

Chapter 7

Exploiting Information Power: Rules for Inside, Outside, and Grass-roots Lobbying

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1. What You Will Learn in This Chapter

What You Will Learn

In this chapter you will learn --

1. How to make messages credible to policy makers.
2. How to make messages motivational to citizens and group members.
3. How “dark side” lobbying works including soft lobbying, Astro-turf lobbying, and signal jamming.
4. Practical tips for effective direct, indirect, and grass-roots lobbying.

Key Concepts

Signaling Theory

Asymmetric Information

Private Information

Message credibility

Zero-sum situation

Negative-sum situation

Positive-sum situation

Verifiable information

Source credibility

“Nixon Goes to China” Principle

Pain Principle

Separating Equilibrium

Attention Escalation Scenario

Opinion Conversion Scenario

Message saturation

FLAGS

Soft Lobbying

Signal jamming

Astro-turf lobbying

Escalation dominance

2. Pathway One: Inside Lobbying and Message Credibility

In Chapter 6, I argued that the big issue in inside lobbying is *effective messages* since (almost by definition) the inside lobbyist has access to the policy maker, via a meeting, a hearing, a formal communication process, a telephone call, and so on. (Though, when we consider practical tips for lobbying, exposure remains an issue.) Given access to policy makers, what arguments do advocates actually make? What arguments *should* they make – what arguments are likely to prove effective?

//more on access: add material on revolving door lobbyists as access specialists, the Blanes et al AER study, the La Pira et al study Two Worlds of Lobbying. Possibly Magliocetti as mini case of revolving door//

The Arguments Advocates Actually Make

What arguments do advocates make, and what arguments seem to work?

There are terrific questions and it would be wonderful to have hard empirical evidence about them.¹ Unfortunately, by their very nature they are tough to answer and there is little systematic evidence that can be brought to bear. However, one exception is an imaginative study by political sociologist Paul Burstein.² It is rather special but nonetheless intriguing. //ADD Nownes & Newmark survey//

To study advocacy and public policy, Burstein selected a random sample of 60 bills proposed in the 101st Congress (1989-90). He then identified precursor bills with the same proposal, back to the initial introduction of the proposal, as well as successor bills with that proposal, up to the proposal's enactment or abandonment. This yielded 60 policy proposals in a wide range of areas, ranging from the very modest to very important. He then identified all congressional hearings on the proposals. Some 27 of the proposals received at least one public hearing but some received multiple hearings, yielding 66 hearings. Burstein then content-analyzed the testimony in the hearings, examining the arguments made by proponents and opponents. He also examined the fate of the proposals and related this to the patterns of advocacy in the hearings.

Obviously, congressional hearings are a very special forum for advocacy. First, they are public and on the record. So we would not expect to see certain kinds of arguments – threats, bribes, slanderous statements that could lead to litigation, revelation of trade secrets, and so on. Second, proposals that make it as far as a hearing are special: at least some important policy makers are interested. In fact,

¹ For a review of empirical evidence on persuasion in a variety of economic settings with very brief attention to voters, see Stefano DellaVigna and Matthew Gentzkow, "Persuasion: Empirical Evidence," *Annual Review of Economics* 2:642-669 (2010).

² Paul Burstein and C. Elizabeth Hirsh, "Interest Organizations, Information, and Policy Innovation in the US Congress." *Sociological Forum*. Vol. 22. No. 2. Blackwell Publishing Ltd, 2007. The study is also part of Burstein's excellent book *American Public Opinion, Advocacy, and Policy in Congress: What the Public Wants and What It Gets*. Cambridge University Press, 2014.

insider accounts suggest that hearings are sometimes lobbying efforts themselves.³ Third, congressmen are special policy makers, largely because of their district-specific electoral connection. As a result, congressmen think differently from agency heads, regulators, judges, and chief executives, and the arguments made to them may be tailored to their peculiar orientation. Finally, we can be sure lots more was going on behind the scenes, perhaps including indirect lobbying. So to attribute success or failure of a proposal to the arguments made in the hearing is a huge stretch. With these caveats, however, Burstein's evidence is very interesting and to the best of my knowledge unprecedented.⁴

Several findings from Burstein's study stand out.

- *Supporters and opponents make their cases differently.* In particular, supporters emphasize how important the problem is, and also argue that the proposed solution will be effective. Burstein finds that "opponents seem to concede the problem's importance – only 20% mention it. What they attack is the proposed solution: close to four-fifths claim it would be ineffective or have an effect that would be the opposite of that claimed by supporters." (pp. 188-189).
- *Neither supporters nor opponents present much systematic "hard" evidence* – scientific studies or plausible quantitative evidence. "Only 16% of witnesses making claims about the importance of the problem rely on research, and only 12% of those discussing the effectiveness of the proposed solution do." Reasoning-by-analogy is also rather rare. Instead, the most frequently employed evidence is anecdotes. A partial exception is executive branch officials, who often use statistics and studies to buttress their case.
- *Supporters and opponents use evidence – including anecdotes – quite differently.* Recall that supporters often argue that the problem is important. When they make that argument, about 75% of time they offer at least some evidence, for instance, the number of people affected. They offer evidence about the effectiveness of their preferred proposal much less often – only 27% of time. Since anecdotes count as evidence, this statistic suggests that almost three-quarters of the time proponents simply assert the effectiveness of their favored proposal.

Opponents, on the other hand, tend to argue that the proposed solution to the problem won't work. When they make that argument, they offer at least some evidence to that effect about 60% of the time.

- *Advocates rarely make public arguments about the electoral or political advantage to congressmen from their proposal.* That is, if one does not count "lots of people are affected" which can be interpreted as an electorally-oriented argument. Also, about 15% mention how large their group is, which you can see as an electorally-oriented argument. However, only

³ Henry Waxman's remarkable memoir, *The Waxman Report: How Congress Works*, (Twelve Publisher 2010) is a master class in how to use congressional hearings to publicize an issue and push a legislative proposal forward.

⁴ A valuable complimentary study of a random sample of proposals on which lobbying took place is Baumgartner, Frank R., et al. *Lobbying and policy change: Who wins, who loses, and why*. University of Chicago Press, 2009.

about 2% of all advocates explicitly discussed potential political action by their members in response to congressional action. This low number holds across most types of groups.

Finally, Burstein ran some statistical models relating advocacy to the outcome of proposals. Without going into the statistical details, the highlights are:

- *The likelihood of enactment is correlated positively with proponent arguments that the proposal will work, negatively correlated with opponent's arguments that the proposal won't work, and correlated with the amount of evidence brought to bear by the advocates. Arguments about the importance of the issue don't correlate with proposal success.*

Several comments are in order. The first concerns the prominence of anecdotes in this kind of advocacy. Social scientists, policy analysts, and lawyers may be dismayed to see this finding since they are trained to rely on logic and evidence in argumentation. But the reliance on anecdotes may simply reflect a lack of better evidence in many emerging policy problems. Consider the frequent use of hard evidence by government officials, who have access to data and studies but could ignore them in favor of anecdotes if they wanted to. They don't. It's true that a memorable story can resonate and provide great cover for politicians, but the finding that the volume of evidence is correlated with success is at least consistent with the notion that better evidence and more evidence matters.

Second, the absence of naked arguments about electoral advantage may be surprising. This absence may reflect a norm that policy-making shouldn't appear too self-serving. Everything we know about congressmen suggests they calculate electoral effects very, very carefully.⁵ But in many of the policies considered by Burstein, there probably weren't prominent electoral consequences for most congressmen. We tend to focus on blockbuster pieces of legislation and huge policy controversies but much policy making is (to put it charitably) obscure and specialized. Studies using random samples of bills bring this out.

Finally, the lack of issue importance in predicting enactment has many possible interpretations. For one, proposals that receive hearings have already met a threshold of importance. Maybe that's enough. Also, more important problems may engender more support but also more opposition. So selection effects may be at work.

//add a section on empirical evidence whether inside lobbying works. Maybe add a mini-case from Ainsworth & Monaghan 2016 //

Making Messages Credible: Signaling Theory

Let's turn from the arguments advocates actually make to arguments that could work. Here, message credibility has received a huge amount of attention from social scientists and is a central theme in modern Signaling Theory. (Michael Spence shared the 2001 Nobel Prize for his theoretical contributions to this topic). I'll explain the main points in modern Signaling Theory, then we'll consider how to make

⁵ Arnold, LOCA

Signaling Theory work for you. Some of this material is a bit subtle so you may need to review it several times.

Signaling Theory: The Basics

The starting point is, the lobbyist – call her the *sender* – knows something that another person, the policy maker – call her the *receiver* – does not. So, this is a case of information asymmetry. Obviously, without a degree of information asymmetry there isn't anything to communicate.

Asymmetric information – Information held by one party that is not known to another. The information held by the first party is said to be “private information” for that first party.

Here are some examples of information asymmetries:

- An employer knows the consequences of a policy for his firm (e.g., the hospital will lay off workers)
- A lobbyist has a poll of district opinion
- A group leader knows the intensity of member preferences
- A policy expert knows the cost of implementing a proposal

The following point is extremely important: *sender and receiver must have a degree of interest in common for communication to work*. For example, suppose if a certain fact is true, then it is in the interest of the policy maker (receiver) to take an action, and it is also in the interest of the lobbyist (sender) if the policy maker takes this action. Much of the action in Burstein's congressional hearings is an attempt by witnesses to persuade congressmen that a particular policy proposal is in both their interests (“Sure, this policy will help me but it will also help a lot of other people and thus benefit you” or conversely “This policy won't work and thus will not benefit anyone including you.”)

Suppose, on the contrary, the interests of the sender and receiver are perfectly opposed to one another. So a gain for one party comes only from an equivalent loss for the other. This is called a “zero-sum” situation because gains for one imply losses for the other which, if added together, equal zero. Party A will only be willing to communicate information that helps A not B (since a gain for B is a loss for A). But that means B should not listen to any information communicated by A since if it helps A it must hurt B. In this situation, there is no room for meaningful communication.

We are all familiar with zero-sum situations because competitive sports, which pit one person or team against another, are zero-sum. Political campaigns in the U.S., with its first-past-the-post electoral system, are also zero sum situations. Sometimes policy making is as well, for instance, if you win the defense contract or taxi franchise I cannot. (In fact, some kinds of rent-seeking are *negative sum*, so the sum of gains and losses is actually negative). But despite the political polarization that has infected American political elites, many situations in policy making are *not* zero-sum. There are at least potential gains that could benefit both sides, in other words, policy making can be *positive-sum*. For instance, public health measures benefiting the poor can also benefit the rich who must foot the bill, because safe

water, sanitation, and clean air prevent terrible epidemics and nasty environmental illnesses that affect the rich as well as the poor.⁶ In a positive-sum situation with information asymmetries, meaningful communication is at least a possibility.⁷

But just because there are potential gains for both parties does not mean that communication is unproblematic, as it would be if the interests of the two sides were perfectly aligned. For instance, there might be a policy that would benefit both sender/lobbyist and receiver/policy maker, which receiver/policy maker would implement if she knew a certain fact to be true. But there might be another policy that benefits sender even more, though it hurts receiver, which receiver would choose if she believed something else. Or, perhaps the policy always benefits sender but only benefits receiver if certain facts are true. Under these circumstances, how can the receiver/policymaker believe what the sender/lobbyist communicates, since sender may just be trying to manipulate receiver into choosing the “wrong” policy? In fact, if sender could do this, she would! So again, it appears that communication will fail even though there are potential gains to both sides.

