

5.1 Interest Groups: Who or what are they?



Image 5.1 Supporters For and Against Building a Wall on the Border

A Trump supporter with a sign reading “Pres. Trump Build That Wall.” (Credit: modification of work–Robyn Beck / AFP/Getty Images and Paul Waldman, Special to the *Washington Post* Commentary: “Sorry, Trump voters, you got scammed. You’re never getting your wall.” at <http://www.chicagotribune.com/news/opinion/commentary/ct-trump-mexico-border-wall-scam-20170425-story.html>) and Members of the League of United Latin American Citizens, respected Hispanic civil rights interest group protesting the border wall. (Credit: modification of work–LULAC at <http://lulac.org/>)

Learning Objectives

- Explain how interest groups differ from political parties.
- Evaluate the different types of interests and what they do.
- Compare economic issue and citizen-public issue interest groups.

Chart 5.1 Learning Objectives on Interest Groups

An **interest group** is a group of people working together through an organization and advocating on behalf of shared interests. Interest groups abound in the United States. In recent years, many groups spoke out on behalf of both sides of the argument over government healthcare. The 2010 Patient Protection and Affordable Care Act (PPACA), also known as Obamacare, represented a substantial overhaul of the U.S. healthcare system.¹¹

Given its potential impact, interest group representatives (**lobbyists**) from the insurance industry, hospitals, medical device manufacturers, and organizations representing doctors, patients, and employers all tried to influence what the law would look like and the way it would operate. Moreover, besides paid representatives of many interest groups, many ordinary citizens got involved in “grassroots” lobbying efforts to attempt to influence lawmakers to support or oppose the legislation. Even after the legislation became law, interest groups remained involved, some seeking to influence the rules and regulations issued to implement the law, while others sought to challenge the law in court.

In fact, throughout its entire existence, the controversial law continued to engage interest groups seeking to both protect and expand the law or to repeal and replace it. In 2017, the Republican dominated Congress and the Trump administration initiated an effort to substantially change U.S. healthcare law and many interest groups were once again working on behalf of their members.

Interest groups like those for and against the PPACA play a fundamental role in representing individuals, corporate interests, and the public before the government. They help inform the public and lawmakers about issues, monitor government actions, and promote policies that benefit their interests, using all three branches of government at the federal, state, and local levels. The multi-layered federal structure in the US allows for more points of access or linkages to the government.

While the term **interest group** is not mentioned in the U.S. *Constitution*, the framers were aware that individuals would band together to use government in their favor. In *Federalist* No. 10, James Madison warned of the dangers of “factions,” minorities who would organize around issues they felt strongly about, possibly to the detriment of the majority. But Madison believed limiting these factions was worse than facing the evils they might produce, because such limitations would violate individual freedoms. Instead, the natural way to control factions was to let them flourish and compete against each other. The sheer number of interests in the United States suggests that many have, indeed, flourished. They compete with similar groups for membership, and with opponents for access to decision-makers. Some people suggest there may be too many interests in the United States. Others argue that some have gained a disproportionate amount of influence over public policy, whereas many others are underrepresented.

Madison’s definition of “factions” can apply to both interest groups and political parties. But unlike political parties, interest groups do not necessarily function primarily to elect candidates under a certain party label or to directly control the operation of the government. That is, interest groups do not officially nominate or sponsor candidates for public office, although they may very well support or oppose candidates. Political parties in the United States are generally much broader coalitions that represent a significant proportion of citizens. In the American two-party system, the Democratic and Republican Parties spread relatively wide nets to try to encompass large segments of the population. Interest groups may support or oppose political candidates; however, their goals are usually more issue-specific and narrowly focused on areas like taxes, the environment, and gun rights or gun control, or their membership is limited to specific professions. They may represent interests ranging from well-known organizations, such as the Sierra Club, IBM, or the American Lung Association, to obscure ones, such as the North Carolina Game fowl Breeders Association. Political parties and interest groups both work together and compete for influence.

While interest group activity often transcends party lines, many interest groups are perceived as being more supportive of one party over another. The National Rifle Association, the National Right to Life organization and conservative organizations such as the Heritage Foundation are more likely to have relationships with the Republican Party. The National Organization for Women (NOW), teachers’ unions, and organizations such as Americans for Democratic Action all have strong relationships with the Democratic Party. Within each party, there is a competition for influence among the groups generally

aligned with a party. Moreover, activists from many of these interest groups become activists with the political parties.

Consider the Original

Excerpts from || Federalist No. 10 ||

The Same Subject Continued: The Union as a Safeguard Against Domestic Faction and Insurrection

From the New York Packet.
Friday, November 23, 1787.

Author: **James Madison**

To the People of the State of New York:

AMONG the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. [...] Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. [...]

By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy, that it was worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. [...]

It is in vain to say that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole.

The inference to which we are brought is, that the CAUSES of faction cannot be removed, and that relief is only to be sought in the means of controlling its EFFECTS.

[...] From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions. A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

[...] Hence, it clearly appears, that the same advantage which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic,—is enjoyed by the Union over the States composing it. Does the advantage consist in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and schemes of injustice? It will not be denied that the representation of the Union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree does the increased variety of parties comprised within the Union, increase this security. Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority? Here, again, the extent of the Union gives it the most palpable advantage.

The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit and supporting the character of Federalists.¹²¹

Chart 5.2 Excerpts from Federalist Paper No. 10



Image 5.2 Boy Scout Speaks on Environmental Cause

William T. Hornaday Conservation Award Winner and Eagle Scout delivering informative speech about the importance of nest-boxes and promoting the interests of the Texas Bluebird Society at their 10th Annual Meeting and Convention in Glen Rose, Texas on August 20, 2011. TBS is an active interest group advocating on behalf of the protection of Eastern Bluebirds and their habitat. (Credit: 290 Photo)

What Are Interest Groups and What Do They Want?

Definitions abound when it comes to interest groups, which are sometimes referred to as special interests, interest organizations, pressure groups, or just interests. Most definitions specify that **interest group** indicates any formal association of individuals or organizations that attempt to influence government decision-making and/or the making of public policy. This influence is **advocacy**. People translate opinion into advocacy. They may speak to a friend or co-worker and eventually form a group with this shared interest in influencing others. If advocacy attempts are successful, other individuals, groups, legislators, etc. may be **co-opted** into the same opinion, shared interest, or common policy agenda. Often, this influence is exercised by a lobbyist or a lobbying firm.

Formally, a **lobbyist** is someone who represents the interest organization before government, is usually compensated for doing so, and is required to register with the government in which he or she lobbies, whether state or federal. The lobbyist's primary goal is usually to influence policy. Most interest organizations engage in lobbying activity to achieve their objectives. As you might expect, the interest hires a lobbyist, employs one internally, or has a member volunteer to lobby on its behalf. For present purposes, we might restrict our definition to the relatively broad one in the **Lobbying Disclosure Act**.^[3] This act requires the registration of lobbyists representing any interest group and devoting more than 20 percent of their time to it.^[4] Clients and lobbying firms must also register with the federal government based on similar requirements. Moreover, campaign finance laws require disclosure of campaign contributions given to political candidates by organizations.



Visit this [site](#) to research donations and campaign contributions given to political candidates by organizations.

Lobbying is not limited to Washington, DC, however, and many interests lobby there as well as in one or more states. Each state has its own laws describing which individuals and entities must register, so the definitions of lobbyists and interests, and of what lobbying is and who must register to do it, also vary from state to state. Therefore, while a citizen contacting a lawmaker to discuss an issue is generally not viewed as lobbying, an organization that devotes a certain amount of time and resources to contacting lawmakers may be classified as lobbying, depending on local, state, or federal law.

