Strategic Lobbying to Support or Oppose Legislation in the U.S. Congress

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Abstract

Do interest groups and corporate lobbyists tend to support or oppose bills moving through Congress? Do they oppose legislation in early, malleable stages, such as in committees, or are they more likely to oppose legislation in later stages when majorities of lawmakers are pushing bills towards final votes? And can pressure form legislators force lobbyists to support bills inconsistent with their members' interests? In this paper I use data developed by the MapLight organization on position taking by lobbyists lobbying the U.S. Congress over ten years to find answers. Analyzing a model built on theories of interest group influence, legislative behavior, and the separation of powers, I find that lobbyists strategically choose their positions on bills for a variety of reasons, often prioritizing their need to please legislative allies over the need to faithfully represent interest group members or clients. The results raises serious concerns about representation by lobbyists.

Keywords: legislature, Congress, lobbyist, interest group, representation, corporate influence

One of the most important decisions interest group lobbyists make when working bills in any legislature is whether to support or oppose them. The obvious explanation for how they make the choice is that they oppose any bill threatening the interests of the clients or organization memberships they represent, or support it if it supports them. The literature on legislative lobbying, however, provides reason to believe that the choice is actually the result of more subtle and strategic calculations. The positions lobbyists publicly take on bills may be more than just reflections of member or client interests, but instead are the outcomes of their needs to balance conflicting pressures inherent in their profession. Moreover, as these pressures change as bills move through legislatures, so too might lobbyists' choices to support or oppose.

In this paper, I study how lobbyists' choose their positions on bills in the U.S. Congress. The fundamental assumption drawn from theories of interest group representation and legislative lobbying is that while lobbyists are the "agents" in principal-agent relationships, they are often poorly constrained by the people or businesses they represent. For the most part, the latter are dependent on their lobbyists for information on what is happening, creating an information asymmetry problem that makes it possible for lobbyists to respond to other priorities than just advocating member or client interests. Lobbyists need to maintain relationships with legislators, which often requires them to prioritize the needs of their legislator allies. They also need to be seen as winners in policy struggles, so, given that it is usually easier to defeat legislation than pass it, a lobbyist may oppose a bill just because there is strong opposition to it from other organized interests, using the information asymmetry advantage to convince members that opposing it is in their interests too. I test these propositions with a strategic lobbying model where the dependent variable is an indicator of whether lobbyists supported or opposed bills in Congress developed by the MapLight organization for 16,400 interest groups on 8,340 bills over ten years.

Strategy and Member Interests

As Baumgartner et al. (2009) show, much of a bill's success in Congress is determined by the number and strength of organized interests supporting or opposing it. A similar argument undergirds Sabatier and Jenkins-Smith's (1993) advocacy coalition theory of policy change - that group opposition and support, reflecting divisions and disparities in society, determine who gets what out of lawmaking, even if systems of divided powers give interests opposing new policy a structural advantage (McKay, 2012). Choosing sides, though, is not made by groups per se, but by their lobbyists, a crucial, if often overlooked, distinction. Even though some groups try (with varying success) to control their work, it is lobbyists who are primarily responsible for devising strategy to achieve goals in complex political systems. So if choices of whether to support or oppose bills are strategic decisions, meaning they are the result of careful planning to achieve goals given anticipated support and resistance from others, and, in the aggregate, these choices determine whether new laws get enacted, then it is important to know how lobbyists make them.

The obvious starting assumption, found in much of the literature, is that whatever choices lobbyists make are in service of advancing the goals of interest group members or, in the case of fore-hire lobbyists, clients they are paid to represent. For instance, when it comes to choosing whom to lobby, Hall and Wayman (1990) and Hojnacki and Kimball (1998) find lobbyists directly lobbying, and contributing to, legislators based on their assignments to committees with jurisdiction over issues critical to member interests because this is essential for getting members' priorities in the bills. Holyoke (2003) finds lobbyists avoiding some lawmaking venues, even when bills important to their members are being debated there, because opposition is too intense, hoping for better prospects of furthering member interests in other venues later in the legislating process. Finally, while choosing to join certain group coalitions may compromise a group's brand

or identity (Heaney and Leifeld, 2018), joining is often necessary to get the resources and support needed for securing member objectives (Hojnacki, 1997). All of these choices are strategic, but assumed to be aimed solely at promoting member or client interests.

A new line of research, however, suggests that lobbyists sometimes make strategic decisions in pursuit of goals other than just advancing member interests due to the nature of their profession. As LaPira and Thomas (2017) find, increasingly, the people who become lobbyists come out of government, exploiting so-called "revolving doors" by using connections with legislators and legislative staff to find lucrative employment with interest groups, corporations, or (most desirably) for-hire lobbying firms. Even for lobbyists who rise through interest groups' ranks, it is the number and quality of the relationships they have with powerful legislators that define the success of their careers. Who you know matters, sometimes even more than whom you represent. If so, and as some scholars are starting to suspect, lobbyists may have strong incentives to prioritize the interests of legislators crucial to their careers over the interests of the clients they represent (Kersh, 2000; Lowery and Marschetti, 2012). Jack Abramoff certainly did, using his control over information about what he was doing in Washington to take advantage of his clients, an abuse of what is called information asymmetry (see Stephenson and Jackson, 2010). They also need to have a track-record of being on the winning side of the legislating process, for being successful also increases a lobbyist's market-value.

The possibility that lobbyists have other priorities than member interests, and thus, under pressure from legislators, might take positions at odds with these interests, appears in very little research. Ainsworth and Sened (1993) highlighted the potential conflicts between members and legislators, and Holyoke (2008) found evidence of lobbyists being pressured to change their positions on bills in legislative testimony, but little else. It is therefore worth developing and

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testing a model of strategic position-taking on legislation based on the assumption that lobbyists are not always pursuing member or client interests. Because being seen compromising these interests might also cost lobbyists their careers, the model must also consider information asymmetry, meaning the extent to which members or clients can know what their lobbyist is doing and constrain them. If empirically verified, this model would help scholars better understand legislative lobbying and the many motivations, and even ethics, of these professional advocates.

A Strategic Model of Positioning

Figure 1 serves as a visual aid for exploring the pressures and constraints defining a lobbyist's world and identify testable hypotheses. Overall, I argue that a lobbyist's strategic decisions on whether to support or oppose legislation is shaped by professional obligations and the resources available to pursue them, while constrained by the needs of their legislator allies, their need to show success, and the structure of the lawmaking process, including separation of powers. Their choice reflects efforts to balance these pressures.

---- Figure 1 ----

Since lobbyists cannot directly influence the legislative process, they spend their careers establishing and nurturing relationships with lawmakers through whom they can wield influence (Wright, 1996). Legislators are willing to build these relationships because legislating means dealing with difficult problems and evaluating complex solutions while surrounded by people telling them what to do and believe (Kingdon, 1973). Overtures from lobbyists whom legislators believe can provide useful advice from crucial employers in their electoral districts and key constituencies (who happen to be lobbyists' clients and members as shown by the dashed line in Figure 1) will be especially well received (Hansen, 1991). As long as lobbyists continue to provide

trustworthy information crucial to legislators' enterprises, and about the positions of other lawmakers and interest groups on important bills, they are rewarded with access and opportunities to influence those bills (Austen-Smith, 1993; Hall and Deardorff, 2006).

