Strategic Lobbying and the Pressure to Compromise Member Interests

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Abstract

Do lobbyists always advocate for the interests of the members or clients employing them, or, under competing pressures, do they sometimes take positions on bills reflecting the interests of lawmakers or other lobbyists? Do they, in fact, lobby strategically by making choices that balance competing pressures in pursuit of goals like furthering their careers? Most lobbying research assumes that interest groups and lobbyists are the same, but I argue that the interests of lobbyists may be different from those they represent, which I test with a model of strategic lobbying using data on positions lobbyists took on bills in Congress from 2006 to 2017 made available by MapLight. I find that lobbyists sometimes do take positions at odds with member interests under pressure from legislators, other lobbyists, and the president, though some groups can constrain their lobbyists. I conclude by speculating on what this means for lobbying as a form of representation.

Keywords: lobbying, interest group, Congress, lobbyist, strategy, representation

Journalists, scholars, and even many politicians tend to assume that lobbyists take public positions on issues reflecting the wants, needs, and desires of the people they are paid to represent, or at least most of them. Lobbying, after all, is supposed to be a form of representation and is therefore only legitimate when these professional advocates accurately articulate the interests of those they represent. Perhaps this is why scholars tend to combine lobbyists and the groups or corporations for which they lobby into the same unit of analysis. Yet why then, when the COVID relief bill passed Congress in 2021, were members of the American Federation of Teachers upset to read in the *New York Times* that their leaders, apparently under pressure from Senate Majority Leader Chuck Schumer (D-NY), had advocated for federal money for private schools in New York City, violating the organization's longstanding position against such funding (Green 2021)? Was this unique, or do lobbyists often take positions that are, to some degree, inconsistent with the policy preferences of the members or clients they represent? If the latter, is it because powerful legislators pressure them into it, and they simply hope that members will not notice? Are there other pressures also capable of pushing lobbyists to go against the people they represent? If so, what are they, and whose goals are lobbyists really pursuing?

I explore these questions in this paper. Using data on the positions taken by lobbyists on bills from 2007 to 2016 in the US Congress, along with a variety of measures regarding the organizations and members they represent, the lawmakers supporting the bills and amendments on which they lobby, and the choices of other lobbyists, I develop and test a model of lobbying that is strategic in the sense that lobbyists make decisions under conflicting pressures to achieve goals. I find that lobbyists are subject to significant pressures from legislators and other lobbyists, which sometimes leads them to compromise member interests, though advocacy groups with active memberships can constrain them. This has significant ramifications for discussions about why

lobbying is tolerated in representative political systems like the United States, as well as lobbying ethics.

Lobbying and Representation

Lobbying, whether on behalf of people organized as interest groups or for corporations with stakes in policymaking, has never been popular with the public, and many would limit or ban the profession if they could.[1] At least in the United States, though, they cannot. Influenced by the ideas of the philosopher David Hume, James Madison and other authors of the Constitution believed it was wrong to prevent people from pursuing their own self-interests, even though it meant policies might only reflect balances of power between intensely motivated factions pursuing their interests rather than the public interest (today this is called interest group pluralism). Madison therefore protected both collective action and the right to advocate with the First Amendment's freedoms of assembly and government petitioning clauses (Thomas 1993; Lawson and Seidman 1999). Since petitioning is typically done today by lobbyists, the First Amendment thus legitimizes lobbying in the US.

Yet this also means these professional advocates only enjoy constitutional protection if they advocate for nothing other than the desires and demands of the people employing them. In the language of principal-agent theory, lobbyists are not their own masters pushing their own policy preferences, but agents tasked with advocating the preferences of others regardless of personal desires. Perhaps this is why for decades scholars used simple models of lobbying that assumed there was no difference between interest groups and their lobbyists; they become a single unit of analysis. Whether choosing to lobby party leaders, committee members, or home-state legislators in Congress (Hall and Wayman 1990), or whether to lobby friends or foes (Austen-

Smith and Wright 1994; Hojnacki and Kimball 1998), lobbyists were assumed to just be advocating the policy desires of their group members or corporate clients.

Some anecdotal and empirical evidence, however, suggests this does not always happen, that lobbyists are *not* always faithful agents simply representing the interests of the people or organizations paying them. In his work on health care policy, Kersh (2000; 2002) found lobbyists frequently altering their positions on legislation to accommodate the demands of lawmakers with little or no client consultation. After revelations that lobbyist Jack Abramoff ripped-off clients to advance his personal interests (e.g., Lowery and Marchetti 2012), scholars grew concerned that the rate at which legislators and staff were leaving Congress through the "revolving door" to exploit their connections as lobbyists for profit might lead to more of the same (LaPira and Thomas 2017). Researchers also found evidence of lobbyists over-charging their corporate clients (Schiff et al. 2015) or advocating bill positions at odds with member preferences (at least when measured with ordinal scales in Holyoke 2011). Unethical lobbyists might be getting away with this behavior, scholars feared, because of severe information asymmetry in their principal-agent relationships with members or clients. Not only do members depend on lobbyists to advocate their interests, but also to tell them how they do it (Schlozman and Tierney 1986), making it possible for lobbyists to compromise member interests without getting caught (Stephenson and Jackson 2010).

This does not mean all lobbyists are rogue agents pursuing their own policy goals at the expense of their members or clients. Most are probably quite ethical, but there are theoretical reasons to believe they have incentives to support policy positions other than those favored by their members or clients. These are rooted in Salisbury's (1969) argument that while members join interest groups to get private material benefits unavailable outside of membership, lobbyists (and

other organizational leaders) start-up such organizations so they can lobby for the policies *they* desire. Not only did Salisbury analytically separate lobbyists from those they represent, he also attributed to them fundamentally different motives. Ainsworth and Sened (1993) took this a step further, arguing that even when group members are intensely interested in policy, their collective positions often do not align with those of the legislators on whom their lobbyist depends for access to the lawmaking process. Because they are dependent, lobbyists may be pushed to modify their members' or clients' positions on bills to reflect those of their patron legislators, and expected to sell the changes to their members so legislators get the credit they need for re-election. Positions are thus fungible, and the people lobbyists are pressured to support may not be the ones paying them for representation.

What researchers have not yet done is systematically look to see whether lobbyists often advocate positions on legislation inconsistent with, and perhaps directly opposed to, member interests, or clearly explained why they would do so. Models of lobbying are starting to move in this direction by exploring strategy, meaning goal-directed responses to conflicting pressures, but only very recently have scholars tried assembling coherent models of strategic lobbying, and none have tried to use it to explain anything like lobbying against member or client interests. Using their insights, I attempt to outline and test such a model.

Strategic Lobbying under Competing Pressures

Models of strategic behavior presume that actors pursue relatively well-defined goals in complex environments, which for lobbyists, some argue, means balancing pressures from multiple sources to pursue long and lucrative careers (e.g., Holyoke 2017). While it may not be possible to explicitly prove that lobbyists prioritize their career interests over all other considerations, it is

arguably implied in the extensive literature on how they gain access to legislators (e.g., Hansen 1991; Austen-Smith 1993; Wright 1996), and the crucial role providing information plays in opening doors to legislative offices in the United States and Europe (e.g., De Bruycker 2016; McKay 2018). The exchange theory of access holds that legislators start relationships with lobbyists because the latter give the former something they could not easily gain otherwise. Lobbyists need these relationships to gain access to legislating institutions and thus be influential, so they supply what legislators need, often working with members of both major parties since today's minority could be tomorrow's majority party. Typically they supply information on how best to serve key constituencies represented both by lobbyists and legislators, making the latter the lobbyist's obvious friends (see Hansen 1991; Hojnacki and Kimball 1998), but also technical policy information, intelligence on what other key actors in the policy process are thinking and doing, connections to advocacy networks, and even constituent work, often collectively called a "legislative subsidy" (Hall and Deardorff 2006; also see Nownes and Newmark 2016). As long as the information and services offered are truthful and valuable to legislators, access is repeatedly given and career-long partnerships develop.

Yet as they consistently get re-elected, legislators gain enough seniority, and build large enough fundraising networks, to become powerful committee chairs and party leaders (Deering and Smith 1997; Cann 2008; Cox and Terry 2008). Acquiring experience, knowledge, and influence makes them less reliant on the information lobbyists offer, while lobbyists remain reliant on them for access to governing institutions. Consequently, senior legislators, the ones who often sponsor and control the fate of legislation, are in positions to pressure lobbyists into supporting their priorities (see Ainsworth 1997), which may include pushing lobbyists to change their positions on bills to support these legislators' goals. Enacting new policies often requires position

compromises to build legislative majorities (Baumgartner et al. 2009), so powerful legislators may expect their lobbyist allies to help shepherd this process along, and then sell these policy position changes to their group members (who may also be the legislators' constituents). Indeed, scholars have found evidence of lawmakers pressuring lobbyists (e.g., Lucas et al. 2019), and of lobbyists modifying positions on issues to make them more palatable to key legislators (Grossman and Helpman 1996; Epstein and Nitzan 2006).

