Enough to using Texas as a workshop for fattening the wallets of special interest friends and supporters. And enough of politicians listening only to each other, rather than real Texans.

Wendy Davis
Interest Group Tools

• Interest groups have an array of tools at their disposal for seeking political influence.

• The specific tools that an interest group might utilize depend on its resources, the policies it advocates and the context in which a group is acting.

• The following tools illustrate the great variety in strategic choice that interest groups may enjoy when attempting to influence public policy.
Interest Group Tools: Lobbying

• ...the communication of information by a representative of an interest group to a government official for the purpose of influencing a policy decision

• In Texas, the powerful Energy and Natural Resources industry spends almost 20% of all lobby money.

• It is illegal in Texas as elsewhere to trade a vote on public policy for money or other benefit, in a direct *quid pro quo* (something for something) exchange.

• Well-positioned groups with extensive resources are better able to hire experienced and expensive lobbyists to pursue their agendas with government.
**Interest Group Tools: Lobbying**

- Organizations may employ a **contract lobbyist**: a political hired gun who likely works for more than one client at a time.

- The definition of who is a lobbyist usually revolves around **compensation**, someone who receives a certain amount of compensation or reimbursement to lobby.

- A list of all individuals registered to lobby Texas state government and a list of political action committees operating in Texas can be found on the [State of Texas Ethics Commission](http://www.ethics.state.tx.us) web site.
Interest Group Tools: Lobbying

• Lobbying includes a variety of methods.
  • **social lobbying**: the attempt of lobbyists to influence public policy by cultivating personal, social relationships with policymakers
  • **providing information** on a piece of legislation or method of implementation
  • **lobbying the bureaucracy**: checking rules published in the Texas Register, attending public hearings, “capturing” regulatory agencies
  • **lobbying the judiciary**: Texas trial lawyers supported judicial candidates in the 1980s, insurance and medical interests in the 1990s.
Interest Group Tools: Lobbying

• mobilizing group members in the home districts of legislators to contact their representatives

• grassroots lobbying: relies on participation by group members, such as in a protest or a letter-writing campaign

• Effective because elected officials hate to act against a large group of citizens who care enough about an issue to express their position.

• Guidelines for Effective Lobbying
• The 10 Commandments of Lobbying
• A Guide to Constructive Confrontation
### Top Texas Interest Group Lobby Clients during Legislative Session

<table>
<thead>
<tr>
<th>Client</th>
<th>Min. Value of Contracts</th>
<th>Max. Value of Contracts</th>
<th>No. of Contracts</th>
<th>City</th>
<th>Interest Group</th>
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### Interest Group Tools: Lobbying

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<tr>
<th>Rank</th>
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Top Texas Lobbyists during Legislative Session
Lobbying: What does the research say?

- Lobbying is **widespread**.
- **Corporations and trade associations comprise the vast majority of lobbying expenditures** by interest groups compared with issue–ideology membership groups.
- While lobbying is presumed to be influential, the actual **rate of firms engaging in lobbying** is relatively low, approximately 10% of all firms.
- **Large corporations and groups are more likely to lobby independently** than smaller groups, which tend to lobby through trade associations.
Lobbying: What does the research say?

- Lobbying efforts often increase when the issues in question are considered more salient, there are high stakes for the organized interest based on certain policy outcomes and the policy issue is related to budgeting or taxation issues.

- There is mixed evidence on the question of whether lobbyists derive more value from what they know (expertise) or whom they know (personal connections).
  - Some lobbying firms specialize in certain policy areas suggesting that issue expertise could be valuable.
  - Other research suggests connections might be more important ... Revenues of former legislative staffers who became lobbyists declined 23% after the legislators for whom the lobbyists had worked were defeated or retired.
Interest Group Tools: Electoral Activity

• Interest groups attempt to influence public policy by participating in the electoral process.
• A variety of methods are included in electoral activity.
  • endorsing favored candidates
  • delivering a bloc vote on behalf of a candidate
• contributing money through political action committees (PACs): groups created to raise and distribute money in political campaigns
• Texas does *not* limit the amount of money individuals, businesses, or PACs can contribute in election campaigns.
Interest Group Tools: Electoral Activity

• The 1991 Texas Ethics Law defined as a felony receiving campaign contributions with an agreement to act in the contributor's interest. Yet gray areas abound, and proving an explicit exchange is usually difficult.

• Interest groups consider several factors in determining which candidates to support.
  • Groups back candidates who are sympathetic to their policy preferences.
  • Interest groups typically contribute more generously to incumbents (current officeholders) than challengers because they know incumbents are more likely to win.
  • Contributions in Texas often follow elections.
Interest Group Tools: Electoral Activity

• Most interest groups are organized as 501(c)(3) organizations, which makes donations to the group tax deductible, but limits the group’s political activities.

