

Chapter 1

Advocacy, Public Policy, and Policy Change

Who wins in Washington? Do moneyed interests, corporations, and large campaign contributors use the goodwill and access to policymakers that their resources may earn for them to get what they want? Does partisanship or ideology determine the outcome of most policy disputes, flowing inexorably from election results? Do the same factors affect highly salient issues as well as those discussed only within specialized policy communities? How often do rhetoric and spin succeed in changing the way issues are discussed? How closely do organized interests and policymakers work together and how often do they come into conflict? Do elected officials act to protect the public interest against the demands of the powerful, recognizing that some constituencies have no lobbyist? Our goals are to understand how the policy process works, who wins, who loses, and why.

To answer these questions we interviewed more than 300 lobbyists and government officials about a random sample of nearly 100 issues across the full range of activities of the U.S. federal government. We identified our issues and conducted our interviews over the last two years of the Clinton administration (1999-2000) and the first two years of the George W. Bush administration (2001-2002). Through these interviews and by searching systematically through publicly available documents we were able to map out the constellation of which government officials and organized interests were mobilized on the issue, and, through follow-up telephone interviews and by monitoring news and official web sites for four years after our initial

interviews, we were able to find out who got what they wanted and who did not. Ours is the first study of its kind.

We have chosen this approach because much of the research on lobbying, as well as journalistic accounts of the impact of money in politics, is based on captivating examples that simply are not representative of what typically occurs. In fact, for a journalist, typical occurrences may be far less interesting or newsworthy than those egregious cases of influence peddling that occasionally hit the headlines. Good government, after all, can be dull (or at least a lot duller than corruption, mismanagement, malfeasance, or scandal). Political scientists, too, have had a difficult time generalizing about lobbying because they often focus only on issues that reach the end stages of the policy process or that are well publicized. Our study shows that most issues do not reach those final stages and most are not highly publicized, even within the Beltway. To get a full picture of the world of advocacy and lobbying in Washington, we looked behind the headlines and beyond the roll call votes.

Studying Power in Washington

We began by looking at 98 randomly selected policy issues in which interest groups were involved and then followed those issues across two Congresses, about four years. We were interested in all policy issues and potential policy issues in which interest groups were involved, whether or not those issues were already part of any formal government agenda. This posed a challenge, of course, since there is no list of such issues from which to draw a sample. Worse, most of the issues raised in Washington on any given day die from lack of attention, so we needed a way to include (in their proper proportion) even those issues to which no one besides the most devoted advocates would ever pay any attention. We sought a list of those issues on which at least one interest group was working, but one that was properly weighted to reflect the

activities of the entire lobbying community. In order to reach valid conclusions about lobbying and the impact of lobbyists on the issues on which they work, we wanted a random sample of the objects of lobbying. Of course, it turns out that many interest groups are active on exactly those same issues that other groups are working on—the distribution of lobbying follows what has been called a “power law” or “the 80/20 rule” because a large percentage of all the lobbying occurs on a small percentage of the cases.¹ But, whether groups are individually raising issues that they hope others will eventually pay attention to or if they are jumping on a bandwagon on a highly visible issue, we wanted a random sample of the objects of what groups were working on.

Here is how we solved this problem. By law an interest group that is lobbying must file a quarterly disclosure reports listing the issues on which it lobbied and how much it spent. Taking advantage of this, and to generate a random sample of the objects of lobbying, we weighted the issues so that those that generated more lobbying activity were more likely to fall into our sample. First, we started with a sample of registration reports, drawn from previous filings under the Lobby Disclosure Act. Organizations must file a separate section in their report for each issue area in which they are active, and any public relations or lobbying firms that they employ must also file reports listing them as the client. In any given period, a large corporation or trade association may report activity in a dozen or more issue areas, with their lobbyists-for-hire also filing additional reports on their behalf. Smaller organizations, such as one of the universities that employ the authors of this book, might have a single report filed in their name, with one or two issue areas mentioned. Previous research by Beth Leech and colleagues showed that these lobby disclosure reports were relatively stable over time: If a certain number of groups were registered in a given policy area one reporting period, it was highly likely that a similar number would register again in the following time period.² These multiple filings in multiple issue areas

allowed us to use each section of each report as a weighting system to identify the *most active lobbying organizations*. The sampling unit was a lobbying report on an issue area, and the most active lobbying organizations filed the most reports. (Our interviewing and other data collection procedures are explained in more detail in the Appendix.) We used *Washington Representatives*, a directory of lobbyists, to identify a lobbyist who represented the selected organization.³

In interviews, we asked the selected lobbyists to name *the most recent issue* relating to the federal government on which they had been working—literally the last item that had crossed their desk, been the object of an email exchange, or the topic of their most recent policy-relevant phone conversation.⁴ The issue could be *any* policy issue *at any stage* of the policy process, as long as it dealt with the federal government. The result is a randomized snapshot of what interest groups in Washington were working on during the period of our fieldwork (again, 1999-2002). Although our time frame had more to do with pragmatism—none of us live in Washington and we tended to go there for a month or two at a time—the consequence of not being able to complete the research in a short period of time adds to our confidence in the representativeness of the sample. If the field research had been planned to take place entirely in the fall of 2001, for example, an unrepresentative number of homeland security issues would have fallen into the sample.

Can we be confident that this sample is truly random? We know theoretically that our sample is random because of our sampling technique, but how do we know that our theory worked in practice? One way is by looking at the results, which we will do later in this chapter: It certainly is diverse, covering virtually all areas of the federal government and including issues ranging from front page stories to obscure little tidbits of federal policy arcana. For example, who decides just how much clinical social worker services are reimbursed when clients receive

them in a skilled nursing facility under the Medicaid program? It may not matter much to you or to us, but it showed up in the sample because it matters to those professionals in the field a great deal and they lobbied for a change in the reimbursement rates. And while it's an obscure issue, it's not a trivial one as such decisions have an effect on the quality and nature of services eventually received by the public. Readers of this book will become aware of the diversity of the issues we studied just by reading the pages that follow, but they can find much more, including a full range of overview materials as well as all laws, bills, hearing testimonies, statements in Congress, news articles, interest group press releases, and other materials on each of our 98 issues by looking at our web site: <http://lobby.la.psu.edu>.

The more important way to be sure that our sample is a random sample of the objects of lobbying is to understand what that means and what it does not mean. It is not a list of the most important public policy controversies in Washington. Many of our issues were relatively minor, in fact. Others were huge, such as President Clinton's proposal for Permanent Normal Trade Relations with China. It is not a list of what business wanted and, indeed, some were efforts to *undo* gains that businesses might have achieved in some previous round of the policy process. Nor is it a sample of the problems government is actively working to address. As we will see below, it is certainly not a sample of what the public is most concerned about. Rather, quite simply, it is a sample of the issues on which organizational representatives were active, with greater weight accorded to those issues that were of interest to a greater number of organizations.

Note that the sampling actually had three stages: First, we selected organizations, with the most active the most likely to be chosen. Second, from each organization we selected an in-house lobbying representative. Third, each selected representative provided us with an issue. That means that if the organization we interviewed had been active on 100 issues in the recent

past, we took just one in 100 of their issues. Smaller organizations had a lower probability of entering our sample, but if they did, their issues had a higher probability of being chosen. If a group had only been recently active on five issues, then each issue had a one-in-five, not a one-in-100 chance. The net result of our sampling strategy is that we have, for the first time, a sample of the issues that are of concern to organized interests. Issues that were of concern to hundreds or thousands of interest groups during the time of our study were highly likely to fall into our sample, and indeed we did find that President Clinton's efforts to reform the health care system and Permanent Normal Trade Relations with China were among our issues. However, issues that were more limited in their scope also fell into our sample, with the same proportion as there were organizations working on them.⁵

It's possible that if lobbyists were actually working on something that they preferred not to be made public, they may have told us about another issue. While we cannot of course get a firm estimate about this problem, we guarded against it in some important ways, notably not including lobbyists for hire in our initial sample. We feared that they often would not talk to us about their efforts on behalf of clients without the client's approval, so we only talked with so-called "in-house" lobbyists—those who work directly for the trade association or corporation who is registered as the lobbying organization.⁶ In general, we found our respondents to be very open.

Our sampling procedures mean that our focus is on issues that in some way involved Congress, and issues relating to the judiciary and that are solely agency-related may be undercounted. This is because the lawyers who file public interest law suits or design the legal defense strategies of trade associations are not typically in the government relations offices of the organizations we sampled, and therefore we did not typically reach them in our interviews.

Likewise many lawyers, engineers, and other specialists who work on regulatory issues for companies do not consider themselves legislative lobbyists and are not required to register as such. Our respondents in the government relations department would be more likely to be familiar with an issue that involved Congress and might not have thought to mention a lawsuit or small, niche regulatory matter as “the most recent issue.” But although most of our issues have at least some congressional connection, 80 percent of our issues involved an agency of agency official in a prominent advocacy role, and several of our issues involved the courts at some point in their recent histories.⁷ Despite these potential limitations, this remains the most representative sample that has ever been used in a study of lobbying.

Since we followed our issues for four years we know a lot about what eventually occurred (if anything did). In fact, as we outline in the chapters to come, for the majority of our issues, little happened. If what they are supposed to be doing is producing change, interest groups are a surprisingly ineffectual lot. A focus on explaining political change or sensational examples of lobbying success obscures the fact that lobbyists often toil with little success in gaining attention to their causes or they meet such opposition to their efforts that the resulting battle leads to a stalemate. Of course, many lobbyists are active because their organizations benefit from the status quo and they want to make sure that it stays in place. We will show that one of the best single predictors of success in the lobbying game is not how much money an organization has on its side, but simply whether it is attempting to protect the policy that is already in place.

Issues, Sides, Advocates, and the Mobilization of Power

We have an unusual approach to the study of lobbying and power and it is helpful to offer more detail on what we did and to introduce some vocabulary that we will use throughout this book.

(Our Appendix provides much more detail on the material that follows, and our web site even more than that.) During our interviews we asked our respondents to identify the major players on each side of the debate. This typically elicited a list of government officials and other outside advocates who shared the goals of the advocate we interviewed, and a set of actors in opposition. Sometimes there were others mentioned as well, sets of actors who were not necessarily opposed to what the advocate was trying to accomplish, but seeking another outcome nonetheless. A “side” is defined as a set of actors who share a policy goal. Note that these actors may or may not be working together; we call them a side if they seek the same outcome even if they do not coordinate their activities.

Table A.1 lays out the full set of sides on each issue, the number of major players we identified from each side, and the number of interviews we conducted. As the table makes clear, we identified 214 “sides” over our 98 issues. We attempted to interview a leading representative from each side on the issue, and in each interview we continued to ask the same questions about who was involved. After two or three interviews and after perusing documents related to the case, we usually had a full understanding of the issue and further interviews typically added no new actors to our list. The most common single goal across our 214 sides is, not surprisingly, to protect the status quo from a proposed change.

The number of sides per issue ranges from just one to seven but typically is just two: one side seeking some particular type of change to the existing policy and another side seeking to protect the status quo. We will have much more to say about the relatively simple constellation of conflict that we observed in our cases in later chapters. The number of advocates on each side is determined by our count of “major players.” We defined a major player as an advocate mentioned by others (or, occasionally, who was revealed through our subsequent documentary

searches) as playing a prominent and important role in the debate. The number of major players per side, as shown in Table A.1 ranges from just one to over fifty, but is typically in the single-digits. Overall, we identified 2,221 advocates across our 98 cases, for an average of 23 actors per case. Note that to be included in a side a major actor must be actively supporting the goals of that side; that is, they must be actively advocating either the retention of the status quo or some policy change. Government decision-makers who play a neutral role but who may be the object of considerable lobbying by others are not included even though they may have come up many times in our interviews.

We discovered very few neutral decision-makers. To be sure, we did observe situations where important roles were assigned to officials who were not actively promoting any particular policy outcome. The actions of these officials may have mattered greatly to others, and they may have even been the targets of active lobbying, but they are not a “major player” in our study because they were not advocates for any “side.” These officials were most often agency officials or technical staff in such offices as the Office of Management and Budget, the Congressional Budget Office, or the Centers for Medicare and Medicaid Services (e.g., those whose technical cost estimates of proposed policy changes may have a large impact on the debate). But for the most part, when a government official was mentioned in our interviews as being involved in an issue, that official clearly had a preferred side in the debate and was actively working to further that side. Although much of the literature seems to promote a view on lobbying that presents government actors in relatively neutral positions as the targets, but not the sources, of lobbying, we found few such individuals, especially not in the ranks of committee chairs or other leaders.⁸ Much more common than these neutral decision-makers were government officials who themselves were policy advocates working hand in hand with other members of the same side,

urging a particular policy outcome, and actively lobbying others. In fact, about 40 percent of the advocates in our study were government officials themselves, not outside lobbyists. That is why we typically use the term “advocate” rather than the more common term “lobbyist.” It turns out that many advocates are already inside the government, not on the outside looking in.⁹

For every major interest group actor we identified (including those whom we did not interview), we systematically gathered information from publicly available sources relating to their political and monetary resources. We explain these searches in detail in the Appendix, but suffice to say that we know everything it is possible to collect about their membership, budget, annual revenues, number of employees, hired lobbyists, lobbying and PAC expenditures, and more. We also know their positions and talking points on the issue as we systematically downloaded all information about the relevant issues on which they were active from their web sites and also looked for congressional statements, speeches, and hearing testimonies. Of course, we did newspaper and television searches as well to find out what was being said about the issue in the press. In sum, we are able to record systematic information about each of over 2,200 major actors we identified across our 98 randomly selected issues.

Finally, through follow-up interviews and by tracking publicly available information (such as congressional dockets) we were able to find out what eventually occurred on the issue. As a side is defined as a set of advocates who are seeking the same policy goal, we could then assign a value at the end of our study of that issue (approximately four years later) as to whether this side had achieved none, some, or all of its goals. Of course it gets more complicated than that as there are different types of goals, but the general idea is very simple. For each of our issues, we constructed as complete a map as possible of who was involved, what resources they controlled, what arguments and strategies they used, and what eventually occurred. Did they

(and their allies) get what they wanted, or not? Before the reader asks the question as to why no political scientist has done this before we hasten to point out that five of us have been working on this project, with dozens of student assistants, for more than eight years. The scope of the project has been daunting, but we believe it provides us with strong evidence for our conclusions.

Advocates, In and Out of Government

About 59 percent of the major actors were lobbyists from various organized interests while 41 percent were government officials. Tables 1.1 and 1.2 give an overview of the types of lobbyists and government officials we found to be active on our issues.

Interest Groups

(Insert Table 1.1 about here)

Table 1.1 shows the distribution of the 1,244 lobbyists by the type of organization that they represent. The table shows that citizen groups are the most frequently cited type of major participant in these policy debates.¹⁰ About 26 percent of the groups in our study are citizen groups or organizations representing an issue or cause without any direct connection to a business or profession. Trade associations and business associations like the Chamber of Commerce represent 21 percent of the total mentions. Individual businesses lobbying on their own behalf make up 14 percent of the total; professional associations, which represent individuals in a particular profession (such as the American Medical Association or the American Political Science Association), constitute 11 percent of the total.