Support in the literature for lobbyists' need to respond to the demands legislators also comes from research on the main path taken into the lobbying profession. At least in the United States, lobbyists frequently begin their careers working in Congress, learning how policies are made but also building relationships with legislators, other staff, key personnel in the bureaucracy, and then moving into the lobbying world to profit from these connections (Lazarus et al. 2016; LaPira and Thomas 2017; Shepherd and You 2020). Each lobbyist's market value becomes determined by the number of, and quality of, relationships in their portfolios with legislators, staff, and other lobbyists. The longer they keep these relationships, the more likely they are to be offered partnerships in prominent lobbying firms or executive positions in powerful interest groups. That means supporting the enterprises of increasingly powerful legislators with information, connections, and campaign contributions may become more important to advancing lobbyists' career ambitions than faithfully advocating for member or client interests. This may include staking-out bill positions, especially when information asymmetry means lobbyists enjoy some freedom in making these decisions.

If this is true, then legislators may not be the only source of pressure lobbyists must deal with when determining positions on bills; pressures legislators themselves are under may be passed on to lobbyists. Legislators, after all, are like lobbyists in that they are trying to balance competing

pressures in pursuit of their own goals. Party leaders, committee chairs, other powerful legislators, and even important constituents may make demands on them, and, once committed, legislators may pressure their lobbyist-allies to also fall in line. Evidence is emerging that political parties can also pressure lobbyists into taking-up issues they might otherwise avoid (Fagan, McGee, and Thomas 2021). In the United States pressure may even come from the president, and indeed McKay and Webb (2019) find that when presidents decide to exert influence in Congress, it is so strong it eclipses most lobbying influence. It may therefore be the case that when presidents press legislators for support, this pressure may get passed on to each legislator's lobbyist-allies as well.

Pressure might also come from other advocates lobbyists must frequently interact with in the networks of actors surrounding each issue. Indeed, the literature on coalitions shows how important relations with other lobbyists are when it comes to effective advocacy (e.g., Heaney and Leifeld 2018). Lobbyists are drawn to coalitions because joining one makes it possible to gain and share information and other resources with advocates for interests they would otherwise have to fight, as well as offer lobbyists opportunities to influence the way the coalition frames its issues (Junk 2019; Junk and Rasmussen 2019; Allern et al. 2020). Yet joining also means it may be necessary to compromise member interests because coalitions can only support one position on a bill. In other words, the more lobbyists collectively support (or oppose) legislation, the more likely it is that an individual lobbyist will join that coalition and take that same position regardless of member or client interests.

Even if these counter-pressures are real, being seen compromising member interests is likely to be fatal to a career. Information asymmetry may provide a buffer but getting caught can still happen if the issue being lobbied is getting a lot of press attention, a circumstance lobbyists themselves might create if they (or their coalitions) decide to pursue highly visible advocacy

strategies, such as raising an issue's media profile in order to frame their positions as being in the public interest (Rasmussen, Mäder, and Reher 2018; De Bruycker 2019; Binderkrantz 2020). Highly salient issues are more likely to be followed by group members, especially if these members themselves are highly motivated towards political action, which is often the case in advocacy-oriented citizen groups (Berry 1999). Knowing this, lobbyists may want to resist other pressures and stick to member-preferred positions, hoping their patron legislators and coalition partners will understand. Corporate lobbyists, on the other hand, may have more wiggle-room on such issues because business executives may better appreciate the need for compromise.

Research Design

Testing for evidence of these pressures on lobbyists requires a clear indicator of a choice, so I examine decisions of whether to take positions supporting or opposing bills in the US Congress. These decisions may honestly reflect member or client policy preferences, or the need to accommodate patron legislators and lobbyists for competing interests. From 2007 to 2016, the MapLight organization collected data on whether lobbyists for thousands of organizations opposed or supported thousands of bills in Congress.[2] Lorenz, Furnas, and Crosson (2020) describe the way MapLight collected this data from years of public statements, press releases, statements to the media, hearing testimony, and other public records, and discuss issues of data validity. Each observation is based in a clear position taken in a public statement regarding a specific bill. This data has become familiar in interest groups research, such as in studies of group coalitions in Congress (Lorenz 2020), how party-alignment can lead groups into conflict (Fagan, McGee, and Thomas 2021), and the development of interest group ideological scores (Crosson, Furnas, and Lorenz 2020). In earlier work, I used it to study how lobbyists decided whether to support bills

(Holyoke 2019), but never investigated instances where they may have taken positions against member or client interests.

Measuring Member Support for Bills

The data covers 8,340 bills on which lobbyists for 16,372 organization lobbyists recorded positions of support or opposition (149,021 observations in all). Since many declared positions multiple times on the same bill, and because the dataset dates these position announcement, it is possible to see whether any lobbyists changed their positions over time, which might reflect strategic lobbying. Of the 41,791 cases where a lobbyist was observed at least twice on the same bill, there are 7,098 instances of position flipping from oppose to support, or vice versa. Typically this happened during House and Senate floor debates where bills are often amended (76% of cases), with almost no flips in plenary stages where bills are introduced, referred to committee, and then marked-up.

Flipping positions, of course, does not mean lobbyists succumbed to pressure and compromised member or client interests, or even switched back to support members after initially taking alternative positions. It may simply reflect changes in bills through the amending process as they become more or less palatable to lobbyists' members or clients, so observations of flipping cannot be the dependent variable. Instead, it suggests that the first step is to create an indicator of whether members or clients actually want their lobbyists to support the observed bill, both in its original and amended forms, that will be an independent variable.

Unfortunately, the interest group ideological scores developed by Crosson, Furnas, and Lorenz (2020) cannot be used for this because their measure is built from the lobbyist position-taking observations, which will be my dependent variable. Using their scores would amount to

using the dependent variable to explain itself. Instead, I create a somewhat cruder measure of the congruence of the ideological position of each bill with the general ideological disposition of each lobbyist's members or clients. To begin, I first identified the sponsor and co-sponsors of each of the 1,895 bills in the MapLight dataset that were at least taken-up in committee (or otherwise acted on), acquired their Poole and Rosenthal DW-NOMINATE scores, and used the average to represent each bill's ideological position. The score ranges from –0.60 to 0.78 (negative scores are liberal positions and positive are conservative) with an average of 0.15 and standard deviation of 0.31.

The next step is to account for changes in this bill position score if it was amended. I obtained every amendment to the bills that was adopted and on which lobbyists in the MapLight data took positions, identified sponsors and co-sponsors, and calculated the DW-NOMINATE averages.[3] I then took the absolute value of the difference between the bill and amendment DW-NOMINATE averages and multiplied that difference by the percentage of words added or subtracted (which ever was greater, though it was rare that both occurred in one amendment) resulting in a reduced, or weighted, difference between the bill and amendment. I then subtracted this reduced difference from the original bill. In other words, I modified the ideological position of the bill by a weighted score reflecting the degree of change created by the amendment.

The third step was to determine whether the 10,056 organizations lobbying these bills were generally "liberal," "conservative," or in between, which was done using coding I developed for earlier work (Holyoke (2019) using the MapLight data.[4] The original coding was done using keyword searches on words in each organization's name under the assumption that left-leaning, right-leaning, and even centrist organizations tend to use particular words in their names. Those that could not be so identified were more thoroughly explored on the internet and the results cross-

checked for accuracy.[5] As it turned out, about half did not exhibit clear leanings left or right. For the remainder, 35 percent were left-leaning and 15 percent leaned right.

Finally, if a bill's DW-NOMINATE average (now accounting for amendments) was positive (conservative-leaning), and the organization in the same observation was also conservative, I simply assigned the bill's DW-NOMINATE average as the bill-group member or client congruence score (hereafter just called the "congruence score"). For liberal organizations it was −1 minus the bill's score, and for neither liberal or conservative organizations it was 0 minus the bill's score. In cases where the bill's average DW-NOMINATE score is negative (liberal), for left-leaning organizations I used the absolute value of the bill's DW-NOMINATE co-sponsor average and assigned it as the congruence score. For conservative groups it was −1 minus the absolute value of the bill's score, and otherwise it was 0 minus the absolute value. This all results in a measure of an organization's interest congruence with a bill that changes as the bill changes through the amending process, ranging from −2 to 1 with a mean of −0.37 and standard deviation of 0.61. Table 1 provides examples of how this is done for three groups lobbying H.R. 4435 as amended by HA 669 in 2014.

