04***	–1.22	–1.71*	–1.38*
	(0.66)	(0.67)	(0.85)	(0.68)
H4: Group Opposition X Interest Group Issue Position	–2.52*	–0.61	–	–
	(1.09)	(1.12)		
H4: Group Opposition X Lawmaker Issue Position	–	–	1.27	3.39***
			(1.18)	(0.99)
Legislator Represents a District in New York City	–0.48***	–0.03	–0.11	–0.28*
	(0.14)	(0.12)	(0.14)	(0.12)
Lawmaker is a Member of the Republican Party	–0.12	0.01	–0.12	–0.01
	(0.11)	(0.11)	(0.13)	(0.10)
Interest Group is Based in New York State	0.38*	0.74***	–0.02	0.65***
	(0.16)	(0.26)	(0.19)	(0.19)
Interest Group is an Indian Nation	0.31*	0.85***	0.71**	–
	(0.15)	(0.16)	(0.13)	
Constant	–3.02***	–2.15***	–1.22*	–1.99***
	(0.29)	(0.36)	(0.52)	(0.33)
Wald χ^2	119.50***	77.26***	100.43***	142.39***
N	1680	2940	1540	3080

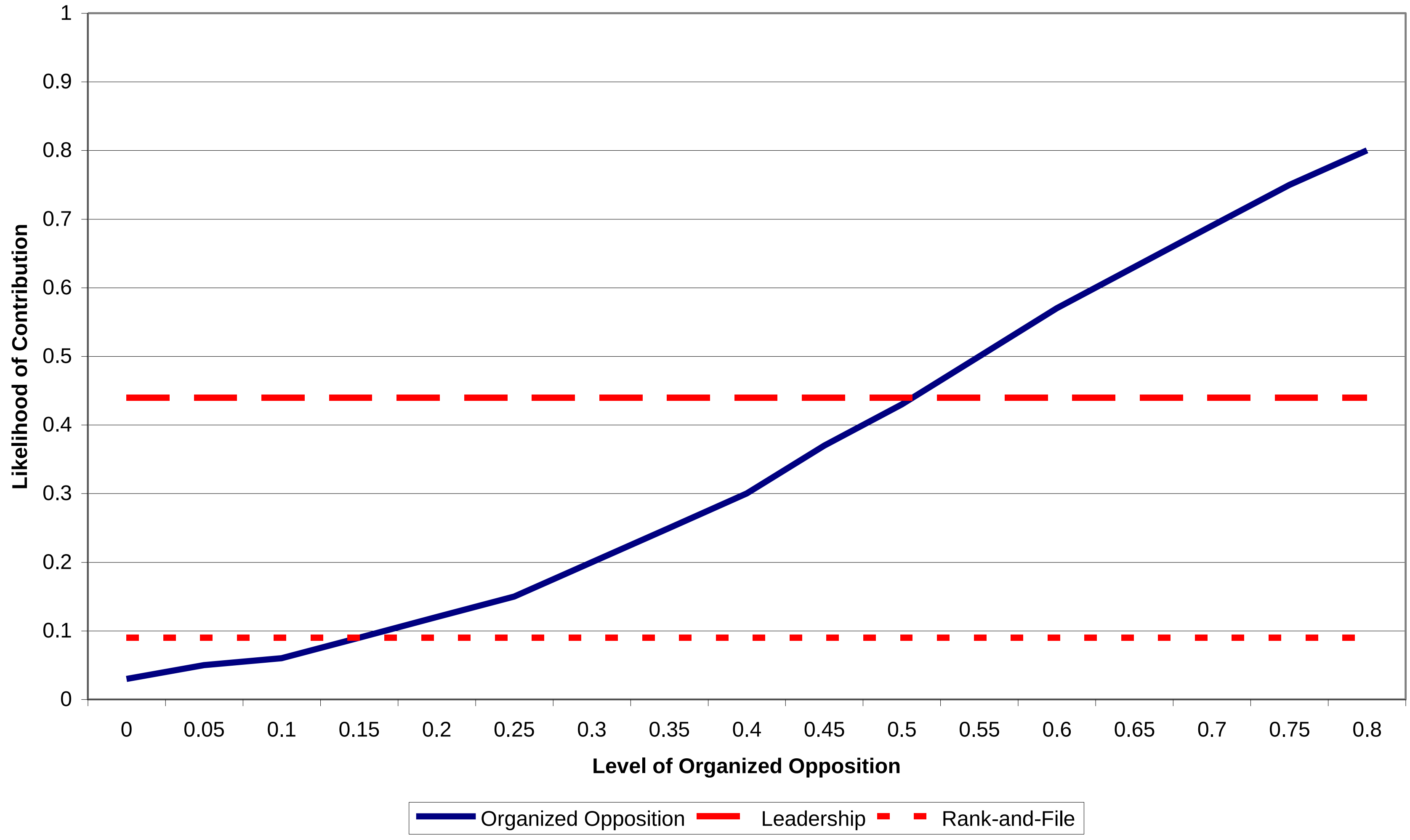
* $p < 0.05$ ** $p < 0.01$ *** $p < 0.005$

