Win the Battleground to Win the Battle: Essays on Punctuated Equilibrium Theory and Interest Group Venue Shopping

by

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE

Doctor of Philosophy

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HOUSTON, TEXAS
FEBRUARY 2015
Abstract

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Campaign finance research examines how interest groups advocate for policy using money, while punctuated equilibrium theory focuses on their informational appeals. Yet all of this activity happens in the context of the multiple political venues of the U.S. government. This dissertation asks what independent affect do political venues have relative to one another on an interest group’s policy success, and whether interest groups strategically choose venues accordingly. The dissertation offers a more precise definition of political venue—a single, autonomous, political institution imbued with sufficient legal authority to direct the coercive power of government—to aid researchers in distinguishing actors who determine policy enactments from actors who only influence policy. It theorizes that the systematic variation in legal supremacy (i.e. authority), barriers to access, and information and bargaining costs (i.e. transaction costs) arrays U.S. political venues in an hierarchical order in terms of their utility to interest groups petitioning for their preferred policy alternatives. The first analysis examines empirically the effect of multi-dimensionality on policy change, which is typically treated theoretically in research employing the punctuated equilibrium theory. It follows the debate on hydraulic fracturing as covered in 20 national and regional newspapers from January 2007 through June 2013 to predict that a punctuated change in policy is not likely without the various stakeholders arriving at a grand compromise later codified by policymakers. Next, the dissertation also uses a well-received dataset of interest group
lobbying activity on a random set of issues at the Federal level from 1999-2002 to find support for its prediction that interest groups are most likely to petition the next higher venue when seeking to change the status quo policy. Tests on that same dataset reveal that a shift of policymaking to a higher political venue changes the chances of policy success for interest groups defending the status quo. Their outlook changes from being likely to realize some if not all of their preferred policies to being likely to win all or nothing of their preferred policies.
Acknowledgements

Of course, it takes a village to write a dissertation. So, let me thank my villagers.

Academically, I must thank my advisor, sometimes co-author, and dissertation committee chair, Dr. Robert M. Stein. Bob exercised the right kind and amount of oversight—aggressive but trusting—necessary to keep my efforts directed towards the end goal while allowing me the flexibility to fit the rest of my life obligations into the few gaps allowed by my academic obligations. I thank the rest of my committee for the rigor and exacting standards built into my entire Rice education in general and this dissertation in particular: Dr. Keith Hamm for his near-incomparable knowledge of legislative and campaign finance matters, Dr. Doug Schuler for his business-centric perspective and encouragement, Dr. John Alford for his philosophy of science, and Dr. Rick Wilson for his incredible ability to scrutinize. For the sake of space, I will not mention by name the remainder of the Faculty of the Political Science department whose acumen, knowledge and collective demeanor is fun to interact with even while they require that exceptionally rigorous and useful scholarship be the norm for their students. I respect and appreciate you immensely.

In my non-academic world, the villagers are too numerous to mention them all. I thank my parents and in-laws, as well as my friends and household employees, whose labor allowed to my wife and I to birth and raise four kids while completing doctoral programs at the same time. I will mention specifically Dr. Joseph Parle, as well as the leadership and Faculty of the College of Biblical Studies-Houston, for their ever-present support for my studies. Collective thanks go out to my friends at Houston's First Baptist Church, especially the members of my accountability group, small group, and life bible
study. Thanks for laboring long in prayer with me through this journey. To my kids, no more homework for daddy; I'm ready to play. Of course, words are insufficient for expressing my appreciation for my wife, Melanie. It took us a while to get here, but we made it.

Now to Him Who kept me from falling, and will present me faultless before the presence of His glory with exceeding joy, to the only wise God my Savior, be glory and majesty, dominion and power, both now and ever. Amen. (Jude 1:24-25)
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Chapter 1

Introduction

Research on policymaking institutions implies that interest groups have the least influence over the policymaking of the full legislature (Ansolabehere, de Figueiredo, and Snyder 2003; Stratmann 2005), have the most influence of executive agency policymaking (Dal Bó 2006; Peltzman 1976; Stigler 1971), and that interest group influence over policymaking in legislative committees lies somewhere in between (Gordon 2001; Hall 1996). Since the separation of powers and federalism of the U.S. government creates so many institutional settings, or political venues, that can each enact an interest group’s preferred policy, many researchers have set out to examine which venues the groups choose. Some have looked at interest group venue shopping (Boehmke, Gailmard, and Patty 2013; McKay 2011), but usually only to compare groups’ choice between the legislative and executive branches broadly speaking. Neither do these studies include any theoretical motivations that stem from how these venues differ from one another. This is unfortunate, because we know a great bit of detail about policymaking in the bureaucracy, in legislative committees, in the legislative chamber, through the Office of the President, in the courts, and at multiple federal levels. Thus, an opportunity exists for one to cull from these silos of research on specific political venues the differences between venues that are relevant to the enactment of policy—since that is each interest group’s primary objective—, and to cobble those differences together into a theory explaining why interest groups might choose one venue over another, testing that theory on observed interest group venue choice behavior. That is what this dissertation aims to do.
MOTIVATION

"The business of politics is business," is a principle often attributed to Alexander Hamilton, indicating that policymakers pay rapt attention to the concerns of interest groups, especially commercial ones. Much ink is still being spilled investigating how interest groups use money to influence government. Following a different path, Frank Baumgartner and Bryan Jones, in support of their theory usually referred to as punctuated equilibrium, devote a large amount of research to investigating how interest groups use information to influence government:

"If advocates of a point of view distort information, or if they are just better at highlighting the aspects of a complex situation that benefit them, they are more likely to succeed in getting the policies they want from government." (Jones and Baumgartner 2005, 12)

Jones and Baumgartner go on to detail the mechanics behind how interest groups take advantage of how policymakers process information in order to capture policymakers’ attention and steer policymakers’ decisions towards the groups’ goals.

Yet, a broad perusal of research on political institutions like Congress, the Federal bureaucracy, and presidential legislative performance, give the impression that political institutions differ in their how susceptible its policymakers are to interest group appeals. A clear example of this occurs in research that highlights how interest groups can contribute to gubernatorial and legislative candidates in order to successfully sway bureaucratic officials (De Figueiredo and Edwards 2007; Holburn and Vanden Bergh 2008). Direct monetary appeals like campaign contributions which are persuasive to elected officials are not as likely to persuade bureaucratic officials that are not elected. Similarly, while elected officials may be persuaded by informational appeals highlighting
public opinion or likely voter reaction (Mayhew 1974; Arnold 1990), bureaucratic officials typically give greater consideration to the technical information about a policy (Skowronek 1982; Wilson 1989). This example strongly suggests that interest groups need to modify their monetary and informational strategies to match the policymaking contours of different political venues. So, this dissertation asks the following questions. How do interest groups use money and information comparatively in different U.S. policymaking institutions (i.e. political venues)? Moreover, are there other institutional characteristics that differ across political venues that affect how interest groups influence its policymakers or the utility of that venue to the interest group’s efforts to realize its policy goals? This dissertation argues from the insights of previous research that, besides monetary and informational appeals, finding the right political venue to target may be a third tool interests groups use to get the government to make their business its business.

WHAT WE KNOW ABOUT INTEREST GROUP INFLUENCE BEFORE CONGRESS, AGENCIES AND COMMITTEES

Interest group influence over legislative voting is capricious at worst and subordinate at best. The shadow of power over the final, roll call votes of legislators is each legislator’s electoral constituency. Mayhew (1974) points out that legislators take care to advertise and take credit for votes that reflect the opinion of their voting public. Fenno (1978) shows that legislators also secure local public goods (i.e. "pork" projects) and provide ombudsman-like casework to further secure their electoral futures. This research does not to indicate that interest groups win no policy favors from the legislature. Even Mayhew posits that legislators will serve organized interests that possess electorally useful resources, and Stratmann (2005), Gordon (2001, 2005) and
Witko (2006) each find that timely and opportune campaign contributions can swing an individual legislator’s vote. However, the research does indicate that interest groups are rewarded second, after or coincidentally to constituents, and typically through different legislative vehicles and activities than roll call votes on what experts describe as "significant" legislation. When public and interest group interests align, there is no voting dilemma for a legislator. However, when rewards to interest groups cost the general public, Arnold (1990) illustrates how legislators hide their complicity with interest groups to avoid the ire of their voting public. Legislators can deflect the incidence of the costs, spreading then out over time or having the costs start small and grow larger incrementally. Also, legislators can pass along benefits within omnibus or tax bills whose complexity deters scrutiny, or by deferring the decisions to the implementing, executive branch agency to distance themselves from the enactments that actually confer the benefits.

While interest group influence is severely limited in the context of the full legislature, decades of research has confirmed—and lamented—the efficiency of executive branch agencies in enacting interest group preferences. Dozens if not hundreds of case studies continue to document how regulated interest groups tend to be highly favored in agency rulings (see Hillman, Keim, and Schuler 2004 for a review of this work). Wilson (1989) explains that, for senior leaders of an agency, the primary goal of maintaining political support for their agency often can best be accomplished by pleasing the interest group the agency regulates. McCubbins and Schwartz (1984), revisiting prior work on iron triangles and subgovernments, point out how interest groups can bring damaging attention onto an agency by alerting its legislative overseers, with many studies
indicating that contributions to legislative and executive overseers do sway agency
decisions in the favor of the contributing/regulated interests (Campbell 1998; De
Figueiredo and Edwards 2007; Rehbein and Lenway 1994). Moreover, interest groups
face less competition in agency settings. Gray and Lowery (1996) find that the problems
of collective action and relatively fewer organizational resources leave citizen’s advocacy
groups at a disadvantage relative to corporate interests, the interest groups typically
regulated by executive branch agencies (see also Olson 1965; Boehmke, Gailmard, and
Patty 2005).

Interest group influence in legislative committees appears to lie somewhere on the
spectrum between the spotty influence within the full legislature and the strong influence
in the executive agency. On the one hand, the policy subgovernments literature shows
that interest groups may enjoy the same level of policy success with legislative
committees as they do with executive agencies. The interest group gives election
resources to committee members, and delivers committee members favorable reports
about the agency. The agency makes administrative decisions that please the interest
group and that do not harm the electoral outlook of the committee members. The
committee members grant broad authority and resources to the agency along with
authorizing legislation that favors the interest group. On the other hand, committee
policymaking involves more procedural hurdles and grants de facto veto authority to
more policymakers than agency policymaking, making it more difficult for interest
groups to exert influence. For example, committee members might employ more
procedures like hearings and required reporting in order to regularly alert themselves of
agency activities (Andres 2009; McCubbins, Noll, and Weingast 1987). Similarly,
legislators might use detailed legislation to impose their preferences on the agency, or even require that agency rules be reviewed by the legislature before they are considered to be passed (Epstein and O’Halloran 1999; Huber and Shipan 2002; Wilson 1989). Thus, whereas Hall (1996) signals positive interest group influence on legislative committees when he demonstrates that interest group contributions motivates legislators’ participation in committee policymaking, Krehbiel (1991, 1997b, 1997a; see also Dion and Huber 1996, 1997) signals that interest group influence with committees is constrained when he demonstrates that legislatures impose open rules on committees whose membership is more homogenous and possesses policy opinions that differ from the floor median.

Thus, research on policymaking institutions implies that interest groups have the least influence over the policymaking of the full legislature, have the most influence of executive agency policymaking, and that interest group influence over policymaking in legislative committees lies somewhere in between. Yet, what are the sources of this difference in influence across these and potentially other institutions? Also, do interest groups modify their advocacy strategies to take advantage of these differences? Little of the research that has focused specifically on interest group advocacy across institutions has included institutional features as explanations.

WHAT WE KNOW ABOUT THE DETERMINANTS OF INTEREST GROUP VENUE SHOPPING

The bulk of the research into interest group advocacy across venues—often referred to as interest group venue shopping—focuses on the determinants of venue choice, but settles on determinants that are not specific to any particular venue. These
include an interest group's own resources (Holyoke 2003, McQuide 2010, McKay 2010), an interest group's allies and competitors (Holyoke 2003; McKay 2010, 2012a, 2012b), and party control of the political venues (Vanden Berg and Holburn 2007; Holyoke, Brown, and Henig 2012). This is where Frank Baumgartner’s and Bryan Jones’ scholarship makes its greatest contribution. Their scholarship details not how interest groups calculate which venue to target or advocate in, but rather how interest groups go about persuading policymakers, and what makes policymakers receptive to that persuasion. One of their particularly important observations is that institutions can help overcome the cognitive limits humans face:

"... formal organizations, like the Roman god Janus, face two ways. They allow people to escape their cognitive and emotional information-processing bounds, but, being constructed by humans, they also fall prey to the same limits that affect human information-processing capacities. Formal organizations, such as governments, allow the coordination of individual behaviors toward the accomplishment of a collective end. When they operate properly, they also allow the combining of diverse preferences and viewpoints to come to a decision." (Jones and Baumgartner 2005, 18)

Jones and Baumgartner recognize that policymakers, as humans, operate with limited attention spans for the consideration of policy questions and with emotionally-supported long term views of policy issues, typically generated in previous rounds of deliberation on the issue.¹ Political venues, as formal human organizations, might differ both in the extent to which they enable policymakers to devote their attention to a particular issue, and in the extent to which they incorporate policymakers with a diverse set viewpoints on policies.

Thus, Jones and Baumgartner (2005) uncover that the likelihood that an interest group will be able to persuade policymakers is conditioned upon the attention that the

¹ Jones and Baumgartner rely on a venue’s capacity to receive feedback from affected groups to motivate policymakers to change prior opinions and decisions (2005, 18-19). This dissertation relies on Coase’s (1937) and Moe’s (1984) logic that internalization of a diversity of information sources and opinions lowers transaction costs and improves decisionmaking, both past and contemporary.
policymakers can devote to that interest group’s policy issue and the policymaker’s long-term or prior viewpoint (i.e. opinion) of that issue. Based on the portrayals of interest group influence in the scholarship on policymaking by Congress, executive branch agencies and legislative committees (mentioned above), this attention span and opinion is likely to differ across venues. Yet no scholarship that this researcher is familiar with has searched for these differences. The closest one is the analysis at the end of Jones and Baumgartner (2005). These analyses focus on the influence of public opinion, not interest group advocacy, and include as political venues "social processes" that either do not actually decide policy or only indicate political venue activity: markets, elections, and policy processes, the latter being further divided into news coverage, bill introductions, congressional hearings, Congressional Quarterly coverage, executive orders, statutes and budgets (2005, 175-176).

WHAT ARE WE MISSING

Knowing how interest groups persuade policymakers and what makes policymakers receptive to that persuasion, a logical next step in the research is to investigate how political venues might differ systematically in the receptivity of their policymakers to the persuasion efforts of interest groups. Another logical step is to identify other features that differ across political venues and that might affect the venue’s attractiveness to an interest group. Specifically, research should consider the relative differences in bargaining costs across political venues, which is the other transaction cost besides information processing costs that political institutions attempt to minimize, as indicated by Moe (1984), building on Coase (1937). Scholars like Marcus Ethridge
(2010) and Terry Moe (1990, 2006) have ruminated on the efficient and rapid bargaining (i.e. policymaking) in executive branch agencies compared Congress, which echo complaints commonly expressed in the first generation of scholarship on policy subgovernments (Lowi 1969; McConnell 1966). Studies should compare empirically the rates of enactments, literally how quickly the venue moved from deliberation to decision, of specific policy issues across political venues. Also, the scholarship on bureaucratic discretion and the chamber influence of legislative committee directly explores the manner in which the activities of those venues are supervised by other institutions. These oversight, principal-agent relationships indicate a difference in law-making authority, that some political venues may be able to "trump" the decisions of other venues. Research should consider how this might condition the venue targeting of interest groups.

WHAT WE WILL LEARN HERE

The scholarship on interest group venue shopping leaves a lot of room for investigating how that behavior is affected by the differences in the institutional characteristics of the various political venues. This dissertation steps into that gap, pulling from previous literature to argue that there is a systematic pattern across political venues to these information processing and collective policymaking differences. It then empirically investigates both cross-sectionally and through an empirical case study how these differences affect the advocacy strategies of interest groups.

As a first step, Chapter 2 takes a different direction at investigating the information-persuasion basis of interest group influence over policymaking. It explores the early evolution of hydraulic fracturing as a political issue—from January 2007 to
June 2013—in order to make a prediction about the likelihood of punctuated policy change based on the consensus or predominance of a single dimension and image for that policy. It finds that a punctuated change in policy is not likely, since the heightened and increasingly negative attention to the issue is not also accompanied by a predominant policy image along a single dimension, at least as of the end of the study period. It sets the stage for later research into the extent to which the fact that different political venues were deliberating on hydraulic fracturing can explain the incidence and nature of the policy enactments that did occur during the study period.

Chapter 3 begins by recovering a more precise definition for a political venue from the various concepts used in related research. The necessary part of that definition is each venue’s privilege of enacting policy, of directing the coercive power of government, by itself with no other political or social actors necessarily involved. This privilege allows research to distinguish between actors who merely influence policy, like political parties and interest groups, and policymakers who actually determine policy.

Knowing that venues enact policy allows the recognition that venues differ in the legal supremacy of their policymaking authority, that where two or more venues make policy decisions, the U.S. system of political venues has pre-determined which venue’s decision will prevail over the others. This characteristic of venues is the first of three—along with barriers to access and information and bargaining costs—that are integrated into the theory of this dissertation, also presented in Chapter 3. The theory argues that U.S. political venues can be arrayed in hierarchical order according to the systematic differences in legal supremacy, barriers to access, and information and bargaining costs. The principal hypothesis is that these differences motivate interest groups that want to
change the status quo policy to target the next highest venue from the one that considered the policy in the previous round of deliberations. A simple example comes from the 1999-2013 debate on same sex marriage in California (Table 1.1). The battle gradually moved upward in venue from the state legislature, to the state courts, to a state constitutional amendment to the federal courts as the direction of policy bounced back and forth between groups seeking change from the prior policy of marriage only between a man and a woman and groups defending the status quo policy.²

Table 1.1
Policy Path Across Political Venues - California Same Sex Marriage Debate

<table>
<thead>
<tr>
<th>Date</th>
<th>Venue</th>
<th>Policy Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>pre 1999</td>
<td></td>
<td>No Same-Sex Marriages</td>
</tr>
<tr>
<td>October 1999</td>
<td>CA State Legislature</td>
<td>Grant Estate Benefits</td>
</tr>
<tr>
<td>March 2000</td>
<td>Voters (Proposition 22)</td>
<td>Ban</td>
</tr>
<tr>
<td>September 2003</td>
<td>CA State Legislature</td>
<td>Grant All Benefits</td>
</tr>
<tr>
<td>February 2004</td>
<td>San Francisco Mayor</td>
<td>Allow</td>
</tr>
<tr>
<td>August 2004</td>
<td>CA Supreme Court</td>
<td>Nullify (Mayor's Actions)</td>
</tr>
<tr>
<td>December 2004</td>
<td>CA District Judge</td>
<td>Hear Arguments /</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Start State Court Process</td>
</tr>
<tr>
<td>September 2005</td>
<td>CA State Legislature</td>
<td>Allow</td>
</tr>
<tr>
<td>September 2005</td>
<td>CA Governor</td>
<td>Veto / Ban</td>
</tr>
<tr>
<td>October 2007</td>
<td>CA State Legislature</td>
<td>Allow</td>
</tr>
<tr>
<td>October 2007</td>
<td>CA Governor</td>
<td>Veto / Ban</td>
</tr>
<tr>
<td>May 2008</td>
<td>CA supreme court</td>
<td>Allow</td>
</tr>
<tr>
<td>November 2008</td>
<td>Voters (Proposition 8)</td>
<td>Ban / Amend Constitution</td>
</tr>
<tr>
<td>August 2010</td>
<td>U.S. District judge</td>
<td>Allow / Overturn Prop 8</td>
</tr>
<tr>
<td>February 2012</td>
<td>U.S. 9th Circuit Court</td>
<td>Allow / Upheld</td>
</tr>
<tr>
<td>June 2013</td>
<td>U.S. Supreme Court</td>
<td>Allow / No &quot;Standing&quot;</td>
</tr>
</tbody>
</table>

Source: Huffington Post, 6/26/2013.
Note: Italics signal the status quo or starting point in the debate.

Chapter 3 finishes with an empirical investigation of the theory using data compiled by a team of researchers led by Frank Baumgartner and Bryan Jones for

² Even the intervention of the San Francisco mayor can be seen as a move to the next higher venue in the sense that local, home-rule governments have the authority to overrule certain, state-wide directives.
investigating interest group advocacy (or lobbying) (Baumgartner et al. 2009). The data comes from interviews with D.C. area lobbyists on a random selection of 98 issues dealt with during the 106th and 107th Congresses (1999-2001). It finds that interest groups do move upward along the hierarchy as proposed, with some caveats for other typical sequential patterns in policymaking across venues.

Previous research on interest group venue shopping argues that interest groups pick political venues where they are likely to win. Since Chapter 3 shows that interest groups move upward hierarchically, Chapter 4 directly investigates whether an upward change in venue increases an interest group’s chances at policy success. It argues that having a higher venue consider the policy increases an interest group’s chances of policy success by utilizing both the higher venue’s greater legal supremacy to overrule the decision in the (prior) lower venue and by taking advantage of the higher venue’s lower barriers to access to gain an audience therewith. However, a shift upward in venue inserts interest groups into a more contested battle over information and involves a more difficult bargaining task among policymakers for adopting policy, which decrease the likelihood of success for an interest group. All together these venue characteristics, the argument holds, should increase, though not guarantee, an interest group’s chances of realizing their policy goals when policymaking shifts to a higher venue. Empirical tests using the Baumgartner et al (2009) dataset finds are supportive in that shifts upward in venue changes the likely outcome for groups defending the status quo from one in which they are most likely to be partially or completely successful to one in which they are most likely to be completely successful or to completely fail.
INTRODUCTION

Punctuated equilibrium theory (PET) suggests that policy change is preceded by new policy images and issue definitions (Baumgartner and Jones [1993] 2009). The origin of new policy frames includes real world events (e.g., natural disasters) and efforts by stakeholders to infuse new ideas and policy definitions into longstanding policy debates. The effect of changing or shifting issue definitions, facilitated by the media’s coverage of these new frames, is to mobilize and change public and elite perceptions and policy positions, penultimate to the adoption of new policy. Research has demonstrated the accuracy and breadth of PET in accounting for policy change (see Jones and Baumgartner 2012) in the U.S. and in comparative settings.

What is not fully appreciated and empirically understood are the relationships between key exogenous variables in PET and how they explain policy change. Implicit in PET is that a consensus among key stakeholders regarding the policy image must emerge around a single (set) of policy positions before policy change can occur. Yet, can different policy images prevail for similar if not identical policy positions among different stakeholders? Can stakeholders ‘agree to disagree’ about why they prefer the same or similar policies? Does consensus on policy image and issue positions have to precede policy change? The practical implication of this question directs attention to the

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3 Support for this research was provided by the Sloan Foundation and by the James Baker III Institute for Public Policy. Seonghui Lee and Robert M. Stein are co-authors and co-contributors to this research in this chapter.

4 Baumgartner and Jones note that this change in policy image is not always evidenced in public opinion (Baumgartner forthcoming; note 3, p. 7).
concept of compromise in the policy making process; an anemic condition in contemporary U.S. politics.

This paper offers a nuanced explanation for how diversity of policy images among stakeholders might enhance policy change. Like Baumgartner and Jones ([1993] 2009) the focus of the empirical investigation here is a case study, specifically of hydraulic fracturing. Unlike other case studies of PET, hydraulic fracturing is not a yet a settled policy and continues to be debated at the national, state and local levels. Consequently, the empirical investigation is limited to identifying the preliminary conditions that are penultimate to predicting policy change on hydraulic fracturing using the punctuated equilibrium model.

The paper is organized as follows. The next section briefly reprises the punctuated equilibrium theory identifying in more detail elements/variables of the model and their relationships as discussed in extant literature. It specifically sets out the expectations about how policy change might be predicted for the issue of hydraulic fracturing. Section three details the research design, methods and measures for studying policy change on hydraulic fracturing. Section four introduces the case of hydraulic fracturing and identifies the relevant stakeholders, policy images, policy positions/tones and policy adoptions for the period 2008-2012. The sixth section reports the analytical findings and a prediction about policy change on the issue of hydraulic fracturing, concluding with a discussion about future research.

A BRIEF REPRISE OF THE PUNCTUATED EQUILIBRIUM THEORY
Baumgartner and Jones ([1993] 2009; 2012) and others who have applied punctuated equilibrium theory to the study of public policy have identified several key factors that together structure the dynamics of policy change and explain why the status quo is the predominate condition for most public policies. The expectation is that the adoption of policy change (i.e., non-status quo policy adoption) occurs when several conditions are in alignment. These conditions concern the number of prevailing policy images and the number of engaged stakeholders.

Policy image refers to "how a policy is understood and discussed (Baumgartner and Jones 2009, 26)." More precisely policy image defines the empirical conditions of the problem the policy will address (i.e., its causes and solutions) along with an evaluative component. The evaluative component refers to the tone of the policy, that is, whether the policy has a positive or negative effect signaling support or opposition, respectively, for the policy from those advancing the policy position. For example, nuclear power after the Second World War was positively framed in terms of a low cost, safe energy source associated with economic progress. After notable events associated the commercial application of nuclear power including *Three Mile Island* in 1979 and damage to Japanese nuclear reactors after the Tsunami of 2011, nuclear power became "associated with danger and environmental degradation" (Baumgartner and Jones 2009, 27). Thus, once the discussion of a policy is predominantly negative, it is more likely that policymakers will prioritize the issue and change the direction of policy to suit this new manner of thinking.

Generally, opponents and supporters of the same policy position espouse different if not competing images, often along different dimensions of the root, empirical problem.
Policies will differ in the degree to which a single image is well accepted by all. In some cases, there is virtually no disagreement about the social or political implications of a given policy, while in other cases there may be considerable conflict over the proper way to describe or understand it (Baumgartner and Jones 2009, 26).