To be clear, this is a measure of whether group members' or clients' interests are congruent with the bill, higher values indicating greater congruence (how much they want it). For instance, the Consumer Bankers of America scored −1.11 in regards to the Federal Information Security Act of 2012 because its banker-members could not see their interests reflected in a law that would impose costly new data security requirements on them. Also, the labor union umbrella group, North America's Building Trades Unions, was initially very uncomfortable with the Keystone XL Pipeline Approval Act of 2015, reflected in a congruence score of −1.42. Then an amendment was

added making the bill clearer that it would support new union jobs in energy, at which point the congruence score became 0.17.

This measure, along with MapLight's binary indicator of whether lobbyists supported or opposed the bill (the dependent variable in the analyses below), makes it possible to see whether lobbyists took positions contrary to member interests. My entire argument regarding strategic lobbying under competing pressures would be falsified if it turns out that they never do. Put another way, my argument is nullified if the multivariate analyses below only support this hypothesis:

Interest congruence hypothesis: The higher the member or client-bill congruence score, the greater the likelihood the lobbyist will support the bill.

---- Table 1 and Figure 1 ----

First, though, I can use the congruence measure to see whether lobbyists supported or opposed bills in the MapLight dataset against member or client interests. Given that the congruence measure is crude, I set a high bar for coding a lobbyist as opposing member interests. It occurs when they supported a bill where the congruence score is lower than -1 on the -2 to 1 scale, or when the lobbyist opposed a bill where congruence was greater than 0. Of the 68,676 observation of lobbying on bills moving through the legislating process, in 10,100 cases (15 percent) a lobbyist seemingly lobbied against member or client interests. Figure 1 breaks this out by lawmaking stages, showing that lobbyists who take positions inconsistent with member preferences do so at times when legislation is most susceptible to change - during committee hearings and floor action. It occurs far less on final passage of bills, which is perhaps unsurprising since these are times when legislative deliberation might be particularly visible to the public, and thus to group members and clients. Although some consistently took positions out of sync with members or clients, in 2,059 observations lobbyists changed from supporting member interests to opposing them later in time,

and from opposing bills opposed by members to supporting them in 2,064 observations. Whether I can claim that they did this strategically to cope with competing pressures depends on finding empirical support for other hypotheses.

Measuring Competing Pressures

To capture pressure from members of Congress, I use the breadth of legislator support for each bill. Earlier I used the average DW-NOMINATE scores of sponsors and co-sponsors to identify bill positions. For two reasons I now use the standard deviations to measure legislator pressure. First, while bill sponsors often try to have as many co-sponsors as possible as a show of strength, many of these co-sponsors are likely lawmakers who specialize in the policy area addressed by the bill, including members of the committee reporting the bill (or at least the majority party members). This means they are also likely to be the legislators with whom lobbyists, who also often specialize in policy areas, have built relationships. They are the legislators who likely can pressure lobbyists into supporting the bill, assuming the latter's members or clients do not already support it. Second, larger deviations mean broader bipartisan support for a bill, suggesting that legislators have made deals regarding it, are invested in it, are expected to support it, and will therefore pressure their lobbyist allies to do likewise. The variable's mean is 0.21, its standard deviation is 0.15, and it ranges from 0 to 0.62 and tests this hypothesis:

Legislator pressure hypothesis: The larger a bill's standard deviation of sponsor and co-sponsor ideology, the greater the likelihood the lobbyist will support it, even if members or clients do not.

For presidential pressure I use the ideological difference between him and the observed bills. If legislation moving through Congress is supported by both legislators and the president, the latter's influence might be hard to isolate, so I focus on diverging preferences instead. The gulf

between presidents and lobbyists is enormous, so it is likely that presidential pressure comes through legislators, who, themselves being pressured to support a bill, push their lobbyist-allies to do so as well. If true, then when presidents do not support a bill, this should reduce the overall pressure on lobbyists to support it. I therefore subtracted the DW-NOMINATE scores of both Presidents Bush (110^{th} Congress) and Obama (all other congresses) from the bill sponsor and co-sponsor average for each bill and took the absolute values (mean = 0.56, s.d. = 0.30, ranging from 0 to 1.29) to test the following hypothesis:

Presidential pressure hypothesis: The smaller the distance between the president's DW-NOMINATE score and the bill's legislator co-sponsor average, the greater the likelihood the lobbyist will support the bill, even if members or clients do not.

For pressure from other lobbyists I focus on opposition, though I cannot explicitly say opponents advocated as a coalition. More opponents relative to supporters of a bill means the observed lobbyist will have to fight harder and expend more resources in the effort. Since it is typically easier to stop a bill than enact it, a lobbyist might also find strategic value in being on the side likely to win when there is significant opposition. I therefore created a ratio by dividing the number of lobbyists declaring support for a bill into those declaring opposition at that stage of the lawmaking process (the same stages as in Figure 1) leaving out the observed lobbyist, producing larger values when there were more opponents. Numerous observations were distorted because of an unusually large numbers of lobbyists, so I use the natural log in the analysis (mean= -0.82, s.d.=1.93, ranging from -5.93 to 5.28). The measure tests this hypothesis:

Lobbyist opposition hypothesis: The greater the number of lobbyists opposing a bill relative to supporters, the smaller the likelihood the observed lobbyist will support the bill, regardless of whether member of client support it.

The final set of pressures are constraints from the members or clients lobbyists represent. While corporate clients might have some tolerance for their lobbyists making deals and responding to other pressures, advocates for interest groups with memberships may have to be more careful. This may be especially true if they represent citizen interest groups, which people tend to join in order to push strongly held political beliefs, as opposed to trade associations which people often join for non-political reasons (McFarland 1984; Berry 1999). Using the codes developed for the MapLight data in Holyoke (2019) which identified organizational types and whether they have memberships, I code a binary variable 1 if the lobbyist's organization has a membership (62 percent do) and another variable coded 1 if it is a citizen group (37 percent are).[6] An interaction of the two means a lobbyist for an advocacy group with members should stick closer to member-preferred positions than lobbyists for other kinds of organizations. So:

Advocacy membership hypothesis: Lobbyists for citizen groups with memberships should be less likely to support a bill if their members do not want it.

Issue salience may also constrain lobbyists because greater public visibility of the issue addressed by a bill may help members or clients overcome the information asymmetry barrier between lobbyists and themselves. I therefore sorted each bill into a general issue area using the major topic codes from the Comparative Agendas Project (CAP). The CAP also provides data on the number of stories published on each issue area each year in the *New York Times*, so this annual count of stories becomes the salience measure (mean = 19.20, s.d. = 25.12, ranging from 0 to 139), though it is issue-specific, not bill-specific. This variable tests this hypotheses:

Issue salience hypothesis: The greater the issue's salience, the less likely the lobbyist will support a bill addressing that issue if members and clients do not support it.

I also created four control variables. The first is a binary indicator of whether the observation occurs at times when amendments to bills are likely, which is during committee mark-ups and floor action, though these only constitute 16 percent of observations. Action on bills late in the year may also be of greater intensity than earlier, especially when lawmakers are trying to wrap-up work for the year, so the date of the observed choice was used to count how many days it was into the year (mean = 178.38, s.d. = 96.49). A binary variable was also coded 0 if observed action was in the House and 1 for the Senate (41 percent in the Senate), and another coded 0 if the observed bill was a regular bill and 1 if it was any type of resolution (4 percent).

Multivariate Analysis

Pressure and Response

To test these hypotheses, I estimate two models, displaying the results in Table 2 along with the marginal effects for all statistically significant variables. The first is a general model where the dependent variable is the choices of all lobbyists on all bills that moved beyond just the introduction and committee referral stages (N = 68,676), which I use to see whether there is any evidence of the hypothesized pressures. It is coded 1 if the lobbyist supported a bill (69 percent) and 0 otherwise. Not only is the Interest congruence hypothesis tested here, but by including this measure as an independent variable I also control for the influence of members or clients wanting the bill as I test the variables for the other hypotheses. Nonetheless, the general model still cannot fully test the other hypotheses where the observed lobbyist supported a bill contrary to member or client interests. That also means the interactive variable capturing the Advocacy membership hypothesis cannot be tested in the general model. The second model therefore uses a different dependent variable (though the same number of cases) only coded 1 if the lobbyist supported a bill

contrary to member or client interests, identified as cases where the congruence score is less than −1 on the −2 to 1 scale (11 percent of cases). While constructing the dependent variable this way means the congruence score variable cannot be included in this compromised-interests model, the interaction of citizen groups and memberships can now be used.