Lobbyists' value to employers therefore depends on the number and quality of relationships they have developed with legislators. Because legislators can end relationships that they do not feel benefit them, they can pressure their lobbyist "allies" into taking positions the latter might not otherwise choose (see Lucas, Hanegraaff, and DeBruycker 2019). As shown in the upper part of Figure 1, legislators themselves are often under pressure from party leaders, colleagues, and even presidents to form majorities pushing or blocking legislation, pressure they may, in turn, place on their lobbyist allies. For instance, the more co-sponsors a bill has, and the broader the ideological range of those co-sponsors, the more likely it is that legislators with whom lobbyists have built relationships will be among them. Since these legislators presumably believe supporting the bill helps them achieve their goals, they may pressure lobbyist allies to support it too, even if that is not in the best interests of the people the lobbyist represents. Thus the first hypothesis:

H1: As the number, and ideological range, of legislators supporting a bill increases, the likelihood that a lobbyist will also support that bill grows, even when inconsistent with member interests.

As the upper part of Figure 1 suggests, legislators' choices are also constrained by the norms and structures of legislative institutions. For instance, committees populated by ideologically similar legislators, or that have traditions of non-partisan lawmaking, are more likely to pass bipartisan, non-controversial legislation (Fenno, 1973; Deering and Smith, 1997). Alternatively, when legislators in a committee, or the committee's parent chamber, are ideologically polarized, they may only support party priorities. Indeed, partisan division between chambers in bi-cameral systems, or ideological differences between legislatures and executives in

systems of separated powers, often make it impossible to enact new laws (Krehbiel, 1998; Cameron, 2000). Even if committees recommend bipartisan legislation, any traditions of chamber deference to committees may get ignored if the majority is fighting to maintain control against an aggressive minority party (Binder, Lawrence, and Maltzman, 1999; Cox and McCubbins, 2002).

While party leaders and presidents may compel rank-and-file legislators to support or oppose bills purely for party gains, it is not clear that legislators would then pressure their lobbyist allies to do the same if it forces the latter to compromise member interests. In *H1* legislators pressure lobbyists to support or oppose bills because the former believe that doing so helps them achieve, or prevents them from achieving, personal goals. Lobbyists are expected to help their allies achieve these goals, or risk losing valuable relationships. But legislators support party leaders and presidents in ideologically polarizing conflicts out of a sense of loyalty, not personal ambition, so in these circumstances legislators have less need to compel their lobbyist allies to do so as well. It is when there *is* significant unity among chamber legislators, and with presidents, that lobbyists will, again, come under pressure to be team players and support legislation. So:

H2: As ideological differences between legislators in a committee or parent chamber, or between that chamber and the president, decrease, pressure on lobbyists to support or oppose bills inconsistent with member interests increases.

Lobbyists' need to appear to potential employers and clients as winners means they must also consider their peers, lobbyists advocating for other interests concerned with the same bill. Issues perceived as threatening or benefitting well-defined social or economic interests often stimulate more group mobilization (Dusso, 2010), resulting in some issues being lobbied by dozens, sometimes even hundreds of interest groups (Baumgartner and Leech, 2001). As reflected in the lower part of Figure 1, the balance of organized interests taking positions for or against a

bill may bring about shifts in a lobbyist's strategy, even opposing bills favoring member or client interests.

Winning by helping to push a bill through the legislature is easier when lobbyists possess significant resources. Resources, after all, are insulation against political threats. More resources makes it easier to lobby legislatures because more lobbyists with more relationships can be hired and more campaign contributions made (Hojnacki and Kimball, 1998; Yackee, 2006). They are also essential for supporting grassroots campaigns and protests (Wang and Soule, 2012; Walker, 2014). Since it is easier to stop bills than enact them in lawmaking systems with separated powers, and lobbyists want to be seen as winners, those with few resources but facing considerable opposition from other lobbyists on a bill, can still be seen as winners by potential clients and other employers if they join the side opposing the bill. Thus, a conditional hypothesis:

H3: The more organized interests there are lobbying against a bill desired by a lobbyist's members or clients, the less likely it is the lobbyist will support that bill, unless possessing greater resources to resist competitor pressure.

Moving to the left side of Figure 1 brings this discussion back to clients and interest group members. Lobbyists representing some types of organizations may feel especially constrained by the need to be seen supporting or opposing bills on behalf of member or clients, even if it risks alienating legislator allies. Members of advocacy groups are often motivated to join because of intense desires to change or defend policy, so they may be intolerant of any compromises made by their lobbyists, including switching positions on bills the members want. On the other hand, some members or clients may tolerate changing positions. Corporate CEOs, hospital and university presidents, state and local government leaders, and heads of other large nonprofits may be used to a certain flexibility in goals, appreciating long-term gains over immediate payoffs from passing a

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bill. This may also be true of associations made up of business leaders and professionals, who join these organizations more for select material incentives than because they care about policy outcomes.

To actually constrain their lobbyists, though, members must overcome the problem of information asymmetry shown in Figure 1, the severity of which has been found to be greater or less depending on the political context surrounding the issues a bill addresses (DeBruycker and Beyers, 2015; Rasmussen, Mäder, and Reher, 2018). If lobbyists are deliberately keeping their members or clients in the dark regarding how they are taking positions on bills, the latter are more likely to learn the truth anyway if stories about the issue appear in the media (online or otherwise). Even if they do not see their own lobbyist in the news, that the media raises the issue's salience at all makes it more likely that members are paying attention (or the lobbyist *believes* they are paying attention) and may not like what they see their lobbyist doing. So:

H4: Lobbyists for advocacy groups are less likely to lobby against member interests than other types of organizations, but if issue salience rises, then lobbyists for all types of organizations will only take positions reflecting member interests.

Research Design

These hypotheses regarding strategic position-taking on bills are tested using data developed by the MapLight organization regarding the positions of organizations and businesses lobbying legislation in the U.S. Congress coded from their public statements.[1] The dataset is built around 8,340 bills introduced from 2007 to 2016 (the 110th to 114th Congresses), excluding those dedicating post offices and special recognition days, provided that at least one group position on a bill could be found. Each observation is the position of one group on one bill so that there are as

many observations as there are group positions on bills. Some groups have multiple observations because they issue several positions statements as bills move through the legislating process. Overall there are 149,351 observations of group support or opposition (mode=1 and s.d. = 0.44).

Unfortunately, MapLight's approach does not produce an exhaustive list of all groups. Organizations not issuing statements are missed in the data sweep. Even though MapLight identified the positions of additional groups listed in Lobbying Disclosure Act filings, the data are still not truly representative. To assess the difference, I compare the basic group types in the MapLight data to Washington, DC data reported by Holyoke (2014) for 2010 from the directory Lobbyists.info. Associations are largely the same, 46 per cent in MapLight's dataset and 42 per cent in the other. However, 38 per cent from Lobbyists.info were businesses, but MapLight only reports 13 per cent, while advocacy groups are 6 per cent in Lobbyists.info and a startling 38 percent here. Perhaps this last difference is because advocacy groups often seek the spotlight by publicizing their work on bills, while businesses try to fly under the radar (Berry, 1999). Still, this data needs careful interpretation.

