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*Counteractive Lobbying**

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Since the 1960s, interest group scholars have suggested that groups mostly lobby legislators who, prior to lobbying, are expected to support their favored positions. We present theoretical and empirical evidence that, other things being equal, groups also lobby legislators who are predisposed to vote *against* their favored positions. We find that when groups lobby their ex ante supporters, they do so to counteract the influence of opposition groups. On the basis of our findings, we argue that organized interests play a much more prominent and substantial role in the legislative process than past research indicates.

Introduction

The influence of organized interests in the legislative process is unclear. A long tradition of research concludes that lobbyists mostly reinforce and encourage legislators who already agree with them (e.g., Milbrath 1963; Bauer, Pool, and Dexter 1963) and that legislation is not principally the product of a struggle among competing group demands (e.g., Wahlke et al. 1962). Numerous rationalizations for this observation have been offered over the years; however, it is still not entirely clear why groups should expend precious resources lobbying legislators whose support they already expect. We reconsider how and why organized interests target their lobbying efforts and discuss the implications for the legislative influence of organized interests.[1]

An interest group can direct its lobbying efforts to three types of legislators: those who are predisposed to vote in favor of the group's position, those who are predisposed against the group's position, or those who are uncommitted. Our theoretical and empirical findings are that interest groups lobby both uncommitted legislators and those who are

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[1]In principle, interest groups might influence legislative policy in two ways: with campaign contributions and with information. Although empirically related, the two means are logically distinct, and this paper is concerned exclusively with some implications of the latter.

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predisposed to vote *against* them. This result is theoretically intuitive, assuming groups wish to lessen opposition to, and increase support for, their preferred legislative outcome. We also find, however, that interest groups do sometimes lobby legislators who, prior to any lobbying, are expected to vote for the group's position. Our explanation for this result is that groups lobby such legislators to *counteract* the lobbying efforts of opposing groups. Counteractive lobbying is predicted theoretically in a model in which lobbying not only reinforces legislators' voting predispositions but also changes legislators' decisions from what they would have been in the absence of lobbying. Thus, our results suggest a substantially different interpretation of group influence over legislation from that which has dominated the field for the past 30 years.

One of the dominant approaches to understanding lobbying since the early 1960s, the "communications" approach of Milbrath (1963), implies that organized interests hold little influence over legislative outcomes because most lobbying simply reinforces representatives' positions but does not alter them. Central to the communications perspective is the notion that elected officials have predispositions to attend selectively to some stimuli but not others. By determining which messages will be received, the representative determines which communication channels will be open or closed, and thus he or she determines which messages will be sent. Interest groups, according to Milbrath, "create messages and choose means of transmission which are most likely to insure clear and favorable reception of the message by the intended receiver" (189). It follows, then, that "lobbyists do not bother to communicate with those they know are opposed; this is both painful and thought to be a waste of time" (217).

Following in the tradition of Milbrath (1963), Bauer, Pool, and Dexter (1963) attempted to trace the flow of demands on tariff legislation from the business community—both individuals and groups—to representatives in Washington. They argued that information is imperfectly transferred: trade policy was not an issue of high salience to the business community as a whole; many corporate leaders were unable to assess accurately which policies were in their best interests; and individual business people often did not communicate with their elected representatives. Moreover, communication about trade matters tended to bypass local communities, with industry leaders making their claims directly to members of Congress in Washington rather than organizing opinion broadly within local constituencies. Oftentimes trade matters were obscured by other pressing concerns that jammed the channels of communication. Interest groups were found to be anything but omnipotent as they struggled to overcome shortages of money, manpower, information, and

time. Faced with a shortage of resources, most groups concentrated their interactions with people on the same side of the issue as their own. Legislators were thought to be relatively free of interest group pressures not only because the multitude of demands on their time encouraged them to determine selectively what they heard but also because the complex procedures of Congress often allowed them to obfuscate their positions. Bauer, Pool, and Dexter (1963) concluded that "lobbyists tended to establish liaison only with the congressmen and senators on their own side" and that "direct persuasion of uncommitted or opposed congressmen and senators was a minor activity of the lobbies" (442).

Similar observations were made by Matthews (1960), who asserted that the vast majority of all lobbying is directed at senators who are "already convinced," and by Zeigler (1964), who observed that the success of the lobbyist "depends more upon the degree to which legislators agree with the professed ideals of the group . . . than upon the ability of the lobbyist to manipulate or persuade" (267–68). Also, Dexter (1969), in his study of group representation in Washington, claimed that "most lobbyists, most of the time, act to reinforce, strengthen, aid, and reassure congressmen and their staff who tend to be on their side" (63).

Bauer, Pool, and Dexter (1963) reasoned that groups lobbied mainly "friendly" legislators (i.e., those who, in the absence of any additional information through lobbying, will vote for the group's favored position) because of the human tendency for lobbyists to take the "easy path. . . . It is so much easier to carry on activities within the circle of those who agree and encourage you than it is to break out and find potential proselytes, that the day-to-day routine and pressure of business tend to shunt those more painful activities aside" (353). Later, Dexter (1969) suggested that lobbying hostile or uncommitted members of Congress may be counterproductive in that it may alert latent opponents and that new information might cause neutral legislators to realize that they are really against the position advocated by the group. More recently, Hayes (1981) has argued that established membership organizations should behave as predicted by Bauer, Pool, and Dexter (1963) because these groups must demonstrate their relevance by achieving access in order to maintain and attract members. According to Hayes, access is more important than winning, and groups will behave as "service bureaus" because "groups that pressure or antagonize policymakers may forfeit access and thus lose the symbolic benefits of being consulted and the opportunities for credit-claiming that go with it" (86).