Largely for this reason, there is no comprehensive list of all interest groups to tell us how many there are in the United States. Estimates of the number vary widely, suggesting that if we use a broad definition and include all interests at all levels of government, there may be more than 200,000.^[5] Following the passage of the Lobbying Disclosure Act in 1995, we had a much better understanding of the number of interests registered in Washington, DC; however, it was not until several years later that we had a complete count and categorization of the interests registered in each of the fifty states.^[6]

Political scientists have categorized interest groups in a number of ways.^[7] First, interest groups may take the form of membership organizations, which individuals join voluntarily and to which they usually pay dues. Membership groups often consist of people who have common issues or concerns, or who want to be with others who share their views. The National Rifle Association (NRA) is a membership group consisting of members who promote gun rights. For those who advocate greater regulation of access to firearms, such as background checks prior to gun purchases, the Brady Campaign to Prevent Gun Violence is a membership organization that weighs in on the other side of the issue.^[8]

In addition to membership organizations, companies and corporate entities and governments may themselves have a compelling interest to be represented in front of one or more branches of government. For example, Verizon and Coca-Cola will register to lobby in order to influence policy in a way that benefits them. These corporations will either have one or more **in-house lobbyists**, who work for one interest group or firm and represent their organization in a lobbying capacity, and/or will hire a **contract lobbyist**, individuals who work for firms that represent a multitude of clients and are often hired because of their resources and their ability to contact and lobby lawmakers, to represent them before the legislature. A governmental institution, such as a state government, a county, or a municipality may also be represented by a **legislative liaison**, whose job it is to present issues to other governmental decision makers.

Interest groups also include associations, which are typically groups of institutions that join with others, often within the same trade or industry (trade associations) and have similar concerns.

The American Beverage Association includes Coca-Cola, Red Bull North America, ROCKSTAR, and Kraft Foods.^[9] Despite the fact that these companies are competitors, they have common interests related to the manufacturing, bottling, and distribution of beverages, as well as the regulation of their business activities. The logic is that there is strength in numbers, and if members can lobby for tax breaks or eased regulations for an entire industry, they may all benefit.

These common goals do not, however, prevent individual association members from employing in-house lobbyists or contract lobbying firms to represent their own business or organization as well. Indeed, many members of associations are competitors who also seek representation individually before the legislature.

Visit the website of an association like the [American Beverage Association](#) or the [American Bankers Association](#) and look over the key issues it addresses. Do any of the issues it cares about surprise you? What areas do you think members can agree about? Are there issues on which the membership might disagree? Why would competitors join when they normally compete for business?

Finally, sometimes individuals volunteer to represent an organization. They are called amateur or volunteer lobbyists and are typically not compensated for their lobbying efforts. In some cases, citizens may lobby for pet projects because they care about some issue or cause. They may or may not be members of an interest group, but if they register to lobby, they are sometimes nicknamed “hobbyists.”



(a)



(b)

Image 5.3 Photos For and Against Gun Rights

A Florida member of the NRA proudly displays his support of gun rights (a). In December 2012, CREDO, a San Francisco telecommunications company that supports progressive causes, called on the NRA to stop blocking Congress from passing gun control legislation (b).
(Credit OpenStax a: modification of work by Daniel Oines; Credit b: modification of work by Josh Lopez)

Interest groups serve as a means of political participation for their members. The primary goal of interest groups is to influence decision-makers and public policy through advocacy on behalf of members.

According to political scientists Jeffrey Berry and Clyde Wilcox, interest groups provide a means of representing people and serve as a link between them and government.^[10]

Interest groups also allow people to actively work on an issue to influence public policy.

Another interest group function is to help educate the public. Someone concerned about the environment may not need to know what an acceptable level of sulfur dioxide is in the air, but by joining an environmental interest group, he or she can remain informed when air quality is poor or threatened by legislative action.

Interest groups also try to get issues on the government agenda and to monitor a variety of government programs. Following the passage of the PPACA, numerous interest groups have been monitoring the implementation of the law, hoping to use successes and failures to justify their positions for and against the legislation. Those opposed have utilized the court system to try to alter or eliminate the law or have lobbied executive agencies or departments that have a role in the law's implementation. Similarly, teachers' unions, parent-teacher organizations, and other education-related interests have monitored implementation of the *No Child Left Behind Act* promoted and signed into law by President George W. Bush.

Interest groups also help frame issues, usually in a way that best benefits their cause. Abortion rights advocates often use the term "pro-choice" to frame abortion as an individual's private choice to be made free of government interference, while an anti-abortion group might use the term "pro-life" to frame its position as protecting the life of the unborn. "Pro-life" groups often label their opponents as "pro-abortion," rather than "pro-choice," a distinction that can affect the way the public perceives the issue.

Lobbyists representing a variety of organizations employ different techniques to achieve their objectives. One method is inside lobbying or direct lobbying, which takes the interest group's message directly to a government official such as a lawmaker.^[11] Inside lobbying tactics include testifying in legislative hearings and helping to draft legislation. Numerous surveys of lobbyists have confirmed that the vast majority rely on these inside strategies. For example, nearly all report that they contact lawmakers, testify before the legislature, help draft legislation, and contact executive agencies. Trying to influence government appointments or providing favors to members of government are somewhat less common insider tactics.

Many lobbyists also use outside lobbying or indirect lobbying tactics, whereby the interest attempts to get its message out to the public.^[12] These tactics include issuing press releases, placing stories and articles in the media, entering coalitions with other groups, and contacting interest group members, hoping that they will individually pressure lawmakers to support or oppose legislation. An environmental interest group like the Sierra Club, for example, might issue a press release or encourage its members to contact their representatives in Congress about legislation of concern to the group. It might also use outside tactics if there is a potential threat to the environment and the group wants to raise awareness among its members and the public. Members of Congress are likely to pay attention when many constituents contact them about an issue or proposed bill. Many interest groups, including the Sierra Club, will use a combination of inside and outside tactics in their lobbying efforts, choosing whatever strategy is most likely to help them achieve their goals.



Image 5.4 Photo of Sierra Club Protesters

In February 2013, members of the Sierra Club joined a march on Los Angeles City Hall to demand action on climate change and protest the development of the Keystone pipeline. (Credit: OpenStax; Charlie Kaijo)

While influencing policy is the primary goal, interest groups also monitor government programs and activity and provide information to the public and to lawmakers about effectiveness or ineffectiveness of governmental programs from their point of view.

Thus, a member of an interest group or a citizen concerned about the issues or the governmental activities that the interest group monitors, need not be an expert on the legislative process or the technical or legal details of a proposed bill to be kept informed and to know when to politically participate on issues of interest. Interest groups regularly inform members, the general public, and governmental decision-makers of their evaluations of issues and governmental activities of concern, and they suggest changes to programs and services.

Interest groups facilitate political participation in several ways. Some members become active within a group, working on behalf of the organization to promote its agenda. Some interests work to increase membership, inform the public about issues the group deems important, or organize rallies and promote get-out-the-vote efforts. Sometimes groups will utilize events to mobilize existing members or encourage new members to join.

Functions of Interest Groups	Description of Functions
inside lobbying direct contact with policy makers	⇒ legislative testimony ⇒ assistance in bill writing ⇒ direct contact of executive agencies
outside lobbying indirect methods to influence decisions	⇒ educate members on key issues ⇒ increase general public awareness on key issues through media efforts ⇒ organize and coordinate ‘grassroots lobbying’ efforts to contact policy makers to influence decision making ⇒ engage in political process to elect supportive candidates; donate
monitor government programs	⇒ evaluate effectiveness ⇒ suggest changes

Chart 5.3 Functions of Interest Groups

Interest Group Types: Economic Issue Groups v. Citizen-Public Issue Interest Groups

Interest groups and organizations represent both economic and non-economic issues in the United States. **Economic interest groups** usually seek particularized benefits from government that favor a work-related single interest or a narrow set of economically related interests focused on some industry sector, occupational group, or employee union.^[13] For example, The American Dairy Association may lobby government for tax exemptions, fewer regulations, or favorable laws that benefit individual companies or an industry more generally.

On the other hand, **citizen-public issue interest groups** represent individuals who have organized to advocate on behalf of a cause or purpose they consider important that is not directly related to their

employment or work situation.^[14] These groups may focus on single issues, such as the environment, gun rights, gun control, abortion, or a broader set of ideologically consistent issues.

