

4-15-2014

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Recommended Citation

Malhi, Jaywin Singh, "Congress and Interest Groups: A Study on Influence in Public Policy Formation" (2014). *Collection of Engaged Learning*. 45.

http://scholar.smu.edu/upjournal_research/45

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CONGRESS AND INTEREST GROUPS:
A STUDY ON INFLUENCE IN PUBLIC POLICY FORMATION

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Politics is a game of numbers. 270, 50.1, and 218—these are all figures which weigh heavily on the minds of elected officials as they make decisions in Washington, D.C.¹ The process through which these officials make these decisions is subject to particular attention, especially the various forces which weigh on this decision-making. One of these very forces is induced by interest groups, typically represented by lobbyists. Over the past several years, the role of special interests and lobbyists in the United States government has come under increased scrutiny. Specifically on Capitol Hill, these lobbyists routinely pack committee hearings, markups, and galleries of the U.S. House of Representatives and U.S. Senate. More than simply observe the proceedings, these organized interests utilize their extensive resources—from money to information to personnel—to persuade politicians to act favorably to the groups from a policy perspective; those who do so are rewarded. From national pharmaceuticals to California wine growers, almost every company and trade association has lobbyists on Capitol Hill, with cumulative expenditures on lobbying totaling \$2.8 billion in 2007—almost double the amount less than a decade previously. With so many lobbyists promoting their legislative priorities in the halls of the United States Capitol, it seems apparent that interest groups wield influence over elected officials; however, what is debatable is the question of how much this influence affects the American legislative process (Davidson, Oleszek, and Lee 2010, 390).

When the founding fathers of the United States framed the government, they struggled with this very issue of interest groups playing a disproportionate role in the policy-making of this country. James Madison most directly addresses this problem in Federalist #10. In it, Madison explores the concern regarding factions—defined by him as groups of citizens united around a common impulse or interest, much akin to present-day interest groups. Madison asserts that there

¹ The number of Electoral College votes needed by a candidate to become President is 270, the percentage of the vote a candidate needs to win elected office in most districts with two candidates is 50.1, and the number of votes needed in the U.S. House of Representatives to achieve a majority is 218.

are only a couple of ways in which factions can be controlled: preventing their formation or limiting their effects. To prevent the formation of interest groups, Madison reasons that the government would either have to remove political freedoms and restrict liberty in society or ensure all citizens have the same passions and interests. However, Madison notes that this is undesirable and impossible in diverse societies; thus, Madison expresses that the cure is seemingly worse than the perceived disease. As such, the only feasible option a government has is to control the effects of interest groups by allowing them to proliferate freely. According to Madison, this is the best solution, for these spontaneously-developed factions will tend to check and balance the network of interests which weigh on legislative decision-making. In a society of cross-cutting cleavages such as the United States, this will yield a system in which interest groups cannot over-assert power on the government (Madison 1787).

Although the impact of interest groups can be perceived negatively, interest groups are beneficial in purpose: like political parties and the news media, interest groups are fundamentally established to fulfill the role of a linkage institution between the government and the governed. The central mission of interest groups is to aggregate common concerns and articulate those concerns to the different branches of government—the President, Congress, and the Courts. Thus, on an ideological level, interest groups are intended to advance certain political objectives of individuals united around a common passion or common interest. Furthermore, the presence of interest groups has several positive effects on society. Interest groups help build political skills, efficacy, and social capital among their members; in doing so, interest groups link the masses with the governing elite, usually through two distinct strategies. Inside strategy refers to interest groups communicating citizen desires to political elites by lobbying within Washington, D.C. This method persuades politicians without public pressure and is usually utilized for issues