Table 3: Value of Contributions Given to Legislators
Tobit Maximum Likelihood Estimates (Robust Standard Errors)

Explanatory Variable	**Giving to Pro-Casino Lawmakers**(1)	**Giving to Anti-Casino Lawmakers**(2)	**Giving by Pro-Casino Groups** (3)	**Giving by Anti-Casino Groups** (4)
H1: Interest Group is Advocating for Indian Casino Gambling	6444.75*	–393.06	–	–
	(3177.03)	(1348.94)		
H1: Lawmaker is a Supporter of Indian Casino Gambling	–	–	107.72	–4156.37**
			(2993.28)	(1625.65)
H2: Lawmaker is Legislative Leader, Committee Chair, or Governor	4454.64***	3092.87***	3511.97*	4187.77***
	(1363.18)	(576.10)	(1792.30)	(1141.80)
H3: Legislator is a Member of the Chamber's Majority Party	1600.52*	73.92	126.42	427.65
	(795.48)	(268.69)	(616.50)	(379.08)
Percent of Interest Group Opposition to Issue Position	9977.31**	–2533.12	–6654.94	–4295.79
	(4060.72)	(1635.23)	(4684.94)	(2582.00)
H4: Group Opposition X Interest Group Issue Position	–13399.01**	–669.59	–	–
	(6018.18)	(2714.38)		
H4: Group Opposition X Lawmaker Issue Position	–	–	3638.57	11584.56**
			(5218.97)	(4607.65)
Legislator Represents a District in New York City	–2220.60**	–51.66	–511.69	–944.94*
	(838.86)	(279.54)	(605.77)	(454.54)
Lawmaker is a Member of the Republican Party	–172.90	120.61	–350.10	192.77
	(485.35)	(272.93)	(529.55)	(327.39)
Interest Group is Based in New York State	378.38	1601.98**	–941.46	1227.88*
	(745.28)	(627.17)	(1097.87)	(530.41)
Interest Group is an Indian Nation	1353.00	2098.17***	3293.05**	–
	(708.49)	(452.56)	(1287.06)	
Constant	–13755.57***	–5341.85***	–6088.29*	–6543.84***
	(3540.29)	(1146.92)	(2866.94)	(1679.60)
F-statistic	2.85***	5.16***	1.49*	4.06***
N	1680	2940	1540	3080

* $p < 0.05$ ** $p < 0.01$ *** $p < 0.005$

Figure 1: Change in the Likelihood of a Contribution for Organized Opposition and Political Leadership



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[1] In many cases not all of a group's members may precisely agree on the position their lobbyist should take on an issue, leaving the lobbyist in a position where he or she must push something akin to the mean position of a distribution of member interests because that position alone pleases the greatest number of members.

[2] This is not to say that the Indian nations lobbied in a coalition; they did nothing of the kind. Yet they also did not openly lobby against each other, New York had so few casinos during this time period that there was little sense of one tribe's success coming at another's expense, although at one point the Wisconsin Oneidas did try to lobby for a casino in the Catskills potentially rivaling the one proposed by the Mohawks.

[3] They were coded only if my assistant and I agreed on their position, or when legislators appeared at pro- or con rallies as reported in the news, made relatively unambiguous press statements, or were clearly identified as allies or foes by groups in their press releases and websites. We agreed on 90% of our decisions.

[4] The time-cycle variable was not used, nor did I use panel-corrected standard errors. Beck and Katz (1995) argue this is only appropriate for OLS models with linear dependent variables.

[5] The opposition actually increased contributions when supporters were few in number, making 25 in 1998 when supporters were 41%, 31 in 2000 when supporters were 34%, 19 in 2002 when supporters were 53%, and 60 in 2004 when supporters were only 27%.

[6] On a related note, I originally coded a dummy control variable 1 if any legislator represented a district containing a land where a casino was being contemplated, but it did not prove statistically significant in any of the models.