Formal coalitions specific to the issue at hand make up 7 percent of the total. Although unions are one of the most often mentioned “special interest groups” in the popular press, here (as in virtually all previous studies of advocacy in Washington) they make up a relatively small

part of the total interest-group community: just 6 percent.¹¹ The 77 mentions of unions reflected in the table, while small compared to mentions of other types of groups, actually overstates the number of unions that are active because many of these are repeated mentions of the same unions. In fact, six unions make up more than half of the mentions of unions in our database.¹² By comparison, among large trade associations and peak associations like the U.S. Chamber of Commerce, the top six trade associations make up only 16 percent of the mentions of trade groups in our issues, and the six most-mentioned businesses make up only eight percent of the total number of businesses.¹³ So while unions quite often play a prominent role in policy debates, it often is overlooked that the labor sector is really just a handful of organizations compared to the much larger number of businesses and trade associations that are represented in these same issues. The few union organizations that are active in Washington are well financed and highly professional, but those resources and skills must be spread across an exceptionally wide range of issues compared with other types of groups. In contrast trade and corporate lobbyists typically have a much larger staff to focus on a smaller number of key issues.

Think tanks and foundations, like unions, represented six percent of the total, but it was rare to see a think tank or foundation mentioned in relation to more than one or two issues. Two other types of groups each represented less than three percent of the total: governmental associations such as the National Governors Association; and nonprofit institutions such as hospitals and universities, combined with associations of such institutions. The catchall “other” category includes churches, individual experts, international NGOs, and two advocates whose type could not be determined.

The most striking feature of this distribution of interest group lobbyists is the predominance of citizen groups in these debates. Since our sample was weighted by activity,

businesses were much more likely to appear as issue identifiers in our initial interviews than were citizen groups, as we will show in detail below. As we conducted interviews and researched the issues named by the businesses and others, however, citizen groups were routinely named as central actors in many issues. Citizen groups are thus more important to policy debates than simple numbers would indicate because, like certain unions, they tend to be active and recognized as major players, on many issues. Kay Schlozman and John Tierney's 1986 study, which weighted its interview sample by how active the organizations were in Washington, painted a picture of the Washington advocacy community that showed 30 percent businesses, 26 percent trade associations, and 18 percent citizen groups.¹⁴ The 1996 federal lobbying disclosure reports, from which we drew our sampling frame for this study, showed that businesses make up more than 40 percent of the registrants, with trade associations second in number, and citizen groups a distant third, comprising only about 14 percent of the registrations. We were therefore far more likely to interview a lobbyist for a business or business organization in our initial issue-identification interviews than we were to interview a citizen group. And yet Table 1.1 shows that citizen groups were nearly twice as likely as individual businesses to be mentioned in our interviews as major participants. Citizen groups may spend less on lobbying and lobby on fewer issues than business organizations, but when they do lobby they are more likely to be considered an important actor in the policy dispute. Jeffrey Berry, in his book *The New Liberalism*, found a similar pattern. Citizen groups—in particular liberal citizen—were dominant actors in the congressional issues and media coverage he examined.¹⁵

These findings are good and bad news for citizen groups and labor unions, the two types of groups who stand out for being involved in many issues per group. On the one hand, they show that the groups are active and are recognized by other players in Washington as playing a

fundamental role in a great variety of our sample of issues. Further, they may indicate the degree to which other players in Washington take them seriously. The groups often have great public legitimacy. As journalists like to find a controversy in any story or to tell the drama of the underdog who comes out on top, citizen groups may provide the divergent perspective that gives the issue some punch.

On the other hand, with fewer resources than organizations from the business community, citizen groups are often spread thin. Like labor unions, they are often requested to become involved in many more issues than they have the resources to cover deeply. And when they do get involved in, say, an issue relating to consumer credit practices by banks, or an environmental dispute related to coal-mining practices, or automobile emissions standards, they often find themselves in a David and Goliath position, with a few staff members on their side facing sometimes hundreds of industry lobbyists or researchers who work on nothing but that one particular issue year-in and year-out. The American Petroleum Institute, for example, has about 270 staff and an annual budget of \$42 million. All these people are not lobbyists, of course, and the budget goes for many things to be sure, but the Institute deals only with petroleum issues. When the issue shifts to nuclear energy, the Nuclear Energy Institute, with 125 staff members and a budget of \$34 million, may get involved. Electrical generation in general? The Edison Electric Institute will be there, with its 200 staff and \$50 million annual budget.¹⁶

There is no question which side, producers or consumers, has more financial resources for Washington lobbying, so there is reason for citizen groups to be very discouraged and one might expect them to lose most of the time. But, as we will see, citizen groups often have resources that go beyond finances. In addition, organizations rarely lobby alone. Citizen groups, like others, typically participate in policy debates alongside other actors of many types who share

the same goals. For every citizen group opposing an action by a given industrial group, for example, there may also be an ally coming from a competing industry with which the group can join forces. Further, ideological or public policy agreements can give citizen groups powerful allies within government, at least on some issues. Putting together a strong coalition to work toward a policy outcome often involves recruiting some major citizen groups to come along. They play a much larger role than simple numbers would imply.

Figure 1.1 shows the frequency with which interest groups of various types were in two parts of our sample: The initial “issue identifiers” who were selected based on their frequency of lobbying activities, and the “major participants” in our issues, including not only those whom we interviewed first, but all those whom we identified as playing a major role on the issue.

(Insert Figure 1.1 about here)

Individual corporations, trade associations, and professional groups constitute 74 percent of the issue-identifiers in our sample, but they collectively represent only 48 percent of the major participants. Citizen groups, representing just 15 percent of the issue-identifiers, are 26 percent of the major participants. Because the initial issue-identifiers were selected by a sampling procedure that weighted proportionately by the level of lobbying activity, those numbers reflect the lobbying community in Washington (and indeed, the heavy skew in favor of the business community is consistent with previous findings as discussed above). In looking at the percent of all major participants coming from different sectors of the interest-group community, on the other hand, we see who is more prominent. Citizen groups speak more loudly than their numbers suggest. There are two caveats to this however. First, as suggested above, the citizen groups find themselves out-matched in terms of resources as there are so many more occupationally based groups in Washington. Second, who is setting the agenda? The list of issues in our

sample clearly reflects the occupational basis of much of the Washington lobbying community. Further, the issue-identifiers tend to control significantly more material resources than others. Probably because of their corporate and professional background, the identifiers are systematically wealthier than others. We will detail in later chapters our efforts to summarize the control of various material resources by the advocates we identified in each of our cases, but suffice it to say that we have done a very complete job. When we construct an overall index of the control of resources (e.g., PAC contributions, lobbying expenditures, lobbying staff...) we find that the identifiers, and the sides with which they are associated, are indeed wealthier than the others.¹⁷ We will return to these issues of wealth bias in the agenda below and in later chapters.

Advocacy within Government

Our list of major advocates includes nearly 900 government officials. As noted earlier, far from being merely the object of lobbying activity from outside interests, government advocates comprise more than 40 percent of the advocacy universe; Table 1.2 shows the numbers of different types of government officials who were mentioned as leading advocates.

(Insert Table 1.2 about here)

Table 1.2 shows that the most frequently mentioned category of government official in the issues we studied were rank-and-file members of Congress. Reflecting the relatively close partisan division in Congress, Republicans and Democrats were mentioned in virtually equal numbers—21 percent each. It is not surprising that committee and subcommittee leaders from both parties (the chair of the committee or the ranking member of the committee) were also frequently mentioned—20 percent of the major participants were Republican committee leaders and 17 percent of the major participants were Democratic committee leaders. Executive branch

department and agency officials were 11 percent of the total. Party leaders, on the other hand, are not mentioned often as major participants. Similarly, there were few mentions of the White House or other congressional bodies or actors outside the federal government (governors, for example). These data make clear that issues typically are dealt with among specialized communities where members of Congress, relevant committee and agency officials, and few other government officials become involved.

We can look at these data in another way; instead of asking what percentage of the total participation each type of government official represented, we show in Table 1.3 how many of our 98 cases included at least one government official of each type. This clearly shows the specialized nature of most policy issues.

(Insert Table 1.3 about here)

Table 1.3 shows that about two-thirds of all cases include rank-and-file members of Congress and committee and subcommittee leadership from both parties. Executive departments and agencies were close behind, mentioned as major participants in 56 of our 98 issues. House and Senate party leadership officials and members of the White House staff are involved in 20 or fewer of the issues, by contrast. Some of this may seem surprising—as we will note in Chapter 11, few issues see a change in policy if party leaders oppose them. The party leaders were not central advocates for most of our issues, however. If agenda setting and advocacy were primarily a top-down process in Congress, we would see many more mentions of party leaders or party leadership as central figures in these debates. Instead, they are important primarily in their role as gatekeepers. By comparison, executive department personnel, rank-and-file members of Congress and committee and subcommittee chairs and ranking members are each mentioned in

similar numbers of issues, ranging from 56 to 67 of the cases. Policymaking is a bottom-up process that is relatively porous for advocates.

The Lobbying Agenda, and the Public Agenda

Our sample of issues is broad, ranging from a line item in the defense budget to such high-profile debates as late-term (partial-birth) abortion, trade with China, and health care reform. But for the most part our issues lay at neither of these extremes. Readers may want to take a moment to review the list of issues and the sides we identified for each issue as reported in the Appendix, Table A.1. This table simply lists the name as well as the opposing sides of each issue in our sample. Only two of our issues—a defense appropriations bill line item that required no expenditures and an amendment to make federal safety officers eligible for an existing housing program for law enforcement officials—could be considered small, private issues without cost to taxpayers or broad policy implications. And only four of our issues were prominent enough to have been the topic of any interest-group televised issue advertisements.¹⁸ Most of our issues were in the middle in terms of size and salience, for example providing better access for commuter railroads, FCC rules for religious broadcast licenses, and changing the retirement age for commercial airline pilots.

(Insert Table 1.4 about here)

The agenda of lobbying is significantly different from the congressional agenda overall or from the public's list of major concerns. Table 1.4 compares the issue-areas where we found our lobbyists to be active with data taken from the Policy Agendas Project (www.policyagendas.org) showing for the period of our study the number of congressional hearings held, laws passed, presidential statements in the State of the Union Address, and public responses to the Gallup Poll question, "What is the most important problem facing the nation today?"¹⁹ The Policy Agendas

project makes available historical information about the activities of the US federal government such as laws, bills, executive orders, congressional hearings. All the data in the Policy Agendas Project are coded into a single classification system, based on 19 major topics of activity (and further broken down into some 226 more precise subtopics). We have classified our 98 issues by this same topic system, providing a simple way to compare the agendas of the Washington lobbying community with other agendas, most importantly perhaps with the concerns of the public as expressed in public opinion polls.

The table is sorted by the frequency of the cases in our sample, and in the right-most column we see the percentage of the public that identified that same issue area as containing the nation's "most important problem." Crime tops the list for the public, but not for the lobbyists. The state of the economy comes second for the public, but not for the lobbyists. International affairs (that is, the threat of terrorism and war) is third for the public, but lobbyists have a different agenda. In fact, the table shows that there is no single agenda in Washington.

About 20 percent of all of our issues fall in the area of health policy. This should not be a surprise to anyone who has followed politics in Washington over the past decade. Health care reform and health-care related issues have been ubiquitous in national politics. Eighteen percent of all federal lobbying reports filed by interest groups in 2000 were on topics related to health, disease, Medicare, or prescription drugs, so our sample of issues reflects this mobilization of lobbyists quite accurately.²⁰ The second most frequent policy area was environment, followed closely by banking / finance / commerce; defense and national security; and science / technology / communication. Overall, the issues presented here represent a wide range of policy areas and our sample of issues covers 17 of the 19 policy areas used in the Policy Agendas Project. The only topics not represented are civil rights / civil liberties and public lands. Even those two

issues arise as secondary aspects of two of our issues—one of our crime issues involves attempts at a civil rights framing, and one of our environmental issues involves logging roads in national forests.

The result of our method of sampling is a broad range of policy issues that provides a representative look at the role of interest groups in the policy process. We will return in our conclusion to the vast disparities between the lobbying agenda and other agendas, including that of the public. But our book is about what advocates are doing, and we are confident that our sample of issues reflects the broad range of their concerns. Most of these deal with professions, industries, and businesses.²¹ To the extent that they engage the concerns of citizens groups, they largely reflect the post-materialist values of the environmental movement, not the nitty-gritty worries of the poor and the unemployed.²²

One aspect that may be surprising to many students of politics is how few of our issues were in the public eye. Although these were primarily active policy issues involving competing interest groups and multiple members of Congress, most of them received little or no news coverage in mainstream media outlets during the time of our study. Twelve of our 98 issues had no newspaper coverage, and ten had no news coverage of any kind. Even among those that had newspaper coverage—which was the most common sort of coverage—half of the issues had 15 or fewer news stories published in the 29 major U.S. newspapers indexed by Lexis-Nexis—so the average American would have likely seen little to nothing at all about them from any media source. More than 70 percent of our issues had no TV news coverage, and only about half were mentioned in the *National Journal*, a weekly policy magazine that is widely read by policymakers and lobbyists in Washington. Even an active political observer would likely be unaware of most of our issues, unless the issue happened to be in a policy area in which he or she

regularly participated. Most of the time, on most issues, lobbyists work at very low levels of public visibility, and our sample reflects this.

Our sample may be full of low-salience issues, but these issues were central to the activities of scores of members of Congress, agency officials, and interest group lobbyists during the period when we did our fieldwork. They almost uniformly were important policy issues, with the potential to have broad effects on taxpayers, businesses, and citizens. An average of nine congressional bills were introduced and three congressional hearings were held on each of our issues. Variation was wide, however, and six of our issues had no bills at all and 35 were the subject of no hearings. Only about half of our issues (51) reached the stage where a floor vote was held in either chamber, when all members would have the chance to weigh in on it. Many previous studies of interest group influence have focused exclusively on issues that reached the floor vote stage.²³ Most of our issues were focused on congressional activities, but substantially more than half of them included at least one executive department or agency as a prominent policy advocate; not just a target of lobbying, but as an advocate, pushing a particular viewpoint on the issue. Our study clearly illustrates the idea of “separate branches sharing power”—the legislature and the executive are mutually involved in the vast majority of our cases.

Public Policy, and Changes to Public Policy

To study lobbying is to study efforts to change existing public policies. This is the first of four basic observations with which we begin our book and from which we can deduce some of our most important findings. In this section we lay out these expectations. Our four starting points are not theoretical assumptions; in fact each should be completely uncontroversial. Further, they are borne out empirically by our study, not simple assertions with which we begin. However, these four factors alone go far in explaining some of our most important and most surprising

findings, so we lay them out in some detail here. The four points are simple: First, lobbying is about changing existing public policies. Second, policies are complex with multiple and contradictory effects on diverse constituencies. Third, following from the previous fact, “sides” mobilized to protect or to change the status quo tend to be quite heterogeneous. And, fourth, attention in Washington is scarce. Let us consider these in turn.

Each of the cases in our sample features an existing public policy, not an effort to establish a new policy from scratch. This fact has fundamental and perhaps surprising implications for the study of lobbying, however; implications insufficiently recognized in previous studies or journalistic reports. Most importantly, it implies that whatever bias in the mobilization of various social, business, and corporate interests that may exist in Washington, this bias should already be reflected in the status quo. That is, existing public policy is already the fruit of policy discussions, debates, accumulated wisdom, and negotiated compromises made by policymakers in previous iterations of the policy struggle. Further, if the wealthy are better mobilized and more attuned to getting what they want in Washington, they should already have gotten what they wanted in previous rounds of the policy process.

No matter what biases may exist in Washington, any current lobbying activity starts out with these previous decisions as the starting point. Unless something important has changed in terms of the inputs to the decision-making process (e.g., a new set of policymakers, important new evidence about a policy alternative, a new understanding of an issue, a newly mobilized interest group), there is little reason to expect the outputs to change. If we assume that wealth (or interest-group mobilization) is related to power, then *changes* in power should be related to *changes* in mobilization, and unrelated to *pre-existing levels* of power or mobilization.²⁴ This is as simple as its implications are profound for the study of lobbying.