• To get around these limits, groups may form a separate political action committee (PAC) or a 527 organization.

• PACs can raise money to contribute to campaigns or to spend on ads in support of specific candidates, but the amount of money spent on national campaigning is strictly limited.

• 527s are not subject to contribution limits or spending caps but cannot directly endorse or oppose a candidate.
Interest Group Tools: Electoral Activity

The amount of campaign contributions given by three of the major financial players in the battle over medical malpractice reform.
Interest Group Tools: Electoral Activity

• It’s hard to overstate the power of money in Texas politics.

• **Texas has no limits on campaign contributions.** Unrestrained spending, in a state with extremely low voter turnout, means very rich people can donate a lot of money to influence a few voters and swing a state election.

• Rich individuals and corporations can spend unlimited cash on lobbyists, and use the legislative session to fête state lawmakers (who earn a measly $7,200 a year) with food, drinks and gifts.

  • **When a Disclosure Report Doesn't Do Much Disclosing**

• Wealthy individuals and corporations can fund third–party groups that influence elections without ever disclosing their donors.
Interest Group Tools: Electoral Activity

Business Sector Total Donations to Parties and Candidates, 2015–2016

- Defense: $9,923,419 (34.3% Dem, 65.6% Rep)
- Labor: $13,261,002 (79% Dem, 21% Rep)
- Construction: $20,136,603 (27.3% Dem, 72.6% Rep)
- Transportation: $20,775,102 (24.4% Dem, 75.5% Rep)
- Agribusiness: $21,016,004 (24.0% Dem, 75.6% Rep)
- Energy and Natural Resources: $31,759,921 (16.2% Dem, 83.8% Rep)
- Communications and Electronics: $35,451,470 (58.7% Dem, 41.2% Rep)
- Health: $49,387,905 (40.9% Dem, 59.0% Rep)
- Ideology/Single-Issue: $56,495,412 (47.9% Dem, 52.0% Rep)
- Lawyers and Lobbyists: $59,640,846 (61.5% Dem, 38.4% Rep)
- Misc. Business: $76,255,042 (37.6% Dem, 62.2% Rep)
- Other: $115,423,081 (47% Dem, 52.8% Rep)
- Finance, Insurance, and Real Estate: $146,691,259 (33.4% Dem, 66.6% Rep)

Interest Group Tools: Electoral Activity

• The seven individuals and companies that spend the most and get the most in Texas politics
  • Tim Dunn, Midland Oilman: bankrolls the tea party group Empower Texans, supports deep state budget cuts and publicly funded vouchers to attend private schools
  • Bob Perry, Houston–based Perry Homes: wrote and lobbied for the law that created the Texas Residential Construction Commission that favored builders in arbitration disputes with consumers until its demise, supports Texans for Lawsuit Reform and conservative Republicans
  • AT&T, Dallas–based telecom giant: supports both parties but also gives millions to groups that don’t have to disclose their donors
Interest Group Tools: Electoral Activity

- **Williams Brothers Construction**, Houston-based firm: Texas’ biggest recipient of highway contracts, supports Republicans and anyone with influence awarding contracts.

- **State Farm**: part of Texas Coalition for Affordable Insurance Solutions, the Texas Department of Insurance has little power to reduce rates, more than one-tenth of Texas’ legislators are insurance agents.

- **Harold Simmons**, Dallas-based private radioactive waste disposal in Texas: gives millions to conservative PACs.

Interest Group Tools: Petitions and Letter-Writing Campaigns

• Interest groups also pressure public officials by organizing petition drives, letter-writing and email campaigns, and phone-in efforts.

• A demonstration that significant numbers of voters are on a particular side impresses elected officials and they are happy to support positions that seemingly command significant community backing.

• Such campaigns were traditionally based on letter-writing but coordinated phone efforts and email have become increasingly frequent.
Interest Group Tools: Petitions and Letter-Writing Campaigns

- These campaigns are not nearly as effective when all of the correspondence appears to have been preprinted by an interest group (astroturf lobbying).

- Elected officials may want evidence that what a group is asking is what the community wants. Groups often provide that evidence with petitions: documents that usually have a short statement of position at the top, with lines below for signatures of those agreeing with the statement.
Interest Group Tools: Public Demonstrations

- Groups that cannot afford public relations experts and advertising campaigns attempt to influence public opinion by means of public demonstrations.
- Large well-attended demonstrations of political support or protest provide high visibility for an interest group.
- Successful public demonstrations can provide powerful visual statements that can be magnified through media coverage.
- There are a variety of types of demonstrations and events.
- Pickets, marches and meetings are the typical ways of showing the strength of group support.
Interest Group Tools: Media Campaigns

- ...seeking to influence policy by building public support for the group’s points-of-view
- Coverage in mass media such as television, newspapers, magazines and the internet helps interest groups communicate their message to a broad audience that includes both the general public and government decision makers.
- The groups supporting tort reform conducted a sophisticated public relations campaign to win support for their point of view, purchasing billboards and running television and radio advertisements against what they called lawsuit abuse.
Interest Group Tools: Media Campaigns

- A common element in the media campaigns of well funded interest groups is **paid advertising**.

