Interest Group Competition and Cooperation at Legislative Hearings

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ABSTRACT

Legislative committee hearings have attracted little attention from scholars, yet Schlozman and Tierney (1986) found that testifying is the advocacy tactic most frequently used by interest group lobbyists. I argue that opportunities to testify are valuable enough to lobbyists that they may be willing to put aside competitive differences with rival groups to jointly support committee agendas. I test this argument using data on lobbyist testimony before twenty committees on six issues from 1999 to 2002. The results suggest that whether legislators actually desire competing lobbyists to present a united front behind the committee may depend on the committee's own ideological relationship with the parent chamber. I also find that the attractiveness of the incentive to testify is less enticing to lobbyists when it requires them to compromise their organization's position on issues of importance to their members, or when competition between interest groups is especially great.

As one of a legislature's most visible activities, and one of the few occasions when interest group lobbyists conduct their advocacy under a public spotlight, it is surprising that committee hearings have not drawn more attention from scholars. Committees themselves have been very carefully studied and many scholars believe that the behavior of legislators and even lobbyists cannot really be understood outside of the committee context, especially as more interest groups and political entrepreneurs compete to shape public policy (Fenno 1973; Deering and Smith 1997). Yet even though hearings offer a window through which the public can see their elected officials at work and something of the mysterious relationship they have with lobbyists, scholars appear to have largely written them off as little more than tightly scripted showcases where carefully screened lobbyists endorse committee chair agendas. Because no strategic interaction is believed to be taking place between lobbyists and legislators, hearings have been seen as theoretically uninteresting and are largely ignored.

In this paper I draw on both the interest group and legislative organization literatures to argue that who participates in committee hearings and what is said are manifestations of strategic behavior. Although lobbyists for member-based groups typically express the policy preferences of these members in testimony, legislators on some committees may want them to collectively support *their* positions. This helps them demonstrate to the parent chamber that there is unity in the electorate for their bills. Lobbyists for competing groups desiring to stay on the good side of these legislators thus have an incentive to put aside ideological differences between their memberships and unite behind committee agendas. I test this proposition with data on hearings on six issues during the 106th and 107th Congresses. My results reveal some variation in who is invited to testify by a committee's ideological disposition, as well as some limits on just how willing lobbyists are to compromise their members' interests in order to please that committee.

INTEREST GROUP COMPETITION IN A COMMITTEE HEARING CONTEXT

The size and diversity of the national interest group community has grown dramatically over the last few decades, prompting scholars to ask how the role of groups in the policy making process has changed (Walker 1991; Baumgartner and Leech 2001). As more factions of the public are mobilized to demand that their "interests," the common desires binding group members together, be realized in policy, lawmakers may be finding it increasingly difficult to satisfy the demands of one group without harming another. If lobbyists for these interests are to faithfully represent their members, they must compete to persuade lawmakers to serve their interests over those of other groups. Yet we frequently see lobbyists freeing lawmakers from the need to choose winners and losers by setting aside differences in their members' interests to form coalitions supporting compromise positions on issues (Salisbury 1990). This is surprising because if a group's legitimacy and strength are proportional to the size of its membership, as niche-theorists such as Wilson (1973) and Gray and Lowery (1997) argue, why would lobbyists risk losing members by compromising their interests? Hula (1999) and Hojnacki (1997) attribute it to resource sharing and competitor reputation, but the complexities of the lobbyist – legislator relationship and the structure of legislative institutions suggest other answers.

Although it is often assumed that lobbyists exert influence over legislators by offering valuable strategic information and campaign financing, Salisbury (1990) argues that a crucial consequence of more interest groups is a weakening in the positions of lobbyists visa vie legislators. There are simply too many of them now clamoring for attention. Consequently, lobbyists may find that *they* are the ones being pushed to contribute and otherwise support agendas determined by legislators. Not doing so risks handing the prize of access to their competitors, an argument made as far back as 1960 by Matthews (pp. 188-190) and more recently by Ainsworth

(1997). Lobbyists, Ainsworth argues, become part of legislators' "policy enterprises," aiding their patrons with strategic intelligence, information resources, contributions, and constituent votes. A good example of this is perhaps former House Majority Leader Tom DeLay (R-TX) and Grover Norquist's K-Street Project where lobbyists were pressured into backing Republican agendas or risk losing their access (Birnbaum 2004). Thus, even when group members have competing interests, we still might see their lobbyists choosing to form coalitions backing compromises in response to incentives from lawmakers. And if institutions are designed to further lawmaker interests, as Shepsle and Weingast (1994) argue, then it may be the very structure of Congress that gives legislators incentives they can dangle before lobbyists.

Arguably the most important components of any legislature are its policy making committees. Here agendas are formed and bills developed, so lobbyists consider it essential to develop relationships with committee legislators (Hall and Wayman 1990). Yet even though committee rules and norms provide legislators with an arsenal of incentives they can use to shape the policy positions advocated by lobbyists, whether this includes *hearings* is not entirely clear. Hearings have long been regarded as merely opportunities for committee chairs, and perhaps ranking members if relations with the minority party are good, to showcase carefully screened lobbyists bolstering pre-determined agendas with a show of interest group, and presumably public, unity designed to convince the floor of a bill's merits (Huitt 1954; Milbrath 1960).

But if hearings are merely political theater where lobbyists are expected to put aside their differences and form coalitions backing the committees in exchange for invitations and access, why is it easy to find instances where they support neither the committee nor each other? For example, legislation by House Resources Committee Chair Don Young (R-AK) to shift federal off shore oil drilling royalties to wildlife conservation funds was vehemently opposed by liberal

environmental groups in repeated testimony, even though moderate conservation groups helped draft his bill.[1] Similarly, in testimony before the Senate Agriculture Committee producer groups heavily criticized the U.S. Department of Agriculture's revisioned milk pricing policy even as other dairy groups enthusiastically backed it.[2] Part of the reason committee expectations are not always met may be that legislators do not always know in advance precisely what positions lobbyists wish to take.[3] It may *also* be true that not all committees insist that lobbyists support them at the expense of their members' interests. Learning the true range of interests may be their goal. Thus what is desired from lobbyists at hearings may vary from committee to committee.