All of these explanations imply that groups' lobbying efforts have little or no measurable effect on legislators' policy positions. Legislators, on the one hand, are assumed to make up their minds prior to any

expression of group preferences, thereby determining whether groups bother to express preferences. Groups, on the other hand, are assumed to avoid confrontational situations whenever possible (i.e., Dexter's "easy path" argument). Lobbying, therefore, tends to be one sided. Legislators are not pressured by demands from competing groups; they hear only from those groups that agree with their voting predispositions.

We offer an alternative explanation of interest group lobbying based on strategic information transmission from a group to a legislator. We propose that organizations lobby their legislative opponents as well as their supporters and that lobbying of friendly legislators is both strategic and counteractive. Assuming there are organized interests on both sides of an issue, our theory predicts that only one of these groups has any prima facie incentive to devote scarce resources to lobbying; specifically, the group *against* whose interests the legislator will vote in the absence of any additional information. Thus, this group lobbies in an effort to persuade the legislator to change his or her mind, and in equilibrium, the legislator will on average follow the group's advice. However, the group *with* whose interests the legislator is inclined to vote ex ante has no such incentive to lobby if no other group lobbies: lobbying is costly, and in the absence of any lobbying activity, the legislator will vote as the group prefers. Consequently, if both groups elect to lobby the legislator, the theory predicts that this second group must be engaged exclusively in counteractive lobbying; that is, in providing information to offset any influence the initial group might exert. The theory also predicts that counteractive lobbying will induce truthful behavior by both groups. Thus, legislators will not be subjected to conflicting claims from lobbyists when counteractive lobbying takes place, and consequently, legislators are less likely to receive misleading information when lobbied by groups from both sides of the issue. We emphasize that, in the model, both groups decide *simultaneously* whether to lobby, so that counteractive lobbying is an equilibrium result.

We test the prediction of counteractive lobbying empirically using data provided by organizations on their lobbying efforts in the confirmation battle over Robert Bork's nomination to the U.S. Supreme Court in 1987. The Bork nomination was one in a series of controversial judicial nominations during the second Reagan term, all of which involved lobbying activity by organized interests. The nominations of Fitzwater and Sessions for district judgeships, Kozinski and Manion for circuit judgeships, and Rehnquist for chief justice, as well as the more recent nominations of Souter and Thomas, all involved substantial lobbying activity by organized interests. Placed in perspective, the Bork nomination is one

instance in a series of recurring partisan and ideological conflicts over control of the judiciary.

In the next section of the paper, we briefly sketch the formal model and develop our empirical hypotheses. The subsequent section then specifies the empirical model, describes the data, and presents the results. A final section contrasts our analyses and results with those of Bauer, Pool, and Dexter and offers our general conclusions about lobbying.

Theory and Hypotheses

The notion of counteractive lobbying is intuitive and straightforward: groups lobby friendly legislators to offset the lobbying efforts of opposing groups. Counteractive lobbying, however, implies that some groups also lobby unfriendly legislators, and this implication is not well supported in the literature. Thus, to explain when and why counteractive lobbying will occur, we must explain why groups should ever lobby unfriendly legislators in the first place, especially if their efforts are likely to be countered. We explore the rationale for why groups will lobby both friendly and unfriendly legislators by sketching briefly the results from a theoretical model of lobbying as a game of strategic information transmission between two lobbyists and a legislator (Austen-Smith and Wright 1992). In addition to our proposition that groups lobby counteractively, we develop two other testable propositions about lobbying that logically must be true if groups lobby counteractively.

In our theoretical model, lobbying takes the form of two groups, G_A and G_B, with opposite interests offering information to a legislator. The legislator, L, is uncertain about the ramifications of an impending decision and seeks information about likely constituency reaction or about the likely economic, social, or environmental impact of policy proposals A and B. For illustrative purposes, we shall assume here that L seeks information about constituency reaction to a particular policy proposal and wants to vote in a way that does least damage to his or her reelection chances. The groups acquire information about constituency reaction through grassroots mobilization of L's constituents. They observe whether their mobilizational efforts are more or less productive than expected and use this information to infer the actual constituency support for A or B. If a group discovers favorable constituency reaction to its mobilizational effort, its lobbyist will surely emphasize this fact in direct communications with the legislator. If, however, the group's mobilization effort implies an unfavorable level of constituency support, the lobbyist may not readily acknowledge this information. The lobbyist may, in fact, argue that constituency reaction to the group's mobilizational effort is far

better than they expected and that there is substantial constituency support for its preferred position.[2]