Support and Opposition Trends

Even with limitations, this data provides a unique view into lobbying the U.S. Congress. Overall, lobbyists supported legislation in 74 per cent of cases, and opposed in 26 per cent from 2007 to 2016. While 98 per cent of these observations regard actual legislation, this data also includes regular, joint, and concurrent resolutions. Concurrent resolutions were opposed in half of all cases (though there are only 381 cases), which is unsurprising since these included House-Senate Budget Resolutions setting spending caps for each fiscal year, which are consequential for the programs interest groups defend.[2] They also dealt with the wars in Afghanistan and Iraq, or

criticized programs taxing carbon emissions. House and Senate joint resolutions were opposed 27 per cent of the time, and simple resolutions opposed 9 per cent of the time. Actual House bills were opposed in 28 per cent of cases, and 23 per cent for Senate bills. Recalling McKay's (2012) point about the power of negative lobbying, the percentages of cases where lobbyists opposed a bill defeated in Congress was 43 per cent. Where bills passed, the percentage of opposition was only 27 per cent. Opposition matters.

Since *H4* predicts that the type of organization a lobbyist represents matters, this is worth a descriptive look. I conducted key word searches on the names of the organizations in the dataset to identify and code businesses, associations, advocacy groups, or other nonprofits. In the 13 per cent of instances where businesses lobbied a bill (mode=0, s.d.=0.34), they supported it 88 per cent of the time, more than any other type. For organizations that are not businesses, but not true interest groups either, such as nonprofit hospitals and universities, or state and local governments, 83 per cent expressed support for legislation. Professional and trade associations, which may have individuals as members (like the American Bar or American Medical Associations) or other organizations (the National Retail Federation or the American Hospital Association) bound by shared professions (mode=0.46, s.d.=0.49), supported bills 78 per cent of the time.

The last type is advocacy groups, organizations where the common bond of membership is a passion to change or defend policy. This includes groups with large, active memberships (like the National Rifle Association) and organizations where "members" provide support through donations (like the Environmental Defense Fund) (mode=0, s.d.=0.49). These groups supported bills in 64 per cent of cases, less than the other types. I also created a "pro-business" binary variable which includes all businesses, as well as associations representing businesses like the Americans Bankers Association (mode=0, s.d.=0.49). These supported legislation in 83 per cent of cases.

The data reveals that the amount of opposition changed over time. Only 19 per cent of groups opposed bills in the 110th Congress (2007-2008), rising to 32 per cent in the 111th (2009-2010) during President Obama's first couple of years and the debate over the Affordable Health Care Act. It remained high at 34 per cent in the 112th Congress (2011-2012) when Republicans took control of the House and opposed the president's agenda. It fell to 20 per cent in the 113th Congress (2013-2014), but rose again to 26 per cent in the 114th (2015-2016) as Republicans took control of both chambers and looked towards the 2016 presidential election. However, cutting the data by House or Senate, or partisan control thereof, reveals almost no difference at all.

MapLight linked the data to motions made in Congress on legislation, the majority (57 per cent) of motions introducing bills and referring them to committees (where most died). I use these motions to identify opposition at different stages of the legislating process, running from introduction to veto override.[3] This is displayed in Figure 2 with the sheer number of observations at each stage displayed above the bars, and suggests that greater lobbyist opposition occurs at times where bills are especially susceptible to change, such as at committee stages when they are marked-up before going to the floor, and again during floor action when amendments can often be made.[4]

---- Figure 2 ----

To see if lobbyist opposition varied from one issue area to another (part of *H4*), the MapLight data was combined with major issue topic codes created by the Comparative Agendas Project (CAP). Figure 3 displays the percentage of opposition cases by seventeen topic codes (the bills do not fall into the other CAP codes), revealing considerable variation. Opposition is as high as 30 to 35 per cent for bills classified as Agriculture, Environment, Domestic Commerce, and Foreign Trade, while, surprisingly, Social Welfare only had 10 per cent opposing legislation.

---- Figure 3 ----

The biggest question – are lobbyists' decisions consistent with member interests – is the hardest to assess, so a proxy measure of whether a bill in Congress should be consistent with member preferences was constructed. A general measure of member desires is ideology, so I started by creating a rough interest group ideology variable using keyword searches of organization names. Names expressing desires for lower taxes, less government, ending abortion, rolling back regulations, supporting gun-owner rights and religious freedom were coded as -1 for conservative.[5] While businesses and their associations were not automatically coded as conservative, groups like the U.S. Chamber of Commerce and National Federation of Independent Businesses were because of their histories of supporting Republican policies. Since the financial industry supported Republican plans to end Dodd-Frank Act restrictions on their industry, all finance groups were coded conservative. Groups were coded liberal for supporting civil liberties, recognition of rights for minority and other disadvantaged persons, services for poor urban and rural communities, women's health and reproductive freedom, supporting consumer rights, supporting environmental and animal rights, and favoring business regulation. The remainder, including most businesses, universities and hospitals, and veterans groups were coded as moderate.

The next step is to match a group's ideology to that underlying an observed bill, assuming that the more liberal are a bill's sponsors and the more liberal its chamber-of-origin, the more it should fit with the preferences of a liberal interest group, and vice versa for Republicans and conservative groups. I therefore calculated the average DW-Nominate congressional ideology score of all Democrats co-sponsoring each bill (using the absolute value) if it was a year when Democrats controlled the House or Senate (depending on the chamber originating the bill). Otherwise, I used the Republican DW-Nominate average if they controlled the chamber.[6] Then, if Democrats controlled the chamber, I added 1 to the Democratic co-sponsor DW-Nominate

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average *if* the observed group's pro-business code (see above) is 0, and then add another 1 if its ideological score is liberal. Otherwise, if Republicans controlled the chamber, I added 1 to their DW-Nominate average if the group is pro-business and another 1 if its ideological score is conservative. The result is a variable where higher scores mean the group is more likely to want the bill.[7]

---- Figure 4 ----

This bill-supports-member-interests scale ranges from 0 to 2.919, and by cutting it in half at the mean of 1.46 (s.d.=0.78) shows that in 4 per cent of observations lobbyists opposed bills likely support of their members or clients. In a surprising 57 per cent of cases, they supported a bill that members or clients did not want. Since this measure may be overly crude, looking at just the lowest and highest quarters of the support scale reveals that only 1 per cent of lobbyists opposed bills their members or clients should want, but 32 per cent still supported bills their members or clients should not want. This suggests that when lobbyists take positions opposed to member or client interests, they tend to do so in support of legislation, perhaps under pressure from legislators and competing lobbyists. As Figure 4 shows, this occurs at all stages of the legislating process, but it is most prevalent at the more consequential stages, such as beginning floor action and in House-Senate conferences resolving differences in legislation before final action.