That committees may hold hearings for strategic reasons is something scholars have started to explore. Epstein and O'Halloran (1999) found that oversight hearings were held when implementing administrative agencies failed to adhere to committee preferences. Talbert et al. (1995) found that by raising new issues, or articulating new framings of old issues, committees can use hearings to expand their jurisdictions. But perhaps the best framework for exploring how and when legislators might want to pressure competing lobbyists into laying aside their differences to back committees is Diermeier and Feddersen's (2000) argument that simply holding hearings may help outlier committees convince other legislators to support their bills.

As largely autonomous vehicles for developing policy in specific issue areas, committees have traditionally attracted legislators representing electoral constituencies with vested interests in those issues (Deering and Smith 1997). A consequence of this concentration of interests is the emergence of some committees with ideological positions quite different from those of other legislators. That these "outlier" committees might therefore report bills odious to non-committee members has led scholars to view the relationship between committees and their parent chambers as a game. Krehbiel (1991), for instance, argues that while committees are granted considerable

autonomy because concentrating legislator interests creates a reservoir of expertise useful to the parent chamber, committee bills will be supported as long as they are not overly harmful to a majority of non-committee members. Alternatively, Cox and McCubbins (1993) argue that a committee bill be supported by the parent chamber when it does not threaten the majority party.

Committee legislators naturally dislike having their bills tampered with so they may opt to hold the status quo by not reporting any (Shepsle 1979), or they may re-amend bills when upper and lower chamber differences are reconciled in conference committees (Shepsle and Weingast 1987). But outlier committee members may also proactively take advantage of the information asymmetry existing between them and the parent chamber to manipulate what non-committee members learn about a bill. Hearings are therefore opportunities for information to be presented on issues and bills in a public forum that help committees shape what parent chamber legislators know, at least on high profile bills whose enactment (or lack thereof) may have political ramifications for the majority party or the parent chamber. As part of this strategy, outlier committee members may want to entice lobbyists for important (or at least vocal) competing interest groups to set aside their differences and support the committee's position by offering hearing invitations.

But should we actually expect there to be any real differences among the interest groups lobbying a committee? Kollman (1997) argues that because it is easier to lobby friends than foes, and committee members often have similar preferences, lobbyists will gravitate towards committees dominated by legislators with preferences similar to those of their own group members. If true, then even if there is competition in the larger group community, the positions of the groups most likely to be in the pool of possible hearing participants will be similar. But there are reasons to doubt that this is usually the case. First, Krehbiel (1990) finds that most

committees are *not* ideologically homogenous, though outliers may be. Second, institutionally defined jurisdictions mean that issues are going to be referred to specific committees, sympathetic or not, at which lobbyists will have to direct their energies if they hope to be influential. Finally, empirical evidence presented by Tichenor and Harris (2002) and Berry (1999) show that lobbyists sometimes *do* articulate conflicting positions at hearings. Thus there is good reason to develop and test a more sophisticated view of legislators and lobbyists in the context of committee - parent chamber relations that sheds new light on interest group competition and the role of committee hearings.

PREDICTING WHEN AND HOW LOBBYISTS PARTICIPATE IN HEARINGS

To explore these intertwining relationships between interest group lobbyists and committee legislators I sketch the outlines of a model starting with six assumptions drawn from these literatures, the first three regarding legislators. First, knowing their bills may be more closely scrutinized by non-committee legislators, members of *outlier* committees are more concerned with demonstrating support among key constituencies for their legislation than are non-outlier committees, at least when the issue is high profile.[4] Prevailing theory holds that lobbyists tend to target legislators representing states or districts where the interest group's members make-up a significant portion of the voting constituency (Wright 1996; Hojnacki and Kimball 1998), though Esterling (2007) finds that they also tend to target committee members interested in the technical aspects of policy more than "show-horse" legislators. Thus the policy preferences of many, if perhaps not all, of the groups lobbying the committee are likely to be similar to the committee's,

or at least its chair. These are the groups the chair is most likely to invite because they can be counted on to express support.

Lacking this strategic concern, non-outlier committees are more likely to be interested in providing information on the true range of group interests to the rest of the Congress and so are less interested in only inviting lobbyists for groups holding similar policy preferences. For example, Rep. James Leach (R-IA), chair of the non-outlier House Financial Services Committee in the 106th Congress, emphasized the need to hold hearings on financial modernization legislation so that many different voices could be heard and a good legislative product crafted.[5]

Second, all legislators and lobbyists know the committee's position on an issue, and therefore which committees are outliers, but legislators may not know for certain the position interest group members collectively prefer on the issue before the committee. Although legislators interact repeatedly with lobbyists representing key constituencies, their own cognitive limitations, the clamor of other voices for their attention, and the fact that they only occasionally get home to their districts leaves them uncertain as to what key parts of their re-election constituencies want. Indeed, this uncertainty, Wright (1996) argues, is the lynch pin of the legislator – lobbyist relationship, otherwise legislators would not need lobbyists to tell them what key constituencies want (also see Ainsworth and Sened 1993). So even though outlier committee chairs prefer to invite groups supportive of their position, they are not precisely sure which groups these are. What they *do* gain from past interactions on other issues are probability distributions over what position a lobbyist's members likely prefer on the issue at hand. Thus:

Ally Hypothesis: The greater the probability that the committee believes an interest group's ideological position is close to the committee's position, the greater the likelihood that the group will be invited to testify, given that the committee is an ideological outlier.

Third, I assume that the range of legislator preferences on outlier committees is smaller than on non-outliers. As Krehbiel argues, legislators on committees responsible for making policy benefiting a few key constituencies, such as the Agriculture Committee, tend to be more ideologically similar to each other, but collectively they are outliers in the sense that these committees' median positions are distinctly different from their parent chambers'. They are less partisan internally and this may have implications for who is invited to testify. Although the chair and staff have considerable influence over invitations, if outlier committees are ideologically homogenous, then it is less likely that groups the minority wishes to invite would be distasteful to the majority. Finding groups supporting issue positions close to their own therefore remains the outlier committee members' overriding concern. For *non*-outlier committees that are *also* less partisan, the concern is to draft invitation lists reflecting the broad range of relevant interests. But for *partisan* non-outliers where the "committee position" is the majority party's, invitations will be biased towards groups believed to support the party. Thus:

Partisan Hypothesis: The greater the difference between majority and minority party medians of non-outlier committees, the smaller the likelihood that a group ideologically distant from the committee's position on an issue will be invited to testify.