We will explore in detail whether the wealthy typically win in Washington, and to the surprise of many readers we will show that they often do not. The reason, we think, is not because they lack power, but because the status quo already reflects that power. After all, if they are so powerful why would policy be so distasteful to them? Logically, they should have mobilized to correct problems in the past. In any case, political scientists and journalists alike have typically studied the lobbying efforts of various interest groups as if there was no established status quo policy already in place. That simple fact has enormous implications.

We noted above that changes in policy should be related to changes in mobilization, not to levels of mobilization. Of course, there may be many times when levels of mobilization do change. Elections intervene, bringing new leaders into office. Committee chairs or agency heads resign or are replaced, putting the allies of different groups into power, thus changing their access and influence. New technical information comes to light, changing the parameters of a previously settled policy dispute. Demographic or economic trends evolve in such ways that policies get increasingly out of synch with the problems they are designed to address. Interest groups mobilize with greater vigor, or focus on an issue they had previously not prioritized. We will address all of these possibilities in the chapters to come, and indeed we do expect them to affect the policymaking equation. In the short term, however, such things do not vary much and do not necessarily correlate with the distribution of material resources. Sometimes, such trends or developments might help one side; sometimes, the other.²⁵

Our second starting point is that not only are existing policies virtually always in place, but these policies have complex impacts on diverse constituencies. Not a single one of the policies we studied could be considered to be unidimensional in terms of substantive impact; each one had diverse impacts on multiple groups. For example, the vast majority of the issues

had some kind of budgetary implication with respect to the federal government, states and localities, or private businesses and consumers. In addition to whatever substantive impact the policy may have had, it also reflected people's diverse views on the proper size of the regulatory state.

The complexity of existing public policies is much greater than only this, however. Different policies differentially affect urban and rural areas or various geographical regions, professional groups, and ethnic constituencies. A policy that promotes freer trade with China may be argued from a dimension of its impact on growers of certain agricultural commodities, textile manufacturers, consumers, retail sellers of shoes, or from a perspective focusing on human rights, international engagement, national security, or environmental protection. An issue relating to the disposal of used nuclear fuel rods may be argued from the perspective of sound environmental policy, whether the federal government can force a state to accept waste from other regions of the country, the possibility of predicting geological stability over tens of thousands of years, the safety of transporting nuclear waste over the nation's aging railway infrastructure, reducing terrorist threats, or the future of the nuclear power industry in the face of global climate change. Each and every one of our cases was subject to a dizzying array of complicated and seemingly unrelated arguments. Indeed, the diverse impacts on such a wide range of potential constituencies that characterize all the issues we studied may well be the reason why the existing policies are in place. If they had only an isolated impact on a single policy community or political constituency, they may never have generated enough political support to have been enacted in the first place. Hence, a second common element in our cases, besides being about existing public policies, is their inherent multidimensionality.

Third, following directly from the multi-dimensional effects on diverse constituencies of most public policies, we expect that the “sides” mobilized, either to demand change or to protect the status quo, will be highly diverse. In spite of journalistic accounts suggesting that much lobbying involves a single corporation attempting to get a single favour or contract with no broader implications for others, such “lone ranger” lobbying is far from the norm. More commonly, advocates are lobbying to change or to protect an existing public policy with diverse effects on a number of constituencies. The sides that get mobilized to protect the status quo or to demand change are rarely homogeneous.

Our fourth point of departure, which like the ones above is also borne out in our data, is very simple: Attention in Washington is scarce. The information environment in Washington is overwhelmingly complex, with thousands of bills being considered each year in Congress, hundreds of hearings in more than a hundred different subcommittees, and public concerns moving from issue to issue at a rapid pace.²⁶ Evidence that follows in subsequent chapters shows that one of the most difficult tasks for many lobbyists is simply to gain the attention of other players in Washington. Considering the crush of important problems that the nation does face, merely having a reasonable solution to a problem is not usually enough; in order to merit the time and attention of a large number of Washington policymakers, the problem the policy addresses must be substantial. Even serious problems affecting small constituencies may face obstacles unrelated to any active opposition to the proposed policy improvement, but simply due to the scarcity of space on the public agenda.

These four observations are enough for us to deduce a series of what may appear to be surprising expectations. In the following chapters we will test these hypotheses and show them to be largely borne out by our study. The ideas are as follows:

1. The relation between control over material resources and gaining the policy goals that one wants in Washington is likely to be close to zero.
 2. Because the status quo already reflects the distribution of power in previous rounds of the policy process, the mobilization of resources to change it versus to protect it is likely to be relatively equal in most cases.
 3. Because of the complexity of most public policies, the distribution of forces seeking to change or to protect the status quo policy will typically be quite diverse. That is, the actors working on various sides of the issue are likely to be heterogeneous.
 4. Because of the diversity of resources controlled by individual lobbying organizations (and the government officials with whom they are allied), the linkage between material resources and policy outcomes will be lower at the individual level (that is, considering individual lobbyists) than it is at the aggregate level (that is, considering the combined resources of entire “sides”). In neither case is it likely to be substantial.
 5. Usually, policies will be stable. When policies do change, the change is more likely to be substantial than it is to be marginal.
 6. In those cases where there is an imbalanced mobilization (e.g., where one side is much more highly mobilized than a rival side), the side with more resources will prevail.
- Further, the ability of a wealthy side to gain what it wants when opposed to a relatively weak side will be stronger when the wealthy side seeks to protect the status quo. We expect imbalanced mobilizations to be rare, however, because of points 1 through 3 above. On average, we expect mobilizations to be relatively balanced, sides to be heterogeneous, and outcomes to be unrelated to resources.

Readers may be surprised by these expectations as they go against decades of study of policy change and lobbying and seem to fly in the face of the obvious assumption: Of course the wealthy win in Washington. We would simply say: If the wealthy are so certain to win, they should already have won in a previous iteration of the process. Since the distribution of power should already be reflected in the status quo, there is no reason that *changes* to the status quo, which is what lobbying is about, would necessarily move in the direction of even further gains for the wealthy (nor, systematically against them). After all, if the status quo reflects a rough equilibrium of power, and we believe it does (and a quite unfair equilibrium in many cases, with much greater benefits going to the privileged and the wealthy than to the needy and the poor), then changes to the equilibrium should reflect only changes to the mobilization of these interests. In the short term, such changes are likely to be random.

We described above how substantively complex most issues of public policy are and how they often have diverse effects on many different constituencies. This directly implies that proposed changes to such policies would stimulate diverse reactions from the various groups who might be affected by them, and there is little reason to expect these reactions to be all in the same direction. In those cases where we do observe a one-sided mobilization of wealth, then yes, of course, we do expect that side to win. But we expect that such lopsided mobilizations to be rare. After all, if the policy was having such an overwhelmingly terrible impact on such a broad range of powerful actors, how did it get enacted in the first place?

It is of course possible that the continued operation of a policy, unchanged, may have drifted over the years or decades to a point where it was having a substantially new effect on some constituency. Or, new economic or technological developments may create inequities over time. In such cases we could see relatively one-sided mobilizations of bias, with many

organizations mobilizing to demand a change and few counter-mobilizing to protect the status quo. We do expect that this will occur from time to time and when it does we would expect the wealthy side to achieve what it wants. However, there are two reasons why they might not: First, constituencies may mobilize before the disparities become so obvious; why would the aggrieved wait twenty years to right a wrong that has become patently obvious? In reality, the mobilization may come much sooner than that, and this means that the battles will be much more closely fought. Second, if they do mobilize prematurely the scarcity of attention in Congress may make it difficult for them to gain significant space on the agenda.

One of our expectations, number five in the list above, may not be obvious given our set of starting assumptions; why would policy changes be substantial rather than marginal, once they do occur? We will explore these reasons in greater detail in Chapter 2, but they relate mostly to the scarcity of attention and the general equality of resources expended on various sides of the lobbying equation. There are cases where mobilizations are uneven for reasons explored above. More importantly, defenders of the status quo benefit from many advantages in the policy process, perhaps the most important of which is simply the lack of time to address all issues that might deserve consideration. The friction associated with the scarcity of attention also implies that when things do find space on the agenda it is often the result of quite large mobilizations and when policies do change, the change is less likely to be slight tinkering, but rather to reflect more substantively important changes.

Challenging Assumptions

From the immediately preceding discussion, it should be obvious that the coming chapters are going to challenge many common assumptions about the nature of power and influence in American politics. While it may be better to be wealthy than poor when lobbying in

Washington, we find surprisingly weak links between material resources and moving public policy in one's preferred direction. The causes for this are very complex but interesting. For example, the wealthy often oppose the wealthy. Similarly, our results suggest that the impact of partisanship and elections may be significantly less than is often assumed, though again we find important nuances to this general conclusion. We begin in Chapter 2 with a detailed discussion of the causes of policy change in general.

One particularly important aspect of the lobbying game that seems often to be overlooked is the fundamental role played by elected officials. We have already noted, of course, that these officials are rarely neutral, but rather are advocates themselves, actively using their influence to affect the terms of the debate and lobbying others.²⁷ Scholars since David Price, Robert Salisbury, and Ken Shepsle have emphasized the importance of individual congressional offices in creating policy initiatives.²⁸ Salisbury and Shepsle in particular conceive of the congressional office as an "enterprise" in which the member is looking for issues on which to make a reputation. In order to run for higher office, after all, one must point to a number of policy-related accomplishments, so elected officials are not simply following the dictates of the special interests, but also looking for the opportunity to advance public policy in some direction that they believe will be popular with voters or good for the country. Richard Fenno's ethnographic wanderings through congressional offices led to his conclusion that members of Congress have three goals: reelection, influence within the chamber, and "good public policy."²⁹ We should not discount the importance of the policy goals of elected officials themselves, and in later chapters we will see just how hard it can be for even wealthy interest groups to overcome the active opposition of key government officials.

We will argue that the sources of stability in politics are much broader than the political science literature suggests, and point to the importance of the existing networks of policymakers, interest groups, and other experts in maintaining the status quo. The strength of the status quo means that when change occurs, it tends to be significant rather than incremental. Further, this stability does not rest only on a thin infrastructure of institutional rules and arrangements, but on a much firmer foundation. Entire professional communities, complex constellations of actors with different elements of concern, keep existing policies in place until pressures build for large numbers of them to change their positions. Institutional rules matter, but the stability stems from forces much larger than only this.

Of course, what is a “significant” policy change and what is not is often in the eyes of the beholder, as we discuss further in Chapter 2. But when the choice is between the status quo and a policy that will make it harder to declare bankruptcy to protect assets, the change certainly feels significant to overextended consumers. When a new trade policy will potentially create billions of dollars in new investment in China, the change is certainly significant to the businesses it will affect. When a new policy will force all hospitals in the United States to buy a new type of needle for injections and will lead manufacturers to make millions more of those needles, the change does not seem insignificant to hospital accountants, the needle manufacturers, or the health care workers who now are better protected from HIV/AIDS. In most of our cases, the difference between the status quo and the proposed policy would mean important changes for the businesses and individuals covered by that policy. Many of the policies we discuss in the chapters to come involve policy changes that, if adopted, would impose billions of dollars of new costs (or open up the possibility of similar levels of new benefits).

We argue in Chapters 2 and 3 that this tendency toward non-incremental change is in large part *caused* by the strength of the status quo. Because powerful forces—both social and institutional—protect the status quo, it takes an even more powerful set of pressures to produce change. The coalescing of advocates from within and outside of government is a start, but often external changes in the policy environment are required as well. Pressures build, but no change occurs until the pressures are sufficient to overcome the inertia of the status quo. When this threshold is passed, the momentum for change usually takes the policy response beyond a true incrementalist response.

In chapters 4 through 8 we review interest group resources, tactics, arguments, and the effects of partisanship and elections. The analysis shows tremendous skew in the resources available to individual interest groups, as many studies have found in the past. However, we also show a surprising tendency for sides to be heterogeneous, for reasons laid out earlier in this chapter. Further, our review of interest-group tactics and arguments shows the various ways in which those protecting the status quo are advantaged. Many arguments (such as one simply focusing on uncertainty and unknown consequences of policy change), and many tactics (such as maintaining close contact with relevant government officials) systematically differentiate those who would protect versus those who would change the status quo. Our review of the impact of partisanship and elections further completes our review of the systematic differences between our competing sides. Chapter 9 presents some of our most surprising findings, those focusing on the difficulty of reframing policy issues, and our explanation for this. We found very few cases of reframing, even though we followed the issues for four years. The large policy communities of experts and professionals surrounding each issue go far in explaining the stability that we observe for most issues most of the time.

There are many complications to the story of the impact of money in the lobbying process, and we deal with these questions in some depth in Chapters 10 and 11. One of the more interesting twists on this argument stems from our use of the concept of lobbying “sides” in the policy struggle. As we discussed above, it turns out that sides are typically heterogeneous. That is, the rich do not just ally with the rich and the poor with the poor, but rather groups of allies are mixed. Interest groups with low levels of resources are as likely to be allied with interest groups with high levels of resources as with other low-resource groups. These mixed alliances help to temper the role of money in the political process. None of our findings should be interpreted to suggest that it is preferable to be poor than rich in Washington. But when we look for a direct and simple relationship between money and policy change, it is not there.

The power of the status quo extends not only to policies themselves, but also to the ways lobbyists, journalists, and officials think and talk about those policies, as we discuss in Chapter 9. Politicians, elected officials, and interest groups spend huge amounts of time trying to spin new and more advantageous ways for others to view their issues, and we encountered these efforts repeatedly during our time in Washington. It turns out, however, that it is much easier to formulate a new frame—the political science word for spin—than it is to have that that frame adopted by others in the policy community. Framing at the individual level goes on all the time. All it takes is for someone to turn a phrase and focus on a different aspect of a problem. But reframing at the macro level, at the level of the entire policy community—a process we refer to as issue redefinition—is actually quite rare. Generally accepted frames tend to endure for a long time.

We will go through these and other findings systematically in the chapters to come. However, at the end of this chapter we should introduce one fundamental element of our

interpretation of our findings, one to which we will return in the conclusion. No matter what we find about the linkages between the mobilization of power on various sides of the issues we have studied, the hard fact is that this mobilization itself is heavily skewed. And it's skewed not just toward the wealthy, but more generally toward professional communities of corporations, professionals, and institutions and therefore away from average citizens. One need not adopt a class-based approach to the study of lobbying in the US to recognize that K Street is full of well paid representatives of corporate America. The airlines are more likely to be present in the lobbying community than the diffuse group of people who often suffer through terrible service as airline customers. The bias is not just a corporate one; this is an oversimplification. More accurately, it is a bias towards professions and occupations. Many Americans may share an opinion, an ideology, or a feeling. But they are dramatically less likely to mobilize and join an interest group with a powerful Washington presence on the basis of these shared interests as they are to be a member of a professional association, a labor union, or be employed by a company or an institution that has substantial representation in Washington.

There are only two ways to change these hard facts: Either such constituencies need to mobilize, or our elected officials have to do a better job of recognizing whose voices are amplified through the corridors of power as reflected on K Street, whose voices are muffled, and whose voices are completely absent.