that are highly technical, unpopular, or uninteresting to the public. Another means of doing so is through outside strategy, which involves the public outside of Washington, D.C. Generally used for understandable and popular issues, this method augments public pressure on the governing elite in order to achieve certain policy objectives. Perhaps most effective in doing so are grassroots campaigns, which are essentially lobbying efforts driven by the public's contact with elected officials through letters, phone calls, and such. Additionally, interest groups frequently organize demonstrations to influence public officials. Through marches, protests, pickets, and rallies planned by interest groups, the masses are able to articulate their concerns to the governing elite. For example, the Human Rights Commission recently held a march in New York City to protest hate crimes in public schools. As a result of this and other means of lobbying, the interest group was able to make New York City school districts implement discrimination prevention regulations. Hence, on a theoretical level, interest groups are effective in linking the masses with the governing elite and ensuring that this connection yields positive policy results (Wilson 2011).

However, the extent to which interest groups function fairly is questionable. Because interest groups are typically experts in their fields, they are able to provide the public the information it needs to form opinions and Congress the information it needs to make decisions. Yet, this information is often considered to be biased and intended to convince the public and Congress to assume a position supported by the interest group. Moreover, E.E. Schattschneider contends that the network of interest groups is not as desirable as the pluralist theory purported by James Madison might initially suggest. Schattschneider argues that interest groups are unrepresentative of their members because there is an overwhelming bias towards businesses and the wealthy. Schattschneider points to leaders of these interest groups not being reflective of the

average member as evidence for the existence of an elite class within these groups that is disjointed from the general membership. For example, an overwhelming percentage of the African-American population supports school vouchers from the government but the NAACP has consistently lobbied against these school vouchers (Owens 2002). Schattschneider argues that this is because the elitism within the group skews the advocacy of the overall group, since NAACP leaders do not need vouchers to be able to send their own children to school. Thus, Schattschneider contends that the ‘heavenly chorus’ of interest groups which is said to sing the hymns of democracy does do so, but does so with a decidedly upper class accent. As a result, Schattschneider advances the notion that interest groups do not fulfill their linkage role justly, if at all (Schattschneider 1960).

A couple of summers ago, I had the opportunity to assess the validity of these theoretical principles of interest groups on a first-hand basis. As an intern first in the U.S. Senate and then in the U.S. House of Representatives, I spent over three months working in the epicenter of American politics—the United States Capitol. In doing so, I was able to learn about the process of policy-making, especially the role special interests play in it, on a first-hand basis.

Overall, lobbying occurs in a diverse array of methods, some which are more effective than others. Initially, it would seem that grassroots lobbying would yield the best results for interest groups since it directly links elected officials with the concerns of the constituents they represent. According to Davidson, Oleszek, and Lee, this outside strategy is “the most effective pressure technique” (2010, 400). However, my experience showed me otherwise. Usually, grassroots lobbying takes the form of direct mailings which are sent in masses to congressional offices. These mailings are on behalf of constituents and usually contain both policy concerns and recommendations for how the concerns should be addressed by the representative. Yet, such

lobbying usually has little impact. Because these mailings are typically merely form letters which claim to be on the behalf of a constituent in the representative's district, they are all lumped together and filed into the office's mail receptacles and logging software. In response to a form letter, the sender typically receives a similar form letter—often written by a legislative correspondent or intern—which simply restates the issue and expresses that the elected official is looking into the matter. Although the numbers of such contacts—either by phone, email, or physical letter—from constituents are noted and passed along the hierarchies of the office, they rarely are given high priority over issues already on the representative's agenda. Moreover, with advances in electronic communication, it has become more difficult to distinguish between genuine grassroots campaigns and fake campaigns—often called 'astroturf campaigns.' Far too often, special interests have developed cunning ways to flood congressional offices with bogus mail—for example, letters from children or deceased people—to falsely advance a policy objective. In turn, such occurrences dilute the impact of grassroots campaigning and render it even less effective in influencing congressional offices.