Conflict over policy images is indicative of a policy arena with competing views and policy positions. However, to ease or generate a punctuation change in policy, advocates must overcome the hurdle posed by the cognitive limitations of those they intend to persuade:

"Selective attention is far and away the most important cognitive limitation that influences political choice. Cognitive processing capacities are constrained by a ‘bottleneck’ of short-term memory that allows us to attend to only limited elements of the environment at any given time. The limits of attention force us to deal serially with problems, leading directly to severe difficulties in comparing different courses of action." (Jones and Baumgartner 2005, 16)

Human limitations on attention force policy advocates to simplify their issues to make them cognitively manageable for the public and policymakers. This means narrowing the dimensions of an issue, perhaps down to one, that is most clearly connected to their policy aims. Moreover, they must overcome the efforts of advocates competing to do the same, but around a different policy image. Advocates, thus, rely on mass media to assist in setting a policy agenda through the intensity of news coverage (Waste 1990; Weart 1988) along a single dimension of policy. Accordingly, policy change occurs most often when one policy image dominates all others by acquiring the attention and adherence of a significant majority of stakeholders and policy makers, sufficient to adopt new non-status quo legislation.

What would the dynamics and properties of policy look like if policy images had a relatively flat distribution, one without any dominate and modal policy image between polar policy positions? It could be that this distribution of policy images and tones might
provide greater opportunities for policy compromise even in the face of many and
divergent policy images, though not in the form of parallel and counterproductive
policies as observed for policies like tobacco, where the status quo includes anti-smoking
efforts and subsidies to farmers to grow tobacco (Baumgartner and Jones [1993] 2009).
Could multiple policy images be compatible with the adoption of a new, non-status quo
policy? The intuitive answer to this question is no and depicted in Figure 2.1. Here,
bipolar policy images occupy opposite ends of the policy continuum. Moreover, the
policy choices associated with these divergent policy images correspond with the same
bipolar distribution of policy images. This condition closely resembles U.S. policy on
tobacco for most of the mid-20th century. Other notable examples of this type of policy
condition include U.S. slavery policy throughout the 18th and 19th century, culminating in
the U.S. Civil War and current U.S. abortion policy. All these policies produced non-
compromising policy stalemates.

Figure 2.1
Bipolar Distribution of Policy Images - Policy Predicted Not to Change

Figure 2.2 depicts a different distribution of policy images and tones. Policy
tones/positions are single peaked between two extremes, yet the distribution of policy
images is much flatter and supports a wide range of policy positions. Such a condition might promote policy compromises across a range of policy choices, in part because it is inclusive of policy images that support many modestly different policy choices. One reason policy preferences are single peaked may be that the many different policy images can support only a narrow range of policy choices.

RESEARCH DESIGN, MEASURES AND DATA SOURCES

Consistent with previous research on punctuated equilibrium models of policy, this analysis relies on newspaper accounts of hydraulic fracturing to study the policy debate over hydraulic fracturing. While one could survey interest groups directly to capture their issue positions and policy goals, the assumption is that journalists are thorough and accurate in their coverage of the stakeholders and the debate over policy.\textsuperscript{5} Even if any particular journalist or news outlet were biased toward any interest group or

\textsuperscript{5} The consensus view that news stores are more likely than not to be generated by some observed conflict in society poses little threat to this analysis. Here the focus is on the change in the tone of coverage over time. So, unless the tendency of journalists and editors to cover conflict also changes over that same time period used here, there is no threat to the validity of the analysis.
policy option, the dataset here includes a sufficient number of newspapers and journalists to reduce this error. Moreover, the use of newspaper articles is expected in studies using the punctuated equilibrium theory since the theory holds that news coverage is the chief medium through which elites and policy makers seek to inform and shape public opinion penultimate to policy adoption. Influencing policy through public opinion not expected to be the lone strategy of interest groups, nor is it expected that policy change is driven solely by media coverage. Interest groups and public officials will make use of many strategies and engage in many interactions that will never "make" the news. Nevertheless, media coverage is, at the least, a barometer corresponding to "the state of official and public concern" on a political issue, especially when examining the changes in those concerns over a relatively long period of time (Baumgartner and Jones 2009: 47).

Thus, news coverage of hydraulic fracturing, including the issue frames and policies advanced by different stakeholders, is expected to vary significantly over time. Specifically, the expectation is to observe a monotonically increasing incidence of news stories on this issue, both nationally and in regions where significant deposits of natural gas exist and where hydraulic fracturing is being used to extract gas deposits. Moreover, the distribution of issues frames and policy positions advocated by different participants should signal the likelihood of policy adoption per Baumgartner and Jones ([1993] 2009). Though it may be premature to predict major policy adoptions from these data, the analysis should reveal whether the distribution of issues frames reported in the news is indicative of a consensual or competitive environment.

Therefore, the empirical analysis is based on a dataset that includes all news articles in selected newspapers that mentioned hydraulic fracturing for the period January
2007 and July 2013. The newspapers include four major, national newspapers (i.e., *New York Times*, *USA Today*, *Washington Post*, and *Wall Street Journal*) and 16 regional papers in states with significant shale gas deposits and hydraulic fracturing operations. The data collection process involved using LexisNexis to identify news articles that included the terms "hydraulic fracturing" and variations of this phrase. Later, upon recognizing that many journalists used the specific term "oil and gas drilling" instead of "hydraulic fracturing" since the latter had not been added to the *AP Stylebook* until the March 2012 edition (Fahey 2012), articles using the term "oil and gas drilling" were also collected. In total, the dataset is based on 6,894 news articles from a sample of 20 national and regional newspapers for the study period January 2007 thru June 2013 (see Table 2.1).

The newspaper practice of reprinting articles authored by another newspaper or source could bias the results of the analysis here. So, tests were performed to check for whether the regional newspapers were simply reprinting the same articles originally reported by a wire service or a national newspaper. In most newspapers, the byline will make mention of the wire service or other newspaper, were appropriate, that authored the article. The analysis revealed that the regional newspapers only republished 389 articles originally authored by the Associated Press, Bloomberg News, McClatchy Newspapers, the New York Times, or "wire services" referred to generically. That quantity represents

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6 Regional newspapers include Denver Post (CO), Salt Lake Tribune (UT), Wyoming Tribune-Eagle in the West (WY), Charleston Gazette (WV), Dayton Daily News (OH), Detroit News (MI), Pittsburgh Post-Gazette (PA), Richmond Times Dispatch (VA), Plain Dealer (OH), and Roanoke Times (VA) in the Northeast, and Arkansas Democrat-Gazette (AR), Daily Oklahoman (OK), Dallas Morning News (TX), Houston Chronicle (TX), Odessa American (TX), and San Antonio Express-News (TX) in the South. See also Appendix Table 1

7 Variations on hydraulic fracturing searched for included: “hydraulic fracturing,” “hydraulic fracing,” “hydro fracturing,” “hydro hydraulic fracturing,” “hydro fracing,” “hydraulic fracturing,” and “fracing.”
only 5.6% of the articles collected, and showed frame and tone traits that were statistically indistinguishable from the rest of the collection.

To measure the issue frames, policy positions, venues and stakeholders reported in each news story we employed ReadMe, a machine-aided content analysis program (Hopkins n.d.; Hopkins and King 2010). ReadMe takes a set of text documents, in this case, news stories, to compute the proportion of documents in each category defined by the user. The categorization scheme is defined by a small subset of documents hand coded by the user. Utilizing such "training sets," ReadMe estimates within normal

### Table 2.1
Newspapers by Region (# of Articles)

<table>
<thead>
<tr>
<th>Newspaper</th>
<th># Articles</th>
<th>Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas Democrat-Gazette</td>
<td>157</td>
<td>South</td>
</tr>
<tr>
<td>Daily Oklahoman</td>
<td>333</td>
<td></td>
</tr>
<tr>
<td>Dallas Morning News</td>
<td>248</td>
<td></td>
</tr>
<tr>
<td>Houston Chronicle</td>
<td>630</td>
<td></td>
</tr>
<tr>
<td>Odessa American</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>San Antonio Express-News</td>
<td>172</td>
<td></td>
</tr>
<tr>
<td>Charleston Gazette</td>
<td>764</td>
<td>Northeast</td>
</tr>
<tr>
<td>Detroit News</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>Pittsburgh Post-Gazette</td>
<td>1421</td>
<td></td>
</tr>
<tr>
<td>Richmond Times Dispatch</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>Roanoke Times</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>The Plain Dealer (Cleveland)</td>
<td>228</td>
<td></td>
</tr>
<tr>
<td>Dayton Daily News</td>
<td>113</td>
<td></td>
</tr>
<tr>
<td>Denver Post</td>
<td>575</td>
<td>West</td>
</tr>
<tr>
<td>Salt Lake Tribune</td>
<td>201</td>
<td></td>
</tr>
<tr>
<td>Wyoming Tribune-Eagle</td>
<td>90</td>
<td></td>
</tr>
<tr>
<td>New York Times</td>
<td>649</td>
<td>National</td>
</tr>
<tr>
<td>USA Today</td>
<td>67</td>
<td></td>
</tr>
<tr>
<td>Wall Street Journal</td>
<td>809</td>
<td></td>
</tr>
<tr>
<td>Washington Post</td>
<td>329</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>6894</td>
<td></td>
</tr>
</tbody>
</table>

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sampling error the proportion of the documents that are dedicated to each of the defined categories. Unlike hand coded analyses of news stories employed in previous research, the machine-aided coding method allows the identification of multiple categories of measures (i.e., issue frames and venues) in the same news story.

It is important to note that when reporting on public policies, journalists often refer to multiple frames, stakeholders, tones and policy options in the same article. Paragraphs of articles frequently present the same hurdle. This problem can be solved by analyzing/coding the sentences of the articles. Consequently, the *ReadMe* software was employed to code each sentence, producing a initial dataset made up of 334,478 sentences from the 6,894 articles over 78 months (January 2007-June 2013). The sentences were aggregated into sets by month and newspaper (by month and region for some tests), which ReadMe examined to estimate the portion of sentences that fall into each category of policy images and tone. The final dataset—the one used in the analyses—reports the proportions (or estimated probabilities) that a certain policy image and tone appear in the newspapers surveyed in each month.

Primers on hydraulic fracturing published by the American Petroleum Institute and Greenpeace provided the initial categories for the ReadMe training set. The American Petroleum Institute, a trade organization representing the oil and gas industry, is positive towards hydraulic fracturing while Greenpeace, an international environmental advocacy organizations, is critical of the procedure. These two documents revealed 16 different policy images. Both cluster analysis of the grouping tendencies of those images and more in-depth reading of the newspaper coverage of hydraulic fracturing refined

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9 A sentence also could include multiple mentions of frames, etc., especially in long, compound sentences, but which rarely appeared to do so.
those 16 images into nine. Figure 2.3 depicts the final nine policy images, which are described in detail in the next section.

The next step was to hand-code a set of sentences for each category of issue frame. The research team used sentences from the New York Times for the hand-coded training set since it is representative of news coverage in a national paper and local newspaper adjoining a shale gas producing region.\textsuperscript{10} Sentences published at the initial, middle, and the most current period of the study were selected and coded for policy image (840 sentences) and tone (678 sentences). To make our categorization mutually exclusive, 342 sentences representing "no relevant image or tone" were also coded\textsuperscript{11} Based on Hopkins and King (2010, 242), this quantity of training set documents should be sufficient to remove any coding bias.\textsuperscript{12}

THE POLICY IMAGE OF HYDRAULIC FRACTURING:

At its essence, hydraulic fracturing is a drilling technique. When using hydraulic fracturing, drilling companies pump a mix of water, sand and chemicals at high pressure into rock pores deep underground to break open the rock so that more oil and natural gas can be recovered. Though the procedure has a long history in the energy field, its wider usage dates from 1998 when the procedure was refined and made possible the

\textsuperscript{10} The validity of the automated coding into the designated categories is based on the assumption that “the documents in the hand-coded set contain sufficient good examples of the language used for each document category in the population” (Hopkins and King 2010, 237). We are confident that the terminology used in discussions about hydraulic fracturing have not changed or evolved in the time period of our observations. We have observed that the language used to refer to the different frames, stakeholders, venues and to reflect tone has been near constant since 2004 until now.

\textsuperscript{11} We do not report on these “no relevant image or tone” categories, but 95% of the observations of no relevant image ranged between 3.6% to 36.7% of the sentences in a given newspaper in a given month. The corresponding range for no relevant tone is between 0% to 42.1%.

\textsuperscript{12} Hopkins & King (2010), find that 500 sentences are sufficient to remove coding bias from the subsequent automated coding.
economical extraction of shale gas. Hydraulic fracturing provides a useful context for studying punctuated equilibrium theory because it is susceptible to policy monopolies and disruptions. In his classic article "Up and Down with Ecology," Anthony Downs (1972) argues that public attention to political issues typically follows a cyclical pattern if the issue possesses three characteristics: (1) It is a minority issue: the majority of persons in society are not suffering from the problem nearly as much as some minority; (2) its benefits are diffuse dispersed: the issue provides significant benefits to a majority or a powerful minority of the population; and (3) it is not a valence issue: the problem has no intrinsically exciting qualities. (1972:41). While the status quo policy equilibrium on hydraulic fracturing generally consists of private contracts (leases) between drilling companies and landowners under existing state laws on drilling and environmental protection, policymaking on hydraulic fracturing is very much not settled due the externalities associated therewith, and continues to be debated at local, state and national levels. Central to the Baumgartner and Jones theory is their concept of a policy image, which is the narrative that connects the empirical facts about a real-world problem (i.e. issue) to a possible government solution, couched in "core political values which can be communicated directly and simply through image and rhetoric" (2009, 7). This section will describe the various policy images surrounding hydraulic fracturing, detailing the empirical facts about it, the political values and the government solution or policy option advocated. Figure 2.3 visually depicts this discussion.

*Profit, Fairness and Regulation of Market Transactions (Status quo)*

The decision regarding hydraulic fracturing is primarily a private one, which is to say the government needs not be involved; this describes the prevailing status quo policy
equilibrium on hydraulic fracturing. It is the drilling company that decides to employ the technology. Because the resource to be extracted using hydraulic fracturing is far underground, it has no owner per se; so the drilling company is not hindered a priori by this fact. However, the drilling equipment is installed and operated at the Earth’s surface, and someone, typically a private individual, owns that territory and the rights to the minerals below it. The transaction between the drilling company and the landowner by which the former buys or leases the land, the permission to drill, and the resources extracted is characterized by market dynamics, which each party enters willingly and attempts to maximize their own benefit. This private transaction is typically very rewarding to both parties, especially the landowners, which helps explain the explosion in hydraulic fracturing activity since the early 2000s. There are many news stories that could be headlined "Hydraulic fracturing saves the family farm" in that they describe how hydraulic fracturing allows rural landowners, who perhaps are struggling to make a living from agricultural or other uses of their land, to be able to enjoy a comfortable living off of the proceeds from their hydraulic fracturing leases.

Like all market activity, there is room for government regulation of the transaction between drilling companies and landowners, especially in light of the information asymmetry between the two parties. Particularly, there have been complaints from landowners that they were bound to unfair practices through the use of deliberately obtuse language in leasing contracts or that drilling companies took unfair advantage over landowners’ lack of information about hydraulic fracturing in general. These landowners appeal to values of fairness and negative images of "big business" taking advantage of the "little guy", and have used the courts and their Attorneys General for permission to break leases and enter renegotiation. The situation changes only slightly when the government is itself the landowner, like in the case of state and
national parks. In those situations the government is inherently involved, but the market
dynamics of the transaction remain generally unchanged.

Disclosure, Research on Contamination, and Trade Secrets

Many groups are contesting to know the exact content and quantity of chemicals that are
added to the water in a fracturing operation. Water comprises the bulk of the fluid mixture in a
fracturing operation; the remaining $< 1\%$ of the mixture may include chemicals that are toxic to
humans and animals in direct contact. Scientists and activists argue that information about these
chemicals is needed in order to more conclusively test for any soil, water or air contamination.
Doctors and activists argue that the information is needed in order to better treat patients they
suspect have been sickened through exposure to these chemicals. Drilling companies have been
reluctant to release the information, however, especially the actual proportions of each chemical.
They argue that such information is a trade secret, and that the public disclosure of that
information would be the equivalent of handing its winning recipe over to the competition.

The government solution to this lack of information is to mandate that drilling companies
disclose that information. Yet there are important variations of this mandate. The first regards
whether companies can disclose only the chemicals used or whether they also must disclose the
actual proportions of those chemicals. Another variation deals with the timing of the disclosure,
whether it should occur before operations begin or after drilling is completed. A third variation
relates to who would have access to the disclosed information. Pennsylvania, for example,
exempts drilling companies from revealing trade secrets, except when requested by a medical
doctor who is treating a patient that may have been exposed to chemicals; the doctor must not
divulge what they learn. A final variation deals with where that registry of information must
reside. The oil and gas industry voluntarily began to disclose the identity of chemicals they use
on the industry website, FracFocus.org. The Department of the Interior has been considering the establishment of its own registry for drilling allowed on Federally-owned land.

**Water Regulation, Wastewater, and Contamination**

Water is the principal ingredient in the mixture that is pumped underground and cycles back to the surface during hydraulic fracturing operations. Each well will use millions of gallons of water, which comprises over 99% of the fluids used, with a portion of that fluid remaining in the well permanently, being irretrievable. The remaining < 1% of the fluid mixture includes chemicals of types known to cause harm to humans and animals. These chemicals are damaging by themselves and remain damaging once mixed with the water. Also, when the water cycles back up during drilling operations, it can carry with it naturally-occurring radioactive material, which makes the water even more potentially damaging. The wastewater—water that has completely cycled through the entire hydraulic fracturing process—cannot be returned safely to the water supply without undergoing a level of treatment or clean-up that is more sophisticated than the level generally provided at water treatment facilities. Other disposal options include storing the wastewater in open air pits constructed onsite, allowing the water to evaporate, leaving behind the chemicals. Another option is to permanently store the wastewater deep underground in injection wells. Emerging technology also is enabling the recycling of wastewater so that it could be re-used in other wells.

The fact that hydraulic fracturing requires such a vast quantity of water motivates a controversy over the supply of this water. It is easiest for a drilling company if the water can be obtained from the water authority local to the well site. However, some worry that hydraulic fracturing’s demand for water may overwhelm the local authority, threatening its service to other customers, especially if the area is subject to drought (San Antonio Express News 7/3/11). Some
also worry that the water that hydraulic fracturing takes from the local supply will not return to
the local supply, since some water is irretrievable from the well and the rest may need to be
taken out of the area for treatment if the local water authority is incapable of doing so (Houston
Chronicle 2/1/12). It is harder for a drilling company if the water needs to be transported from a
location distant from the well site, at least in terms of the added costs. Even this practice is not
without its detractors, however, who object to the amount of wear and tear that the additional
truck traffic puts on the roads (Arkansas Democrat-Gazette 7/24/11).

A primary concern of environmental advocates is the numerous ways that humans and
wildlife could be exposed to the chemicals that are part of hydraulic fracturing operations.
During operations, workers might simply spill some of the chemicals onto the ground. Heavy
rains and flooding could cause the wastewater storage pits to overflow onto the ground. If not
physically barred from doing so, animals could come into contact with the wastewater pits.
Also, the liners in the pit separating the wastewater from the ground below could fail.

The use of underground injection wells to permanently store the hydraulic fracturing
wastewater is also problematic. These disposal wells have been linked to seismic activity in
Arkansas (Arkansas Democrat-Gazette 7/27/11 & 3/15/12), Ohio (New York Times 3/10/12) and
northwestern England (New York Times 10/22/11). Interestingly, most research to date
successfully ties earthquakes to disposal wells, while concluding no link between earthquakes
and the wells that produce or extract oil and natural gas (Houston Chronicle 1/23/12).

The policy options to deal with these water, contamination, and seismic externalities of
hydraulic fracturing stop short of amounting to the abolition or outright ban on hydraulic
fracturing. Instead, they represent compromises regarding the supply of water and the disposal
of wastewater. Local government level water authorities typically are the decision makers on
whether the locality can accommodate the water demands and/or wastewater treatment of local hydraulic fracturing operations, though some state regulators have participated in research on water use demands of hydraulic fracturing relative to competing users (Houston Chronicle 11/14/11). Any government actor, or even the drilling company and landowner in their negotiations, could order the use of storage tanks rather than open air pits to temporarily store the hydraulic fracturing wastewater, though this represents a greater expense to the drilling company. States, like Pennsylvania, have banned the use of injection wells, which led companies drilling in that state to place its injection wells in the neighboring state of Ohio, where some seismic activity has occurred. Contamination concerns motivate many localities to attempt to affect where wells are located. They pass restrictions, typically zoning laws, intended to keep drilling sites away from sensitive areas or high-density populations like bodies of water and schools, so that if contamination does occur, the harm to humans or wildlife would be limited.

**Air Quality and Emissions Capture**

Wells where hydraulic fracturing is used have the potential to leak natural gas, whether drilling for natural gas or for oil. Studies have estimated the rate of leaks to be 2%-6% of the volume of the resource extracted. Most of the leakage is methane, "a potent, heat-trapping gas, 20 times more powerful in its affect on the atmosphere than carbon dioxide" (New York Times, 4/9/12). For dealing with this externality, it is easiest for the drilling companies to ignore potential leaks, or to siphon and burn off (a.k.a. flare) the natural gas that would otherwise escape. Technology allows for both the minimization of leaks through better well design and the capture of gases that nevertheless escape during production. While capturing emissions does carry a cost, the sale of the captured emissions can constitute another source of revenue for the drilling company.
Landowners, residents and government officials at all levels have expressed concern about or passed regulations related to hydraulic fracturing operations’ contribution to air quality. The Environmental Protection Agency issued rules in April 2012 requiring drilling companies to install capture equipment, referred to as "green completion" equipment, on all wells by January 1, 2015. Other policy options include mandating construction standards that would minimize the potential for leaks.

*Regulatory Treatment Meets Federalism*

Drilling companies are facing a political landscape where governments at the local, state and national levels are each independently considering regulating hydraulic fracturing in some way. The federal nature of the U.S. system of government allows multiple governmental bodies at multiple levels to exercise jurisdiction simultaneously over the particular parcel of land where the well is located. The disparate nature of the externalities of hydraulic fracturing adds to the potential regulatory complexity. Each of these externalities pertain to distinct areas of policy—from fraud to land use to water regulation to air quality to disclosure—which are often governed by separate, single-purposed governmental bodies. Lastly, governments are in the hydraulic fracturing business not only to resolve disputes over the externalities of hydraulic fracturing, but also as landowners. Much hydraulic fracturing activity occurs on state and Federal public lands, which give those entities—a notable one being the U.S. Department of the Interior—jurisdictional authority to impose whatever regulations they deem appropriate.

The companies argue that the imposition of so many layers of permitting and regulation would cripple their industry. The drilling companies would prefer to maintain the status quo, which is to have hydraulic fracturing continue to be regulated primarily by state government, typically by an executive agency with jurisdiction over natural resource development. Even as
concerns have arisen about the many externalities, drilling companies have continued to assert that the state (agency) regulators are sufficient guardians of the public interest; that they have the most expertise relevant to the particulars of the companies and geology in their geographic area. Anti-hydraulic fracturing activists, some holding public office, have argued that the Federal government needs to establish national standards for hydraulic fracturing. These activists hold that states are outmaneuvered or co-opted by drilling companies, and that federal legislation would force the drilling companies to internalize the costs of hydraulic fracturing’s externalities. The years 2011 and 2012 witnessed many efforts by the Environmental Protection Agency to inject itself into the regulation of hydraulic fracturing. Drilling companies counter that a one-size-fits-all pattern of regulation is ill-fitted to an activity whose contours change with the terrain; that federal standards would appeal to the lowest common denominator in given areas, resulting in unnecessary costs for each given drilling operation (San Antonio Express News 1/26/12). Some anti-hydraulic fracturing activists have targeted downward on the federal ladder by appealing directly to local governments, attempting to use the various powers of government bodies at that level—especially zoning laws—to regulate or eliminate hydraulic fracturing "in their backyards."

_Economic Growth, Carbon-Based Energy, Land Use and Abolition_

Hydraulic fracturing as a private, market transaction is the "state of nature" which government intervention would seek to modify through policy. Hydraulic fracturing shifts from being a purely private issue to becoming a political issue once one begins dealing with the large number of externalities hydraulic fracturing produces. While these other externalities appear to argue against the use of the practice, another externality—the economic benefit to the towns where hydraulic fracturing occurs—provides incentive for actors not directly involved to yet
favor the use of hydraulic fracturing. Just as some landowners do better financially after signing leases, advocates hail hydraulic fracturing as saving small town U.S.A. in that the towns where these landowners reside are benefitted by the new jobs, tax revenue and spending of these landowners and workers. For example, *The New York Times* reported that Dimmit County, Texas, due to the increase in hydraulic fracturing activity, saw its unemployment rate fall in half and sales tax receipts increase by 70 percent from 2010 to 2011, such that the county could hire more police officers and buy sanitation and road repair equipment. It also claimed that thanks to increased drilling activity, "the recession bypassed North Dakota entirely" (*New York Times* 5/28/11).

Anti-hydraulic fracturing activists complain about the growth hydraulic fracturing brings based on the notion that it destroys the town’s way of life. They consider hydraulic fracturing to be incompatible with growth from other industries that needs to use the land in other ways, particularly farming, hunting, and tourism. All property owners may be hurt to the extent that their property values drop due to fracturing operations decreasing the aesthetic appeal of the area, typically by clearing away trees and operating with lights and noise throughout the night. Farming is harmed when those in the organic food industry ban the inclusion of produce from lands or near lands where drilling is taking place. Also, farmers may be harmed or when previous sources of financing refuse to extend loans to landowners who lease their land for drilling, which the Rural Housing Service and the Rural Business and Cooperative programs of the U.S. Department of Agriculture chose to do in March 2012. Fracturing operations often are tucked among terrains where hunters search for wildlife, which brings the risk of gunshots from hunters accidentally hitting workers and equipment.
Another controversy regarding the growth brought by hydraulic fracturing is the strain such growth puts on the infrastructure of the town. Drilling companies use an immense quantity of truckloads to transport hydraulic fracturing materials to and from the well site. Local roads may be ill equipped to handle such traffic (San Antonio Express News 3/29/12). The housing stock of some towns has also been unable to absorb the temporary housing needs of company workers. Some therefore argue that hydraulic fracturing does more harm than good in that the economic benefits to the areas around hydraulic fracturing well sites may be outweighed by the immediate and long-term economic costs to be borne.

