Campaign-Style Advocacy: A Broader View of Lobbying

Abstract: Lobbying in general – but business lobbying in particular – has changed a lot in the past two decades with the transformations in technology, the continued polarization of Washington, and the fragmentation of the media. In this new world, business lobbying – both strategically and tactically – is beginning to look a lot like electoral campaigns. And this raises a host of questions about what’s the most effective means of advocacy in this new world. The use of research, media (both earned and paid), grassroots and elite mobilization, are playing more prominent roles in the advocacy world. But just like political campaigns are asking new questions about the effectiveness of various tactics – business groups need to start doing the same. The fact that the growth in the size of the lobbying industry is both a direct result of the growth of government – but also a facilitator of government growth – is also explored in this article. Finally, all of the changes in the tactics of lobbying raise serious questions about whether the current legal framework and even the popular or academic understanding of advocacy accurately captures who is really engaged in the influence business.

The practice of lobbying is easily caricatured, regularly demonized, but habitually misunderstood. Both the methods and the motives underlying behavior in the advocacy world are usually described in an erroneous fashion, or at least one that is incomplete and misleading. A broader view of lobbying is needed to better understand how advocacy actually works, why it has changed over the past two decades, and what these transformations mean for governance in America. This article pulls back the aperture and presents a wider and more realistic picture.

The grammar of lobbying in media and conventional wisdom is routinely pejorative and predictable, usually describing the well-connected individual or organization getting a deal or benefit not available to the average man.
Powerbrokers, smoked-filled rooms, campaign contributions, quid pro quos, special access, wheeling and dealing, and private interests are favored as off-the-shelf memes. This narrative has a kernel of truth to it, but it is also outdated and incomplete. In today’s world, lobbying does often promote special interests (albeit often several sides fighting each other). Yet it also takes place on a much larger and complex canvas. It paints with many more colors than the black and white which conventional wisdom suggests.

For a variety of reasons, 21st-century advocacy, from a tactical perspective, is better understood (because it is regularly practiced) as a modern political campaign – more like a symphony orchestra than a solo artist. A lot of it still occurs behind the curtain, but much is now on full public display – including a variety of different types of advocacy tunes – if one just knows where to look and listen. It utilizes multiple tools and varied methods, more sophisticated and complex than the easy stereotypes of the well-connected powerbroker trading through personal relationships. As a result of the lobbying industry’s size, its strategic nuances, and a host of misunderstandings about how to define it, most descriptions of advocacy miss this mark, and attempts to “regulate lobbying” are thereby misguided or ineffective.

This article describes some of the new campaign-like dimensions of lobbying, with a particular focus on advocacy by business entities. It also outlines why some of the broader changes in politics, technology, and media have further contributed to these transformations in advocacy. Finally, it explores what the future might hold for lobbying, given these new realities.

Campaign-Infused Lobbying

As above, effective lobbying today emulates political campaigns. Within these, successful advocacy efforts use all the tools of modern electoral politics. The most effective advocacy organizations create a “message” or “narrative,” normally based on polling, focus groups, and other types of empirical research. Like an election campaign, this message is delivered through a host of modalities to targeted constituencies. And similar to a campaign, effective advocacy focuses on reinforcing supporters and persuading the undecided. Advertising on television, radio, and digital mediums are as important as the proverbial smoke-filled room. Earned media in key publications – once a forum only for electoral politics – can now distribute a policy advocacy message in the way that a high-priced law firm did twenty or thirty years ago.
Consider the “campaign” for or against the Obama Administration’s new EPA regulations on air quality.¹ Many business groups, like the Chamber of Commerce and the National Association of Manufacturers, lined up against a host of these requirements, targeting proposed new rules on controlling air toxins, ozone, and greenhouse gases. At the same time, other environmental activist groups supported even more stringent regulation in these same realms.