For example, citizen groups such as the Sierra Club and the National Resources Defense Council have primarily focused on environmental issues. These citizen public issue groups often call themselves public interest groups.^[15]

They argue that what they do is in the public interest. They would argue that if the Sierra Club encourages Congress to pass legislation that improves national air quality, citizens receive the benefit regardless of whether they are members of the organization or even support the legislation. Many environmental groups lobby for and raise awareness of issues that affect large segments of the population.^[16] Of course, many citizen-public issue groups claim to work in the public interest.^[17] Some liberal ideological groups such as MoveOn.org or the Americans for Democratic Action or conservative ideological groups such as the Heritage Foundation or Christian Coalition have much broader range of issues they address. Of course, all claim to be working in the public interest. However, some citizens-public issue groups seek to advance the economic and political interest of a demographic such as the NAACP or La Raza. While it is true that some citizen-public issue groups are seeking some economic benefits or at least a change in economic conditions in society, they differ from economic interest groups in that any citizen is open to join the group. In contrast, economic interest groups have closed membership based upon an individual's employment, work situation, or professional status.^[18]

Interest Groups: Questions to Consider

1. What are interest groups and what do they want?
2. How do they provide avenues for political participation?
3. How do interest groups try to achieve their objectives?
4. What benefits do interest groups bring to society?
5. What are some of the disadvantages of interest groups?

1. *An interest group is a group of people working together through an organization and advocating on behalf of shared interests that attempt to influence government decision-making and/or the making of public policy. A broader definition of an interest group might include any group with a common interest, but such groups are less effective in influencing public policy than those that have a formal organization.*
2. *easier to assemble and speak out with a group; more recognition of a cause/policy position if the numbers are higher; etc.*
3. *Interest Groups employ different techniques to achieve their objectives, some "inside" or direct and some indirect. One method is inside lobbying or direct lobbying, which takes the interest group's message directly to a government official such as a lawmaker. Inside lobbying tactics include testifying in legislative hearings and helping to draft legislation.. Interest groups also use outside lobbying or indirect lobbying tactics, whereby the interest attempts to get its message out to the public.*
4. *The benefits they bring are they represent the needs and concerns of diverse groups and can work on their behalf to influence public policy. It is easier for an individual to have their voice heard and "speak out" on an issue with an organized group.*
5. *open to debate; but, not all interest groups are politically equal in their ability to influence government outcomes; for example, if one interest has more money or connections than another they may achieve more policy goals, leaving groups with less money or connections without the possibility to effect policy change, notwithstanding the merits of the case of actual majority opinion*

Terms to Remember

advocacy–influence; individuals or interest groups speak out to influence others

association–groups of companies or institutions that organize around a common set of concerns, often within a given industry or trade

citizen (public issue) interest groups–representing individuals who have organized to advocate on behalf of a cause or purpose they consider important that is not directly related to their employment or work situation; membership is open to all who support and wish to advocate for the cause or some public issue

contract lobbyist–lobbyist who works for a contract lobbying firm that represents clients before government

cooptation/co-opt–successful influence/advocacy for a policy position, agenda, opinion

economic (private issue) interest groups–representing individuals who seek particularized benefits from government that favor a work-related interest or narrow set of economically related interests focus on some industry sector, occupational group, or employee union; membership is based upon an individual's employment, work situation, or professional status

in-house lobbyist–an employee or executive within an organization who works as a lobbyist on behalf of the organization

interest group–people working through an organization with a common interest often work together advocating on behalf of this shared interest

legislative liaison–a person employed by a governmental entity such as a local government, executive department, or university to represent the organization before the legislature

lobbyist–a person who represents an organization before government to influence policy

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5.2 Interest Groups: Pathways to Participation and Influence



Image 5.5 Photo of Protesters inside Texas Capitol Building

Photo of protesters in the Texas Capitol, interest groups were protesting the signing of the sanctuary cities bill.
(Credit: Raven Ambers @ravenambers; her "bird's eye view" of the happenings)

Learning Objectives

- Explain theories of interest group formation.
- Describe free riding and the reasons it occurs.
- Analyze how interest groups provide a means for political participation.
- Discuss recent changes to interest groups and the way they operate in the United States.
- Explain why lower socioeconomic status citizens are not well represented by interest groups.
- Identify the barriers to interest group participation in the United States.
- Describe how interest groups influence the government through elections.
- Explain how interest groups influence the government through the governance processes.

Chart 5.4 Learning Objectives on Theories of Interest Groups

Interest Group Formation: Two Conflicting Theories

Over the past several decades, the United States witnessed a tremendous growth in the number of interest groups.¹¹¹ Why did these particular groups arise? Some scholars argue that groups form due to an

event in the political, economic, or social environment.^[4] This theory, Known as the disturbance theory, describes the origins of interest groups as a natural reaction to a “disturbance in society.”^[3] That is, when the social, economic, or political environment is disturbed, a group or groups emerge in response to the disturbed conditions to press for policy change. David Truman stated that interest groups form primarily when there are changes in a social environment that upsets the well-being of some groups of people. The Theory states that interest groups form and grow in response to perceived threats, which has a direct cause and effect outcome on interest group formation.^[4]

For example, in 1962, Rachel Carson published *Silent Spring*, a book exposing the dangers posed by pesticides such as DDT.^[5] The book served as a catalyst for individuals worried about the environment and the potential dangers of pesticides. The result was an increase in both the number of environmental interest groups, such as Greenpeace and American Rivers, and the number of members within them.

However, sometimes adverse situations impacting individuals have been on-going or even worsened without any interest group being formed. This suggests that the disturbance theory has some serious limits and is overly optimistic.^[6] That is, those with resources—either financial or organizational leadership skills—can more quickly respond to adverse events. For example, during most of the 20th century, California migrant farm workers were not well treated by farmers. Bad working conditions, poor wages, and discriminatory practices were not enough to encourage these workers to organize into a union despite repeated efforts by the AFL-CIO. Then, in the late 1960s, a charismatic farm worker named Cesar Chavez succeeded in unionizing the California grape pickers. The difference in the formation of the United Farm Workers was clearly not a single event, but resulted from the leadership of Chavez.^[7]



Image 5.6 President Obama Signs Proclamation Recognizing Cesar Chavez

President Obama signs presidential proclamation designating March 3, 2010 as Cesar Chavez Day, honoring the leaders of the United Farm Workers which was co-founded by Chavez. Chavez’s family looks on. Credit: White House Photo by Pete Souza.

The leadership factor suggests that the origins of interest groups can very frequently be traced to the efforts of **interest policy entrepreneurs**. That is, energetic individuals who identify a problem and are

convinced of a solution or approach to the problem who rallies supporters to the cause by forming a group to pursue the goals. In fact, political scientist Robert Salisbury states that leadership is the key reason why any group succeeds or dies.^[8]

Collective Action and Free Riding

In any group project in which you have participated, you may have noticed that a small number of students did the bulk of the work while others did very little. Yet everyone received the same grade. Why do some do all the work, while others do little or none? How is it possible to get people to work when there is a disincentive to do so? This situation is an example of a collective action problem, and it exists in government as well as in public and private organizations. Whether it is Congress trying to pass a budget or an interest group trying to motivate members to contact lawmakers, organizations must overcome collective action problems to be productive. This is especially true of interest groups; whose formation and survival depend on members doing the necessary work to keep the group funded and operating.

Collective action problems exist when people have a disincentive to take action.^[9] People tend not to act when the perceived benefit is insufficient to justify the costs associated with engaging in the action. Many citizens may have concerns about the appropriate level of taxation, gun control, or environmental protection, but these concerns are not necessarily strong enough for them to become politically active. In fact, most people take no action on most issues, either because they do not feel strongly enough or because their action will likely have little bearing on whether a given policy is adopted. Thus, there is a disincentive to call your member of Congress, because rarely will a single phone call sway a politician on an issue.

Why do some students elect to do little on a group project? The answer is that they likely prefer to do something else and realize they can receive the same grade as the rest of the group without contributing to the effort. This result is often termed the **free rider problem**, because some individuals can receive benefits (get a free ride) without helping to bear the cost. When National Public Radio (NPR) engages in a fund-raising effort to help maintain the station, many listeners will not contribute. Since it is unlikely that any one listener's donation will be decisive in whether NPR has adequate funding to continue to operate, most listeners will not contribute to the costs but instead will free ride and continue to receive the benefits of listening.