Another not-very-controversial externality of hydraulic fracturing is the energy and environmental utility of the natural gas extracted. The amount of natural gas that can be extracted by hydraulic fracturing from U.S. reserves is so large that the industry often calls it a "100-year supply" of energy. According to research by Dr. Scott Tinker, a geology professor at the University of Texas at Austin, among the carbon-based materials used for energy, natural gas poses the least threat to the environment while providing the second-most energy bang per investment buck. In terms of energy source, only coal provides a greater yield of energy per investment, but does much more harm environmentally. Drillers and some environmental activists, therefore, argue that the natural gas extracted by hydraulic fracturing can be the "bridge fuel" between environmentally damaging fuel sources like coal and environmentally benign sources like hydro, solar and wind. Nevertheless, some environmentalists oppose natural gas because it is a carbon-based energy source and, thus, still harmful to the environment, at least more so than non-carbon-based sources. Plus, they argue that hydraulic fracturing crowds out clean energy, contending that it would be better to direct the resources now invested in natural gas extraction towards those even cleaner sources of energy to increase their energy yields.
The policy options most associated with the controversies over the economic and energy benefits due to hydraulic fracturing are policies that seek to abolish hydraulic fracturing, or at least abolish it in certain places. "Good" hydraulic fracturing, which might mitigate the potentially harmful effects of hydraulic fracturing, is not sufficient for those wanting to shift investment from hydraulic fracturing into non-carbon energy, to shift land use from hydraulic fracturing to farming, hunting or tourism, or even to stop the lease/sale transactions between drilling companies and landowners. Their outcomes can be achieved only by the abolition of hydraulic fracturing activities, which they hope to accomplish through the use of government authority. These include outright bans on hydraulic fracturing, as well as temporary moratoriums, debated primarily at the state level. Local governments use bans and moratoriums also, where state laws allow, but most typically use zoning and other land use policy options to achieve the same effect.

*Hydraulic fracturing: A Multi-Dimensional, Non-Zero Sum Issue*

The use of hydraulic fracturing does not have to come at the expense of human and environmental health, nor does protecting health make extraction unprofitable. This means that the policy outcomes need not devastate any particular interest. In fact, there are many stakeholders advocating similar policies but for different reasons. For example, if a local water board member cares mainly about water supply issues, while a user’s rights advocate cares about clean drinking water, and the state seismologist cares about the earthquake activity. Similarly, looking at three policy alternatives: the drilling company could (1) store its wastewater underground in injection wells; (2) buy water locally and clean it before sending it into the local system; or (3) truck in water and truck out wastewater to be treated elsewhere. The water board member can support all alternatives except for using the local water system (2), since some water
is inevitably lost in the process, thereby depleting the local supply. The user’s rights group favors all alternatives except for the trucking of water (3) since trucking accidents can spill chemicals into local drinking water supplies. The seismologist favors all alternatives except the underground storage of wastewater (1), since research shows that disposal wells, not drilling wells, are associated with increased seismic activity. So, a frame can lead a group to support more than one policy alternative.

The non-zero sum nature of hydraulic fracturing, coupled with the dispersed impact of its externalities, means that to make a decision on hydraulic fracturing is really to make many decisions on many different policy dimensions. Hydraulic fracturing is multi-dimensional in nature. On its face, punctuated equilibrium theory appears to predict that no change or direction in policy would be made under such conditions, primarily because the multiple dimensions would hinder, if not preclude, the emergence of a consensus or of some sort of "grand compromise" among policymakers along any one particular policy dimension. But is that truly the case? How likely is consensus to emerge for multi-dimensional issues? How much consensus is necessary and sufficient for policy change to occur? The analysis below of the debate surrounding hydraulic fracturing offers answers to those questions.

ANALYSIS – TOWARDS A POLICY PREDICTION FOR HYDRAULIC FRACTURING?

Consistent with much research on punctuations and policy adoptions, this analysis includes a number of tests. First is the search for a punctuation in media coverage on hydraulic fracturing. Second is the search for an negative shift in tone that accompanies the punctuation in news coverage. A novelty to the analysis here is a more explicit, non-anecdotal search for around a prevailing or dominate frame accompanies the punctuation and negative shift in tone of news coverage on hydraulic fracturing. Punctuated equilibrium theory predicts that over the
course of the disruption of a policy monopoly, an interest group will successfully advocate a particular policy image that competes with the status quo, sufficient to generate a new policy.

**Punctuation in Media Coverage**

The dataset reveals a fairly distinct punctuation in news coverage related to hydraulic fracturing. Figure 2.4 shows the average number of articles and sentences per month per newspaper that mention hydraulic fracturing for the period 2007-2013. A significant, monotonically positive increase in coverage occurs, which is consistent with the expectation that a change in policy might soon also occur as predicted by the punctuated equilibrium model.26

![Average Monthly Newspaper Coverage of Hydraulic Fracturing](image)

A kernel-weighted local polynomial smoothing graph of the actual figures in the dataset is statistically significant, P <.05. The Kernel-weighted local polynomial smoothing function involves a nonparametric regressor, which allows the data to speak for itself better than a linear or quadratic regression function.

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26 A kernel-weighted local polynomial smoothing graph of the actual figures in the dataset is statistically significant, P <.05. The Kernel-weighted local polynomial smoothing function involves a nonparametric regressor, which allows the data to speak for itself better than a linear or quadratic regression function.
One can identify three distinct periods within our period of study in terms of the average number of monthly news stories on hydraulic fracturing. The first period begins in January 2007 and ends in September 2009. It is characterized by sporadic, relatively light coverage. The second period begins in October 2009 and ends in September 2011. This period is characterized by monotonically increasing coverage. The third period begins in October 2011 concluding with the end of our time series, June 2013. During this period the rate at which news coverage on hydraulic fracturing increases slows from the previous period but coverage nevertheless continues to increase. Overall, newspaper coverage of hydraulic fracturing has experienced an unambiguous, significant and steep increase over between 2008 and 2013. During this period the average monthly number of articles on hydraulic fracturing rose from three to just under ten.

One can observe in Figure 2.5 the same unambiguous increase in news coverage when focusing on each region's news coverage of hydraulic fracturing. Though the amplitude of coverage varies across region, the trend does not vary greatly across region, except in the Western states. News coverage in the West is decidedly muted over the time-series and shows two bumps in coverage, the larger of the two occurring in the third period, September 2011 and forward. The reasons for this difference are many potentially, but two stand out. One is that mining and mineral extraction are major industries in those states, especially Wyoming where it is the leading industry. This might have predisposed those states to be initially and non-spectacularly receptive to any innovation that helps those industries. The second reflects the personal intervention of Dick Cheney. Cheney exerted great influence diffusing opposition to hydraulic fracturing in the region from his first election in 1979 as Wyoming’s lone U.S. House Representative through his time as Vice-President (Meyerson 1993; Winburn 2006). Nevertheless, the earlier bump in coverage reflects the fact that permitting for drilling on Federal
lands started there in earnest early in 2007 after the BLM published its final rule for expedited (30-41 days) permitting on Federal lands in that area. The rule was ordered as part of the Energy Policy Act of 2005 and the Executive Order 13212 (May 18, 2001).

Punctuation in news coverage of a policy is a necessary, but not sufficient condition in the punctuated equilibrium model to predict policy change. Sufficiency for policy change also entails a dominance of policy tone and issue frame.

*Change in Tone of Coverage*

Figure 2.6 depicts the change in the tone of newspaper coverage of hydraulic fracturing for national and regional news coverage over the period 2007-2013. A significant change in the tone of news coverage about hydraulic fracturing occurs over the study period in every region.
In the national newspapers, coverage of hydraulic fracturing is fairly neutral at first, sporadically bouncing back and forth around an average percentage of positive coverage of 50%. The regional coverage is much less positive on average, with early coverage ranging from 26%-33% at the beginning of the period studied. In all regions, the tone decidedly drops, most precipitously in the national newspapers, averaging a 0.48% drop in tone each month. Not having as far to fall (from positive), the tone of coverage nevertheless drops in each of the other regions about 0.11%-0.13% per month. Interestingly, the drop in tone in the Northeast is better understood as a an intercept drop in tone of around 10.4%. This drop most likely reflects the onset of the debate within the New York Senate and later the Assembly over a temporary

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27 As revealed by a comparison of test statistics between an OLS regression of a count (i.e. slope) on tone and another OLS regression with a dummy variable reflecting months after May 2010. The R\(^2\) of the first model equaled .153; of the second model .232.
moratorium on hydraulic fracturing, which itself was energized by the BP Oil Spill in April 2010 according to the bill's author NY State Senator Antoine Thompson (Lustgarten and Kusnetz 2010; Navarro 2010).

Catastrophic events or "whistle-blowing" exposés often are associated with significant spikes in both the volume of news coverage and the negative tone of news coverage. For example, the Three Mile nuclear accident in Washington State was associated with a significant increase in news coverage that was decidedly negative and skewed towards opposition to the construction of new nuclear power plants (Buamgartner and Jones 2009:196). Outside of the BP oil spill motivating New York's State Senate, no catastrophic events come to mind that might explain the sustained increase in negative coverage on fracturing. Since many of the early articles appeared to be aimed at educating readers of the controversies involved in hydraulic fracturing, perhaps the early punctuation is due to the amount of hydraulic fracturing actually taking place. Could the rise in coverage simply reflect increased drilling activity? Based on advice from expert on oil and natural gas drilling, this question is examined using we use data on the number of drilling rigs actively employed in a given state in a given month. Counts of active drilling rigs are expected to capture new drilling activity and the portion of the drilling process that is most visible and potentially disruptive to the surrounding community. Figure 2.7 shows

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28 Two events combined could have amounted to a “whistle-blowing” event. On September 9, 2010, the EPA requested certified information of the nine leading hydraulic fracturing service providers. This represented the first large-scale intervention of the Federal government into fracturing. This was not whistle-blowing in the traditional sense because it did not reveal any unknown information since the results of the inquiry were not scheduled for release until December 2012. What did reveal new information the about the environmental and health issues involved in hydraulic fracturing was the coincidental premiere in New York City of the documentary, Gasland. Josh Fox’s documentary on natural gas exploration depicted the flammable tap water and lawsuits by residents of Dimock Township, PA against Cabot Oil and Gas. While the movie was far from a box-office smash, it might have been enough to awaken the interest of media elites to an emerging story. These two events, the EPA inquiry and the Gasland premiere, may have combined to generate a media-driven punctuation in coverage on hydraulic fracturing.

29 After drilling, the well is completed then set into production. In those stages the footprint and traffic to and from the well site scales down significantly.
the number of active drilling rigs per state per month, divided into regions.\textsuperscript{30} Drilling activity was scaled back drastically from the third quarter of 2008 through the second quarter of 2009, which industry experts attributed to the global recession and contemporary oversupply of natural

\textsuperscript{30} Texas is plotted in the graph with nation-wide totals simply due to the scale of drilling activity in Texas.
gas—the unemployment rate is plotted to graphically depict the recession.\textsuperscript{31} Outside of that major downturn, drilling activity increased steadily, appearing to lead the punctuation in article coverage by about six months. Table 2.2 shows the results of the statistical tests on the contemporary effect and six-month, lagged effect of drilling activity on newspaper coverage of hydraulic fracturing. For seven states out of the eleven states in the sample, including at least one state in each region, the analysis offers statistical support for the supposition that drilling activity has an immediate and/or lagged effect on newspaper coverage. This correlation is stronger to the extent that newspapers in one state cover the activity in neighboring states directly.

The apparent empirically-driven rise in coverage paired with the gradual decline in tone suggests that journalists, and through them both the public and policymakers, are growing in their awareness and concern over hydraulic fracturing and especially its negative externalities. The relatively sharp disruption in the Northeast reflects the actions of New York state legislators and governor to freeze permitting on drilling while the larger debate continued rather than to regulate drilling as it continued to take place. One might think that those leaders’ decisions is the precisely the type of policy change predicted by PET. Unfortunately for the theory, the leaders’ actions \textit{preceded} both the punctuation in coverage and the negative shift in the tone of coverage, if it did not in fact generate those developments. In every other region, the debate was still developing, and lacking a crisis or whistleblower motivation, it is questionable whether the punctuation witnessed here in the coverage of hydraulic fracturing is of a type sufficient to portend or even trigger a major change in policy.

\textit{Changes in Distribution of Issue Frames}

\textsuperscript{31} January 28, 2009 Press Release of Baker Hughes Incorporated.
Central to PET, but under-investigated directly, is the emergence of a single and controlling issue frame that is penultimate to policy punctuation. Limits on human cognition force advocates who are seeking to change a policy to successfully simplify the debate around the dimension of the policy that most favors them. This analysis tests this expectation directly by examining the proportion of news stores per month by issue frame, for the three periods identified in our time series (January 2007-June 2010; July 2010-September 2011; October 2011-June 2013). These results, depicted in Figure 2.8, indicate an unqualified "no" to the question of whether one issue frame came to dominate news coverage on hydraulic fracturing. No particular policy image gained dominance over the others in newspaper coverage of hydraulic fracturing. In fact, the distribution of issue frames increases in amplitude over time reflecting the increase in the breadth of news coverage of this issue. The normalized Shannon H measure, as recommended by Boydstun, Bevan and Thomas (2013), represents the breadth of the coverage of the nine policy images. Its values ranges from zero to one with lower values indicating a narrow focus on one particular image and higher values indicating a broader, more even focus across many images. The performance of that measure over time, depicted in Figure 2.9, confirms that the breadth of coverage across the images of hydraulic fracturing continually increases over the period. It changes from an average of .097 in period one, to .181 in period two, to .257 in period three, each of those averages being statistically significant at the p=0.000 level.\footnote{These are the results of a fixed-effects, panel regression of the Shannon H diversity measure on each of the three periods of punctuation in the study, pooled across the 20 newspapers in each month. The overall R\textsuperscript{2} equaled .377.} This condition is incompatible with an impending change in policy on hydraulic fracturing, according to punctuated equilibrium theory.

An ever increasing breadth of issue frames covered does not necessarily indicate that each issue frame received the same amount of coverage throughout the period. It could be the
Figure 2.8
Prominence of Frame in Media Coverage

X-axis (Frames) is arrayed on the continuum of Deregulation (Left) - Abolition (Right)
Y-axis reports the percentage of articles reflecting that frame
case that the frames that were featured earlier in the period were later displaced by other frames. Such a substitution of issue frame coverage could still happen while the coverage grows more diverse. Close examination finds exactly that. Figure 2.10 shows the predicted average of coverage for five frames for which experienced the greatest amount of change in coverage over the period: Private Transactions, Emissions, Regulation, Chemicals (used in fracturing), and Water Use. Early on, journalists focused more on the profits and problems associated with the private market leases between landowners and drilling companies. Journalists then shifted their attention to the methane gas leaks from hydraulically fractured wells, increases in regulatory activity at Federal and local levels, and concerns over the toxicity and volume of water used in hydraulic fracturing. This shift in attention raises expectations that existing policies related to
emissions, the chemicals used in the process, and water use might soon be changed, especially from policymakers outside of state regulatory agencies.

Figure 2.10
Frames with Largest Changes in Coverage

DISCUSSION AND CONCLUSION: "BIG TENT" POLICY COALITION?

Noting the anecdotal rise in attention given to hydraulic fracturing, which is the first indicator of an impending, major policy change, this study was motivated by the desire to uncover what a full application of that theory might predict in terms of a major policy adoption on this issue. Thus, the analysis endeavored to verify empirically a punctuation in newspaper coverage, which it did, beginning around the fall of 2009. It also examined the tone of that coverage, noting a significant increase in the negativity of coverage. This would place hydraulic fracturing in the state of policymaking where critics are attempting to disrupt the status quo
policy monopoly. For these critics to succeed, punctuated equilibrium theory would expect a consensus to form (and be reflected in newspaper coverage) around a particular policy option and frame. To determine whether this occurred, the analysis had to deal with the myriad range of policy options that are all invoked in the singular decision to employ hydraulic fracturing as a drilling technique, along with the myriad of frames tied to those options. These options and frames (i.e. dimensions) array conveniently along a spectrum from the abolition to the deregulation of fracturing. Once arrayed, the data revealed an increase to the coverage of those frames and options, but did not see reveal any one of them occupying a greater proportion of that coverage. It is as if either the debate on fracturing was still at too early a stage of development, or as if the vast array of critics have not themselves coalesced around a single, disruptive strategy. It could also be that the drilling companies and others advocating the status quo—continued drilling under state agency regulation—have successfully diffused the various criticisms. In either case, this application of the punctuated equilibrium theory to hydraulic fracturing would predict that no policy change would take place, at least not in the short term.

An Associated Press article on March 20, 2013 describes a new Pittsburgh-based Center for Sustainable Shale Development, created by environmentalists and the energy industry. It is a voluntary certification program by which a drilling company can have its hydraulic fracturing processes given a seal-of-approval by a board of industry, environmental, and science representatives, if found to be in compliance with a set of relatively high standards on emissions capture, groundwater monitoring, well-design, wastewater disposal, less toxic chemicals and seismic monitoring. This "big tent" type of policy outcome—if a non-governmental, voluntary program can be claimed as a policy outcome—is not predicted by a strict interpretation of punctuated equilibrium theory. No single policy option regarding hydraulic fracturing has yet
crowded out other options to lead the path towards disrupting the status quo of private transactions with negotiated externalities under general state regulation. Perhaps, it is useful to relax the theory’s prediction to allow for a single dominant cohort of multiple policy options and frames to lead a push for a new policy bargain.

Further research, perhaps tied more closely to data directly from the interest groups and other stakeholders involved, is needed to determine exactly how seemingly divergent interest groups could coalesced into such a cohort. Olson (1965)—if we characterized coalition building and policymaking as collective action problems—would predict that the large potential profits to be made by drilling companies from hydraulic fracturing, even after incurring the costs of internalizing its externalities, provide sufficient motivation to make whatever concessions needed to appease the concerns of other interests. Perhaps it is the non-zero-sum nature of fracturing that allows most interest groups to come to peace with its continued use. Hydraulic fracturing represents windfall wealth to landowners and towns while providing environmentalists with a cleaner alternative to coal and petroleum. Each element of this broad-based group of stakeholders, thus, possesses separate, positive motivations to favor in some way the use of hydraulic fracturing, perhaps sufficient to motivate them to form the consensus to be reflected in future policy.

Our study appears to uncover another intervening factor, that of political venue. One cluster of frames deals with the arguments typically made about the proper regulation of hydraulic fracturing, especially in the municipalities and states where the wells are located. We have also identified from our dataset, the multitude of policy decisions on fracturing, and noted that only the Federal government has been "slow" to make its decision. We suspect that the stakeholders are constantly searching and finding particular political venues that are more
receptive to their frame and policy option, and that can overrule the previous decisions of other venues. We believe that there is a jurisdictional dimension to the Schattschneider-esce (1960) expansion of the conflict as hinted at in Baumgartner and Jones (2009, 36; see also Holburn and Vanden Bergh 2004; Holyoke, Brown, and Henig 2012; Pralle 2010), and we hope to examine this dimension in future research.
"An important attractor of advocates to a venue in a federal structure like the United States, … is the ideological compatibility of lawmakers and advocates, … Baumgartner and Jones (1993) show how groups have used fluid issue jurisdictions to steer nuclear power and tobacco policy into ideologically friendlier, if hitherto uninvolved, venues to bring about policy change." (Holyoke, Brown, and Henig 2012, 10)

INTRODUCTION

What is a political venue? How does it affect interest group activity and policymaking? Fortunately, as illustrated in the opening quotation, the literature investigating interest group venue shopping has uncovered that both interest group advocacy and policymaking patterns change based on the collective opinion of the policymakers in a venue. Interest groups, thus, are predicted to advocate (i.e. lobby) in the political venue "in which they believe they have the greatest probability of achieving their desired policy outcome," which is the venue where there exists the greatest congruence or consensus between interest groups’ opinion and a venue’s policymakers’ opinion on a particular policy option.

Unfortunately, this explanation underestimates or under-explains how a political venue might affect policymaking and interest group activity. The literature routinely includes only the collective opinion of the venue’s policymakers as a causal mechanism owing to the political venue. Omitted is the possibility that venues may condition the expression of policymaker opinion through the "contextual features in [its] collective choice setting that define constraints on, and opportunities for, individual behavior in the setting" (Diermeier and Krehbiel 2003, 125). For example, very detailed legislation can limit how a disagreeing agency official expresses their sincere preferences for a policy (Huber and Shipan 2002). Also omitted is the possibility that
political venues may affect policymaking independently of its policymakers’ opinion. For example, the faster pace of agency rulemaking compared to that of congressional lawmaking may impose a higher advocacy burden on an interest group when dealing with the former. This study argues that political venues are imbued with rules, features and privileges that affect policymaking and that pattern interactions with interest groups. It contends that the policy effects of venues occur both conditionally and independently of the actors in the institution (i.e. policymakers and their opinion), the actors who seek redress from the venue (i.e. interest groups), and other institutions in the system. In particular, three features—a venue’s overruling authority (legal supremacy), barriers to access, and information and bargaining costs—are highlighted for the affects they impose on policymaking and interest group activity.

As far as predicting which venues an interest group will target, the literature finds little evidence of a pattern or of systematic variation across political venues. This is due perhaps to the literature’s de facto conceptualization of political venue as equal to policymaker opinion, and thus, as endogenous to the policymaking process. On the one hand, much of the literature operates as if there is, in fact, no systematic variation in targeting of political venues because it finds no systematic variation in policymaker opinion across political venues. So, the literature’s predictions depend on directly coding the expressed opinion of policymakers in each venue on the issue studied (Holburn and Vanden Bergh 2004, 2008; Vanden Bergh and Holburn 2007) or using party control of the venue as a proxy for the opinion. On the other hand, Baumgartner and Jones ([1993] 2009), crafters of punctuated equilibrium theory, do identify a pattern of opinion across venues, but formulate a prediction that is limited in how much it advances our understanding of which venue an interest group will target. They theorize that previous rounds of bargaining over a policy will result in the current, status quo policy being assigned to a
political venue that is tasked with safeguarding that policy, and predict that interest groups that want to challenge that status quo policy will need to target a different venue, any different venue, in search of policymakers who might be sympathetic to their cause:

"If [losers in a policy debate] can appeal to the right group of potential participants, they may be able to change their losing position into the winning one, as more and more people become involved in the debate on their side. …They may identify particular venues, such as congressional committees, state government organizations, courts, private businesses, or any other relevant institution in their search for allies" (2009, 35-36)

In the Baumgartner and Jones model, political venues are useful to interest groups’ efforts to change the roster of participants by recruiting other participants (i.e. policymakers) to their policy cause, tilting the balance of opinion in their favor. Thus, Baumgartner and Jones also appear to view political venues as endogenous aggregations of policymakers’ opinions. Moreover, their prediction of change-seeking interest groups avoiding the current political venue, the one safeguarding the status quo policy, identifies a pattern of opinion only for that one venue. It is a prediction that gives only an indication of which venue an interest group will not target, rather than predicting which venue the interest group will target.

We can better identify variation in policymaker opinions across political venues, and better identify other means by which political venues might affect interest group activity and policymaking, by accounting for certain intrinsic characteristics of political venues that vary across venues. Expressed policymaker opinion and party control, used in the literature to indicate opinion in each venue, and thereby the venue’s effect—do not necessarily vary with venue; they can change without policymaking shifting from one venue to another. Conceiving of a political venue exogenously—as a single, autonomous, political institution imbued with sufficient legal authority to direct the coercive power of government—draws the research to more than just the collective opinions of a venue’s policymakers. By incorporating how certain intrinsic characteristics, namely those of legal supremacy, barriers to access, and information and
bargaining costs, vary across the political venues of the U.S. policymaking system, we can identify and explain which venues interest groups are likely to target and how that affects policy outcomes. The result yields a theoretical model that combines the insights of studies of a single or few political issues with the generalizability of multiple-issue or cross-sectional studies, grounded firmly on insights from leading theories on policymaking, namely capture theory, policy subgovernment, transaction costs and the politics of institutional design.

What follows is a discussion of how various literatures have conceptualized a political venue. Important therein is how each venue’s privilege of exercising political authority makes it an appropriate focus of research, and makes it necessary to define political venue precisely. The study then reviews in depth the literature that focuses directly on interest group venue shopping. The review highlights the factors the literature reveals as affecting an interest group’s choice of venue, and includes how insights from punctuated equilibrium theory provides a prediction, \textit{ceteris paribus} for that choice. The full theoretical model is presented, adding to the insights from the literature reviewed while extending them by borrowing from research on constitutional design, agency capture, policy subgovernments, and transaction costs. The model details how the variance in legal supremacy, barriers to access, and information and bargaining costs across political venues might condition policymaker opinion and affect interest group activity and policymaking independently of policymaker opinions. The principal hypothesis, that interest groups advocating change must seek to shift policymaking to a higher political venue, will be tested using the Baumgartner and Leech (2001) Federal-level lobbying data, a standard dataset in this literature, with the results and implications discussed in the concluding section.

POLITICAL VENUE DEFINED
To understand the role of political venue in policymaking and on interest group activity, we must clearly define what a political venue is. To state the improved definition at the outset before defending it: a political venue is a single, autonomous, political institution imbued with sufficient legal authority to direct the coercive power of government. This definition differs from the definition of political venue not only in the extant literature on interest group venue shopping, but also in the literatures dealing with interest group pluralism (Lowi 1969), policy subsystems (Freeman 1955; McConnell 1966), issue networks (Heclo 1978; Maass 1983), the public agenda (Cobb and Elder 1972), and policy regimes (Boin, Kipers, and Steenbergen 2010; May, Jochim, and Sapotichne 2011).