Let’s take infra-structure spending as a concrete example (sorry about that). If a proposed infrastructure project actually benefits the economy, it is good for most people. For instance, if many heavily used bridges are about to fall down, spending for bridge maintenance and construction would be a great idea. But if bridges are actually in pretty good shape, or a proposed piece of infrastructure won’t actually boost the economy, then a big spending plan may not be a good idea. A modest plan would suffice. But regardless of the social value of the projects, cement manufacturers, civil engineers, construction companies, and many labor unions always benefit from infrastructure spending. Suppose civil engineers actually have a pretty good sense of the state of the nation’s bridges – they have “private information” about it so there is an information asymmetry. If they recommend big spending on bridges, how can policy makers believe them since it’s always in their interest to make this recommendation regardless of the true state of the bridges?

The trick is for sender to employ a message that cannot be the “bad” message leading to the selection of the “wrong” policy but can *only* be the “good” message leading to the selection of the mutually beneficial policy. So, in the infrastructure case, the civil engineers need a message that says “bridges are in bad shape” only if the bridges actually *are* in bad shape. To put it another way, the meaning of the message must be “select this policy because it is good for you”; if believed this message must lead the policy maker to select the mutually beneficial policy and not a policy that is worse for sender; and the message must in fact be *credible* to the policy maker.

So, the gist of the problem boils down to: Can the sender/lobbyist find a credible message – one the policy maker must believe to be true – that leads the receiver/policy maker to select a policy with

⁶ The intersection of this argument with race in America is a fascinating story, see Werner Troesken, *Water, Race, and Disease*. MIT Press, 2004. You might ask yourself, if safe drinking water is in everyone’s interest, what explains the Flint Michigan water scandal and the high lead levels in many other municipalities’ drinking water?

⁷ A defining feature of Marxism is that it views class interests as zero-sum. This implies there can’t be meaningful communication across the classes. My assertion that policy can be positive sum reveals I am not a Marxist.

mutual gains? Let's focus in on how to make messages credible to policy makers. Using Signaling Theory, I'll discuss four devices:

- Verifiable Information
- Source Credibility
- The Nixon-Goes-To-China (NGTC) Principle
- The Pain Principle

Credible Messages

The most obvious way to make a message credible is to make it verifiable (and verified!). Verifiable information is the sort of information one could present in a court of law – certifiable facts that can be checked or even better, certified facts that have been checked.

Verifiable Information: Verifiable information is information that the receiver can check and, with a high degree of assurance, discover to be actually true.

If a lobbyist can use verifiable information, it seems like a good choice because it is so credible. In addition, the lobbyist may wish to make the verifiable information easy to verify.

Take the civil engineers again. Can they produce readily verifiable information that U.S. bridges, dams, highways, airports, rail roads, water supplies, sewage systems, and electric grids are in bad shape? Possibly yes: they would need a high-quality scientific study with verifiable information showing this to be true. For instance, one could imagine a simple scoring system applied to the nation's major bridges, published on the web for each bridge with photographs showing the deterioration. Ideally, this should be organized by congressional district so congressmen and their constituents could drive over and see, sure enough, this bridge is pretty badly corroded, falling apart, and likely to fail.

The big question for policy makers when confronted with verifiable/verified information is: What's been left out? I see what he's telling me, but what is he *not* telling me? ⁸ Suppose, for example, the civil engineers' report comes in with iron-clad verified facts about the desirability of spending on bridges, dams, freight rail systems, and the electric power grid. But, the report is silent about high-speed passenger rail outside of the Boston-Washington corridor. What should the policy maker believe about the value of spending on high-speed passenger rail outside of the dense north-east corridor?

The frequent failure of advocates in Burstein's study to use verifiable information rather than anecdotes suggests they don't have much verifiable information to offer. (This is probably more plausible than, they have the information but it came out the "wrong" way so they suppressed it.) Oft-times verifiable information is hard to come by and quite expensive to acquire. Perhaps not surprisingly, many advocates don't have it. Recall the example of airline deregulation: without the verifiable, demonstration effect from Southwest Airlines and Pacific Southwest Airlines, what actual verifiable information about the price effects of deregulation could proponents of deregulation produce? None.

⁸ A relatively non-technical introduction to strategic situations like this is Paul Milgrom, "What the Seller Won't Tell You: Persuasion and Disclosure in Markets." *The Journal of Economic Perspectives* 22.2 (2008): 115-131.

Suppose verifiable information is too expensive or just impossible to acquire – what then? How can a sender/lobbyist make non-verifiable information credible to the receiver/policy-maker?

One way employs *source credibility*. Suppose there is an authority with strong incentives to communicate only true information. If this knowledgeable authority provides a message, the policy maker should believe it even if the information isn't verifiable *ex ante*. As a non-political example, the magazine *Consumer Reports* cultivates a reputation for honesty and independence in its product evaluations. If it were ever revealed that the magazine took money to recommend a product, its reputation would be severely damaged and its position in the market degraded or destroyed. So, the magazine doesn't even accept ads from companies. One might compare this with bond rating agencies whose fees come from the governments or companies issuing debt.⁹ Groups like the League of Women's Voters try to cultivate a reputation for nonpartisanship in electoral politics.

Interestingly, source credibility in politics does not require independence or neutrality. For instance, an *endorsement* by a biased authority – say, a newspaper with a known political slant – may be fine if the policy maker shares the same bias. In this situation, the policy maker can just take the advice of a knowledgeable endorser because she knows that, if fully informed, she would do what the endorser recommends anyway.¹⁰ Interest groups take advantage of source credibility when they endorse “friends” or un-endorse (as it were) “enemies.”

Consider the civil engineers and their report on American infrastructure. Suppose the engineers produce a report that says U.S. infrastructure is in bad shape (perhaps with verifiable information), and then recommend that the best solution to the problem is a program of massive public spending on infrastructure. The severity of the problem may be verifiable but the “best solution” surely isn't. Suppose a conservative policy maker turns to a knowledgeable source whose biases are similar to his, say, a Wall Street investment bank. The experts at the firm say, “There certainly is a huge problem, but the correct solution isn't a big government expenditure program. Rather, the best solution is to privatize as much infrastructure as possible and then let markets solve the problem.” (Remember the earlier discussion of toll roads and the tragedy of the commons). The investment banking firm has a huge bias in this recommendation since it stands to make little money from a government expenditure program but vast sums from helping to issue debt to fund privatized infrastructure. Still, if the policy maker shares the bias of the investment bankers, he can follow their advice without worrying that this policy too involves unverifiable information.

⁹ For an overview of the problematic incentive effects and recent government responses, see Council on Foreign Relations (staff), “Background Report on the Credit Rating Controversy,” February 19 2015 <http://www.cfr.org/financial-crises/credit-rating-controversy/p22328>

¹⁰ A famous finding in signaling theory is that the closer the interests of the sender and receiver, the finer grained the information that can be conveyed credibly (the original – and quite difficult – paper is . It isn't clear (to me) this finding has much practical relevance in the settings we are considering. The theoretical finding derives from the famous paper Crawford and Sobel. A paper considering endorsements is Lupia.

Surprisingly, messages from a biased source whose bias is quite different from one's own can also be informative – if the biased source produces an unexpected recommendation. Sometimes this idea goes under the rubric of the *Nixon-Goes-to-China Principle*.¹¹

Let me explain the colorful name. Throughout most of his career, Richard Nixon was a near-fanatical anti-communist. In an early Senate campaign he ran against Rep. Helen Gahagan Douglas by smearing her as “the Pink Lady,” “pink right down to her underwear,” and possibly a dangerous fellow-traveler. No one was more vociferous or more consistent in his opposition to communism. How surprising it was, then, when President Richard Nixon traveled to “Red China,” shook Mao's hand, and opened diplomatic ties! Now, what should one believe about the desirability of opening ties with Communist China *if Richard Nixon favors it*? The answer is: If an extreme anti-communist like Nixon favors this policy, then anyone less fanatical should also support it – which means, it's got to be time (or past time) to open relations with China. Thus, unexpected information from a biased source can be quite informative.

Consider the civil engineers again. Suppose the engineers bring in their report advocating huge expenditures on infrastructure. But then Grover Norquist weighs in. Norquist is a fanatical anti-tax advocate and proponent of an inflexible “starve the beast” theory of revenues: he has never met a government dollar he likes. If Norquist opposed the proposal, this would be entirely consistent and not informative (unless you too are a starve-the-beast type). But imagine if Norquist endorsed the engineer's report! If an anti-government extremist like Grover Norquist believes it's time for government spending on infrastructure ... You get the idea.

Finally, we come to the last method for making messages credible: the Pain Principle (this is the idea that earned Spence the Nobel Prize). Here's the basic idea. Suppose the marginal pain of taking an action is correlated with private information. For instance, demonstrating is always costly but if I am angry and inflamed I will be willing to protest anyway; but if I am not very engaged, I won't bother to show up. What should an observer believe about my feelings if I protest? What should they believe if I don't protest? In a case like this, the willingness to bear pain becomes the message – which says, I really care. When the marginal cost of sending the signal is correlated with private information and people with different information take different actions, the result is a so-called *separating equilibrium*. In some sense, the sheep separate from the goats and an observer can tell which is which. In the presence of a separating equilibrium, the receiver can make some inferences about the private information.

Probably the most important venue for the Pain Principle in politics is mass collective action. So we'll return to it when discussing grass-roots lobbying. The opportunities for using it during inside lobbying seem rather restricted to me, but could involve (say) funding very expensive reports and the like. Here the act of “burning money” is the functional message, not the actual content of the report. This is admittedly a bit contrived. But the use of the Pain Principle is central in grass-roots lobbying.

¹¹ The original source of this insight is Randall L. Calvert, “The value of biased information: A rational choice model of political advice.” *The Journal of Politics* 47.02 (1985): 530-555.

Practical Rules for Insider Lobbying

There are excellent how-to books on inside lobbying written by lobbyists or former lobbyists.¹² In addition, there are quite a few short guides on the web.¹³ These resources usually explain how congressmen see the world, the basics of the legislative process, and legal restrictions on lobbying. But they also offer practical rules for insider lobbying gleaned from years of experience in the trenches. I highly recommend these sources for anyone who actually intends to lobby legislators.

Unfortunately, though, the how-to rules typically come across as a hodge-podge of random insights. The reason is, they were acquired purely through experience without any guide from basic principles and frameworks like the Exposure-Impact Model and Signaling Theory. This makes it hard to see the underlying logic of the practical rules. So, let me ransack these compendia of practical rules and re-arrange them into logical categories so you can see how the principles and the practical go together.

I'll use the following categories: Maximize Target Exposure; Find Mutual Interest; Build Information Asymmetries; Exploit Information Power; Enhance Source Credibility; Use Verifiable Information; Win Persuasion Contests; and Present Information Effectively. The last category is a bit distinct from the general principles but worth reviewing anyway. The following are direct quotes or paraphrases from the sources indicated in the preceding two footnotes.