If free riding is so prevalent, why are there so many interest groups and why is interest group membership so high in the United States? One reason is that free riding can be overcome in a variety of ways. Olson argued, for instance, that some groups are better able than others to surmount collective action problems.^[10] They can sometimes maintain themselves by obtaining financial support from patrons outside the group.^[11]

Group leaders also play an important role in overcoming collective action problems. For instance, political scientist Robert Salisbury suggests that group leaders will offer incentives to induce activity among individuals.^[12] Some offer material incentives, which are tangible benefits of joining a group.

AARP (American Association for Retired Persons), for example, offers discounts on hotel accommodations and insurance rates for its members, while dues are very low, so they can save money by joining. Group leaders may also offer solidarity incentives, which provide the benefit of joining with others who have the same concerns or are similar in other ways. Some scholars suggest that people are naturally drawn to others with similar concerns.



Image 5.7 Poster for Tea Party

Photo of poll taken by the Tea Party Patriots regarding the controversial issue of sanctuary cities. Interest groups often arise from what is known as the “grassroots” level with individual citizens banding together for a common cause. (Credit: OpenStax; Tea Party Patriots at <https://www.facebook.com/teapartypatriots/>)

Groups with financial resources have an advantage in mobilizing in that they can offer incentives or hire a lobbyist. Smaller, well-organized groups also have an advantage. For one thing, opinions within smaller groups may be more similar, making it easier to reach consensus. It is also more difficult for members to free ride in a smaller group. In comparison, larger groups have a greater number of individuals and therefore more viewpoints to consider, making consensus more difficult. It may also be easier to free ride because it is less obvious in a large group when any single person does not contribute. However, if people do not lobby for their own interests, they may find that they are ignored, especially if smaller but more active

groups with interests opposed to theirs lobby on behalf of themselves.

Sometimes collective action problems are overcome because there is little choice about whether to join an organization. For example, some organizations may require membership in order to participate in a profession. To practice law, individuals may be required to join the American Bar Association or a state bar association. In the past, union membership could be required of workers, particularly in urban areas controlled by political machines consisting of a combination of parties, elected representatives, and interest groups.

Interest Groups as Political Participation

Interest groups offer individuals an important avenue for political participation. Tea Party protests, for instance, gave individuals all over the country the opportunity to voice their opposition to government actions and control. Likewise, the Occupy Wall Street movement also gave a voice to those individuals frustrated with economic inequality and the influence of large corporations on the public sector. Individually, the protesters would likely have received little notice, but by joining with others, they drew substantial attention in the media and from lawmakers. While the Tea Party movement might not meet the definition of organized interest groups presented earlier, its aims have been promoted by established

interest groups. Other opportunities for participation that interest groups offer or encourage include voting, campaigning, contacting lawmakers, and informing the public about causes.

Group Participation as Civic Engagement

In 2011, an Occupy Wall Street protestor highlights that the concerns of individual citizens are not always heard by those in the seats of power. (Credit: OpenStax; Timothy Krause)

Joining interest groups can help facilitate civic engagement, which allows people to feel more connected to the political and social community. Some interest groups develop as **grassroots movements**, which often begin from the bottom up among a small number of people at the local level. Interest groups can amplify the voices of such individuals through proper organization and allow them to participate in ways that would be less effective or even impossible alone or in small numbers. The Tea Party is also a



Image 5.8 Photo of Occupy Wall Street Protester

grassroots movement. Many ordinary citizens support the Tea Party because of its opposition to tax increases, it attracts a great deal of support from elite and wealthy sponsors, some of whom are active in lobbying. The FreedomWorks political action committee (PAC), for example, is a conservative advocacy group that has supported the Tea Party movement. FreedomWorks is an offshoot of the interest group Citizens for a Sound Economy, which was founded by billionaire industrialists David H. and Charles G. Koch in 1984.

Trends in Interest Group Formation and Activity

Several changes in interest groups have taken place over the last three or four decades in the United States. The most significant change is the tremendous increase in both the number and type of groups.^[14] Political scientists often examine the diversity of registered groups, in part to determine how well they reflect the variety of interests in society. Some areas may be dominated by certain industries, while others may reflect a multitude of interests. Some interests appear to have increased at greater rates than others. For example, the number of institutions and corporate interests has increased both in Washington and in the states. Telecommunication companies like Verizon and AT&T will lobby Congress for laws beneficial to their businesses, but they also target the states because state legislatures make laws that can benefit or harm their activities. There has also been an increase in the number of interest groups that represent citizen-public issue organizations as opposed to economic interests. U.S. PIRG is a public interest group that represents the public on issues including public health, the environment, and consumer protection.^[15]

What are the reasons for the increase in the number of interest groups? In some cases, it simply reflects new interests in society. Forty years ago, stem cell research was not an issue on the government agenda, but as science and technology advanced, its techniques and possibilities became known to the media and the public, and several interests began lobbying for and against this type of research.

Medical research firms and medical associations will lobby in favor of greater spending and increased research on stem cell research, while some religious organizations and anti-abortion groups will oppose it.

As societal attitudes change and new issues develop, and as the public becomes aware of them, we can expect to see the rise of interests addressing them.

We have also seen increased specialization by some interests and even fragmentation of existing interests. While the American Medical Association may take a stand on stem cell research, the issue is not critical to the everyday activities of many of its members. On the other hand, stem cell research is highly salient to members of the American Neurological Association, an interest organization that represents academic neurologists and neuroscientists.

Accordingly, different interests represent the more specialized needs of different specialties within the medical community, but **fragmentation** can occur when a large interest like this has diverging needs. Such was also the case when several unions split from the AFL-CIO (American Federation of Labor-Congress of Industrial Organizations), the nation's largest federation of unions, in 2005.^[16] Improved technology and the development of social media have made it easier for smaller groups to form and to attract and communicate with members. The use of the Internet to raise money has also made it possible for even small groups to receive funding.

Over the last few decades, we have also witnessed an increase in professionalization in lobbying and in the sophistication of lobbying techniques. This was not always the case, because lobbying was not considered a serious profession in the mid-twentieth century. Over the past three decades, there has been an increase in the number of contract lobbying firms.

These firms are often effective because they bring significant resources to the table, their lobbyists are knowledgeable about the issues on which they lobby, and they may have existing relationships with lawmakers. In fact, relationships between lobbyists and legislators are often ongoing, and these are critical if lobbyists want access to lawmakers. However, not every interest can afford to hire high-priced contract lobbyists to represent it. A great deal of money is spent on lobbying activities.

We have also seen greater limits on inside lobbying activities. In the past, many lobbyists were described as "good ol' boys" that provided gifts or other favors in exchange for political access or other considerations. Today, restrictions limit the types of gifts and benefits lobbyists can bestow on lawmakers. There are certainly fewer "good ol' boy" lobbyists, and many lobbyists are now full-time professionals. The regulation of lobbying is addressed in greater detail below.

How Representative Is the Interest Group System?

Participation in the United States has never been equal; wealth and education, components of socioeconomic status, are strong predictors of political engagement.^[17] We already discussed how wealth can help overcome collective action problems, but lack of wealth also serves as a barrier to participation more generally. These types of barriers pose challenges, making it less likely for some groups than others to participate.^[18] Some institutions, including large corporations, are more likely to participate in the political process than others, simply because they have tremendous resources. And with these resources, they can write a check to a political campaign or hire a lobbyist to represent their organization. Writing a check and hiring a lobbyist are unlikely options for a disadvantaged group.

Individually, the poor may not have the same opportunities to join groups.^[19] They may work two jobs to make ends meet and lack the free time necessary to participate in politics. Further, there are often financial barriers to participation. For someone who punches a timeclock, spending time with political groups may be costly and paying dues may be a hardship. Certainly, the poor are unable to hire expensive lobbying firms to represent them. Minorities may also participate less often than the majority population, although when we control for wealth and education levels, we see fewer differences in participation rates. Still, there is a bias in participation and representation, and this bias extends to interest groups as well. Yet, there are interest groups successfully organized to represent poor citizens who can receive little or no support from the clients they serve.