A first step is to describe the function of political venues. Baumgartner and Jones ([1993] 2009) offer a parsimonious description, one shared by the literature on interest group venue shopping, stating that political venues are "the institutional locations where authoritative decisions are made" (2009, 32). This description recognizes what Aldrich (1995) and Diermeier and Krehbiel (2003) identify as a critical characteristic of an institution: a collective action or choice that the institution is purposed to fulfill. Here that collective purpose is the exercise of government or public authority:

"Politics is fundamentally about the exercise of public authority and the struggle to gain control over it … . The unique thing about public authority is that whoever gets to exercise it has the right to tell everyone else what to do, whether they want to do it or not. When two poor people and one rich person make up a polity governed by majority rule, the rich person is in trouble. He is not in trouble because the majority rule is unstable. Nor is he in trouble because the three of them will have difficulty realizing gains from trade. He is in trouble because they will use public authority to take away some of his money. Public authority gives them the right to make themselves better off at his expense. Their decisions are legitimate and binding. They win and he loses" (Moe 1990, 221).

Political venues are constituted for the purpose of deciding how public authority will be exercised. The literature on venue shopping, along with the theories on policy subsystems, issue networks, and policy regimes, underemphasizes the necessity and sufficiency of political venues.
to the making of government decisions. They recognize that the U.S. policymaking system is very much decentralized, and focus on regular patterns of coordination across certain component parts of the system. Defining political venue as a single, autonomous, political institution focuses on each component part of the policymaking system as able to make government decisions independently of any other part. This means that any political venue, any component part of the system that possesses policymaking authority, could be sufficient for the purpose of directing public authority, and that any actor seeking a policy could be satisfied, or pacified, with a favorable action from any political venue.

The second step in defining what is a political venue is to be clear about who are the actors whose behavior translates into the decisions of the venue. Polsby (1968) points out that another critical characteristic of an institution is its internal and external boundaries:

"[An institution] is relatively well bounded, that is to say, differentiated from its environment. Its members are easily identifiable, it is relatively difficult to become a member, and its leaders are recruited principally from within the organization" (Polsby 1968, 145)

Research on interest group pluralism, policy subsystems, issue networks, and policy regimes generally fail to fully define the boundaries of the institutions they study. They delineate the sets of actors and relationships that regularly and critically influence policymaking. Yet, these constructs confuse influence over policy with authority to determine policy in their conceptual definitions of a political venue. Many actors like interest groups and political parties play a role in policymaking, yet possess no actual authority to make law. In the language of the Institutional Analysis and Development framework, actors like interest groups and political parties are not assigned to positions to which actions are assigned (e.g. vote or veto) that are determinate over the outcomes of the action situation (Ostrom 2011). Political parties hold decision-making positions in only some instances, primarily Congress, though it is more accurate to claim that the position is allocated according to political party rather than to claim that the political party makes
the decisions assigned to that position; the non-zero roll rates uncovered by research on legislative agenda control by political parties evidences that parties influence the position-holder’s decisions rather than determine those decisions (Anzia and Jackman 2013; Clark 2012; Cox and McCubbins 2005). Fewer are the instances where interest groups might be determinant over decisions made in a political venue, which usually involve having an interest group representative appointed to a decision-making position within an executive branch agency (Black 2005; McConnell 1966; McCubbins, Noll, and Weingast 1987; Petracca 1994). While market exchanges involve only two parties, transactions over the exercise of public authority involve at least three parties: one who will accrue the benefit, one who will bear the cost, and one with the actual authority to make the decision (Moe 1990; Williamson 1985). The definition of political venue offered here singles out that third actor in the political transaction, the policymaker, as belonging to the venue, while keeping the other two parties out.

The final step in defining what is a political venue is to enter the behavioral versus institutional debate concerning the how institutions translate member behavior into institutional outputs. Herein lies the chief disconnection on the concept of political venue between this study and the bulk of the literature on interest group venue shopping. As will be detailed in the literature review below, prior studies on venue shopping ascribe the entire effect of political venue on policymaking and interest group activity to the collective opinion of the policymakers in the venue, at least in their empirical models if not in their theoretical framework. Such a research design fails to examine how the institution’s internal rules of procedure might affect exactly how individual policymaker’s opinions get aggregated or considered in the formation of the institution’s policy decisions.

"Sequence, the details of which are found in institutional rules of procedure, matters because it determines which moves follow which other moves and who gets to move when; hence, sequence
begets strategy. The identity of individuals matters because the rules confer the privilege of certain moves on certain specified subsets…" (Shepsle 1995, 283) (emphasis in the original).

As Shepsle (1995) explains, an institutional perspective focuses on how internal procedures and rules constrain or pattern how the behavior of individual actors influences the outputs of the institution. Thus, this study aims to highlight the internal procedures of political venues that constrain or steer the expression of its member’s opinions in certain directions, rather than focusing solely on the collective opinion of the political venue. These procedures also influence how that institution interacts with external actors like interest groups.

The purpose of this discussion was to present and defend a definition of political venue as a single, autonomous, political institution imbued with sufficient legal authority to direct the coercive power of government, and to distinguish this definition from the definitions offered generally in studies of policymaking and specifically in the literature on interest group venue shopping. It recognizes that political venues have the purpose of exercising public authority, that only policymakers—not interest groups or political parties—occupy positions within the institutions endowed with decision-making privileges, and that the procedures within each political venue constrains its members’ expression of opinion toward certain outcomes. All this says nothing of the way that institutions may directly affect policy outcomes and interest group activity independent of the collective opinion of its members.

The above discussion raises the question of whether legislative committees meet the above criteria to be considered a political venue. Legislative committees have the most trouble with the criterion of autonomy, or at least autonomously exercising the coercive power of government. Committees formally do not enact legislation; they are advisory to their chamber, which subsequently adopts (or not) legislation that concords (or not) with the committees' advice. This advisory, rather than autonomous, role of committees was heightened under the
leadership of Speaker Newt Gingrich in the U.S. House beginning in 1995. In short, Gingrich made some of the most powerful elements of policymaking in the House—the selection of committee chairs; the Appropriations, Commerce, and Judiciary committees; the creation of an agenda-coordinating Steering Committee; and the opening of floor debate through the *a priori* decision to issue fewer closed rules—subservient to the majority party, rather than their traditional constituencies (Owens 1997; Smith and Lawrence 1997). As Gingrich himself explained, "We're trying to get away from the idea that all these committees are fiefdoms over which the chairmen have complete control and are jealous of each other's prerogatives" (Cloud 1995, 10). The argument is thus that legislative committees are not autonomous and therefore should not be considered political venues.

Rather than surrender to the notion that committees are not autonomous, it is better conceptually to recognize that committee autonomy *varies* and, thus, that committees *can* operate with a sufficient level of autonomy to warrant their own place in the hierarchy of venues theory here. Owens (1997) begins his assessment of Gingrich's changes to committee autonomy this way: "For much of the twentieth century, power resided in decentralized standing committees which were relatively autonomous from central party organizations and leaders." (Owens 1997:247) In fact, very promising research, like that produced by Hamm, Hedlund, and Martorano (2006) provide a framework for measuring the degree of influence (read here autonomy) that committees may have over lawmaking. The collective need for accumulating policy expertise and to divide the labor of legislating always operates, latently if not overtly, to push legislatures to cede influence to committees (Krehbiel 1991). Strahan and Palazzo (2004) argue that even Gingrich's changes were driven by his strong desire to pass the agenda laid out in the *Contract with America*, and were thus idiosyncratic to his Speakership; the reversal of those
changes by future Speakers emphasize the relatively temporary nature of those changes (Roth 2009; Willis 2003). Thus, this theory acknowledges the variation in committee autonomy, but argues that legislative committees' influence over policy *ceteris paribus*, justifies their treatment as possessing sufficient autonomy to direct the coercive power of government.

A later section will delineate how a venue’s location within the "hierarchy" of U.S. policymaking institutions imbues it with the authority to overrule the decisions of other institutions, as well as how a venue’s barriers to access and information and bargaining costs constrain member’s behavior and pattern the venue’s interactions with interest groups. The next section will highlight the factors revealed in the literature on interest venue shopping as affecting an interest group’s choice of venue, and include how insights from punctuated equilibrium theory provides a prediction, *ceteris paribus* to that choice.

**LITERATURE REVIEW**

The extant literature on interest group venue shopping does not distinguish between an interest group’s choice of venue and that choice’s impact on policy outcomes. The scholarship assumes that "[a]ll else equal, [interest groups] will use the venue in which they believe they have the greatest probability of achieving their desired policy outcome." (Greene and Heberlig 2002, 21). Consequently, the scholarship also assumes that interest groups will realize successful policy outcomes (i.e., policy adoption or maintenance) based on the venues they choose to target. Both venue choice and policy outcomes are separate issues that each merit investigation. Because venue choices might not always succeed, that is, might not always lead to the desired policy outcome, policy success needs to be studied separately from venue choice. Pralle (2003; 2006) theorizes and finds that interest groups can target "wrong" venues where they
do not achieve their policy goals, and that interest groups can target venues based on internal motivations that have little to do with successful policy outcomes. Policy outcomes, however, will be studied in the next chapter. For understanding which venues interest groups choose to target, the factors or causal variables studied do reveal other, non-venue influences on an interest group’s advocacy behavior. A full model of venue choice would include these variables along with others meant to reflect the effect of political venue. However, these variables do not, in fact, vary across political venues; they only vary across the political venues studied in the time period or in the context studied. These factors can change without the venue changing, and as such they fail to inform us of any independent effect of venue on an interest group’s targeting or policy success. This is true even for the conceptual variable common to all the studies and intended to capture the effect of the political venue: the collective opinion of the venue’s policymakers.

Single-Issue Studies

Several studies investigate interest group venue shopping within the context of a single political issue. Thomas Holyoke (2003), an early and regular entrant into the scholarship on interest group venue shopping, uncovers that interest group ecology affects venue choice. He interviews Federal-level lobbyists working for 31 organizations active on the issue of financial modernization from 1997 to 1999, and finds that interest groups are more likely to lobby in a venue where an ally leads the lobbying and when the opposition lobbies credibly, among other influences. The critical causal mechanism in the study is "the number of other organized interests lobbying for or against the position taken by the organization" (2003, 327), which varies across the 15 venues within all three branches of the federal government that Holyoke identified as important battlegrounds in the development of the Gramm-Leach-Bliley Act of 1999.
Unfortunately, he presents no explanation for how the creation or operations of each venue might influence the ecology of interest groups engaging the venue; the theory below does. Holyoke's study models interest groups engagement with a political venue as largely independent of political venue.

Vanden Bergh and Holburn (2007) provide a good example of how the distribution of policymakers’ opinion can change due to factors that are seemingly, but not actually related to political venue. They are concerned with interest group venue shopping by accounting firms among the Securities and Exchange Commission (SEC), Congress and the President from 1991-1993. Their key causal mechanism is the policy preferences of the policymakers of each political venue, which they measure by the party control of the venues, the distribution of which changed with the election of Pres. Clinton, a Democrat, following the tenure of Pres. Bush, a Republican:

"During the 102nd Congress under President Bush (1991 and 1992), the political environment led to the SEC being the pivotal policy institution. The executive branch was controlled by Republicans who, typically, favored the status quo policy … The SEC at the time was also controlled by relatively conservative commissioners. … The House and Senate, however, were both controlled by Democrats. Democrats had historically favored tighter regulation of the financial services industry …" (2007, 11)

That elections matter to policymaking is unquestioned. Also unquestioned—and incorporated into the theory below—is that the policymaking of a political venue will differ if its policymakers are selected through elections instead of by appointment or through civil service. However, the venue choice (or change therein) of accounting firms here was not due to the presidency being subject to elections while the SEC is not. It was due to the election of a new president who likely held a different opinion than his predecessor.

To be fair, Vanden Bergh and Holburn (2007) were not proposing an effect owing to the political venue, they only attempted to show that interest groups will target the median opinion
among the opinions in the set of political venues actively considering a policy. In two of their other studies (Holburn and Vanden Bergh 2004, 2008), they explicitly incorporate differences between venues in how their members are selected, but only to distinguish the policy preferences of elected utility commissioners from the preferences of appointed commissioners, based on the findings of Besley and Coates (2003) and Holburn and Spiller (2002):

"…even without knowing the precise location of political institutions’ ideal policies (e.g., of the governor, House, and Senate), we are able to make a probabilistic prediction about the type of regulatory regime that exists in any given state: since elected regulators are more likely to have extreme preferences relative to the governor and legislature than appointed regulators …" (Holburn and Vanden Bergh 2008, 530-531).

Their positive findings indicate that interest groups modify their venue choice in the presence of an electoral connection between a venue’s policymakers and voters. The theory in this study incorporates this mechanism, extending it beyond appointed and elected state agency officials to other venues in the U.S. policymaking system.

The latest entry by Thomas Holyoke (Holyoke, Brown, and Henig 2012) previews some ways that political venues might directly affect policymaking. Within the context of advocacy by charter schools, his research team recognizes the vertical relationships between political venues. They acknowledge that political principals like the governor and state legislature may be able to constrain the behavior (i.e. favoring or opposing charter schools) of school boards. This is an important contribution, since by constitutional and statutory design certain political venues may overturn the decisions of other venues: this is a central feature of the theory in this study. Holyoke’s team also discusses how some venues, typically legislative ones, tend to have general lawmaking responsibilities and to be sensitive to majoritarian principles, and how others, typically administrative agencies, tend to be staffed by professionals designed to concentrate expertise on a small set of policies. Even though the Holyoke's research team makes no use of these distinctions within their analysis, this study here points out how these distinctions affect the
relative difficulty of bargaining within political venues. Beyond these venue effects, Holyoke’s team examines the effect of charter schools’ own resources on their advocacy, finding a positive relationship between the two.

Cross-sectional Comparisons

Studies within the other set of the scholarship that directly investigates interest group venue shopping use cross-sectional research designs, rather than case studies on particular political issues. These studies use party control as a surrogate or proxy for each venue’s policy opinion, which assumes that the political parties differ significantly in their opinions of the issues in the dataset. This is not a safe assumption. The central issue in the social choice debate about finding an equilibrium in a multidimensional space is the ability of a member of that space (i.e. policy entrepreneur) to overcome cleavages along one dimension (e.g. division along party lines) by picking a policy option built along a new dimension (Shepsle 1979; Shepsle and Weingast 1981; Baumgartner [1993] 2009). Party lines sharply divide coalitions, at least nominally, and especially where party discipline is high (Aldrich and Battista 2002; Cox and McCubbins 2005). It is likely, then, when considering a host of issues, that interest groups would avoid using a partisan cleavage to take advantage of one that allows greater consensus (Tsebelis 2002). Even where political party does distinguish opinion on a policy, which political party is currently in control of a venue can distinguish political venues only coincidentally, not intrinsically.

Promising work by the Boehmke, Gailmard and Patty (2006, 2013), McQuide (2010) and McKay (2011), all preceded by Greene and Heberlig (2002), examine interest group venue shopping across multiple political venues. Each is attempting to explain the patterns and motivations underlying interest representation in the legislative and administrative policymaking venues (Greene and Heberlig include the Federal courts), and do so across multiple issue areas,
rather than across multiple interest groups within a single issue area. Each also uses very impressive datasets. Greene and Heberlig use Jack Walker’s 1985 Study of Voluntary Membership Organizations (ICPSR #9601), and rely on the lobbyists’ survey responses to questions on the importance of lobbying Congress, executive agencies, or the Federal courts as its dependent variables. As such, it is the only study to rely on expressed preferences rather than the observed behavior of interest groups in terms of which venues they lobby. All of the other studies start with the data collected by Baumgartner and Leech (2001) from 191 interest group coalitions (called "sides" in the dataset) on 98 issues randomly selected from 19,309 lobbying reports filed in accordance with the 1995 Lobbying Disclosure Act at the Federal level; the same dataset used in this study. Boehmke et. al. (2012) compares the patterns in the Federal data to those from lobbying disclosure reports filed in the state of Minnesota, while McKay adds the Washington Representatives data (Heinz et al. 1993; Salisbury et al. 1987; ICPSR study 6040) obtained through in-depth interviews with 776 of the most active Washington lobbyists working on labor, health, energy, and agriculture issues between 1977 and 1982. McQuide adds data from four additional points in time—2002, 2004, 2007 and 2009 (to go with 1996)—from lobbyist disclosure reports on civil rights/civil liberties, chemical industry, computer industry and small business issues.

Boehmke, Gailmard and Patty (2012) sought only to uncover the baseline of the targeting activity of interest groups, the results of which are mirrored in the other studies. Relying on reports filed under the 1995 Lobbying Disclosure Act, each of these studies unsurprisingly find that lobbying agencies is highly correlated with lobbying the legislature.\(^3\) It is as common as not for interest groups to lobby more than one political venue, with the legislature being the most

\(^3\) (Ansolabehere, Snyder, and Tripathi 2002; Baumgartner and Leech 2001; J. M. De Figueiredo and De Figueiredo 2002; Holman 2007; Leech et. al. 2005)
likely solo target (Boehmke et al. 2012, 13; McKay 2011, 126). About half (51% in MN, 46% in D.C.) of interest groups mention lobbying both the legislature and the agency on a single issue. They also find that very few lobbyists mention lobbying only the agency: 4.5% of interest groups in D.C. and only 0.9% in Minnesota. This leaves a large component of lobbyists (46% in MN, 48% in D.C.) who concentrate on lobbying the legislature only. A small portion—less than 2%—of interest groups mentions no venue in their report. McQuide’s results echo these (2010, 13). These results show that there is a considerable skew towards the legislature in terms of which venue an interest group chooses to target. This study will attempt to balance out this skew by modeling the legislature as containing two venues that are each influential if not decisive over legislative policymaking: rank and file members, legislative committees, and the full chamber (through its floor leaders).

In terms of independent variables, each of these studies include some combination of variables expected to capture the variations in the interest group type and resources, its policy area, competition with other interest groups, and the salience of the issue, all of which vary independently of political venue. Unique to McQuide (2010) is a variable for the second two years of the President’s term (Bond and Fleisher 2000), a conceptual variable not included in this study. Unfortunately, these studies stops short of incorporating variables that capture how differences in the creation or procedures of across political venues might condition policymaking; they claim this for party control, but it fails on this score. An exception is Greene and Heberlig (2002), who argue that the civil service systems makes agencies less susceptible than Congress or the Presidency to both change in party control or drastic cohort change, with the courts even less susceptible. However, they do not build this into their explanatory model. Doing so in a cross-sectional, multiple-venue manner, would require one to identify for each
agency considered the extent to which agency leadership is selected by civil service rules rather than political appointment as well as the utilization within that agency’s design of any of the mechanisms that Epstein and O’Halloran (1999) identify by which the agency could be shielded from political/electoral influence. Fortunately, it is not necessary to complete such an arduous coding task, since many studies support the assumption that agencies, relative to Congress and the Presidency, are less subject to changes in party control or to drastic cohort change, and that this is by design (Lowi 1970; Moe 1990; Skowronek 1982; Wilson 1989).

Punctuated Equilibrium Theory on Venue Shopping

Punctuated equilibrium theory (Baumgartner and Jones [1993] 2009) (PET in this section), is principally concerned with agenda setting and policy change, yet it yields a very important insight on interest group venue shopping: it predicts a certain direction for venue shopping conditional on the policy intent of the interest group. PET holds that policy change—incremental and marginal in scope versus large-scale and disruptive to the previous direction in policy—is largely a feature of the attention given an issue by citizens and especially policymakers, and that attention is determined primarily by the efforts of policy entrepreneurs to convince those groups to adopt the entrepreneur’s image of the policy. That policy image is the narrative that connects the empirical facts about a real-world problem (i.e. issue) to a possible government solution, couched in "core political values which can be communicated directly and simply through image and rhetoric" (2009, 7). Policy monopolies are states of being that come about when an interest group is successful at gaining consensus around its policy image among the public and policymakers. To safeguard this consensus, further policymaking on the issue is assigned to a political venue that will dissuade or even exclude competing images. Thus, interest groups that then want to push forward a competing policy image and consequent policy change
must target a different political venue than the one safeguarding the previous consensus status quo.

Notice how within PET the chief task of an interest group seeking a certain policy is to convince or persuade citizens and policymakers.

"As issue expanders attempt to attract the attention of a new group of policymakers, they must explain why the issue is appropriate for consideration within that venue .... So changes in image are used purposefully, in an effort to attract the attention of the members of a particular new venue. (2009, 36)"

Even though political venues are modeled as potentially excluding competing interests, this is accomplished by "convincing others that ‘outsiders’ are not qualified to make decisions in a given area" ([1993] 2009, 6) and thereby including only those who were previously persuaded of the policy image contained in the original (previous) policy bargain. Thus, even in PET political venue operates a conceptual substitute for the opinion of policymakers in the venue, which is the same conceptual shortcoming as that of the scholarship mentioned above. However, the theoretical explanation of opinion differences across venues is valid, and will be expanded in the theoretical model below, particularly when explaining how patterns in legislative bargaining and agency hiring do in fact staff certain political venues in a way that would favor interests whose interests are consistent with the grand policy bargain.

Nevertheless, PET offers three improvements over the typical scholarship on interest group venue shopping. The first improvement is that it explains how the policy intentions of the interest groups will change the expectations of eventual policy success and venue choice. It is a very different task to persuade policymakers to enact a policy that is a simple extension of existing government policy than it is to persuade policymakers to adopt a new direction for policy. An interest group’s policy intention should radically affect all of its advocacy strategies. The second improvement is that PET can offer a definite prediction on venue shopping that does
not rely on the idiosyncratic features of the policy or on the composition of the interest group environment. PET predicts that interest groups seeking change must seek a new political venue in order to tip the balance of opinion in its favor:

"Schattschneider's conception of conflict expansion forms the basis of our notion of institutional venue and points to the importance of image as well. …losers in a policy debate have the motive to change the roster of participants by appealing to those not currently involved in the debate. … These conflict expanders are not limited only to appealing to wider and wider groups; … [t]hey may identify particular venues, such as congressional committees, state government organizations, courts, private businesses, or any other relevant institution in their search for allies.” (2009, 35-36)

The converse is true also, that interest groups favoring the status quo want to keep policymaking in the venue charged with safeguarding the status quo, thereby keeping the balance of opinion in their favor. Coding these relative preferences is much less arduous than the coding efforts in the typical scholarship on interest group venue shopping, which first seeks to understand the issue’s political context and time period in order to identify each venue’s collective preferences of the issue and, based on those preferences, make predictions about venue shopping. Lastly, in a separate work (Jones and Baumgartner 2005) the effect of venues on policy outcomes (outside of policy opinions) within PET is further elaborated. The authors explain how as the information costs and decisionmaking procedures involved in a venue’s decisionmaking processes increase and become more complex respectively, the persuasion task to the interest group seeking change also increases and the likelihood of policy change decreases; the converse also being true. The theory below will expand on this insight, since PET even with this expanded elaboration, fails to identify any pattern or differences in information costs and decisionmaking procedures across political venues, whereas there exists much scholarship on these patterns and differences.

In sum, even though the literature on interest group venue shopping is faulted for conceptually reducing a political venue to the collective opinion of its policymakers, the literature nevertheless shows that that collective opinion does affect interest group venue
shopping. One chief benefit of punctuated equilibrium theory (Baumgartner and Jones [1993] 2009) is that it provides a way to more finely capture with minimal coding effort the congruence between the policy opinions of an interest group and of the policymakers in a political venue, through the interest group’s policy intent—whether the interest group is disadvantaged by the policy status quo and thus seeking change or advantaged by and defending the status quo. The literature shows that many other variables also influence an interest group’s venue choice. Most importantly to this study, the literature does, at certain points and albeit incompletely, investigate some ways in which the creation of a venue or its internal rules and procedures might constrain or steer its policymakers’ collective opinion towards a different opinion than that of another venue. The selection mechanism for the venue’s leadership—whether involving an electoral connection between a venue’s policymakers and the public or inoculating the venue’s policymakers against electoral and partisan influences—and the vertical, oversight relationship between certain venues and the relative political independence of agency policymaking are both intrinsic differences among political venues that also influence their policymaking. The next section will attempt to extend those insights to the entire U.S. policymaking system by drawing on insights from the theories on agency capture, policy subgovernments, and transaction costs to explain interest groups’ choice of venue conditional upon differences intrinsic to the design and processes of the political venues.

THEORY AND HYPOTHESES

This study argues that political venues matter to policymaking and interest group activity. Previous studies ascribe the affect of political venues to the collective opinion of a venue’s policymakers. This study holds that political venues are imbued with rules, features and
privileges that affect policymaking and interest group interactions independently of the actors in
the institution (i.e. policymakers and their opinion), the actors who seek redress from the venue
(i.e. interest groups), and other institutions in the system. Further, the rules, features and
privileges of political venues may constrain the expression of its policymaker’s opinion. In
particular, three features—a venue’s overruling authority (legal supremacy), barriers to access,
and information and bargaining costs—are drawn from theories of agency capture, policy
subgovernments and transaction costs, among others, to form a central prediction on which
venues interest groups will choose to target, ceteris paribus.

These three intrinsic characteristics of political venues vary across venues and with a
directionality that allows the political venues of the U.S. policymaking system to be arrayed
hierarchically—as depicted in Figure 3.1. As explained further in this section, higher venues
have greater legal supremacy, meaning that their decisions overrule the decisions of lower
venues. Higher venues place fewer barriers against entreaty by outside or competing interests.
Higher venues also experience the presence a greater breath of competing information and more
constrained decisionmaking conditions. The result of this array is that for interest seeking to
change the policy status quo, their likelihood of success increases to the extent that they succeed
in shifting policymaking into a higher political venue, rather than any new venue, as predicted
by punctuated equilibrium theory. As indicated in Figure 2.1, the array includes all the political
venues of the U.S. political system. Subnational venues include state level and local level
venues. The hierarchy is expected to continue down through state level institutions due to the
similarity of the structure and operations of state level institutions to those of national level
institutions. Yet, the hierarchy would need to be modified in light of the balance of power
between the governor and the state legislature due to structures like the legislative veto, a weak
appointing power, or a robust citizen initiative history (Bernick 1979; Dometrius 1987; Hamm and Robertson 1981). However, due to the nature of the dataset, only certain venues will be empirically tested in this study.