The other three assumptions regard the motivations of lobbyists. The fourth is that lobbyists want to testify, an assumption I make for reasons involving a group's reputation with members and lawmakers. As Wilson (1973) argues, interest groups can gain and secure the loyalty of members more easily when they are seen as effective advocates for the community, or "niche," they are trying to represent (also see Gray and Lowery 1997). Testifying is a high-profile, low-cost way for group leaders to demonstrate their access and show current and potential members how important their organization is in Washington, D.C. and why joining it would be a good

investment. Furthermore, the high level of group congestion on Capitol Hill makes it harder for lobbyists to signal to lawmakers that they have the constituent and policy information legislators desire, but testifying gives them a forum for standing out. If the chair appears to be granting them access, perhaps other legislators will as well. Finally, testifying allows a lobbyist to intimidate competitors with a show of access and prove that they are a foe to be taken seriously. Hojnacki (1997) shows how a group's reputation helps it entice (or pressure) others into forming coalitions and testifying may enhance this reputation. It is thus not surprising that Schlozman and Tierney (1986) found testifying to be most lobbyists' strategy of choice. [6]

The fifth assumption is that not all members of an interest group prefer issues to be resolved with policy in the same way. This means the group's lobbyist confronts a distribution of member preferences over a continuum of possible positions. Niche-theories of mobilization hold that a group's reputation increases as it claims a greater percentage of a population as actual members, so putting all other influences (like committee incentives) aside lobbyists will support the mean position of this distribution because it alone pleases the most members. Finally, issues vary in their importance to group members and they are more likely to punish their lobbyists by leaving the group if their positions are not faithfully represented on important issues (Hirschman 1970). In sum, lobbyists almost always desire to support a committee's position; it is counter-pressure from group members that varies.

One consequence of these assumptions is that if a committee chair, perhaps of an outlier committee, wishes to demonstrate united interest group support for a bill to the parent chamber or majority party, he or she may use the carrot of access, including highly prized hearing invitations, to push lobbyists into supporting that bill. If this requires lobbyists to publicly support a position at odds with positions their members collectively prefer, and who may also be some of the chair's

key constituents, lobbyists may also be expected to sell such position changes to their shared constituencies. Following Ainsworth (1997), lobbyists will support the chair's legislative "enterprise" at the hearing because failure to do so puts their access at risk. A byproduct of this is that two or more lobbyists representing members with competing preferences may both be observed testifying in support of a committee, and therefore each other. This reportedly was the case when, in testimony before the House Banking Committee in 1996, lobbyists for the Independent Bankers Association and Americas Community Bankers both agreed to support legislation allowing mergers among large banks, even though their own small bank members opposed it.[7]

Yet assumptions four and five suggest that there is a limit to how far lobbyists can deviate from their members' wishes. If members care deeply about the issue, and are relatively united in their preferences, as may happen with highly ideologically groups (Sabatier and McLaughlin 1992), lobbyists can find supporting an alternative committee position to be costly. AARP lobbyists discovered this after supporting the Bush Medicare reform bill in 2004 when members tore up their membership cards in anger (Heaney 2003). Thus:

Balancing Hypothesis: The more intensely group members prefer their positions, and the smaller the variation in these positions around the mean, the greater the probability that the lobbyist will not support the committee's position, given that there is a difference between the group and committee positions and the lobbyist has been invited to testify.

A lobbyist may also be less likely to support the committee when faced with more competition from other groups. Not only do larger ideological distances between the mean member positions of groups indicate greater competition over an issue, it also makes it more likely that some groups prefer positions significantly different from the committee's position. This, in

turn, makes it less likely that broad coalitions backing a committee will form because lobbyists for those groups would suffer significant punishment from members. Indeed, not only would group members be angry because their lobbyist supported some other position, but the choice would be especially hard to explain if lobbyists for competing groups remained loyal to their members' interests. With greater competition making an advocacy war more likely, it makes sense to bolster group member support than to risk it by supporting the committee. Thus:

Competition Hypothesis: The greater the level of competition between groups on an issue, the smaller the likelihood that a lobbyist's testimony will support the committee, given that the group's position differs significantly from the committee's and it has been invited to testify.

RESEARCH DESIGN AND PRELIMINARY DATA ANALYSIS

The data I used to test these hypotheses came primarily from two sources: interviews with lobbyists for member-based interest groups in 2003 and the testimony representatives of those groups gave at congressional committee hearings. Hearing subjects are generally, though not uniformly, issue specific, so I chose to study six issues from three policy domains. Lowi (1972) argues that distributive domains are often characterized by norms of cooperation rather than conflict. In order to control for any suppression of conflict by domain-wide influences beyond the scope of this paper I selected the agriculture domain because it is held up as the distributive archetype (Browne 2001). The other two domains chosen, environmental conservation and banking, tend to handle more conflict prone re-distributive and regulatory policies. Using the *Congressional Quarterly Weekly Reports (CQWR)* I identified every issue taken up by Congress in these three domains from 1999 to 2002, earlier years not included to avoid straining the

memories of the lobbyists interviewed.[8] Public awareness of issues may also influence how lawmakers and lobbyists act (Bacheller 1977), with highly salient issues important to the majority party subject to greater scrutiny than those of lesser public salience. To control for this I counted the number of articles on each issue appearing in the *New York Times* during this time period. Issues were then divided into two pools per domain by whether they were the subject of a number of articles greater than one-standard deviation above the mean for that domain. One issue was then randomly selected from each pool for a total of six. The three high salience issues were bankruptcy reform, drilling for oil in the Arctic Wildlife Refuge, and the regulation of bio-engineered food. The three low salient ones were reform of money laundering laws, using royalties from off-shore oil drilling for state wildlife conservation programs, and restructuring government regulation of the wholesale price of milk. All were the subjects of hearings from 1999 to 2002.