Maximize Target Exposure

- Work closely with key government staff and show them respect and professionalism at all times. Get to know the elected officials, preferably before their election; and do not forget them when they leave office. Be involved in the political process, including fund raising, endorsements and campaign support.
- Fundraising and political contributions matter. OFF-season counts. Politicians need to know you in a positive way. Build year-round relationships with politicians. Contributions count. Lots of small contributions means number of people. Attend political events.
- Meet with staff at least 95% of the time. Staff runs the world!
- Be respectful. Arrive at meetings on time or early.
- Break the barrier. When contacting a legislative office never give a screener a chance to say no. Find out what staff member currently has responsibility for your issue area and get to know him or her.
- Develop and leave a "one-pager" with the policymaker. Indicate how to contact you for follow-up information.

¹² These include: Deanna Gelak, *Lobbying and Advocacy: Winning Strategies, Recommendations, Resources, Ethics and Ongoing Compliance for Lobbyists and Washington Advocates*, The Capitol Net Inc, 2008; Bertram J. Levine, *The Art of Lobbying: Building Trust and Selling Policy*. CQ Press, 2008; and, Stephanie Vance, *The Influence Game: 50 insider Tactics from the Washington DC Lobbying World That Will Get You to Yes*, John Wiley & Sons, 2012. These books repay study.

¹³ Here are a few of the better ones: "Ten Golden Rules of Lobbying," National Educational Association <http://www.nea.org/home/19686.htm> ; Mark Cushing, Presentation at the 2007 NAIA Annual Summit <http://www.silverfallskc.org/16RulesOfEffectiveLobbying.pdf> ; Brittany Wallman, "Superlobbyist Platt's Rules for Successful Lobbying," *Sun Sentinel* October 29 2013 http://articles.sun-sentinel.com/2013-10-29/news/sfl-lobbyist-watch-supperlobbyist-platts-rules-20131029_1_george-platt-lobbyist-watch-baby-platt.

Find Mutual Interest

- Help your legislator understand why your position is important to his or her constituents.
- Always verify each position directly with the policymaker and never take anything or anyone for granted.
- Research things you might have in common with the legislator. Use shared values to create easy, friendly, frequent communication with legislators.
- Legislators will vote because of good arguments, but the real difference is your ability to organize and mobilize a district-based grassroots effort.

Build Information Asymmetries

- In-depth knowledge of subject matter and pertinent procedures are the foundation of success. Know your stuff.
- Understand your issue, the bill you support or oppose, and the legislative process before you approach your legislator. Know who the players are, who decides what, and which issues are hot at the moment.
- Be an expert truly! But try not to show it.

Exploit Information Power

- The secret is the distribution of information to legislators and their constituents. Be prepared to give the legislator information he or she can use, including what you are hearing from other legislators and from people back home.

Enhance Source Credibility

- Be credible, honest and trustworthy. Never threaten, lie or conceal facts.
- Trust is everything. What kills trust is a lack of truthfulness, exaggerations, excessive spin beyond simply framing things positively, and omitting key facts or factors. Always be completely honest, even when its hard. Your word is your bond. Trust is the lifeblood of politics. Its okay to say you don't know if you don't know. Professionally, all you have in the long-term is your reputation and your integrity.
- Never threaten. This goes for subtle or veiled threats as well.
- Always tell the truth.
- Avoid conflicts of interest or the appearance of impropriety.
- Avoid the Scorched Earth approach; never burn bridges with elected officials or other lobbyists.

Use Verifiable Information

- Use outside experts, studies or research to support your client's position.
- Protect the record; use a court reporter when appropriate.¹⁴
- Sound policy is sound politics. Even the best lobbying strategy can't compensate for poor policy. Would it work in the real world?

Win Persuasion Contests

- Carefully analyze the strengths and weaknesses of your competition or opposition.

¹⁴ The point here is to put favorable information on the record so that it becomes verifiable information later on, perhaps in court.

- Inform policymakers of the opposition's position as you communicate your own. They'll hear it anyway so you might as well frame it for them before you shoot it down.
- Understand the opponent's position better than he does! Force yourself to present them in the positive, AND THEN rebut each one! You MUST get inside your opponent's arguments.
- Deal with the downside by addressing the weaknesses of your client's position.

Present Information Effectively

- Always make the politician's job easier, not harder. Make information simple.
- Reduce positions/requests to 60 seconds or one long paragraph. You MUST make your points concise. Have backup available to provide as required or requested.
- USE YOUR BEST PRESENTER – make an effective presentation.
- When possible use a PowerPoint presentation at a hearing. Include hardcopies for all parties present at the hearing including staff.
- Utilize tools such as computer graphics, models, videos, PowerPoint presentations and photos to make your points; simplify your message.
- Know when to stop. Always say thank you.

As you can see, there actually is a logic to the practical advice, mostly driven by Signaling Theory. In a few instances the advice resembles the “persuasion techniques” developed in marketing, e.g., try to establish a feeling of reciprocity.¹⁵ Overall, though, the professional lobbyists look pretty much like applied Signaling Theorists!

3. Pathway Three: Citizen Signaling and Message Credibility

Let's turn to the other pathway ending in the policy maker, Pathway Three in Figure 1 of Chapter 6. This pathway could originate from an elite actor, as in the example of congressional committee members (acting on behalf of a regulated firm) contacting a regulatory agency. But typically the intermediate actor is citizens who engage in “grass-roots lobbying” or citizen-signaling.

We saw that information-based inside lobbying is predicated on the idea that lobbyists credibly convey private information to policy makers, information that then changes (or reinforces) the policy makers' beliefs and hence actions. As we noted, this information is often about the severity of a problem, the efficacy of a solution, and its cost. This type of information is, to a degree, the purview of experts -- if only experts in how unpleasant a problem is, such as disease sufferers.

This raises a question: how can citizen-based grass-roots lobbying work since it relies on conveying private information held by relatively low-information citizens and group members? To put it bluntly, what private information do lofos have?

¹⁵ If you are interested in this, a good place to start is Robert Cialdini, *Influence: The Psychology of Persuasion* Harper Business, revised edition 2006.

Communication Between Citizen-Senders and Policy Makers: What's the Theory?

The answer is fairly obvious: the message conveyed by citizen-signalers is, "We care about this issue and are watching what you do." The task of activists is make this message true and help citizens send it to policy makers in a credible way. This may involve solving collective action problems of the kind we studied earlier. As we will discuss in the next section, it also means saturating citizens with messages that pack a punch for lofos.

But, there is an important subtlety: is the information "we care about this" really private to citizens? Because if it isn't, there's no information asymmetry and no opportunity for communication between citizen-senders and policy makers! In fact, we may be a little skeptical that elected politicians are so ignorant about what citizens care about. Elected politicians like congressmen work like gerbils on speed to understand what their constituents want. So why is any citizen-signaling needed?

There are two scenarios in which citizen-signaling works.

In Scenario 1, the *Attention Escalation Scenario*, the initial reality is that citizens *aren't* paying attention to an issue or public policy, and probably won't. Given this low level of citizen attention, policy makers balance the "public interest" (what's in the interest of the distracted public) against the interests of focused, attentive, organized special interest groups (remember the Interest Group Matrix, especially Client Politics). Not surprisingly, the resulting policy strongly favors the organized and attentive. Thus, the organized special interest group "captures" policy making.

A key step in the Attention Escalation scenario is for someone – group leaders or outside lobbyists – to escalate citizen attention to an issue. The private information held by citizens is then *how much we're really paying attention*. The task for citizen-signalers is to credibly convey the message: our attention is high, it will stay this way, and it will affect our votes unless you act the right way. If "captured" policy-makers believe this message, they will re-calibrate the balance of interests and shift policy in the direction favored by the now-engaged public. An example of this scenario is the case study "Hopping MADD in Hawaii" presented in the next section.

//The essential idea is conveyed (more-or-less) in a famous discussion of the "scope" of political conflict by political scientist E.E. Schattschneider: "The most important strategy of politics is concerned with the scope of conflict." He goes on to say, "It is extremely unlikely that both sides [of a political conflict] will be reinforced equally as the scope of the conflict is doubled or quadrupled or multiplied by a hundred or a thousand." //

In Scenario 2, the *Opinion Conversion Scenario*, the initial reality is that citizens hold a particular belief and policy-makers have calibrated policy to reflect that belief. For example, citizens agree that the Viet Nam War is a good idea, so policy-makers continue to prosecute the war.

The first step in this scenario is for someone – again, group leaders or outside lobbyists – to change citizen's beliefs. The private information held by citizens is then, *what our belief truly is*. And, the trick for citizen-signalers is to prove to policy-makers that citizen beliefs have shifted and are likely to stay

that way. If this message is believed by the responsive policy-makers, they will re-set policy to reflect the new state of public opinion. Arguably, the MELA case provides an example.

When I presented the Exposure-Impact model, I discussed opinion change but put more emphasis on attention escalation. The reason was, escalating attention isn't easy but it is possible; really changing people's minds is darned difficult.

Credible Citizen-Signaling

In either scenario, how can citizen-signalers *credibly* send the necessary message? It is here that the Pain Principle comes into its own. The goal is to undertake a level of costly, somewhat painful public display – letters, marches, telephone calls, attending meetings with the congressman in her district – that creates a separating equilibrium: the message (high attention, new opinion) must be true because that's the only way citizens would engage in this level of painful activity!

Separation using the Pain Principle explains why groups emphasize sending *many* letters to congressmen, not a few highly reasoned ones. It is why groups put so much emphasis on *big* marches and protests, not just well-organized ones. And its why interested parties often exaggerate the magnitude of citizen-signaling.

Example

Falsifying Footage to Make a Protest Appear Bigger

<http://mediamatters.org/mmtv/200911100063>

Discuss the show.

Does Grass-Roots Lobbying Work?

Social science suggests that well-constructed grass-roots campaigns actually work with legislators. Perhaps the most notable study used a field experiment in which some New Hampshire state legislators were randomly selected to receive grass-roots style emails and some were randomly selected to receive no grass-roots style emails.¹⁶ (The campaign aimed at passing anti-smoking legislation). Because of the randomization, we can be sure that the activists weren't simply targeting the most easily swayed (which would make their lobbying appear spuriously effective) nor the toughest nuts to crack (which would make their lobbying appear spuriously ineffective). The number of emails the treated legislators

¹⁶ Bergan, Daniel E. "Does Grassroots Lobbying Work? A Field Experiment Measuring the Effects of an E-mail Lobbying Campaign on Legislative Behavior." *American Politics Research* 37.2 (2009): 327-352.

received was relatively small, e.g., three or so. Nonetheless statistical analysis revealed rather sizeable treatment effects on two key votes (there weren't any effects on procedural votes). In particular, receipt of the emails made a legislator about 20% more likely to vote in the group's preferred direction on the key votes. This is a large effect! Because New Hampshire is not a highly professionalized state legislature, its members may be particularly sensitive to grass-roots lobbying. Also, as usual, one needs to be skeptical about a single study. It would be nice to see the same study repeated in California and half a dozen other states. Still, the results are impressive.

Because grass-roots lobbying actually works, it can create perverse incentives. Let's take a look at so-called Astro-turf lobbying.