**Legal Supremacy**

While all political venues can "make law" or make policy decisions, legal supremacy refers to the concept that there exists differing weights to the policy decisions of different political venues based on the degree to which that venue’s lawmaking function is detailed in the U.S. Constitution, the supreme law of the land. Article VI (the Supremacy Clause) of the U.S. Constitution delineates its own hierarchical array of legal supremacy when listing the Constitution as most supreme, followed by U.S. laws pursuant to the Constitution and treaties that the country enters. In terms of venue, this would place the U.S. Supreme Court—the primary arbiter of constitutionality—as the top venue, especially in light of the infrequency of efforts by Congress to counteract the effects of Court opinions and the very indirect means by which the U.S. President would shift Court decisionmaking. Blackstone (2013) indicates that from 1995-2010, Congress attempted through ordinary legislation to counteract only 43 of
potentially 1500+ high court rulings from 1954-2010, with less than one-third of those attempts becoming law and none directly challenging the legal principle established in the Court ruling (2013: 224). Speaking to the President’s influence over the Supreme Court, Black and Owens (2012) notes the success of the Office of the Solicitor General in terms of U.S. Supreme Court decisions, but ascribes that success to the civil service professionals in that office rather than to the President (2012, 49). The presidential veto power is modeled next in the order of legal supremacy, due to the relative rarity of Congress overriding a Presidential veto. Martin (2012) indicates that Congress overrode 24 of the 181 presidential vetoes issued from 1973-2008 (2012: 508). Congress rounds out the political venues whose lawmaking functions are ascribed or described in the U.S. Constitution. The Senate is modeled as the higher chamber due to its advice and consent privileges as well as its historic record of winning in conference committee deliberations with the House (Vogler 1970; Strom and Rundquist 1977). Executive branch agencies, even the most independent of them like the Federal Reserve, often are creations of Congress and subject to Congress to some degree (Epstein and O’Halloran 1999). Those agencies created by executive order of the president or agency secretary stand on even weaker ground in terms of legal supremacy. Howell and Lewis (2002) indicate that 245 of the 425 (~58%) administrative agencies established between 1946 and 1995 were created by presidential or secretarial action. By constitutional design, namely Article VI of the U.S. Constitution, Federal level decisions are granted more legal supremacy than state level ones.

The implication on policymaking of this hierarchy in legal supremacy is that where, on one matter of policy, there are multiple decisions being made by multiple venues, the political venue with the greatest authority (i.e. legal supremacy) will become law, overruling any contradictory or competing decisions by other venues. So, for example, among the actors in a
policy subgovernment—the interest group, the regulatory agency and the legislative committee—, the political venue whose favor the interest group absolutely needs to win is that of the committee, for its decisions overrule those of the agency. Winning the support of the agency also is an ancillary or merely instrumental step to winning the committee’s support.

*Barriers to Access*

Political venues also differ in how receptive they are to interest group entreaties. While no political venue is completely closed to public entreaty, they do differ in how easy it is for interest groups to garner the attention of the political venue. The courts in general are easily accessed in the sense that anyone paying the requisite fees can file suit, though meeting the standards for a justiciable case involves greater planning and opportunism on the part of those who file. Similarly, the president, at least the institutional presidency, is modeled as very accessible, though those interest groups whose interests are useful to the president’s legislative agenda will enjoy a more robust relationship (Peterson 1992). Mayhew (1974) argues that the electoral connection between members of Congress, especially those of the single-member districted, U.S. House of Representatives, provides enough variety in political opinions to make it highly likely that an interest group can locate at least one member espousing positions that are compatible with the desires of the group. Subnational political venues are considered less accessible in that their geographic specialization limits their utility mainly to those interest groups with dealings within that venue’s geographic jurisdiction (Bednar 2011; Wood 1992).

Access gets notably more restrictive when referring to legislative committees and executive branch agencies in relation to Congress (Adler and Wilkerson 2008; Fenno 1973; Hamm, Hedlund, and Post 2011; Shepsle and Weingast 1987; see Krehbiel 1991 as a potential counterargument). It’s this restrictiveness that enables certain venues to safeguard previous
policy bargains from competing interests, as described in punctuated equilibrium theory (Baumgartner and Jones [1993] 2009). Legislative committees are less accessible than the full legislative chamber simply by virtue of having fewer members and, as a result, a smaller diversity of opinions over policy in general (Shepsle and Weingast 1987). Also, committees are less accessible for precisely the reason modeled within punctuated equilibrium theory: they likely were positively involved in the status quo policy. Legislative committees tend to play pivotal roles in the formation of policy. The status quo policy represents a grand bargain or equilibrium, and the policymakers on the contemporary committee may have participated in its formation, if not when the policy was enacted through authorization legislation, then through the formal or informal exercise of the legislative veto over subsequent agency rulemaking (Fisher 1993; Martin 1997). The policy subgovernment model points out that committee members may actually benefit from the status quo policy in terms of receiving electoral resources from the interests that support the policy (Hamm 1983). This is true to an even greater extent for executive branch agencies, which might owe their very existence to their enactment of the status quo policy, and whose mandate it is to fulfill the government’s obligation under the policy (Moe 1990). The fact that the committee’s and agency’s fortunes are somewhat tied to the status quo policy gives them incentive to be responsive to the interest groups that are favored by the policy and resistant to groups challenging the policy.

Another factor restricting the accessibility of executive branch agencies are the differences in incentives that result from political decisions. Interest groups who benefit from the status quo policy, or who would be injured more directly by a change from the status quo policy, have a greater incentive to monitor and participate in subsequent policymaking than other interest groups. Stigler (1971) describes how policies that provide a benefit that is concentrated
among a small number of parties (e.g. a regulated industry) while spreading the costs across a
wide variety of parties motivates the participation of the former since the benefits of their
participation outweigh the costs thereof, while dissuading the participation of the latter since the
costs of participation far outweigh the benefits thereof. Moe (2005) claims that citizens are the
least likely to participate due to their status as third parties to many political transactions:

"the enacting coalition is only one faction of legislators and interest groups; other factions are
losers and may be worse off because the coalition’s choices, to say nothing of the larger
population." (Moe 2005, 220)

Interest groups that are on the losing end of the status quo policy might yet overcome the
collective action impediments to their participation, especially if those groups are sufficiently
small in number, homogeneous in opinion or include an entity like a trade or peak association
held accountable for representing the interests of the entire group (Ostrom 2000). The citizenry,
Moe’s "larger population," on the other hand, will have the least incentive for participation due
to their very small share of the costs/benefits and their unwillingness to incur more costs to
change the situation (Olson 1965).

The relative invisibility of agency activities is a de facto barrier to participation in that
political venue, especially as it raises the costs and thereby depresses the participation of
disadvantaged interest groups. Agency actions are invisible relative to Congress because the
latter purposefully increased the public visibility of its activities. The Legislative Reorganization
Act of 1970 allowed committee proceedings to be televised, with floor activities being televised
as of 1979, which at least increased the opportunity for members of Congress to raise their
profile with the public (Cook 1986; Fett 1996). There has been no similar push for televising
agency proceedings or even requiring the publication of those proceedings online. These
mechanisms bolster the argument Arnold (1990) makes that voters can judge agencies only by
their effects while judging legislators by their policy positions and the effects thereof. Voters see
Congress taking positions on policy, voters do not see agency officials doing the same. Voters see agency activity only after the effects of that activity or inactivity materializes, and even then, voters often need an intermediary (e.g. Congress, the media, or an interest group) to investigate and trace the effects back to a particular agency and particular officials (McCubbins and Schwartz 1984). The relative invisibility of agency activities raises the costs of monitoring and participation since there are fewer external signals or intermediaries notifying otherwise interested parties. Interest groups interacting with agencies generally must bear the monitoring and participation costs themselves; they cannot rely on others or the agency to keep them informed or to recommend for them an appropriate response.

*Information and Bargaining Costs*

Political venues differ in the how they gather and process information and in how difficult it is for their policymakers to collective make policy decisions. Higher venues generally have more power than lower venues to gather information from all sorts of external and internal actors, and explicitly consider both many different dimensions of a policy in making a decision. Higher venues also tend to be more reluctant and/or deliberative in their decisionmaking than lower venues. As punctuated equilibrium theory points out, this variation makes lower venues more useful than higher venues for the maintenance and protection of an existing direction in policy. If a lower venue is tasked with safeguarding a policy, it can be constrained to consider primarily information that is consistent with the policy and its policymakers can be limited in number and to those who agree with the policy, so that the venue can quickly promulgate decisions that further cement the policy’s prevalence.
Executive branch agencies are lower venues in the way that they gather and process information and in the ease of their bargaining. In the same way that the agency is restrictive in its access, it also may be restricted in its gathering and processing of information, which in turn eases the discovery of points of agreement for policy bargains (Noll 1983, 394). In these cases the agency staff is dependent on the relevant interest groups for information (McCubbins, Noll, and Weingast 1989; Noll 1983; Wilson 1989). The industry or interest groups who are practitioners (i.e. agents) are the producers, if not the owners, of the information about the activity. Where the agency does not have the resources for gathering information independently of the industry or interest group, the agency is susceptible to manipulation through the amount, type and timing of information provided (McCubbins, Noll, and Weingast 1987; Moe 1984).

Information is restricted also due to the lack of participation of competing and citizen groups due to barriers to access imposed on them by agency dependency on the status quo policy, the high costs of participation and the low visibility of agency decisionmaking (see the section above). These barriers to access increase the degree to which the information considered is one-sided and favors the status quo policy (and favored interested groups).

Less or one-sided information due to the lack of participation of competing and citizen groups also aids bargaining within agencies, relative to other political venues. The preponderance of information/evidence favoring one side or image of the policy makes it easy for agency officials to justify policy decisions that are consistent with that information, and hard for them to justify decisions that inconsistent with that information. Judicial review heightens

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34 By contrast, Baumgartner et. al. (2009) find that interest groups rarely enjoy a non-competitive environment when lobbying government; of their 191 interest group sides, only 17 (9%) face no competing interest group. However, the interest groups in Baumgartner et. al. are lobbying Congress, not administrative agencies necessarily. Moreover, for those sides that face no competition, the salience or attention to their lobbying—as measured by hearings, floor debate, news coverage, etc—is markedly lower (by 2.8 standard deviations, p=0.003), even while their lobbying enjoys the same levels of success ($X^2$ p=0.443) as does the lobbying of groups facing a more competitive environment. Thus, a non-competitive lobbying environment generates little outside attention while not affecting a group's overall chances of policy success, at least with Congress.
this constraint. The "hard look" standard is the legal standard typically used during the judicial review of agency decisionmaking. The "hard look" standard requires that agencies "fully explain their actions, taking into account all relevant factors, and responding to all material comments (emphasis added)" (Jordan 1999, 397; Viscusi 2002). Agency policymakers are obliged to make rules consistent with the information at hand. Without the presence of competing materials, that task is much easier. The lack of competing information may explain the finding of Yackee and Yackee (2012), that "hard look" judicial review does not significantly delay the pace and volume of agency rule-making. One would expect that judicial review would impose large delays on at least the pace of agency rule-making if the court needed to weigh a large amount of competing information against the agency’s rationale for its policy decisions. The finding of no delay implies either that justices defer to agency rationales, are very quick in their considerations, or, more likely, that there was little competing information for the agency to have considered in the first place.

Other factors ease bargaining within an executive branch agency, as well. Scholars explain how like-mindedness on the policy in question might develop between the agency staff and the favored interest group (Kwak 2013). This could result from the deliberations during the "grand bargain" that authorized agency activity in the area (Moe 1990). It could also arise from the participation of interest group representatives as appointed leadership in the agency (Domhoff 1967; Dye 1976; Freitag 1983). Like-mindedness could result where agency staff members gain their own policy expertise from participation in the same industry as the favored interest group, which is likely given the premium on technical expertise built into the civil service system (Dal Bó 2006; Wilson 1989). Industry-related technical expertise need not involve a "revolving door" relationship between industry and agency staff, though such a
relationship would clearly increase the likelihood of congruence in policy opinion among the two groups.

To the extent that legislative committees operate as within a policy subgovernment, legislative committees might also experience a limited gathering and processing of information, and relatively easy bargaining. Bargaining should be easier where legislators, who through their professional expertise tend to be like-minded with the interest groups, select themselves onto committees dealing with the policy area of that expertise (Brewer and Deering 2005; Hall and Grofman 1990; Hamm, Hedlund, and Post 2011). This will not be the case, however, to the extent that the legislature motivates the committee to meet the information needs of the full legislature (Krehbiel 1991). Legislators need to reduce their uncertainty surrounding the policy outcomes and political reaction to their decisions. Committees are rewarded with greater jurisdiction over a policy, more restrictions on floor efforts to modify the committee’s proposals, and even higher passage rates when the legislature trusts that the committee exhaustively considered all areas of potential uncertainty and found electorally safe policy conclusions (Collens 2012; Dion and Huber 1996; Krehbiel 1997a; Woon 2008). The theory here does not require establishing an absolute measure of like-mindedness between the favored interest group and chamber or majority party median. It is sufficient to assume that committees are not perfect replicas of the chamber’s or majority party’s distribution of policy opinions, which Battista (2009) finds to be true in the legislatures of the U.S. states and the U.S. House of Representatives in the 1999-2000 biennium\textsuperscript{35}. To the extent that committees are imperfect replicas of the policy opinions of the chamber or majority party, it is assumed that the committees gather and process

\textsuperscript{35} Battista (2009) excludes the Nebraska Legislature and the Hawaii Senate for lack of member ideology data from Wright (2004).
less information than would be processed if the full chamber were to directly deliberate on the matter.

The contrast to these more restrictive agency settings is the full legislature. The diversity of opinion, expertise and ties with various interests and groups, insures that information that competes with or suggests a need to change from the status quo is readily available (Baumgartner and Jones [1993] 2005). Moreover, where the committee is not trusted to do so, the full chamber can compel the collection of competing information through open rules and independent "policy analysis" conducted by the Congressional Research Service (Relyea 2012). Similarly, the diverse membership of legislative chambers typically impedes the easy formation of majority coalitions around policy options (Riker 1980; Shepsle and Weingast 1981), to say nothing of the multitude of veto-points built into the legislative process (Diermeier and Myerson 1999), nor of how the very public nature of floor activity leads legislators to be very careful with their voting and position-taking (Mayhew 1974; Arnold 1990; Hall 1996). The presidency (i.e. veto) and the U.S. Supreme Court are considered even more information rich, for they have even greater information resources at their disposal—the entire Federal bureaucracy, curie briefs and precedents, respectively. Also, their "policymaking" activity is very high-profile, with lots of media coverage and public attention, which tends to make them somewhat reluctant to use it (Cameron 2000; Mishler and Sheehan 1993; Neustadt 1960). Subnational political venues are modeled as being limited information settings due to the smaller geographic focus of its policy concerns. Similarly, lower amounts of media coverage of state politics provide state policymakers more electoral cover and thereby ease bargaining (Alvarez 2010; Lynch 2000).

_Hypothesis on Interest Group Venue Shopping_
Sequencing political venues based on their place within the hierarchy of policymaking authority gives direction to venue shopping. Without it, the presence of multiple venues simply provides multiple options for interest groups looking for a sympathetic policymaker, with no venue being any more useful to policy adoption than any other venue as punctuated equilibrium theory holds. In that theory, while political venue is exogenous in the sense of inducing inertia into the policymaking process, which particular venue the interest group will target is a decision that is endogenously based on the fit between the policy image the group espouses and the policy opinion of the policymakers in that venue. With a hierarchical sequencing of political venues, as argued here, the direction of venue shopping can be predicted based on what an interest group is trying to accomplish in relation to the status quo policy. Thus, this study is testing one principal hypothesis:

H₁ (Hierarchy): Interest groups seeking to change the status quo will target a higher political venue than the one currently deciding on the policy.

DATA AND METHODOLOGY

This dissertation project is interested in whether political venue matters to an interest group’s chances of policy success. If so, interest groups would be expected to shop for or target certain political venues more than others in order to maximize their chances of success. To empirically test for interest group venue shopping, one would need a dataset that both captures interest groups’ advocacy behavior and matches that behavior to the political venues targeted, and this over time. One such dataset is available from the Advocacy and Public Policy Project, assembled by Frank R. Baumgartner, Jeffrey M. Berry, Marie Hojnacki, David C. Kimball, and Beth L. Leech. As featured in their comprehensive, 2009 book, *Lobbying and Policy Change:*
Who Wins, Who Loses, and Why, Baumgartner et. al. are principally interested in explaining policy outcomes as a function of interest group lobbying behavior. Thus, the dataset they compiled comprises measures of interest group lobbying and the related policy information, which they collected primarily from interviews with interest group representatives. Even though punctuated equilibrium theory hypothesized a role for the political venue (see the literature review above), Baumgartner et. al. do not treat venue specifically in their 2009 analysis. This dissertation looks to build upon their research, at least by incorporating political venue explicitly into the analysis of policy success.

The bulk of the dataset is the systematic categorization of the self-reported advocacy behavior of D.C. area lobbyists by the Baumgartner et al. research team. The dataset contains conceptually two potential units of analysis when studying venue targeting and policy success: a policy issue (N=98) and, within issue, an interest group side (N=191), or "set of advocates who are seeking the same policy goal" (2009b, 8). It is noteworthy that a single interest group is not the unit of analysis, since most research in this area focuses on individual interest groups (see the literature review above). Punctuated equilibrium theory conceives of a policy entrepreneur as any person or organization that advocates for policy, which would include other actors not normally identified as an interest group. In fact, the Baumgartner et al. identified 2,221 "major" players or participants, whom they refer to as advocates, working on the 98 issues. Advocates were grouped together onto a side based on the policy alternative they advanced for adoption. A side is thus different than a coalition because advocates of a given side may not necessarily coordinate their efforts. Thus, the dataset captures individual and interest group behavior reported at the aggregated units of analysis of side and issue.
Baumgartner et al.'s move from advocates to sides as the unit of analysis appears to have several motivations. They find—as do other scholars on interest groups—that "organizations rarely lobby alone" (2009b, 12; see also Gray and Lowery 1998; Hula 1999; Polsby 1984; Wolpe, Levine, and Congressional Quarterly, inc 1996). They also find that "[t]ypically, however, most of the members of a given side do indeed coordinate their efforts informally or through a formal coalition" (2009b, 277), and that these alliances involve groups that are rich in one resource (e.g. money) allying with groups rich in other resources (e.g. large membership rosters) (see 2009b, 210-212). Lobbying collectively rather than alone is held to be necessary for both gaining policymaker's attention and for monitoring the fragmented and perpetually moving policymaking process, since few organizations possess sufficient clout or internal resources respectively to accomplish these ends by themselves (Godwin, Ainsworth, and Godwin 2013).

Similarly, lobbying collectively is thought necessary for eventual policy success.

"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. … The shared knowledge of all these people provides structure, … Single individuals typically do not have the ability to change the way an entire community of professionals looks at an issue. (2009, 55-56)

Baumgartner et al and other scholars perceive the task of successfully influencing policy is to be too difficult for any single policy entrepreneur to accomplish alone. Thus, interest groups do not act alone, are somewhat balanced in terms of monetary and membership resources, and this is thought to be necessary for eventual policy success.

Another, and not inconsequential, reason to organize the dataset around interest group sides instead of individual advocates is to protect the anonymity of the interview respondents and their organizations. Thus, Baumgartner et al. omitted from much of the analysis information
about the 23 sides that consist of a single advocate. The 191 sides included in the dataset comprise at least two or more advocates.36

However, Godwin, Ainsworth and Godwin (2013) find evidence that lobbying collectively is likely conditional upon lobbying Congress. Based on interviews with 62 lobbyists of 386 Fortune 1000 firms, they find that such resource-rich firms do in fact lobby alone, especially when focused on obtaining benefits which accrue directly to their firm, when not facing a credible threat from opposing interests, and when lobbying executive branch agencies during the implementation phase of policymaking (2013, 133). The latter two findings comport very well with the hierarchy of venue theory delineated above. In lower venues like agencies, the lack of competition from other interests lowers costs such that a single advocate could afford to lobby alone. Also, in these lower venues, the prevalence of the status quo policy in the opinions and directives of the policymakers lowers the costs of subsequent bargaining efforts, again making lobbying in those contexts more accessible for individual interests. Nevertheless, the Baumgartner et. al.'s use of sides as the unit of analysis is appropriate to the source of the data: Lobbying disclosure reports, which do not require the reporting of lobbying of any but a few executive branch officials. Organizing the groups into sides also encompasses the varying degrees of cooperation—from none, to informal coordination to formal coalitions—among interests seeking the same policy objective.

One of the biggest advantages of using the Baumgartner et al. dataset is the random selection and representative nature of the issues included. They began their data collection process by drawing a random sample of 173 interest groups from the Federal lobbying disclosure reports filed by December 1996 under the 1995 Lobbying Disclosure Act (see Baumgartner et al

36 See notes on coding of the “side” variable in the Codebook for Side-Level Dataset, Advocacy and Public Policy Project, (http://lobby.la.psu.edu/).
The sampling weighted each interest group so that the odds that an interest group would be selected increased in exact proportion to their (increased) level of lobbying activity, as indicated by the number of issues on which they reported lobbying. The team then conducted a first wave of interviews with each interest group. The initial, open-ended, in-person interviews were with the individual in the interest group most likely to be familiar with their government relations activity, and centered around the opening question, "Could you take the most recent issue you’ve been spending time on and describe what you are trying to accomplish on this issue and what type of action you are taking to make that happen" (2009, 298). Since 75 of the 173 interest groups in the sample refused to be interviewed, 98 interviews were conducted between February 1999 and October 2002 (a 57% response rate), yielding the 98 issues advocated for during the 106th (1999-2000) or the 107th (2001-2002) Congress. To add more information about the 98 issues identified in the first wave of interviews, Baumgartner et. al. conducted a second wave of 217 interviews during the same time period as the first wave, with a representative of other organizations identified by respondents in the first wave of interviews as also being involved on the policy issue, whether as an opposing interest group, in government, or otherwise. For each issue and organized advocate, Baumgartner et al. also collected publicly-available data related to congressional and regulatory activity, campaign finance activity, and media coverage. In all over 175 variables were collected, covering the arguments

5,907 organizations filed 19,692 reports mentioning 49,518 issues.

Respondents during the first wave of interviews were asked “So who else is involved on this issue, both inside and outside of government?”

Between these two waves of interviews, Baumgartner et. al. interviewed 315 individuals, for an average of three respondents per side, though Baumgartner et al establish no limit a priori for the number of respondents interviewed for each side or issue.

Baumgartner et al collected information on the number of bills, congressional hearings, hearing witnesses, statements from Representatives and Senators, floor statements, newspaper articles from major newspapers, National Journal stories, and network TV stories on each issue. They also collected information on the amount each side spent on PAC donations and soft money to congressional candidates, by chamber and party, for the 1997-1998, 1999-2000, and 2001-2002 election cycles, as well as each side’s total spending on lobbying.
and lobbying tactics of sides of interest groups, their allies and competitors, as well as information on the content and salience of the issues for which they advocated. The analysis in this chapter relies on their measures of the side’s advocacy (i.e. lobbying) tactics, the "venues of activity" the sides mention, the policy intent of the side, the number of advocates on a side, and the number of arguments the side used.

**Dependent Variables**

Baumgartner et al. (2009) seek to explain the effect that an interest group’s lobbying has on the likelihood that the policy alternative the group advocates will be adopted. After identifying from the respondent "the most recent issue you’ve been spending time on," rather than the most interesting or important issue to the respondent, Baumgartner et al. used publicly available information to determine whether the policy adoptions on that issue (e.g. bill passage, rule announcement, court ruling, etc.) matched the policy outcome that the interest group sought to achieve (coded 2=desired outcome achieved, 1=desired outcome partially achieved, 0=desired outcome not achieved). The team did this at the end of the congressional session in which the initial interview was conducted and again at the end of the following congressional session (i.e. either the 106th and 107th Congresses, or the 107th and 108th Congresses). This dissertation project will also consider policy outcomes in the next chapter, and will make use of these Baumgartner et al. measures.

This dissertation chapter attempts to explain the extent to which interest group venue targeting follows the hierarchical order among political venues presented earlier in the chapter. The Baumgartner et. al. dataset includes two series of variables that may reflect the political venue that interest group sides are targeting. One series captures the tactics or types of advocacy

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41 If either the bill passed in that first congressional session or did not pass in either the first or second session, the outcome determinations should remain the same. These outcomes occurred on 84 of the 98 issues of the dataset.
behavior employed by at least one organizational advocate within each side, like testifying at a congressional hearing or contacting the Minority Leader of the chamber. The other series captures the political venues (e.g. House, Federal Courts, Executive Office of the President, etc.) that respondents mentioned as a "venues of activity." Advocacy tactics are coded "1" if the tactic was used by one or more of a side’s advocates, and "0" if the tactic was not used by any of a side’s advocates. The dataset contains observations on advocacy tactics for only 148 interest group sides; the remaining 43 sides consist exclusively of government officials or they contain only advocates that Baumgartner et. al. did not interview. A total of 42 tactics were identified by Baumgartner et. al., 18 of which (representing 55.7% of all reported tactic activity) can be matched to a specific venue; these matches are listed in Table 3.1. The use of venue-matching tactics is assumed to indicate that the side actually targeted (i.e. lobbied) the political venue matched. Certain unmatched tactics like holding a "lobby day" in DC or distributing research to lawmakers indicate that a political venue was targeted, but do not specify a particular venue target, such that omitting such tactics might omit observations of the behavior of interest. However, the scenario of unmatched tactics being used where no venue-matched tactic is used represents only 0.8% of all reported tactical activity. The number of venue-matched tactics and unmatched tactics that each side uses are highly and positively associated (53%). Moreover, no

42 Beyond these 18, there are two additional advocacy tactics that clearly correspond to a judicial venue—filing a lawsuit and filing an amicus brief. However, these variables always involve court challenges to agency level activity and where the activity returns to the agency after the court. So, these are modeled as agency level venue targeting.

43 The tactics that could not be matched to a political venue, include the following: Leading a coalition, participating in a coalition, belonging to a coalition, mobilizing its elite members, mobilizing all its members, mobilizing grassroots or public support, mobilizing grassroots or support among local elites, sponsoring a lobby day or membership event in D.C., contacting the media, placing issue ads, conducting a public education/public relations campaign, protesting or demonstrating, hiring outside lobbying consultants, writing an editorial or opinion article, distributing a voter guide, working an election campaign, working to build a coalition with other organizations, disseminating internal research to government officials, disseminating external research to government officials, disseminating internal research to the public, disseminating external research to the public, or any other tactic not captured above.