Interest groups lobbying these issues were identified using the *CQWR* and *Times* articles. To find groups advocating on each issue, but perhaps not making it into the pages of these publications during this time period, I found every article on these issues back to 1990 and recorded the name of every group mentioned for a total of 102.[9] Each was then contacted for an interview, with 82 lobbyists agreeing (an 80% response rate). For the most part the distribution of groups in my sample is roughly similar to that of Baumgartner and Leech (2001). I found 34% were professional / trade associations compared to 39% in their population, labors unions at 5% to 3%, and intergovernmental groups at 6% to 3%. However, the proportion of public interest / citizen groups in my sample was 45% rather than their 30%. Fortunately the imbalance was only in environmental policy, 62% of all groups in that domain, which is known for large numbers of such groups. As the proportions were roughly correct for the other two domains, I decided to simply control for choices made by groups in this domain in the multivariate analysis.

There were twenty-seven hearings held on my six issues from 1999 to 2002 by eight committees (one was a joint hearing held by the House and Senate Judiciary Committees). To see whether a committee holding a hearing was an ideological outlier I used Poole and Rosenthal's DW-NOMINATE Common Space Scores to find committee and parent chamber median members.[10] Then, following Groseclose (1994), I conducted a Wilcoxon Difference of Medians Test to see whether the committee median was significantly different (in either direction) from the parent chamber (minus the members of that committee) at $p < 0.10$.[11] Because committee compositions changed from 2000 to 2001 as the 107th Congress replaced the 106th, separate tests were conducted for the same committees in both. Only three committees out of seven, House and Senate Agriculture and House Resources, were outliers and remained so in both Congresses. Interestingly, they held 48% of the hearings.

Of the 463 participants, 54% were lobbyists, but 11% were senators and representatives, 12% were executive branch agency officials (sometimes the department secretary), 10% were state officials, and 11% were policy experts from universities and think tanks. Though it is beyond the scope of this paper, it may be that committees vary in the mix of interest groups versus other types of officials invited. Although the percentages were roughly similar in both the House and Senate, it is interesting to note that 18% of the participants in hearings on issues of high public salience were academic policy experts, while only 5% were on less salient issues. Especially relevant for this paper is that 59% of participants before outlier committees were lobbyists, yet only 48% were before non-outliers.

Not all of these committees could be used in the analysis. Since how lobbyists react to each other is necessary for testing the Competition Hypothesis, I dropped two hearings because only one group testified. I dropped five more because the committee did not take a clear position

(as defined by the chair's opening statement) on the issue at the hearing. This left me with twenty usable hearings by eight committees (see Appendix A), six in the Senate, thirteen in the House, and one joint hearing. Two committees were ideological outliers (House Agriculture and Resources), but they held eight of the hearings.

Unfortunately there are no DW-NOMINATE scores for interest groups, yet identifying the positions of groups on issues is crucial for testing my hypotheses. Though many groups develop ideological ratings of legislators, such as ADA or COPE scores, they do not rate each other. Nor do PAC contributions suffice as they are often given to legislators irrespective of ideological congruency (Grenzke 1989), and in any case only 41% of groups in my sample even gave contributions. I instead created a simple ordinal scale on which I could position groups by making use of bills addressing the six issues. For each issue I identified four bills that were reported out of committee (though not necessarily the subject of a hearing) and therefore had a realistic chance of enactment. I then sorted these bills by the extent to which they required greater government regulation or made more money available for programs. The more a proposal reflected one of these trends, the more liberal I considered it. I then assigned a code of 1 to the most liberal, 2 to the second most, 3 to one more conservative, and 4 to the most conservative to produce a four-point ordinal ideology scale for each issue where each point is represented by a bill. In the interviews I asked each lobbyist to identify which of the four bills on the relevant issue best represented how his or her members would like to see the issue resolved and used the response to designate that position as the group's collective preference.

Differences between the positions of two or more groups on an issue scale indicated that they were competing. Pairing each group once (and only once) with every other lobbying the same issue, finding the absolute value of the difference in their ideological position scale scores, and

calculating the average difference of all group pairs on an issue gave me an issue specific measure of interest group competition. Doing the same for only those groups invited to testify provided some insight into the choices committees made in terms of whom to invite. The overall average level of competition among all interest groups lobbying these issues was 1.3 (bounded between 0 and 3), ranging from 1.6 on drilling for oil in the Arctic to 0.9 on money laundering. Although the average level of competition among groups invited to testify was 1.2, only on the issues of bankruptcy and royalties from Gulf oil drilling for conservation was the level of competition among invited groups barely greater (1.5 and 1.1 respectively) than among all groups lobbying those issues (1.4 and 1.0). On the other four issues the level of competition among groups testifying was less than that among all groups lobbying those issues. Moreover, before non-outlier committees the level of competition among invited groups was 1.3, but only 0.9 before outliers. Though I assume that legislators do not know with certainty what the positions of groups really were on specific issues, outliers did appear to have invited groups with fewer ideological differences than non-outliers.

To capture the position of a committee on an issue, I used the opening statement of the chair, which I assume reflects the position of the committee's median member, at the start of each hearing. All statements by chairs and lobbyists at hearings were found on committee websites, though in a couple of cases I had to use LEXIS-NEXIS. Committee chairs usually set the agendas and have primary responsibility for determining which bills are reported, how they are marked-up, and whether hearings are even held. The minority party, represented by the ranking member, is either largely shut out of the process or, if ideological differences between the two parties on the committee is small, has preferences similar to the majority. Either way the chair's statement should be the committee's definitive position. This position was coded on the group position scale

by linking the chair's opening statement to a bill on this scale.[12] With this I was able to find the level of competition lobbyists *expressed* in hearing testimony, both between groups testifying and between a group and the committee by coding a dummy variable 1 if a lobbyist's testimony clearly supported the chair's position, either enthusiastically or with reservations. Groups opposing the committee's position, whether defiantly or expressing regret at doing so were coded 0.[13] I found that lobbyists opposed the committee in testimony 42% of the time, 45% before non-outliers but only 35% of the time before outliers. To get a rough sense as to whether there were differences in the level of competition expressed between groups in testimony and the actual level of competition between their member-derived positions (discussed above), I again paired all of the groups testifying and found that out of 184 pairs, 74% had competing ex-ante positions, but in 40% of *those* pairs both groups testified in support of the committee (and therefore supported each other).[14] Some suppression of existing group competition may have been taking place. Whether the committee was an ideological outlier, however, appeared to make minimal difference as 37% of these position changing pairs were before outliers while 41% were before non-outliers.

