1 Studying Lobbyists and Lobbying

Anne Dooley[1] is an accomplished land use attorney and lobbyist based in one of America's largest cities. Anne is the president of Land Use Policy Advocates, a firm that specializes in getting local government approval for controversial land use projects. Among her recent clients is a firm seeking to build a massive development of single-family homes, office buildings, and commercial space on a largely undeveloped tract of more than 5,000 acres; another firm is seeking government approval to build several low-income housing units in a high-income neighborhood. Anne's work often includes grassroots lobbying efforts designed to demobilize public opposition to potentially controversial development projects. She also has regular face-to-face meetings with city legislators.

Erica Nowitzki is deputy legislative director for a well-regarded Washington, DC-based senior citizens' advocacy group that focuses on Social Security and Medicare. Though the group is no AARP (the 35,000,000-member organization formerly known as the American Association of Retired Persons), it is impressive in its own right. It boasts hundreds of thousands of members and has a multimillion-dollar budget. Erica works almost exclusively on Capitol Hill (i.e., Congress). She came to the profession from a staff position on "the Hill" and spends a lot of time doing the things that the archetypal lobbyist does – testifying at congressional committee hearings and meeting with legislators and their aides.

Across the country in a sprawling sunbelt city, John Hodges works for a high-profile "full service" public affairs firm. The firm offers a variety of services to clients, including what it calls "advocacy," which it defines broadly as "representing clients before local, state, and federal governmental bodies." The firm also provides its clients with "government procurement services." What this means is that John and his firm help clients identify and secure government contracts. John's clients are not interested in public

policy decisions per se. Rather, they are interested in procurement decisions – government purchasing decisions worth hundreds of thousands of dollars to his clients that "sell to government." John helps them understand and navigate complex and arcane procurement rules, and he also meets personally with legislators and executive agency personnel.

Finally, in the capital city of a large western state, Kenneth Brady heads up the government relations division of a massive "peak" trade association (i.e., a trade association that represents business firms in various industries). On behalf of the group's more than 10,000 member firms, Kenneth works on a wide assortment of issues that concern businesses in his state. Because he is based in the state capital, he is in the thick of a great deal of political action. Very few high-profile state issues escape his attention. Kenneth uses practically every lobbying technique in the book. For example, he meets personally with legislators and their aides and with executive agency personnel, uses several grassroots lobbying techniques, and makes monetary contributions to candidates for office.

LOBBYING: A COMPLEX PHENOMENON

These four brief case studies, which are based on interviews I conducted for this book, demonstrate that lobbying is not a simple and straightforward phenomenon. The case studies illustrate, for example, the following:

1. *Lobbying occurs at all three levels of government – state, local, and national.* Anne lobbies local officials exclusively. In contrast, Erica lobbies only national government officials. Kenneth lobbies state government officials primarily. John lobbies both state and local officials.
2. *Lobbying occurs in all three branches of government.* Anne lobbies city council members (i.e., legislators) primarily, but executive agency officials as well. Similarly, John lobbies both legislators and bureaucrats.[2] In contrast, Erica focuses her lobbying efforts almost exclusively on the legislature. Finally, when Kenneth lobbies officials of state government, he does so across all three branches of government.
3. *Lobbying takes a variety of forms.* Lobbyists use a large array of techniques. Anne meets personally with local legislators on a regular basis, testifies at city council hearings, and engages in grassroots lobbying. Erica meets personally with legislators and their aides, testifies before legislative committees, helps draft legislation, and makes monetary contributions to candidates. John testifies at executive (bureaucratic) agency hearings, submits written reports to agency

officials, helps draft rules and regulations, and meets personally with executive agency personnel. Finally, Kenneth meets personally with legislators and executive agency personnel, socializes with legislators, contributes money to legislators' campaigns, testifies before legislative committees, and engages in grassroots mobilization.

4. *Lobbying is practiced by a wide variety of organizations*. Anne works mostly on behalf of business firms (e.g., development companies), but also occasionally represents nonprofit groups such as charities and governmental entities (e.g., states, cities, counties). Erica works for a mass membership citizen group (i.e., a group that is open to any citizen), John works exclusively for business firms, and Kenneth works for a trade association (an organized group of business firms).
5. *Lobbying is practiced in virtually every issue area imaginable*. Erica focuses on Social Security and Medicare, while Kenneth works on a broad assortment of issues, including business taxation, health care, tort reform (i.e., lawsuit reform), and workers' compensation. For their part, Anne and John do not really work on "issues" at all. Rather, Anne seeks permission from local governments for her clients to develop land, while John tries to convince government officials to buy what his clients' companies are selling.
6. *Lobbying sometimes produces results and sometimes does not*. Anne recently received permission from a local government for one of her clients to develop a huge tract of land outside a major city. In contrast, Erica was recently disappointed when Congress refused to increase the cost-of-living allowance (COLA) for Social Security recipients. John has had better luck recently, having just won for one of his clients a government contract to provide architectural services for the construction of a new library in a major city. Finally, Kenneth lost a battle recently when the state assembly voted to increase the state's minimum wage.