Table 1.1. Major Interest Group Participants

Group type	Number	Percent
Citizen groups	329	26
Trade and business associations	265	21
Business corporations	179	14
Professional associations	140	11
Coalitions specific to the issue	90	7
Unions	77	6
Foundations and think tanks	71	6
Governmental associations	38	3
Institutions and associations of institutions	20	2
Other	35	3
Total	1,244	100

Table 1.2. Major Governmental Participants

Group type	Number	Percent
Rank-and-file Republican	186	21
Rank-and-file Democrat	179	21
Republican committee or subcommittee chair or ranking member	172	20
Democratic committee or subcommittee chair or ranking member	151	17
Executive branch department or agency	100	12
Democratic leadership	23	3
White House	20	2
Non-national government (e.g., governors, mayors, local officials)	10	1
Other congressional body	8	1
Total	873	100

Table 1.3. Number of Issues with Each Type of Governmental Actor

Group Type	Number of Issues
Republican committee or subcommittee chair or ranking member	67
Rank-and-file Republican	67
Rank-and-file Democrat	66
Democratic committee or subcommittee chair or ranking member	59
Executive branch department or agency	56
Democratic leadership	20
Republican leadership	18
White House	16
Other congressional body	7
Non-national government (e.g., governors, mayors, local officials)	7
Total	98

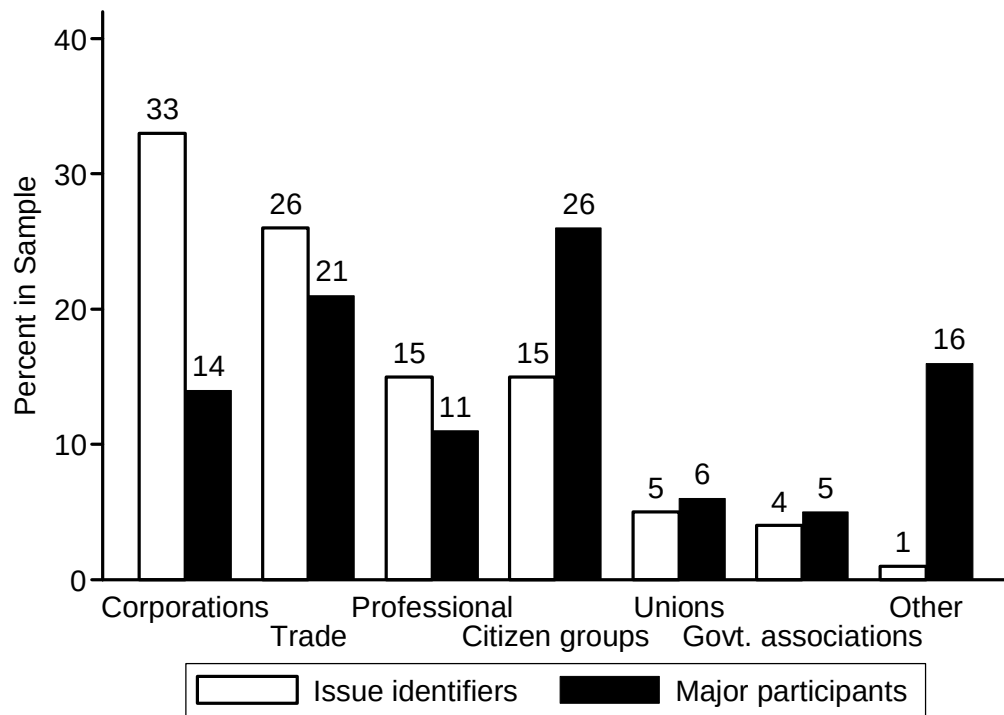
Note: The numbers indicate the percent of our 98 issues that include the indicated type of government advocate. Government advocates are included only if they take an active role in promoting a certain position on the issue, not merely from any decision-making position.

Table 1.4. The Lobbying Agenda Compared to Other Agendas

Policy Topic	Lobbying Issues in Our Sample	Congressional Hearings	Laws	Statements in the State of the Union Speech	Public Opinion
Health	21	9	3	9	8
Environment	13	5	4	3	2
Transportation	8	5	3	0	0
Science, Technology, and Communication	7	5	2	3	1
Banking, Finance, and Commerce	7	8	4	1	0
Defense and National Security	7	7	6	5	5
Foreign Trade	6	2	2	3	0
Energy	5	4	1	1	2
Law, Crime, and Family Policy	5	6	5	8	26
Education	5	4	2	12	10
Government Operations	3	12	19	1	6
Labor, Employment, Immigration	3	4	4	6	2
Macroeconomics and Taxation	2	3	1	12	19
Social Welfare	2	2	1	9	7
Community Development and Housing	2	1	1	1	0
Agriculture	1	3	2	1	0
International Affairs and Foreign Aid	1	11	5	18	10
Civil Rights	0	2	1	4	3
Public Lands and Interior Affairs	0	8	32	2	0
Total Percent	100	100	100	100	100
Total N	98	5,926	764	1,113	

Note: The table displays the distribution of our 98 issues by topic area and gives comparable information from the Policy Agendas Project. For each column, cell entries indicate the percentage of observations that fall within the 19 topic areas listed in the rows. Congressional, presidential, and public opinion data come from the Policy Agendas Project (www.policyagendas.org). Public opinion refers to the responses to the question of what is the most important problem facing the nation. Data cover the period of the 106th and 107th Congresses.

Figure 1.1. Types of Interest-Group Participants



Chapter 2

Incrementalism and the Status Quo

Nuclear power is the ultimate not-in-my-backyard (NIMBY) issue. These plants, sited at a time when the benefits of nuclear power were far more salient than any risks to safety, are something of a relic because NIMBY sentiments make it politically impossible to build new plants.

Although for the foreseeable future the United States cannot do without the electricity generated by nuclear plants, the plants still in operation are controversial because they produce a waste byproduct in the form of spent nuclear fuel rods. What to do with these depleted but highly radioactive fuel rods has proven to be an extremely difficult political task. Splitting the atoms that produce electricity turns out to have been the simple part.

Fuel rods have a useful life of about 18 months. When they are removed from the nuclear reactor they are literally too hot to handle and are put at the bottom of a large swimming pool within the nuclear facility. They must remain submerged for about three to five years. After that, they're still hazardous and therein lies the problem because they remain hazardous for hundreds of thousands of years. The "temporary" solution has been to store the cooled fuel rods on the grounds of the nuclear power plants in thick, protective casks. This is hardly a satisfactory answer and the nuclear industry has long pressed government to keep up its end of a tacit agreement to take responsibility for spent fuel. As an industry lobbyist explained to us, since the Atoms for Peace program in the 1950s, government has said to the commercial nuclear industry, 'you burn it, we'll take care of it.'” Industry lobbying eventually paid off in 1982 when

Congress passed a law providing for a national repository by 1998 for the hazardous, used fuel rods.

Despite 16 years to study, site, and construct the repository, by 1998 the federal government had yet to build the facility. Overcoming local opposition to building something that would hold the entire nation's nuclear waste, for eternity, is no small challenge. At the time of our initial interviews on this case in the summer of 2000, a government panel had moved as far as selecting a waste site: Yucca Mountain, Nevada. Even though Yucca Mountain, 100 miles northwest of Las Vegas, was far from any significant population center, Nevadans were generally outraged at the thought of their state becoming the nation's nuclear dump. Responding to their constituents' concerns, the Nevada congressional delegation blocked construction. During the 2000 presidential election, candidates Al Gore and George W. Bush were pressed as to whether they would follow through and establish Yucca Mountain as the repository. Vice President Gore was strident in his opposition. Governor Bush, worried that he would lose the normally Republican state, sent his vice presidential candidate to the state toward the end of the campaign to reassure Nevadans that the Republicans had their best interests at heart. Candidate Cheney said that if elected, the administration would let EPA, rather than the Nuclear Regulatory Commission, set the safety standards, thus ensuring that there would be very high safety standards if Yucca Mountain were eventually built.

Yet Bush and Cheney did not promise to kill the project and in 2002 the administration gave the Yucca Mountain project the green light. The anger in Nevada over the decision gave Democratic nominee John Kerry an opening and he made his opposition to Yucca Mountain a springboard to trying to carry the state in 2004. Kerry told Nevada voters, "Not on my watch."³⁰ Although voters decided that Kerry wouldn't have a watch, the defeat of Democratic Senate

leader Tom Daschle in 2004 led to the promotion of Harry Reid of Nevada as the new Senate Minority Leader and then, after the Democrats' victory in the 2006 congressional election, Majority Leader. Not mincing words, Reid then said "The proposed Yucca Mountain nuclear waste dump is never going to open"³¹ and in mid-2008 his U.S. Senate web site still included prominent mention of his work in keeping the facility from ever seeing the light of day, including the opportunity for visitors to sign a "Stop Yucca" petition.

Incrementalism, the Status Quo, and Substantial Policy Change

Policymaking over Yucca Mountain illustrates many of the main findings of this book. At the broadest level, the story illustrates the endurance of the status quo. Despite the seriousness of the problem—nuclear waste piling up at reactor sites, some near cities—the status quo has persisted for decades. Yucca Mountain remained on the drawing board and some of the planning hinted at incremental progress toward an eventual change. And then change came and it was anything but incremental. The Bush administration's greenlighting of the repository was a dramatic and fundamental change in American energy policy. And yet it's unclear at this writing if the change will actually be implemented. If Harry Reid and the opponents of nuclear energy prevail, the status quo may stay in effect for several more decades if not forever.

Although Yucca Mountain has had its own unique twists and turns, it represents many of the strongest patterns we see in our 98 cases. Most of the time in most of the cases, the status quo endures. But it is also true that for a minority of cases, significant (non-incremental) change did materialize during the period we followed the issues. This enduring power of the status quo is evident in another way. During the fight over Yucca Mountain the same basic arguments prevailed. For proponents the case for Yucca Mountain has always been about the government's promise to dispose of waste and about the safety issues relating to current storage at reactors. For

opponents the arguments have been equally unchanging: transportation and storage at Yucca Mountain are held to be unsafe and, more broadly, the country should be moving away from nuclear power. Like the fuel rods themselves, these arguments refuse to go away. They've always been the basis of the debate. One important element to the argument is also reflected in all of our cases: There is a status quo, so changing it requires special justification. After all, things have worked up until now, why must the policy be changed at all? This logic of "why change it" or "why now" is present in every issue, and it is a substantial hurdle for proponents of change. Those opposed to whatever proposal may be on the table have a range of arguments available which essentially add up to: At least we know what we have with the status quo. These turn out to be quite convincing.

The heated debate over nuclear waste continued in such a stable, durable manner because there was a stable, durable set of advocates on each side. Over time some of the individual legislators, aides, and lobbyists left the scene, but they were replaced by others with similar views. More importantly, the same organizations stayed involved. There was no changing panoply of congressional committees and interest groups. It is a long-running play with the same cast speaking the same lines. And each side has substantial resources. It turns out that such situations are not uncommon. It's quite typical for those concerned about an issue to stay involved over the long haul. They conscientiously monitor what their rivals are up to. They seek new opportunities to get what they want. And, most of the time, opponents hold each other in check.

The heart of our research in Washington was to examine the structure of the policymaking process in national politics, to try to better understand how interest groups fit into

that structure in the modern day. To that end, we thought about our research in light of the most widely accepted theory of public policymaking, as well as alternatives to that theory.

Incrementalism

Although our research began with the hope of finding something new about the public policymaking process, our starting point was what's old—the conventional wisdom about how government formulates policy. Unlike much of modern social science, this model, incrementalism, is rather simple. Indeed, its very simplicity is surely a large part of its lasting popularity.

The incrementalist model has its origins, of course, in Charles Lindblom's seminal article, "The Science of Muddling Through."³² Lindblom criticized what now seems like a straw man—the notion that decision makers search comprehensively through all available alternatives and evidence before reaching a decision on the most appropriate route to take. That this rational comprehensive model now seems hopelessly idealistic is testament, in part, to the power of Lindblom's theory. His idea was that the way people make decisions in the real world is to quickly limit their thinking to a small number of realistic alternatives and then choose a pragmatic course of action. And that course may not be the most effective solution, merely the one that most will agree to, the one that is most easily available, or one of several that is "good enough," even though it may not necessarily be the absolute best. The consequence of this process is that over time, policymaking moves in small steps. When Congress or an agency deliberates over a policy, it builds on what is already in place rather than starting from the beginning, envisioning what might the best possible system might be, from scratch.

Lindblom's theory was warmly embraced by political scientists for a variety of reasons. Perhaps most importantly, incrementalism placed politics at the center of the governmental

process. That is, policymaking was not some technical set of procedures that needed to be perfected so that government could act rationally. Rather, at the heart of policymaking was bargaining and negotiation among interest groups and government officials working from the same starting point: the policy currently in place. Further, it seemed to correspond with how bureaucrats and other policymakers actually do their work; they rarely invent entirely new programs, usually they stick with what is already familiar.

Despite its aging bones, incrementalism has persisted as a valid lens through which public policymaking can be viewed. Early research strongly supported its central contentions. Research on the budget was particularly persuasive. Works like Aaron Wildavsky's pioneering *The Politics of the Budgetary Process* document the incrementalist patterns in the development of the federal budget each fiscal year.³³ Wildavsky found that over time some functions of government would gain budget increases more than others, but that gains above and beyond the mean in any one year tended to be modest. The budget was the perfect example of incrementalism.

Lindblom's theory was also supported by sophisticated work on cognition, in particular the path-breaking work of political scientist Herbert Simon that brought us the phrase "bounded rationality."³⁴ The human mind is only capable of processing so much information, of considering only so many alternatives. While we may attempt to be rational in our thinking, to coolly weigh available evidence and then making an informed decision, our rationality is sharply bounded by limited processing power. We rely on cognitive shortcuts, restricting the work in making decisions to a comfortable level.

The cognitive model of bounded rationality has a close analogue in policymaking. A government institution, like Congress, has limited capacity and can process only some of what is

brought before it. Despite its enormous resources, many issues languish while Congress focuses on a small subset of problems. As a result of its limited processing power it, too, takes short cuts, limiting its search for information and alternatives. Just as Congress can only focus on a small proportion of all the problems that deserve attention, governmental debate about any given problem tends to be limited as well. As we discussed in Chapter 1 and will note in greater detail in later chapters, every issue that we studied here was conceptually highly complex. How to dispose of spent fuel rods is not an easy scientific or technical question; how do we know which site will be geologically stable for a million years? But, of course, it is not just a technical issue; many political factors are relevant as well. Do most state governors or those living near railroads relish the idea of tons of nuclear waste being transported all across the country?

Technical and political dimensions of the debate are intertwined and the arguments are numerous. Public debate on the issue, however, is much simpler than what one might imagine from talking to the experts. A “bottleneck of attention” typically limits our attention to only a subset of all the possible issues and, for each issue, only to a few of the many possible elements of the debate. It’s not so much that our capacity for reasoning is so limited, but the complexity of the world around us—the swirling mix of complicated and poorly understood problems that rise and fall on the government agenda—is so tremendously complicated. Bounded rationality is the simple concept that attention is limited. This uncontroversial statement has many implications for the policymaking process.

Despite incrementalism’s broad applicability and its resonance with our common sense judgment of how government operates, a significant amount of criticism of the model has emerged. Perhaps the most frustrating aspect of the theory is that there is no agreed upon demarcation that divides incremental change from non-incremental change.³⁵ Incrementalism is

not a concept that lends itself well to a bright line; every policy change is an increment more or less. A clear set of criteria to distinguish the small percentage of policy changes that exceed incremental change has never been established.

Punctuated Equilibrium and Friction

Criticism of the incrementalist model has not led to a great deal of theory building about the policymaking process. There is considerable theory development about parts of the policymaking process and about the behavior of sets of actors in the process, but broad, comprehensive theories of the entire policymaking process are few and far between. There is seemingly so much to account for that any relatively parsimonious theory of policymaking runs the risk of being far too incomplete to be convincing.