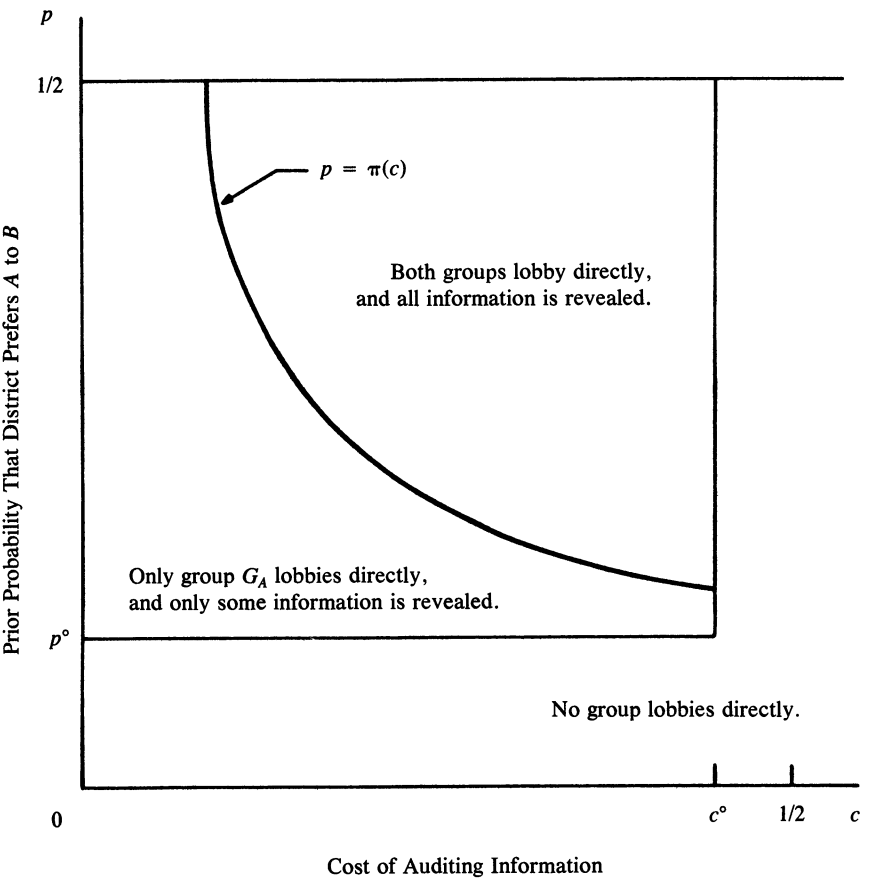
The legislator observes the mobilizational efforts of either or both groups, evaluates any claims they might make about the productivity of their campaigns, and then decides how to vote. The legislator can, of course, evaluate constituency reaction firsthand by making a trip home, by holding a town meeting, or by consulting extensively with district staff and other local political contacts. These activities, however, are costly to L, and thus L will prefer to conserve these personal resources if the lobbying process is likely to be informative. To induce groups to reveal their information accurately, however, the legislator must periodically be able to verify information and to levy a penalty—perhaps deny access in the future—on groups that misrepresent the facts. An important result in our formal analysis is that if there is any penalty levied on a group that is discovered to have dissembled, then periodic auditing by the legislator can induce honest lobbying almost all of the time. It is precisely because of this that legislators may prefer to have lobbyists gather and report information than to gather it themselves. Although there is some possibility that legislators will be misled and make the "wrong" decision by relying on interest groups for information, the expected cost of a wrong decision in the long run is dominated by the expected gain of shifting the expense of data acquisition to the lobbyists.[3]

To fix ideas more precisely, assume the legislator's prior beliefs about constituency preferences are that, with probability $p < 1/2$, the politically important set of voters in the district prefers that L vote for A against B. Thus, L is predisposed to vote against G_A's interests and in support of G_B's interests and will surely do so in the absence of any lobbying. The equilibrium characteristics of groups' lobbying behaviors are conveniently summarized in Figure 1. Figure 1 contains three distinct regions, each corresponding to a basic equilibrium result. One region is one in which no lobbying takes place at all—the area outside the box. A second region, inside the box and beneath the curve, corresponds to the situation where just one group, G_A, lobbies. The third region lies

[2]See Ainsworth (1993) for examples of how interest groups sometimes attempt to exaggerate their true organizational strength.

[3]It is generally understood that the more important an issue is to a legislator's constituents, the less easy it is for special interest groups to induce that legislator to vote contrary to the constituents' interests. The model yields that this conclusion obtains when the groups themselves have high stakes in the issue. Specifically, the more important an issue is to the groups, the more will truthful information be credibly transmitted to the legislator; and consequently, the more likely it becomes that the legislator votes under complete information.

Figure 1. Equilibrium Lobbying Behavior



inside the box and above the curve, the area where both groups lobby the legislator.

Notably absent from Figure 1 is any region where group G_B lobbies alone. Only G_A lobbies alone. The legislator, however, is predisposed to support G_B, not G_A. Hence, there is no equilibrium where a group lobbies a legislator who is predisposed to support the group's interest *and* no opposing interests lobby. This leads to our first empirical proposition.

HYPOTHESIS 1: Ceteris paribus, when a legislator is lobbied by groups from just one side of an issue, the only groups that lobby are those opposed to the legislator's ex ante position.

The intuition underlying this hypothesis is quite simple. Given L's predisposition to support policy B, L will surely vote in the interests of G_B if G_A does not provide information through lobbying that contradicts L's prior beliefs. Lobbying is costly to G_B, however, and so other things being equal, G_B prefers not to lobby if G_A does not lobby.[4] When neither group lobbies, L simply votes according to the available information, which in this case favors G_B, and G_B is spared the expense of lobbying.