For example, the National Welfare Rights Organization represents poor citizens who receive welfare benefits. The leader of this organization successfully raised large sums of money from wealthy liberals to sustain and nurture the organization, according to Jeffrey Berry and Clyde Wilcox (2009) from *The Interest Group Society*, 5th Edition. Likewise, Black Lives Matter (BLM) is a group that focused attention on poor, African American communities on issues of racial profiling, police brutality, and racial inequality in the U.S. criminal justice system. This movement and its affiliated national network receive limited funds from the citizens it seeks to represent, but it is sustained by wealthy donors according to Valarie Richardson of the *Washington Times* in her article “Black Lives Matter Cashes in with \$100 Million from Liberal Foundations,” August 16, 2016. Finally, people do not often participate because they lack the political skill to do so or believe that it is impossible to influence government actions.^[20] They might also lack interest or could be apathetic.

Participation usually requires some knowledge of the political system, the candidates, or the issues. Younger people are often cynical about government’s response to the needs of non-elites. How do these observations translate into the way different interests are represented in the political system? Some pluralist scholars like David Truman suggest that people naturally join groups and that there will be a great deal of competition for access to decision-makers.^[21] Scholars who subscribe to this **pluralist view** assume this competition among diverse interests is good for democracy.

Political theorist Robert Dahl argued that “all active and legitimate groups had the potential to make themselves heard.”^[22] Not all scholars accept the premise that all groups have the potential for access to decision-makers. The **elite critique** suggests that certain interests, typically businesses and the wealthy

are advantaged and that policies more often reflect their wishes than anyone else's. While most scholars agree that some interests do have advantages, others have questioned the overwhelming dominance of certain interests. Additionally, neo-pluralist scholars argue that certainly some interests are in a privileged position, but these interests do not always get what they want.^[23] Instead, their influence depends on a number of factors in the political environment such as public opinion, political culture, competition for access, and the relevance of the issue.

Even wealthy interests do not always win if their position is at odds with the wish of an attentive public. And if the public cares about the issue, politicians may be reluctant to defy their constituents. If a prominent manufacturing firm wants fewer regulations on environmental pollutants, and environmental protection is a salient issue to the public, the manufacturing firm may not win in every exchange, despite its resource advantage. We also know that when interests mobilize, opposing interests often counter-mobilize, which can reduce advantages of some interests. Thus, the conclusion that businesses, the wealthy, and elites win in every situation is overstated.^[24]

The graph below shows lobbying expenditures by interests from a variety of sectors during 2016. A few notable observations may be drawn from the chart. First, large sums of money are spent in lobbying by different interests. Second, many of these are business sectors including the real estate sector, the insurance sector, and the health care industry.

Considering the changing environment concerning federal policy in health care and insurance, it should probably not be that surprising those high lobbying expenditures occurred in those sectors.

Lobbying Expenditures Ranked by Sector: 2016 Expenditures	
Sector	Total
Health	\$515,412,528
Miscellaneous Business	\$496,774,545
Finance/Insurance/Real Estate	\$493,065,576
Communications/Electronics	\$370,177,686
Energy/Natural Resources	\$301,437,899
Transportation	\$227,159,245
Other	\$197,767,762
Ideology/Single-Issue	\$129,576,658
Agribusiness	\$127,262,998
Construction	\$53,332,072
Labor	\$47,126,000

Chart 5.5 Lobbying Expenditures

The chart above shows the dollar amounts contributed from lobbying expenditures ranked by sector during the 2016 election cycle, as reported to the Federal Election Commission. (Credit: Center for Responsible Politics, Sector Totals, May 3, 2017)

Influence in Elections

Many people criticize the huge amounts of money spent in politics. Some argue that interest groups have too much influence on who wins elections, while others suggest influence is also problematic when interests try to sway politicians in office. There is little doubt that interest groups often try to achieve their objectives by influencing elections and politicians but discovering whether they have succeeded in changing minds is challenging because they tend to support those who already agree with them.

Interest groups support candidates who are sympathetic to their views in hopes of gaining access to them once they are in office.^[28] For example, an organization like the NRA will back candidates who support Second Amendment rights. Both the NRA and the Brady Campaign to Prevent Gun Violence (an interest group that favors background checks for firearm purchases) have grading systems that evaluate candidates and states based on their records of supporting these organizations.^[29]

To garner the support of the NRA, candidates must receive an A+ rating for the group. In much the same way, Americans for Democratic Action, a liberal interest group, and the American Conservative Union, a conservative interest group, both rate politicians based on their voting records on issues these organizations view as important.^[30]

These ratings, and those of many other groups, are useful for interests and the public in deciding which candidates to support and which to oppose. Incumbents have electoral advantages in terms of name recognition, experience, and fundraising abilities, and they often receive support because interest groups want access to the candidate who is likely to win.

Some interest groups will offer support to the challenger, particularly if the challenger better aligns with the interest's views or the incumbent is vulnerable. Sometimes, interest groups even hedge their bets and give to both major party candidates for office in the hopes of having access regardless of who wins.

Some interest groups work to form **political action committees** (PACs), groups that collect funds from donors and distribute them to candidates who support their issues. As the chart below makes apparent, many large corporations like Honeywell International, AT&T, and Lockheed Martin form PACs to distribute money to candidates.^[31] Other PACs are either politically or ideologically oriented.

For example, the MoveOn.org PAC is a progressive group that formed following the impeachment trial of President Bill Clinton, whereas GOPAC is a Republican PAC that promotes state and local candidates of that party.

PACs are limited in the amount of money that they can contribute to individual candidates or to national party organizations; they can contribute no more than \$5,000 per candidate per election and no more than \$15,000 a year to a national political party. Individual contributions to PACs are also limited to \$5,000 a year.

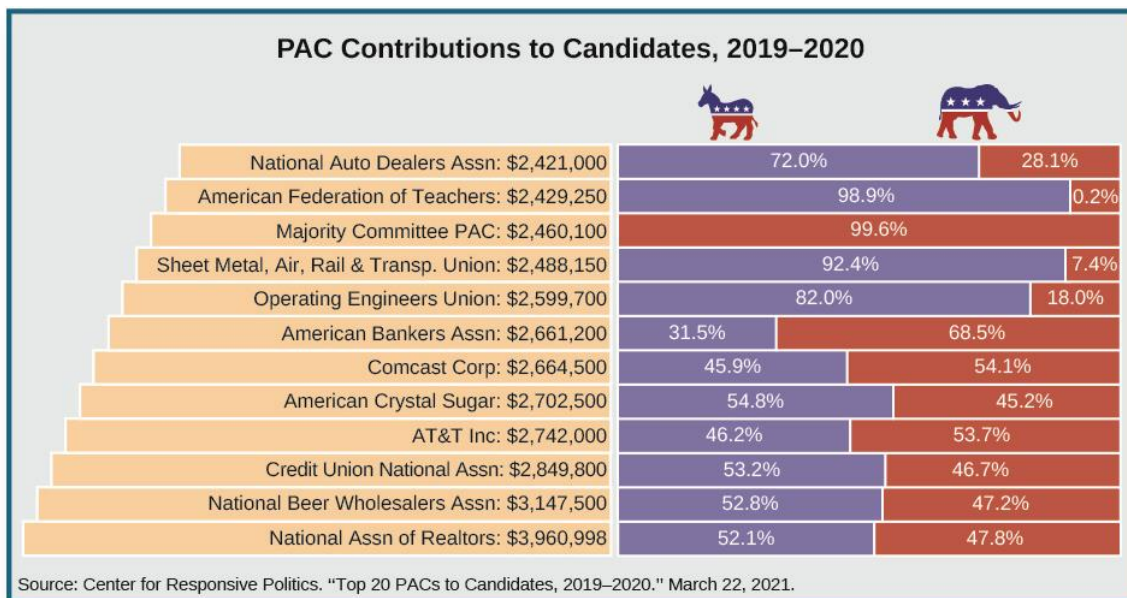


Chart 5.6 Bar Graph Illustrating Political Action Committee Contributions to Candidates

Corporations and associations spend large amounts of money on elections via affiliated PACs. This chart reveals the amount donated to Democratic (blue) and Republican (red) candidates by the top ten PACs during the most recent election cycle.