In this vein one alternative to incrementalism is Frank Baumgartner and Bryan Jones' work on punctuated equilibrium. It is not a full-blown theory of policymaking but it goes right to the heart of the incrementalism's broadest, most emphatic claim: that policymaking moves in small steps because of inherent constraints in the political process. Baumgartner and Jones first attempted to refute the belief that policymaking is dictated by constraints mitigating against large-scale change.³⁶ They find, for example, that new ways of thinking about a complex problem can sweep through the government with surprising rapidity, as they show with examples such as nuclear power, pesticides, smoking, and other issues. To take one example, the nuclear power industry benefitted from a tremendously positive public image in the 1950s as the "Atoms for Peace" slogan exemplified U.S. confidence in using our scientific and technical know-how to create electricity that would be so cheap to produce that we would give it away for free. This vision was reversed dramatically in the 1960s by a darker view; one focused on danger, radioactive waste, nuclear proliferation, and health concerns. Neither vision, they note, reflects

the entire story. Bounded rationality and limited attention cause the political system to sometimes lurch from overwhelming enthusiasm to damning criticism very quickly. Of course for most issues most of the time, the public image, like the public policy, remains stable.

Sometimes it can take decades for new information to have an impact, or for the processes of dramatic change to develop significant momentum. The research on the link between cigarettes and cancer was around for decades prior to the landmark Surgeon General's report on smoking and health in 1964. But it was not until a decade after the report that Congress was finally convinced that policy change was necessary. By that time, the decades of negative press stories about tobacco and health had reached a tipping point where Congress could no longer look at tobacco as strictly an agricultural issue. It was not until the 1990s that the states reached the "master settlement" by which tobacco companies paid hundreds of billions of dollars to the states and agreed to further restrictions in tobacco marketing procedures. In the early 21st century, states and communities are multiplying their anti-smoking regulations, marking a huge shift in the U.S. government's attitude toward smoking from encouragement to increasingly tight restrictions. The underlying facts of the smoking issue, on the other hand, have not changed a whole lot. Rather, attention now focuses on the health effects of second-hand smoke and not so much on individual smokers' rights or the agricultural and trade aspects of the tobacco industry. With a different focus, dramatically different policy orientations are supported.

Such sharp departures from existing policy, or "punctuations," may follow policymaking moving in the same direction for years during periods of equilibrium. Such was surely the case for cigarettes. In contrast to incrementalism, the theory of punctuated equilibrium incorporates both stability and changes far greater in the scope than a constant process of incrementalism could suggest. Baumgartner and Jones recognize the continuity, stability, and inertia of the

normal circadian rhythm of policymaking but argue that large-scale change is not an anomaly. There is no iron law of equilibrium that restricts policymaking to incremental changes once it is established. Further, they argue that the tendency hew close to the status quo during long periods, a cornerstone of the incrementalist model, actually makes inevitable that occasionally more dramatic shifts will have to occur.

Like “incremental” there is no clear demarcation that identifies a change large enough to qualify as a punctuation. What is the magnitude of difference that separates a moderate change from something that truly punctuates an existing equilibrium? Baumgartner and Jones try to quantify the degree of change across a range of issues. Using a database of 62 categories of spending for each annual federal budget between 1948 and 2000, and looking across the full range of annual percentage changes, they determine that the typical case falls within a tightly constrained range of small adjustments. In fact, so incremental is this process that they criticize earlier scholars for *understating* the degree of marginal adjustment present in the data, referring to the distribution as “hyper-incremental.”³⁷ But this is only part of the story; the other part of the story is that there are a great many punctuations. It’s striking that moderate changes, somewhere between hyper-incremental and sharp punctuations are uncommon. Figure 2.1 reproduces Jones and Baumgartner’s analysis of all budget changes across almost fifty years of post-war history.

(Insert Figure 2.1 about here)

At first glance, the data form what appears to be a normal curve, familiar to all. But in fact the curve is not statistically normal; the central peak is much too high and there are far more cases out in the extremes. They observe:

For students of policy change, this distribution has a very important meaning. Many, many programs grew or were cut very modestly—that is, incrementalism was the order of

the day for most programs most of the time. *Hyperincrementalism* might be a more accurate phrase for what happened in the vast majority of the cases. But sometimes programs received huge boosts, propelling them to double or triple their original sizes or more. Sometimes, but less often, programs lost half or more of their funding. Moderate increases or decreases were rather unusual, on the other hand.³⁸

Although the bunching of data points in the middle reflects a normal distribution, the cases falling outside of the cluster in the middle do not tightly taper to a flat line just left and right of the central grouping of cases. Instead, the tails of the distribution are “fat” rather than tapering off to zero. In short, their distribution differs from the prototypical normal curve displayed in statistics texts. Although the overall portrait is one of incrementalism, it’s evident that there are too many cases in the fat tails to write off as oddballs, exceptions, and idiosyncrasies. And that central peak, reflecting the power of the status quo, is just too high.

Jones and Baumgartner note that these processes are similar to many other processes in the physical sciences and that scientists have used a “friction” model to explain them. Imagine that the policy process involves pushing some weight along a sticky surface: It will not move at all until the pressure is greater than the friction of the surface. Once the pressure for movement becomes great enough, however, a dramatic change may occur as the friction is overcome. Pushing things along sticky surfaces produces not steady change, but rather a combination of no change interspersed with surges, dramatic movements when the friction is overcome. In such a model, moderate pressure is insufficient and thus, if the analogy holds, moderate policy change may be more difficult to enact than one might assume.

When the forces of friction are high, it is very hard to move an object even a little. Where pressures build up, no changes occur until the pressures are sufficient to overcome the

“standing friction” (or the level of friction required to make the object move from a stationary position). When this threshold is passed, there may be a sudden jump as the object jerks to a new position. If the pressures continue, then it will keep moving, but the initial movement will be jerky even if the pressure was constant. Therefore Jones and Baumgartner argue that a friction model helps explain the *disproportionality* between inputs and outputs. The effect of constant political pressure can be almost zero until the pressure reaches a threshold, and over that threshold the degree of movement can be even greater than the degree of pressure. They argue that the political system alternates between under-responding to pressures and then occasionally over-responding as the forces of friction are finally overcome. They quote long-time Washington lobbyist Tom Korologos who quipped that “the things Congress does best are nothing and overreacting.”³⁹

The Sources of Friction

We have depicted a contrast between incrementalism on the one hand and a mixed system of largely incremental policymaking and disequilibrating punctuations on the other. This model works well for the budgetary process, where inflation alone dictates that most existing budget lines will see an observable increase in funding. But in turning to authorizing or reauthorizing legislation, another model seems entirely plausible. It may be that the converse of large-scale change is no change at all. In fact, the stalemate or gridlock scenario is common in scholarly and popular accounts of government, in which Americans complain that government can’t get anything done. Why is the status quo, or stalemate, so common? Where does friction in the policy process come from? There are a number of possibilities, each with an element of truth.

Partisanship and Elections

In recent years the most prevalent explanation offered is that the nation is too divided, too partisan. In this view ideologues have captured both parties and legislators reflect a hardening resistance to compromise and a preference for waging war against the opposition. If Congress allowed majoritarianism to rule, partisanship would not promote gridlock as the party with the most votes could have its way and pass the policies it prefers. But of course there is no simple majoritarian system. A prerequisite for such rule requires a party to control both houses and the presidency. And even if a party did control both ends of Pennsylvania Avenue, internal procedures work against strict party rule except when majorities are quite large. The opportunity for filibuster, for example, means that a majority in the Senate is actually 60 senators.

Therefore, one possible explanation for the dominance of the status quo is partisanship. Perhaps elections bring into power new leaders, following perhaps a presidential lead or benefiting from a new majority in Congress, and these new leaders, along with their partisan allies outside of government, work together enact new policies that differ from the policies enacted in the “old regime.” During periods when partisanship and control of government does not change, on the other hand, there is little reason to revisit the status quo.

There is much to this explanation of policy change, in fact. Some of our issues were indeed dramatically affected by new elections. For example, in the last months of the Clinton administration, OSHA announced new regulations designed to reduce repetitive motion injuries in the workplace: the so-called ergonomics regulations. After the 2000 elections brought the Republicans to power, these regulations, already scheduled to be implemented, were scrapped amid much publicity and partisan credit-claiming (we discuss the ergonomics regulations in greater detail in chapter 6). Elections matter.

Partisanship can also matter if members of the different parties refuse to work together or simply have different priorities. We found that the inability of many advocates to construct a bipartisan coalition of support for their initiative in Congress effectively doomed their efforts. So partisan divisions can help enhance the status quo. If bills can't be passed except with the creation of a bipartisan coalition, or if party leaders enact a new series of policies reversing those that came before them, partisanship could be a major source of the typical bias in favour of the status quo, as well as the occasional dramatic departure from it.

On the other hand, if partisanship were the only force driving the structure that we see in politics, we would find little reason for any policy change except immediately after those elections that bring new majorities to power. In fact, we see a lot of policy change in inter-election periods. There is only so much space on the political agenda and as we will see the new Bush administration did indeed reverse a few of the issues that had been enacted under President Clinton, yet the number of problems facing government is so great, with new ones constantly rising to demand attention, that a comprehensive review of all existing policies is out of the question. Thus, the status quo often survives in spite of shifts in partisan control. As our research project spanned the last two years of the Clinton administration and the first two years of the Bush presidency, we can look at these issues in great detail.

Special Interests

A common scapegoat for stalemate or gridlock is interest groups themselves, or "special interests" as they usually are called when taking the blame for some societal ill. As the number of interest groups in Washington skyrocketed, it seemingly became harder to get anything done. The logic is simple: with many groups on every side of an issue, policymaking becomes more difficult and agreement is harder to negotiate. If corporations and the wealthy are highly

mobilized in the political sphere, and they have large teams of highly paid lobbyists available to protect their interests, perhaps it is almost impossible to push policy changes that threaten the material interests of other large corporations, trade groups, labor unions, and others with lots of money. An increasingly complex and contentious policymaking environment is hardly ideally suited for productivity. Although one study shows no relationship between the number of interest groups and gridlock, the results are not definitive and the belief persists that the proliferation of interest groups is a cause of stalemate.⁴⁰

We explored the degree to which policymaking was subject to gridlock. The end of the Clinton administration and the first years of the Bush administration were certainly partisan times. There was also divided government, with neither party firmly in charge during the period of our field research. But it became very clear to us that a lack of movement on an issue that some legislators or lobbyists were pushing did not necessarily indicate that policymaking was gridlocked. Rather, what was common was a lack of movement because one side was more powerful than any opposition. In such cases a coalition of groups and legislators had, at one time, succeeded in enacting a policy. Over time that coalition maintained its dominance over those who would shift policy in a new direction. If the status quo prevails, it is not gridlock. Rather, it is one point of view dominating another. Gridlock, after all, would imply that no movement is possible *even if there were consensus* on the need for policy change.⁴¹ As we argue at length in the chapters that follow, the benefits that accrue to defenders of the status quo are significant, but that should not mean that the desires of the status quo's defenders are not important. Certainly the multiplicity of interests in our complex society means that competition for attention is fierce, but given that the only solution to that problem is, as Madison put it, to assign all people the same interests, the competition for attention seems unavoidable. Interest groups and advocates

competing to a standstill, as powerful forces support different views may well be a source of a bias in favor of the status quo, but such competition is not the same as gridlock.

Institutional Gatekeepers

Much political science literature has focused on the power of institutional gatekeepers, congressional power barons who rule their fiefdoms with an iron hand.⁴² Whether it is the majority leader who controls access of bills to the floor of the Senate for an eventual vote, the Rules Committee chair who determines whether amendments will be allowed in House floor discussion of various bills, or a committee leader who refuses to report a bill out to the larger body, literature and folk wisdom abound concerning the monumental power of those who hold the keys to the next step in the policy process. Indeed, we find again that there is much to these explanations. In fact the phenomenon may go even further than is sometimes discussed, as we found many lobbyists in our sample stymied at an even earlier stage, the inability to find even a few members of Congress with enough interest in their issue.

Institutional gatekeeping, like competing interests and elections, is an important element of the story we will tell. But it does not explain much on its own. Again and again, we find that significant changes occur with no shift in who was guarding the gates, or that shifts in gatekeepers lead to no change in the policy. Further, the causes of stability are often much broader than the institutional structure approach implies. In fact, we suggest in chapter 4 that entire professional communities of experts may be reluctant to embrace new policy initiatives most of the time. However, we also note that when they do shift, they can shift in a collective manner that makes possible dramatic policy reversals.

Passing the Threshold

With hundreds of policies simultaneously being considered, policymakers may not want to tinker with complex programs and risk some unintended consequence, just because there is a small part of the policy that is slightly imperfect. This is especially true if the imperfection affects just a small constituency. There are only so many hours in the day and the most urgent policy problems have to be addressed before dealing with issues that were addressed in any case just a year or two earlier during the last program renewal. The status quo policy is typically the result of the accumulated wisdom of decades of work and experience in the area. Proponents of change have the unenviable task of convincing others that existing policy is so far off the mark that a new policy is warranted. This is a tough sell. People resist change not only because they prefer the substance of the status quo, but also because they understand it and may fear unintended consequences of tinkering with the system.

An example can illustrate this prejudice against change. Consider the difficulties that Clinical Social Workers had in correcting what they saw as an error in the 1997 Balanced Budget Act. Clinical social workers had not been included in a list of professions whose services were excluded from “bundled payments” to nursing homes; that is, they were not included in a list of professions such as physicians and other specialists whose work is reimbursed over and above any payments that the nursing home receives for general services to patients. All nursing homes are expected to provide certain services and payment for those is “bundled” to cover normal operating expenses. The list of professional services excluded from these general payments, and therefore eligible for additional Medicare payments, has a direct impact on the cost of Medicare services, the likelihood that nursing homes will provide more of these services, and on patient care. When the list of professions excluded from these payments was developed in the 1997 Balanced Budget Act, a staff member took a list from previous legislation and inserted it in the

bill; inadvertently, and without people noticing, this list excluded clinical social workers—a simple mistake.

Is the mistake important enough for Congress to take steps to fix? The issue is certainly no barn-burner; no member of Congress is likely to lose an election over it, or even to hear much from any constituents about it. It affects only a single profession (though it affects them strongly). It requires Congress and the Centers for Medicare and Medicaid Services to admit that their original and very complicated legislation included a mistake, and that even though those affected did not notice it at the time, it is important enough that Congress should revise the law to fix it. In sum, the issue is complicated, it costs money, and it is not likely to mobilize large numbers of constituents or gain anyone reelection. Nothing happened. Advocates proposing change lost not so much because they faced active opposition or hostility in Congress, but more because their issue was tedious, somewhat expensive, and there was simply not enough pressure to overcome the friction associated with gaining attention to a small issue when there are so many seemingly more important matters being debated in Washington. This is not uncommon.

Even if policymakers recognize that the policy is imperfect or the result of an error, as with the clinical social workers above, it may still be a hard sell to convince others, especially those in leadership positions, that the current policy is working so badly that it must be overhauled. This threshold effect means that the vast majority of policies do not change at all. A few pass the threshold and may change substantially. (Ironically, it means that it is often easier to change big mistakes than to fix small ones, as by definition these affect fewer people.)

Students of agenda setting have long noted that dramatic policy changes do occur, sometimes through the efforts of brilliant policy entrepreneurs who reframe entire debates. Yet for most issues most of the time, individual policymakers fight an uphill battle to reframe their

issues. One of the most important reasons for this is that the issues are not new and the status-quo policy was probably the result of substantial thought, deliberation, and compromise when it was adopted. Those adversely affected by the proposed change in policy fight back, exposing whatever flaws in the arguments they can find. The friction model we have described here is due not only to a particular set of institutional rules (though it may be reinforced by them). Rather, it stems from more fundamental sources rooted in the complexity of the issues themselves, the scarcity of attention, the structure of professional communities surrounding most policy issues, and the reluctance of gate-keepers to admit mistakes.