Though outside strategy seems to be relatively unproductive, inside strategy has a more significant impact. This is usually done by lobbyists directly interacting and forging friendships with members of Congress. Since these elected officials are typically in Washington, D.C. for three to four nights a week without their families, this leaves ample time for lobbyists to personally connect with Congressional members. From the golf course to dinner parties to campaign fundraisers, lobbyists spending time with elected officials, even when client business is not discussed, builds trust in the relationship which can be leveraged later. Only when legislators know that lobbyists are knowledgeable and credible do they accept advice from them. As such, this form of lobbying can be uniquely effective because the personal relationship built

allows the lobbyist access to the representative on critical causes from time to time. Personally, I have seen a handful of lobbyists individually spend hours socializing with my Congressman, either in his office or at local eateries. One lobbyist in particular, after spending an evening with my Congressman, was successful in having him co-sign a bill later in the week. In addition to this social aspect, other forms of direct lobbying—organizing retreats for Capitol Hill staffers or drafting legislation and speeches for members of Congress—are equally effective in building personal bonds between congressional offices and lobbyists, which serve well for their represented interest groups.

Given this, there exists a prevalent belief across the country that interest groups successfully persuade legislators to pursue certain policies by yielding resources such as money and votes. For example, the Center for Responsive Politics analyzed lobbied votes and concluded that “corporations that poured money into Congress typically got the votes they wanted” (Wayne 1997). Although direct, social lobbying is undeniably productive, there are some qualifications to this notion. Overwhelmingly, lobbyists tend to socialize with, and donate to, members of Congress who are already friendly to the objectives of the interest groups which they represent. Whereas the perception of lobbying focuses on a simple cause-and-effect assumption between money and voting behavior, academic research has recently identified that only a small minority of lobbying actually results in representatives changing their policy decisions (Davidson, Oleszek, and Lee 2010, 406). On the whole, these members of Congress would have voted a certain way even without the campaign donations lobbyists may have provided them. My experience on Capitol Hill reflected this very conclusion. While working in two Republican offices, my Senator and Congressman were routinely visited by lobbyists representing interest groups such as the National Rifle Association and the American Family Association. On the

other hand, lobbyists for pro-gun control or pro-choice groups rarely, if ever, socialized with my elected officials. Thus, interest groups have a far less nefarious impact than is often assumed because, although money does grant lobbyists access to legislators, this money—and any other inside strategy efforts—are typically only expended on those members of Congress who already are friendly to, and already would have made policy decisions in favor of, the interest groups represented by these lobbyists.

In analyzing the influence interest groups exert in policy-making, it can prove useful to view the process through the lens of a case study. The Sikh American Legal Defense and Education Fund, or SALDEF, is a civil rights advocacy organization headquartered in Washington, D.C. which promotes the policy interests of Sikhs living in the United States. Having volunteered with this group before working inside a congressional office, I can better comprehend the progress—or, lack of progress—of the organization's lobbying efforts. SALDEF's main deficiency is the lack of large numbers of constituents who support the policy objectives of the organization. Given that there are only about 500,000 Sikhs in the United States—roughly 0.16% of this country's population—it is difficult for SALDEF to garner political support among members of Congress (Sikh American Legal Defense and Education Fund 2013). In an idealistic democracy, one James Madison likely imagined, all factions would have their concerns heard and acted upon by elected officials. Yet, the realities of our political system are that some concerns are inherently given less priority, usually because the numbers do not substantiate the attention. While working inside the office, I realized that the policy issues put forth by Sikh American advocacy groups like SALDEF rarely climb the hierarchy of the office structure because the supporters of these issues number so few in our district. On the other hand, in congressional districts in California and New York where Sikhs number far greater, the

issues of the Sikh community are given more attention. Although it is difficult to prove a causal explanation to this linear relationship, my experiences within the congressional offices showed me that, while this might be unintentional and surely not malicious, members of Congress respond more quickly and favorably to interests which have a foothold on their district; to a great extent, votes do influence the policy decisions of legislators. As such, SALDEF has increasingly utilized coalition lobbying to push its agenda. By allying with other civil rights organizations such as the American Civil Liberties Union, SALDEF has been able to pool more resources, contacts, and money to its lobbying efforts and has seen significantly more progress in achieving its policy objectives.