To derive our second and third hypotheses, it is necessary to note the two boundary conditions in Figure 1 that describe the circumstances under which some lobbying for the legislator's vote might be observed. The first boundary condition concerns the legislator's prior belief, p, about district preferences. If the legislator's prior belief that the district prefers A to B is sufficiently low (i.e., $p < p^\circ$), then no group finds it worthwhile to invest resources in lobbying. Low values of p imply that the legislator is a priori strongly convinced that his or her constituents prefer policy B to policy A, and thus it is unlikely that any amount of lobbying will change the legislator's mind. Accordingly, even G_A does not find it cost effective to lobby.

The second boundary condition in Figure 1 depends on the cost, c, to the legislator of acquiring information firsthand. If this cost is sufficiently high (i.e., $c > c^\circ$), then again no group finds it worthwhile to lobby. The reason here is a little more subtle. The legislator will trust the information provided by groups through lobbying only if this information can occasionally be verified. If the legislator's costs of acquiring information are so high that it is impossible ever to verify a group's information, then the group has a strong incentive to distort or misrepresent the facts. Knowing this, the legislator will not trust information from the group, especially when that information runs counter to L's prior beliefs. Even when the group accurately presents the facts, unless L can occasionally verify the group's claims, the rational response for L is to ignore the group's lobbying message. To induce some credible lobbying, therefore, the legislator must occasionally audit a message that runs against his or her prior beliefs. The cost c° is the largest auditing cost under which the legislator can ever find it profitable to check on messages; if $c > c^\circ$, a threat to monitor groups' messages is not credible.

Consider now G_A's decision to lobby. Given our assumption that L's

[4]Strictly speaking, for some particular asymmetric specifications of the parameters of the model, there can exist a subset within the "both groups lobby" region of Figure 1 in which both groups use a mixed strategy, implying that "both groups lobby with positive probability" in this subset. Because this possibility depends on such a special parameterization and leads only to trivial qualifications to some results, we ignore it here. See Austen-Smith and Wright (1992) for details.

predisposition is to vote for policy B, G_A by definition will lobby an "unfriendly" legislator whenever it decides to lobby. The entire area inside the box corresponds to the situations in which G_A will lobby—that is, all values of p and c such that $p > p^\circ$ and $c < c^\circ$. Group G_A's decision to lobby depends on these parameter values, and for values of the parameters inside the boxed area, G_A lobbies whether or not G_B lobbies. Thus, G_A's decision to lobby the legislator is independent of G_B's decision. This leads to our second hypothesis.

> HYPOTHESIS 2: The decision of a group to lobby an "unfriendly" legislator is independent of the lobbying decisions of opposing groups.

As discussed earlier, not only must groups decide whether to lobby, they must also decide whether to present fully and accurately any information they have acquired. Consider the region in which only group G_A lobbies. In this region, it is common knowledge that the group has acquired information relevant to L's decision. If this information supports the group's position, then G_A will surely say so. However, if the information supports a vote for B, then G_A has an incentive to dissemble. In equilibrium, the group in such cases presents its information accurately most of the time but occasionally gives misleading information to try to induce a vote for A. The legislator, knowing that the group's information is likely to be accurate, occasionally votes in favor of the group's interest even when the information contradicts the legislators prior beliefs. Sporadically, though, the legislator, on being told by G_A that a vote for A is appropriate, attempts to verify the information, thereby providing the incentive for G_A to present accurate information. In sum, the legislator will typically make the "correct" decision but will periodically do otherwise; that is, the probability of G_A successfully misleading the legislator is positive in equilibrium. It turns out that this probability is increasing both in the prior belief, p, and in the cost of auditing, c. And it is these properties that provide the incentives for G_B to lobby the legislator.

Unlike G_A's lobbying decision, G_B's decision to lobby L depends on what G_A elects to do. Following Hypothesis 1, only G_A has an incentive to lobby to change L's mind about how to vote. Thus, the only incentive for G_B to invest in costly data acquisition and to lobby is to counteract any influence G_A might have on the legislator. Group G_B, therefore, is essentially lobbying against G_A rather than for policy B per se. This leads to our third hypothesis.

> HYPOTHESIS 3: Conditional on a "friendly" legislator being lobbied by an opposing group, a group's decision to lobby that legislator is purely counteractive.

Group G_B will lobby to counter G_A's influence only when it perceives that the probability of G_A successfully misleading the legislator is sufficiently high (i.e., when p is greater than $\pi(c)$).[5] When the prior p is low (i.e., less than $\pi(c)$), G_B has little incentive to counter G_A because it is very likely that G_A will discover that L's constituents are more interested in policy B than in policy A. If so, then G_A will most likely admit the facts. Even if G_A does try to misrepresent the situation, there is still a reasonably good chance that L will learn the truth by acquiring the relevant information firsthand. Thus, in either case L votes for policy B without any additional persuasive effort from G_B. However, as p increases, it becomes more plausible that the constituents truly prefer policy A, and thus the chances are greater that G_A can successfully mislead the legislator. It becomes worthwhile for G_B to lobby to counter the possibility of G_A's influence.