44 See Appendix Table 1.3 for a matching of the venues mentioned in the “venues of activity” series to the same venues as in Table 1.1.
research on lobbying indicates that the use of non-venue specific advocacy tactics competes with or hinders an interest group’s use of venue specific tactics (Baumgartner and Leech 1998; Nownes 2006; Andres 2009). Thus, it is highly likely that the venue-matched tactics capture an amount of the sides’ venue targeting behavior that is more than sufficient for unbiased statistical estimation.

While the series on advocacy tactics directly indicates the political venue that sides targeted, it is uncertain the extent to which the other series of variables, the 14 "venue of activity" indicator variables, captures targeting behavior. The problem is that a side may mention a venue as "active" on an issue without the side directing its advocacy behavior toward the venue. Moreover, Baumgartner et al. provide no guidance on how "activity" is defined. In

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45 Where relevant, the Baumgartner et. al. coded contact with a policymaker’s staff as equivalent to contacting the policymaker.
fact, except during their discussion of the effect of partisanship on issue salience (2009, 98-99), Baumgartner et. al. do not report any analysis on this venues of activity series or any other measure of political venue. Though not perfect, there is a high degree of correlation between this series and the advocacy tactics series (see Appendix Table 1.2). The variance between each venue of activity and the nominally corresponding tactics is statistically significant for nearly all combinations. The exceptions are with the "House" and "Senate" venues of activity, the majority of whose variances move with the tactics that target rank and file members of Congress rather than the tactics that target floor leaders. Comparing these two series, the venues of activity series may not include a distinct category that reflects the targeting of floor leaders, since the tactics of targeting the majority and minority leaders co-vary significantly with three different venues of activity—House, Senate and Conference Committee. Nevertheless, the venues of activity series appears to possess high facial validity on the concept of political venue, and is useful for corroborating the analysis using the advocacy tactics series. The dataset contains observations on venue of activity for only 163 interest group sides; Baumgartner et. al. did not seek or could not obtain interviews with representatives of the remaining 28 sides.  

In terms of statistical modeling, the goal is to predict the venue that an interest group (or side) is likely to target. The analysis could have been conducted by creating variables for the venues that these tactics match and using those as the dependent variable. However, that analysis would need to use a statistical model appropriate for estimating vote shares, and would make the assumption that interest group sides would select equally among all tactics matching

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46 Baumgartner et. al. (2009) offer no additional details on why representatives from these 28 sides could not be reached.
the same venue, which is both unnecessary and false based on estimation results.\textsuperscript{47} Since the dependent variables capture categories of tactics and venues, a categorically-distributed choice model will be used in the analysis. However, each side can use more than one type of tactic or mention more than one venue of activity; in fact, the median number of tactics employed and venues mentioned is six and five, respectively.\textsuperscript{48} This eliminates the use of most categorical choice models, which require that choosers pick only one alternative among the set of alternatives. Fortunately, McFadden (1974) developed the alternative-specific conditional logistic regression model, which does allow more than one choice or pick of alternatives for each chooser, and uses all of that choice behavior to predict the likelihood that each alternative will be chosen. Researchers typically use the model—also referred to as McFadden’s choice model—to estimate how differences across alternatives affect the choices/preferences of choosers, controlling also for variation across choosers; the simple conditional logistic model cannot also control for variation across choosers. For example, Desposato (2006) uses the model to estimate how the differences in the benefits of membership across Brazilian political parties affect the party switching (i.e. membership choices) of members of Brazil’s Chamber of Deputies, controlling for deputy-specific variation in the percentage of their partisan voters and the value the deputy would add to the party. Using the Baumgartner et. al. the dataset, the choosers are the sides in a policy debate. The alternatives they choose from, in one equation, are the lobbying tactics they could employ, and, in the other equation, the political venues they could mention. However, unlike in a typical use of the McFadden’s choice model, the variation among the alternatives is not observed in the variables, but rather captured in the theory presented earlier.

\textsuperscript{47} The estimation below produced the predicted probability that a side would use each individual tactic. The probabilities were very different across tactics, including across tactics that match the same venue. In this chapter, those results are reported by venue rather than by tactic.

\textsuperscript{48} See Appendix Table 1.1 for descriptive statistics of the variables used.
that proposes that legal supremacy, barriers to access, and bargaining and information costs hierarchically order political venues and, thus, interest group preferences across venues. The model is used then to reveal the extent to which the observed preferences supports the theoretical expectations on preferences, controlling for interest group level variables previously shown to affect their targeting behavior.

To deal with the challenge of choosers making more than one choice, Hojnacki and Kimball (1998) create dyads between the choosers and the alternatives and use a probit regression model to predict the probabilities that interest groups will directly lobby particular members of the relevant committee. However, like all categorical choice models, McFadden’s choice model assumes that a chooser’s preferences are ordered (which the test results will reveal), that the chooser’s resources for choosing are finite, or that the choice situation is zero sum, the result being that the choice of one alternative limits/conditions to some degree the choice of any other alternative. The dyadic probit imposes none of these limitations. Preferences are not ordered; choosers have all the resources to choose all the alternatives they want; and/or the choice of any one alternative does not limit/condition the choice of any other alternatives. It is supposed that interest group targeting is somewhat constrained by resources, attention, and utility, and therefore the McFadden choice model is preferred.

Since this dissertation is focused on political venue, the results will be reported according to the five categories of political venues (plus one null category) to which the advocacy tactics can be matched, as indicated in Table 3.1. This can be accomplished relatively easily by summing the estimated effects of the independent variables across all of the advocacy tactics that match the same category of political venue. To ease comparability, the estimation results for the
14 categories of "venue of activity" are grouped into the same six categories as the tactics (see Appendix Table 1.3).

**Independent Variables**

The theorized hierarchical order of political venues predicts that interest groups are likely to target the next higher venue in order to seek change. To test for this, it is necessary to know which venue was the highest political venue that exhibited formal, on-record debates on the issue in the previous congressional session. This previous venue information is captured in six indicator variables, one each for each of the six categories of political venue in which the estimation results of the dependent variables are reported. Each of these variables is coded "1" if the venue was the highest one in the hierarchical order to debate the issue in the previous session, and "0" otherwise. If this hierarchy exists and interest groups behave as predicted, then the coefficients on the previous venue should be larger for the next higher venue on the hierarchy than the coefficients for the other venues. A limitation in the usefulness of these measures in the analysis stems from the fact that only two sides and issues were previously deliberated at the "floor leader" venue, only 1 at the "president" venue, and none at the "committee" venue. This may simply reflect the relatively short attention spans of congressional committees, Congressional floor deliberations and of the legislative agenda of the president in terms. These venues may only consider a political issue for one congressional session before it is either decided upon or crowded out by other issues competing for attention.

Punctuated equilibrium theory employs the concept of policy intent—to challenge or defend the status quo—to capture the congruence between the policy preferences of the side and

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49 The previous venue was coded “rank and file members of congress” where a bill was introduced but no committee action had occurred. The previous venue was coded “floor leaders” if a floor vote was held on corresponding legislation. The previous venue was coded “president” if the president vetoed corresponding legislation or made public statements about the issue. This information was obtained from the Library of Congress or the narratives supplied by Baumgartner et. al.
those of the policymakers in the prior venue; other research uses partisanship or party control for that purpose (see Holyoke 2012). The theory holds that interest groups whose policy preferences are incongruent with the status quo will challenge that policy by attempting to recruit support from new policymakers and new political venues. Baumgartner et. al. code an indicator variable for policy intent (challenger = 1, defender = 0) that captures whether the side’s policy objective would require a change in the status quo policy. It is expected that interest groups challenging the status quo will exhibit different venue shopping behavior than those defending the status quo.\(^5\)

Nearly every study of interest group venue shopping includes measures of the interest group’s own resources and its competition. This analysis uses the Baumgartner et. al. measure of a side’s size, coded as the number of advocates included in the side, based on the finding (stated earlier) that groups rich in one resource seek groups rich in other resources when partnering with other groups (see 2009b, 210-212). Interest groups with more resources are expected to lobby in more venues and higher venues, since higher venues are more "expensive" to engage, as the theory here argues. The effect of competition is not straightforward, with groups sometimes following or avoiding both allies and competitors (see Holyoke 2003, McKay 2010). Rather than use a variable to attempt to capture this effect, the estimators are clustered on the issue to allow the estimation to condition the predicted behavior of one side on the predicted behavior of other sides advocating on the same issue.

Lastly, punctuated equilibrium theory holds that when a breakdown occurs in the consensus on the policy image for an issue, then the policy status quo is primed for a disruption

\(^5\) A more accurate expectation for policy intent is that interest groups challenging the status quo would be more likely to target upward in the hierarchical order than groups defending the status quo. However, though the dataset is large qualitatively in terms of its number of cases, the dataset has too few cases for estimates to converge on a model that included interaction terms for policy intent and previous venue.
and new political venues are entering the discussion on the issue. Baumgartner et. al. code a series of indicator variables for 18 distinct types of arguments (i.e. policy images) that sides might employ during their advocacy. A single variable is coded counting the number of arguments that a side uses, likely reflecting a breakdown in consensus leading to a policy disruption.\footnote{Simple OLS regression tests show that the total number of arguments that aside uses has a substantively large, positive, and statistically significant effect on both the number of tactics employed (0.88 more tactics per argument; t-score 33.00) and the number of venues of activity mentioned (0.19 more venues per argument; t-score 11.92).} The expectation of consensus (i.e. number of arguments) on interest group venue shopping is mixed, since punctuated equilibrium theory associates more arguments with a policy disruption, which typically occurs in higher political venues. However, Jones and Baumgartner (2005) argue that consensus (i.e. fewer arguments) is required for the actual adoption of policy due to the limits of human cognition.\footnote{“… the first issue for government is to prioritize problems, … And prioritizing somehow means winnowing—dropping from consideration to the time being problems that can wait.” (Jones and Baumgartner 2005, 11)} In Chapter 2 of this dissertation, the politics and media coverage surrounding the issue of hydraulic fracturing are used to study this theorized connection between consensus and policy disruption or change.

RESULTS

Descriptive Analysis

Before the statistical analysis, Tables 3.2 and 3.3 reveal the cross-tabulations of the dependent variables—the venue targeted based on advocacy tactics used and based on venues of activity mentioned, respectively—with the key variables of interest—previous venue. The table cells show the number of sides and issues by previous venue, and within those groups the number of sides that target each venue and the percentage of sides targeting the venue controlling for the number of advocacy tactics or venues of activity (shown in parentheses) that are matched to the venue.
Table 3.2
Cross-Tabulations of Previous Venue on Venue Targeted (based on Advocacy Tactics)

<table>
<thead>
<tr>
<th>Venue in Congress Prior to Interview</th>
<th>No Venue</th>
<th>Agency</th>
<th>Rank &amp; File MCs</th>
<th>Floor Leaders</th>
<th>President</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td># Sides</td>
<td>46</td>
<td>70</td>
<td>30</td>
<td>1</td>
<td>1</td>
<td>148</td>
</tr>
<tr>
<td># Issues</td>
<td>30</td>
<td>45</td>
<td>21</td>
<td>1</td>
<td></td>
<td>98</td>
</tr>
<tr>
<td>Venue Targeted (Congress of Interview)</td>
<td>N %</td>
<td>N %</td>
<td>N %</td>
<td>N %</td>
<td>N %</td>
<td>Total</td>
</tr>
<tr>
<td>President (2)</td>
<td>10 0.11</td>
<td>21 0.15</td>
<td>10 0.17</td>
<td>0 0.00</td>
<td>2 1.00</td>
<td>43</td>
</tr>
<tr>
<td>Floor Leader (2)</td>
<td>13 0.14</td>
<td>12 0.09</td>
<td>12 0.20</td>
<td>0 0.00</td>
<td>0 0.00</td>
<td>37</td>
</tr>
<tr>
<td>Committee (5)</td>
<td>119 0.52</td>
<td>171 0.49</td>
<td>84 0.56</td>
<td>2 0.40</td>
<td>5 1.00</td>
<td>381</td>
</tr>
<tr>
<td>Rank &amp; File MCs (4)</td>
<td>126 0.68</td>
<td>153 0.55</td>
<td>82 0.68</td>
<td>3 0.75</td>
<td>3 0.75</td>
<td>367</td>
</tr>
<tr>
<td>Agency (5)</td>
<td>21 0.09</td>
<td>99 0.28</td>
<td>24 0.16</td>
<td>0 0.00</td>
<td>4 0.80</td>
<td>148</td>
</tr>
<tr>
<td>Unmatched Tactics (22)</td>
<td>279 0.28</td>
<td>333 0.22</td>
<td>195 0.30</td>
<td>9 0.41</td>
<td>10 0.45</td>
<td>826</td>
</tr>
</tbody>
</table>

1 "No Venue" refers to issues on which no Federal level activity occurred during the Congress before the one about which Baumgartner et. al. collected data.
2 Baumgartner et. al. do not code advocacy tactics for the 43 sides consisting exclusively of government officials or that contain only advocates not interviewed.
Notes: Numbers in parentheses "( )" show the number of advocacy tactics that are matched to the political venue reported (see Table 3.1). The columns labeled "N" report the absolute number of tactics reported corresponding to the venue targeted. The columns labeled "%" report the percentage of sides that used tactics corresponding to the venue targeted.

Were the descriptive analysis to show perfect support for the theory of this dissertation, then the largest percentage of sides’ targeting would be directed towards the next higher venue than the venue that previously deliberated on the issue. For example, for sides whose previous venue was an executive branch agency, they would most target rank and file members of Congress; sides whose prior venue was floor leaders (i.e. chamber activity), they would most target the presidency (to solicit his veto authority). Referring to the cross-tabulations based on advocacy tactics (Table 3.2), this is what we observe in three instances: no previous venue to rank and file members, agency to committee, and rank and file members to committee. We observe this in only one instance, namely rank and file to committee, in the cross-tabulations based on venues of activity mentioned (Table 3.3). There are other instances where sides target a higher venue, though not the next highest. Sides for which no venue was deliberating on the
Table 3.3
Cross-Tabulations of Previous Venue on Venue Targeted (based on Venues of Activity)

<table>
<thead>
<tr>
<th>Venue in Congress Prior to Interview</th>
<th>No Venue¹</th>
<th>Agency</th>
<th>Rank &amp; File MCs</th>
<th>Floor Leaders</th>
<th>President</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td># Sides</td>
<td>53</td>
<td>76</td>
<td>32</td>
<td>1</td>
<td>1</td>
<td>163²</td>
</tr>
<tr>
<td># Issues</td>
<td>30</td>
<td>45</td>
<td>21</td>
<td>1</td>
<td></td>
<td>98</td>
</tr>
<tr>
<td>Venue Targeted (Congress of Interview)</td>
<td>N %</td>
<td>N %</td>
<td>N %</td>
<td>N %</td>
<td>N %</td>
<td>Total</td>
</tr>
<tr>
<td>President (1)</td>
<td>12 0.23</td>
<td>23 0.30</td>
<td>12 0.38</td>
<td>1 1.00</td>
<td>1 1.00</td>
<td>49</td>
</tr>
<tr>
<td>Floor Leader (1)</td>
<td>12 0.23</td>
<td>15 0.20</td>
<td>9 0.28</td>
<td>1 1.00</td>
<td>0 0.00</td>
<td>37</td>
</tr>
<tr>
<td>Committee (4)</td>
<td>110 0.52</td>
<td>110 0.36</td>
<td>60 0.47</td>
<td>2 0.50</td>
<td>2 0.50</td>
<td>284</td>
</tr>
<tr>
<td>Rank &amp; File MCs (3)</td>
<td>77 0.48</td>
<td>133 0.58</td>
<td>64 0.67</td>
<td>2 0.67</td>
<td>2 0.67</td>
<td>278</td>
</tr>
<tr>
<td>Agency (2)</td>
<td>28 0.26</td>
<td>64 0.42</td>
<td>23 0.36</td>
<td>1 0.50</td>
<td>1 0.50</td>
<td>117</td>
</tr>
<tr>
<td>Other/Non-Federal (3)</td>
<td>41 0.26</td>
<td>25 0.11</td>
<td>12 0.13</td>
<td>1 0.33</td>
<td>0 0.00</td>
<td>80</td>
</tr>
</tbody>
</table>

¹ "No Venue" refers to issues on which no Federal level activity occurred during the Congress before the one about which Baumgartner et. al. collected data.
² Baumgartner et. al. did not seek or could not obtain interviews with representatives of the remaining 28 sides.

Notes: Numbers in parentheses "( )" show the number of venues mentioned that are matched to the political venue reported (see Appendix Table 1.3). The columns labeled "N" report the absolute number of tactics sides mentioning a venue that corresponds to the venue hierarchy tested here. The columns labeled "%" report the percentage of sides mentioning a venue that corresponds to the venue hierarchy tested here.

issue previously targeted rank and file members more than other venues based on advocacy tactics, and targeted committees the most, based on venues of activity.

As far as counter-examples, the only clear one occurs in the cross-tabulations based on tactics, where the side for which a chamber floor previously deliberated the issue later targeted rank and file members most. This could have reflected lingering or new concerns that rolled over from a bill just passed in the prior session. In two other instances, we observe sides targeting the same venue that previously deliberated on their issue: both in the cross-tabulations based on venues of activity, where sides continue targeting the agency or floor leaders, though this latter group also targets the presidency just as much.

A pair of additional observations stands out in the cross-tabulation results. The first is that rank and file members are the venue most targeted among the venues regardless of the highest previous venue to deliberate the issue in the cross-tabulations based on advocacy tactic.
This may be due to sheer number of members that groups can target. Another observation is that there are few cases (one each) where the highest venue to deliberate on the issue was the full chamber (i.e. previous venue = floor leaders) or the president, and the zero cases where the committee was the highest venue. The cross-tabulations on these cases yield very little inferential insight, though they can still contribute more to the statistically estimations.

The cross-tabulations indicate behavior that is consistent with the general prediction of the theory. Faced with the array of (Federal level) venue options, interest groups direct most of their attention towards a higher venue, if not the next highest venue, as they continue to pursue their preferred policies. The statistical tests that follow will reveal whether these patterns hold once controlling for other factors known to determine interest group venue shopping.

**Statistical Analysis**

Table 3.4 shows the estimated, maximum likelihood, odds ratios for venue targeting using the advocacy tactic dependent variables. Coefficients greater than 1 indicate a higher likelihood of that venue being targeted produced by a unit increase in the indicator variable; coefficients less than 1, a lower likelihood. Figure 3.2 shows the corresponding average substantive effects of the independent variables over the estimation sample. Table 3.5 and Figure 3.3 show the same estimations and substantive effects using the "venues of activity" dependent variables. In general, more so in the venues of activity results than the advocacy tactics results, the results show some support for the theory here that interest groups move upward hierarchically in targeting political venues for policy change, rather than simply seeking

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53 The average substantive effects are calculated by first estimating the baseline predicted values of the dependent variable based on the observed values of all the variables in the estimation sample. Then the value of one independent variable is varied by some representative margin (0 to 1 for indicator variables, from the mean to the mean plus one standard deviation) for all the observations in the estimation sample while holding all other variables at their observed values, and new values of the dependent variable are predicted. Then the baseline prediction is then subtracted from the new prediction, the result being the average substantive effect of the independent variable on the dependent variable.
new venues or other venues than the one previously considering the policy; they seek venues that can overturn the decisions of prior venues. The results also show the prior venue matters, that there are systematic patterns of movement for policymaking from one round of consideration to another.

Working up the hierarchy, the venues of activity (Table 3.5) estimation results show that interest groups sides for which an executive branch agency previously deliberated their policy is most likely to target a committee, which is the next higher venue hierarchically to the extent that the full chamber does not respect the proposed legislation of rank and file members like they often do for committees (Krehbiel 1991). This finding shows up in the sum of the coefficients for the "from Agency" and "constant" variables. The estimated effect is largest for the "Committee" category than for the other, non-baseline categories. The advocacy tactic estimations (Table 3.4) are not as supportive of the higher venue prediction. In those results, interest groups moving from an agency are most likely to target the agency, again as seen in the sum of the coefficients for the "from Agency" and the "constant" variables. This is consistent with Holyoke et al.'s (2012) finding that interest groups will lobby whatever venue is active on the policy. However, the second most likely venue targeted after the agency is the committee, and its estimated effect is very close to that of the agency.

The higher venue prediction finds further support among interest group sides that previously reached only rank and file members of Congress. The estimation results on advocacy tactics and venues of activity indicate that the move from rank and file members of Congress is to the committee, with the agency second. However, sides who previously reached floor leaders or the president are estimated to most likely target the committee, just like sides who reach the agency and rank and file venues previously. While the estimated behavior of sides reaching
Table 3.4
Alternative Specific Conditional Logistic Model of Venue Targeting Based on Advocacy Tactic

<table>
<thead>
<tr>
<th></th>
<th>No Venue</th>
<th>Agency</th>
<th>R&amp;F MCs</th>
<th>Committee</th>
<th>Floor Leader</th>
<th>Pres/Veto</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Side Size</td>
<td>5.1536</td>
<td>4.5963</td>
<td>5.6369</td>
<td>2.1546</td>
<td>2.3141</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.271</td>
<td>0.218</td>
<td>0.228</td>
<td>0.250</td>
<td>0.216</td>
<td></td>
</tr>
<tr>
<td># Arguments Used</td>
<td>-6.6542</td>
<td>-4.7783</td>
<td>-6.4874</td>
<td>-2.0995</td>
<td>-3.2953</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.210</td>
<td>0.256</td>
<td>0.219</td>
<td>0.326</td>
<td>0.121</td>
<td></td>
</tr>
<tr>
<td>from Agency</td>
<td>92.500</td>
<td>63.379</td>
<td>82.389</td>
<td>31.729</td>
<td>34.053</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>from R&amp;F MCs</td>
<td>78.585</td>
<td>58.077</td>
<td>73.398</td>
<td>30.389</td>
<td>29.152</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>from Floor Leader</td>
<td>-103.36</td>
<td>-31.72</td>
<td>-70.49</td>
<td>-41.51</td>
<td>-41.35</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.061</td>
<td>0.476</td>
<td>0.202</td>
<td>0.062</td>
<td>0.062</td>
<td></td>
</tr>
<tr>
<td>from Pres/Veto</td>
<td>43.580</td>
<td>3.872</td>
<td>56.023</td>
<td>-16.105</td>
<td>23.420</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.351</td>
<td>0.918</td>
<td>0.230</td>
<td>0.392</td>
<td>0.213</td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>78.119</td>
<td>3.872</td>
<td>86.347</td>
<td>28.797</td>
<td>30.475</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.001</td>
<td>0.918</td>
<td>0.000</td>
<td>0.003</td>
<td>0.002</td>
<td></td>
</tr>
</tbody>
</table>

Note: "No Venue" is the baseline category; no estimates are reported. "From No Venue" and "Status Quo Defenders" are omitted variables. N=148 sides. Pseudo $R^2$ = 0.1279. Log pseudolikelihood = -906.98276. Numbers in **bold** report coefficients that are significant at the 0.10 level or lower. Numbers in *italics* report the probability that the z-score for the coefficient equals 0 (P>|z|).
Figure 3.2
Average Substantive Effects of Venue Targeting based on Advocacy Tactics

Table of Values

<table>
<thead>
<tr>
<th>Variable</th>
<th>No Federal Venue</th>
<th>Agency</th>
<th>Rank &amp; File MCs</th>
<th>Committee</th>
<th>Floor Leaders</th>
<th>President</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Baseline Prediction)</td>
<td>0.000 0.021 0.075</td>
<td>0.008 0.194 0.617</td>
<td>0.136 0.585 0.950</td>
<td>0.208 0.467 0.742</td>
<td>0.007 0.071 0.173</td>
<td>0.018 0.095 0.236</td>
</tr>
<tr>
<td>Status Quo</td>
<td>-0.075 -0.020 0.000</td>
<td>0.000 0.144 0.352</td>
<td>-0.421 -0.203 0.000</td>
<td>0.000 0.126 0.269</td>
<td>-0.012 0.000 0.011</td>
<td>-0.150 -0.047 0.000</td>
</tr>
<tr>
<td>Challenger</td>
<td>0.000 0.014 0.003</td>
<td>-0.348 -0.088 0.000</td>
<td>0.000 0.120 0.421</td>
<td>-0.256 -0.074 0.000</td>
<td>-0.006 -0.001 0.008</td>
<td>0.000 0.028 0.131</td>
</tr>
<tr>
<td>Side Size</td>
<td>-0.073 -0.016 0.000</td>
<td>-0.598 -0.348 -0.051</td>
<td>0.039 0.185 0.325</td>
<td>0.007 0.153 0.249</td>
<td>-0.079 -0.042 -0.014</td>
<td>0.017 0.068 0.142</td>
</tr>
<tr>
<td># Arguments Used</td>
<td>0.000 0.029 0.344</td>
<td>-0.155 -0.092 -0.024</td>
<td>0.020 0.145 0.207</td>
<td>-0.183 -0.053 0.047</td>
<td>0.028 0.063 0.111</td>
<td>-0.195 -0.092 -0.026</td>
</tr>
<tr>
<td>from No Federal Venue</td>
<td>0.000 0.012 0.037</td>
<td>-1.265 -0.527 0.000</td>
<td>0.000 0.364 0.820</td>
<td>-0.007 0.152 0.397</td>
<td>-0.074 0.024 0.114</td>
<td>-0.101 -0.024 0.029</td>
</tr>
<tr>
<td>from Agency</td>
<td>-0.075 -0.021 0.000</td>
<td>0.000 0.408 1.265</td>
<td>-0.816 -0.274 0.000</td>
<td>-0.382 -0.102 0.000</td>
<td>-0.163 -0.051 0.000</td>
<td>0.000 0.040 0.132</td>
</tr>
<tr>
<td>from Rank &amp; File MCs</td>
<td>-0.075 -0.021 0.000</td>
<td>-0.782 -0.161 0.505</td>
<td>-0.314 0.086 0.532</td>
<td>-0.228 0.032 0.222</td>
<td>0.000 0.098 0.218</td>
<td>-0.121 -0.034 0.006</td>
</tr>
<tr>
<td>from Floor Leaders</td>
<td>0.000 0.742 1.000</td>
<td>-1.977 -0.934 -0.065</td>
<td>-0.012 0.705 1.491</td>
<td>-0.509 -0.221 0.089</td>
<td>-0.282 -0.125 0.000</td>
<td>-0.423 -0.167 -0.017</td>
</tr>
<tr>
<td>from President/Veto</td>
<td>-0.075 -0.021 0.000</td>
<td>-0.619 -0.067 0.655</td>
<td>-0.569 -0.132 0.368</td>
<td>-0.038 0.276 0.481</td>
<td>-0.283 -0.142 -0.045</td>
<td>0.016 0.087 0.219</td>
</tr>
</tbody>
</table>

Note: Black triangles report mean effect. Red bars show 90% confidence intervals. Numbers in bold report average effects that do not cross the null threshold.
Table 3.5
Alternative Specific Conditional Logistic Model of Venue Targeting Based on Venues of Activity

<table>
<thead>
<tr>
<th></th>
<th>No Venue Mentioned</th>
<th>Other/Non Federal Venue</th>
<th>Agency</th>
<th>R&amp;F MCs</th>
<th>Committee</th>
<th>Floor Leader</th>
<th>Pres/Veto</th>
</tr>
</thead>
<tbody>
<tr>
<td>Challengers</td>
<td>1.16E-19</td>
<td>8.63E-13</td>
<td>3.81E-19</td>
<td>6.53E-24</td>
<td>1.60E-06</td>
<td>7.30E-07</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td></td>
</tr>
<tr>
<td>Side Size</td>
<td>3.55484</td>
<td>1.894981</td>
<td>3.845488</td>
<td>4.975748</td>
<td>1.52549</td>
<td>1.561519</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.005</td>
<td>0.033</td>
<td>0.004</td>
<td>0.007</td>
<td>0.006</td>
<td>0.004</td>
<td></td>
</tr>
<tr>
<td># Arguments Used</td>
<td>1.75E-01</td>
<td>1.75E-01</td>
<td>0.192553</td>
<td>0.775258</td>
<td>0.457129</td>
<td>0.113539</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.131</td>
<td>0.198</td>
<td>0.137</td>
<td>0.182</td>
<td>0.033</td>
<td>0.058</td>
<td></td>
</tr>
<tr>
<td>from Agency</td>
<td>5.88E+20</td>
<td>2.09E+14</td>
<td>9.10E+18</td>
<td>1.01E+26</td>
<td>6.48E+06</td>
<td>9112169</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td></td>
</tr>
<tr>
<td>from R&amp;F MCs</td>
<td>1.57E+19</td>
<td>1.58E+13</td>
<td>3043940</td>
<td>1.89E+25</td>
<td>3.04E+06</td>
<td>3560179</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td></td>
</tr>
<tr>
<td>from Floor Leader</td>
<td>1.24E-06</td>
<td>1.24E-06</td>
<td>1.03E+02</td>
<td>4.99E-07</td>
<td>103.2211</td>
<td>7286.105</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.003</td>
<td>0.011</td>
<td>0.010</td>
<td>0.000</td>
<td>0.010</td>
<td>0.051</td>
<td></td>
</tr>
<tr>
<td>from Pres/Veto</td>
<td>4.86E-01</td>
<td>9743840</td>
<td>0.576414</td>
<td>6.66E+12</td>
<td>5.76E-01</td>
<td>6.97E+07</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.858</td>
<td>0.000</td>
<td>0.689</td>
<td>0.000</td>
<td>0.689</td>
<td>0.000</td>
<td></td>
</tr>
<tr>
<td>constant</td>
<td>2.18E+16</td>
<td>4.48E+12</td>
<td>1350783</td>
<td>3.00E+25</td>
<td>1.35E+06</td>
<td>1690198</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td></td>
</tr>
</tbody>
</table>

Note: Baseline category is "No Venues of Activity Mentioned"; no estimation results are reported. "From No Venue" and "Status Quo Defenders" are omitted variables. N=163 sides. Pseudo R^2 =0.1021. Log pseudolikelihood = -639.87578.