Operationalizing the Hypotheses

Hypothesis *H1* regards pressure on lobbyists from lawmakers to support legislation. A bill co-sponsored by more legislators, especially if they are both liberal and conservative, suggests that lobbyists' legislator allies are backing it, which in turn should pressure lobbyists to do so as well. I obtained from Govtrack.com data on the sponsors and co-sponsors of the bills in my dataset to

measure this two ways. First is the raw count of co-sponsors for each bill (mean=37.71, s.d.=54.25).[8] For a second, I obtained the DW-Nominate scores for every bill sponsor and co-sponsor and calculated their standard deviation (mean=0.22, s.d.=0.15).

Hypothesis *H2* on partisan divisions within and between institutional venues is also measured two ways. One uses DW-Nominate standard deviations of all legislators in the observed chamber, whether House or Senate, or the observed committee (mean=0.44, s.d.=0.04).[9] The smaller the deviation, the more pressure there should be on lobbyists to support or oppose bills, with larger deviations decreasing pressure. The other measure regards the separation of powers between presidents and Congress, with larger divisions again decreasing the pressure on lobbyists while greater unity increases it. To capture this, I calculated the distance of the DW-Nominate score for the president at the time, Republican George Bush for the 110th Congress and Democrat Barack Obama for the remainder, from the median score of the committee or chamber in which the observed bill was considered (mean=0.66, s.d.=0.43).

Hypothesis *H3* predicts that greater levels of lobbyist opposition to a bill makes it less likely the observed lobbyist will support it, even when desired by clients or members *if* they lack the resources to resist. I therefore calculated the percentage of all other lobbyists opposing the observed bill (mean=0.26, s.d.=0.32) and multiplied that by the amount of money the observed lobbyist spent on advocacy that year. Spending data for the observed year came from information lobbyists reported on Lobbying Disclosure Act forms made available by the Center for Responsive Politics. Since this measure ranges from $0 to the thirty millions, I made it easier to interpret by taking the natural log (mean=4.44, s.d.=6.32).

The group-type variables for *H4* were discussed above, but for the conditional effect of member or client ability to overcome the information asymmetry barrier, I interact the group-type

variables with the CAP *New York Times* stories data used above to measure issue salience (mean=21.92, s.d.=24.07).[10] Again, this data does not exist for the 114th Congress, so observations for 2015 and 2016 are lost. Two control variables are also used. The politics of resolutions may be different from regular bills, and appropriations bills may be different from authorization or tax bills, so I coded a dummy variable 1 for resolutions, and another coded 1 for appropriations bills.

Multivariate Analysis

There are four concerns to deal with to test these hypotheses. First, many of the bills never moved beyond the introduction stage. No committee took them up, and no votes were cast. While lobbyists took positions on them, the dynamics around bills with no future may be different from those moving. I therefore estimate two versions of the model, one with all observed bills for the 110th to 113th Congresses ($N = 84,990$), and the other with bills at least taken-up in committee ($N = 39,564$). Only the latter results are discussed here, but all are available on request. Second, all of the hypotheses laid out above are conditional on whether the observed bill supports the lobbyist's clients' or members' interests. Rather than interact all variables with the bill-supports-member-interests measure, which would be confusing, I follow Achen's (2002) advice and divide the dataset. Bills scoring 1.35 or higher are in the supportive-of-member-interests dataset, and those below are in the other.

Third, because there may be other unobserved effects for each congress, I employ a "mixed effects" model where a unique intercept is estimated for each congress following a random distribution (random-effects) so that the independent variables can be estimated with Congress-level effects controlled for (fixed-effects).[11] Likelihood-ratio tests indicate that employing this approach yields results significantly different from what would result with simple logistic

regression models. Finally, the *New York Times* salience measure needs to be interacted with the binary group-type variables for *H4*, but including them all in one model creates excessive multi-collinearity. I therefore run separate models for each, interacting the salience measure with the variable for associations, businesses, and then advocacy groups. The estimates for the other variables hardly change from one model to another, so all results in Figure 5, except those containing the business or advocacy measures, are for the model with the association interaction.

---- Figure 5 ----

Figure 5 plots the point-estimates and confidence intervals for all variables. Those below the 0 line are negative, while the effects of those above are positive, and intervals not containing the 0 line are significant with 95 per cent confidence. No hypothesis is entirely confirmed, but *H1, H2,* and *H3* receive significant support. While the simple count of legislator co-sponsors measure is not significant, greater ideological breadth of co-sponsors does appear to make it more likely that lobbyists will also support a bill that does not favor member or client interests (see "does not support member interests" results). In other words, there is evidence supporting *H1*, though the result cannot be definitively attributed to legislator pressure. Similarly, in *H2* lobbyists appear to take positions supporting bills unsupportive of member interests when there is greater ideological cohesion among legislators in the observed lawmaking venue, and when the president's position is closer to the legislative median. Greater unity among lawmakers seems to place greater pressure on lobbyists to support bills, but partisan divisions relieve them of this pressure.

It turns out, though, that these variables' effects are not large. I plot in Figure 6 the probabilities that lobbyists support bills inconsistent with member interests (from the "bill does not support members" model) across these variables' entire ranges.[12] All three effects – growing diversity of co-sponsors, decreasing diversity of chamber ideology, and decreasing ideological

differences with the president – increase across the graph's range, with the largest effect (decreasing chamber unity) showing a 15 percentage-point increase. For perspective, though, I also graph the probability that a lobbyist opposes a bill supportive of member interests as opposition from competing lobbyists increase (from "supports member interests" model). It seems lobbyists are more influenced by their peers than by their legislator allies.

---- Figure 6 ----

Showing the effect of lobbyist opposition conditioned on resources (*H3*) is harder. Figure 5 shows that regardless of whether members or clients want a bill, the more opposing interests there are, the less likely their lobbyist will support it. While the money spent on advocacy has little independent effect, it does have a mitigating conditional effect. It cannot be seen in Figure 5, but Figure 7 shows that, consistent with *H3*, the negative effect of opposing interest groups vanishes as lobbying spending grows. In Figure 7 I plot the marginal effect of greater spending on the likelihood of lobbying for a bill supportive of member interests for six levels of lobbyist opposition. When there is no opposition from competing lobbyists (the top, solid line), the probability of lobbying for the bill holds steady at 0.98 regardless of how much money is spent. At the other extreme, where all the other lobbyists working that bill oppose it, and the observed lobbyist (whose members want it) spends nothing on advocacy, the probability of support is only 0.15. Yet the same line rises going from left to right in Figure 7, and when resources committed reaches its highest level, the probability of support for the bill rises to 0.51, showing how resources blunts the intense pressure of opposition from competing interests.

---- Figure 7 ----

While the predictions for organizational type and issue salience, *H4*, are not supported in terms of direction, the results are interesting. Business lobbyists are significantly more likely to

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support a bill inconsistent with client interests unless the issue is highly salient (measured by *New York Times* stories). Are corporate lobbyists, who are likely to be for-hire rather than in-house employees, essentially free to choose their own positions on bills because their employers are unable or unwilling to exert control over them? Or are CEOs themselves flexible regarding the positions their lobbyists take, except, perhaps, on issues with high public profiles that might draw criticism from investors or customers? Unfortunately, these results cannot answer that question.