My point here is this: *Lobbying is a complex and heterogeneous phenomenon*. Understanding lobbying requires understanding the varying behavior of a plethora of individual lobbyists; working at different levels of government, for several different types of organizations, on a seemingly endless variety of issues; using a wide array of techniques; and achieving various levels of success. This is not easy.

The Need for This Book

My purpose in writing this book is to demystify lobbying and lobbyists. The topic cries out for such treatment because as I point out here (and

will continue to do throughout the chapters that follow), it is a complex phenomenon that is not easy to comprehend in its entirety. To be sure, scholars and journalists alike have written literally volumes about this topic, but the extant literature is not always accessible to a broad audience. Much of it, unfortunately, is aimed either at insiders directly involved in lobbying or at scholars who already know a great deal about lobbying. This book is different. Here, I try hard to make the world of lobbying comprehensible to a wide audience of undergraduates and nonexperts. To this end, I eschew jargon whenever possible and focus on the basic *facts* of lobbying, rather than on any theory or framework designed to explain it. Ultimately, my goal is to provide a balanced look at the full range of lobbying and lobbyists in America in the hope that you will be interested in learning more about the subject. In sum, I wrote this book to provide a solid foundation of knowledge on which the student of lobbying can build.

My Approach

Because lobbying is such a complex phenomenon, I believe the best way to proceed is to divide it into easily digestible chunks.[3] Thus, in this book, instead of trying to describe every possible manifestation of lobbying, I assume that there are three basic kinds: (1) *public policy lobbying*, (2) *land use lobbying*, and (3) *procurement lobbying*. *Public policy lobbying* is *the lobbying that accompanies government decisions (e.g., laws, rules, regulations, court decisions) made in response to societal demands for action on important issues of the day*. For example, the lobbying that surrounds government decisions about such high-profile public policy issues as abortion, gay rights, gun control, immigration, taxes, trade, and war is public policy lobbying. *Land use lobbying* is *the lobbying that accompanies government decisions rendered in response to specific requests for permission to utilize land in a certain way*. For example, the lobbying that surrounds a city's decision whether or not to allow Wal-Mart to build and open a new superstore on a prize piece of land within the city's boundaries is land use lobbying. *Procurement lobbying* is *the lobbying that accompanies government decisions concerning which specific goods and/or services the government will purchase*. For example, the lobbying that is aimed at convincing a government entity (Congress, for example) to purchase something (say, a new aircraft carrier) is procurement lobbying. Lobbying that is designed to convince a government entity (for example, an executive agency) to purchase one brand of product or service (say, a copy machine or janitorial services) over another brand is also procurement lobbying.

I believe that once you understand these three basic kinds of lobbying, you will be in a good position to understand lobbying in its totality. Of course, I am not saying that after you read this book you will know everything there is to know about lobbying. But it is hoped that this book will provide you with good, simple, and straightforward information about who lobbyists are, what interests they represent, what they want, what they do, and the extent to which they affect government decisions.

SOME IMPORTANT TERMS

For the chapters that follow, you will need to know precisely what we are talking about when we use the terms *lobbying* and *lobbyist*. In this section, I define these two terms, as well as one other – *organized interest*. These three terms are absolutely critical for a full understanding of lobbying.

Lobbying

You would think that such a well-known and well-traveled term would be well defined. This, however, is not the case. In their panoramic overview of the literature on interest groups and lobbying in the United States, political scientists Frank R. Baumgartner and Beth L. Leech note that "[t]he word *lobbying* has seldom been used the same way twice by those studying the topic."[4] Other scholars of lobbying have reached the same conclusion.[5] After considering many definitions of lobbying that have been offered over the years, Baumgartner and Leech ultimately settle on this basic definition: Lobbying, they say, is "an effort to influence the policy process."[6] This is a good definition. It is not, however, ideal. Unfortunately, including "policy process" in the definition of lobbying introduces a bit of confusion. As policy scholar Paul Sabatier notes, the policy process "involves an extremely complex set of interacting elements over time."[7] Neither I nor anyone else can fully enumerate all these elements. Thankfully, if we modify Baumgartner and Leech's definition only slightly, we do not have to grapple with the thorny question of precisely how to define the policy process. Here then is my slightly modified version of Baumgartner and Leech's definition: *Lobbying* is *an effort designed to affect what the government does*. As you can see, the key difference between this definition and theirs is that I have substituted the phrase "what the government does" for the phrase "the policy process." This definition of lobbying is exceedingly broad – by design. As you will see in the next chapter, scholars have discovered that lobbying can take a wide variety of forms.