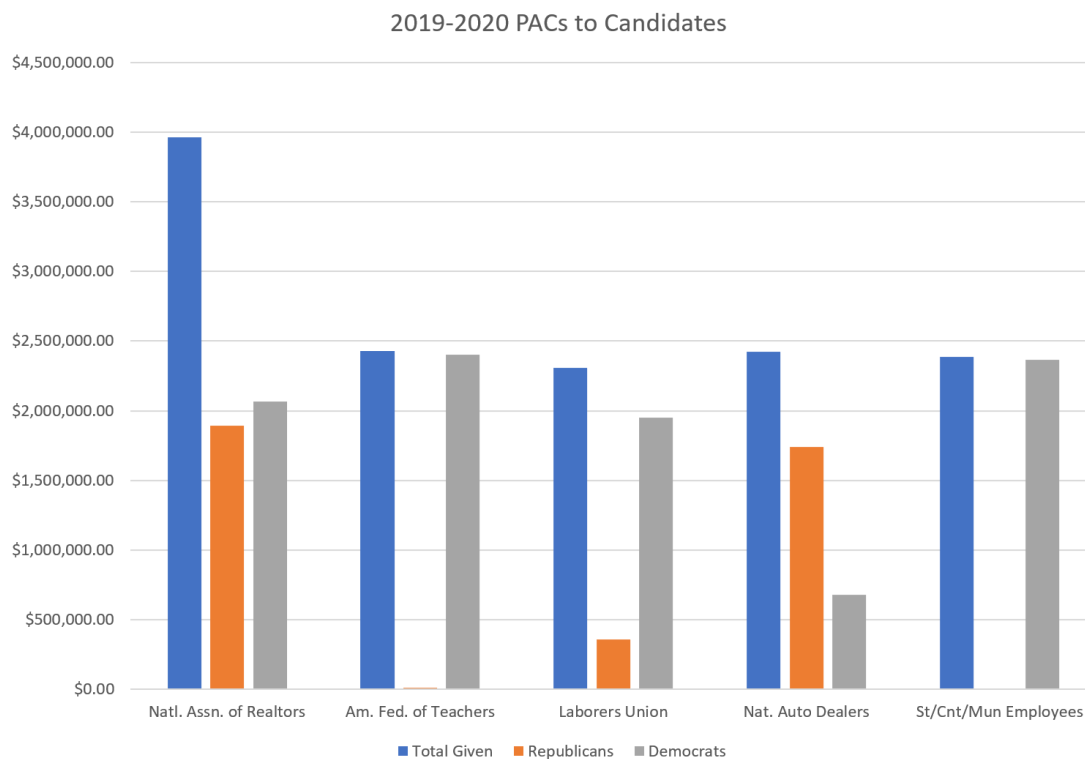


Figure 1 Chart 5.7 Bar Graph on Contributions to Candidates from Political Action Committees (Credit: OpenSecrets.org; "Top 20 PACs to Candidates, 2019-2020")

PACs through which corporations and unions can spend virtually unlimited amounts of money on behalf of political candidates are called super PACs.^[32] As a result of a 2010 Supreme Court decision, *Citizens United v. Federal Election Commission*, there is no limit to how much money unions or corporations can donate to super PACs. Unlike PACs, however, super PACs cannot contribute money

directly to individual candidates. If the 2022 elections were any indication, super PACs will continue to spend large sums of money to influence future election results.

Influencing Governmental Policy

Interest groups support candidates to have access to lawmakers once they are in office. Lawmakers, for their part, lack the time and resources to pursue every issue; they are policy generalists. Therefore, they (and their staff members) rely on interest groups and lobbyists to provide them with information about the technical details of policy proposals, as well as about fellow lawmakers' stands and constituents' perceptions. These **voting cues** give lawmakers an indication of how to vote on issues, particularly those with which they are unfamiliar. But lawmakers also rely on lobbyists for information about ideas they can champion and that will benefit them when they run for reelection.^[33]

Interest groups likely cannot target all 535 lawmakers in both the House and the Senate, nor would they wish to do so. There is little reason for the Brady Campaign to Prevent Gun Violence to lobby members of Congress who vehemently oppose any restrictions on gun access. Instead, the organization will often contact lawmakers who are amenable to some restrictions on access to firearms. Thus, interest groups first target lawmakers they think will consider introducing or sponsoring legislation.

Second, they target members of relevant committees.^[34] If a company that makes weapons systems wants to influence a defense bill, it will lobby members of the Armed Services Committees in the House and the Senate or the House and Senate appropriations committees if the bill requires new funding. Many members of these committees represent congressional districts with military bases, so they often sponsor or champion bills that allow them to promote policies popular with their districts or state. Interest groups attempt to use this to their advantage.

They also conduct strategic targeting because legislatures function by respectfully considering fellow lawmakers' positions. Since lawmakers cannot possess expertise on every issue, they defer to their trusted colleagues on issues with which they are unfamiliar. Targeting committee members also allows the lobbyist to inform other lawmakers indirectly.

In the highly decentralized decision-making environment of the U.S. Congress, it is understandable that interest groups will focus considerable attention on standing committees, which are set up or designated by subject areas. Since interest group politics are often characterized by whether groups have access to decision-makers and how effectively these groups may participate in the policy-making process, congressional committee-- related to the subject area of importance to an interest group--becomes a priority of lobbying efforts.

Scholars have suggested that two distinct patterns may exist in the relationships between interest groups, standing congressional committees, and the related executive department. The relationship can be characterized as either an **iron triangle** or as an **issue network**.

The **iron triangle** relationship is a hypothetical arrangement among three elements (the corners of the triangle) an interest group, a congressional committee member or chair, and an agency within the bureaucracy, as noted by Frank R. Baumgartner and Beth L. Leech (1998) in *Basic Interests: The Importance of Groups in Political Science*.

Each element has a symbiotic relationship with the other two, and it is difficult for those outside the small, tightly knit triangular system to gain access. The congressional committee members, including the chair rely upon the interest group for policy information and political contributions, while the interest group needs both the committee members and staff and agency bureaucrats to work closely with them to advance some policy objectives. The agency needs the interest group for information, and they are dependent on the standing committee to provide appropriation to fund the agency's jobs and programs.

That is, this relationship is so strong that even the president may have less influence on the development of policy than those inside the triangle relationship. For example, if the agricultural standing committee and staff of the Department of Agriculture work closely with rice producers to advance mutual objectives, they are working in a closed environment limiting access for other groups and individuals who may have a stake in affected policy areas.