MULTIVARIATE TEST OF HYPOTHESES

To test my hypotheses in a multivariate analysis, I first arranged my data matrix so that the unit of analysis was an observation of each group's presence (or lack thereof) at each hearing. For example, every group lobbying on bankruptcy reform was entered as an observation three times, once for each of the three hearings regardless of whether or not they were actually invited to testify. Thus every group interviewed was entered at least twice (there were only two hearings on bio-engineered food), and some as many as five times (dairy pricing), for a total of 280 observations.

For each observation a dummy variable was coded 1 if the group appeared at the hearing and 0 otherwise. Descriptive statistics are provided in Table 1.

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

Testing the Ally Hypothesis required not only a measure of the actual ideological distance between the committee and the group, but also the committee's knowledge regarding the group's position. For the former I subtracted the position of the group on the ordinal scale from the committee's position and took the absolute value. I captured the latter by assuming that the more group members cared about an issue, the higher priority it was for their lobbyist and the harder he or she would work to convince legislators to address that bread-and-butter issue. As these group members were also likely to be key constituents of committee members, legislators may already have had a fairly good idea as to what a group's position on these important issues was. I therefore asked a closed-ended question regarding how important this issue was to members versus other issues, coding the response 1 if it was of little importance, 2 for moderate, and 3 for great importance. To capture the relationship between actual position differences and the committee's beliefs regarding those differences, I multiplied the two measures together. But multiplying one variable expected to have a positive effect by one expected to be negative created an interpretation problem, so I reversed the ideological difference indicator so that perfect ideological congruence between the group and committee was 3 rather than 0 and maximum distance between the two was 0. Thus *greater* values of both variables in the multiplicative term made it *more* likely the group was invited to testify.

The Partisan Hypothesis variable was constructed by multiplying the absolute value of the difference between group and committee positions by the absolute value of the difference in the Republican and Democrat DW-NOMINATE median scores for each committee. Justifying

assumption three regarding the range of committee member ideologies, I found that this resulted in larger standard deviations for non-outlier committees (0.12) than outliers (0.07). For consistency's sake, I kept the group – committee spatial difference reversed, which required me to also reverse the party median difference for each committee so that greater values indicated greater ideological homogeneity. The hypothesis would thus be supported if the variable's influence was positive. Also recall from the Partisan Hypothesis discussion that the committee position was not necessarily the committee median. It was simply the position formally taken by the committee as expressed by the chair, but in cases where a committee was deeply divided along partisan lines it was most likely the position only of the majority party.

The next two hypotheses regarded the probability that a lobbyist invited to testify did not support the committee due to constraints from group members and competitive pressures. The dependent variable here only concerned the 84 cases where a group was invited, so I coded another dummy variable 1 if the lobbyist supported the committee (a testimony code of 0 or 1) but whose collective membership preferred a position on the issue different from that of the committee. This indicated whether the lobbyist supported the committee at the expense of his or her group members. The variable operationalizing the Balancing Hypothesis again used my indicator of how strongly interest group members felt about their positions on the issue, but it is now multiplied by the variance in their positions. Variance was measured with responses to a closed-ended question on how cohesive were member positions. The response was coded 1 if the lobbyist believed members to not be unified, 2 for somewhat unified, and 3 for very unified. These two terms were multiplied together to create a single measure of a group's capacity to constrain its lobbyist. The construction of the Competition Hypothesis variable x_i was simply

$$x_i = \frac{\sum_{j=1}^{G}(|G_i - G_j|)}{G_{-i}}$$

where the variable x_i increases as the average of the position differences between observed group *i* and all other interest groups *j* lobbying the same issue, so that $(i, j) \in \boldsymbol{G}$, grew.

Finally I created a set of control variables. Leyden (1995) found that resources made a difference regarding who is invited to testify. In the survey each lobbyist was asked the level of their resources committed to advocacy on this issue relative to others with a variable coded 1 if the effort was small, 2 if average, and 3 if more than average. I also controlled for more autocratic committee chairs that might make decisions with little regard for committee members by subtracting the chair's DW-NOMINATE score from the committee median and entering the absolute value. Older groups may be better known to legislators and more likely to be invited, so I found each group's age from the establishment date listed in *Washington Representatives* and entered the difference, though it was not used in the second stage. Outlier committees may not be as inclined to seek unity among interest groups when issues are low profile, so I coded a dummy variable 1 if the issue at hand is one of my three high salience issues (also not used in the second stage). The environmental domain was especially contentious during these years, an effect I controlled for with a dummy variable. Finally, Berry (1999) argues that citizen groups often prefer to remain ideologically pure and may be less likely to compromise with committees or each other, which I control for with a dummy coded 1 for a citizen group in the second stage.

Whether or not the committee was an outlier was captured by estimating two different versions of the model using the logit technique, one where the committees were all outliers and another where they were not. The Wald χ^2 statistics were significant, indicating results significantly different from what I would have expected to find due to random chance. Using the

same interest group multiple times before the same committee (but different hearings) may have biased standard errors downwards, so the estimations were clustered to enhance variation between groups rather than within observations of the same group with robust standard errors.

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

The results for the invitation stage models are presented in Table 2 and support the Ally Hypothesis. As predicted, the difference between the positions of a group and the committee, given the latter's beliefs regarding the group's position, had a positive significant effect on the likelihood of that group being invited to testify by an outlier committee. A one standard deviation decrease in position difference and/or increase in the committee's knowledge regarding the intensity of group member desires increased the likelihood of being invited by 31 percentage points. Furthermore, as predicted, I could not reject the null hypothesis for this variable when the committee was not an outlier.