Lobbyists for associations and advocacy groups appear significantly less likely to support bills unsupportive of their members, which is not surprising since they are dependent on members for employment. Yet, surprisingly, the effect disappears for associations on highly salient issues, and actually reverses for advocacy groups. Can it be that on highly salient issues, which members are more likely to follow in the media, lobbyists so badly want to be seen as winners that they support whatever side they think will win (support the bill or oppose it), and then try to convince members and clients that this position is in their interests as well? If so, then the information asymmetry problem is so severe that even when members can follow the issue in the media, they still do not realize that their lobbyists may have compromised their interests. Again, I cannot clearly draw this conclusion from these results.

Conclusion

What the analysis of lobbyist positioning on bills presented here reveals is that these professional advocates are strategic - they pursue specific goals while trying to balance responsibilities, pressures, and even ethical obligations. To a significant degree, their goals involve protecting and furthering their own careers. Just as scholars assume the primary goal of legislators is re-election, we should assume that lobbyists always want to advance their

professional careers. For lobbyists, though, this does not necessarily mean always pursuing the interests of the businesses or people who employ them. It often means trying to satisfy the needs and desires of the people on whom they depend for access and influence – legislators, as well as play to other potential employers by appearing to be winners. Consequently, they sometimes need to prioritize the demands of legislators, and carefully consider opposition to legislation from other players, such as other, competing lobbyists.

Successful lobbying therefore has a threading-the-needle aspect to it as these professional advocates try to balance competing pressures, only some of which are in Figure 1. There are almost certainly more subtleties worth further exploration. For instance, the relationship between lobbyist and legislator is one of interdependence and asymmetrical power. Each needs the other to succeed, but it is not always clear who has the upper hand and under what circumstances. Legislators depend on lobbyists for the information and support they need to further their own careers; sometimes they can pressure lobbyists for support, but when can lobbyists pressure them? I assumed here that legislators often have the upper hand because they can cut-off a lobbyist's access, but when can lobbyists compel legislators? When the latter need votes or contributions?

The political environment in which this advocacy takes places matters as well. I found here that opposition from lobbyists for competing interest groups is one of the biggest pressures on a lobbyist. The more opposition these is, the more likely lobbyists will veer away from pursuing member interests to side with opponents. Given Baumgartner et al.'s (2009) findings on how easy it is for opponents to kill a bill, this is no trivial finding in pluralist group politics. Lobbyists may become unfaithful agents just because they want to be on the winning side, killing bills that might benefit the people they represent.

Arguably, then, an important line of future research in interest group politics is further exploring the degree to which lobbyists can facilitate or prevent the enactment of new policy, why they would choose to do so, and in whose interests. Even though this data from MapLight is not truly representative, these findings still contribute another stone in the road towards finding answers to this question. The problem of information asymmetry between lobbyists and their members and clients is also shown here to be a serious barrier to faithful representation. A matter of lobbying ethics rarely acknowledged in research (but see Holyoke 2015). Indeed, this ethical concern is, perhaps above all, the most crucial avenue for future research.

Figure 1: Pressures and constraints on a lobbyist's strategic choice to support or oppose a bill
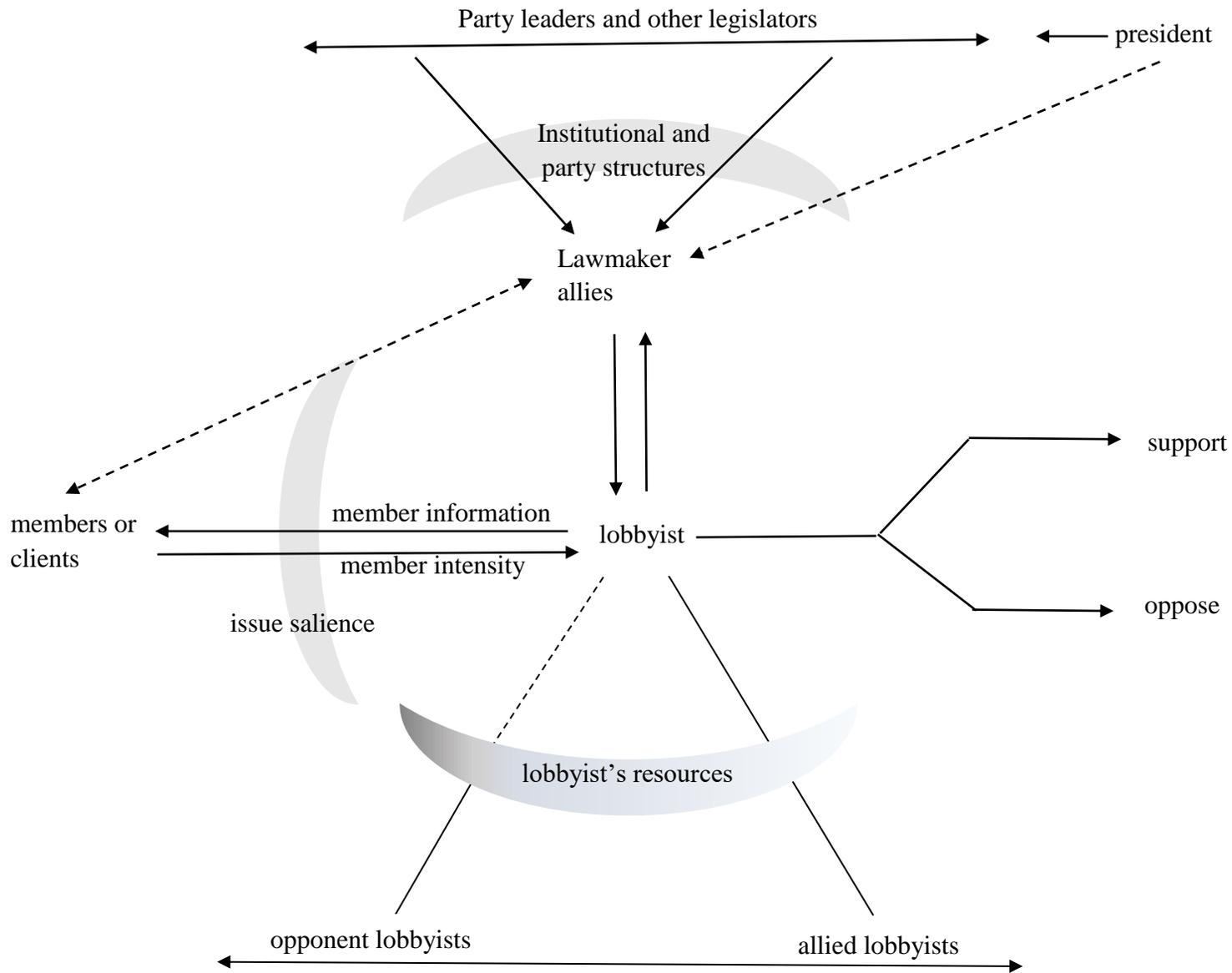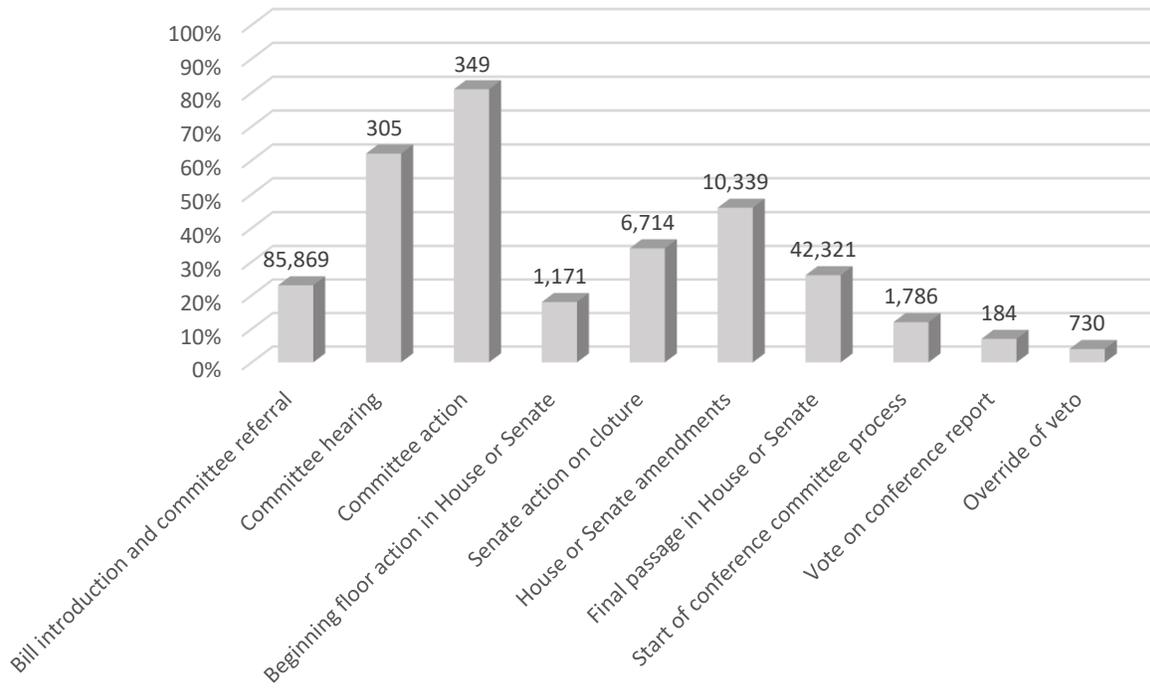
Party leaders and other legislators