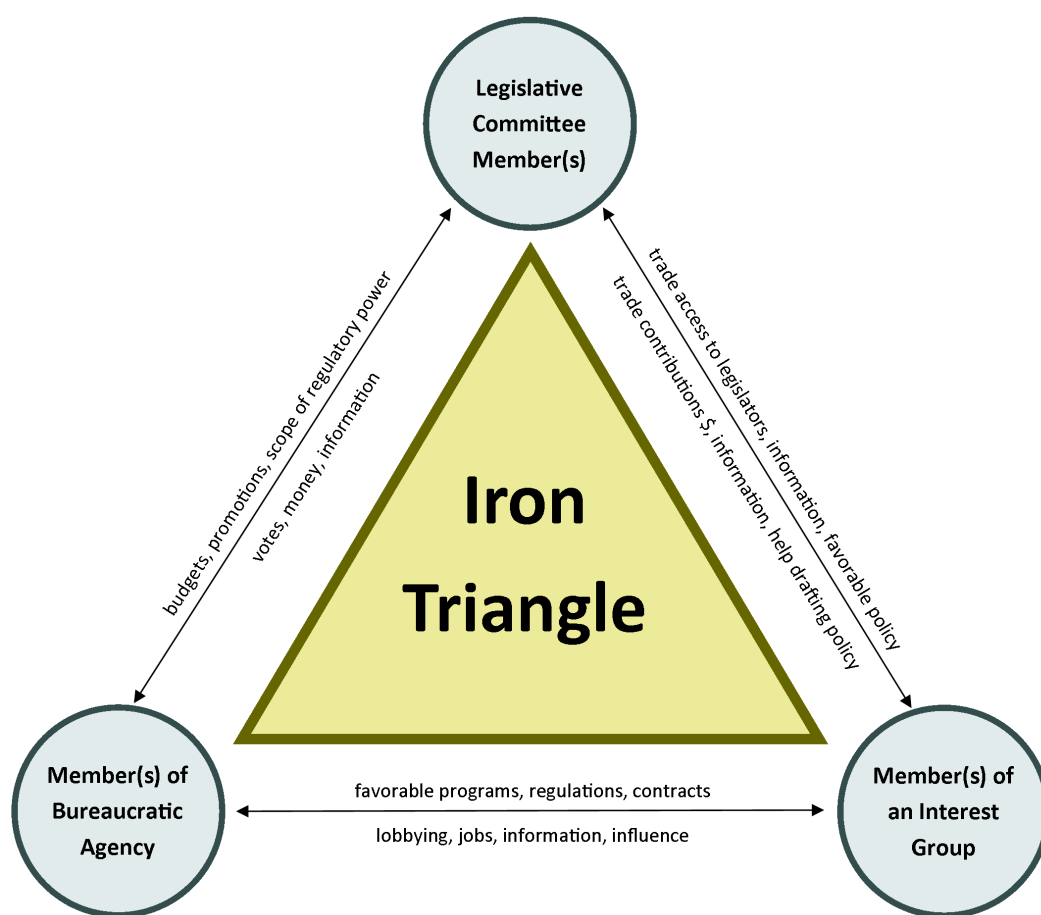


Chart 5.8 Illustration of Iron Triangle

An alternate explanation of the arrangement of duties carried out in each policy area by interest groups, legislators, and agency bureaucrats may be known as an **issue network**. Such an arrangement includes many different interests and political actors that work together to address an issue of policy as noted by Hugh Heclo in his article titled "Issue Networks and the Executive Establishment" from *The New American Political System* (1984) edited by Anthony King.

For example, lobbyists of various associations representing parts of

higher education might all have a strong interest in federal student aid policy; but they might have differences of opinion on how this policy should be implemented. In additions, others such as the president or university research scholars, those outside very narrow and tight interested policy communities, often seek to influence federal financial aid policy.

In fact, issue networks can be quite large in the number of actors and many studies have demonstrated that the issue network model is a more accurate description of interest group relationships with Congress and the executive branch, as noted by Jeffrey Berry and Clyde Wilcox in their work *The Interest Group Society*.

Third, interest groups target lawmakers when legislation is on the floor of the House and/or Senate, but again, they rely on the fact that many members will defer to their colleagues who are more familiar with a given issue.

Finally, since legislation must pass both chambers in identical form, interest groups may target members of the conference committees whose job it is to iron out differences across the chambers. At this negotiation stage, a 1 percent difference in, say, the corporate income tax rate could mean millions of dollars in increased or decreased revenue or taxation for various interests.

WASHINGTON, DC – JANUARY 25: Anti-abortion protesters attend the March for Life on January 25, 2013 in Washington, DC. The pro-life gathering is held each year around the anniversary of the Roe v. Wade Supreme Court decision. (Credit: OpenStax; Brendan Hoffman/Getty Images).



Image 5.9 Photo of Pro-Life Protesters

Interest groups also target the budgetary process in order to maximize benefits to their group. In some cases, their aim is to influence the portion of the budget allocated to a given policy, program, or policy area. For example, interests for groups that represent the poor may lobby for additional appropriations for various welfare programs; those interests opposed to government assistance to the poor may lobby for reduced funding to certain programs. It is likely that the legislative liaison for your university or college spends time trying to advocate for budgetary allocations in your state.

Once legislation has been passed, interest groups may target the executive branch of government, whose job is to implement the law. Interest groups are extremely interested and actively involved in the rule making process and directly lobby executive agencies seeking rules that are favorable to their group's interests. The U.S. Department of Veterans Affairs has some leeway in providing care for military veterans, and interests representing veterans' needs may pressure this department to address their concerns or issues. Other entities within the executive branch, like the Securities and Exchange Commission, which maintains and regulates financial markets, are not designed to be responsive to the interests they regulate, because to make such a response would be a conflict of interest. Interest groups may lobby the executive branch on executive, judicial, and other appointments that require Senate confirmation. As a result, interest group members may be appointed to positions in which they can influence proposed regulation of the industry of which they are a part.



Image 5.10 Photo of Protestors for Marriage Equality

Members of the Human Rights Campaign, an interest that supports LGBT rights, march toward the Supreme Court on June 26, 2015, the day that the *Obergefell v. Hodges* decision is announced. (Credit: OpenStax; modification of work by Matt Popovich)

In addition to lobbying the legislative and executive branches of government, many interest groups also lobby the judicial branch. Lobbying the judiciary takes two forms, the first of which was mentioned above.

This is lobbying the executive branch about judicial appointments the president makes and lobbying the Senate to confirm these appointments. The second form of lobbying consists of filing amicus briefs, which are also known as “friend of the court” briefs. These

documents present legal arguments stating why a given court should take a case and/or why a court should rule a certain way.

In *Obergefell v. Hodges* (2015), the Supreme Court case that legalized same-sex marriage nationwide, numerous interest groups filed amicus curiae briefs.^[35] For example, the Human Rights Campaign filed a brief arguing that the Fourteenth Amendment’s due process and equal protection clauses required that same-sex couples be afforded the same rights to marry as opposite-sex couples. In a 5–4 decision, the U.S. Supreme Court agreed. Measuring the effect of interest groups’ influence is somewhat difficult because lobbyists support lawmakers who would likely have supported them in the first place.



Examine websites for the [American Conservative Union](#) and [Americans for Democratic Action](#) that compile legislative ratings and voting records. On what issues do these organizations choose to take positions? Where do your representatives and senators rank according to these groups? Are these rankings surprising?

Interest Groups: Questions to Consider

1. Why are there two major theories about why interest groups are formed?
 2. What are some ways to overcome collective action problems?
 3. Why do some groups have an easier time overcoming collective action problems?
 4. What does interest group participation provide to citizens?
 5. Why do lower-income groups not participate more in the interest group system?
 6. What are some barriers to participation?
 7. How do interest groups lobby the judicial branch?
 8. How do interest groups and their lobbyists decide which lawmakers to lobby? Where do they do so?
-
1. *One theory is that interest groups form naturally, when there is a disturbance in the economic, social, and political environment. Another theory is that interest groups form because of effective leadership that organizes the group notwithstanding any event or disturbance.*
 2. *interest groups provide both material financial incentives and intangible incentives to members to remain with the group*
 3. *some groups may require membership in order to participate in the professions, such as the American Bar Association for lawyers*
 4. *organized representation to advance a policy position; working with others, there is more influence than working alone*
 5. *lack of time; lack of means; lack of awareness of potential negative impact*
 6. *money, time, accessibility challenges, etc.*
 7. *bring a suit in a court of law; file an amicus curiae brief, etc.*
 8. *question for debate, but Interest groups likely cannot target all lawmakers in both the House and the Senate. In the highly decentralized decision-making environment of the U.S. Congress, it is understandable that interest groups will focus considerable attention on standing committees, which are set up by subject areas. Interest groups also target the budgetary process in order to maximize benefits to their group*

Terms to Remember

disturbance theory—the theory that an external event can lead to interest group formation

fragmentation—the result when a large interest group develops diverging needs

free rider problem—the situation that occurs when some individuals receive benefits (get a free ride) without helping to bear the cost

grassroots movement—a political movement that often begins from the bottom up, inspired by average citizens concerned about a given issue

issue network—a loosely-knit and potentially large community, sometimes in conflict, that consists of various interests about a particular policy issue; includes representatives from interest groups, members of Congress and congressional staff, bureaucratic agency staff, and many other outside policy experts interested in the policy; network is relatively open to outside influence

interest group entrepreneur—interest group organizer or leader associated with the theory that interest group formation happens as the result of a successful organizer, not simply an external event

iron triangle—a narrow and tightly-knit group consisting of congressional committees, interest groups, and the bureaucracy, which is relatively closed to outside influence

voting cues—sources—including fellow lawmakers, constituents, and interest groups—that lawmakers often use to help them decide how to vote, especially on unfamiliar issues

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5.3 Interest Groups: How are they regulated?