Counteractive lobbying by G_B does not necessarily deter G_A from lobbying. As long as values of p and c satisfy the boundary constraints, G_A will lobby independently of G_B's decision, as stated in Hypothesis 2, even though it anticipates that, for sufficiently high values of p, G_B will also lobby. Since neither the groups nor the legislator are absolutely certain which policy proposal will be greeted by the greatest support or opposition among constituents, there is no guarantee that G_B's lobbying effort will successfully counter G_A's effort, which might actually reveal greater constituency support for policy A than for B. Moreover, G_A's lobbying effort does not always have to be successful to make it worthwhile to lobby. An important way for G_A to gain credibility with L is by sometimes admitting candidly that it was unable to generate sufficient enthusiasm for its position among L's constituents. Thus, G_A realizes that its lobbying effort will not always be successful, and most of the time it will make no effort to disguise that fact.

When both groups lobby, neither group can successfully mislead the legislator. Assuming both groups acquire the same information about constituency preferences, then if the two groups present conflicting claims, L can be sure that one group is misrepresenting the facts and will acquire the relevant information firsthand. Any group that dissembles will be discovered and punished. Thus, counteractive lobbying induces truthful behavior by both groups, and legislators will be better off—that is, make the correct decision in terms of their reelection chances—when counteractive lobbying takes place.

[5]Exactly what constitutes "sufficiently high" depends, inter alia, on the value of the issue to the groups, the cost of information acquisition to G_B, the prior, p, and the audit cost, c. The function $\pi(c)$ in Figure 1 is derived endogenously within the model.

Empirical Model, Data, and Results

We test the hypotheses above using data collected by Caldeira and Wright (1989) on the lobbying activities of organized interests involved in the confirmation battle over Robert Bork's nomination to the U.S. Supreme Court in 1987.

The data were collected through a combination of direct mail and personal interviewing during 1989–90. The data set contains information on 468 organizations; however, 318 of these took no position or were not involved in the Bork nomination. Of the remaining 150 organizations, 75 did not provide complete lobbying information or other information needed for the present analysis. Thus, we analyze data on 75 groups, 16 of which lobbied on behalf of Judge Bork, and 59 of which lobbied against confirmation.[6]

We test Hypotheses 1–3 in the following empirical model. Equation (1) is a model of lobbying by pro-Bork groups, and equation (2) is a model by anti-Bork groups:

$$L_{Pi} = \beta_{0P} + \beta_{1P}PRO_i + \beta_{2P}C_i + \beta_{3P}V_i + \beta_{4P}O_{Pi} + \gamma_{1P}L_{Ai} + \gamma_{2P}PRO_i \times L_{Ai} + \varepsilon_{Pi}. \quad (1)$$

$$L_{Ai} = \beta_{0A} + \beta_{1A}ANTI_i + \beta_{2A}C_i + \beta_{3A}V_i + \beta_{4A}O_{Ai} + \gamma_{1A}L_{Pi} + \gamma_{2A}ANTI_i \times L_{Pi} + \varepsilon_{Ai}, \quad (2)$$

where

L_{Pi} is the number of pro-Bork groups that lobbied senator i;
L_{Ai} is the number of anti-Bork groups that lobbied senator i;
C_i equals 1 if i is a member of the Judiciary Committee, and 0 otherwise;
V_i is a voting score for senator i during first half of 1987 (higher scores meaning more liberal);
O_{Pi} is the number of pro-Bork groups with strong organizations in senator i's state;
O_{Ai} is the number of anti-Bork groups with strong organizations in senator i's state;
PRO_i equals 1 if senator i's prior belief implies i votes for confirmation in the absence of any additional information, and 0 otherwise;
$ANTI_i$ equals 1 if senator i's prior belief implies i votes against confirmation in the absence of any additional information, and 0 otherwise; and

[6]Of the 150 organizations that admitted to taking a position or being involved in the confirmation battle, 29 supported and 121 opposed Judge Bork's nomination.

ε_{Pi}, ε_{Ai} are stochastic terms for the pro-Bork and anti-Bork lobbying equations, respectively.

We assume $E[\varepsilon_{Pi}, \varepsilon_{Ai}] \neq 0$. The hypotheses above predict the following signs for the coefficients:

HYPOTHESIS 1: $\beta_{1P} < 0$ and $\beta_{1A} < 0$;

HYPOTHESIS 2: $\gamma_{1P} = \gamma_{1A} = 0$;

HYPOTHESIS 3: $\gamma_{2P} > 0$ and $\gamma_{2A} > 0$.

Hypothesis 1 predicts that, ceteris paribus, senators who are expected ex ante to support (or, conversely, oppose) the nomination will be lobbied by fewer pro-Bork (anti-Bork) groups than senators expected to oppose (support) the nomination. Hypothesis 2 predicts that the number of pro-Bork (anti-Bork) groups that lobbied does not depend on the number of anti-Bork (pro-Bork) groups that lobbied. Hypothesis 3 predicts that the greater the number of anti-Bork (pro-Bork) groups that lobbied a senator who ex ante was expected to support (oppose) the nomination, the greater the number of pro-Bork (anti-Bork) groups that lobbied.

Additionally, we expect $\beta_{2j} > 0$ and $\beta_{4j} > 0, j = P, A$. In the theoretical model, there is no reason to devote resources to lobbying a legislator who has no chance of influencing the final outcome. Consequently, the variable C is used as a proxy for the expected importance of i's vote in the eventual decision; hence, $\beta_{2j} > 0$. Similarly, as discussed earlier, the credibility of a lobbyist's message for the legislator depends, inter alia, on the extent to which the legislator believes the group has information germane to his or her decision. If the group has no such credibility with a legislator, then again there is no reason for the group to devote resources to lobbying that person. The variable O_j is intended to capture this feature of the model, with the idea being that the more established a group in a senator's district is, the more likely it is that the group is well informed about district preferences; hence, $\beta_{4j} > 0$.