At this point it is important to note that lobbying is a *process* rather than a single *activity*.[8] Another way to put this is as follows: When attempting to affect what the government does, a lobbyist seldom does only one specific thing at one specific time. Rather, he or she typically does multiple things over a period of time. A hypothetical example can help illustrate what I mean. Let us assume for a moment that there is a vacancy on the United States Supreme Court. A women's rights group wishes to affect what the federal government does about this vacancy. That is, the group wishes to influence the choice. What the federal government decides in this case will be embodied in a final authoritative decision made by the Senate when it votes either to accept or to reject the president's nominee for the post. However, the Senate's vote is not the only relevant decision here. Many government decisions will precede this one, including the president's regarding whom to consider and then nominate, and those of various senators and presidential aides about whom to recommend to the president. Because what the government ultimately decides in this case is a function of several decisions made by several political actors, rather than one decision made by one political actor, the lobbying effort of the women's rights group targets many different individuals (including the president, presidential aides, senators, and legislative staffers) across two different branches of government (the legislative and the executive), and encompasses a variety of lobbying techniques.

In short, lobbying is not one discrete activity, such as testifying before a congressional committee or meeting with a legislator. Rather, it is a *process* that comprises several discrete activities. Thus, when I define lobbying as "an effort designed to affect what the government does," I am necessarily defining the term "effort" broadly to encompass several distinct but related lobbying activities.

Organized Interest

Lobbying is by far the most important term I use in this book. However, the term *organized interest* is also important here primarily because by definition, lobbyists represent organized interests when they lobby. Here, I define an *organized interest* as *an organization that engages in political activity – that is, activity designed to affect what the government does*.[9]

Most treatments of lobbying and lobbyists eschew this term in favor of the more common *interest group*. I believe this is a mistake. An interest group is generally defined as a voluntary association of "joiners who share a common characteristic" and "have a public policy focus."[10] Organizations that fit this definition include mass membership groups, such as the National Education Association (NEA), National Rifle Association (NRA),

and AARP. Clearly, groups like these are important players in American politics. Nonetheless, they comprise only a fraction of the U.S. organizations that lobby. Approximately 25 years ago, political scientists Kay Lehman Schlozman and John T. Tierney surveyed lobbyists working in Washington, DC, and found that many of them represented not interest groups like the NEA, NRA, or AARP but nonmembership organizations such as business firms.[11] They concluded that "interest group" simply does not accurately represent the universe of organizations that hire lobbyists in the United States. Subsequent empirical studies confirmed that interest groups comprise only a small fraction of politically active organizations in the United States.[12] To reflect the fact that many (if not most) lobbyists work not for interest groups but for other types of politically active organizations, Schlozman and Tierney coined the term *organized interest* to denote organizations that lobby government. This term is broad enough to encompass the entire range of organizations that lobby in the United States, including traditional membership-based organizations like the NEA, NRA, and AARP and such nonmembership organizations as business firms, think tanks, and universities and colleges. (In Chapter 2 I describe the broad range of organizations that comprise the universe of organized interests.)

Lobbyist

This term is also important here. It is tempting to define a lobbyist simply as "someone who lobbies." However, because I define lobbying so broadly, this definition would encompass any citizen who votes, belongs to a membership-based organized interest, or writes a letter to his or her member of Congress. Since not all of us are lobbyists, this simple definition will not do. We generally reserve the term *lobbyist* for an individual who lobbies on behalf of an organized interest.[13] Thus, here I adopt the following definition of lobbyist: *a person who lobbies on behalf of an organized interest (or numerous organized interests)*. This definition is broad enough to encompass the entire range of lobbyists, but narrow enough to exclude ordinary citizens who make appeals to government officials on their own behalf.

Summary

In the chapters that follow I use three terms repeatedly: *lobbying, organized interest*, and *lobbyist*. *Lobbying* is defined as *an effort designed to affect what the government does*. An organized interest is defined as *an organization that engages in political activity*. A *lobbyist* is defined as *a person who lobbies on behalf of an organized interest (or numerous organized interests)*. From time to time as you read the chapters, it may be necessary to revisit these definitions.