While the two sides differed in terms of preferred outcome, their tactics were remarkably similar. Rather than only hiring traditional lobbyists to fight these battles, both sides engaged in a host of campaign-style advocacy techniques.² They took to the airwaves or engaged in other forms of paid advertising in targeted congressional districts. Both sides sought support from think-tanks and other policy organizations to bolster their positions – arming their allies with motivation to support them, like a great get-out-the-vote operation. They also hired pollsters and focus group specialists to help tailor the right message for micro-targeted constituencies. And third-party groups were deeply and regularly engaged to activate the grassroots. Finally, both groups deployed digital strategies to help build niche public support, by capturing email addresses and targeting those most interested in the subject of environmental regulations.

Thirty years ago, these same organizations would have relied only on well-connected insider lobbyists to deliver the message. But today’s advocacy world includes more complex dimensions to deal with factors like micro-targeted constituencies, a fragmented media structure, powerful outside ideological groups, and a polarized political culture. All of these factors now shape the public policy environment and lobbying has evolved to address these new realities. Those who seek to understand this battle by analyzing the campaign contributions of each side’s registered lobbyists or looking only at Lobbying Disclosure statements filed with the House and Senate, to determine which well-connected lobbyists tried to twist which arms, miss the full picture of how interest groups engage today. Lobbying still occurs as a game of checkers between well-connected advocates, but understanding the full picture means looking at the three-dimensional chess matches going on simultaneously.

¹ http://www.epa.gov/airtoxics/boiler/boilerpg.html.
Why Did These Transformations Occur?

Changes in Politics, Technology and Media

Several factors external to the advocacy world caused these transformations. Three major developments are outlined in more detail below. First, the 24-hour news cycle and the explosion of internet-based media sites had a major impact on lobbying. Second, other technological changes provided interest groups the ability to educate and mobilize selected constituencies through micro-targeting. Third, the ongoing process of political polarization in America – particularly among elected elites and ideological sorting by rank-in-file citizens – also had a profound effect on the structure and tactics of lobbying in Washington.\(^3\)

The Fragmented Media Culture

Citizens used to receive the majority of their news about public policy debates in Washington from daily newspapers and network news programs. No more. While those mediums are still important, more and more Americans now rely on web-based or cable news platforms tailored to their ideological persuasions. This last point deserves emphasis. Not only have the number of outlets expanded, but many now include a more explicit ideological and partisan tone.

*Daily Kos, MSNBC, and Huffington Post* keep the political left informed. These outlets are rich environments to advertise for causes trying to shape liberal thinking and activism. They are also places to leak stories, advance new ideas, or shape opinion. On the right, *National Review Online, Fox News*, and *The Drudge Report* are examples of comparable destinations for conservative-leaning citizens and policymakers. Advertising or seeking earned media stories on these platforms is an effective way to shape and influence the thinking of conservative lawmakers and opinion leaders, as well as the mass public who share those ideological leanings.

It is unclear if the fragmented, more ideological media are a cause or consequence of the “Big Sort,” to borrow the title of social scientist Bill Bishop’s book,\(^3\)

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but both liberals and conservatives now have multiple media destinations filled with content that reinforces and provides ammunition for their strongest beliefs. And not only are specialized, ideological outlets emerging, there are a lot of them. Advocacy groups need not only to find ways to cut through the clutter, but more effective ways to reach the people to whom policymakers are listening.

Social media platforms like Facebook and Twitter have become part of this new lobbying toolbox. Many more people not only get their news from these sources, but also pay a lot more attention to issues when the people they “follow” or their “friends” highlight articles or news stories of particular interest. If an organization can engage “advocates” to make their case on these platforms, the results in terms of building support, shaping opinion, and even raising money can be powerful. Successfully influencing these new social media venues can win more support for a particular point of view than an army of high-priced lobbyists buying steak dinners at fancy Washington watering holes.

**Political Polarization and Lobbying**

Partisan polarization also affects lobbying. Thirty years ago, it was not uncommon for a lobbyist to work both sides of the aisle. The caricature of the “good old boy” who hands out campaign checks and knows Republicans as well as Democrats was not a completely inaccurate portrayal. The more polarized world, however, has given birth to a new advocacy institution – the partisan lobbyist.