Astro-turf Lobbying

Very little collective action is truly spontaneous, for the reasons we studied earlier. When you see a lot of collective action you can be pretty sure, someone got out and *pushed*. So, with citizen-signaling who does the pushing and how does this affect the quality of grass-roots lobbying?

Here, I want to make a distinction between 1) group leaders that represent a mass membership organization, 2) professional lobby shops for hire to the highest bidder ("public affairs" firms), and 3) front groups that purport to represent mass publics but actually are financed by hidden funders with an ideological or financial agenda. All three engage in grass-roots lobbying campaigns but their incentives lead them to act in different ways.

First, leaders of mass membership groups, trade associations, or labor unions have an incentive to further the interests of members. This may be because they have "career concerns" – they want to remain a leader. It may be because they truly share the interests and aspirations of group members (remember MELA). Career concerns and shared aspirations encourage them to: 1) use truthful messages to motivate members, and 2) help their citizen-signalers credibly reveal their private information. These leaders do not want to alienate policy makers or destroy their own reputation by faking grass-roots messages.

What about hired-gun PR firms? (Washington is stuffed full of them.¹⁷) They want to develop a reputation for highly effective action on behalf of clients. But, as an on-going business they also share some of the incentives of professional inside lobbyists. If a policy maker catches a PR firm faking grass-roots messages, the disclosure can be very damaging for the future effectiveness of its efforts with

¹⁷ Top political PR firms, like Edelman, GMMB, Goddard Gunster, Revolution Agency, and Apco Worldwide include grass-roots lobbying as part of their practice, which typically focus on outside lobbying (sometimes they contract with subsidiaries to do the grass-roots work). There are some grass-roots specialists like Locust Street <http://locuststreet.com/> and formerly Bonner & Associates (Bonner & Associates dissolved following an egregious Astro-turf scandal). *The Hill* magazine compiles annual lists of top lobbyists, here is a recent list of top grass-roots lobbyists. Most are associated with particular interest group organizations, trade associations, or unions rather than being strictly rent-a-lobbyists: <http://thehill.com/business-a-lobbying/top-lobbyists/258317-top-lobbyists-2015-grassroots>. For an overview of D.C. political PR firms see Erin Quinn and Chris Young, "D.C. Influencers Spend More on Advertising and PR Than Lobbying," *Time Magazine* January 15, 2015 <http://time.com/3668128/lobbying-advertising-public-relations/>

congressmen. In addition, if a lobby shop develops a reputation for lying to the public in order to whip up public opinion, opponents may be able to use this foul reputation as a weapon in a persuasion contest. Short-term competitive pressures do drive some PR shops to engage in unethical practices.¹⁸ But long-term reputational concerns act as a brake.

None of these arguments apply to a one-shot or short-lived front organization with hidden or obscure financing from wealthy ideologues, corporations, or groups. These organizations face few reputational consequences from supplying low-quality fake or near-fake grass-roots messages to congressmen. And, if misrepresentation to the public successfully provokes citizens, what down-side is there for the hidden funder? None.

The low-quality lobbying I just described goes under the label of “Astro-turf lobbying,” an amusing name that emphasizes the contrast between “fake” grass-roots lobbying and “authentic” grass-roots lobbying. In line with this distinction many people also label the activities of the for-profit PR shops as Astro-turf lobbying, because the citizen-signaling they organize is not “authentically” generated by the leaders and members of a mass membership organization. I disagree, provided the information conveyed to the public is truthful and the citizen-signaling is genuine and high-quality (that is, really uses the Pain Principle to achieve a separating equilibrium). On this account, a business that informs its customers of proposed legislation in a truthful manner and asks them to send letters or make calls to their congressmen is engaged in grass-roots lobbying, not Astro-turf lobbying. Similarly, if a PR firm paid to call citizens informs the callees who paid for the call, tells them the truth about pending legislation, and asks citizens their opinion or to contact their congressman, it is engaged in grass-roots lobbying not Astro-turf lobbying.

Hallmarks of what I would label Astro-turf lobbying are the following:

- The information supplied to the public is false or so incomplete as to be actively misleading
- A portion of the messages sent to the receiver – typically a congressman – are not actually sent by citizens, but faked up by the instigator
- Many of the messages actually sent by citizen-signalers are so heavily subsidized by the instigator that they are uninformative from the perspective of the Pain Principle (so there isn’t really a separating equilibrium)
- The organizing “group” is actually a front organization with hidden or obscure funding which it does not reveal to the citizens it contacts

¹⁸ In 2006, Edelman was forced to apologize for creating a misleading grassroots campaign for Wal-Mart. For the apology see <http://www.edelman.com/p/6-a-m/a-commitment/>. GreenPeace leaked documents concerning an Edelman campaign on behalf of Canadian oil pipeline company TransCanada Corporation, which included aggressive opposition research that some viewed as unethical, see Suzanne Goldenberg “Revealed: Keystone Company’s PR Blitz to Guard Its Backup Plan,” *The Guardian* 18 November 2014 <https://www.theguardian.com/environment/2014/nov/18/revealed-keystone-companys-pr-blitz-to-safeguard-its-backup-plan>. Unauthorized use by Bonner & Associates of other organizations’ letterheads during a grassroots campaign led to congressional hearings and the subsequent demise of that premier grass-roots shop, see Jesse Zwick, “Fake Letter Scandal Keeps Getting Weirder and Weirder,” *The New Republic* August 28 2009 <https://newrepublic.com/article/68837/fake-letter-scandal-keeps-getting-weirder-and-weirder>

- The front organization has a deliberately misleading name like “Americans for Apple Pie and Motherhood” or the like.

Let me explain what I mean about subsidizing messages so heavily that they are uninformative. Here is how it works, as explained by a for-profit grass-roots lobbyist:

We get them on the phone, and while we're on the phone we say, 'Will you write a letter?' 'Sure.' 'Do you have time to write it?' 'Not really.' 'Could we write the letter for you? I could put you on the phone right now with someone who could help you write a letter. Just hold, we have a writer standing by' ... If they're close by we hand-deliver it. We hand-write it out on 'little kitty cat stationary' if it's a little old lady. If it's a business we take it over to be photocopied on someone's letterhead. [We] use different stamps, different envelopes. Getting a pile of personalized letters that have a different look to them is what you want to strive for (quoted in Lyons and Marshall 2004)

Here is another example involving “virtual petitions” in the 1990s:

One of Bonner & Associates' most innovative strategies is what could be described as a "virtual petition." When phone operators find supporters, they fax them letters of support, asking them to sign their name inside a box and fax it back. Bonner's team then scans the signature into a computer and transposes it onto a petition to send to lawmakers -- with the hope of deluding them into thinking it came from a constituent who went door-to-door gathering support.¹⁹

Some signers were later surprised to see their signature in public ads advocating a cause they had not understood, supporting a sponsor they had not understood.

Communications like this are useless for gauging citizen intensity about an issue – or perhaps, if the congressman knew that the messages were generated like this, proof only of a *lack* of interest. In fact, congressmen often check random samples of letters, calling their author and chatting with them a few minutes to gauge the person's actual feelings and opinion. This is an excellent practice.

But consider genuine grass-roots mobilization generated by completely false information. A famous example is the claim publicized by Sarah Palin in 2009 that the Affordable Care Act would create “death panels” that could withhold medical treatment from the elderly or developmentally disabled.²⁰ (The provision in question actually would have provided reimbursement to physicians for consulting with patients about a “living will.”) Though Palin's snappily-phrased claim was widely and quickly debunked, a Pew opinion poll showed that a week later 86% of the public had heard about “death panels,” 30% believed the claim to be true, and another 20% were unsure. A CNN poll found even greater credulity.

¹⁹ Ken Silverstein, “Hello. I’m Calling This Evening to Mislead You,” *Mother Jones* December 1997 <http://www.motherjones.com/politics/1997/11/hello-im-calling-evening-mislead-you>.

²⁰ For a handy and interesting analysis of this episode, see Brendan Nyhan, “Why the “Death Panel” Myth Wouldn’t Die: Misinformation in the Health Care Reform Debate.” *The Forum* 8.1 (2010): 5. Palin did not originate the myth but did give it a catchy name; Nyhan provides a chronology.

Congressmen who received calls and letters about “death panels” knew the claim was far off base – but the anger behind the calls was genuine. How should a congressman respond? In fact the living wills provision of the bill was dropped.

Political scientist Brendan Nyhan suggests that imposing reputation costs for those who create and disseminate policy lies might discourage them. Unfortunately, the source of much misinformation are “paid liars” largely immune to reputation costs.²¹ In fact, it can be a pretty good business to be a paid liar (we’ll discuss “signal jamming” shortly). Still, fact-checkers might be able to lay some stigma and shame on those funding the front organizations.

Once a political lie starts, refuting it is difficult. For one thing, the act of refutation requires repeating the lie, and the sheer repetition makes the lie more memorable for lofos.²² Political lies are “sticky,” in the phrase of political scientist Adam Berinsky. Furthermore, the people most likely to believe the lie are individuals with a compatible political orientation who consume political news.²³ (The lowest-information lofos won’t hear the lie.) But these people won’t believe refutations from sources with the opposite political orientation. In fact, experimental work by Berinsky finds that correcting mistaken beliefs is possible, if the correct information comes from a source with high credibility to the individual with the mistaken beliefs. This implies that a high-credibility liberal source needs to correct liberal lies (not conservative ones) and a high-credibility conservative source needs to correct conservative lies (not liberal ones). (This is yet another example of the Nixon-Goes-to-China Principle). Unfortunately, in a period of extreme elite polarization, this may be asking for too much integrity from American political elites.

Practical Rules for Grass Roots Lobbying

Let me distill some practical lessons for grass-roots-lobbying.

1. Make the Pain Principle work for you.

With grass-roots mobilization – letters, calls, marches, demonstrations – a sufficiently high level of mobilization is essential to achieve the separating equilibrium needed for message credibility. The lower the marginal cost of signaling, the larger the volume of signals needed to achieve separation. So in some sense, *pain is your friend* since higher pain will allow smaller demonstrations to work. Needless to say, you needn’t go to extremes – reducing information costs is important, so telling people where to write or who to call is essential. But hand-written letters are much better than form letters; turnout in bad

²¹ The Ambrose Bierce-style definition of a “press secretary” is “paid liar” – a witticism that can be helpful to remember. But I refer to the originators of clever material like “death panels.” Often they are employees of think tanks or sponsored “research institutes,” or bent academics willing to author shoddy reports for pay. For example, Nyhan traces the death panel canard to Betsey McCaughey, an unsuccessful New York politician and “health policy analyst” employed variously by the Manhattan Institute and Hudson Institute. A trained historian, she enjoyed a lack-luster scholarly career until connecting with conservative foundations as a health care hatchet-person. Sponsorship of such people is part of so-called soft lobbying campaigns, discussed below.

²² See Adam Berinsky, “Rumors and Health Care Reform: Experiments in Political Misinformation.” *British Journal of Political Science* (2015): 1-22.

²³ Nyhan provides a statistical analysis of the CNN poll, showing the death panel believers were more likely to be low information Republicans.

weather is more informative than turnout during fair weather; turnout on weekdays is better than turnout on weekends; and so on.