As is customary, I also included the variables capturing the independent differences in the group and committee's positions and how intensely group members felt about the issue in the model and their performance is interesting. Recall that I reversed the values of the difference in positions variable so that higher values meant greater congruence. Thus group – committee congruence of positions had a negative effect for outlier committees but a positive one for non-outliers, the opposite of what I would have expected. Only when group member intensity was multiplied by this variable did the results conform to prediction. Though only speculative, I interpret this as a reflection of strategic considerations on the part of outlier committees. If outliers were primarily interested in directing benefits to key constituencies, and lobbyists represented those same voters, then when bread-and-butter issues were considered committee members were more inclined to identify and invite lobbyists for groups supporting their positions and present the

parent chamber or majority party with a united front. But on less important issues, where committees were less certain what the interest groups really wanted, these committee legislators appeared willing to seek a broader range of group preferences. By doing so they may have been trying to build a reputation for credibility so that when the big issues arose, and they staged a hearing showcasing only their friends, their reports might still be trusted by non-committee legislators.

Results for the Partisan Hypothesis regarding the difference between party medians within a committee partially matched prediction. As ideological differences within a non-outlier committee increased, groups believed to be supportive of the majority (Republicans) were more likely to be invited at the expense of those believed to support positions closer to minority Democrats. The opposite, however, was true of outlier committees where the minority was apparently still allowed to invite groups, such as the Natural Resources Defense Council being allowed to testify against drilling for oil in the Arctic Wildlife Refuge before the House Resources Committee on April 20, 1999, even though Republicans clearly wanted this. Perhaps the majority's need to demonstrate to the parent chamber that the full range of information from interest groups was really being provided pushed the chair to draft a more diverse invitation list.

It is also worth noting, though not especially surprising, that for both types of committees the chair appeared to be exerting more influence, as seen in the negative but significant effect of the variable measuring the difference between the chair's DW-NOMINATE position and the committee median. Several control variables were also interesting. Though group age had little effect, similar to Leyden (1995) I found that greater resources committed to lobbying did make it more likely a group would be invited to testify before outlier committees.

The results for the second stage analysis on whether lobbyists testified in support of the committee, given that they had been invited, are presented in Table 3.[15] As predicted in the Balancing Hypothesis, the negative sign and statistical significance of this variable in the non-outlier model indicated that as group members felt increasingly passionate about issues and were united, lobbyists found themselves less free to modify their positions to support the committee and work in coalition with competing groups. Certainly none of the consumer lobbyists testifying on the regulation of genetically modified foods were willing to change positions and risk member anger on what for them was a crucial issue, though food wholesale group lobbyists were. Both bankers association and consumer group lobbyists proved willing to shift positions on bankruptcy reform as committee chairs pushed for consensus, more so than on the more bread-and-butter financial modernization legislation these groups were fighting over at the same time.[16] Pulled between a desire to testify and member pressure, these lobbyists put aside their differences and cooperated with committees unless faced with intense member counter-pressure.

Yet this variable was statistically significant but positive in the outlier model. What may have happened here is that the more important the issue was to members, and the more unified they were, the more important the issue was to legislators on the outlier committee and the greater the pressure lobbyists were under to support the committee's position. Legislators may have expected lobbyists for these groups go try to sell group members on the committee's policy solution, such as the compromise on milk pricing devised by the outlier House Agriculture Committee, so that they would reward rather than punish legislators at the next election for pushing policy that did not support the interest group's ex-ante position.[17] I did not expect to see such unity at hearings by non-outliers as I assumed they desired the full range of preferences.

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

The Competition Hypothesis predicting that greater levels of competition among groups to shape policy outcomes made lobbyists less willing to change their positions to please either type of committee was also supported. Lobbyists, it appears, were more reluctant to alter their positions to support a committee in the face of significant competition from other interest groups. This finding is consistent with Austen-Smith and Wright in that the choices of lobbyists regarding the positions taken in testimony appeared partially conditioned on the anticipated choices of competitors. Anticipating a fight, lobbyists may have found it more beneficial to bolster member support by remaining faithful advocates for their interests.

Lobbyists also appeared less likely to alter their groups' positions on environmental issues before outlier committees, which is interesting as the issue of using royalties from oil drilling in the Gulf of Mexico for state conservation programs was the subject of hearings before both the outlier House Resources Committee and the non-outlier Senate Energy and Natural Resources Committee. In hearings held by the latter, lobbyists for interest groups such as the National Association of Counties, the International Association of Fish and Wildlife Agencies, and the Nature Conservancy all agreed to support a compromise bill.[18]

CONCLUSION

Data limitations require me to draw only tentative conclusions for generalizations cannot be drawn from only twenty hearings over four years. Yet they are still suggestive for several literatures. First, this research contributes to the burgeoning literature on committees and legislative organization. Though there are several theories regarding the role of committees, one consistent focus has been on differences in behavior by committees that are ideologically

dissimilar to the majority of legislators. Here outlier committee members appeared to act strategically to suppress competition between interest groups in order to present a unified voice for their agenda, at least on issues important to them. More generally, there appeared to be some behavioral differences between outlier and non-outlier committees, the latter exhibiting less need to be strategic, though partisan concerns were also likely to influence the shape of hearing invitation lists. This also suggests that groups and their lobbyists may be playing important roles in the relationship between committees and the floor which may be worth further exploration.

Second, this contributes to new research on interest group competition that has recently started to emerge. Rather than be seen as powerful political actors able to hold the policy making process in thrall, groups and lobbyists are starting to be seen as players who must compete for influence and to attract members (Austen-Smith and Wright 1992; Gray and Lowery 1997). What the consequence of competition is for the strategic advocacy decisions of lobbyists has yet to be thoroughly explored, but what I have started to draw out here is the idea that lobbyists are subject to conflicting pressures and incentives that can shape advocacy choices. They need to please members, but they also greatly desire to please the lawmakers on whom they depended for access. What I found here was some evidence that the pull lawmakers exerted over lobbyists in a competitive environment varied by institutional context. Because they desired to please key committee legislators, competitive differences between groups could be depressed. But I also found that there were important limits on their ability to please stemming from counter-pressure from those they represented and in response to significant threats from their competitors. Other crucial features of other institutional venues, such as dealing with party leaders, administrative agencies, or the even presidents, may very well stimulate other forms of strategic behavior from competing lobbyists. Do different institutional structures give lawmakers other incentives to

dangle before lobbyists? And are lobbyists more or less susceptible to counter-pressure from the members they represent as they work in institutionally defined settings other than committee hearings?

