

3. A Bird's Eye View: Four Decades of Congressional Activity and Interest Group Organization in CIP

In this chapter, we present a macroscopic overview of communication-information policy advocacy from the 1960s to the present. Two kinds of quantitative data were gathered.

First, we examined the number of U.S. Congressional hearings devoted to topics in communication and information policy from 1969 to 2002. The data shows both the level of activity (number of hearings) and the specific CIP issues upon which the Congress was focused at any given time.

Second, we collected data about the formation and disbandment of communication-information advocacy groups from 1961 to 2003. That method, known as organizational ecology, treats advocacy groups as a population. It contributes new data to the discussion of basic questions about advocacy as a long-term contributor to institutional change. Most of the evidence up to now has been based on anecdotes and case studies. We wanted to address more objective questions, such as: How many CIP advocacy organizations have there been? When did the number grow and when did it shrink? What is the composition of the population, in terms of advocacy modes or ideological orientation? What type of policy issue or communication medium did the organizations focus on? This kind of data about the population does not answer cause and effect questions, but it does provide a factual grounding for other discussions.

The data we collected forms the backbone of the narrative exposition in later chapters.¹

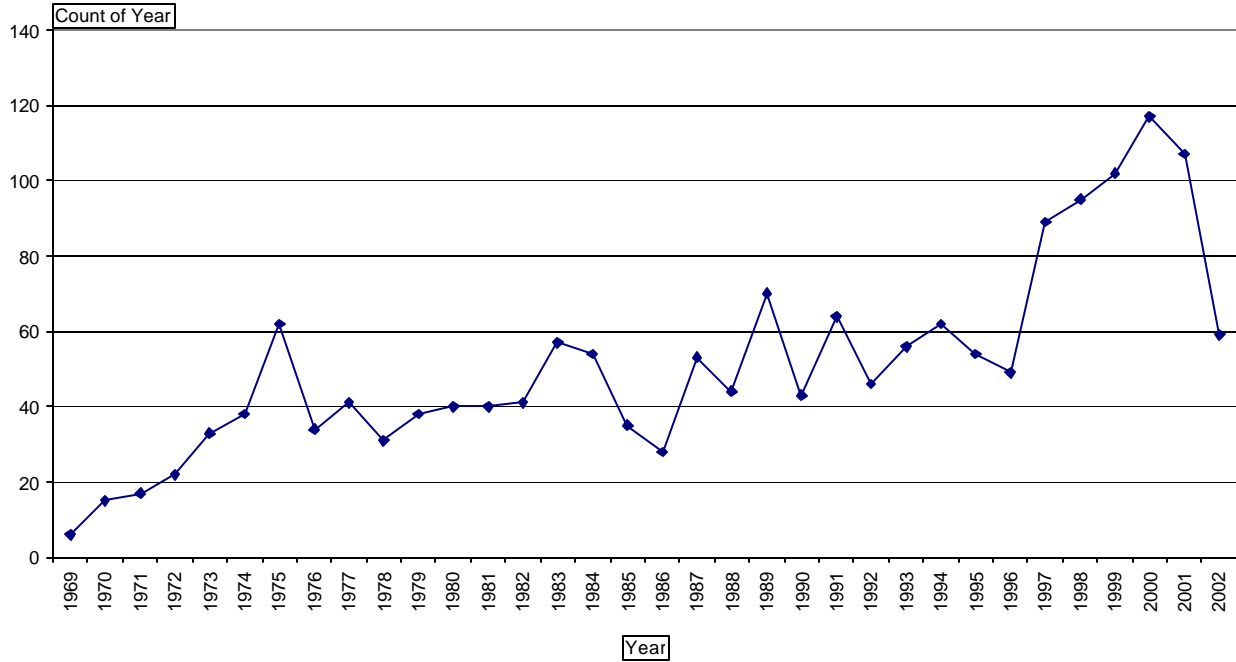
3.1 Congressional Hearings

To better understand the evolution of CIP issues over the period of study, we collected congressional hearings data using the Congressional Information Service (CIS) Index. The CIS Index provides access to all regularly produced congressional publications, including House, Senate, joint and special hearings. After reviewing available index subjects, we created a list of terms that captured hearings relevant to CIP issues. These terms included: “freedom of information act,” “right of privacy,” “intellectual property,” “broadcasting,” “computer and telecommunications,” “Internet,” “cable television,” “telecommunications regulation,” and “telephone.”² In total, we collected 2281 records of hearings dating from 1969 to 2002. In general, the amount of Congressional activity on CIP has risen significantly over time. In 1969, there were only six hearings on CIP topics; in 2000 the number of CIP hearings rose to its maximum of 117. (Chart 3.1)