2. Use all the collective action tricks you can without unduly undermining the Pain Principle.

Many of the techniques for boosting collective action do not reduce the marginal cost of action too much. For example, magnifying the perceived benefits from collective action is particularly helpful. So, for example, increase people's sense of threat. Similarly, boost their belief in the efficacy of action. Utilize altruists who aren't so subject to free-riding. But excessive subsidies for action destroy message credibility.

3. Don't use Astro-turf if your reputation is important to you.

You can get away with faking grass-roots messages for a while. But the reputational cost from being found out is long-lasting and severe.

- Remember: *congressmen aren't fools* – they will often catch on.

At this point, they know all the tricks the Astro-turfers have devised.

4. By the same token, be skeptical of messages organized by front groups who suffer no reputation cost from fakery.

Without a reputational brake on bad behavior, it will be very tempting for advocates – paid or otherwise – to use Astro-turf. Expect it.

- Therefore, *run an independent check on the grass-roots messages generated by one-shot front groups*. Absent independent confirmation, assume a degree of fakery in the messages.

5. Shaming political liars may be a useful part of a persuasion campaign.

It also does democracy a favor (it supplies a public good). Unfortunately, the people who most need shaming are often the least vulnerable to it.

6. When confronted with a political lie that mobilizes grass-roots citizen-signaling, *use the Nixon-Goes-to-China Principle on the liars*.

In other words, try to find an individual from the side *aligned with the liar* whose integrity compels him or her to speak the truth. Then, publicize the unexpected refutation. For example, if the Republican Speaker of the House John Boehner had immediately and publicly refuted Palin's lie, it would have made an impression on Republicans (unfortunately, he went along with it). A statement from liberal icon Senator Elizabeth Warren refuting a damaging but false statement about banks would make a considerable impression on Democrats.

- *Refutation by people opposed to the liars is also helpful* but only in inoculating allies against the lie. It won't do much to those aligned with the liars. But NGTC works on everyone.

4. Pathway Two: Outside Lobbying, Saturation, and Punch

Outside lobbying is more complicated than inside lobbying because it relies on a two-step process. Look back at Figure 1 in Chapter 6. If outside lobbying is to work, both Pathway Two “outside lobbying” and Pathway Three “secondary lobbying” must work. So, “outside” efforts must actually affect the influential, often the public. Then, the influential entity – often citizen-signalers -- must credibly convey information to policy-makers that changes (or reinforces) the policy-makers’ beliefs and hence actions. With citizens as the influential party, the vehicle for conveying information to policy makers may just be opinion polls. But, as we discussed, it is also likely to be telephone calls, emails, letters, rallies and marches, attendance at the in-district meetings often held by congressmen, and so on.

Our topic now is the first part of the two-step process: outside lobbying. Rather obviously, outside lobbying must actually affect the influential figure, typically the public. How can the outside lobbyist communicate with the public in a way that escalates public attention and shifts public opinion? I’ll present some revealing and interesting case studies (at least, I hope they are). Then, let’s use what we’ve already learned to understand what we see. But we’ll also consider some new material, in particular, how to make messages gripping for low information people and how to use soft lobbying and signal jamming in persuasion contests.

I’ll organize the material using the Exposure-Impact Model again. So we begin with exposure, then consider impact.

Exposing Citizens to the Message: Saturation

Let’s start with a case that has become something of a classic in non-profit circles.

Example

Hopping MADD in Hawaii²⁴

Founded in 1980 by a charismatic woman whose daughter had been killed by a drunk driver, Mothers Against Drunk Driving is the leading organization opposed to drunk driving. It is a notable victims’ activist group. With chapters in every state, the organization has scored important policy successes, lobbying for reductions in the allowable blood alcohol level in drivers from .10 to .08; this standard has been

adopted in every state. The organization also runs programs for victims of drunk-driving. MADD has not been without controversy, for example, for its high-overhead fund-raising and, with the decline in automobile fatalities due to drunk driving, a shift in its focus away from drunk driving (impaired driving) toward drinking and driving per se.²⁵ Nonetheless, public opinion

²⁴ This case study is based on “How MADD Fixed the Flaw in Hawaii’s Drunk Driving Law,” W.W. Kellogg Foundation <http://ww2.wkkf.org/advocacyhandbook/docs/CSgrassroots.pdf>

²⁵ Statistics from the National Highway Traffic Safety Administration indicate highway fatalities attributable to drunk driving declined about 35% between 1982 and the mid-1990s. Levels remained approximately constant from then to 2008, and have declined somewhat more since (perhaps because driving declined). The estimates require imputation due to missing blood alcohol tests but probably convey the overall picture if not the exact numbers in each year. See James Fell and Robert Voas, “Mothers Against Drunk Driving (MADD): The First Twenty Five Years,”

polls show that the group is well-known and enjoys strong support from the public.

MADD's campaign in Hawaii in the early 1990s illustrates a skillful mix of genuine grass-roots lobbying and traditional direct lobbying. The background is straight-forward: Most states have an "implied consent" statute, means that if you are stopped by the police and refuse to take a breathalyzer test, you automatically lose your license (in some states, including Hawaii today, you are automatically convicted of drunk driving.) In the session in question, the legislature passed a new drunk driving law repealing implied consent. The legislature then adjourned, with the law due to go into effect in two months.

The Hawaii chapter of MADD determined to reverse the legislature's action. To roll back the law before it went into effect would require new legislation. As with most state legislature, special sessions are possible in Hawaii. But they require a two-thirds vote in each chamber -- or, the governor can simply call one.²⁶ Hence, the governor was an obvious target for lobbying. In addition, restoration of implied consent in a special session would require the cooperation of the Senate's leader, Senate President Richard S.H. "Dickie" Wong. MADD had its targets and moved accordingly.

"MADD chose Memorial day—typically a slow news day with high traffic fatalities— to stage an event in front of Hawaii's Eternal Flame war memorial. There, before news cameras, MADD's legislative chairperson reminded Hawaiians to

remember those killed on highways as well as in wars. A two-foot high sign attached to the podium bore the phone numbers of the governor and Wong. On the same day, MADD members, accompanied by other huge "call or write" signs, began collecting signatures on a petition to be presented to Wong. MADD used only one message to gain support: "After July 1st, most drunk drivers will not lose their license to drive. They will be legally sharing the roads with us and our families." In a media-heavy ceremony a few days later, a delegation of MADD state and chapter leaders wearing yellow "Ring Wong" T-shirts presented Wong with the petitions. Meanwhile MADD volunteers flashed the two phone numbers on heavily traveled highways, and the state's medical association, together with the nurse's association and emergency physician's association, held a news conference in support of the MADD campaign (MADD's other major coalition partners included law enforcement agencies, insurance groups, the Hawaii Convention and Visitors Bureau, and the Chamber of Commerce). As Democratic senatorial caucus meetings related to amending the flawed law began, MADD volunteers presented each senator with a balloon tied to a gold key and a note saying, "You are the key." Though the campaign was driven by grass roots lobbying, MADD leadership also used traditional direct lobbying techniques: buttonholing every senator, nose counts, vigils during caucus deliberations, and preparation of senate testimony and witnesses. Public Policy Outcomes: The implied consent provision was restored with only one dissenting vote."

Traffic Injury Prevention 7: 195-212 (2006) for historic statistics.

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.522.4468&rep=rep1&type=pdf>

²⁶ <http://lrhawaii.org/hndbook/hbk2.html>

The Hawaii MADD campaign did so many things right, one can only marvel. For one thing, they employed an extraordinarily effective message for general citizens: “This law puts drunk drivers on the road where they can kill you and your loved ones.” In a few minutes, we’ll talk about why that is such a good message. Also, the MADD campaign shows how to combine outside lobbying, grass-roots lobbying, and inside lobbying in a powerful way, to deliver a cracking one-two-three punch to legislators.

But for present purposes, let me underscore the “probability of exposure” part of the campaign.

//what they did. Slow news day. Primed by memorial day. Media friendly message – colorful TV shirts and “Ring Wong” so news outlets picked up as good TV. Multiplier of free media. Alliance with other groups so message repeated many, many times. Collective action technique: lower info cost for people who wanted to grass-roots lobby. //

Let’s consider another and particularly important form of outside lobbying, president’s going public. Again, our focus is on exposure.

Example

George W. Bush and Privatizing Social Security: “60 Cities in 60 Days”²⁷

Social Security played little role in the presidential campaign of 2004. Neither Bush nor his Democrat opponent John Kerry made much of the issue on the campaign trail or during their debates. But the President had been thinking about it.

Two days after his easy re-election, the President called a press conference and announced, “Reforming Social Security will be a priority of my Administration.” Social Security reform was a center-piece of the State of the Union in early February. Bush’s concept of reform was a partial privatization of the bedrock of the American Welfare State, replacing it for younger workers with a sort of IRA-like program. In other words, rather than paying taxes and receiving a defined benefit, citizens would make a defined contribution, invest in the stock market, and take

what came out at the end as their retirement benefit.

The President and his advisors appreciated that this would be a tough sell. So, they conceived a massive, carefully coordinated multi-part public relations campaign. The first phase began with the State of the Union and then incorporated a month of presidential trips, “going local” to grab media coverage in selected markets. Some days included multiple stops. These trips generally targeted districts in which the President had done well in the election but which had sent Democrats to Congress. It was hoped these Democrats would be susceptible to public pressure if opinion shifted in the President’s favor. Phase II ran from early March to late April. During this phase, which they labeled “60 cities in 60 days,” administration officials like the Vice-President joined the President on the

²⁷ This example is based primarily on Matthew Eshbaugh-Soha and Jeffrey S. Peake. “The Contemporary Presidency: ‘Going local’ to Reform Social Security,” *Presidential Studies Quarterly* 36.4 (2006): 689-704, and George Edwards *Governing by Campaigning*.

(essentially) campaign hustings trying to publicize the reform plan. Some analysts perceive a third phase, essentially tacked onto the “60 cities” barnstorming tour, lasting from the beginning of May until about mid-June. So, the overall campaign lasted about five months.

What impact did the campaign have on the media? A lot! The campaign garnered abundant headlines where ever the President’s traveling circus arrived. Each event was carefully staged to generate favorable coverage. For example, questioners from the audience were screened so that mostly favorable comments and soft-ball

questions were pitched to the President. Thus, Eshbaugh-Soha and Peake’s careful analysis of local newspaper coverages reveals overwhelmingly favorable coverage – but mostly descriptive coverage. A downside to managing the news so carefully was that the details of the President’s proposal were mostly missing in the local coverage.

Still, the President and his advisors must have felt considerable satisfaction from the management of the media during the intensive persuasion campaign.

Making Messages Memorable: Punch

Now let’s shift from exposure to impact. We know that the way to make messages effective for higher information policy-makers is to make them informative and credible. But how do you create messages that escalate the attention of lower-information people? How do you mold or re-make public opinions?

Let’s seek the assistance of an expert, one of the most effective outside lobbyists in the business.

Example

“Win Ugly or Lose Pretty”: Rick Berman Waves His FLAGS

Richard (Rick) Berman, head of the public relations company Berman & Company, has earned the sobriquet “Dr. Evil” in liberal and consumer circles. He is the brains behind many aggressive public relations campaigns denigrating and ridiculing groups like Mothers Against Drunk Driving, the Humane Society, the Sierra Club, Greenpeace, the National Resources Defense Council and many others. He perfected the use of nonprofit front groups that protect the anonymity of corporate donors while acting as the ostensible source for hard-hitting public campaigns.