Image 5.11 Photo of Sign at the Capitol

Photo of sign "No Lobbyists Beyond This Point"

(Credit: U.S. Term Limits at <https://www.termlimits.com/do-lobbyists-and-special-interests-like-term-limits/>)

Learning Objectives

- Identify the various court cases, policies, and laws that outline what interest groups can and cannot do.
- Evaluate the arguments for and against whether contributions are a form of freedom of speech.

Chart 5.9 Learning Objectives on Court Cases and Policies on Lobbying

As we noted earlier in the chapter, James Madison viewed factions as a necessary evil and thought preventing people from joining together would be worse than any ills groups might cause. The First Amendment guarantees, among other things, freedom of speech, petition, and assembly. However, people have different views on how far this freedom extends. For example, should freedom of speech as afforded to individuals in the U.S. Constitution also apply to corporations and unions? To what extent can and should government restrict the activities of lobbyists and lawmakers, limiting who may lobby and how they may do it?

Interest Groups and Free Speech

Most people would agree that interest groups have a right under the Constitution to promote a point of view. What people do not necessarily agree upon, however, is the extent to which certain interest group and lobbying activities are protected under the First Amendment.

In addition to free speech rights, the First Amendment grants people the right to assemble. We saw above that pluralists even argued that assembling in groups is natural and that people will gravitate toward

others with similar views. Most people acknowledge the right of others to assemble to voice unpopular positions, but this was not always the case. At various times, groups representing racial and religious minorities, communists, and members of the LGBT community have had their First Amendment rights to speech and assembly curtailed. And as noted above, organizations like the ACLU support free speech rights regardless of whether the speech is popular.

Today, the debate about interest groups often revolves around whether the First Amendment protects the rights of individuals and groups to give money, and whether government can regulate the use of this money. In 1971, the Federal Election Campaign Act was passed, setting limits on how much presidential and vice-presidential candidates and their families could donate to their own campaigns.^[1] The law also allowed corporations and unions to form PACs and required public disclosure of campaign contributions and their sources. In 1974, the act was amended to limit the amount of money spent on congressional campaigns. The amended law banned the transfer of union, corporate, and trade association money to parties for distribution to campaigns.

In *Buckley v. Valeo* (1976), the Supreme Court upheld Congress's right to regulate elections by restricting contributions to campaigns and candidates. However, at the same time, it overturned restrictions on expenditures by candidates and their families, as well as total expenditures by campaigns.^[2] In 1979, an exemption was granted to get-out-the vote and grassroots voter registration drives, creating what has become known as the soft-money loophole; **soft money** was a way in which interests could spend money on behalf of candidates without being restricted by federal law. To close this loophole, Senators John McCain and Russell Feingold sponsored the Bipartisan Campaign Reform Act in 2002 to ban parties from collecting and distributing unregulated money.

Some continued to argue that campaign expenditures are a form of speech, a position with which two recent Supreme Court decisions are consistent. The *Citizens United v. Federal Election Commission*^[3] and the *McCutcheon v. Federal Election Commission*^[4] cases opened the door for a substantially greater flow of money into elections. *Citizens United* overturned the soft money ban of the Bipartisan Campaign Reform Act and allowed corporations and unions to spend unlimited amounts of money on elections. Essentially, the Supreme Court argued in a 5–4 decision that these entities had free speech rights, much like individuals, and that free speech included campaign spending. The *McCutcheon* decision further extended spending allowances based on the First Amendment by striking down aggregate contribution limits. These limits put caps on the total contributions allowed and some say have contributed to a subsequent increase in groups and lobbying activities.



Read about the [rights](#) that corporations share with people.
Should corporations have the same rights as people?

Regulating Lobbying and Interest Group Activity

While the Supreme Court has paved the way for increased spending in politics, lobbying is still regulated in many ways.^[5] The 1995 Lobbying Disclosure Act defined who can and cannot lobby, and requires

lobbyists and interest groups to register with the federal government.^[6] The Honest Leadership and Open Government Act of 2007 further increased restrictions on lobbying. For example, the act prohibited contact between members of Congress and lobbyists who were the spouses of other Congress members.

The laws broadened the definition of lobbyist and require detailed disclosure of spending on lobbying activity; including who is lobbied and what bills are of interest. In addition, President Obama's Executive Order 13490 prohibited appointees in the executive branch from accepting gifts from lobbyists and banned them from participating in matters, including the drafting of any contracts or regulations, involving the appointee's former clients or employer for a period of two years. The states also have their own registration requirements, with some defining lobbying broadly and others more narrowly.

Second, the federal and state governments prohibit certain activities like providing gifts to lawmakers and compensating lobbyists with commissions for successful lobbying. Many activities are prohibited to prevent accusations of vote buying or currying favor with lawmakers. Some states, for example, have strict limits on how much money lobbyists can spend on lobbying lawmakers, or on the value of gifts lawmakers can accept from lobbyists. According to the Honest Leadership and Open Government Act, lobbyists must certify that they have not violated the law regarding gift giving, and the penalty for knowingly violating the law increased from a fine of \$50,000 to one of \$200,000.

Also, **revolving door laws** also prevent lawmakers from lobbying government immediately after leaving public office. Members of the House of Representatives cannot register to lobby for a year after they leave office, while senators have a two-year "cooling off" period before they can officially lobby. Former cabinet secretaries must wait the same period after leaving their positions before lobbying the department of which they had been the head. These laws are designed to restrict former lawmakers from using their connections in government to give them an advantage when lobbying. Still, many former lawmakers do become lobbyists, including former Senate majority leader Trent Lott and former House minority leader Richard Gephardt. Third, governments require varying levels of disclosure about the amount of money spent on lobbying efforts. The logic here is that lawmakers will think twice about accepting money from controversial donors. The other advantage to disclosure requirements is that they promote transparency. Many have argued that the public has a right to know where candidates get their money. Candidates may be reluctant to accept contributions from donors affiliated with unpopular interests such as hate groups. This was one of the key purposes of the **Lobbying Disclosure Act** and comparable laws at the state level.

Finally, there are penalties for violating the law. Lobbyists and, in some cases, government officials can be fined, banned from lobbying, or even sentenced to prison. While state and federal laws spell out what activities are legal and illegal, the attorneys general and prosecutors responsible for enforcing lobbying regulations may be understaffed, have limited budgets, or face backlogs of work, making it difficult for them to investigate or prosecute alleged transgressions. While most lobbyists do comply with the law, exactly how the laws alter behavior is not completely understood. We know the laws prevent lobbyists from engaging in certain behaviors, such as by limiting campaign contributions or preventing the provision of certain gifts to lawmakers, but how they alter lobbyists' strategies and tactics remains unclear.

Interest Groups: Questions to Consider

1. How are interest groups regulated?
2. How might disclosure requirements affect lobbying?
3. How might we get more people engaged in the interest group system?

1. *All interest groups and lobbyists must register with the federal government. Lobbyists must disclose both their spending and the targets of their lobbying activity. Appointees to the executive branch cannot accept gifts from lobbyists and cannot engage in matters involving former clients for two years after being appointed.*
2. *The purpose of these regulations is to make the lobbying process transparent as possible, so no one can seek to bribe or secretly influence a member of government. The regulations do not fully achieve their objectives of transparency. Ideally, you want to know how much is being spent to influence legislation and the nature of the influence tactics.*
3. *Show them they have a stake in the outcome; generally a more educated public sees value in joining a group for advocacy purposes.*

TERMS TO REMEMBER

revolving door laws—laws that require a cooling-off period before government officials can register to lobby after leaving office

soft money—money that interests can spend on behalf of candidates without being restricted by federal law

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