president

Institutional and
party structures

Lawmaker
allies

support

members or
clients

member information

member intensity

lobbyist

oppose

issue salience

lobbyist's resources

opponent lobbyists

allied lobbyists

Figure 2: Percentage of interest groups opposing legislation at stages of the lawmaking process (overal number of cases above the bars)

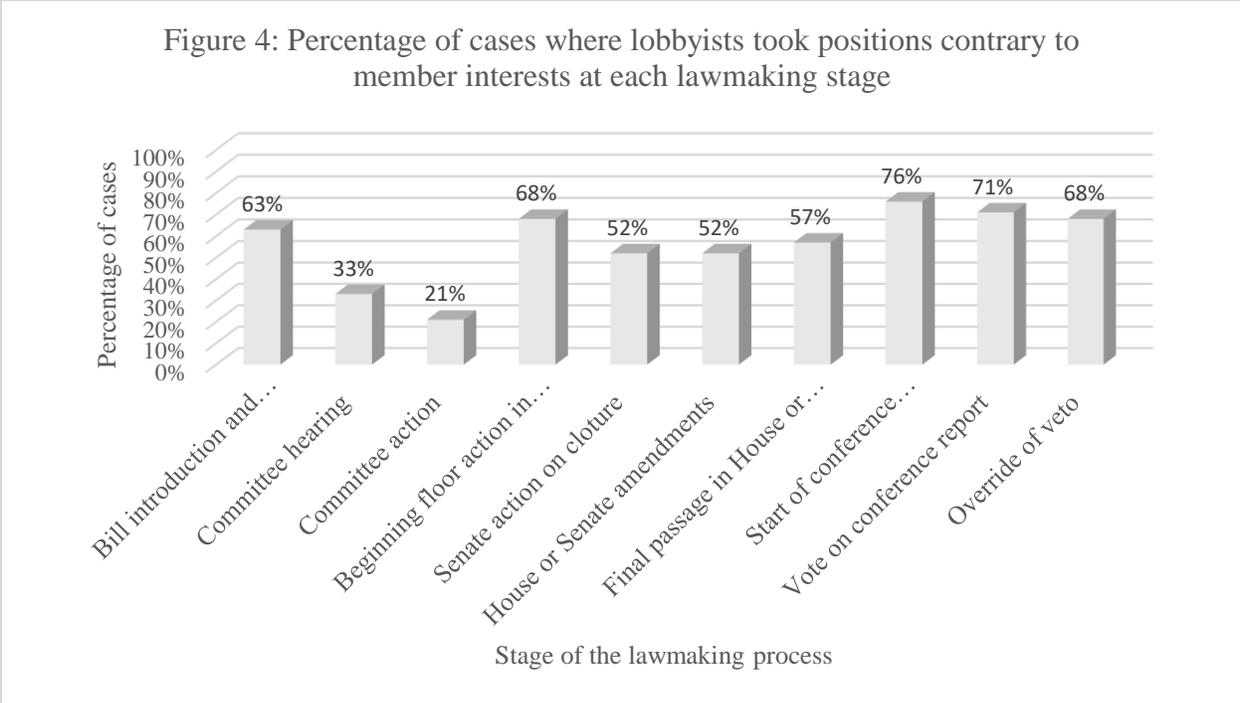85,869 — Bill introduction and committee referral
305 — Committee hearing
349 — Committee action
1,171 — Beginning floor action in House or Senate
6,714 — Senate action on cloture
10,339 — House or Senate amendments
42,321 — Final passage in House or Senate
1,786 — Start of conference committee process
184 — Vote on conference report
730 — Override of veto

100%
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%

Figure 3: Percentage of opposing groups by policy domain (total groups in each domain above each bar)