While no blushing violet – he has been willing to appear on The Rachel Maddow Show, for

instance – Berman has never been completely open about his methods. But a secret recording of a Berman sales pitch to oil and gas executives in Colorado allows a glimpse behind the curtain, not just of Berman’s tactics but the logic behind the tactics. It is, in effect, a master class taught by one of the most effective practitioners of aggressive, no-holds-barred political persuasion campaigns.

The recording took place at a meeting in June 2014 held by the Western Energy Alliance in

Colorado Springs.²⁸ Berman pitched the executives, seeking funding for a campaign in Colorado to defeat ballot initiatives allowing municipalities to restrict fracking.²⁹ One of the executives took offense at Berman's hard-ball tactics – "It left a bad taste in my mouth" – and secretly recorded the presentation and leaked it to *The New York Times*. The recording and a transcript are available on-line so you too can join an elite group of corporate executives to hear from the master.³⁰

The speech is worth studying in its entirety, including viewing the sample ads used by Berman. But for our purposes the most interesting part comes when Berman explains how to make messages powerful to the general public, even for unpopular causes. Let's listen in.

http://www.sourcewatch.org/images/c/cb/Berman_presentation.mp3

From 39.45-41.55:

"Several years ago I came up with this acronym [FLAGS]. I was convinced you could not get into people's heads and convince them to do something as easily as you could get into their hearts or into their gut to convince to do something. Because, emotions drive people much better than intellectual epiphanies. 'Oh I just heard of this, I just heard of that.' No, you got to get people emotionally engaged on your side.

So I came up with the acronym, FLAGS, which stands for the five emotions that I look at when I'm trying to attack people (inaudible). The first one is **fear**, the second one is **love**, the third is **anger**, **greed** has to deal with, "I want it. I want to get something out this for myself." And the fifth one is **sympathy**. So if you think about how we get people, it's one of those five emotions. If you can tap into two of them, you are that much better off.

The two that resonate best with people, and that we're trying to use in this particular campaign are *fear* and *anger*. Anger is what people have over something that has happened. Fear is what people have when they have something might happen. It's when you tell people, 'Be careful of what you wish for. The law of unintended consequences. This might happen even though you don't want it to happen.' Fear and anger have to be part of this campaign.

If you want to win, that's what we're going to do. We're not going to get people to like the oil and gas industry over the next few months. There is no sympathy for the oil and gas industry. So we're not going to tap into the sympathetic, 'Oh, I'm sympathetic for all those poor guys who are running the energy companies.' What you got to do is get people fearful of what is on the table and then you got to get people angry over the fact that they are being misled. No one likes being lied to. No one likes being told, 'Oh, this

²⁸ See Eric Lipton, "Hard-nosed Advice from Veteran Lobbyist: 'Win Ugly or Lose Pretty'," *New York Times* October 30 2014

<http://www.nytimes.com/2014/10/31/us/politics/pr-executives-western-energy-alliance-speech-taped.html?emc=eta1&r=2>

²⁹ For background on the controversy in Colorado, see David Williams, "A Big Oil and Gas Drilling Battle Brews in Colorado," *Government Executive* August 4, 2014. <http://www.govexec.com/state->

[local/2014/08/colorado-fracking-local-drilling-regulations/90440/](http://www.local2014/08/colorado-fracking-local-drilling-regulations/90440/) The controversy continues in Colorado.

³⁰ Lisa Graves, "Rick Berman Exposed in New Audio: Hear His Tactics Against Environmentalists and Worker Rights," *PR Watch* October 30 2014 <http://www.prwatch.org/news/2014/10/12646/rick-berman-exposed-new-audio-detailing-tactics-against-environment>

won't hurt.' That is central to the messaging campaign going forward..."

From 45.20-47.15:

"I didn't discover emotions. Obviously the other side uses that all the time. And it's one of the reasons why business often times fails in their campaigns and I mean business at large. Is that they won't get into the emotions....Typically what businesses say, 'OK, they have accused us of this? Let's get an economist, we'll get a 17

page report from the economists to say what the other side is says is wrong.' And six months later they'll put out the report. The other side puts their message out on a bumper sticker. And, we've got the 17 page lengthy report that says the bumper sticker is wrong. It doesn't work.³¹ Just because they are using emotion doesn't mean we can't use emotion. We just have to use emotion that's factually based and go after them. And at the same time say what they're talking about is incorrect."

If you listen to the whole presentation, you'll see that Berman is smart about the "probability of exposure" in his campaigns. The ads he uses are quite expensive to develop (that makes it a good business!). Using paid media to present them is even more so. So, how to get more bang for the buck? He makes his ads funny, controversial, and cute in an effort to make them "go viral" on the internet. He explains, "If you want a video to go viral, have kids or animals." You can see an example, an ad using schoolchildren as participants in a mock union election, suggesting that union bosses do not have real elections. The point is to create buzz so people hear about the ads, seek them out on web sites, share them with friends, and talk about them, thereby achieving a much greater degree of message saturation than he could achieve using paid media alone.

He also understands Signaling Theory. One can hardly find better examples of the Nixon Goes to China Principle:

I got George McGovern to come out and say that unions were wrong. I represent some alcohol companies, I got Candy Lightner, who started Mothers Against Drunk Driving, to come out and say that MADD was overreaching and that she endorsed our position, our client position, rather than the MADD position ... When you can get people to be saying something that you wouldn't expect them to be saying, it may be counterintuitive, it may be unusual, but the point is that it breaks through.

But from our perspective, the most novel and interesting material is "FLAGS" – using strong emotions to create messages that pack a punch with low-information citizens.

³¹ In fact, Berman funds and uses reports, running the money through legitimate-seeming research centers or think tanks. But the effort is part of larger PR campaigns. The effort is similar to signal jamming, discussed below. To see how it works see Suzanne Goldenberg, "Lobbyist dubbed Dr. Evil Behind Front

Groups Attacking Obama Power Rules," *The Guardian* February 23 2015
<https://www.theguardian.com/environment/2015/feb/23/lobbyist-dubbed-dr-evil-behind-front-groups-attacking-obama-power-rules>

The FLAGS Paradigm

Before you go off the deep-end, let me reiterate: with elite policy makers credibility is key (and of course for legislators, constituency interests). But outside lobbying of the public requires engaging ordinary, lofo-inclined people not elite super-mavens – Barney Fifes, not Barney Franks. There, Berman’s FLAGS – fear, love, anger, greed, and sympathy – may well fly.

How should we understand the role of emotions in persuading low-information rather casually involved people? Recall our extended discussion of the asteroid defense game, and MELA’s efforts against the proposed prison. We showed there that enhanced perception of threat would reduce free-riding and boost collective action. Similarly, an enhanced perception of gain would do the same. So, one way to think of fear and anger (in the threat case) and greed (in the gain case) is as boosters giving an additional upward kick to the results we derived. In other words, a lofo hears a (true) message of threat, then fear and anger kick the message’s impact upwards. This is one way to integrate what we learned earlier with FLAGS.

Consider again MADD’s message in the Hawaii case study. MADD’s message to the public was, “the new law allows drunks on the highway where they can kill you and your loved ones.” The message was factually correct. On any account, this message could create public opinion opposing the law. But the news that the state legislature had actually passed such a law surely provoked fear, anger, and outrage. These emotions in turn magnified the impact of the message beyond its purely factual character.

Does social science back up Berman’s claims about FLAGS? Enormous literatures in social psychology and marketing study the role of emotions in persuasion. I am no expert, but the gist of the scholarly studies seems broadly in tune with Berman’s assertions. However, at the risk of sounding rather snarky, I feel compelled to raise a caveat: the replicability crisis that is currently crushing the field of social psychology should make you quite skeptical about any single study (even more than the skepticism that is always warranted in the social sciences). And it goes beyond single studies; whole research programs involving hundreds of studies are crashing to the ground.³² It will be some time before we’ll be able to sort through the rubble and see what was acute insight and what was just slipshod nonsense ginned up for TED Talks.

Even so, I think the social scientific evidence, common observation, and simple introspection suggest that you take FLAGS seriously. Certainly, political actors like presidents do – a recent study shows frequent use of appeals to fear, anger, and hope in public presidential speeches, particularly foreign policy speeches.³³

³² For a non-technical overview of the replication crisis with links see Ed Yong, “Psychology’s Replication Crisis Can’t Be Wished Away,” *The Atlantic* March 4 2016 <http://www.theatlantic.com/science/archive/2016/03/psychologys-replication-crisis-cant-be-wished-away/472272/> A recent article goes farther, broadly critiquing current research practices in social psychology. James C. Coyne, “Replication Initiatives Will Not Salvage The Trustworthiness of Psychology,” *BMC Psychology* January 19 2016 <https://bmcpyschology.biomedcentral.com/articles/10.1186/s40359-016-0134-3>

³³ Cengiz Erisen and José D. Villalobos. "Exploring the invocation of emotion in presidential speeches." *Contemporary Politics* 20.4 (2014): 469-488.

Persuasion Contests and Escalation Dominance

Does an intensive campaign and well-packaged messages assure victory in a persuasion campaign? By no means.

Example

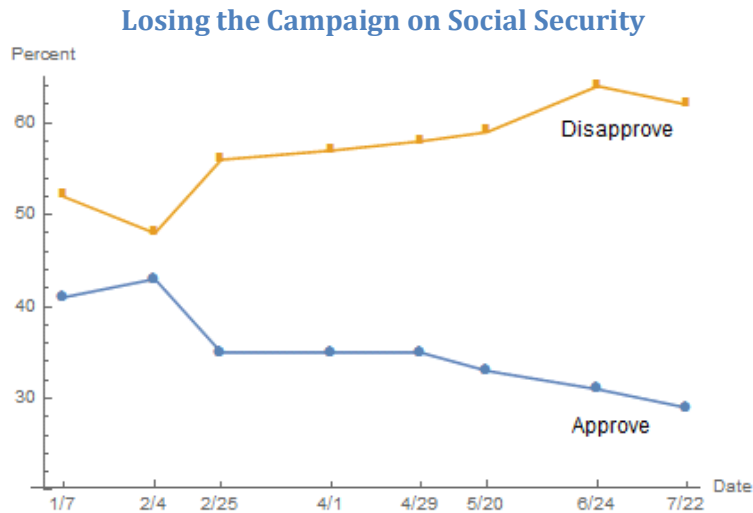


Figure 11. Bush Loses the Persuasion Contest over Privatizing Social Security. Shown are public responses to the question :“Do you approve or disapprove of the way George W. Bush is handling Social Security?” See Table 4.

We saw how President George W. Bush waged one of the most intense presidential public relations campaigns in history, trying to persuade the public that privatizing Social Security was a good idea. For six months he barnstormed the country and sent high government officials to do the same. His visits garnered over-whelmingly positive coverage in the local press. So, what happened to public opinion?

Figure 11, based on Table 4 which is reproduced from Eshbaugh-Soha and Peake 2006, reveals the answer. As shown, Bush began somewhat in the hole, with only 41% of the public approving of his performance on Social Security. After his intense public relations campaign the number moved to -- 29%, almost 30% lower! Of course, approving of his performance and moving

toward his preferred policy position are not quite the same thing. But there is little doubt that George Bush tried as hard as could to sell the country on privatization, and the country rejected the sale. His persuasion campaign not only failed, it positively flopped.