¹ The presentation here is intended for a lay audience. We try to avoid getting deeply involved in social science jargon and statistical techniques. The data and the analysis, however, are grounded in social science methods. We describe those methods in detail and explain their strengths and limitations in Appendix 1.

² Some hearings were classified under more than one search term. In order to avoid double-counting, we created a category “Multiple search terms.” The historical rise in the number of hearings classified under multiple search terms (see Chart 3.2) is in itself an interesting indicator of change in the nature of communication-information policy.

Chart 3.1
Total Number of Congressional Hearings on CIP issues - all topics
(Duplicates counted once)

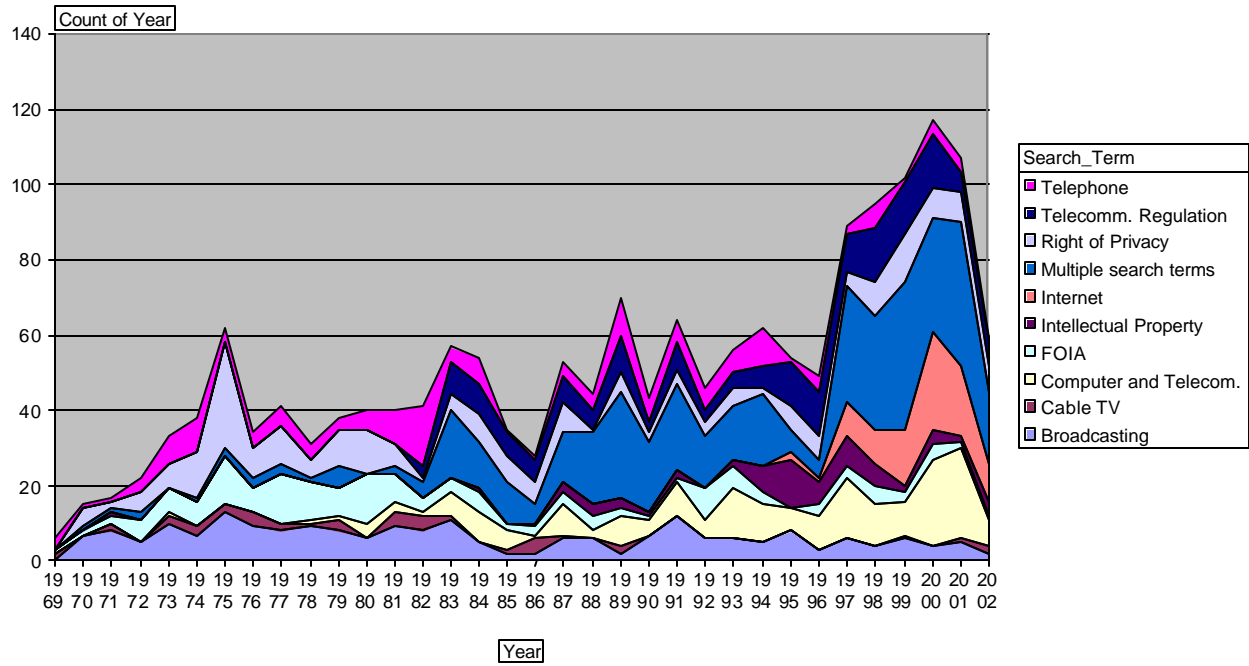


There are three peaks of congressional activity, each attributable to a distinct set of issues. The largest peak of activity by far is the one that occurs from 1997 to 2001. This can be called the “digital convergence peak” because it was driven by concerns associated with the interaction of computers, telecommunications, the Internet and cable television. Privacy issues were also a major concern. During this period, hearings that fell under multiple search terms (color-coded blue in Chart 3.2 below) were the largest single category. During that 5-year period, Congressional hearing activity on CIP stayed at somewhere between double and triple the amount for previous years.