Numbers in **bold** report coefficients that are significant at the 0.10 level or lower. Numbers in *italics* report the probability that the z-score for the coefficient equals 0 (P>|z|).
Figure 3.3
Average Substantive Effects of Venue Targeting based on Venues of Activity Mentioned

Table of Values

<table>
<thead>
<tr>
<th>Variable</th>
<th>Other/Non-Federal</th>
<th>Agency</th>
<th>Rank &amp; File MCs</th>
<th>Committee</th>
<th>Floor Leaders</th>
<th>President</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Low</td>
<td>Mean</td>
<td>High</td>
<td>Low</td>
<td>Mean</td>
<td>High</td>
</tr>
<tr>
<td><strong>(Baseline Prediction)</strong></td>
<td>0.000</td>
<td>0.066</td>
<td>0.221</td>
<td>0.021</td>
<td>0.343</td>
<td>0.863</td>
</tr>
<tr>
<td>Status Quo</td>
<td>-0.147</td>
<td>-0.012</td>
<td>0.101</td>
<td>-0.001</td>
<td>0.028</td>
<td>0.087</td>
</tr>
<tr>
<td>Challenger</td>
<td>-0.027</td>
<td>0.010</td>
<td>0.065</td>
<td>-0.070</td>
<td>-0.016</td>
<td>0.000</td>
</tr>
<tr>
<td>Side Size</td>
<td>-0.146</td>
<td>-0.035</td>
<td>0.049</td>
<td>-0.244</td>
<td>-0.179</td>
<td>-0.094</td>
</tr>
<tr>
<td># Arguments Used</td>
<td>0.025</td>
<td><strong>0.082</strong></td>
<td>0.212</td>
<td>-0.067</td>
<td>0.001</td>
<td>0.077</td>
</tr>
<tr>
<td>from Other/Non-Federal</td>
<td>-0.015</td>
<td>0.034</td>
<td>0.146</td>
<td>0.467</td>
<td>-0.218</td>
<td>0.000</td>
</tr>
<tr>
<td>from Agency</td>
<td>-0.133</td>
<td>-0.008</td>
<td>0.081</td>
<td>0.000</td>
<td><strong>0.156</strong></td>
<td>0.462</td>
</tr>
<tr>
<td>from Rank &amp; File MCs</td>
<td>-0.191</td>
<td><strong>-0.067</strong></td>
<td>0.000</td>
<td>-0.205</td>
<td>0.005</td>
<td>0.275</td>
</tr>
<tr>
<td>from Floor Leaders</td>
<td>0.553</td>
<td><strong>0.729</strong></td>
<td>0.852</td>
<td>-0.727</td>
<td>-0.390</td>
<td>0.057</td>
</tr>
<tr>
<td>from President/Veto</td>
<td>-0.450</td>
<td><strong>-0.266</strong></td>
<td>-0.144</td>
<td>-0.225</td>
<td>-0.009</td>
<td>0.289</td>
</tr>
</tbody>
</table>

Note: Black triangles report mean effect. Red bars show 90% confidence intervals. Numbers in **bold** report average effects that do not cross the null threshold.
floor leaders or the president do not support the higher venue prediction, this could be
due to the very small number of sides that reached these venues, perhaps also resulting in
the lack of statistical significance in those corresponding coefficients.

Figures 3.2 and 3.3 show the average substantive effects, which report the
behavior of the dependent variable based on either a one-unit change in the indicator
variables or a one-standard deviation change in the continuous variables, while holding
all the other variables at their observed values for all of the observations. Thus, the
figures do not depict the marginal effects of variables and will not always mirror the
estimation results. Such is the case with the average substantive effects of an agency or
rank and file members being the highest venue that previously deliberated the policy.
These results reveal strong support for the Holyoke hypothesis instead of the higher
venue prediction. Based on advocacy tactic, the agency is 40% more likely to be targeted
on average if it was the highest venue to deliberate on the policy in the previous
congressional session, ceteris paribus; 16% more likely based on the venues of activity.
The only other venue that is also more likely to be targeted on average (4% for both
dependent variables) is the president or his staff. This could also reflect a movement to a
next high venue to the extent that this effect reflects instances where interest groups were
seeking the help of White House staff to (re)direct the actions of agency officials (R. De
Figueiredo and Edwards 2007). We cannot be statistically confident that moving from
rank and file members deliberating the issue has any substantive effects on the next venue
targeted, ceteris paribus.

Interest groups that have issues previously deliberated by floor leaders are most
likely to not target any venues subsequently and least likely to target an agency. Interest
group sides are more than 70% likely on average to target that venue once the floor has
dealt with the issue. This matches this researcher’s observation that issues and the
advocacy surrounding them often experience a cooling off period after congress votes,
regardless of the voting outcome. The clear and dominant destination of previous
chamber-level, congressional battles is no battle, at least not immediately.

The substantive effects on the president being the highest venue that previously
deliberated could support multiple interpretations, where they are statistically significant.
This category is the only one among the previous venue categories where the president is
more likely to be targeted (9% more on average based on advocacy tactics and 59% more
on average based on venues of activity). Also, in this case, sides are less likely (12% or
14% on average based on advocacy tactics or venues of activity, respectively) to target
floor leaders. This appears to support the Holyoke et al (2012) prediction of targeting the
active venue instead of the higher venue predicted here. However, only the U.S.
Supreme Court is modeled as a higher political venue than the President and his veto, and
presidential influence in this context involves interactions primarily with Congress
(Neustadt 1960). The results appear to reflect instances where interest groups are
attempting to persuade the president to threaten or exercise his use of the veto, and
Congress is subsequently acquiescing to the President.

The substantive effects allow the recovery of the estimated effects of the omitted
variable of interest, where no political venue deliberated on the policy previously, and
indicates an exploratory role for rank and file members. These members are most likely
to be targeted where no denominated, Federal venue was targeted based on advocacy
tactics or where no denominated, Federal venue was mentioned as active on the issue
(36% on average and 13% on average, based on advocacy tactic and venues of activity, respectively). Rank and file members being a "first contact" venue is consistent with both the higher venue prediction here and the "other" venue prediction of punctuated equilibrium theory.

Only one control variable shows a consistent and significant effect across political venues. Sides challenging the status quo are less likely to lobby these denominated Federal venues, than they are to lobby outside of these venues. The average substantive effects show that these status quo challengers and defenders diverge in their targeting of every venue except for that of floor leaders in the advocacy tactics results, where their mean effects diverge but the 90% ranges on those effects overlap each other and the null threshold.

The estimation results on the other two control variables appear to indicate that neither the number of advocates to a side nor the number of arguments a side uses direct a side’s targeting toward a particular political venue, though the average substantive effects depict much more nuance and variation. In the advocacy results, sides that have more advocates are more likely on average to target rank and file members, committees, and the president, and less likely on average to target the agencies, floor leaders, or no Federal venue. In the venue of activity results, sides are less likely to target only agencies or no Federal venue. Perhaps this pattern emerges because debates that reach floor leaders and agencies have reached a somewhat "final" destination in the policymaking process in that those venues, once involved, are highly likely to make a decision on the policy. As such, sides with but a few advocates will concentrate their energies on those venues, whereas groups with more advocates will concentrate on
shaping the policies earlier in their policymaking existence. The estimated effects of the "number of arguments used" is generally insignificant, save for decreasing a side’s likelihood of targeting floor leaders or the president based on the venues of activity estimation results. Not surprisingly, the substantive effects on this variable are mixed between the two dependent variables.

CONCLUSION

Research on policymaking and on interest group venue shopping has somewhat obscured the concept of political venue. While all agree that venues enact policy, these literatures have included actors who merely influence policy rather than determine it. Here, a more precise definition centers our attention on policymakers as the actors within a political venue that are capable and authorized to direct the coercive power of government just by their venue’s enactments alone. With that clarity, one can begin to compare venues, particularly their internal decision-making procedures and the nature or tendencies of their external influences. Doing this led to the theory featured here that arrays U.S. political venues hierarchically based on institutional characteristics of legal supremacy, barriers to access, and information and bargaining costs, and that argues that this hierarchical array systematically varies the venue's utility to interest groups’ realization of policy success. The array leads to the prediction that interest groups, especially those seeking change, will target a higher political venue than the venue previously deliberating the policy. The analysis using a well-regarded dataset shows some support for the prediction, especially for the venues for which there are many observations. But the lack of observations—especially of cases where the legislative
committee had just previously deliberated on the issue—led to little inferential power for ranges of movement across some venues. Perhaps, the use of even more data, or even an additional dataset, might provide the fuel needed for such inferences.

Specific mention should be made comparing the venue shopping findings of Holyoke et al. (2012) with those obtained here. Their first hypothesis and finding is that interest groups target venues whose policymakers hold opinions congruent with those of the interest group. Since they have but one issue—charter schools—on which "support and opposition … [does] divide sharply by party in these three states" (Holyoke, Brown, and Henig 2012, 15), it is fairly easy to characterize both the charter schools and Republicans as defending the status quo and both opponents of charter schools and Democrats as challenging the status quo, or seeking a change in policy. Thus, the finding that each group targets a congruent venue means that each group is targeting different venues. This is the same result found here in the analysis using the Lobbying and Policy Change data. For each venue, challengers exhibit significantly different behavior than interest groups defending the status quo.

Holyoke et. al. theorize that the authority of some venues over others and the federal relationships between venues also matter to interest group venue shopping; features built into the theoretical model here. They model the authority relationship as a direct, principal-agent relationship between the agency implementing charter school policy and two principals: the state legislature and the governor, operationalizing it as an ordinal variable reflecting the degree to which the implementing agency is constrained by

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54 Arizona, Michigan, and Pennsylvania. (Holyoke, Brown, and Henig 2012, 13)
its political principals.\textsuperscript{55} Their multiple-level, logistic regression model yields a positive, significant coefficient on the "most constrained" category of that variable, indicating that interest groups target the state legislature and the governor rather than implementing agency when that agency is most constrained by its principals. This result is very consistent with the results in this analysis in that groups are targeting upward towards venues that can overrule the decisions of the lower venue. However, this same behavior could be explained by interest groups choosing to target the venues with the greatest discretion over the policy, which is an institutional feature not explored in this model.

Holyoke et al. also test the effect of federalism relationships between venues on venue shopping. They operationalized this relationship as a dummy equaling "1" if the particular venue was at the same level of government as the venue the interest group most frequently targeted; they included six venues total in their analysis, three each at the state and local levels.\textsuperscript{56} They find a positive and statistically significant result on the variable, indicating that interest groups tend to target one level of government or the other, but not both. Unfortunately, the fact that the \textit{Lobbying and Policy Change} focuses on congressional lobbying practically precluded this analysis from making any inferences about interest group shopping across levels of government. While interest groups mention some state level venues are as "venues of activity", the Baumgartner et al. research team did not code any advocacy tactics as specific to state level venues, neither did this

\textsuperscript{55} The variable is coded "0" where the two principals are divided (thus not exercising authority of the agent), "1" where \textit{either} Republicans control the state legislature and governorship \textit{or} the implementing agency is a state-level agency and Democrat (and thus constrained by state law to operate charter schools), and "2" where \textit{both} Republicans control the state legislature and governorship \textit{and} the implementing agency is a state-level agency and Democrat (Holyoke, Brown, and Henig 2012, 15). Implementing agencies that are Republican are modeled as not constrained.

\textsuperscript{56} The six venues are governor, legislature, school board, mayor, superintendent and state agency (Holyoke, Brown, and Henig 2012, 14).
researcher identify any significant number of cases where previous policymaking was confined to state and local levels.

In sum, both here and in Holyoke et al. (2012), there is some support for the notion that the institutional features of political venues matter to interest group venue shopping. The next chapter will examine whether this shopping across venues actually affect the success of interest group lobbying efforts.
INTRODUCTION

The literature on interest group venue shopping generally theorizes that interest groups "will use the venue in which they believe they have the greatest probability of achieving their desired policy outcome" (Greene and Heberlig 2002, 21) or that interest groups "target [venues] whose preferences for policy outcomes align with their own" (Holyoke, Brown, and Henig 2012, 11). These assumptions fail to separate the question of "which political venue is an interest group most likely to target?" from the question of "what effect will having a particular venue consider the policy have on the chance that an interest group will achieve its desired policy outcome?" Chapter 3 examined interest group venue shopping. It extended the literature to offer a more precise definition of political venue as "a single, autonomous, political institution imbued with sufficient legal authority to direct the coercive power of government." It also drew insights from the scholarship on capture, policy subgovernments and transaction costs to detail how the differences in legal supremacy (authority), barriers to access, and information and bargaining costs across political venues has established a de facto hierarchy of political venues in the U.S. policymaking system. Interest groups, thus, petitioning the government tend to target higher political venues than those presently stewarding the status quo direction in policy. Some support was found for this hypothesis using the Baumgartner and Leech (2001) Federal-level lobbying data, a standard dataset in this literature.
This chapter will investigate whether venue shopping affects policy success, whether, extending the findings from Chapter 3, choosing that higher political venue increases the chances that an interest group will achieve their desired policy outcome. It will test this hypothesis using the Baumgartner and Leech dataset, controlling for factors identified in the previous literature as affecting policy success. The next section will review the literature's findings on venue shopping's effects on policy outcomes.

PREVIOUS LITERATURE

*Rational, Non-Policy Motivations for Venue Shopping*

Sarah Pralle’s work (2003, 2006) is notable as one of the first to explicitly challenge the assumption that interest group venue targeting is primarily motivated by policy outcome: "I treat the relationship between policy venues and policy change as a variable one" (2003, 237). Her work is motivated by the alternative assumption that there are other rational bases for interest group agenda setting (in her words) besides policy success. Venue shopping can serve the organization’s internal needs.

"An advocacy group founded on, or steeped in the rhetoric of rights, may prefer the judicial arena where they can use their expertise and reinforce a rights-based definition of a policy issue. A grassroots movement committed to the ideal of local control would opt for a venue at the local, state, or regional level before one at the national level." (2003, 241).

Some interest groups possess certain ideological values or cultural norms about the type of advocacy they will pursue. Similarly, interest groups may target a political venue because they prefer a certain type of policy enactment, like the "rights-based" definition in the quote above. Also, an interest group’s venue shopping might be aimed at strengthening the organization itself by attracting allies or shaping a group’s public image
or conferring cultural and symbolic resources on advocacy groups (Pralle 2003, 241; 2006, 28).

Pralle also contends that sometimes interest groups shop the wrong political venue. Stated more positively, an interest group’s venue shopping represents an exercise in trial and error, to ultimately learn the policy environment.

"Advocacy groups often act without full knowledge of the opportunities and constraints that exist within each venue, and must experiment to see which is most amenable to their claims. … Even repeat players in the political game can misjudge the opportunities and constraints found in different venues, perhaps by relying on old information or enduring ‘truisms’ that have not been tested by the group or movement" (2003, 238-239).

Securing that a particular venue consider your policy may be do little in the short term to realize an interest group’s policy goals, and interest groups may not update their information about the utility of past strategies in light of past results or present conditions.

*Correlates of Policy Success Investigations*

By explaining some rational motivations for interest group venue shopping behavior that are not motivated by policy success, Pralle offers the null or competing hypothesis to studies that assume the opposite. Those studies focus on identifying what factors constitute the "right" political venue for realizing policy goals, though testing them only on venue shopping. Interest group own resources and competition is often considered (Holyoke 2003; McKay 2010; 2012b). Holburn and Vanden Bergh (2004, 2008) examine the electoral connection’s effect by connecting interest group lobbying behavior to the policy outcomes (higher rates) granted by elected state utility commissioners compared to appointed ones. Several studies examine the effect of partisanship or party control of the political venue as an indicator of the congruence
between the opinions of the venue’s policymakers and of the interest group (Vanden
Bergh and Holburn 2007; Holyoke et. al. 2012)

The research team that collected the Baumgartner and Leech (2001) dataset
extensively tested the effect of each of these variables on interest groups' subjective
evaluations of policy success (Baumgartner et al 2009). They find that interest group
type matters. Membership and business interest groups more frequently report realizing
its preferred policy outcome. Possessing a resource advantage over your opponent also
was positively correlated with policy success. However, they also find that both an
interest group’s own monetary resources (e.g. lobbying expenditures, campaign
contributions, annual sales or income, number of employees or members) and the
salience (i.e. media attention) of the issue are not significantly correlated to policy
success, though monetary resources are positively correlated with issue salience. A
resource that is helpful is an alliance with a policymaker "who themselves took a leading
role in trying to push an issue onto the agenda and to get results" (2009, 209). Interest
groups coalitions that include a high-level or mid-level government official or former
policymaker more frequently report successful policy outcomes. While they did not test
partisanship’s effect on policy outcomes, they did observe an increase in the lobbying
activity of interest groups defending the status quo, to match the level of interest groups
seeking change, when the presidency shifted from Democratic to Republican control with
the election of Pres. George W. Bush, succeeding Pres. Bill Clinton. Other researchers
have corroborated these findings using this and additional data (McQuide 2010; McKay
2012a; 2012b).

Effect of Policy Intent on Likelihood of Policy Success
One of the more enduring findings from the scholarship on punctuated equilibrium theory (PET)—a theory on agenda setting and policy change crafted by Frank Baumgartner and Bryan Jones, the principal researchers behind the Baumgartner and Leech dataset—is that the status quo policy is sticky. Changing the status quo is a more challenging task than defending it, or as Baumgartner et al. explain it, "Those who seek to protect the status quo can rest assured that their opponents have a hard row to hoe, because policy change is rare" (2009, 259). Tests using the data in Chapter 3 on differences in the venue targeting behavior of groups seeking change versus groups defending the status quo find no statistical difference in their behavior except in that sides seeking change are likely to be larger (i.e. comprise more advocates) at a 0.10 level of statistical confidence.57

However, the stickiness of the status quo should be heavily evident when investigating policy success. The finding directly relates to an interest groups’ likelihood of realizing their policy goals. The Baumgartner et al (2009) team performed separate regression tests for interest groups seeking change than for interest groups defending the status quo. The tests here also will control for an interest group’s policy intention, whether challenging or defending the status quo, expecting to find that the policy success is significantly less likely for groups challenging the status quo, ceteris paribus. The next section will review briefly the hierarchy of venues theory laid out in Chapter 3, specifying its predictions for the interest group's likelihood of success.

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57 Difference of means tests between groups seeking change (N=121) and groups defending the status quo (N=70) were run on four venue targeting variables, listed with their resulting p-values in parenthesis: number of tactics employed (0.479), number of argument types used (0.418), number of different advocate types (0.828), and number of advocates on the side (0.084, one-sided).
THEORY AND HYPOTHESES

The variables typically used in the literature on interest group venue shopping positively condition the policy success of interest groups. However, they do not necessarily differentiate political venues.\(^{58}\) Each of them—interest group resources and competition, issue salience, partisanship and interest group policy intent—can change without a new or different political venue considering the policy. Thus, they do not serve to identify an independent effect of political venue on policy success.

Here, three intrinsic features that vary across political venues are highlighted for their expected effect on an interest group’s chances for policy success. These include each political venue’s legal supremacy, barriers to access, and information and bargaining costs. The way these three features vary across political venues creates a \textit{de facto} hierarchy of political venues, as depicted in Figure 3.1. Chapter 3 draws from theories of agency capture, policy subgovernments and transaction costs, among others, to detail how these features work independently and in concert to steer interest groups to target a higher political venue than the one safeguarding the status quo. These features also work so that interest groups who are successful in gaining the consideration of their policy in a higher venue increase their likelihood of realizing their policy goals.

Higher political venues can "overrule" the decisions of lower political venues. While all political venues can "make law" or make policy decisions, legal supremacy refers to the fact that venues differ in how easily their decisions can be appealed or changed by other venues. This difference is rooted in the design of political venues in the U.S. Constitution, or by presidential or congressional decree, and somewhat by actual

\(^{58}\) Presented in depth in Chapter 1.
Figure 3.1
Hierarchy of Political Venues of the U.S. Policymaking System

practice or tradition. For example, Congress rarely challenges U.S. Supreme Court rulings, but regularly revises agency decisions. As such Court rulings carry more weight than Congressional statutes, which carry more weight than agency rules. In terms of policy success, convincing the venue that is safeguarding the status quo policy to change its stance may prove too difficult. In those cases, interest groups can improve their chances at obtaining a favorable policy decision by appealing to a higher venue whose decision then trumps that of the lower venue.

Higher political venues also are more accessible than lower political venue. While no political venue is completely closed to public entreaty, "barriers to access" refers to the concept that venues differ in how easy it is for interest groups to obtain the attention of policymakers in the political venue. These differences result from the formal and informal rules that affect who and how many interests are represented by the policymakers of a venue. For example, as the "passive branch" the courts impose

59 Chapter 1 presents greater detail and evidence of differences in legal supremacy.
relatively few barriers; virtually any party can file suit and, thus, all types are represented. By contrast, the lack of media coverage makes agency proceedings practically invisible, providing an incentive for only those directly affected, especially those directly benefitted, to discover how to make themselves be represented. In terms of policy success, fewer barriers to access result in lower monitoring and participation costs to interest groups. Similarly, greater representation increases the likelihood of interest groups finding a sympathetic policymaker to carry forward their policy goal. In both ways, moving upward in terms of venue should increase an interest group’s chances at realizing their policy goals.

However, the decisionmaking processes of higher political venues impose greater information and bargaining costs on interest groups. Information and bargaining costs refer to the volume and diversity of information normally involved in the venue’s policymaking and to the frequency of policy decisions in the venue. For example, Congress is considered an information rich environment, with information being supplied by practically all imaginable groups, plus Congress can compel information from private groups. Many regulatory agencies, on the other hand, possess little authority or resources to independently gather information, being beholden instead to act upon the information they receive the interests they regulate (Noll 1983, Jordan 1999, 397; Viscusi 2002). Also, U.S. Supreme Court rulings and presidential vetoes are much more conspicuous than agency rulings, which make those policymakers more reluctant to decide political questions.

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60 Chapter 1 presents greater detail and evidence of differences across political venues in terms of barriers to access.
61 Chapter 1 presents greater detail and evidence of differences across political venues in terms of information and bargaining costs.
In terms of policy success, moving deliberations to a higher political venue involve interest groups having to overcome the information campaigns of more interests, including directly competing interests. The slower pace and lower frequency of decisions in higher venues impose temporal costs on interest groups, and allow multiple opportunities for bargains and agreements to breakdown. Also, the greater reluctance of policymakers to decide political questions, makes the interest group’s persuasion task that much more difficult.