Observations in the dataset are grouped by bill, and there may be other aspects of the politics surrounding each bill that need to be controlled for. I therefore use a hierarchical logit model that nests data by bill number, estimates the independent variables using fixed-effects as in an ordinary logit model, but also estimates a unique intercept with random-effects for each bill to control for unobserved influences.[7] In all models, a likelihood-ratio test rejects the null hypothesis that nesting the data is less efficient than an ordinary logit model.

---- Table 2 ----

In the general model, the measure testing the Interest congruence hypothesis is positive and significant, showing that, all things being equal, lobbyists are more likely to support a bill when it reflects the interests of their members or clients. Yet it is not the only significant variable and therefore not the sole explanation for how lobbyists decide. While results for the other hypotheses cannot be fully confirmed with the general model because they require observations of whether lobbyists opposed member interests, the results do show that some of these variables exhibit independent influences. For instance, the broader the ideological coalition of legislators co-sponsoring a bill, the more likely it is the observed lobbyist will also support it (though the marginal effect for a one standard deviation increase is small), but support is less likely when there is more opposition from other lobbyists. As for the organizational variables, if the observed lobbyist represents a more politically-oriented citizen group, he or she is less likely to support a bill, though the membership and salience variables are insignificant.

Surprisingly, the variable operationalizing the Presidential pressure hypothesis is significant and positive in the general model when it should have been negative. Perhaps because many of these observations were in the later years of the Obama administration when Congress was controlled by Republicans, any bill hoping to be a law would be the result of a deal between Congress and the White House that everyone was expected to support. Lobbyists, though, did not appear to succumb to presidential pressure to oppose member or client interests since this variable is insignificant in the compromised-interests model.

The compromised-interests model provides a clearer test of the hypotheses potentially capturing strategic lobbying (all but the Interest congruence hypothesis) because it uses the dependent variable where lobbyists supported bills inconsistent with member or client interests, and it turns out that several of the hypotheses advancing alternative explanations for how lobbyists make decisions are supported. For instance, the Legislator pressure hypothesis is supported with a coefficient that is positive and significant, though again the effect is small. Even when a bill does not reflect member or client interests, lobbyists may still support it if a broad coalition of lawmakers support it. Yet they are less likely to do so when there is significant opposition from other lobbyists, which supports the Lobbyist opposition hypothesis and exhibits a marginally larger first difference effect.

The organizational variables also perform as predicted in that the interaction, capturing membership-based citizen advocacy groups, shows that lobbyists for such interest groups are less likely to support a bill their members do not want. As explained in the Advocacy membership hypothesis, this is likely because these groups are composed of individuals who joined to pursue their political passions and are therefore less tolerant of any deviations by their lobbyists and are more likely to overcome information asymmetry barriers by independently keeping track of what

their advocates are doing in Washington, DC. In contrast, lobbyists for non-membership groups, such as largely donor-supported (non-membership) public interest groups, or trade associations whose members tend to be less politically motivated, are more likely to support these bills. Along the same lines, it is important to note that the Issue salience hypothesis is again not supported. Advocacy group members may be paying more attention to their lobbyists, but apparently issue visibility in the *Times* does not leave lobbyists feeling more constrained to stick to member of client interests when making decisions.

The evidence so far shows that lobbyists are indeed subject to multiple pressures when trying to determine whether to support or oppose bills in Congress, so the next step is to get a better sense of the relative magnitudes of these pressures beyond what is presented in Table 2. A good comparison is pressure from legislators versus the degree to which members or clients oppose the observed bill, which means using predictions drawn from the general model since the latter variable is not in the compromised-interests model. I plot in Figure 2 changes in the likelihood that a lobbyist will support a bill for all values of the legislator pressure variable when the congruence score is set at −1 (the cut point used to code members as opposing the bill), along with the confidence interval-bands and percentage of observations at each value of the legislator pressure score.[8] While the total increase in support due to lawmaker pressure is only a modest 14 points across the variable's entire range, consider that it starts at 0.62, suggesting that lack of member or client support for the bill is hardly a constraint. Perhaps more interesting is the lower line where member or client congruence with the bill is −2, its lowest value. Even here the likelihood of their lobbyist supporting the bill anyway is already 0.43 when legislator pressure is 0, and when that pressure goes up by about a third, the likelihood of support crosses the 0.50 threshold, arguably the cut-point between oppose and support. Even when members or clients

really want their lobbyist to oppose legislation, a modest amount of pressure from lawmakers appears to be enough to flip his or her position.

---- Figures 2 and 3 ----

Pressure from opposing lobbyists, plotted in Figure 3, appears to be greater than legislator pressure. When the member-bill congruence score is set at 0, a meaningful decrease in support for the bill due to pressure from opposing lobbyists does not manifest in the first third of the variable's range, but after that the decline is sharp. While the decline is less sharp when members or clients really want the bill (the congruence variable being set at its maximum value), it still crosses the 0.5 cut-point from support to oppose at high levels of lobbyist opposition. The results show that a fair amount of the pressure on lobbyists to oppose the bill comes from their fellow lobbyists and can off-set support from members or clients. Again, opposition matters.

---- Figures 4 and 5 ----

Using the second model where the dependent variable is coded 1 if a lobbyist went against member or client interests, I predict the effects of legislator and opponent lobbyist pressures on lobbyists representing citizen advocacy groups with members. The first result to note is in Figure 4 where the independent legislator pressure effect (the not a membership or advocacy group line) is small - a no more than a three-point increase across the variable's entire range and starting and ending at low points (the right-hand vertical axis only goes to 0.4). In the compromised-interests model, both membership and advocacy group variables produced positive coefficients, and this is seen here where the positive influence of legislator support starts and ends at distinctly greater points when either of these are true than when neither are true. Yet the negative interactive effect appears when its influence is predicted, reducing the influence of legislator pressure to essentially 0, its line lying even below the legislator pressure line for non-membership and non-advocacy

groups. This negative effect also appears in Figure 5 when it comes to lobbying opposition with the curves showing the opposition effect when the lobbyist's group is a membership-based citizen group starting at a far lower point than when the organization represented does not have these qualities. The constraining effect of more politically-aware members of advocacy groups may not be enormous, but it is there and the hypothesis is supported.

Bills versus Amendments

There is another way to study the way lobbyists make difficult decision by using the data on amendments, which was discussed earlier as part of calculating the extent to which bills were congruent with member interests. There are 8,025 observations in the MapLight dataset where lobbyists indicated their support for, or opposition to, 520 amendments to 76 bills, supporting them in 53 percent of cases. I created a new amendment congruence score using the same process used for the original measure, though this time I used just the amendment sponsor's DW-NOMINATE score (because most House amendments only list the sponsor's name) along with the left or right-leaning codes for each organization represented by a lobbyist. The scale again ranges from –2 to 1 and I used it to identify those cases where lobbyists supported amendments where congruence scores were less than –1, meaning amendments were at odds with member or client interests, which was true in 2,770 cases. Such cases were coded 1 as a binary variable and forms the dependent variable in the analysis.

Some of the independent variables needed to be modified for this analysis, a few could not be used, and a couple are new. One new variable is the difference in member or client congruence between the bill versus congruence with an amendment. Since I now have congruence scores for amendments and their parent bills, it was possible to capture the difference by simply subtracting

congruence with the bill from congruence with the amendment and taking the absolute value (mean = 0.18, s.d. = 0.97, ranging from –2.25 to 2.25). Higher scores mean members prefer the bill to the amendment by a larger degree (again, the dependent variable is coded 1 for amendments members do not want) and should have a negative effect in the model.