Figure 4: Percentage of cases where lobbyists took positions contrary to member interests at each lawmaking stage
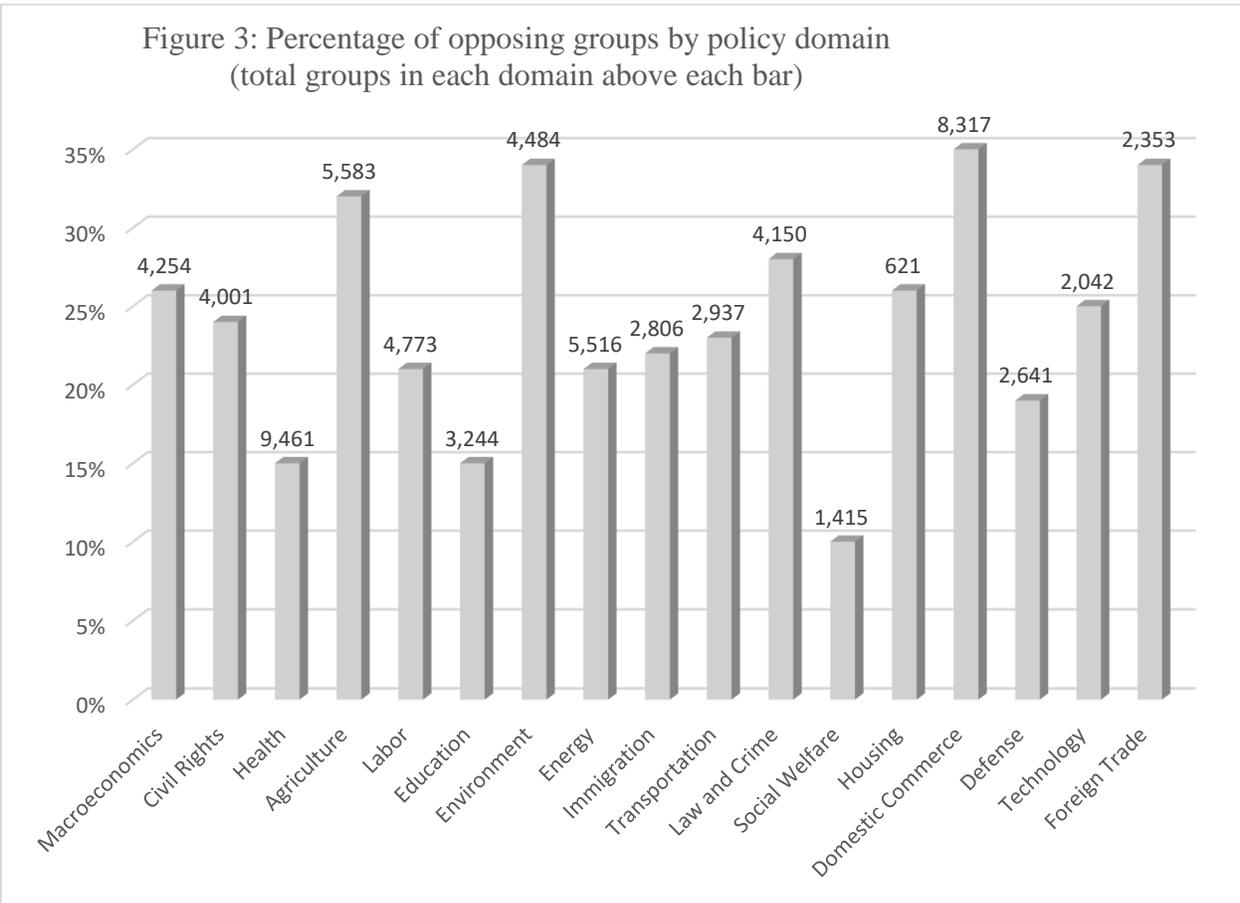
Figure 5: Plot of ML estimates and confidence intervals from models
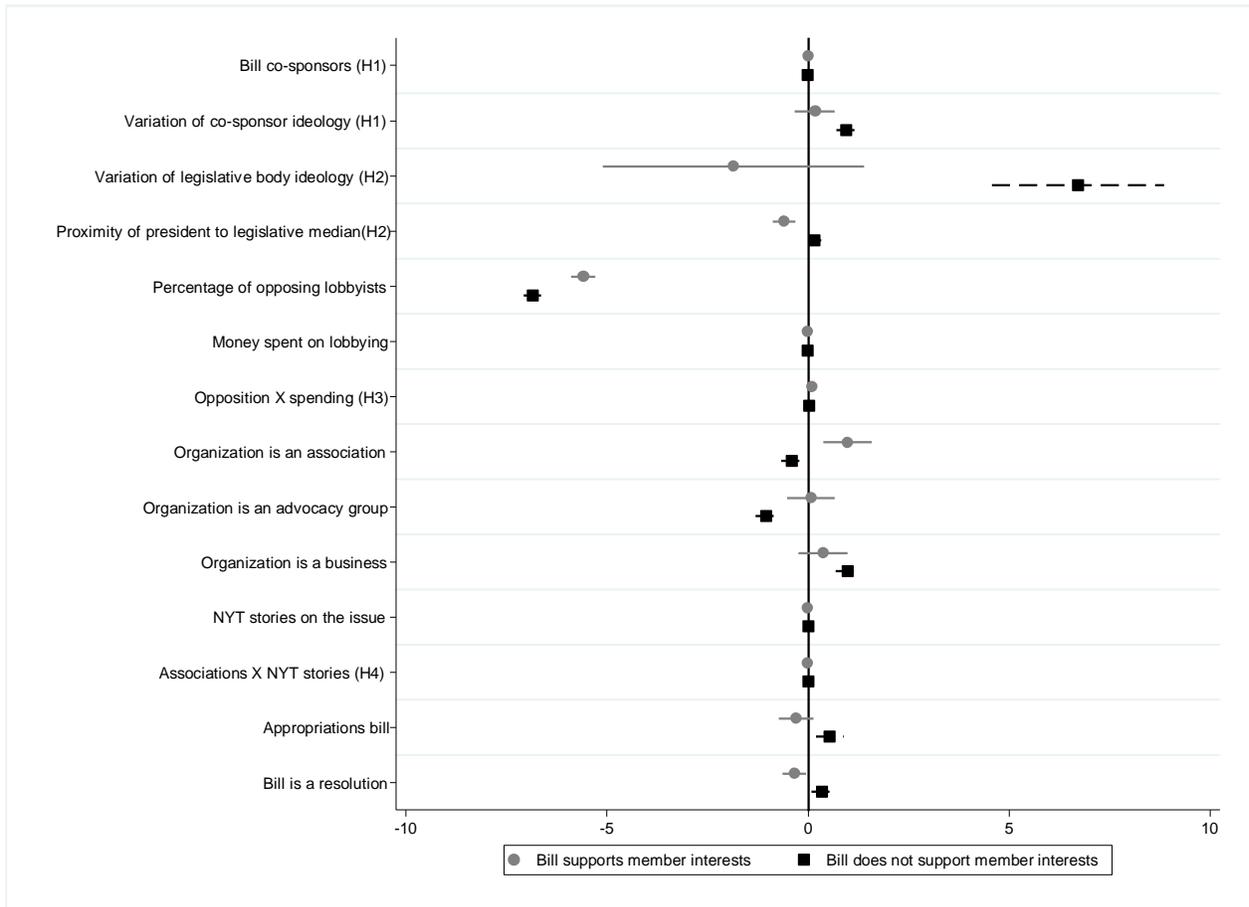
Figure 6: Probabilities of lobbyists supporting a bill for selected variables