Why did his campaign do so badly? First, the position he tried to sell was unpopular to begin with. Of all government programs, perhaps the best-beloved is Social Security. People view any changes in it (besides benefit expansions) with suspicion. But even more than the initial resistance to the idea, the President faced a big problem: he did not have the persuasion field to himself. Opponents entered the list so his campaign became a *persuasion contest*. Lined up against him were powerhouse groups like the American Association of Retired Persons (AARP)

with its (claimed) membership of 37 million people.

In the persuasion contest, the opponents cleaned his clock. First, one of the features that people like so much about Social Security is the *security*: you are guaranteed a pension. People did not like the idea of trading that away, even for the possibility of a gain from buying into the stock market. Opponents thus invoked the *fear* of loss – instead of a guaranteed pension, one would have the winnings from the stock market casino. To counter, the President invoked the *greed* of a possible gain, from sharing in stock market gains. But fear beat greed. In addition, because the proposal for private accounts required essentially a new spending program, opponents pointed out that the Bush proposal would cost trillions of dollars. Finally, they made much of the fact that individual accounts would do nothing to close the projected long-term deficit of Social Security. Since the President rationalized his proposal as necessary to save Social Security, this was a damaging critique.

The opposition to the proposal was perfectly predictable and in fact *was* predicted (Altman). The president and his advisors simply over-estimated the ability of the President to move public opinion in his direction. As President Bush learned, winning a persuasion contest is a lot harder than starting one.

Failing to move public opinion isn't unusual for presidents. In fact, it's *typical*: most presidential efforts to "lead" public opinion flop entirely or have only small and transitory effects. The reason is well-captured by the title of presidential scholar George Edwards' excellent book on the subject: *On Deaf Ears*.³⁴ In other words, presidents typically fail to reach the lofos they need to hit, just as the Exposure-Impact model would lead us to expect. Of course, there are exceptions when presidents succeed.³⁵

Date	Approve	Disapprove	No Opinion
1/7-9 2005	41	52	7
2/4-6 2005	43	48	9
2/25-27 2005	35	56	9
4/1-2 2005	35	57	8
4/29-5/1 2005	35	58	7
5/20-22 2005	33	59	8
6/24-26 2005	31	64	5
7/22-24 2005	29	62	9

Gallup/CNN/USA Today. Rows 1-7: "Do you approve or disapprove of the way George W. Bush is handling Social Security?" Row 7: "Based on what you have heard or read, in general, do you approve or disapprove of George W. Bush's approach to addressing the Social Security system?"

Table 4. Public Support for George W. Bush's Handling of Social Security From the State to the End of the Persuasion Campaign.

Bush's effort stands out because it was different from the normal failure. Because of the intensity of his campaign, he may well have gotten past the noise and actually reached the public – the movement in the polls suggest as much. Instead, his failure stemmed from losing the persuasion contest that ensued once his opponents counter-mobilized. In other words, President Bush initiated a domestic policy war of choice, then lost the war.

The Bush case points to an important concept in persuasion contests: *escalation dominance*. Escalation dominance is an idea I borrow from national security studies. There, strategists conceive of a "ladder of escalation" starting at low levels and going all the way up to a thermonuclear exchange. Escalation dominance means, one side has superiority at each level of the ladder of escalation. In such a situation, neither side has an incentive to escalate (the weak side should capitulate at low conflict). Almost as good for stability is escalation parity, in which neither side dominates at any step. Again, neither side has

³⁴ George C. Edwards, *On Deaf Ears: The Limits of the Bully Pulpit*. Yale University Press, 2006.

³⁵ Though President Reagan had many flops going public, he did succeed in the case of the Lebanon bombing of the Marine Barracks and in the case of the Grenada Invasion. See Alan J. Rosenblatt, "Aggressive Foreign Policy Marketing: Public Response to Reagan's 1983 Address on Lebanon and Grenada." *Political Behavior* 20.3 (1998): 225-240.

an incentive to escalate upward into costly conflict that won't yield a victory. (This is why an invulnerable second strike nuclear capability is such a good thing.)

Suppose one side has dominance at some reachable step in the ladder. Call this step-superiority. A potentially unstable situation is one in which one side – say, Side A – has step-superiority at a level and above that level Side B cannot escalate to a win. If so, Side A has an incentive to escalate to its winning step and achieve victory. Call this situation *step-dominance*. Step-superiority at a low step does Side A no good if Side B enjoys step-dominance at a higher level, because Side B will just blow through the low level of conflict to achieve victory at the high level. However, if Side A enjoys step-dominance, Side B can do little but concede immediately. Either that, or fight onward to a crushing defeat.

Here is a definition (really of what I just call step-dominance, but that is not standard terminology):

Escalation Dominance: The ability to prevail in a persuasion contest by moving up the ladder of escalation to a level where victory is assured, and beyond which the other side cannot further escalate to its own victory.

Applying these ideas to persuasion contests deepens Schattschneider's somewhat crude notion of "scope of conflict." In particular, if an actor has step-dominance it can escalate a persuasion contest to a level the other side cannot match. There, it might prevail in the contest. But if the other side can just match its efforts at each step of the way – in other words, if it's a situation of escalation parity – then escalating into the contest is likely futile. Even worse is when the other side enjoys step-dominance. In that case, escalation certainly brings defeat. In such a situation, one might as well accept defeat gracefully at the beginning and avoid the conflict.

The Bush case involves a situation in which the President, coming off a strong re-election win, believed his "political capital" assured him step-dominance in a persuasion contest with the AARP over Social Security. Or perhaps he believed he had at least a reasonable chance of step-dominance. But in the event, he did not have it. In fact, the AARP enjoyed step-dominance. Once the President began his campaign, AARP moved straight to "thermonuclear weapons" that the President couldn't match. The President's campaign wasn't just futile; it left him worse off.

Soft Lobbying and Signal Jamming in Persuasion Contests

I'd like to turn to an advanced topic in persuasion contests, "soft lobbying" and what I call signal jamming.

"Soft lobbying" refers to a development that has received increasing attention: outside lobbying where the influential figure is a D.C. think tank, an academic researcher, or other figure with source credibility. Typically, the funding of the influential entity is not disclosed. I borrow the phrase "signal jamming" from certain models in Industrial Organization. (The information structure in these models is quite different from what I have in mind – I just steal the name.) Here, I mean the deliberate construction and dissemination of confusing, misleading, fake or untrue information, often "scientific" information

produced by bogus “research” and propounded by rent-a-scientists or shills posing as scientists. The point of signal jamming is to confuse the public and to provide cover for allied politicians who can cite the bogus information as support for their policy position. So, we are talking about a spectrum of techniques ranging from hidden-hand propagation of true but one-sided information to out-and-out “big lie” campaigns.³⁶

Let’s start with the low end of the scale.

Example

All in a Day’s Work: Soft Lobbying for a Stalinist Dictatorship³⁷

//The Turkmeniscam story //

A notable feature of the “pitches” was soft-lobbying efforts including the use of D.C. think tanks. Even the most prestigious of these institutions, such as the Brookings Institution or the Center for Strategic and International Studies, have come in for criticism for accepting money with strings.³⁸ As one can see in the detailed response of Brookings head Strobe Talbott to the allegations of improper corporate influence, navigating the current waters in Washington is a tricky business even for think tanks trying to maintain their source credibility.³⁹

Rick Berman discusses another technique at the lower end of the egregiousness scale, aimed at the general public.

You want to get people to say, one of my north stars is to get people to say, “You know, I never thought of it that way before.” Because, if you get people to say that, here’s what

³⁶ The idea of the “big lie” was made famous by Hitler: “If you tell a big enough lie and tell it frequently enough, it will be believed.” Nazi propaganda specialist Joseph Goebbels elaborated: “If you tell a lie big enough and keep repeating it, people will eventually come to believe it. The lie can be maintained only for such time as the State can shield the people from the political, economic and/or military consequences of the lie. It thus becomes vitally important for the State to use all of its powers to repress dissent, for the truth is the mortal enemy of the lie, and thus by extension, the truth is the greatest enemy of the State.” It is tempting to replace “State” with “unscrupulous outside lobbyist.”

³⁷ This case is based on Kenneth Silverstein, *Turkmeniscam: How Washington Lobbyists Fought to Flack for a Stalinist Dictatorship*, Random House 2008. If you would like to go behind the scenes to hear “pitch” presentations to political clients, Silverstein’s book is the best source I know.

³⁸ See Eric Lipton and Brooke Williams, “How Think Tanks Amplify Corporate America’s Influence,” *New York Times* August 7 2016 http://www.nytimes.com/2016/08/08/us/politics/think-tanks-research-and-corporate-lobbying.html?=&_r=0

³⁹ Strobe Talbott, “New York Times Allegations and Our Response,” August 11, 2016 <https://www.brookings.edu/research/new-york-times-allegations-and-response/>. I should note I was a Research Fellow at Brookings in the 1980s.

you get: instead of getting the ‘he said, she said’ debate, what you will get with the factual debate, often times, you’re going to get into people get overwhelmed by the science and “I don’t know who to believe.” But, if you got enough on your side you get people into a paralysis on the issue. ... You get in people’s minds a tie. They don’t know who is right. And you get [win] all ties because the tie basically insures the status quo. ... I’ll take a tie any day if I am trying to preserve the status quo.

This is somewhat difficult to follow but I take the gist to be the following: provide the public with true considerations on the opposite side of the issue. For example, the anti-smoking side says, “Smoking tobacco is highly addictive and causes cancer so tobacco should be regulated and smoking discouraged.” Provide a consideration on the other side: “If we do that, many farmers will lose their jobs.” Or, “Smoking may be bad for you but it is a private choice, like not exercising or not wearing sun screen on bright days. Do we want the government telling people what to do in their private choices? Where will it end?” Although the societal costs of smoking out-weigh the societal costs of restricting smoking by orders of magnitude, understanding this requires information and some thought. Lacking these, many people tend to weigh competing considerations relatively equally. So, simply offering competing true considerations – even relatively trivial ones – can induce opinion stasis in low information people.

More extreme forms employ flat-out signal jamming, the manufacture and dissemination of misleading or completely untrue information using front organizations and bogus experts. The intention is to provoke exactly the “he said, she said” confusion Berman alluded to, so that people become overwhelmed and don’t know who or what to believe.

This approach was a hallmark of the “tobacco wars” of previous decades. In particular, tobacco companies created the Tobacco Institute, the Center for Indoor Air Research, and the [Council for Tobacco Research](#). [Their job was](#) to produce studies discrediting the actual unfavorable science, and to promote the purported health benefits of smoking. Some of the tobacco companies’ signal-jamming techniques were amazingly sophisticated, such as placing tobacco company representatives on the boards of scientific journals, which would then publish deliberately flawed studies as “peer reviewed.” These techniques are clearly and extensively documented in the internal memoranda obtained from the tobacco companies during litigation or leaked by inside whistle-blowers.⁴⁰

The tobacco companies’ junk science institutes were shut down in 1998 as part of the Tobacco Master Settlement Agreement resolving the massive litigation of state attorneys general against the tobacco companies. But many of the people running the fake science shops for tobacco simply switched employers and are now leading the climate change counter movement (CCCM). Most of the techniques employed by the CCCM are identical to those worked out over decades by the tobacco companies. But there are some new and interesting wrinkles involving dark money.