Lobbyists now rarely work both sides of the aisle. They tend instead to be partisan Democrats or partisan Republicans, much like the institution that they lobby. In other words, partisanship has not only created more polarized lawmakers, it has also created more polarized lobbyists. Firms now flaunt their “strong ties” to Republicans through a set of former staffers or retired Members and the same – using different individuals – among Democrats. Even the “bipartisan lobbying firm” today means a collection of partisan lobbyists, each working their respective teams.

Taken together, these two changes – the new media world and partisan polarization – mean we now live in a world some have called the *permanent campaign*. These new realities have also shaped the lobbying world, influencing the tone and the venues lobbying organizations now seek to influence the policy debate. Republicans want smaller government and lower taxes in this permanent campaign world. So lobbyists now shape messages about, say, tax breaks or spending

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cuts, to those who now hold those partisan views. “Republicans are the party of lower taxes,” so support reducing taxes on this industry or that. Similarly, Democrats are inclined to use federal government policy decisions to help interests they feel are advancing liberal causes. Take green energy. If tax incentives can help advance broader utilization and development of renewable energy, Democrats would support.

Lobbyists now also tie their messages to the partisan predisposition of lawmakers. For example, allowing a coastal state to control decisions related to exploration for natural gas offshore might be pitched to a Republican as a “states rights” issue and to a Democrat as a “clean energy investment.” Tying lobbying messages and objectives to a political party’s macro themes and goals is a new development in today’s highly polarized environment. And lobbyists who recognize this new reality usually end up winning the debate. In the fragmented media environment and a more polarized campaign context, traditional lobbying no longer has the same impact. Modern campaign tactics provide the tools to adapt to this new set of circumstances.

### Technological Change and Lobbying – Digital Advocacy

If a fragmented media culture and partisan polarization provided the motivation to change the institutions and tactics of lobbying, technological evolution offered a method to respond to this new world. Digital technology has transformed the practice of lobbying. Not only can advocates use websites as platforms to recruit volunteers and transmit policy ideas, technology allows interest group representatives to target those most interested and affected by the message of a particular cause. Technology has also changed the advocacy-advertising world so integral to modern lobbying. Gone are the days when an interest group could only communicate to national policy elites through advertising in newspapers like the New York Times or weeklies like Newsweek or Time.

Today’s advocates can instead utilize a host of digital platforms and focus ads based on geography, search history, or other forms of behavioral targeting. Using these techniques makes policy persuasion more effective and efficient than in the past. If an advertiser wants to target advertising to congressional staff,

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Washington lobbyist, or voters in a particular congressional district, it can be done at a fraction of the cost and without wasting the time of non-target eyeballs. The integration of advertising and lobbying is another major change in the advocacy world. Thirty years ago an interest group would more than likely hire a well-connected lobbyist to work quietly behind the scenes to secure a favorable outcome in the legislative or regulatory world. Today, an interest group that did not include advocacy advertising as part of its strategy should be charged with lobbying malpractice.

This is especially true given the explosion of digital advertising and mobile devices. Web-based advocacy advertising is a tool used not only in traditional persuasion. It is currently being used as a mobilizing and organizing tool to recruit volunteers as well. Services that can provide an ad on a website and then use the click-through information as a way to educate and organize armies of grassroots voices is something that was not envisioned a decade ago. But as these applications have proven successful for raising money, mobilizing volunteers, and persuading citizens to take action, they are finding quick adoption in the lobbying world. Firms specializing in digital advocacy like New Frontier Strategies and Engage are springing up around Washington. Similarly, traditional advertising firms are now also moving into these areas. The lobbyists at the largest and most sophisticated interests in Washington, like Boeing, The American Petroleum Institute, and various healthcare examples, utilize these services to maximize their chances of success in the competition of ideas.