Attention and Critical Mass

As we look across these possible sources of friction in the political system—each with a grain of truth—it becomes clear that the most important reason for the endurance of the status quo is that power is divided within the American system and attention is limited. Because power is fragmented, many political actors must come together if policy change is to be made. The scarcity of attention identified by Baumgartner and Jones means that gathering those actors together is not easy. The typical two-year Congress, for example, sees close to 8,000 bills introduced, yet only about 400 passed into law. The vast majority of proposals for policy change fall on deaf ears, and this may not be because people oppose them, but simply because they have other priorities. Since there are many more policy problems than there is time or money to solve them, some priorities have to be set, and those issues with lower priority, for whatever reason, are simply pushed down in the queue, perhaps to be considered at some time in the future. We saw this in the fact that 16 of our issues had only a single side; often this was because potential opponents knew the issue had such low salience or momentum that there was no need to work

against it; friction alone, or the status-quo bias, would do the trick quite nicely. So friction is well understood in Washington.

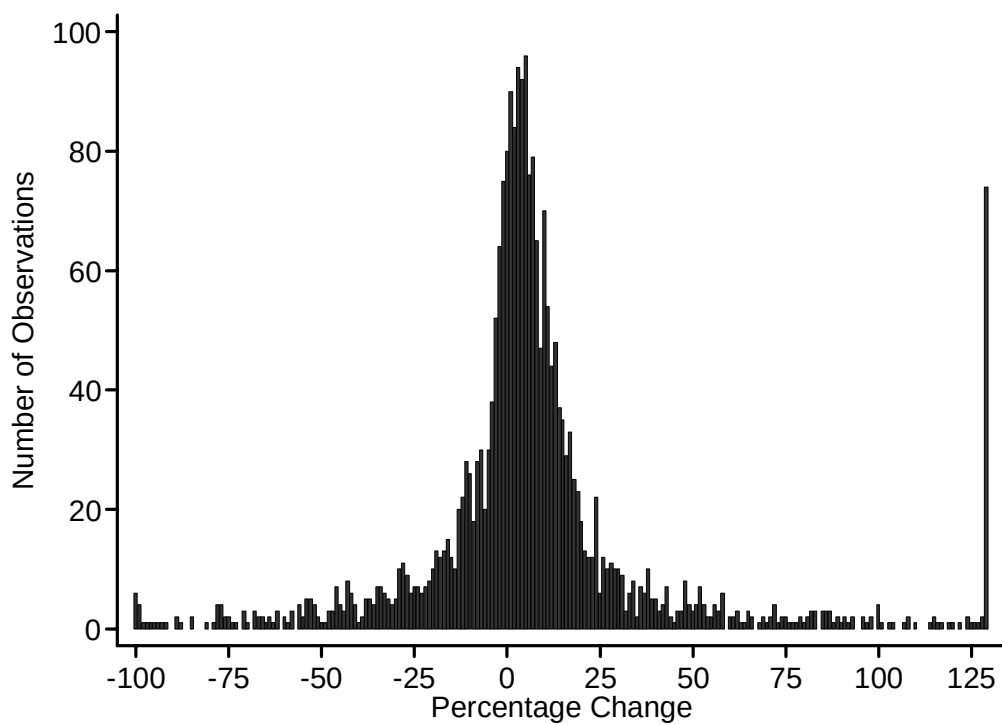
Divided power and limited attention mean that it is in the best interest of interest groups and members of Congress to be working on the same issue that everyone else is working on. The central question is which issues will attract enough other policymakers and other advocates to make it worthwhile to spend time and effort on those issues. As we will see in Chapter 5, advocates of a policy repeatedly told us that one of the most difficult obstacles they faced was simply trying to get other interest groups and government officials to pay attention to their issue. The problem of attention can seem like a Catch-22, in which an issue cannot go forward in the political process without more attention, but the issue cannot get more attention unless it goes forward. An issue becomes “important” and worth spending time on because others have decided that it is important and worth spending time on, and those decisions are in turn based in large part on the decisions of others before them. External events, or merely the build-up of participants, bring an issue to a critical state in which a sudden shift is possible, and change then can occur. The status quo is strong, but it can be broken.

Conclusion

The patterns we have found run against the grain of many common assumptions about how the U.S. national government works. Throughout this book we will see the constant force of the status quo at work, structuring outcomes. What are some of the possible causes of the patterns we see? Why is the status quo so strong? In the past, scholars have pointed to the importance of partisanship and elections, interest group influence, and institutional gatekeepers. There is some truth to each of these answers, but they are not entirely satisfactory. Partisanship alone does not explain change—or lack thereof. Interest groups certainly help reinforce the status quo, as do

institutional gatekeepers, but change often occurs without any change in the gatekeepers and in spite of the presence of many interest groups. To explain the patterns we find we must look to the necessity of gathering a critical mass of advocates to an issue, and the difficulty of doing so given the multiplicity of issues and the limited nature of attention. In the chapters that follow, we explain these patterns in policymaking in more depth, including a closer look at the structures in Washington that do account for much of the stability. The strength of the status quo does not mean that nothing ever changes, but it does mean that change is never easy in politics. Long periods of effort by advocates of policy change may add up to nothing—or may finally be rewarded by an abrupt shift in policy.

Figure 2.1. Annual Percent Changes in Federal Spending Across 60 Categories, 1948–2000



Note: The figure shows the number of federal budget categories that changed by the percentage indicated on the horizontal axis. Across the entire period since 1948, six observations were reduced by more than 99 percent, 20 cases by –13 percent, more than 80 cases each in the range of –3 to +8 percent, and 74 cases increased by over 130 percent in a single year (for the purposes of presentation, these observations are all grouped at +130 percent but their actual values extend far out into the right tail). The figure is adopted from Jones and Baumgartner, *Politics of Attention*, Figure 4.14, p. 111 and is based on a total of 2,416 annual observations.

Chapter 3

Structure or Chaos?

One of the most complex and well-publicized policy controversies of the Clinton administration was the debate about granting Permanent Normalized Trade Relations status to China.

Championed by President Clinton and supported by many business groups and free-trade advocates, the proposal was bitterly opposed by labor unions, environmental groups, agricultural interests, and human rights groups. It involved many seemingly incomparable dimensions of evaluation: free trade, consumer prices, jobs, environmental impact, abortion, human rights, free speech, agricultural exports, military relations, and maintaining diplomatic relations with a rising world power. But at the end of the day when the issue was debated in Congress, there were only two sides, for and against. An advocate for moving to include China told us that “The fundamental argument was that getting China into the WTO was not only good for companies and the American economy, but it was in the national interest as well.” A lobbyist on the other side of the issue drew an equally simple conclusion: “[China was] not ready for a full WTO relationship with the United States because of China’s egregiously bad record on human rights and workers’ rights and also egregiously bad record on non-compliance with past trade agreements.” If there were so many implications of the issue, why were there only two sides to the debate?

Policy issues are rarely straightforward debates about whether a certain goal is desirable or not. The typical policy debate in Washington involves uncertainty about how serious the underlying problem really is, who will be affected by any policy designed to address it, how

much such a policy may cost (and to whom), whether the policy will work as proponents claim, whether it might have unintended negative consequences, and even sometimes about whether the problem it is designed to address is really a problem at all. The typical case is ambiguous and complex, with a combination of considerations ranging from the philosophical to the technical. And yet, at the end of the day, the structure of policy conflict in Washington is usually very simple. One side proposes change; another attempts to protect the status quo.

What creates the structure of policymaking debate in Washington? We focus here on two interrelated causes: First, the continuing nature of public policy debate, which leads to a strong tendency for conflict to simplify along the lines of changing the status quo or not; and second, the presence of large knowledge-based communities of experts surrounding virtually all policy programs, which means that new policies are rarely adopted without a full discussion of various effects they may have. This creates a kind of friction that prevents new dimensions of an issue from rising to the forefront too easily. These knowledge communities bear similarities to the gatekeeping structures and the concept of “structure-induced equilibrium” that have been observed in Congress,⁴³ but the effects of shared information within policy communities are much broader. These are powerful sources of status quo bias in most cases but also explain the occasional burst in policy that we observe from time to time. Perhaps surprisingly, we do not identify partisanship as a central source of structure in policymaking, though we will see that it often has an indirect but important effect as the parties take different positions and as congressional procedures are dominated by partisan gatekeepers. In fact, as we will see in later chapters, partisanship and ideology are rarely explicitly the main points of argumentation, but they structure the process nonetheless.

The chapter is structured as follows. We begin by introducing a fundamental conundrum within the political science literature, in which one group of scholars emphasizes the inherently complex nature of the substance of most public policy debates and another presents evidence showing the extreme predictability and low-dimensional structure of debates and votes in Congress. We then explain the complexity of our issues, in substantive terms, using our interviews to illustrate the deep and shared knowledge about policy issues and government programs that characterizes the communities of professionals which surround the policies we studied. Having established the complexity of the issues and the fullness of the information available to those involved, we move to the issue of the structure of conflict, and we show that extremely simple patterns of conflict characterize the vast majority of our issues. We end with a discussion of the importance of the shared knowledge communities that surround each of our issues, what political scientists have called policy subsystems, iron triangles, policy communities, or more recently issue networks. Surprisingly, we show that these concepts have much in common with a more specific literature from studies of Congress, that on “structure-induced equilibrium.” Our findings in this chapter clearly support our expectations from Chapter 1 that our issues are indeed complex and that they affect diverse constituencies, creating heterogeneous sides. However, surprisingly perhaps, the structure of conflict itself is quite simple: Maintain or change the status quo. In fact, the complexity of public policy induces simplicity in policy conflict.

Two Views

E.E. Schattschneider’s *The Semi-Sovereign People* remains one of the classics of American political science.⁴⁴ In this work, still influential now almost 50 years since its original publication, Schattschneider develops the idea of the *expansion of conflict*. Political conflicts, he

notes, are not like sports events with agreed upon rules of who is part of the battle and who is in the audience. Rather, they are like unorganized rumbles with no clear rules. Those involved in an initial dispute may follow a strategy of expanding the conflict to appeal to heretofore-uninvolved constituencies, or one of conflict containment if they think their interests are best served by limiting participation only to those currently involved. The underdogs, Schattschneider wrote, often appeal for government intervention in their disputes with more powerful rivals. (Schattschneider called this a strategy of “socializing” the conflict, or expanding it.) In his view, many public controversies, and many established government programs regulating such things as labor relations, had such a process at their root.

How does one expand or restrict a conflict? Mostly through reframing the issue—those seeking greater involvement by others attempt to explain how the issue has broader implications than only the most obvious or direct ones. Of course, their opponents also engage in efforts to define the issue as well—they seek to contain the issue, showing how it sets no precedent, does not affect others, and should be left only to the “experts” to decide. In sum, the outcome of a conflict, for Schattschneider, is largely determined by the degree to which the conflict expands.⁴⁵ Rules and procedures play little role in his theory.

Many scholars have built on Schattschneider’s theories, publishing scores of books and articles that place rhetorical strategies and issue-definitions at the core of the political struggle. This has particularly been the case in the field of agenda-setting studies. Roger Cobb and Charles Elder, writing in 1972, further developed theories of conflict expansion by investigating how issues move from the informal public agenda to the systemic, or government, agenda.⁴⁶ John Kingdon followed in 1984 with his theory of “multiple streams” relating to how issues are defined in government and how they emerge on the political agenda, especially after windows of

opportunity are opened.⁴⁷ Frank Baumgartner and Bryan Jones' work in 1993 focused on the dual processes of issue-definition and venue-shopping as they developed a theory stressing how issues are often routinely handled within a community of experts and follow a stable policy direction.⁴⁸ But they also emphasized how issues are, on occasion, dramatically redefined.

Anne Schneider and Helen Ingram described how various “target populations”—that is social or political constituencies that are the objects of many policy programs—are framed.⁴⁹ Some (such as “family farmers”) are positively understood whereas others (“welfare cheats”) carry a negative connotation, and public policies follow predictably from these portrayals. Deborah Stone's work illustrated the importance of what she called “causal stories,” explanations of the reasons for a given public policy problem.⁵⁰ Where poverty is explained by a story emphasizing economic transformations, failure of the educational system, and racial stereotyping or discrimination in employment practices, more interventionist policies are justified. Where a causal story dominated by arguments about individual responsibility, morality, and hard work dominates, then different poverty policies seem to follow.

All these authors have in common a relatively fluid view of the policy process. Issue definitions, they argue, are the result of lobbying efforts by social and professional groups on the policies that concern them. These change over time, and as they do predictable shifts occur in the direction of public policy. *Control the definition of debate, and you control the direction of public policy.* Thus, these scholars contend that strategic advocates can take advantage of the complexity of the policy processes and the multidimensional nature of policy debates.

The literature on the impact of institutional rules and procedures emphasizes a different set of questions and lays out much less hope for policy change or indeed for influence of actors outside of government in the policy process, particularly within Congress. The literature on

congressional procedures and institutional processes also accentuates the gatekeeping ability of leaders. Since leaders are able to decide which kinds of amendments will be allowed, choose who may offer amendments, and determine the rules by which votes will be taken, they affect the outcomes of political debate. Ideology and partisanship play important roles as arguments and roll-call voting are seen to follow relatively straightforwardly from core beliefs and partisan structures within Congress.

We want to square this methodological circle. Our goal is to bridge these two literatures, which so often fail to address each other, confronting both sets of ideas with our evidence. Do institutional procedures drive outcomes? Or do issue-definition and framing make things happen? Our approach, following individual issues that are the object of lobbying, allows us to investigate both institutional procedures as well as efforts to redefine debates.

Our results confirm and disconfirm different parts of both literatures. For example, in general we find that lobbyists cannot simply redefine issues when they please (see chapter 9), although they certainly try, and the use of arguments is highly structured (see chapter 7). Yet in our interviews there was little discussion of congressional rules. We heard virtually no strategizing about how to overcome a particular rule, or of how to work within constraints established by existing rules. What we heard instead involved the guts of the legislative process: How to get enough key players to pay attention; how to get enough support to move legislation forward; or how to mobilize enough participants to kill a bill. For a typical lobbyist or legislative staffer thinking about the problem they're working on that day, strategizing about the rules seemed irrelevant. Rules are a given that an individual advocate (whether inside or outside of government) is unlikely to be able to influence. Surely at key junctures a rule might influence a strategic choice, but overall what we heard on "K" Street and on Capitol Hill was about coalition

building. Further, because of the complexity of the effects of various policies on different constituencies, lobbying is profoundly structured by a simple status quo v. change orientation. Further, the sides associated with these views tend to be diverse.

Simple Issues, Complex Implications

Some political conflicts, such as those on abortion or gun control, seem to involve disputes about the desired ends of a policy. Some favor abortion rights; others disagree. Some support expansive gun-owning rights; others favor restrictions on guns. There is no subtlety to these debates, little ambiguity, and little room for compromise. Even relatively stark debates may be more complex than they appear on the surface—individuals may have diverse reasons for holding a given opinion, for one. Some may support gun rights because they believe owning a gun makes them safer; others because they don't trust the government; and still others because they believe the Constitution guarantees it and they don't like seeing that guarantee whittled away. No matter what the diverse motivations may be, all of these people are in fundamental disagreement with gun control advocates. A second reason why debates may be more complicated than they appear is that even in those cases where disagreements seem considerable, people may actually agree on some higher-level principles. When gun owners propose privacy and individual freedom justifications for their views, they are evoking fundamental values with which virtually all Americans agree. Similarly, when their opponents refer to child shootings and the high level of violence in America, they also evoke concerns shared by the vast majority of Americans. These are stark debates, however, and relatively clear in their structures because the focus of the debate is on the substance of issue: One side wants to protect gun ownership, the other wants to restrict it.