I could not use the standard deviation of co-sponsor ideology to measure legislator pressure because, again, House amendments only list single sponsors. Instead, I found the vote tally for each amendment and calculated the percentage of lawmakers in the observed chamber voting "aye" and used that as a pressure variable to support the amendment (mean = 0.57, s.d. = 0.25, ranging from 0 to 1).[9] For opposition lobbying, I again used the natural log of the ratio of lobbyists opposing the amendment to supporters, predicting that more opposition makes it less likely an observed lobbyist will support the amendment (mean = –0.63, s.d., = 1.29, ranging from –5.05 to 3.31). For presidential influence, I subtracted the president's DW-NOMINATE score from the amendment's score and took the absolute value so that the larger the distance, the greater the pressure on lobbyists to oppose the amendment (mean = 0.55, s.d. = 0.41, ranging from 0 to 1.27)

I retained the binary variables indicating whether the lobbyist's organization was a citizen group, as well as the one indicating it had members, and I continue to use the interaction of the two. The original salience measure is also retained. However, I created a new control variable which is a count of the number of words added or struck by the amendment in the parent bill, should it be adopted (mean = 1,965, s.d. = 10,307, ranging from –85,354 to 114,932). Since I only examine floor amendments, I dropped the control variable indicating whether the observation was at committee or floor stages of the process, as well as the count of days into the year, though I still use dummy variable coded 1 for amendments in the Senate. Since almost no amendments regarded resolutions, I dropped this variable as well.

---- Figure 6 ----

I again use a statistical estimator where the observations (N = 8,025) are nested by observed bills, graphing the logit estimates in Figure 6. A significant Wald χ^2 of 1182.12 means the model improves on guessing the modal category, and most of the key independent variables are significant.[10] The less members want amendments versus parent bills, the less likely lobbyists are to support them, but they still might if there is pressure from legislators to do so, and apparently from the president too since, as in the general model in Table 2, this variable is significant and positive. As before, this makes sense if we believe that amendments reflect compromises between the president and legislative sponsors, though I do not have clear evidence one way or the other. The organization variables also perform as before, with both the membership and advocacy group dummies being positive, but the interactive term negative. The surprise is the opposition lobbying variable, which is positive when it was expected to be negative. At least when it comes to amendments, not only does opposition lobbying not push a lobbyist to conform, but apparently strengthens their resolve to go the other way. Unfortunately, the variable measuring words the amendment would add or subtract from the bill is not significant.

Before concluding it is worth noting that, again, the issue salience variable is insignificant. I also tried replacing it with polling data regarding the percentage of people considering certain issues to be the most important problem each year, which the Comparative Agendas Project codes by major issues. It was also insignificant in all models. A possible explanation is that lobbyists have some influence over how their organization is portrayed in the media, with many, especially public interest group lobbyists, seeing the media as a tool in their arsenal (Berry 1999). Binderkrantz (2020) and De Bruycker (2019) find evidence that interest groups are often more successful when their lobbyists portray their interests as consistent with the public good, so it may

be that group members and clients attuned to issue debates enough to follow what is said about their organization in the media may also understand and approve of the way their lobbyists subtly packages their arguments as consistent with the public interest, but thus showing no statistically significant effect.

Predictions and Conclusion

All of the evidence presented here is still not sufficient to support any claims as to what truly motivates lobbyists, but it does provide some support for my argument that they decide strategically how to pursue their goals in an environment made complex by competing pressures. Some of this can be seen using predictions from the general model in Table 2 by varying pressure intensity. Say a lobbyist represents a membership group opposed to a bill in the House (congruence is –2). If there is no pressure from bill co-sponsors or the president (both set at 0), and pressure from other lobbyists is balanced between supporters and opponents (also at 0), the likelihood of supporting the bill is just 0.35. Even if legislator pressure rises to its mean value of 0.21, the chance of support only rises to 0.41, and is only 0.47 if legislator pressure increases to one standard deviation over its mean (0.37). Presidential pressure must be added and brought to one standard deviation over its mean (0.86) to bring the likelihood of support to 0.50, the cut-point between opposing and supporting bills. Even then, slight increases in lobbying opposition drop it back down, and the chance of supporting a bill that members do not want when lobbying opposition is raised to one standard deviation over its mean (1.11) falls to 0.35. It is worth noting that chances of support are only two points higher if action is in the Senate.

Now consider a lobbyist for a membership-based advocacy group (the interactive variable is 1) again deciding on a bill his or her members do not want using the results of the compromised-

interests model in Table 2. With legislator and opposing lobbyist pressures set at 0, the likelihood of supporting such a bill is only 0.11. Just increasing legislator pressure to its maximum value (0.62) only raises the prediction of support to 0.16, and adding maximum presidential pressure (1.29) only increases it to 0.18, though if this all occurs during floor debates on the bill (the amending venue binary variable becomes 1), this rises to 0.24. Decreasing lobbying opposition to −3 (remember, it ranges from −5.93 to 5.28) brings the chance up to 0.42, though the ratio of support over opposition has to be −4.2 before the chance of support hits 0.50, and when the opposition lobbying value is at its lowest, likelihood of support rises to 0.61. In sum, all of these predictions show that pressure from lawmakers, and especially from other advocates, can push a lobbyist to go against member or client interests, but only when these countervailing pressures are at high, even extreme values.

These results show that strategic lobbying by advocates who are trying to balance competing pressures is real, but the abuse to members and clients appears limited. Yet while it is easy to end here, concluding that opposing lobbyist pressure is marginally greater than legislator pressure (and certainly more than presidential pressure), there is something disquieting in these results. What does it tell us about lobbyists as representatives? Interest group pluralism holds that people have a right to pursue their interests in the political process, and often do so collectively in interest groups. This is protected by the First Amendment, which legitimizes lobbying as an act of representation. If lobbyists can be pressured into supporting positions on bills and amendments contrary to what their members or clients want, this justification is no longer valid, and it is not clear what legitimate purpose lobbying serves.

Hannah Pitkin says that representation means "acting in the interest of the represented, in a manner responsive to them" and "The represented must also be (conceived as) capable of

independent action and judgement, not merely being taken care of. And, despite the resulting potential for conflict between representative and represented about what is to be done, that conflict must not normally take place" (1967, 209). As representatives, lobbyists must act in the interests of, and be responsive to, those they represent. Even if lobbyists feels the pressure of conflicting loyalties and ambitions, that conflict should be set aside as they advocate for what the principals in the principal-agent relationship want, no matter the consequences for the relationships the lobbyists have built to further their own careers. No other decision is professionally ethical (see Holyoke 2016). Most lobbyists, this research shows, appear to accept this, but not all, and in a pluralist political system that legitimizes interest group advocacy and conflict, failure of any lobbyist to be a faithful representative potentially begins to undermine the whole system and the very reason lobbying is protected by the First Amendment.

Table 1: Creating the convergence score example - HR 4435, a liberal-leaning bill modified by adopting conservative-leaning amendment HA 669

Bill's original DW-NOMINATE co-sponsor average	Amendment's DW-NOMINATE average	Percentage of words struck or added by amendment	Distance of amendment average from bill co-sponsor average	Weighted change (distance *x* percentage struck or added)	New bill average (-0.141 + 0.005)	Group's ideological inclination code	Calculation	Final group member-bill congruence score
-0.141	0.537	0.007	0.678	0.005	-0.136	Conservative (-1) (Heritage Action for America)	-1 – abs(-0.136)	-1.136
-0.141	0.537	0.007	0.678	0.005	-0.136	Liberal (1) ACLU	abs(-0.136)	0.136
-0.141	0.537	0.007	0.678	0.005	-0.136	Neither (0) (Community Clinic Association of LA County)	0 – abs(-0.136)	-0.136

Figure 1: Percentage of lobbyists supporting or opposing a bill against member or client interests by stage of the lawmaking process (2007 to 2016)