Example

⁴⁰ See Elisa Tong and Stanton A. Glantz, "Tobacco Industry Efforts Undermining Evidence Linking Secondhand Smoke with Cardiovascular Disease," *Circulation* 116.16 (2007): 1845-1854.

Figure. The Funding Network for Climate Change Counter Movement Organizations. In the figure, diamonds represent funders and circles represent recipients. The width of links indicates the volume of funding. The prominent island on the left is a petro-chemical network linked to the American Petroleum Institute. Most striking however is the centrality and strong ties of Donors Trust/Donors Capital Fund, whose *raison d'être* is anonymity for donors. Source: Brulle 2014.

Does signal jamming work? The evidence seems to be an unequivocal “yes.” Or perhaps, “at least for a while.” Recent public opinion surveys show that most Americans (63%) believe global warming is happening; only 18% believe it is not happening.⁴² At the same time only 48% believe the warming is due to human activities. And perhaps most tellingly, only 41% believe “most scientists think global warming is happening.” In fact, the scientific consensus is clear that it is happening and due significantly to human activities. The signal jamming efforts of the climate change counter-movement seem clearly, even spectacularly, successful.

A closer look at surveys of public opinion about climate change over time show patterns that appear broadly consistent with the Zaller two-message model. Most notable is the polarization of self-described liberals and conservatives after about 2008.⁴³ Still, the long-term trajectory of public opinion is unclear because the effects of global warming will become increasingly severe and increasingly obvious over time.

Practical Rules for Outside Lobbying

Let me try to distill the lessons from case studies, the available social science, and simple logic.

1. The message falls on nearly deaf ears – so yell!

The German panzer general, Heinz Guderian, coined a catch-phrase: “Nicht Kleckern sondern Klotzen.” This doesn’t translate very successfully into English but it is usually rendered as “Don’t splatter them – boot them!” In other words, hit them hard or don’t bother to hit them at all – no half measures. No doubt this is great advice for tank commanders. But the Exposure-Impact Model suggests it’s also worthy advice for advocates trying to grab public attention or mobilize the grassroots. The immediate targets are typically moderate-information people, and reaching them is problematic because they aren’t listening much. To reach them, your media campaign needs to boot them, not splatter them.

What does this mean in practice? Here are some pointers.

- *Repeat the message* over and over and over. Volume is job number one. Privatizing social security was a hopeless idea from the get-go but President’s Bush’s use of a two-month public

⁴² A fun web site with interactive opinion data for the country as a whole, by state, and by congressional district is the Yale Project on Climate Change Communication <https://environment.yale.edu/poe/v2014/>

⁴³ See Aaron M. McCright and Riley E. Dunlap, “The Politicization of Climate Change and Polarization in the American Public’s Views of Global Warming, 2001–2010.” *The Sociological Quarterly* 52.2 (2011): 155-194.

campaign was exactly right. Except under unusual circumstances, a single speech or a single ad will reach only super-mavens (if them) and accomplish nothing. Repeat the message until you are sick of it; then repeat it some more.

- *Take advantage of favorable events* that already sensitize the media and the public to the general issue. For example, MADD tied its campaign to Memorial Day, which always features traffic deaths on the news. A prison break or escape would have provided MELA with a perfect springboard for a protest. A stock market crash offers an excellent moment for opponents of privatizing Social Security to explain why it's a bad idea. Conversely a bull market may offer a chance for privatization advocates.
- *Exploit the multiplier effect from free media.* If you have to rely on paid media, you are probably in big trouble. So try to get free coverage. For example, time media events for slow news days, as in the MADD Campaign. In addition, make events TV-genic and web-genic, such as the picturesque candle-lit marches by the Mothers of East LA. If you can do it without compromising the message, try to "go viral" by making the message so intriguing that people seek it out because it generates buzz, like Berman's catchy and funny ads.

2. Telling people what to think about is much easier than telling them what to think.

Attention escalation – moving people up the attention scale in Figure 4 – isn't easy. Actual persuasion – shifting their position on the ideological scale in Figure 5 – is really hard.

You should understand the difficulties of reaching lofos very well by now! And you should also understand why budging mavens is darn near impossible. But even the moderately informed people who are the best targets for persuasion typically have some knowledge of issues like Social Security or, in the 1960s, the Viet Nam War. This gives their prior belief considerable inertia. Not matter how hard you try, your message is just a drop in their bucket. Mostly, it won't move them.

There are exceptions. For example, persuasion can work on a brand-new issue that people haven't seen before because in that case, there isn't any information inertia. For example, only national security experts had heard of space-based anti-missile defenses until President Reagan's "Star Wars" speech. So, the idea sounded very plausible to ordinary people. Unfortunately for the President, his speech touched off a persuasion contest in which he did not enjoy escalation dominance. Still, new issues and shocking unexpected focusing events, like the 9/11 terrorist attacks, offer opportunities to shape ideological positions.

3. Pure attention escalation requires a popular position.

My colleague Brandice Canes-Wrone has studied this point extensively, focusing on presidential going public.⁴⁴ She deploys considerable systematic evidence to show that presidents often have success on Capitol Hill by going public – *but only if the issue is already popular with the public*. It is the popularity of the issue that gives the President leverage on the Hill, once the public pays some attention to the

⁴⁴ Canes-Wrone, Brandice. *Who leads Whom?: Presidents, Policy, and the Public*. University of Chicago Press, 2010.

issue.⁴⁵ Going public in order to focus public attention on an unpopular position – say, moving terrorists from Guantanamo to U.S. prisons – is an absolute loser. Raising the salience of an issue can't work if the advocate's preferred position is political poison.

A corollary of Point 3 is the following.

- If current policy actually reflects public opinion, attention escalation won't change policy.

The attention escalation strategy assumes a divergence between the policy and the position favored by majorities. If the policy actually is congruent with majority opinion, focusing public attention on the issue won't lead to policy change. If you don't like the policy but the public does, then you are in the Opinion Conversion Scenario, not the Attention Escalation Scenario. And that's a lot harder.

4. FLAGS are a powerful message booster when trying to persuade lower-information people.

If you insist on running a public persuasion campaign you should take Berman's FLAGS very seriously.

- *Using FLAGS is easier if –*
 - The opposition actually is scary, outrageous, anger-inducing, or simply irritating
 - Your side is loveable or sympathetic, and
 - Greedy self-interest favors your position.Otherwise, waving the FLAGS won't be so easy.
- *Exploit the multiplier effect from free media.*
 - Make your FLAGS message controversial so it becomes the news
 - Or, make your FLAGS message funny, catchy, cute, or adorable so it goes viral on the internet or social media.

5. Ultimate success in a persuasion contest requires escalation dominance ("step-dominance").

There is a big difference from temporarily prevailing at a low level of escalation and winning at the level that will eventually result from escalation and counter-mobilization. This means:

- *Step-superiority assuming a passive opposition isn't good enough.*
 - Anticipate counter-mobilization. Can you take their very best shot and still win?
- *Starting a persuasion contest you will ultimately lose is not helpful.*
 - Either find a way to win the persuasion contest (win ugly?), admit defeat and acquiesce, or shift the forum from a persuasion contest to some other venue where you can win (a court or a regulatory agency?)
- Conversely, if the other side enjoys step-dominance and starts a persuasion contest, *try to limit the damage.*
 - You may have to engage in a losing public campaign, if only to keep the opposition from sweeping the field.

⁴⁵ The Bush tax cuts offers a marvelous example, see Matthew Beckman.

6. Signal jamming works but can be risky.

Many people (including me) regard signal jamming campaigns based on lies as unethical. As a result, practitioners risk a backlash that can be exploited by activists.

- *Visible corporate support of signal-jamming may provoke “private politics” attacks.* Private politics was not enough to shut down signal jamming by the tobacco companies; that required litigation. But the exit by Exxon-Mobil from publically funding the CCCM suggests the company’s awareness of its vulnerability.
- As a result, *corporations determined on signal jamming should hide the money flow.* They should avail themselves of dark money funds and blind non-profits that don’t have to reveal contributors. Again, many people regard such activity as unethical.
- But remember: *There aren’t many secrets that last nowadays.* We live in the age of Anonymous, Edward Snowden, the Panama Papers, and WikiLeaks. The truth is likely to out.
- For opponents of the signal jammers, *private politics may be a useful adjunct to public persuasion campaigns.* The public campaign requires converting lower- and moderate-information people. Private politics requires financially damaging the corporate sponsor of signal jamming. The latter may be easier than the former. The two together may work better than either separately.
 - Private politics works best against consumer-oriented companies with visible brand names in competitive industries, e.g. retailers like Nike or Target.
 - Private politics is much harder to use against companies that are invulnerable to direct consumer boycotts. For those companies, private politics campaigns need to extend to insurers, bankers, other parts of the value chain, prospective business partners, overseas operations, public shaming of board members and their families, and political pressure on regulators and licensers. Sophisticated campaigns like this require savvy and determined activists.
- You can fool people for a while but *“You Can’t Fool Mother Nature.”* Reality will have its revenge: Cigarettes really do cause cancer, heavy consumption of sugar is unhealthy, the world is getting warmer and the oceans are rising. When things get bad enough, even lower information people notice. When they do, there is likely to be an angry backlash against signal jammers. Remember what happened to the tobacco companies.

5. Nutshell Review

We have covered a lot of ground in this chapter! I already summarized the key frameworks into practical lesson. But here is the Nutshell Review.

1. First, remember the Exposure-Impact Model from Chapter 6. It highlights the different challenges created by the information level of the immediate target. **Mavens demand highly credible messages.** Lower information **lofos need saturation and punchy messages.**

2. **Signaling Theory** explains how to make messages credible for mavens. Key ideas are **verifiability**, **source credibility**, the **Nixon-Goes-to-China Principle**, and the **Pain Principle**. The first three are particularly important for inside lobbying; the last is critical in grass-roots lobbying.
3. The **FLAGS Paradigm** suggests how to make messages striking to Lofos. FLAGS stands for fear-love-anger-greed-sympathy. **Powerful emotions, especially fear and anger, magnify the impact of messages on Lofos.**
4. Outside lobbying may involve **attention escalation** or **opinion conversion**. The former is much easier than the latter. But, **attention escalation requires a popular position** if it is to change policy in the desired direction. Conversely, opinion conversion in a competitive situation requires **escalation dominance** (actually, step-dominance). In other words, **you need to be able to win even after the other side counter-mobilizes** in response to your escalation.
5. Practitioners have devised many rules or practical tips for inside, outside, and grass-roots lobbying. These often look like a random jumble but you can make sense of them using the E-I Model, Signaling Theory, and the FLAGS Paradigm.
6. Unscrupulous actors employ tactics like **Astro-turf lobbying** and **signal jamming**. Unfortunately, these tactics work. But they do carry risks: Astro-turf lobbying may destroy your reputation with policy makers, and signal jamming may provoke private politics attacks on firms.

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Tuesday, August 30, 2016