In spite of the clarity of many debates, the vast majority of public policy conflict does not involve such clear disputes. More common are much more complicated fights, typically not about goals at all, but about the diverse effects of the policy, its feasibility, alternative mechanisms of achieving the same goal, cost, and unintended consequences. Nothing is simple when it comes to the debate over the restriction preventing newspapers from owning a TV or radio station in the same market. On the one hand, people can recognize the need to prevent a single company from owning too much of the information marketplace. On the other, TV and newspapers are not the only sources of information anymore, so one can question whether a policy designed in an older era still serves its purpose. As one advocate for change told us, when the rule was written “newspapers were seen as a monopoly on local news. It’s just not so anymore.” He added, “With the internet and cable, there’s a plethora of media voices.” This convergence of rapidly changing industries ensures that any discussion of newspaper cross-ownership will run into a seemingly endless web of issues and considerations. Policies made at one time don’t necessarily remain effective forever. On the other hand, those opposed to the substantive purpose of the policy may just use “effectiveness” arguments to kill something they never liked in the first place.

Every one of our 98 issues involved multiple dimensions of evaluation. Whether or not the overriding goal of the policy was in dispute, none of our issues could be understood along only a single dimension. Usually, these dimensions involved disagreements about the various effects of the policy, some of which may be universally recognized as valuable. In fact, for a given policy outcome, often there is no disagreement whatsoever about whether it involves a worthwhile social goal (in contrast to the abortion or gun control examples above). Rather, conflict erupts around questions surrounding the likely effects of the policy overall. Such was

the case with computer export controls, one of the issues we investigated. Some of the largest and most influential information-technology companies in America were aligned in the Computer Alliance for Responsible Exports, and these massive companies worked hard to convince the government to change the way it identified “high performance” computers, the only ones subject to export limitations. The goal of government-imposed limitations on the highest performing computers is to stop rogue nations from using them to make bombs; no one disagrees with this goal! However, those who sell the computers affected by the policy make different arguments. Among other things, these groups note that computers actually used to design and test nuclear weapons are largely custom-made, whereas the export controls apply to off-the-shelf models. They also emphasized that computers with equivalent processing capacity could be purchased from manufacturers in other countries and that technology changes so fast that it outruns regulations. As one industry PR campaign put it, “Yesterday’s supercomputer is today’s laptop.” Nonetheless, even such an impressive and well-heeled set of corporate heavy-hitters as Dell, Intel, Microsoft, IBM, Sun Microsystems, AOL-Time Warner and others were not able to shake members of the Senate Armed Services Committee from a desire never to look “soft on defense.” The corporate lobbying effort went nowhere.

No one disputes the goals of enhancing American exports abroad, building a stronger high-tech industrial base in America, protecting American jobs, enhancing profits, or beating foreign economic rivals. But, then again, no one wants to give the tools to design nuclear weapons to Iran, North Korea, or Libya. The problem, and the policy conflict, stems from the combination of incommensurate effects of the same policy; every one of our cases has this feature. The multidimensional nature of each of our issues means that they all involve trade-offs of apples to oranges. An important element of such debates is that the resource-rich do not

always win, as in the Computer Export Control example. It also explains why seasoned policymakers may be reluctant to support a policy until they have had the opportunity to become familiar with all the arguments, not just those from one side.

Not only were the issues we studied invariably multidimensional, but they were characterized by uncertainty as well. Uncertainty refers to whether a given policy will produce a given outcome. How much market share would American companies gain if export restrictions were lifted? This matters because if the number is large that might represent a large number of jobs; but if it is small, then why bother? How much more likely would it be that a given rogue state would develop nuclear weapons if it had more advanced computers? Maybe the target country will develop them anyway, or maybe we have other ways of preventing it, so the policy is just not needed. Of course, the uncertainty associated with various outcomes makes the incommensurate trade-offs in many policies even more confusing: How much unknown lost market share is it worth for an unknown reduction in the probability that North Korea will develop or enhance its weapons, a reduction that may be equal to zero if they can simply buy the same computer from a foreign producer? As former Defense Secretary Donald Rumsfeld noted, “there are things we don’t know we don’t know.” In thinking about the intersection of multidimensionality and uncertainty, one starts to understand the complexity of most lobbying in Washington.

The multidimensional nature of our issues has implications greater than mere uncertainty, since even if people reduced uncertainty to zero they would still disagree about whether positive results along one dimension outweighed possible negative consequences along some other dimension. For example, let’s assume for the moment that we knew exactly how much freer trade would affect domestic consumer prices. That still would not tell us whether these potential

benefits in terms of lower consumer prices would outweigh potential domestic job losses or the environmental dangers of moving factories overseas where standards are weaker. Different individuals might make that trade-off differently. Most of our issues involve not just one but many tradeoffs of this sort. Constituencies mobilize to ensure that their view on the debate is given substantial weight, that it is heard, loud and clear. As the debates themselves often involve such difficult comparisons, there is room for various political actors to give more weight to one dimension than to another. In sum, it is not easy to determine how a given issue will be discussed in the public sphere; many factors determine how much weight various actors will assign to the various possible relevant dimensions of evaluation, and how they will make trade-offs among them.

All this implies that one would expect the structure of policy conflict to be quite complex, reflecting the multidimensional nature of the issues themselves. In fact, the conflict tends to be surprisingly clear-cut. If uncertainty refers to the likely results of a given policy proposal, and complexity refers to the multiple trade-offs that must be made on incommensurate dimensions of evaluation, then each of our cases is both complex and uncertain. In spite of the complex nature of every one of our cases, at the end of the day when a vote is taken in Congress there is tremendous regularity in who lines up with whom. Republicans typically line up on one side; Democrats on the other.⁵¹

How do policymakers move from the complex underlying multidimensionality that is inherent in all of our cases to an up-or-down decision on the final outcome? What causes a simple ideological structure to make a common “fit” in issues as diverse as the proposed USAirways – United Airlines merger, extending patent protection on certain pharmaceuticals, new regulations affecting the savings-and-loan industry, and the scores of different elements that

were combined into the patient's bill of rights? Each of these issues raises complex economic, geographic, social, and environmental dimensions of debate familiar to those who are experts on the issue. Each is uncertain as well, since few could say for sure exactly what would be the impact of a given policy change. But in the end when Congress votes, to a large extent these diverse issues are whittled down to a single structure. In explaining the sources of this structure, our first argument is simply that it does not stem from the clarity of the underlying issues. In fact, as we have already argued, the complex impacts on diverse constituencies may paradoxically be what keeps the structure of conflict so simple.

The Informational Richness of Lobbying

If an issue is *complex*, it is recognized by all concerned as having multiple and typically incommensurate dimensions. Even the simplest issue may have the consequence of increasing the purview of the federal government over the states, for example. Trade questions relating to China are inevitably linked to views about that country's human rights record, or abortion, or national security. Agriculture issues have environmental impacts. No matter what the substance of the issue, one way to look at any issue is who wins and who loses economically. Many issues have differential geographic impacts; for example they may favor rural areas more than urban areas, or they may affect the Northeast adversely, or they may affect a single state, or a particular social, racial, or economic sector of the population. The differential impacts of various policy choices may be completely unrelated to theoretical arguments about "good public policy." The best thought-out policy proposal that leads to job loss in a particular state will be a tough sell for at least two senators. If the policy will affect rural areas for the worse, then much of the Senate may be reticent. Woe to the Washington lobbyist who would overlook arguments about geographic impact. Interest groups and professionals surrounding the policy work to maintain or

enhance attention to “their” dimension of the debate. This counteractive behavior reduces the ability of any other actors unilaterally to re-frame or re-define the debate. Lobbying becomes a struggle for attention to one set of dimensions rather than another, and for the most part rival lobbyists and rival policymakers hold each other in check.

Different dimensions of evaluation lead different groups to support and oppose a given policy. Returning to the example of computer export controls, if the issue is evaluated on the dimension of promoting U.S. exports and the high-tech industry, then Republicans would naturally be in favor of liberalizing trade. But if national security trumps then the same group may be in opposition. William Riker saw the importance of these questions and made it seem that strategically sophisticated policymakers should be able to manipulate arguments in order to promote the dimension of evaluation that leads to the right outcome.⁵² But how easy is it to accomplish this? Can lobbyists determine the dimensions of debate that become salient? They would certainly like to.

Surrounding each issue that we studied is a community of professionals who spend their careers immersed in the details of a given issue, day-in and day-out. These people tend to have their opinions, of course, about what policies should be adopted and how serious the underlying problem is. But what is most striking about these communities of experts to a group of outsiders (such as those of us who did the interviews reported here) is the tremendous knowledge about the policy areas they work in. These people know their issues. They know their own viewpoint or course, and they know the arguments of their opponents. They know the histories of the policies; the personalities of the original champions who created the policies in the first place; the justifications for and the problems with how the programs were originally structured; how these have evolved over time; and how similar policies have been tried (or not) in the states and in

other countries. In short, they know whatever there is to know about their issues. Judging from our interviews, given the opportunity many of these people could sit down and write a book about the history and development of their little corner of the U.S. federal government.

Many of the advocates we interviewed had been working in the area where they are active for decades. And even if they had not, in each policy area there are people if not entire institutions that have been involved in the ins-and-outs of the policy for a long time. Our interviews, typically three per case, became very repetitive after a while as people explained the background of the issue to us and the current disputes. While every respondent had their own particular arguments, of course, they also knew the arguments of the others, and they all were able to give a similar description of the general background of the issue, what it was about, the rationale for the existing policy, various arguments for and against possible revisions to the policy, who is affected, who supports and opposes it, and so on. Among people who spend their careers dealing with a given social problem or government policy, they all know pretty much the same things, and they all know a lot.

The shared knowledge of all these people provides structure, and this structure rests much more broadly than on only a given set of institutional designs; indeed, large parts of the structure associated with the policy process would remain even if institutional procedures changed, because they relate to the shared knowledge and information residing throughout a policy community. Single individuals typically do not have the ability to change the way an entire community of professionals looks at an issue. In response to arguments by one side that an issue is “really” about jobs and exports, others involved speak up: “No, it’s not about that; it’s an issue of national security,” they might argue. Of course the outcome of the debate depends on who

wins this war of rhetoric, but the battle is never one-sided, and all sides are armed with pretty much the same, and very complete, understanding of the issue.

Through this process of informational richness, and mutual checks and balances, we can understand the extreme status-quo bias associated with most issues in Washington, but also how things occasionally shift dramatically. What new information would be sufficient to re-define the complex debates that surround most Washington policies? Do elections do it? New scientific studies? Cultural shifts? Venue-shopping? Slick PR campaigns? Campaign contributions? Institutional rules? Leadership? Each of these has been proposed as the cause of important policy shifts, but as we will see this is very unusual and typically no single factor determines a dramatic policy change, and even in combination most of these are insufficient to overcome the extreme bias toward the status quo that we observe in our cases.

From Complexity to Simplicity

We noted in the beginning of our chapter how the underlying debate concerning PNTR with China was highly complex, but the structure of conflict was very simple. Here we move to explaining the degree of simplicity that devolves out of the complexity present in the vast bulk of our cases. We look not at the substance of the underlying arguments, but at the structure of policy conflict. We look at the goals the various participants in the policy process were seeking. This simple question explains a lot.

As discussed in chapter 1, we define a policy side as a group of actors attempting to achieve the same policy outcome. These advocates may or may not be working together, although it is typical that they do indeed coordinate their efforts. Sides include anyone attempting to promote the same goal, whether these advocates are within or outside of

government. Across our 98 issues, we identified a total of 214 distinct sides, or just over two per case, on average. Table 3.1 shows how many were active in each case.

(Insert Table 3.1 about here)

The table shows that a surprisingly large number of issues (17 cases) consist of a single side attempting to achieve a goal to which no one objects or in response to which no one bothers to mobilize. Ironically, the lack of counter-mobilization is a good predictor of failure. Many of these reflect efforts to put an issue on the agenda which are either too early in the process for anyone yet to have reacted, or which are clearly not moving so others have not gotten involved in the issue. We deal in more detail with the problem of the indifference of others in Chapter 4.

One might think that with no opposition, those lobbyists working on behalf the issues with only one side would rule the day in Washington. Reality is far from this, even when the “lobbyist” in question is the Defense Department. Our review of the Pentagon’s efforts to upgrade the Chinook Helicopter, in service since the Vietnam War, show that the proposal ran into no active opposition, but it was still not funded during the period of our study—why? The real question was how much of a priority a revitalized Chinook was for the Pentagon, and what financial effort Congress was willing to make. The answer was that both sides had more important priorities. Similarly, efforts to regulate Medicaid and private insurance providers to require “parity” in reimbursement for expenses related to mental health disorders with how physical disorders are treated aroused no opposition, and yet it made such limited progress that a lobbyist complained to us that his group was still “trying to get legislation that we’ve drafted introduced.” Another advocate admitted that “a big problem for us is trying to get on member of Congress’s screens.” We will have more to say in chapter 4 about how hard it is sometimes to get on the agenda. But one reason for a lack of opposition in a policy debate is that the issue

simply is not going anywhere so opponents need not even bother to mobilize. Almost 20 percent of our sides were facing such a situation. A lack of opposition can be a bad thing.

A majority of cases—58 to be precise—had two sides. Just 23 cases involved what could be considered a complex structure of conflict (with multiple competing goals), and the bulk of these cases had just three or four sides, no more. Typically this consists of a status-quo side and two or three sets of actors attempting to change the policy in slightly different ways. These groups may not be directly opposed to each other, but they are not working together, either. Only two cases included five or more distinct sides.

One might expect that the multi-dimensional nature of the issues facing government would lead directly to an incoherent, overlapping, and confusing set of policy positions being held by various interested parties, and that this, in turn, explains the policy stalemate and the extreme status-quo bias that we observe in American politics. With advocates seeking multiple and conflicting goals, it might prove impossible to achieve consensus on anything. Although there is some intuitive appeal to this argument, the data in Table 3.1 suggest that this is far from true. We found only two cases with five or more sides, while fully three-quarters of the cases had just one or two sides. Clearly, the causes of stalemate do not derive from the splintering of sides on the issues before government. Complexity can cause stalemate. But there is so much stalemate in Congress and so little complexity that most stalemate cannot be caused by complex patterns of conflict on most policy debates. Typically, debates are very clear, with just one or two sides active.

We did have one case in our sample with seven distinct sides; this related to the possible regulation of internet prescriptions. Three different sides sought different types of regulations; two distinct sides argued either that the issues should be handled by the states or that existing

federal law with voluntary measures could handle the problems; and two other significant sides weighed in on the issue with no proposed solution, but simply to protect their own separate and substantial interests on the matter.

Despite the seriousness of this problem, Congress was initially hesitant to act. Republicans in particular were hesitant to regulate the internet as they believe strongly in free market principles that should result in consumers having broader choices and lower prices. Republicans also for the most part advocated allowing state governments to deal with the problem, since regulation of pharmacies is covered under state laws. Democrats were more outspoken in favor of additional federal regulations to ensure consumer protection. Work began in the 106th Congress with hearings, and a bipartisan compromise bill that contained some elements favored by both Democrats and Republicans was introduced just before Congress adjourned for the 2000 elections. Unfortunately for backers of the bill, there was little time left in the session and few strong believers in the feasibility of the bill's goals. The bill was introduced, but never acted upon. A similar bill was introduced in the 107th Congress, and again in the 108th Congress, but in each of these sessions members of Congress focused more attention on the issue of prescription affordability, and regulation of internet prescriptions was never acted upon.