- Prior to the 1996 Telecommunications Act, advertising in Texas was generally apolitical and focused on the product. With deregulation, advertising campaigns took on more political overtones.

- **advocacy advertising**: expensive and of dubious informational or persuasive value but does raise general awareness of specific issues

- **proxies**: using associations, coalitions, etc that the public might not connect with the group

- **negative advertising**
Interest Group Tools: Attending Public Meetings

- Groups can mount effective actions simply by attending public meetings of government committees and boards in substantial numbers and sticking to pre-arranged scripts.
- In the best circumstances, a group can demonstrate strength in numbers and articulate a clear and persuasive message.
- This is especially effective at the local level.
Interest Group Tools: Litigation

• ...adopting the strategy of *litigation* (lawsuits) to achieve the group’s goals

• Groups can sometimes achieve their policy goals through the court system.

• Groups can *sue other groups and individuals*, demanding that they either *take a certain action* or that they *desist from a specific action*.

• Governmental organizations on all levels can be sued for non-compliance with the law or with their own constitutions.

• *Setting new precedents with test cases* is rare but can have lasting effects ... *Brown v. Board of Education, Roe v. Wade*
Interest Group Tools: Litigation

• Although litigation has been an important political tool for interest groups, it has its limitations because court action is both time-consuming and expensive.

• Well-funded groups are often able to make substantial contributions to Texas judicial election campaigns. It’s illegal to bribe a judge or to sell a favorable decision ... still campaign contributions exert inordinate influence on the rulings of Texas judges.
Interest Group Tools: Illegal Action

• Occasionally, groups go beyond peaceful protest and employ unconventional forms (violent and/or illegal activities).

• bribery: In recent history, Texas has experienced some high profile cases involving the bribery of state officials.

• sit-ins and occupations: widely used during the 1950s and 1960s in the civil rights struggle and in protest of the Vietnam War ... rooted in theories of civil disobedience and non-violent protest ... Interaction with authorities can be unpredictable.

  Demonstrators arrested after staging sit-in at state capitol to protest sanctuary cities bill
Interest Group Tools: Illegal Action

• **violence and sabotage**: Texas has a long history of political violence ... war for independence from Mexico, Civil War, consolidation of a white-dominated political system after Reconstruction ... In all political systems some groups will resort to violence and destruction of property as ways to pursue their political goals.

• The **Texas Ethics Commission** (created to enforce new legal standards and reporting requirements for lobbyists and public officials) performs an important function ... but too often unethical deals and arrangements are only implicit, making them difficult to monitor or prevent.

• The situation in Texas is exacerbated even more by a **porous and weakly enforced system of campaign finance laws**.
Interest Group Tools: Alliances

- Interest groups find **power in forming alliances with other groups** and even political parties to pursue their goals.

- Members of alliances **share expenses and multiply the influence** of their individual groups by combining their efforts.

- Alliances blur the specific interests of the individual groups involved and make it **appear that larger public interests are at stake**.

- Alliances are **efficient** devices for keeping like-minded groups from duplicating one another's lobbying efforts.
What determines interest group success?

• **salience**: being noticeable, important, prominent ... A group is more likely to succeed when its request has low salience, attracts little public attention.

• **conflict**: between two or more interest groups or between an interest group and the public ... The presence of either form of conflict (especially if partisan or ideological) works against the success of an interest group.

• **magnitude of change**: A group can be influential even when its issue is salient if its policy goals are minor policy changes.
What determines interest group success?

- **complexity**: group more likely to have influence if issue is technical and complex ... Officeholders will rely more on the group’s expertise.

- **indecision**: Politicians more likely to vote with group when they are undecided on an issue.

- **public knowledge**: group more likely to have influence if issue is one the public knows little about.

- **likelihood of support**: Groups are strategic in choosing which issues to focus on, ignoring those that are unlikely to receive much support.
What determines interest group success?

- **consensus**: Politicians may vote for constituent desires when known but interest groups push when consensus is lacking.

- **opposition**: Group more likely to have influence when there is little or no opposition from other political actors.

- **longevity**: Group more likely to be successful if issue is new.

- Interest group influence is strongest on technical issues of little interest to most people.
Limiting Interest Group Influence: Political Participation

• Interest group influence can be greatly limited by the political participation of Texas voters. Few officeholders will vote against an obvious expression of support or opposition by large numbers of constituents and risk losing their seats.