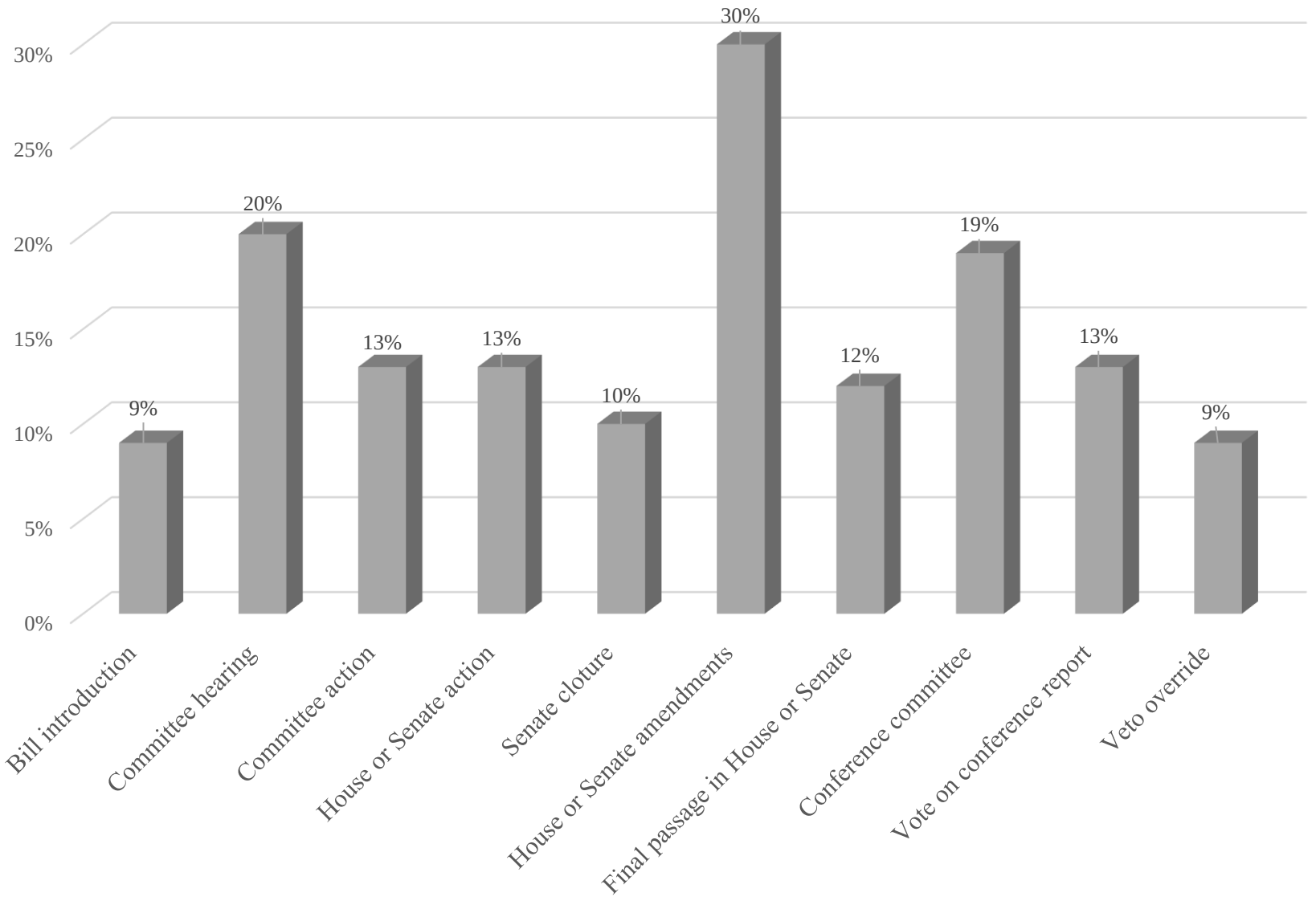


Table 2: Estimating lobbyist choice to support or oppose legislation
(Coefficient, standard error, marginal effect for standard deviation change or binary flip for statistically significant variables)

Independent variables	General model	Compromised-interests model
Member or client interest congruence with the bill	1.55*** (0.02) +0.07	–
Organization has members	–0.04 (0.03)	1.38*** (0.06) +0.08
Organization is a citizen group	–0.94*** (0.03) -0.10	1.57*** (0.07) +0.20
Organization has members *x* organization is a citizen group	–	–1.25*** (0.07) (see Fig. 4)
Standard deviation of DW-NOMINATE scores of bill sponsors and co-sponsors	2.04*** (0.29) +0.03	0.92*** (0.28) +0.02
Difference of president's DW-NOMINATE score from the majority party median	0.29* (0.13) +0.01	0.23 (0.14)
Ratio of opposing lobbyists to lobbyists supporting the bill (natural log)	–0.90*** (0.03) -0.20	–0.37*** (0.03) -0.05
Number of *New York Times* stories on the bill's issue area	–0.00 (0.00)	0.00 (0.00)
Days into the year	–0.00 (0.00)	0.00 (0.00)
Committee or floor amending stages	–1.16*** (0.05) -0.12	0.43*** (0.06) +0.05

Chamber of Congress (coded 1 for the Senate)	0.14*** (0.04) +0.02	–0.02 (0.04)
Observed bill is a resolution	–0.74* (0.32) -0.06	–0.22 (0.30)
Constant	2.19*** (0.15)	–4.60*** (0.15)
Wald χ^2	7614.35***	907.59***
N	68,676	68,676
Cases correctly predicted	86%	89%
Reduction of error	52%	4%

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

Figure 2: Marginal effect of legislator pressure on the likelihood of bill support for two values of member-bill congruence

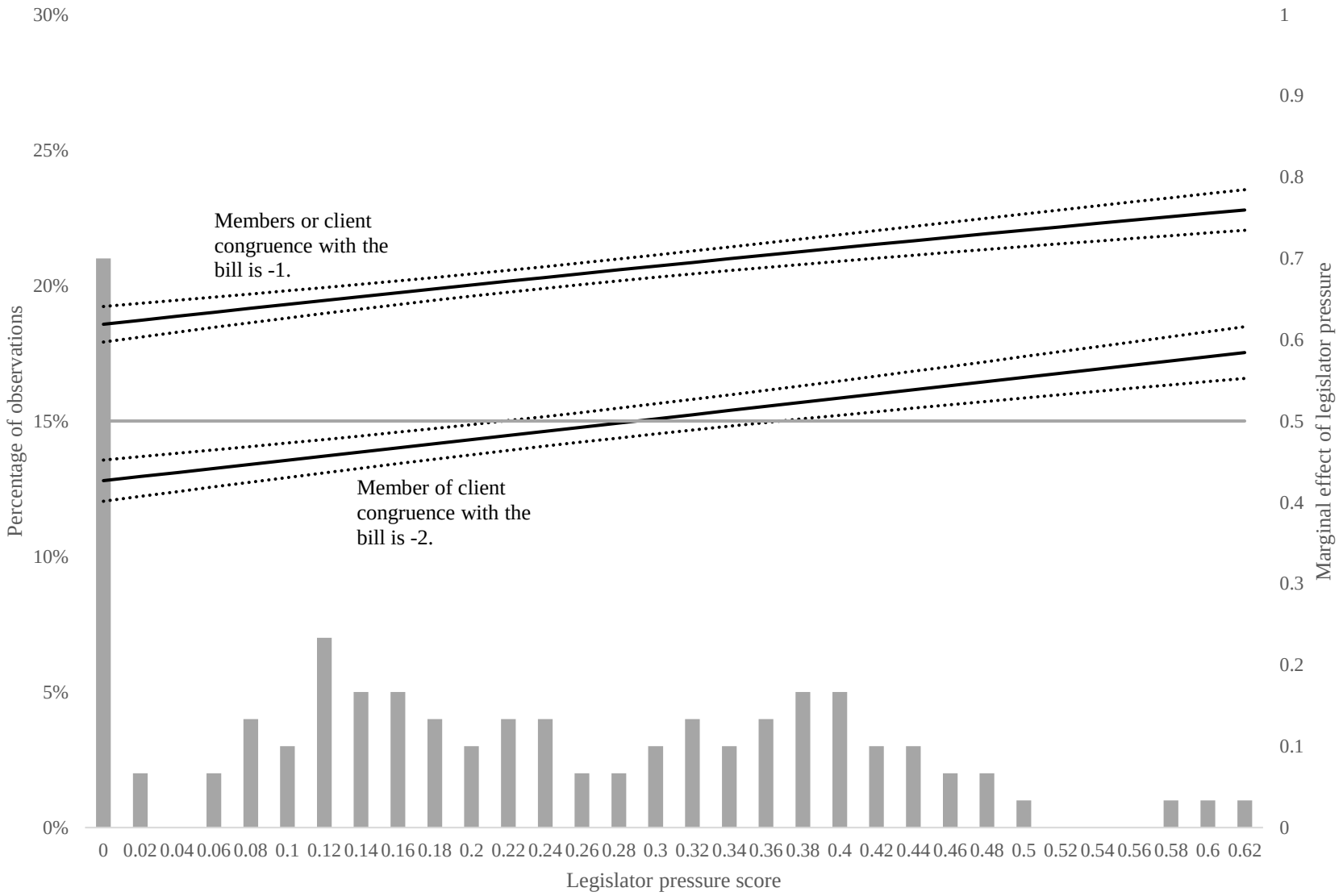


Figure 3: Marginal effect of opposition lobbying on the likelihood of bill support for two values of member-bill congruence