Others Tools of Modern Lobbying

The toolbox of modern lobby is broad and expanding beyond the digital advocacy examples outlined above. For instance, modern advocacy is increasingly relying on research products to undergird lobbying campaigns. The more sophisticated governmental relations departments within corporations, unions, or trade associations now include in-house policy departments, personnel that can project the number of jobs a bill or regulation will impact or how a policy will affect a company’s taxes or exports. These “experts” are now routinely integrated into lobbying campaigns and attend meetings at regulatory agencies, on Capitol Hill, or serve as expert witnesses at hearings.

The Washington DC-based Glover Park Group’s website underscores this point: “Substantive expertise and research forms the core of all of our work, and our senior talent is involved in all of our accounts.” Firms ranging from health insurers like United Health Group to major oil companies like Chevron and telecommunications leaders like AT&T – as well as many major trade associations like the American Medical Association, the American Hospital Association, and the American Petroleum Institute – also employ policy experts in-house to support their lobbying campaigns. Entire firms have sprung up in the last two decades that do nothing but provide third-party budget or regulatory analyses to help support or oppose public policy initiatives. These firms can help arm lobbyists with the information to support lobbying campaigns, data that can both help persuade policymakers and also turn them into advocates for an interest groups’ cause.

The Lewin Group in Washington is an example of a firm like this in the health policy arena. This company is widely used by health provider groups and pharmaceutical companies to estimate the changes in public policy on federal budgets and public payment programs. Major accounting firms like Price Waterhouse provide a similar service with respect to tax policy. These firms are more than green-eye-shade accountants. They often employ policy analysts and former congressional or executive branch staff with a deep knowledge of policy and politics. These individuals work side-by-side with the on-the-ground lobbyists to shape policy, legislative language, or regulatory options that end up shaping the solutions advocated by public officials. They provide the intellectual sustenance others in the lobbying world use to feed the policy process.

Some of the public affairs firms that sprung up over the past decade integrate all these disciplines. One such entity is the Glover Park Group. Its website sums up this integration philosophy well in describing its staff: “We hire the brightest people we know from the widest range of backgrounds: advertising agencies, PR firms, corporations, non-profits, think tanks, government and political campaigns, and galvanize them with the opportunity to think big and to think better.” This is quite a different set of hiring criteria than the stereotype of Washington lobbying might suggest. But it does represent the new world order in advocacy.

Grassroots organizing is another essential tool in today’s lobbying world. An interest group can spend unlimited dollars on this kind of advocacy. None

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of it is reported; none of it is regulated. Part of the reason for this is because of what grassroots firms do. They mobilize citizens for lobbying – arming them with information like who to contact, what to say, and when to do it. The employees of grassroots firms do not lobby directly – but they do lobby. One of the most successful firms in this space is the DCI group. Its website sums up its approach to lobbying: “DCI Group gets people involved in public issues. For our clients, we help craft the right messages around their issues; we mobilize friends and constituents to help deliver the messages; and we ensure the desired policy-makers hear them. We help you win by getting others involved.”

What Does It All Mean?

These changes in the world of lobbying imply several important conclusions for those who follow and want to understand American politics, so this essay concludes with a few observations about the future of lobbying. The key point is the reciprocal effects of the new lobbying: bigger government means more lobbyists, and more lobbyists means bigger government. If you are one who desires fewer lobbyists, the future will likely disappoint you.

This will be the case, of course, as long as government continues to grow along its current trajectory. One pattern is likely to endure: increasing the size and complexity of government will produce more lobbyists. The Washington lobbying establishment – to adapt a theme from Morris Fiorina’s book, Congress: Keystone of the Washington Establishment – grows in direct proportion to the size and complexity of the federal government. The more rules, laws, regulations, and other activities in which Congress, regulatory agencies, and even advocacy groups engage, the more interest groups and other organizations need to respond. They reply by hiring lobbyists.