DATA AND METHODS

As you will see from the scores of footnotes in the chapters that follow, some of the information I present comes from previous studies of lobbying and lobbyists. Over the past 50 years, political scientists have undertaken extensive studies of lobbying and lobbyists in the United States, and this book attempts to summarize what they have learned. A great deal of the information, however, comes from original interviews I conducted with lobbyists. I began this project with the firm conviction that the best way to gain a clear understanding of lobbying was to go directly to the source – to speak with lobbyists themselves.

The Interviews

Chapters 3–6 describe and analyze the three types of lobbying I have identified – public policy lobbying, land use lobbying, and procurement lobbying. These chapters are informed by previous studies of lobbying and lobbyists, but also draw upon data I gathered from interviews with 34 lobbyists across the United States. You can find details about these interviews in Appendix B.

Table 1 contains basic information about the lobbyists I interviewed for this book. For each lobbyist, there is an identification number (that I will use in subsequent chapters to identify who says what), an indicator of the primary level of government at which the lobbyist works, the type of organization that employs the lobbyist, and the lobbying classification (or classifications) in which the lobbyist fits. Realistically, I cannot provide more information about my respondents because I promised them complete anonymity and confidentiality. Table 1 shows that 16 sample lobbyists lobby the national government primarily, while 9 lobbyists concentrate on state government and 9 concentrate on local government. As for the employers of the sample lobbyists, 20 lobbyists are employed by consulting, law, lobbying, or public relations firms, 2 by trade associations, 2 by business firms, 2 by professional associations, 1 by a private university, 1 by a labor union, 1 by an educational accrediting commission, 1 by a coalition of trade and professional associations, 1 by a coalition of government entities, 1 by a citizen group, and 1 by a "think tank." (I discuss the universe of organized interests in Chapter 2). One of my respondents is an independent contract lobbyist. Finally, 20 are public policy lobbyists, 15 procurement lobbyists, and 8 land use lobbyists. While my sample is clearly not representative of all lobbyists in the United States, I believe it is acceptable for my purposes.

TABLE 1. Sample lobbyists

ID	Primary level of government lobbyist lobbies (and location)[a]	Employer[b]	Classification[c]
1.	State	"voluntary association" of cities and towns	public policy
2.	City (San Diego)	"advocacy and government affairs consulting firm"	land use
3.	National	"accrediting commission" for vocational schools	public policy
4.	National	"large law firm"	public policy
5.	National	"architecture, engineering, and consulting firm"	procurement
6.	State (Tennessee)	law firm	public policy
7.	State	"holding company" that controls a freight railroad	public policy
8.	State	"state architectural" professional association	procurement, public policy
9.	State	peak trade association	public policy
10.	National	"public relations firm"	procurement, public policy
11.	National	"research and education institute"	public policy
12.	National	full-service consulting firm	procurement
13.	City (Chicago)	"multi-service law firm"	procurement
14.	City (Orlando, FL)	"law firm"	land use
15.	State (California)	"public affairs advocacy firm"	procurement, land use
16.	National	"lobbying, public relations, and business consulting firm"	procurement
17.	National	citizen group that lobbies "to protect senior citizens' benefits"	public policy
18.	State (Connecticut)	law firm	public policy
19.	National	"independent coalition of trade and professional associations"	public policy
20.	City	labor union consisting of "sworn law enforcement officers"	public policy

(*continued*)

TABLE 1 (*continued*)

ID	Primary level of government lobbyist lobbies (and location)[a]	Employer[b]	Classification[c]
21.	State (Texas)	"national law firm"	procurement, public policy
22.	City (Orlando, FL)	"law firm"	land use
23.	National	professional association of physicians (specialists)	public policy
24.	National	trade association of building materials manufacturers	procurement
25.	National	"government relations and marketing firm"	procurement
26.	National	freelance contract lobbyist	procurement, public policy
27.	State (California)	"government relations firm"	public policy
28.	City (Los Angeles)	"consulting firm"	land use, public policy
29.	City	private university	land use, public policy
30.	City (San Francisco)	"public relations and public affairs firm"	land use
31.	City (Los Angeles)	"public affairs consulting firm"	land use, procurement
32.	National	"consulting firm"	public policy, procurement
33.	National	"consulting firm"	procurement
34.	National	"lobbying firm"	procurement

[a] Specific city or state is denoted in parentheses, but only for lobbyists who specifically gave me permission to mention their state or city.

[b] Quotation marks are used to denote a direct quote from respondent or from respondent's Internet Web page.

[c] For lobbyists with more than one specialty, primary specialty is listed first.

Summary

To gather information for this book, I read much of the extant research on lobbying and lobbyists and also interviewed 34 lobbyists in depth. I asked each lobbyist a standard set of background questions, as well as questions