Finally, these findings may have implications for representative democracy. Interest groups have sometimes been cast as vehicles for representation as parties become too large to represent any one view point (see Mansbridge 1992). If true, then what are the consequences when lobbyists deviate from positions desired by those they represent? Lobbyists, like other political actors, have to sometimes make compromises in the policy making process, but should a hearing be this point? Hearings are often held early in the process when public input is perhaps most important for both understanding problems and crafting workable solutions. How faithful of representatives are lobbyists when they fail to give clear statements of their members' wishes? Nor is it particularly advantageous to legislators. Concerned more with influencing committee jurisdictions or the fate of legislation, outlier committees may be deliberately presenting inaccurate information by emphasizing unity among interest groups that does not really exist. The wheels may fall of legislation appearing to have unified support when it hits the floor as the real competition among groups on the issue erupts in full scale advocacy wars, taking legislators by surprise. If so, then the notion of interest groups serving as opportunities for representation is at best problematic.

APPENDIX A
COMMITTEE STATUS, ISSUES, AND HEARING TITLES

Policy Domain	Chamber / Committee	Hearing Issue	Outlier	Congress
Agriculture	Senate Agriculture	Biotechnology	No	106
	"Agricultural Research and Development"			
Agriculture	House Agriculture	Biotechnology	Yes	106
	"Agriculture Biotechnology"			
Agriculture	Senate Agriculture	Dairy Pricing	No	106
	"Federal Dairy Policy"			
Agriculture	House Agriculture	Dairy Pricing	Yes	106
	"USDA's Final Decision for the Reform of Federal Milk Marketing Orders"			
Agriculture	House Agriculture	Dairy Pricing	Yes	106
	"Review of Option 1-A, Federal Milk Marketing Orders"			
Agriculture	House Agriculture	Dairy Pricing	Yes	107
	"Review of National Dairy Policy"			
Agriculture	House Judiciary	Dairy Pricing	No	106
	"Dairy Consumers and Producers Protection Act and Rescinding Consent of Congress to the Northeast Dairy Compact"			
Banking	Joint House and Senate Judiciary	Bankruptcy Reform	No	106
	"Bankruptcy Reform"			
Banking	House Judiciary	Bankruptcy Reform	No	106
	"Bankruptcy Reform Act of 1999"			

Banking	House Judiciary	Bankruptcy Reform	No	107
"Bankruptcy Abuse Prevention and Consumer Protection Act of 2001"				
Banking	House Financial Services	Money Laundering	No	106
"Trends in Money Laundering"				
Banking	House Financial Services	Money Laundering	No	107
"Dismantling the Financial Infrastructure of Global Terrorism"				
Environment	Senate Energy and Natural Resources	Arctic Wildlife Refuge	No	106
"National Energy Security Act"				
Environment	Senate Energy and Natural Resources	Arctic Wildlife Refuge	No	107
"National Energy Issues"				
Environment	House Resources	Arctic Wildlife Refuge	Yes	106
"Oversight Hearing on Compromising Our National Security by Restricting Domestic Exploration and Development of Our Oil and Gas Resources"				
Environment	House Resources	Arctic Wildlife Refuge	Yes	107
"National Energy Policy"				
Environment	House Resources	Arctic Wildlife Refuge	Yes	107
"H.R. 2436, The Energy Security Act"				
Environment	Senate Energy and Natural Resources	Wildlife Conservation	No	106
"Bill and Administrative Proposal to Invest OCS Revenue in Conservation Programs"				
Environment	Senate Environment and Public Works	Wildlife Conservation	No	106
"Conservation and Reinvestment Act"				
Environment	House Resources	Wildlife Conservation	Yes	106
"Hearings on H.R. 701 and H.R. 798"				

TABLE 1
DESCRIPTIVE STATISTICS FOR DEPENDENT AND INDEPENDENT VARIABLES

Variable	Mean	Standard Deviation	Minimum Value	Maximum Value
Interest Group is Invited to Testify	0.30	0.46	0	1
Interest Group's Testimony Supports the Committee at Member Expense	0.31	0.47	0	1
Ally Hypothesis Variable	3.55	3.04	0	9
Partisan Hypothesis Variable	1.07	0.88	0	2.62
Balancing Hypothesis Variable	6.38	2.33	1	9
Competition Hypothesis Variable	1.45	0.73	0	3.67
Level of Resources the Interest Group has Committed to Issue Advocacy	2.4	0.78	1	3
Age of the Interest Group	53.94	34.06	2	125
DW-NOMINATE Difference Between Committee Median and Committee Chair	0.24	0.11	0.03	0.42
Environmental Policy Domain	0.44	0.50	0	1
Lobbyist Represents a Citizens Group	0.46	0.50	0	1
Ideological Distance Between the Interest Group and Committee Positions	1.46	1.21	0	3
Importance of the Issue to Group Members	2.41	0.68	1	3
Group Members are United on the Issue	2.6	0.52	1	3
Issue is of High Public Salience	0.68	0.47	0	1

TABLE 2
LIKELIHOOD OF A GROUP TESTIFYING BEFORE A COMMITTEE
First Difference Effects are for One Standard Deviation Increase (Decrease)