These three intrinsic features—legal supremacy, barriers to access, and information and bargaining costs—combine to increase, but far from guarantee, the likelihood of an interest group realizing its policy goals by successfully shifting policymaking to a higher political venue. They yield the following hypothesis:

H₁: An upward shift in the political venue will increase the likelihood of a favorable policy adoption.

The expectation is that the increase will be greater for groups seeking to change the status quo, since previous research holds that their chances were relatively dismal initially. Shifting policymaking to a lower political venue is not thought to decrease the likelihood of policy success for either interest groups, since "the distribution of power should already be reflected in the status quo" (Baumgartner et al 2009, 23), and thus there should be no further gains (losses) associated with subsequent decisions made consistent with that status quo. The next section will detail the research design used to test the above hypothesis.

DATA AND METHODOLOGY
To empirically test for the effect of interest group venue shopping on policy success, we will use one of the standard datasets in this line of research. The dataset comes from the Collaborative Research Project on Lobbying and policy advocacy in the US federal government, headed by the research team of Frank R. Baumgartner, Jeffrey M. Berry, Marie Hojnacki, David C. Kimball, and Beth L. Leech (available at http://lobby.la.psu.edu). The dataset covers 191 interest group coalitions (called "sides" in the dataset) on 98 issues randomly selected from 19,309 lobbying reports filed in accordance with the 1995 Lobbying Disclosure Act at the Federal level. It also relies on interviews of 315 lobbyists stationed in Washington D.C. and active during the 106th or 107th Congress (1999-2002), with additional information covering the period of 1997-2003.\(^{62}\) The unit of analysis in the dataset and the tests here is what the research team calls a "side", or all the actors "seeking a particular policy outcome" (Baumgartner et al. 270); with an actor being defined as any organization (i.e. interest group) or its lobbyist that is associated with a political issue. In this analysis, the term "interest group" is substituted for the concept of a side.

*Dependent Variable*

The dependent variable in the subsequent analysis is policy success. The Baumgartner et. al. research team obtained the interest group’s policy goals from the initial interviews, and then objectively measured future policymaking against those goals. Another study, McKay (2012) uses both subjective and objective measures of policy success, and finds similar results between the two. The success variable here codes whether the interest group’s desired outcome was not achieved (= 0), partially achieved (= 1) or achieved (= 2). Interestingly, the research team also coded a "policy change"
variable, reflecting whether the issue, independent of any one interest group’s goal, experienced no change (= 0), modest change (= 1), or significant change (= 2) from the status quo. The research team records these measures for each issue at the two year (by the end of the current Congressional session) and four year (by the end of the subsequent Congressional session) marks. The relationship between the interest group's success and the degree of overall change the policy experienced is reported in Table 4.1 below.

### Key Independent Variables

The principal hypothesis here is that successfully shifting deliberations to a higher political venue increases the likelihood of an interest group realizing its policy goals, and

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Table 4.1: Descriptive Statistics of Variables

<table>
<thead>
<tr>
<th>Variable</th>
<th># out of 191 Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Achieved (DV)</td>
<td>94</td>
</tr>
<tr>
<td>Partially Achieved (DV)</td>
<td>19</td>
</tr>
<tr>
<td>Achieved (DV)</td>
<td>78</td>
</tr>
<tr>
<td>Seeking Change</td>
<td>121</td>
</tr>
<tr>
<td>(Shift to a) Higher Venue</td>
<td>133</td>
</tr>
<tr>
<td>(Shift to a) Lower Venue</td>
<td>23</td>
</tr>
<tr>
<td>107th Congress (106th=0)</td>
<td>72</td>
</tr>
<tr>
<td>High-level Government Ally</td>
<td>49</td>
</tr>
<tr>
<td>Mid-level Government Ally</td>
<td>134</td>
</tr>
<tr>
<td>1 on 1 Rivalry</td>
<td>43</td>
</tr>
<tr>
<td>3- or More-Sided Rivalry</td>
<td>43</td>
</tr>
</tbody>
</table>

**Mean (Min, Max)**

| Salience (Index) | .085 (-0.544, 2.797) |

---

63 The research team offers the following definition of significant change: “Issues marked as having "significant" policy change include cases where the policy change is likely to have a large impact on the targeted population. For example, repeal of the estate tax, the adoption of normalized trade relations with China, the new prescription drug benefit for Medicare patients, and federal funding for the Yucca Mountain nuclear repository are examples of issues in our study with "significant" policy change. These are cases where a dramatic break from the status quo was achieved” (2009, 217).]
that this effect should be greater for interest groups challenging the status quo. To
determine whether the political venue shifted and in which direction, first the venue in
the current period (106th and 107th Congress) was coded then the same was done for the
venue in the previous period (105th or 106th Congress, respectively). In general, venues
were determined to be considering or exercising jurisdiction over a policy when the
policy was the subject of the formal, on-record deliberations among policymakers in the
venue.64 The direction of the shifts in venue was obtained using the hierarchy developed
in the theoretical section above. The result is two indicator variables indicating whether
the deliberations shifted up or down, respectively, into the current venue, the omitted case
being that the venue did not shift from the previous Congressional session to the present
one.

The data collection team has already coded the principal control variable of this
first test, the interest group’s policy “intent” relative to the status quo. This indicator
variable equals 1 when the group’s policy objective would challenge or require a change
in the existing policy and 0 when the policy objective is consistent with or seeks to
defend the existing government policy. Also included as controls the variables identified
in the theoretical section as influencing interest group policy success: interest group
resources and competition, governmental allies, issue salience and partisanship.

ANALYSIS – EFFECT OF POLITICAL VENUE ON POLICY SUCCESS

Descriptive Analysis

64 The data collection team asked its interviewees to mention the venues that were active on the issue. However, it is unclear what criteria these interviewees used to determine whether a venue was active. In comparing the interviewee’s venue indications with the ones determined based on formal, on-record deliberations, it became clear that many interviewees were using more generous criteria.
The first test simply looks at the data, cross tabulating policy success with policy change, and noting how many of these combinations included interest groups seeking change, a shift to a higher political venue or a shift to a lower political venue. The results are shown in Table 4.2. Over 78 percent of the cases (148 of 191) fall into the extreme four categories of these combinations, and indicate support at least facially of the hypothesized effect, that shifting to a higher venue increases the likelihood of policy success, especially for interest groups seeking to change the status quo. The first column shows that for the 18 interest groups (i.e. sides) that sought to change the status quo and achieved their objective in conjunction with a significant change in policy, 15 (83%) involved upward shifts in venue. The second column reveals a similar pattern, where in 11 cases interest groups sought to defend the status quo, but failed to do so; in these 10 (83%) of these 12 cases, the deliberations shift to a higher political venue (in 1 case the significant policy change is different from the status quo, but also of a different type than

<table>
<thead>
<tr>
<th>Interest Group Success/Degree of Policy Change</th>
<th>Achieved/Significant Change</th>
<th>Not Achieved/Significant Change</th>
<th>Not Achieved/No Change</th>
<th>Achieved/No Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sides</td>
<td>18</td>
<td>12</td>
<td>71</td>
<td>44</td>
</tr>
<tr>
<td>Sides for Change</td>
<td>18</td>
<td>1</td>
<td>71</td>
<td>0</td>
</tr>
<tr>
<td>Higher Venue</td>
<td>15</td>
<td>10</td>
<td>50</td>
<td>32</td>
</tr>
<tr>
<td>Lower Venue</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>7</td>
</tr>
</tbody>
</table>

Notes: N = 149 sides. Not shown are 42 additional side/issue combinations (22% of cases) that reflect some variation of partial interest group success and/or modest policy change. Both success and change reflect the difference after the subsequent Congressional session.

65 The other 22% or 42 cases of side/issue combinations reflect some variation of partial interest group success and/or modest policy change.
the change that the interest group is seeking). The third column illustrates, however, that even though 50 (70%) of the 71 other interest groups seeking change saw policymaking shift to a higher venue, they did not achieve their policy goals nor did the status quo policy change. The fourth tells the same story as the second, but from the perspective of interest groups defending the status quo. In 32 of 44 cases (73%), the venue shifted upward, but the policy remained unchanged and the status quo remained intact. These tabulations appear to indicate that moving upward in venue is a necessary but not sufficient condition for policy success. Policymaking shifted upward in 25 of the 30 cases (83%) of significant change, but only 82 of the 125 cases (65%) where there was no change in policy.

Statistical Analysis

To further test the statistical significance of these patterns, a multinomial logistic model is fitted, with policy success as the dependent variable, higher venue and policy intent (and their interaction) as the key independent variables, and the other control variables specified in the Data and Methodology section above. Baumgartner et al. (2009) fit an ordered logistic model to the policy success variable separately for interest groups challenging the status quo and to those defending the status quo. A separately applied, ordered logistic specification is appropriate if the data-generating-process consists of policymakers making their policy decisions based primarily on the extent to which they should give a particular interest group what it wants. It would be as if policymakers’ votes primarily indicated how positive a relationship they wished to maintain with each interest group. However, it could be that policymakers focus primarily on policy options and their political and policy effects, even if policymakers
learn of those effects from interest groups, and that policymakers pick a policy option like one might pick a single piece of fruit out of a basket of fruit. The extent to which the chosen policy option accords with an interest group’s preferences would then be coincidental and stochastic, or at the least, not spatially ordered. Both Krehbiel’s information model of legislative policymaking (Krehbiel 1991) and the frequent finding of a lack of effect of campaign contributions on voting behavior (Ansolabehere 2003) indicate that policymakers are more often making their decisions based on factors other than dividing the policy pie between competing interest groups.

Moreover, one might surmise that a multilevel statistical model would be appropriate for this data since interest groups are seen as competing with one another on a given policy area. The policy success of one interest group would affect the policy success of the competing groups and, thus, would be nested within the policy area or issue on which the groups are advocating. Such a multi-level model, in fact, was applied, but would not converge at the nested (i.e. policy/issue) level. That result reflects the true nature of the dataset; not all policies involved interest groups whose policy preferences are orthogonal opposed or mutually exclusive. Only about half of the issues (55 of 98) involve direct one-on-one competitions among interest groups. In 27 cases, just one side is advocating (25 of those seeking to change the status quo), and 16 cases involve three or more interest group coalitions competing with one another. Chapter 2 looked directly at interest group venue shopping on hydraulic fracturing; an issue where several interest groups are advocating several policy preferences with only a few being mutually exclusive of the others. So, rather than capture this effect through the specification of the model, the model fitted here includes a variable directly measuring the rivalry between
the competing groups as an attempt to control the level of orthogonality or mutual
exclusivity of the preferences of interest groups advocating on the same issue. Therefore,
a single-level, multinomial logistic model better matches the probable data-generating
process for the policy success variable, and thus is used here. Table 4.2 shows those
results.

Table 4.2
Multinomial Logistic Regression – Policy Success by Policy Intent and Shift in Venue

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<th>Not Achieved</th>
<th>Partially Achieved</th>
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<td></td>
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<td>-2.8567***</td>
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<td></td>
<td>0.009</td>
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<td>Change*Higher Venue</td>
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</tr>
<tr>
<td></td>
<td>0.146</td>
<td>0.319</td>
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<tr>
<td>Lower Venue</td>
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<td></td>
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<td>0.018</td>
<td>0.359</td>
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<td>1.2337*</td>
<td>0.7705*</td>
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<td>0.081</td>
<td>0.067</td>
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<tr>
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<td>0.8988**</td>
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<td>3- or More-Sided Rivalry</td>
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<tr>
<td></td>
<td>0.017</td>
<td>0.365</td>
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Notes: * p<0.05; ** p<0.01; *** p<0.001. Numbers in italics are p-values. N=191, Log-likelihood = -138.85453, Pseudo R² = .2301.

The model appears to perform well, and the estimated effects of the control
variables conform to their theoretical expectations. Groups seeking change are most
likely to be unsuccessful than to achieve any level of success, that estimation being very
statistically significant. Interest groups working on policies that were considered during the time of the 107th Congress were statistically significantly less likely to be partially successful than unsuccessful, though they were probably more likely to be completely successful than unsuccessful, though this estimation is not statistically significant. Interest groups are more likely (and statistically significantly) to achieve any level of success than to be unsuccessful if they have a high-level official as an ally or member of their coalition. Having a mid-level government official as ally or member decreases a group’s likelihood of partial success relative to no success while increasing a group’s likelihood of being completely successful rather than unsuccessful. Direct, one-on-one advocacy competitions and three-or-more-sided competitions between interest group decreases those groups’ likelihood of being partially successful compared to unsuccessful. One-on-one competitions differ negatively but negligibly from their likelihood of delivering completely successful versus completely unsuccessful policy outcomes to the groups involved, while three-or-more-sided competitions probably deliver more successful outcomes to groups than unsuccessful ones. More salient policies are most likely to leave interest groups unsatisfied in terms of achieving their policy goals.

The lower venue variable is included as nearly 20 percent of the sides/issues involved a shift to a lower venue (see Figure 3.1). Interest group activity, especially the activity of interest groups not favored by the status quo, should decrease as the venue shifts downward, as explained in the review of relevant research in previous chapter. However, this dataset includes only interest groups who are actively lobbying, as indicated by the act of filing lobbying disclosure reports, and the proportion of interest
groups seeking change and defending the status quo is the same essentially for issues shifted to lower venue as for shifts upward or where the venue remained the same. Thus, it is unclear what dynamics are present in this subset of observations, and therefore, there is no expectation \textit{a priori} of the effect on policy success for a downward shift in venue. However, the inclusion of the lower venue variable affects, and even improves, the performance of the bulk of the other variables, in spite of its near total lack of statistical significance. Later research should seek to explain the correlation between a downward shift in venue and these other strong predictors of policy success.

The results on our variables of interest appear to indicate that a shift of policymaking to a higher political venue does affect an interest group’s chances for policy success, and does so differently for change-seeking than for status-quo-defending interest groups. It is clear that shifting upward to a higher political venue is not associated with partial policy success. The negative coefficients on the higher venue variable shows that for interest groups protecting the status quo, a move upward in venue has its largest effect on those groups’ likelihood of being completely unsuccessful. Status quo groups are much less likely to achieve partial policy success than they are to be unsuccessful (and this effect is statistically significant) when the venue shifts upward. Status quo groups are also probably less likely to be completely successful than unsuccessful, but this estimation is far from statistically significant. Change seeking groups are also less likely to achieve partial policy success than they are to be unsuccessful when the venue shifts upward, but in those cases are more likely to be completely successful than be unsuccessful, as revealed by the combination of the coefficients of the higher venue variable and that variable’s interaction with the change
group variable. Though the former of these two estimations may be statistically significant, the latter is not.

Interpreting the effect of the shift in venue on the policy success is difficult to do in practical terms from the regression results alone since they omit the baseline category of the dependent variable—here, the likelihood of interest groups achieving no policy success—and the estimated effects of the variables thereupon. Those have be recovered, for the variable of interest, a shift to a higher political venue, with the marginal effects predictions displayed in Figure 4.1 and the substantive policy success predictions displayed in Figure 4.2. The most glaring effects visible are the marginal effects of a higher venue on the chances at policy success of a status quo defending interest group. For status quo groups, moving upward changes the likely scenario for outcomes from either partial or total success to either completely successful or no success at all. A move up in venue increases their chances of being unsuccessful by 16.7% (±17%) (p-value .104) while decreasing their chances for partial success by 27.8% (±17%). Though

![Figure 4.1](image)

**Figure 4.1**
Marginal Effect of Shift to Higher Venue on Policy Success by Policy Intent

Note: Horizontal bars represent 90% confidence intervals.
Figure 4.2
Predicted Probabilities of Policy Success by Policy Intent and Shift in Venue

Note: Horizontal bars represent 90% confidence intervals.

their chances for complete success, in which case the status quo policy would be reaffirmed or even strengthened, are likely to increase by 11.0% (±21%), the magnitude of that increase is more than offset by the magnitude of the decrease in likelihood of partial success and the increase in likelihood of failure. In substantive terms, status quo groups are only 13% likely to be completely unsuccessful when the venue remains stable, but are 30% likely to be unsuccessful when the venue shifts upward. The prediction for partial success drops from 35% to 7%, and the prediction for complete success improves from 53% to 64%.

The negative outlook facing status quo defending interest groups when policymaking shifts to a higher venue does not necessarily translate into a positive outlook for groups seeking to change the status quo policy. The largest predicted effect, and the only one approaching statistical significance, is the effect on a change seeking group’s chances of partial success, which is likely to drop 9.2% (±10%), from 15% to
6%. The predicted effects for being completely successful or completely unsuccessful are 7.0% (±16%), an increase from 23% to 30%, and 2.2% (±18%), an increase from 62% to 64%, respectively, though these predicted effects are statistically indistinguishable from there being no effect at all. The disadvantage in terms of policy success for change seeking interest groups prevails even when those groups are able to motivate policymakers in higher political venues to review the status quo policy.

DISCUSSION AND CONCLUSION

This study completes the analysis on interest group venue shopping begun in Chapter 3, which focused on how interest groups adapt their advocacy to the hierarchy among political venues in the U.S. policymaking system. Finding in that chapter some support for the hypothesis that change seeking groups target higher political venues, this study looked specifically at whether successful targeting (i.e. motivating a higher level venue to revisit the status quo policy) then resulted in the achievement of the interest group’s policy goal.

It finds that for interest groups a move upward in venue is likely to be part of a nuclear or all-or-nothing strategy. The results indicate that interest groups cannot reasonably expect to realize some type of compromise or partial victory when a higher venue weighs in on the matter. Instead, interest groups seeking change marginally improve their chances of complete success, while groups defending the status quo face significantly increased risk of losing their prior successes. In fact, the largest and most statistically confident results were in relation to status quo defending groups, which may imply that change seeking groups are somewhat altruistic when targeting higher venues,
recognizing that they are not likely to win what they want, but that they can at least improve conditions for society by upsetting some of the most egregious "abuses" in the status quo policy.

In terms of future direction, there exists for this study as for most other studies the opportunity for replication with more or other sources of data. In particular, the dataset from the Hollow Core study, especially as expanded by McKay (2011) is ripe for utilization. A way to extend the findings here would be to identify whether specific types of venues—like executive branch agencies, legislative committees, and full legislatures—are more likely to deliver successful policy outcomes to change-seeking versus status-quo-defending interest groups. Another way to extend these findings would be to consider hierarchical moves across federal level following the example of Holyoke (2012).
Chapter 5

Conclusion

In the U.S., multiple institutions, or political venues, comprise the state or "the human community that successfully claims legitimate monopoly over the means of coercion in a given territorial area" as Max Weber (1948) defines it. Researchers have greatly increased our understanding of the policymaking processes of particular political venues. Yet little work has gone into comparing policymaking across political venues. Particularly in the eyes of those who petition the state for their preferred policies (e.g. interest groups), how do the differences in each venue’s policymaking affect how useful each political venue is relative to others in helping petitioners realize their policy goals? Unfortunately, the literature on interest group venue shopping rarely considers the institutional determinants of why interest groups choose the political venues in which they advocate for their preferred policies. While scholarship in the mid- to late-1960s noted and lamented how business-related interest groups are actively involved with executive branch agencies, only recently have scholars begun to focus on interest groups' venue choices comparatively across institutions, namely across only Congress and the bureaucracy.

The punctuated equilibrium theory (PET) looms large in this dissertation since it is a leading theory on policymaking and places interest groups, among other policy entrepreneurs, as the principal engines of change. Taking into account the interest groups' spending, PET explains how the nature of competition around a policy, especially
that policy's image, helps us understand policy change. This dissertation extends the implications of PET to test its and the previous literature's predictions for an interest group's lobbying choices in terms of political venue.

**BRIEF RECAP**

Chapter 2 of the dissertation dove into the specifics of the debate surrounding hydraulic fracturing in order to expand on the role of attention and valence to an interest group's lobbying effort. It shows that interest groups fight not only to gain the attention and to sway the valence of opinion about their issue, as PET directly predicts, but that interest groups must also fight to crowd out other potential dimensions of the issue. Since policymakers, like all humans, tend to consider policy in a serial, single-dimensioned fashion, interest groups must work to persuade policymakers to consider the particular dimension of the political issue that most favors the policy outcome that the interest group is advocating. As of the summer of 2013, no advocate on hydraulic fracturing had successfully limited the nature of debate to any single dimension, stifling the adoption of any centralized direction in policy.

PET holds that change in policy image (i.e. attention and valence) correlates with change in the political venue considering the policy, and that either of these could be the first mover where policy eventually changes, and that no venue is any more useful for seeking change than any other venue. Chapters 3 and 4 challenge that prediction directly. They present a theorized hierarchy of political venues and its prediction that interest groups seeking to change the direction of policy away from the status quo will target the next highest venue, not just any other venue, than the one that previously considered the
policy (ostensibly, the venue that adopted or at least supports the status quo direction in policy). Using an often-used dataset compiled by a research team that included the original authors of PET, it found support for a hierarchical movement in venue shopping. Chapter 4 finds that moving upward in venue changes an interest group's likelihood of getting what they want out of subsequent policy decisions. A shift to a higher venue creates an all-or-nothing moment for groups defending the status quo. In that situation they are less likely to be moderately successful and much more likely to be either completely unsuccessful or completely successful in subsequent policy decisions.

GENERAL CONTRIBUTION

The most immediate contribution of this research is the positive progress it represents to the literature on interest group venue shopping. It is the only other study besides Godwin et. al (2013) to both offer and test theories of venue shopping comparatively across multiple political venues while giving a central place to the institutional features of those venues.

A larger contribution that this dissertation makes is to institutionalism, especially in the U.S. context. Political venues are important because they are the bases of power within the state; they are autonomous institutions within that human community that are each sufficient in themselves to direct the coercive power of the state. Many sub-fields of American politics are dedicated to studying the policymaking procedures within particular political venues (e.g. Congress, the U.S. presidency, the U.S. Supreme Court) and the resulting policy decisions. The hierarchy of venues theory is truly a "mutt" of a theory, assembled out of the above-mentioned institutionalist theories and findings about
policymaking in particular U.S. political venues. Drawing on the scholarship about policy subsystems, the hierarchy of venues theory is perhaps the only study in the venue shopping literature to consider legislative committees as a separate institution from the full Congress and the bureaucracy. The hierarchy of venue theory begins to answer how the differences in institutional features across venues affect a principal "user" of these institutions, namely interest groups. We know now that the institutional differences in policymaking across political venues matter substantively as evidenced by the adaptive/reactive venue choice behavior of interest groups.

Also, this research tells us more about interest group advocacy tactics. It reveals that there is a third lever—namely venue—besides money and information in an interest groups' advocacy arsenal. I hope that future textbook chapters on interest groups will explain that interest groups use not only money and information to secure the policies they want, but that they also take advantage of the institutional differences among U.S. political venues.

Marcus Ethridge (2010) brings up the representation question when arguing that agency policymaking is much more likely to go against the public interest than Congressional decisions, simply because of the institutional features of the policymaking processes of those different venues. He does not test this argument; this dissertation moves a step in that direction by showing support for arraying political venues in a manner consistent with his argument. This is important because it means that the outcomes of the U.S. "state" is partly dependent on which of its levers or political venues is determining the outcome, which is also largely the result of the inputs of outside solicitors, according to much evidence both empirical (Crotty 1994; Gray and Lowery
1996; Stratmann 2005) and anecdotal (Alexander Hamilton’s quote "The business of government is business"). This leaves a clear and significant gap in our understanding of political "states," their problem-solving and their service delivery. A new emphasis needs be placed on how differences in policymaking across political venues affect the state’s ability to solve problems or to deliver services to its citizenry.

FUTURE RESEARCH

An immediate next step for research is to replicate it using one of the other standard datasets in the interest group venue shopping. The *Hollow Core* dataset (Heinz 1993), especially as modified by McKay (2012a, 2012b; 2011), was generated from in-depth interviews with 776 of the most active Washington lobbyists working on labor, health, energy, and agriculture issues between 1977 and 1998, and includes most of the same variables as the Baumgartner et. al. dataset. Results similar to those in Chapter 3 and Chapter 4 here, would give confidence that these patterns of behavior are not dependent on any particular features of the 106th and 107th Congress or on the issues with which those congresses dealt.

Work could delve more intimately into the mechanics of the theory, in particular into the claims that lower venues pose greater barriers to access, and that higher venues are more information rich environments. Ideally, the research would test a panel dataset on a set of interest group campaign contributions and other advocacy spending as the issues of interest to those interest groups progress across multiple venues. The Baumgartner et. al. dataset includes variables measuring each side’s campaign contributions for the congressional session in which the original interview which
identified the issues in the dataset, as well as for the previous and subsequent congressional sessions. It also contains each side’s lobbying spending and an index variable capturing each side’s total resources, both monetary and non-monetary. These could be regressed on venue-matched tactics as well as on the venues of activity mentioned to reveal relative whether the observed cost tendencies across venues matches that predicted in the theory.

Investigating whether lower venues are less information rich than higher venues most likely would require new data. Lobbying disclosure reports gives some indication of which interests are presenting information to members of Congress and high level executive branch officials, but they do not cover the type of lower level executive branch officials who are most likely to be intimately involved in agency rule-making. Perhaps court records of judicial reviews of agency rule-making constitute a good source of information about the interests present during rule-making. Comparing the quantity and composition of the rosters of "present" or involved interest groups in each venue would give some indication of the relative amounts of information is present, assuming that more groups and a diverse set of groups are supplying more information than fewer groups and a homogenous set of groups, respectively.
Bibliography


150


### Appendix Table 1.1
Descriptive Statistics of Key Variables

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State Legislature       | 18
Other Venue            | 32
No Venue of Activity Mentioned | 2

**Prior Venue** # Sides
No Federal Venue       | 59
Agency                 | 89
Rank and File Member of Congress | 40
Floor Leader           | 2
President              | 1

**Policy Intent** # Sides
Challengers            | 121
Status Quo Defenders   | 70

**Other Independent Variables**

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Cross-Tabulations of Advocacy Tactics and Venues of Activity

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Note: Tactics in parentheses "( )" show tactics not expected to vary according to the category of venue, but revealed to do so by logistic regressions of all the tactics on that category of venue.
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