Their reply can take several forms. It might mean a corporation deciding it needs to start a Washington office, hiring a team of professionals to manage government affairs for the business. Or perhaps an organization decides to hire an outside lobbying firm to provide political intelligence and lobbying support. But again, these examples of direct traditional lobbying are only part of the puzzle. With the threat of increased activism in the public policy arena, many groups

today would expand their lobbying by engaging in advocacy advertising on television, radio, print, and digital platforms, hire polling and focus groups to craft the right message, or deploy grassroots specialists to mobilize voices outside of Washington. Interest groups or coalitions might even hire a “campaign manager” to coordinate all of these lobbying activities.

And keep in mind that there are usually at least two sides to every legislative or regulatory battle. Public policy is often a zero-sum game. One side’s win is usually another group’s loss. If ethanol producers win a concession to include more of their product in gasoline, it means that oil companies must blend more of their product with ethanol – thereby selling less refined gasoline product. If cable companies are granted a regulatory change reducing their costs or flexibility in providing Internet service, their competitors in the telephone industry will seek parity. If a healthcare provider is able to boost its reimbursements from the federal government, policymakers will often “pay for” this additional spending by cutting the reimbursements to other healthcare providers.

The zero-sum nature of public policy creates a lobbying arms race. If one side in any of the policy/regulatory battles outlined above decides to expand its “lobbying” activities – either for a short-term battle or over the longer term trying to gain a strategic advantage – its competitors will respond. This creates a cycle of growth for all the lobbying activities described above. It also results in interests groups choosing and experimenting with the newest lobbying tools. Individuals who manage government relations for corporations, unions, trade associations, or other advocacy groups – just like political campaign managers – are always looking for the newest and most impactful tools to maintain an advantage over their competitors.

In short, competition in the lobbying marketplace, stimulated by the demand of new policy threats and opportunities, as well as the evolution of new lobbying tools and individuals, will steadily increase the supply of lobbyists and lobbying activities. Bigger government facilitates lobbying growth. But there is also a reciprocal effect. Once lobbying organizations form – and even after their initial mission is accomplished – these entities and individuals look for new projects. So they urge Congress or executive branch officials to take on new activities: introduce bills, hold hearings, and promulgate regulations. Taken together, these activities facilitate more government. Just as Fiorina argued in his book over 35 years ago – in which Congress facilitates governmental growth – the exploding number of lobbyists and lobbying organizations over the past decades are accomplices in the process. More lobbyists produce bigger government.
Regulating the Advocacy World: What Works and What Doesn’t?

Regulating lobbying – like regulating money in politics – is a complicated and frustrating endeavor. First of all, the current regime only touches a small part of what constitutes the practice of advocacy. As described above, modern lobbying includes many dimensions. If we define lobbying as attempts by private groups or individuals to shape public policy outcomes, we can now see that advocacy – like autos – comes in many shapes, sizes, costs, and reliabilities. Today’s advocacy environment is not a black and white world.

Yet unless one is engaged in direct advocacy and doing so for a substantial percent of his or her time, and on a specific piece of legislation, the current rules do not even require a person to “register” as a lobbyist. One of the worst-kept secrets in Washington is that hundreds, if not thousands, of well-connected Washington insiders engage in “lobbying” everyday, but never register as lobbyists because they do not meet all of the legal requirement set forth in current law. These “non-lobbyist” lobbyists are only one of the reasons we do not see the full picture of the lobbying enterprise.

Lobbying – like money in politics – is also hard to regulate because the First Amendment protects it. US citizens have the right to petition their government for the redress of grievances. This right applies to everyone – the CEO, the Union president, the gas station attendant, or the registered lobbyist. Everyone enjoys that freedom. But most do not do it as a fulltime job. And some hire people to help them exercise this right. Lobbying regulations attempt to find a balance between those who exercise this right more regularly than others. If you are a realtor and you come to Washington to advocate maintaining the home mortgage deduction, you do not register as a lobbyist. But if you represent the real estate industry and spend the majority of your time lobbying on maintaining the deduction, you do.