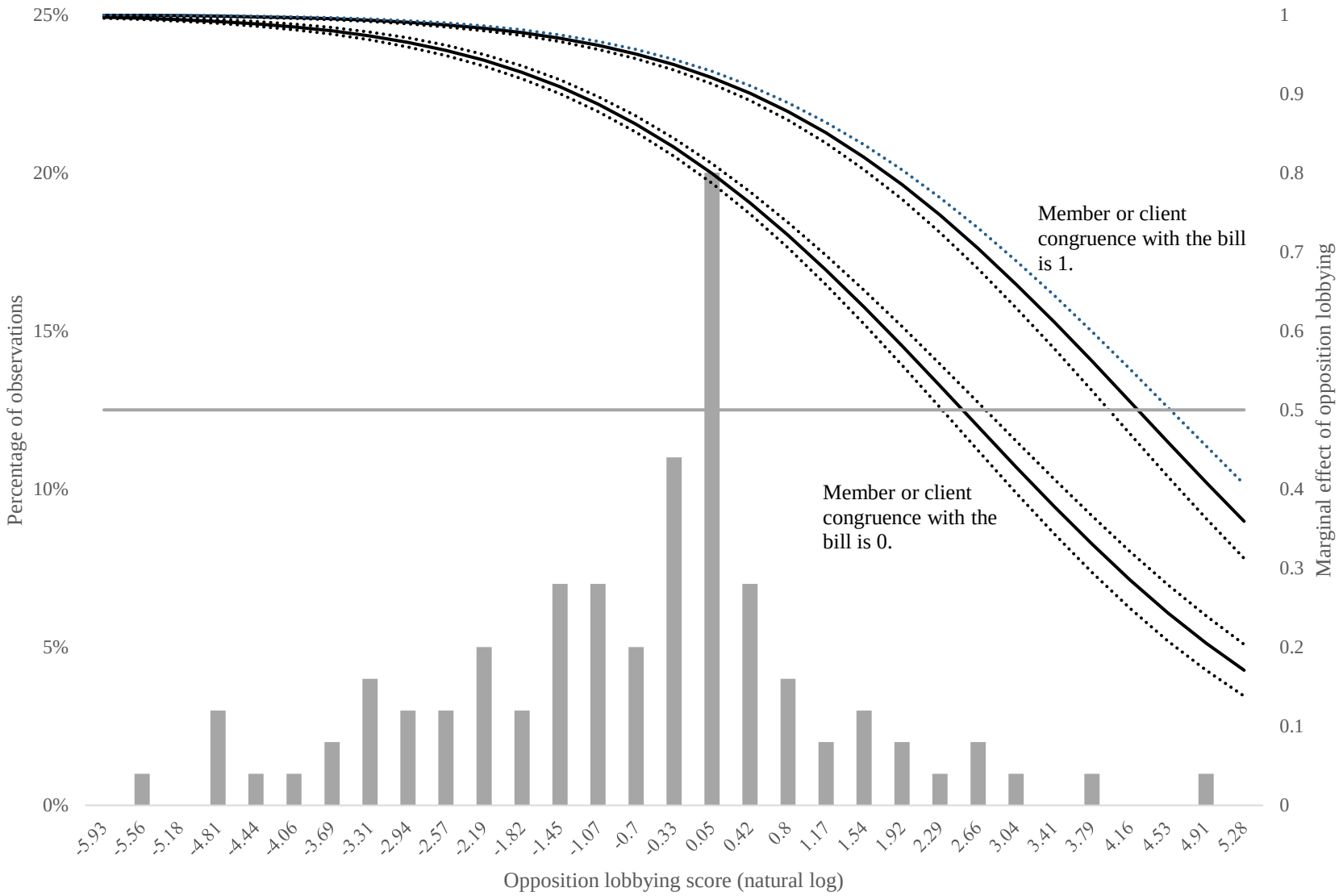


Figure 4: Marginal effect of legislator pressure on the likelihood of bill support for types of interest groups

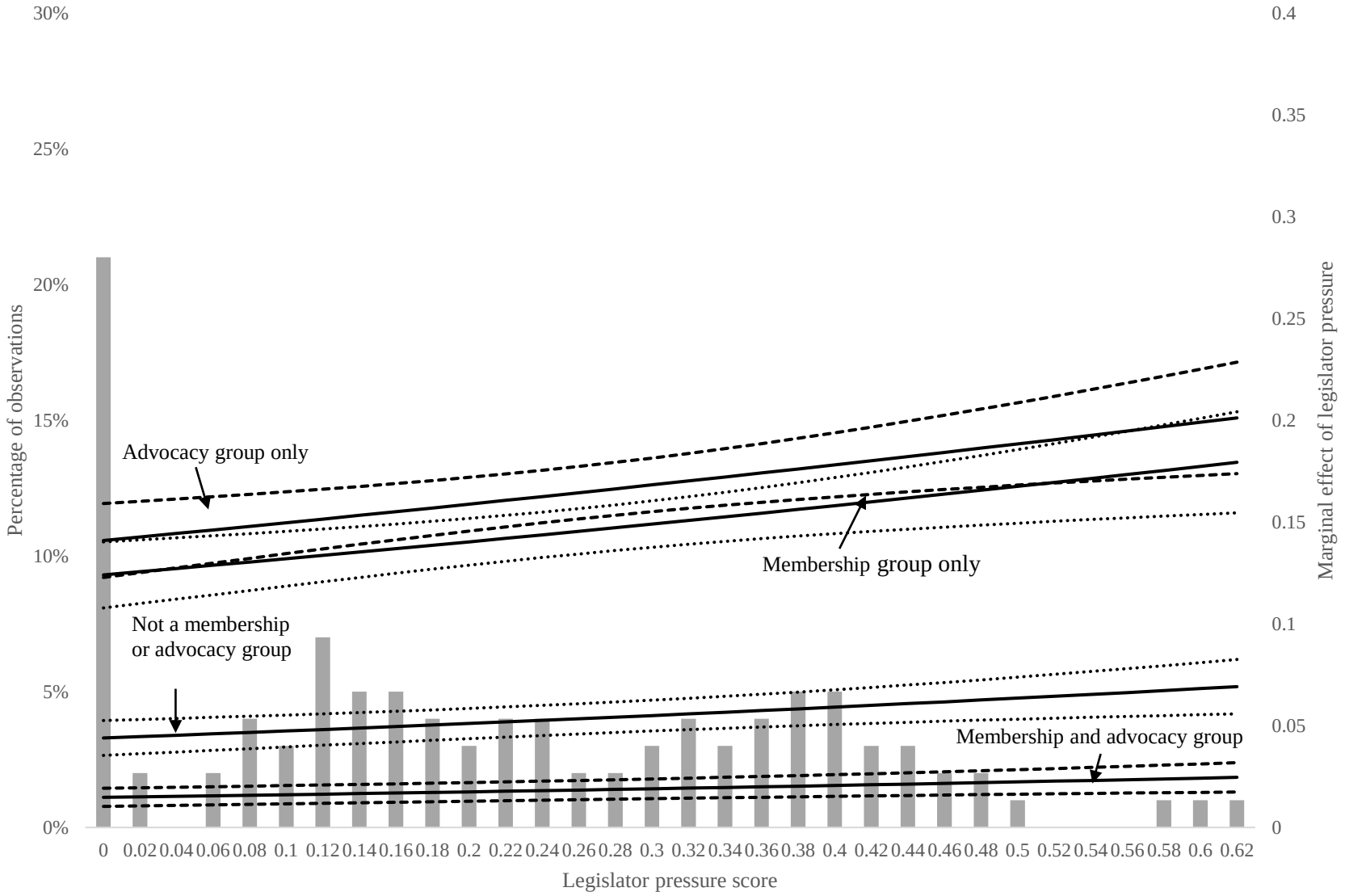


Figure 5: Marginal effect of opposition lobbying on the likelihood of bill support for types of interest groups