Legend:
- – – – President gets closer to chamber
- - - - Co-sponsor variation increases
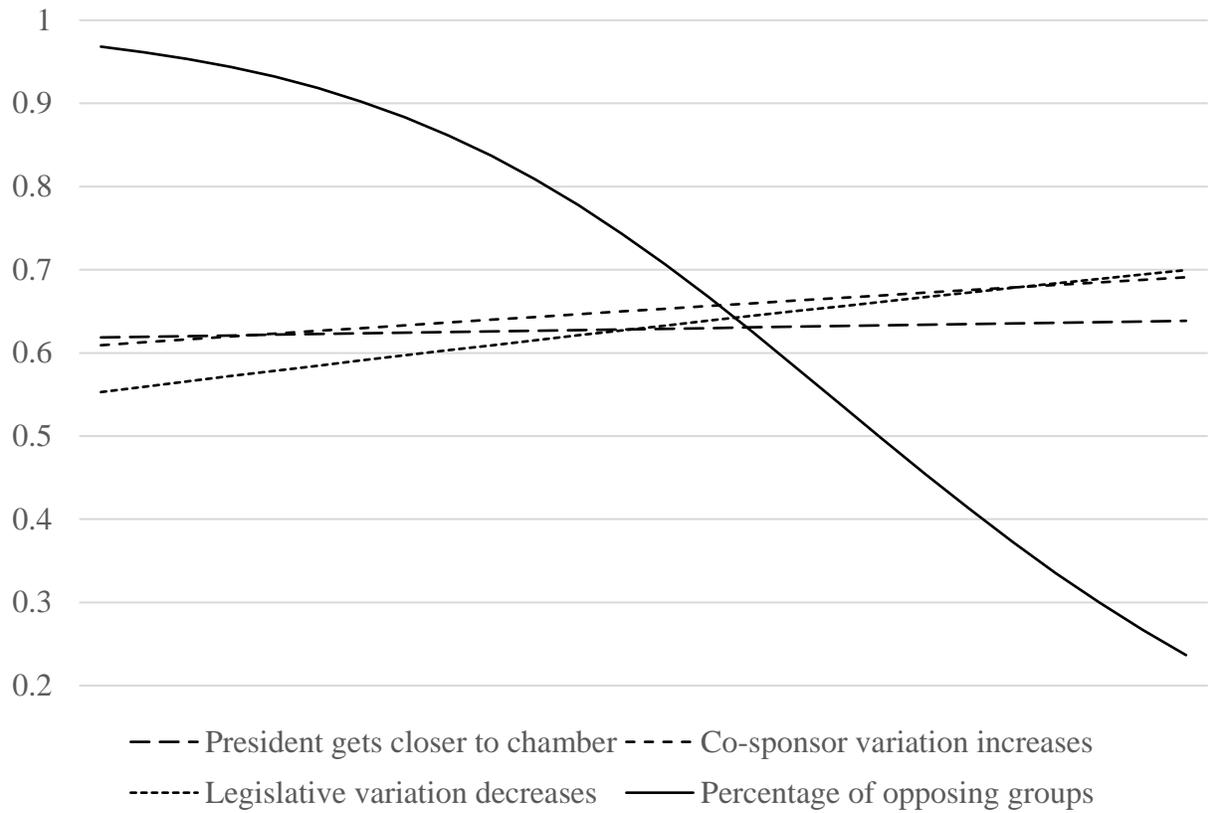- ······· Legislative variation decreases
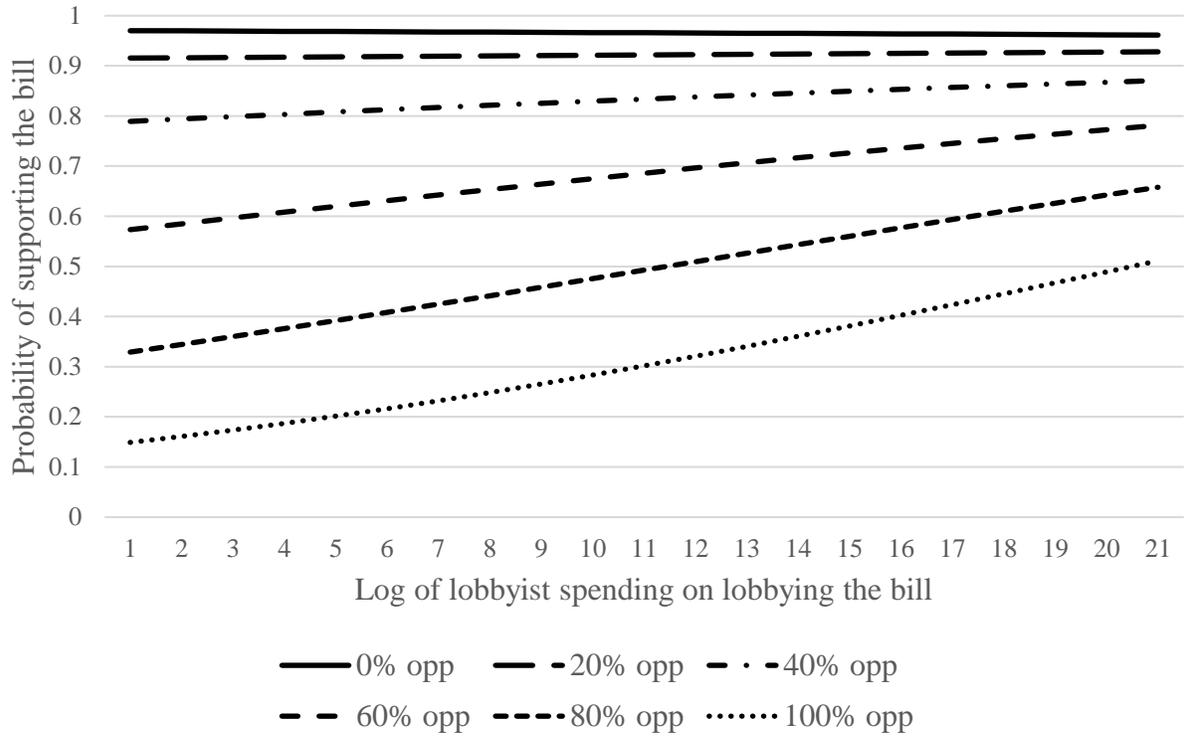- —— Percentage of opposing groups

Figure 7: Influence of interest group opposition on probability of supporting a bill favoring member interests given levels of resource spending on lobbying

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[1] This data is used effectively by Lorenz (N.d.). Details on the coding, and information on accessing the data, are at https://maplight.org/data_guide/bill-positions-api/.

[2] Concurrent resolutions pass both the House and Senate, but are not signed by the president.

[3] MapLight lists twenty-three motion types. When motions at some lawmaking stages are very similar, I grouped them into the same category. The appendix provides details.

[4] There is little evidence that opposition varied much over the length of each two-year congress. Examining the percentages of opposition on each date reveals essentially flat trends.

[5] The list of keywords is in the appendix.

[6] This reflects the likelihood that a Democrat-sponsored bill in a Democrat-controlled chamber would be a clearer reflection of liberal priorities, just as a more purely conservative bill fitting with the preferences of conservative groups would be produced by Republicans in a Republican-controlled legislative chamber.

[7] The appendix provides a more detailed explanation.

[8] Govtrack.com is discontinuing this data service and no longer makes it easily available. See https://www.govtrack.us/developers.

[9] I used chamber and committee rosters from congressional directories to identify names.

[10] See http://www.comparativeagendas.net/us at *New York Times* index for information on the data.

[11] While the dependent variable varies from observation to observation, most of independent variables only vary from year to year, or at least from bill to bill.

[12] Probabilities were calculated for twenty-six values of each variable equally spaced apart from lowest value to highest. The 95% confidence intervals are tight around all of the predictions, but not shown to reduce the clutter in the figure. The confidence interval data is available on request.