Second, these registration gaps and distinctions apply to more than just direct lobbying. There are thousands of others engaged in other forms of advocacy – like those outlined in the previous section – that also do not register. The pollster or expert on focus groups who is helping shape a lobbying message, the creative director, grassroots operatives, and mail vendors: all of these individuals are engaged in the world of advocacy. They are shaping and influencing public policy outcomes. Requiring only those engaged in direct lobbying to register is like only counting quarterbacks as part of the football team.

Following the 2012 presidential elections, where outside groups and candidates spent record sums of money to shape the outcome, many asked the question: Was all the money worth it? Or put another way, what worked and what did not? If I can make one prediction about the future of lobbying, it is this: the world of advocacy will include a new level of accountability in the future. Just as the next phase of political campaigns will demand increased measurements about what works in terms of get-out-the-vote, persuasion, or the effectiveness of advertisements, lobbyists in the future will have to show how their tactics work (or do not).

This new level of accountability will occur for two reasons: competition and technology. The number of lobbyists will continue to grow, or at least the number of individuals engaged in lobbying activities certainly will. And the level of technology as applied to lobbying will continue to evolve and become more sophisticated. Taken together, these two trends will heighten the level of accountability and those engaged in lobbying will have to produce measureable results to those who hire them.

**Conclusion**

In sum, lobbying in American government is widely misunderstood. We can better understand advocacy and its role in American government by pulling back the lens and taking a wider view. Some might argue that the reason lobbying is a bigger enterprise than previously thought is because of my broader definition – that these “other forms of lobbying” have also been around for decades. They might further say that defining a pollster or an advertising executive as lobbyists is inaccurate.

Here is what’s different. The amount of work advertisers, pollsters, or researchers do in the lobbying world today, compared to thirty years ago is fundamentally different and more extensive. These vocations were certainly around 30 years ago, but they were not engaged in trying to extend tax breaks, alter Medicare reimbursement, or pass new environmental regulations. Today they are all part of the enterprise of lobbying in Washington, trying to influence public policy just as much as the traditional shoe-leather lobbyist. Timothy LaPira, a political scientist at James Madison was recently quoted in an article in *Roll Call* discussing the gaps in lobbying registration regulations saying, “The consequence – intended or not – is that we now have less transparency about what most people would think of as lobbying influence, not more.”

But expanding the roster of players engaged in the advocacy enterprise is only part of the puzzle. Lobbying is also misunderstood because it has rapidly changed in the last thirty years through transformations in politics, media, and technology. Lobbying in America will continue to grow as long as the size and scope of the federal government continue on its current trajectory. Moreover, it will continue to operate in the shadows because the way it is regulated only captures a small part of the advocacy world. Yet as it continues to grow and becomes more technologically oriented, a new accountability will emerge – purging ineffective and inefficient actors – through market forces and competition.

The 2012 Obama campaign set a new standard for sophistication using research, experiments, and digital targeting tools. After the election, some of the President’s staff decided to transfer their talents and skills to the advocacy and lobbying world. On January 15th, 2013, Mike Allen of Politico provided yet another example of the trends in campaign-style advocacy. Writing in The Playbook, Allen announced: “Mitch Steward, former Obama for America battleground states director and, and Jeremy Bird, former Obama for America national field director, are starting a new grassroots organizing firm – called 270 Strategies (270 electoral votes to win) – to help clients build people-centered, data-driven, digitally-sophisticated campaigns by apply the historic Obama organizing model to campaigns of any kind.”

This is the new face of lobbying. It blurs the line between traditional campaign work and policy advocacy. It reflects the partisanship of our polarized age. It is digitally sophisticated as well as research-driven. And it can use highly motivated, targeted voices to supplement or in some cases even supplant the shoe-leather of the traditional Washington lobbyist. These new faces are becoming more familiar and powerful by the day. And those who study advocacy need to recognize this new portrait if they want to move beyond caricatures and understand how lobbying in America really works.

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