Finally, we include the variable V_i as a general control for other influences on lobbying that may not be captured by our theoretical model or our conception of lobbying. We define lobbying very specifically, and somewhat narrowly, as the transmission of information directly to legislators in an effort to reinforce or change their policy positions. Organizations that filled out the questionnaires, however, may have had somewhat different notions of lobbying in mind. Groups may, for example, consider lobbying to involve consultations with their legislative friends in order to have them indirectly lobby other less sympathetic legislators. Or groups might consider lobbying to involve social visits with legislators in order to maintain channels of access (e.g., Milbrath 1963, 255–94). It is also

possible that groups contacted senators of a particular general ideological orientation, depending on the ideological orientation of the groups' members, in order to achieve visibility and raise money (e.g., Hayes 1981, 86). We expect that there may be influences such as these operating systematically outside the scope of our model. If so, then organizations should be more likely, other things being equal, to lobby senators who have established records of supporting or opposing liberal causes. In particular, we expect $\beta_{3P} < 0$ and $\beta_{3A} > 0$.

One important feature of the data on the Bork nomination is that for this issue we have an unambiguous measure of each senator's expected vote prior to any lobbying activity. The American Conservative Union prepared a headcount of senators' expected votes in early July 1987, prior to the onset of any lobbying (McGuigan and Weyrich 1990, 16–17). This ranking provides an exogenously determined voting prior for each member of the Senate as determined by the organizations that actually did the lobbying.[7] The ACU, which played a leading role in organizing the conservative lobbying effort, placed senators in one of four groups: Group 1 senators were those who were "99 percent definite for Reagan nominee"; Group 2 senators, those who "usually support the Reagan nominee"; Group 3, those who "sometimes support the Reagan nominee"; and Group 4, those who "never vote right." The conservatives initially estimated that Bork would be confirmed, and so 56 senators were placed in Groups 1 and 2, and 44 senators in Groups 3 and 4. The variables, *PRO* and *ANTI*, are constructed from the ACU headcount, where *PRO* senators are those in Groups 1 and 2, and *ANTI* senators are those in Groups 3 and 4. We have defined the prior separately for the pro-Bork and anti-Bork lobbying equations to simplify interpretation of the coefficients for the interactions.

Lobbying activity was measured by asking a representative of each organization—usually the principal lobbyist, but sometimes another official who was familiar with the organization's lobbying strategy on the Bork nomination—to indicate for each of the 100 senators the extent of the organization's lobbying effort.[8] Organizations that claimed to have

[7]The liberals also constructed an initial headcount; however, they classified only those senators they expected to target. Although we could have estimated the positions of the remaining senators from their previous behavior and general voting patterns, we decided to use the ACU's headcount in order to avoid any ambiguities in senators' priors.

[8]The exact question wording was, "We would like to know about your Washington lobbying/advocacy efforts on the Bork nomination to the Supreme Court. By Washington lobbying/advocacy, we mean direct contacts with the senator, in person or by phone, or contacts with the senator's staff. For each of the following senators, can you tell us roughly whether your organization's efforts were strong, medium, or weak or none at all?"

expended either a "strong" or a "medium" effort were coded one, and the others were coded zero. The values of L_{Pi} and L_{Ai} were then established by summing across this dichotomous measure of lobbying by all pro-Bork and anti-Bork groups, respectively.[9]

The measures of organizational strength for the pro- and anti-Bork groups were obtained by asking organizational representatives to rate the size and activism of their groups' memberships in each of the 50 states.[10] Organizations that claimed to have either a "strong" or "medium" base of support were coded one, and all others, zero. Values of O_{Pi} and O_{Ai} were obtained by summing across this dichotomous measure.[11]

We computed a general voting score for each senator based on key votes identified by the Chamber of Commerce, Americans for Democratic Action, American Conservative Union, and the AFL-CIO from January through June of 1987. Each senator's score is the percentage of liberal votes of 11 votes cast over this period. This score captures some of the same information as does the ACU voting prior, but there are some important differences. In particular, 16 senators among the ACU's "99 percent definite for Reagan nominee" group had liberal general voting scores of 50 or greater. Thus, the pro-Bork coalition was counting heavily on the support of several traditionally liberal senators.

Before turning to the estimation of the coefficients of equations (1) and (2), we examine first the simple bivariate relationship between senators' ex ante positions on the Bork nomination and the lobbying by pro- and anti-Bork groups. In Table 1, we report the mean percentage of pro-Bork and anti-Bork groups that lobbied senators according to the ACU's initial classification. Observationally, this result is consistent with the conventional wisdom about lobbying. Senators who were deemed ex ante to be "99 percent for the Reagan nominee" were lobbied more frequently by pro-Bork groups than any other senators, and senators who were classified as "never voting right" were lobbied most frequently by anti-Bork groups. Our theory suggests that this result is not a consequence of lobbyists taking the "easy path"; rather, it is a consequence of groups counteracting the influence of opposition groups. Thus, we

[9]The mean values for L_P and L_A in the sample are 4.9 and 22.5, respectively. The values range from zero to 12 for L_P, and from nine to 33 for L_A.