	Outlier Committee		Non-Outlier Committee	
Explanatory Variables	**ML Estimate (Standard Error)**	**First Difference Effect**	**ML Estimate (Standard Error)**	**First Difference Effect**
Ally Hypothesis Variable	0.38* (0.20)	+0.31 (–0.18)	–0.12 (0.14)	–
Partisan Hypothesis Variable	–3.01* (1.72)	–0.60 (+0.20)	1.37** (0.66)	+0.30 (–0.45)
DW-NOMINATE Difference Between Committee Median and Chair	−6.48* (3.50)	–0.12 (+0.19)	–2.19** (0.89)	–0.07 (+0.10)
Ideological Distance between Interest Group and Committee Positions	−2.66** (1.30)	–0.15 (+0.35)	1.38** (0.64)	+0.40 (–0.30)
Importance of the Issue to Group Members	−0.91* (0.51)	−0.13 (+0.20)	0.50 (0.42)	–
Age of the Interest Group	0.01 (0.01)	–	0.01 (0.01)	–
Level of Resources the Group Committed to Issue Advocacy	0.46** (0.23)	+0.11 (–0.09)	0.08 (0.22)	–
Environmental Policy Domain	−2.29*** (0.87)	–0.60[a]	−0.64* (0.36)	−0.20[a]
Issue is of High Public Salience	0.07 (0.34)	–	–0.10 (0.26)	–
Constant	2.49 (1.65)		–1.43 (0.94)	
N	109		171	
Wald χ^2	39.00***		16.31**	
Percentage of correct predictions	74%		72%	

** p < 0.10* *** p < 0.05* **** p < 0.01*

[a] Binary variable switched from modal value to alternate value.

TABLE 3
LIKELIHOOD OF A LOBBYIST SUPPORTING THE COMMITTEE IN TESTIMONY
First Difference Effects are for One Standard Deviation Increase (Decrease)

	Outlier Committee		Non-Outlier Committee	
Explanatory Variable	**ML Estimate (Standard Error)**	**First Difference Effect**	**ML Estimate (Standard Error)**	**First Difference Effect**
Balancing Hypothesis Variable	1.20* (0.62)	+0.52 (–0.28)	–1.67** (0.66)	–0.31 (+0.65)
Competition Hypothesis Variable	–2.16** (0.87)	–0.17 (+0.22)	–0.61** (0.31)	–0.14 (+0.21)
Level of Resources the Group Dedicated to Issue Advocacy	1.12 (0.71)	–	–0.44 (0.67)	–
Environmental Policy Domain	–1.88** (0.77)	–0.42[a]	0.48 (0.58)	–
Importance of the Issue to Group Members	−3.33** (1.60)	−0.16 (+0.44)	4.75*** (1.77)	+0.55 (–0.30)
Group Members are United on the Issue	−1.73 (1.34)	−	2.44* (1.36)	+0.51 (–0.27)
Lobbyist Represents a Citizen's Group	−1.14 (0.87)	−	0.03 (0.54)	–
Constant	4.96 (3.15)		−5.93* (0.08)	
Wald χ^2	15.98**		17.41***	
N	31		53	
Percent of Correct Predictions	84%		76%	

** p < 0.10* *** p < 0.05* **** p < 0.01*

[a] Binary variable switched from modal value to alternate value.

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[1] This can be seen in testimony by Defenders of Wildlife and the Natural Resources Defense Council before the House Resources Committee on April 20, 1999.

[2] See, for example, the testimony of the Associated Milk Producers against it even while the American Farm Bureau Federation supported it at the hearing of February 8 and 9, 2000.

[3] Contrary to what one might expect, in my experience working on Capitol Hill and in state legislatures, committees often do not clear lobbyist testimony before it is given and invite groups with only a vague ideas as to what positions they will take. Committee staff often do not get hard copies of testimony until the day of the hearing, and sometimes not even then.

[4] I focused on the committee–floor relationship rather than committee–party because committees tend to come under pressure from the party primarily on those few issues considered crucial to majority control, though I do control for this relationship in the statistical model.

[5] From an interview I conducted with House Financial Services Committee staff in July, 2001.

[6] Though it is true that groups have some prominent member testify rather than the lobbyist, it is still the lobbyist who writes the testimony and who is the decision maker.

[7] This came from interviews I conducted with banking association lobbyists in July, 2001.

[8] To my knowledge *CQWR* is the most complete record of what transpires in Congress, including hearings. If any issue slipped through the cracks the bias in the data is only slight.

[9] Corporations were not included simply because none testified at the hearings I studied. This is not surprising. Berry (1999) found that they do not testify as often as member-based groups do, but instead let their representative associations have the limelight.

[10] Hall and Grofman (1990) argue that it may be dangerous to use roll-call vote-based measures of legislator preferences. Non-committee members, they argue, tend to feel less intensely about committee legislation and are therefore more likely to vote in favor of the committee, even if they do not really approve of the legislation. These choices would factor into roll-call vote data and potentially understate real differences between committees and parent chambers or majority parties. I acknowledge this concern, but it is unclear whether their alternative suggestion of creating domain-specific or issue-specific measures, itself a massive data collection effort, would allow me to make comparisons from one committee to another or even from House to Senate. By contrast DW-NOMINATE Common Space Scores allow such comparisons (see Poole 1989), but readers should keep Hall and Grofmans' concerns in mind when interpreting my results.

[11] The joint hearing was by House and Senate Judiciary Committees, neither being outliers.

[12] An assistant re-coded this for an agreement score of 92%.

[13] An assistant recoded this measure as well for an agreement score of 93%.

[14] In several cases one in the pair supported the committee ex-ante while the other changed positions in testimony.

[15] Originally I tried estimating the second stage, or lobbyist's hearing position choice, model in a single selection equation with the first stage, or committee's invitation choice, model, so that the second stage analysis would be partially dependent on first stage results. One selection equation was for outlier committees and another for non-outliers. In neither case, however, were the rho (ρ) statistics significant, indicating that the error terms of the equations at each stage were not correlated and therefore, statistically speaking, not dependent on the other (see Dubin and Rivers 1989). Both stages for both types of committees were therefore estimated separately using the basic logit procedure.

[16] These interpretations are drawn from personal interviews I conducted with lobbyists for these organizations regarding their advocacy on these issues in June and July, 2003.

[17] From my interview with a lobbyist for the Associated Milk Producers in June, 2003.

[18] See the testimony of these groups before this Senate committee on April 20, 1999.