• Phoning or writing public officials is an important avenue for influencing public policy.

• Texans can and will respond when a sense of injustice exists (economics, health related, etc) so that political efficacy becomes more important ... but that seldom happens.

• political efficacy: individual’s belief that he/she can understand and influence political affairs
Limiting Interest Group Influence: Political Participation

- But Texas is ranked 49th for contacting elected officials, 42nd for voter registration and 51st for voter turnout.
- Limited participation due to cynicism about politics ... many lack any sense of political efficacy.
  - Cynicism from many sources: assassination of JFK in 1963, Vietnam, Watergate, Iran-Contra, Clinton impeachment, negative campaigning
- Made worse by the increasing partisanship of national and state politics.
- Exacerbated by the fact that politicians are often held to higher standards that they don’t meet.
Limiting Interest Group Influence: The Media

- Media
- Link between people and government
- Vital to survival of democracy
- Media performs an important **watchdog function** with government business conducted in public view: open meetings, open records, votes on policy decisions, reports on corruption, bribery, conflict of interest.
- Goal is to keep government **honest and responsive** to public.
- These things make it more difficult for state government and interest groups to cut deals over narrow interests.
Limiting Interest Group Influence: The Media

- Problems with media may limit its impact on interest groups.
  - Profit is the bottom line.
  - There is little divergence between editorial viewpoint and corporate owners.
  - Shallow stories made up of sound bites with little background, history, context, relevance
  - Common sources
  - Lack of investigations
  - If it bleeds, it leads.
Interest Groups and Policymaking

• Interest groups are important participants in every stage of the policymaking process.
  • **agenda building**: more powerful interest groups always help set the official agenda
  • Lobbyists attempt to influence legislature regarding policy **formulation**.
  • Assuming adoption, groups attempt to influence bureaucracy regarding policy **implementation**.
Interest Groups and Policymaking: Texas legislators are easy targets.

- poor legislative pay makes them susceptible
- small staffs make them information starved
- restrictive state constitution requiring continual updates
- short sessions mean success in agenda setting results in legislation reflecting the interests of the most powerful, coordinated and resourced interests
- frequent elections resulting in electoral burnout
Interest Groups and Policymaking: Who shapes public policies?

• The question of who shapes public policies and under what conditions is a critical one, particularly in the context of declining voter turnout.

• From both a theoretical and practical point of view, it is important to understand if voters still have the possibility of providing meaningful input into public policies, or if the government bypasses citizens in favor of economic elites and interest groups with strong fundraising and organizational capacity.
Interest Groups and Policymaking: Theoretical Conceptions

- theoretical conceptions of how American politics works
  - **majoritarian electoral democracy**: average citizens lead the decision making process
  - **economic–elite domination**
  - **majoritarian pluralism**: mass–based interest groups provide the driving force
  - **biased pluralism**: the opinions of business–oriented interest groups weigh most heavily
Interest Groups and Policymaking: What does the research say?

- Research on the theoretical conceptions of how American politics works have found the following.
  
  - Compared to economic elites, **average voters have a low to non-existent influence** on public policies.
  
  - In cases where citizens obtained their desired policy outcome, it was in fact **due to the influence of elites rather than the citizens themselves**.
  
  - Regardless of whether a small minority or a large majority of American citizens support a policy, the **probability of policy change is about the same**, approximately 30%.
Interest Groups and Policymaking: What does the research say?

• Research on the theoretical conceptions of how American politics works have found the following.

• A proposed policy change with low support among economically elite Americans is adopted only about 18% of the time, while a proposed change with high support is adopted about 45% of the time.

• Interest groups have a substantial impact on public policy. When mass-based and business-oriented interest groups oppose a policy, the probability of its being enacted is only 16%, rising to 47% when they’re strongly favorable.
Interest Groups and Policymaking: What does the research say?

- Research on the theoretical conceptions of how American politics works have found the following.
  - Overall, business–oriented groups have almost twice the influence of mass–based groups.
  - While the popular belief is that professional associations and interest groups serve to aggregate and organize average citizens’ interests, the data do not support this. Except for labor unions and the AARP, interest groups do not tend to favor the same policies as average citizens.
Interest Groups and Policymaking: What does the research say?

Average citizens’ preferences

Economic elites’ preferences

"Testing Theories of American Politics" (Gilens, Page)
Interest Groups and Policymaking

According to survey data from the American National Election Studies series, an increasing number of Americans believe that government is run to serve a few large interests rather than for the benefit of all.

The bottom line? Economic elites and organized groups representing business interests have substantial independent impacts on government policy, while mass-based interest groups and average citizens have little or no influence, providing substantial support for the theories of economic-elite domination and biased pluralism.