[10]The exact question wording was, "We would like to know about your group's organizational strength in the various states. For each of the states, can you tell us roughly whether your group's organizational presence or base of support—in terms of members, supporters, and their level of activism—is strong, medium, or weak to none."

[11]The mean values for O_P and O_A in the sample are 5.2 and 26.5, respectively, and range from one to nine for O_P and from 10 to 44 for O_A.

Table 1. Interest Group Lobbying for and against Robert Bork

ACU's Estimate of Senator's Prior Position	Mean Percentage of Groups Lobbying	
	For Bork (N = 16)	Against Bork (N = 59)
Group 1 senators (N = 43)	.40	.30
Group 2 senators (N = 13)	.34	.43
Group 3 senators (N = 10)	.27	.46
Group 4 senators (N = 34)	.25	.50

Group 1: "99% definite for Reagan nominee."
Group 2: "usually supports Reagan nominee."
Group 3: "sometimes supports Reagan nominee."
Group 4: "never votes right."

test the equilibrium predictions of our model by estimating equations (1) and (2).

Given our hypothesis that lobbying is counteractive, we estimated the coefficients of equations (1) and (2) through a two-stage least squares procedure.[12] The 2SLS estimates are reported in Table 2 for the prolobbying equation (1) and in Table 3 for the antilobbying equation (2).[13] Both equations predict lobbying reasonably well, with 72% of the variance explained in the pro-Bork model and 78% in the anti-Bork model. The hypothesis that all coefficients equal zero was rejected for each model at the .001 level of significance using a joint F-test.

Both estimations also generally support Hypothesis 1. The coefficient for *PRO*, β_{1P}, does not attain statistical significance at a conventional level. Nevertheless, it is negative as hypothesized, and the probability a negative coefficient of this magnitude by chance is less than .12. In Table 3, the coefficient for *ANTI*, β_{1A}, does attain statistical significance at .05 and is also negative as hypothesized. Other things

[12]This procedure produces consistent coefficient estimates and is generally preferred over OLS, given our assumption about the correlation of error terms across equations. The 2SLS estimates, however, will be inefficient in this application. A full information estimation technique such as 3SLS would yield marginal gains in efficiency, but only if the model were perfectly specified. Relative to many political models, we believe ours is well specified, but we certainly have no illusions as to its perfection.

[13]First-stage estimates were obtained by regressing each of the lobbying variables on all of the exogenous variables plus party. The R^2 values for the first-stage L_P and L_A equations were .71 and .76, respectively.

Table 2. Regression Analysis of Interest Group Lobbying by Organizations Supporting Robert Bork

Explanatory Variable	Coefficient	2SLS Estimate	Standard Error
Constant	β_{0P}	4.42**	1.75
PRO, senator's ex ante position (0 = against; 1 = for Bork)	β_{1P}	−2.36	1.99
C, Judiciary Committee (0 = no; 1 = yes)	β_{2P}	3.85**	0.82
V, 1987 voting score (high scores liberal)	β_{3P}	−0.06**	0.02
O_P, organizational strength of pro-Bork groups in senator's state	β_{4P}	0.36**	0.10
L_A, number of anti-Bork groups that lobbied	γ_{1P}	0.08	0.08
$PRO \times L_A$	γ_{2P}	0.12*	0.07
$N = 100$.			
R-square = .72.			

Note: The dependent variable is L_P, the number of pro-Bork groups that lobbied.

*denotes statistical significance at .10 (one-tailed test); **denotes statistical significance at .05 (one-tailed test).

being equal, then, groups tended to lobby "unfriendly" senators, not those who were predisposed to vote their way.[14]

Some additional support for Hypothesis 1 is provided by the estimates of the constant terms in both equations. The interpretation of the constants is complicated by the fact that not all of the independent variables take on values of zero in the sample. That these estimates are positive and statistically significant, however, indicates that there was considerable lobbying of senators by groups on both sides, even when senators were not expected ex ante to side with the groups.

Support for Hypothesis 2 is provided by the estimates of the coefficients for L_P and L_A, γ_{1P} and γ_{1A}, which are not statistically different from zero. When $PRO = 0$ (or $ANTI = 0$), these coefficients give the

[14]Multicollinearity is present among the exogenous variables, but not to a degree that we are unable to discriminate among specific effects. With the exception of the coefficient for *PRO*, the standard errors of the individual coefficients are small enough that statistical significance is attained at traditional levels. The largest *R*-square value that resulted from regressing each of the exogenous variables on all remaining exogenous variables was .60.

Table 3. Regression Analysis of Interest Group Lobbying by Organizations Opposing Robert Bork

Explanatory Variable	Coefficient	2SLS Estimate	Standard Error
Constant	β_{0A}	9.52*	3.52
ANTI, senator's ex ante position (0 = for; 1 = against)	β_{1A}	−3.77*	2.10
C, Judiciary Committee (0 = no; 1 = yes)	β_{2A}	8.85*	3.81
V, 1987 voting score (high scores liberal)	β_{3A}	0.12*	0.04
O_A, organizational strength of anti-Bork groups in senator's state	β_{4A}	0.28*	0.08
L_P, number of pro-Bork groups that lobbied	γ_{1A}	−0.63	0.73
$ANTI \times L_P$	γ_{2A}	1.34*	0.39
$N = 100$.			
R-square = .78.			