The inability to forge a new policy consensus in the complex environment associated with seven distinct policy sides each with powerful actors fighting over various elements of a broad mixture of policies is completely understandable. In this particular case the relative newness of the internet as a policy area may have helped make the multiple competing sides possible, since the policy subsystems at work are less set in their ways. But our data show that the proliferation of sides is extremely rare. The structure of conflict is typically crystal-clear,

and this has a lot to do with the ongoing nature of public policy disputes. Across all our issues, 130 sides (60 percent of the total) sought to change policy, and 86 (40 percent) worked to protect the status quo. Table 3.2 shows the number of “pro-active” and “reactive” sides on each issue.

(Insert Table 3.2 about here)

Looking first at the distribution of cases in terms of the groups attempting to protect the status quo, numbers here are typically quite low. First, a surprisingly high number (25 cases) have no such side at all. This could be because all agree the status quo policy must be changed, and the only question is how to change it. However, the lack of organized protection for the status quo arises much more commonly because momentum for policy change is weak and fails to threaten anyone. Why waste scarce resources mobilizing to fight a scarecrow? If a real threat develops, there’s plenty of time to mobilize to lobby such a slow moving body as the U.S. Congress.

Second, two-thirds of the cases have exactly one status-quo side. We saw only six cases with multiple status-quo coalitions. (These would be where distinct groups mobilize to protect different parts of the status quo, as in a large piece of legislation affecting multiple constituencies, and where different groups mobilize to protect their own parts of it, not to kill the entire bill.) One key structure apparent in our data is that there is typically just one “Coalition of the Status Quo.” This may be because wherever there is a side attempting to change things, those who oppose it have a strong incentive to simply coalesce into a single “kill-it” side. That is, when they bother to mobilize at all. Fully 92 of our 98 cases had one or fewer status-quo sides. A lot of structure stems from ongoing nature of most policy debates; there is always a status quo, and there are almost always some people who like it.

Looking at the distribution of proactive sides (e.g., those seeking a policy change), three-quarters of the cases show just a single one. There are strong incentives, apparently, to work towards a single goal rather than multiple ones. Of course this is not always possible and Table 3.2 shows 12 cases with three or more distinct goals being sought. Still, these are not large numbers. Table 3.3 shows the overwhelming simplicity of the vast majority of issues.

(Insert Table 3.3 about here)

Fifty-five cases, an absolute majority, had the simplest structure of all: one active set of participants attempting to change the status quo, and one set opposing them. Twenty-five cases involved one or more sides attempting to change things with no one mobilized on the other side. Ten cases involved more than one pro-active side working against a single status-quo side. Just two of our 98 issues involved multiple sides on both sides of the issue. The continuing nature of public policy structures much of the debate around it, and that structure is typically very simple.

Policy Communities as Sources of Structure

For more than a half century political scientists have been describing policymaking as a process that takes place within policy communities.⁵³ Lobbyists, legislators, and administrators with a shared interest in the same public policy problem interact on an ongoing basis to shape relevant statutes and regulations. In scholars' minds the exact compositions of these communities and their implications for policymaking have varied dramatically over the years. Whatever the scholarly model, however, policy communities have always provided much of the structure that we observe. No wonder political scientists have returned to a common set of ideas over the decades.

The initial conception of a policy community portrayed a very tight subsystem with limited participation and high levels of influence over policymaking within a narrow range of

public policy. The term “iron triangle” was popular in the postwar literature, suggesting a closed system with a three-legged stool of key committee chairs, lobbyists, and administrators. A broader and less dogmatic concept of “subgovernment” achieved more staying power, relaxing the assumption of just a handful of participants setting policy. But the basic idea of the subgovernment still held that a limited number of Washington policymakers and lobbyists controlled each area of public policy. A central claim was that policymaking was consensual. What limited differences emerged among members of the subgovernments were easily settled because of the familiarity of the participants with each other, their history of working together, and the strong norm of compromise.

Remarkably, this literature removed conflict from policymaking. The basic idea was that elections and presidents and congressional committee chairs may come and go, but policy communities endure. Analysts depicted a stable system, characterized by incremental policymaking accomplished through quiet negotiations conducted behind the scenes.⁵⁴ Looking back we know that not all policymaking in the postwar period was consensual. Issues involving labor typically engendered conflict with business and by the 1970s an active and resourceful public interest movement changed Washington politics. Still, policy communities with limited participation did exist for a time after World War II and if not all was quiet negotiation, policymaking was more consensual and partisanship was more muted than is the case today.

Interestingly, this case-study based literature on subgovernments has a conceptual link to the sophisticated formal modeling associated with Ken Schepsle and Barry Weingast’s “structure-induced equilibrium.”⁵⁵ This pioneering institutional analysis of Congress argues that the congressional committee structure and the associated rules and norms surrounding committee policymaking work to produce stable policy outcomes. Who wants to be on the Armed Forces

Committee in Congress? Naturally, those with particular concerns about the nature and health of the military. In Congress, this often means those members with important military installations situated in their districts. Who wants to serve on the Agriculture Committee? It will always be those who represent farmers. That never changes. With shared interest comes a vested interest, as only those with a material concern with the issue have the incentive to become expert on the subject matter.

As these “high demand” members systematically seek committee assignments where they can best protect their constituents, and as this affects the entire committee system in Congress, with few exceptions, the entire system can be seen as a giant “logroll” where high demanders in one area defer to their colleagues in other areas, expecting deference in return in those areas that matter to them. A structure-induced equilibrium keeps the committee system in place as it provides benefits to everyone, but the policies that result are heavily tilted to those with a special interest in the policy and thus often deviate from what the general views of all 435 members would be.

Of course, a key element of this system is that members actually defer to one-another, but the incentives to do so are clear. Break the rules of mutual deference, and you may lose control over the policy area that is most important to your constituents, and where you have special expertise. This is a view that suggests that powerful structures and gatekeepers play a key role in the policy process, preventing most redefinitions from occurring, in spite of the efforts of those who may oppose the system. Thus, norms of deference to those with expertise could mean autonomy for those with a vested interest—the foxes guarding the hen-house, as it were.⁵⁶ Indeed, this explanation has been put forward for the growth in government over the decades; as each special interest finds itself in control of an autonomous policy subsystem, inevitably they

extract more from the taxpayers and government grows through a system of mutual deference, each special interest in its own autonomous bailiwick.

Although developed as a theory of Congress, similar incentives are at play within the executive branch. It is not the Agriculture Department, after all, that is first to complain about the health consequences of smoking; they simply approach the question from a different starting point, concerned with how to help farmers. That is the institutional mission. So institutional missions mesh with electoral incentives to create the “giant logroll.” Assumptions about the stability of the policymaking process in both the formal theory of Congress and the descriptive theory of policymaking through subgovernments are built around the idea that norms and processes are designed to yield payoffs for all who cooperate. Thus, the two theories had much in common though they could hardly have been more different in terms of methodological approach.

The theory of structure-induced equilibrium continues to flourish while the concept of subgovernments fell by the wayside. The paradigm shift is marked by Hugh Heclo’s seminal article on “issue networks.”⁵⁷ Heclo argues convincingly that the policy communities he observes are much larger, much more open, and much less cooperative than the stereotypical subgovernment. He chides political scientists for stubbornly hanging on to a concept that had outlived its usefulness. Heclo notes that if we look “for the close triangles of control, we tend to miss the fairly open networks of people that increasingly impinge upon government.”⁵⁸

The fundamental change in the nature of policy communities came with the “advocacy explosion,” the sharp growth in the number of interest groups in Washington that began in the 1960s.⁵⁹ As trade associations, corporations, professional associations, and citizen groups rapidly increased in number, policy communities in Washington were immutably altered. These new

configurations were not just bigger versions of subgovernments. Rather, there is some imprecise but real threshold where small group dynamics end and a different set of relationships emerges. Coordination becomes more difficult, bargaining becomes more complex, and opposition within the network becomes more likely. Modern issue networks are more prone to conflict because expansion of such policy communities incorporates organizations with significantly different policy objectives.⁶⁰ Moreover, open disagreement can emerge along many different axes. Trade groups can be sharply opposed to one another as industries often try to poach on markets held traditionally by other industries. Despite the decline of labor, business–labor conflict remains contentious. Citizen groups are often unwelcome by business-related lobbies, but they have become a fixture of Washington politics.

Paul Sabatier’s work on “advocacy coalitions” has common elements with the issue-network view in that he focuses on long-lasting, stable conflicts among policy experts.⁶¹ In this view, policymaking surrounding important public policies is characterized by relatively stable coalitions of professionals and other experts who share a certain point of view. The larger issue-network may be quite conflictual, as members of the different advocacy communities differ fundamentally on some core beliefs. But they have in common a shared and highly professionalized understanding of the underlying issues.

It is hard to describe contemporary networks in any detail as they are characterized by indistinct boundaries. As John Heinz and his colleagues discovered, large networks may lack central players capable of coordinating advocacy.⁶² Think of health care. With hundreds and hundreds of lobbies active in Washington, what organization has the breadth and muscle to mobilize and direct the entire network? Obviously alliances develop out of policy communities, but coalitions can emerge out of a network whose members actually oppose each other. In short,

it's not so much that the networks shape policy as an institution, but that participants within a network coalesce and work together to try to shape policy. Different issues elicit different coalitions within the broader community.

Despite the sharp differences between the subgovernments of old and contemporary issue networks, there is continuity too. First, subsystems were not devoid of conflict, and indeed were often organized around fundamental issues of disagreement. Second, even Hecló describes an issue network as a “shared knowledge group,” but he failed to acknowledge that this was true of subgovernments as well. The participants in a subgovernment were experts in their policy area and this eased negotiations. Another point of similarity is that just like subgovernments, today's policy communities push Congress toward equilibrium. That is, the very structure of policy communities, which include key congressional policymakers and staffers as well as lobbyists, work in favor of the status quo. In fact, our central argument about the status quo policy reflecting an equilibrium value may help explain why the older literature is sometimes understood as one describing a lack of conflict. Rather, it was a literature focused on a lack of *policy controversy*, which may well have hidden important points where actors disagreed on core values, but where the status quo policy arrangement amounted to an equilibrium value arrived at after years of compromise and negotiation. So there is more in common in the policy literature than there are differences; generations of scholars have focused on the shared-knowledge communities that have long structured the policy process.

As shared-knowledge groups, interest group advocates in contemporary issue networks possess the expertise to contend with policymakers in government. But the opposite is true too. A standard explanation of interest group power is that many leading organizations possess data that Congress and agencies lack. It's often been argued that provision of hard-to-get information

from groups to policymakers and staffers is a source of political power.⁶³ Over time, though, the advocacy explosion has been accompanied by an information explosion. Washington is saturated with interest group and think tank data. It flows like a volcanic eruption 24/7, surging down the halls of Congress and through the corridors of agencies. The informational advantages of the well organized corporations and trade associations have diminished as competing groups came to Washington and institutionalized their own information capacity. Lobbyists walk around Congress and agencies with a new study appended to their body like a third arm. Facts compete in Washington, just like Democrats and Republicans. But the information competes in an environment which is tremendously rich in information, as we have discussed. Further, each lobbyist attempting to spin her issue in a new way is held in check by scores of other knowledgeable observers, common members of the same policy community who share a common understanding of the facts and justifications associated with “their” little area of public policy. In sum, the shared knowledge that characterizes all members of a policy community imparts considerable structure to the policy process. In our cases, this is a key explanation of the inability of individual policy advocates to spin their issues however they pleased. Thus, it helps explain the apparent paradox with which we began this chapter: Each of our issues was substantively complex and multidimensional, but discussion of it was surprisingly simple.

Conclusion

There are many reasons for the structure of conflict we have observed. This structure is definitely not related to the substance of the issues, which are uniformly complex. Rather, the structure comes from the need to build coalitions “for” and “against” a particular proposal. Why don’t these coalitions endlessly cycle, changing as fluidly and fluently as the language a given lobbyist might use? The most important reason is what might be called an “information-based

equilibrium,” by which we mean that communities of professionals keep each other in check, countering proposals and claims about the value of some new policy with pointed rejoinders about the flaws in the argument. With large communities of professionals and experts surrounding most public policies, it is rare that a new consensus suddenly emerges across the board. Further, because of the diverse impacts of the public policies we have studied, the sides mobilized to protect or to change the status quo are highly diverse, a point to which we will return in later chapters.

The simplicity of the structure of policy conflict that we observe is due not to the inherent clarity of the underlying issues being debated, but to the great difficulty for any advocate in pushing the collective attention of all those involved in the policy process to dimensions of the debate that have been overlooked in the past. One might wonder why they even try, since the odds appear so strongly stacked against policy change. The dilemma for advocates seeking change is illustrated by criminal justice reform, one of our cases that went absolutely nowhere during the time of our study. This case represented a broad effort by civil rights and other progressive advocates to bring attention to systematic racial biases and other flaws in the justice system. According to proponents of this new way of thinking about the “war on crime,” the war is flawed by differential sentences for crack and powder cocaine, more aggressive police behavior in minority communities, racial profiling, mandatory sentencing guidelines and “three strikes” laws that have taken discretion away from judges and sometimes led to tremendous penalties for relatively small offences. Toward the end of the Clinton Administration, advocates were just beginning to bring attention to this series of issues, including some success in noting the alleged crime of “driving while black” in which patrol officers were much more likely to monitor the behaviors of minority drivers than whites. When the Bush Administration came to

office, Attorney General John Ashcroft showed little interest in these arguments. The war on terror after 9/11 made racial profiling seem like recommended police practice, in fact. So the effort seems like a complete failure.

So what do advocates gain from promoting new policy paradigms that do not catch on? In our example, advocates understand the long-term nature of their goals. While they got no immediate policy response, they have indeed managed to get some of these background ideas into the policy community. Many states have adopted moratoria on the death penalty after so many flaws and wrongful convictions have been pointed out. High-level attention to the “driving while black” phenomenon led to some investigations and revised procedures. Disparate sentences for crack and powder cocaine have become the object of official review. Mandatory sentencing laws have become the object of discussion within legal circles. While no one would say that the issue has been fully engaged or that advocates have overcome the friction that all policy communities impose on new ideas, who knows what impact these ideas may have at some point in the future? It could be quite substantial. The political system deals with issues as they are presented from the communities of professionals and experts. Changing these cultures and the shared knowledge within these large communities may take time, but it can have substantial policy impacts in the long term.

Table 3.1. The Simplicity of Policy Conflict

No. of Sides	1	2	3	4	7	Total
No. of Cases	17	58	14	8	1	98

Note: The table shows the number of cases across our sample with the indicated number of distinct sides. A side is a group of policy advocates sharing a policy goal.

Table 3.2. Changing or Protecting the Status Quo

Number of Sides	0	1	2	3	4	Total
Protect the Status Quo	25	67	5	0	1	98
Change the Status Quo	2	74	10	9	3	98

Note: The table shows the number of cases with the indicated number of distinct sides attempting to change or to protect the status quo. There were 25 cases with no side actively attempting to protect the status quo, but just 2 cases with no groups actively seeking change. Overall, 81 sides were active attempting to protect the status quo with 133 attempting to change it. There can be more than one status quo side because each may be concerned with protecting a different part of the status quo.

Table 3.3. The Structure of Conflict

Number of Sides Seeking Policy Change	Number of Sides Defending the Status Quo			Total
	0	1	2 or More	
0	0	2	0	2
1	15	55	4	74
2 or More	10	10	2	22
Total	25	67	6	98

The table shows that 55 of 98 cases had the straightforward situation of one side for change, one for the status quo. Only two cases had multiple sides on both sides.