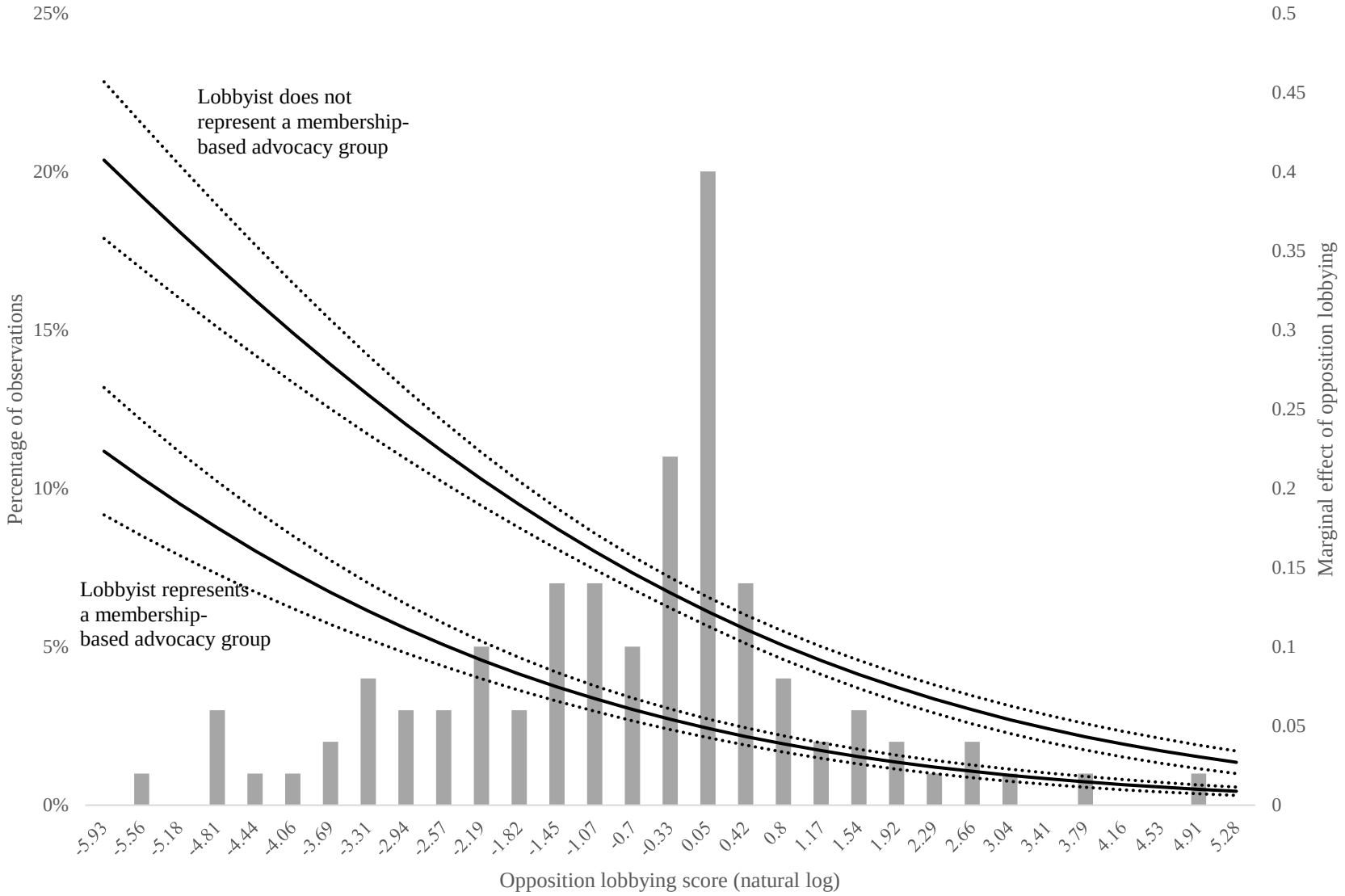
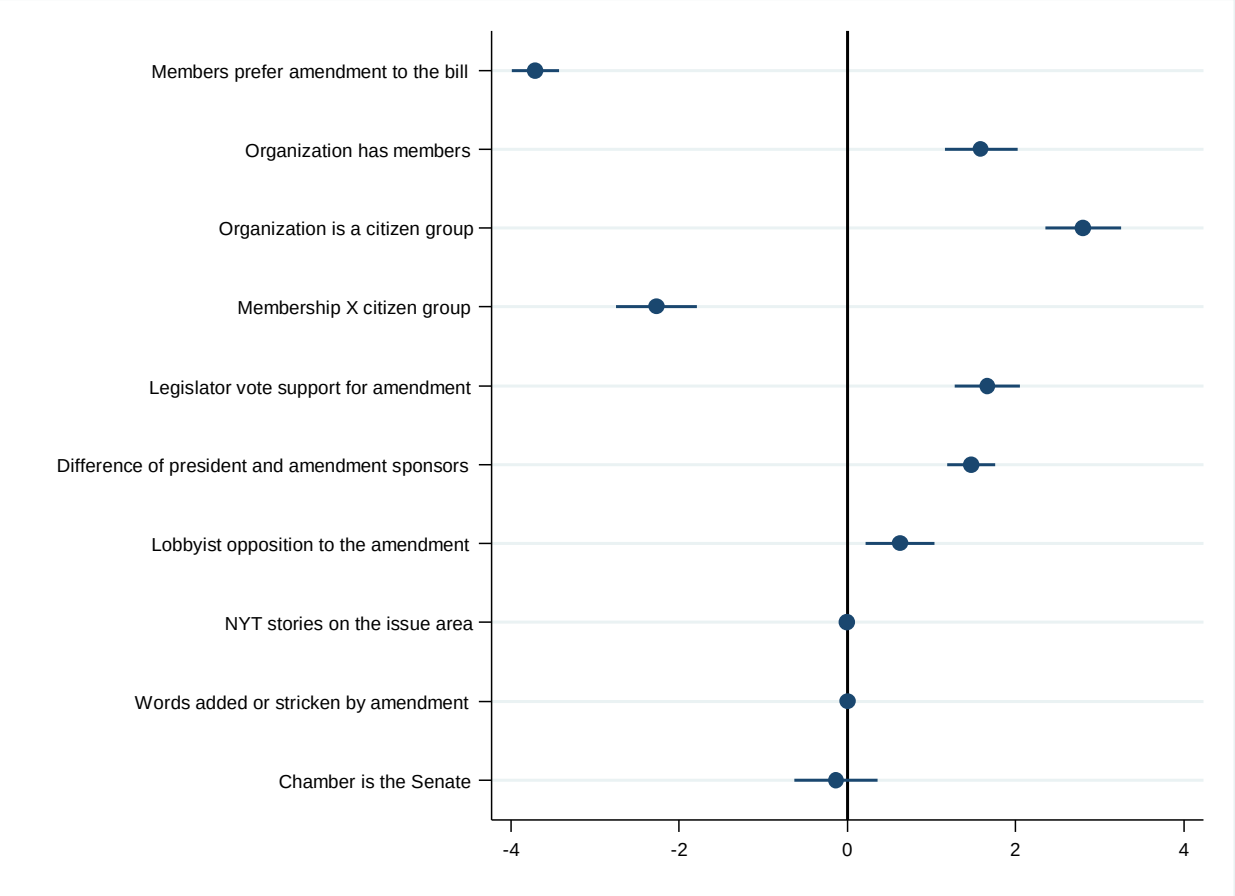


Figure 6: Support for amendments members or clients do not support



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[1] I am not aware of any poll about banning lobbying, but one 2020 poll found a majority of likely voters believing lobbyists held too much influence in government (https://prospect.org/politics/poll-supports-biden-banning-corporate-elites-from-administration/) and another in 2019 finding 60% wanting to limit lobbying (https://morningconsult.com/2019/10/09/by-a-27-point-margin-voters-back-warrens-plan-to-tax-excessive-lobbying/).

[2] Data for all models, estimation logs, and codebook are at https://thomasholyoke.files.wordpress/2021/11/data-and-supporting-information.zip.

[3] House amendments only list the sponsor, not co-sponsors, so in these cases I simply used the sponsor's DW-NOMINATE ideological score to represent the amendment.

[4] Of these organizations, 2,645 were businesses, 522 were government agencies, 2,254 were memberless advocacy nonprofits, 2,854 were organizations with organizations and businesses as members, and 1,781 had individuals as members.

[5] The details, including the word lists, is at https://thomasholyoke.files.wordpress.com/2021/11/appendix_jls.pdf. Simply put, left-leaning groups use words advocating for rights (civil rights and liberties, including for historically excluded groups) and generally advocating "for" policies and access to public programs. Right-leaning groups tend to be "against" such actions as taxation and program expansion, and often emphasize religious, business, and patriotic themes. Less political groups tend to emphasize membership profession, mostly trade and business associations. The initial coding was done using

software for word searches, then the results were scanned by research assistants and I to find obvious errors which were correct. Finally, we randomly sampled 500 group cases and re-coded them by searching for information online and compared them to what was done with software. Scores agreed in 93% of cases.

[6] Again, information on this coding is at https://thomasholyoke.files.wordpress.com/2021/11/appendix_jls.pdf.

[7] I use STATA's "melogit" command for all models. I do not estimate a model where lobbyists oppose a bill members want because this only occurs in 2 percent of cases.

[8] All other independent variables are set at mean or modal values.

[9] For unanimous consent votes, I assumed that 100 percent of legislators in that chamber voted for the amendment.

[10] Cases correctly predicted is 67% and reduction of error is 32%.