Note: The dependent variable is L_A, the number of anti-Bork groups that lobbied.

*Denotes statistical significance at .05 (one-tailed test).

marginal change in the number of groups that lobbied an "unfriendly" senator (i.e., prior to lobbying, a senator expected to vote against the group's favored position) given a change in the number of opposition groups that lobbied. Consistent with our theoretical model, the number of groups on one side of the issue that lobbied had no statistically significant effect on the number of groups that lobbied on the other side. Groups were not deterred from lobbying "unfriendly" senators even if those senators were lobbied by opposition groups.

Groups lobbied their "friends," however, in response to lobbying by opposition groups. As Hypothesis 3 predicts, the coefficients for the interactive terms, γ_{2P} and γ_{2A}, are significantly greater than zero. Pro-Bork groups lobbied senators who ex ante were expected to support the nomination, and anti-Bork groups lobbied senators who ex ante were expected to oppose the nomination. Significantly more groups lobbied their "friends" as the number of opposition groups lobbying their friends increased. Thus, the hypothesis of counteractive lobbying is supported by the data.

The remaining variables in the model exhibited the effects we anticipated. Membership on the Judiciary Committee is an important predictor

of lobbying by both pro- and anti-Bork groups, and the organizational strength of groups in the senators' states significantly predicts lobbying activity. The voting score is also a significant predictor of lobbying, as pro-Bork groups, other things being equal, were more likely to lobby conservative senators, and anti-Bork groups were more likely to lobby liberal senators. Whether these effects result from indirect lobbying or fund-raising and membership concerns, we cannot be sure. The statistical significance of the coefficient indicates that there are indeed systematic effects operating outside the scope of the theoretical model, and because the ADA scores are correlated with the initial headcounts, we cannot exclude V_i without biasing the estimation of the other coefficients.

Overall, the estimation of the empirical model provides considerable support for our theoretical propositions. Other things being equal, groups tended to lobby senators who were predisposed to vote *against* their favored position, and groups lobbied friendly senators to counteract the influence of opposing groups who lobbied the same senators. Our theoretical and empirical results, therefore, provide considerable evidence that interest groups lobby to persuade and change legislators' voting predispositions, not simply to reinforce or encourage those who already agree with them.

Conclusions

Most of the research on interest groups and legislative lobbying in the United States over the past 30 years has downplayed, and consequently underestimated, we think, the role of interest groups in the legislative process. There are notable exceptions (Smith 1984, 1988; Rothenberg 1989; Hansen 1991, e.g.), but the dominant theme has been that groups not only exert little control over representatives but also that they are inefficient in communicating information about citizens' preferences. These conclusions leave one wondering why it is that groups bother to lobby at all. If the impact of lobbying on legislation is negligible, if groups seldom attempt to persuade legislators, and if the flow of information from groups to representatives is imperfect and distorted, it is surprising indeed that we observe the trends in heightened group activity that are so prevalent today.

Evidence that groups lobby strategically and counteractively to offset information from opposing groups helps resolve two seemingly contradictory notions about interest group influence. On the one hand, it is generally agreed that groups neither pressure nor coerce legislators; on the other hand, there are numerous journalistic and some academic accounts that interest groups are quite influential in the legislative process. Scholars in the tradition of Bauer, Pool, and Dexter; Milbrath; Matthews; and others correctly dispelled the notion that groups achieve influence

through pressure tactics, but they failed to provide an alternative perspective on how groups might achieve influence. Counteractive lobbying is consistent with a noncoercive perspective of interest group influence—the relationship between lobbyists and legislators is not one-way; groups often do lobby their legislative allies; and groups must and do establish credibility with legislators—but counteractive lobbying is also consistent with groups' lobbying efforts being influential.

The idea that groups achieve influence by lobbying counteractively may have escaped Bauer, Pool, and Dexter (1963) simply because of the nature of the issue they examined. Being a distributive issue, tariff policy is not one that typically engenders much conflict between opposing interests. Consequently, one is not likely to observe the push and pull among groups that is characteristic of judicial nominations. Open confrontation among organized interests, however, is far more typical of policy issues today than was the case at the time Bauer and colleagues made their observations. Largely because of the growth of citizen and public interest groups during the 1960s and 1970s, consumers and producers now clash regularly over environmental issues, health care policy, energy policy, and so forth. Public interest groups are more likely to pursue confrontational strategies than the private interest groups studied by Bauer, Pool, and Dexter (1963) (Berry 1977, 218–19). Thus, conceptualizing the contemporary lobbying process as counteractive, involving the strategic transmission of information from groups to legislators, promises to be a more theoretically and empirically useful way of understanding interest group influence.[15]

Years ago Wahlke (1962, 226) and his associates, in their classic study of the role orientations of legislators, warned against a "simple view of the legislative struggle as a struggle between elementary group demands." We think that advice is still sound; legislative outputs cannot be explained solely in terms of group forces. Nevertheless, our analysis warns against the simple view of groups as merely "service bureaus" for legislators (Bauer, Pool, and Dexter 1963). Groups do attempt to change legislators' voting predispositions, and they do compete with one another for legislators' votes. In this sense, the legislative struggle is in part a struggle among competing groups.

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[15] We are not alone in thinking about lobbying as a game of strategic information transmission. Other models have been developed by Ainsworth (1993), Potters (1992), Rasmusen (1991), and Ball (1991).

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