Moreover, the level of influence interest groups exert over legislators does wane and wax with time. Aside from newly-formed coalitions, perhaps the biggest boost in support of SALDEF's lobbying efforts has come as a result of a national tragedy. In August of 2012, six Sikh Americans were murdered by a white supremacist in their Sikh temple in Oak Creek, Wisconsin (Cable News Network 2012). In response to the national attention given to this tragedy, legislators became increasingly responsive to Sikh policy asks. While working in the congressional office at the time, I witnessed a noticeable spike in the number of members of Congress submitting statements to the media stating their solidarity with the Sikh community, meeting with SALDEF representatives, co-signing letters urging the Federal Bureau of Investigation to collect statistics on anti-Sikh hate crimes, and drafting legislation to enhance hate crime tracking. Over the past several months, this increase in the number of constituents supporting SALDEF's cause—both due to SALDEF's widened coalition and the mass support generated after of the Oak Creek tragedy—has successfully led to the creation of the first Sikh American Congressional Caucus (Rajghatta 2013).

Finally, the level of effectiveness of interest groups differs between the Senate and the House of Representatives. Much of this variance comes as a result of the logistical differences between both chambers of Congress. On the one hand, each of the 100 Senators employs about 40 staffers in his/her Washington, D.C. office and dozens more at several offices across the state; on the other hand, each of the 435 Representatives employs less than 15 staffers in his/her Washington, D.C. office and less than a handful in the district office. Given the size difference between both groups' constituency, this makes sense. Yet, the impact on lobbying is less obvious. Primarily, due to more staffers and constituents per Senator, Senate offices are required to pay attention to a broader range of issues than House offices must address. This allows more special interests to input recommendations to these offices, but does not always ensure that these recommendations are given priority. Usually, among the hundreds of policy issues constituents may demand their Senator address, he or she is limited—both physically and mentally—to spearhead progress in far fewer of these policy areas. Thus, although each Senate office entertains demands from more interest groups by virtue of the office having more staffers, a smaller percentage of these concerns are actually, legislatively addressed by the Senator, in comparison to House offices.

Conversely, it is more productive for lobbyists, especially those representing interests with less membership and resources, to pursue lobbying of members of the House. These elected officials are easier to access and thereby easier to influence. Due to this increased availability of Representatives, more lobbyists are able to forge personal friendships with Representatives than Senators; this strategy of inside lobbying, as discussed previously, is most effective. Moreover, information is golden on Capitol Hill, even more so in House offices. Given the comparatively high workloads of House staffers versus Senate staffers, an interest group that makes a strong

case to a member of the House and supplements this with completed work for the member's staff—background research and data, talking points, drafts of potential legislation, etc.—is much more likely to have its policy aims successfully supported by the House office. Hence, interest groups—especially those which are smaller—typically are able to be more effective in influencing the policy actions of a Representative, as opposed to a Senator.

All in all, a theoretical analysis and personal examination of the impact of special interests in public policy formation demonstrates that interest groups whose lobbyists forge personal bonds with elected officials do wield influence over the policy actions of these members of Congress; however, this influence is less nefarious than is generally assumed, as it is generally to solidify the representative's already-existent favorability towards the group's objectives rather than completely alter the representative's policy actions through political incentives. Although congressional offices naturally do note the strength of an interest group's resources—both in terms of members and potential monetary donations—these numbers do not solely dictate the amount of influence the group may have on an elected official, as inside lobbying allows even smaller interests from gaining access to, and support from, elected officials. Perhaps even more important in the process of members of Congress making policy decisions is the political zeitgeist of the masses, which waxes and wanes with time. Overall, the founding fathers of the United States can rest assured that lone interest groups today do not yield an overwhelmingly disproportionate impact on the process of public policy decision-making in this nation's legislative body.

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