Prior to that, there were three other surges of hearings activity. A series of late 1980s-early 1990s peaks reflects an interest in National Information Infrastructure that continued from the first Bush administration through the first Clinton administration.³ A smaller peak in 1983-84 was driven by issues pertaining to the AT&T divestiture. A surge of hearings in 1974-75 was generated by a conjunction of broadcasting regulation matters and post-Watergate concerns about privacy and the freedom of information act. In fact, that combination of topics (broadcasting, privacy and FOIA) dominated CIP hearings all through the 1970s.

³ The “sawtooth” pattern characterizing the second half of the 1980s is well known to students of Congressional activity; congresspersons tend to be more active with hearings and related activity in odd (non-election) years.

Chart 3.2
U.S. Congressional Hearings on CIP topics - By Search Term
(Duplicates Counted Once)



If we compare Congressional activity on CIP to hearings activity on other social movement-related topics (Baumgartner & Mahoney, forthcoming), we see that communications and information has become one of the largest focal points of policy activity in the U.S. Congress. Since 1982 CIP has routinely exceeded 50 hearings per year and erupted to around 100 for five straight years at the turn of the century. In contrast, women’s issues reached a peak of 48 hearings in 1992 and rarely exceeded 30 hearings a year. Civil rights and human rights-related hearings never exceeded 30 hearings per year during the entire post-World War 2 period. Only environmental issues generated a comparable number of hearings during the same period. In 1992, hearings on environmental topics reached a level of Congressional activity that exceeded the CIP peak of 2000. After 1992, however, environmental issues declined to much smaller levels than CIP hearings.

3.2 Analysis of the Population of CIP Advocacy Organizations

Congressional activity both responds to and provides an opportunity for interest groups and advocates. In this section, we try to quantify the advocacy groups working on CIP issues. We examine two distinct populations. One consists of public interest organizations primarily devoted to CIP advocacy. The other consists of commercial and professional associations in communications and information industries involved in policy advocacy. The separation of the two populations is based on collective action theory’s distinction between interest groups that are economically-motivated, such as business lobbyists, labor unions and trade associations, and “advocacy groups” or “public interest” groups motivated primarily by ideological or policy purposes.⁴ Both types of

⁴ As Berry argues, one can attach the term “public interest” to organized advocacy groups without committing oneself to the idea that any of the groups’ goals correspond to some universally valid Public Interest, or even that there is such

organizations play a role in shaping CIP, but fulfill different roles in the political process. The trade association Recording Industry Association of America (RIAA), for example, consists of music publishers and was formed to lobby for the economic interests of that industry. If the laws and policies it promotes are enacted, its members receive most of the benefits. A public interest group such as Electronic Frontier Foundation (EFF), in contrast, would advocate policies different from those advocated by the RIAA, but if it is successful most of the benefits would go to people who are not members, supporters or contributors to EFF.

Public Interest Organizations

Looking at the 42-year study period as a whole, we identified 223 organizations engaged in public interest advocacy on various aspects of CIP. Chart 3.3 shows how the population changed over time. From 1961 to 2003, it displays the number of foundings, the number of disbandments, and the cumulative number of organizations.

Starting with only 13 organizations in the 1961 period, the cumulative total of CIP advocacy organizations grew rapidly until the 1981 period, reaching 93 organizations. After 1981, the population continues to increase but the growth rate declines. The population reaches a peak of 115 co-existing organizations in 1997, and then begins a sustained decline over three periods. By 2003 the total had slipped back to the level it was at in 1981.

An observation that leaps out from this data is that the fastest growth in the population of CIP public interest advocacy organizations took place not with the rise of the Internet, but in the late 1960s and the 1970s. That period coincided with the emergence of the foundation-funded advocacy group devoted to specialized policy issues. The same phenomenon took place over a wide variety of issue-areas, including environmentalism, civil rights, and gender as well as communication-information. (Baumgartner & Mahoney, forthcoming; Berry, 1999) Although initiated by liberals, the organizational form of the public interest lobbying group focused on specific issue-areas was later adopted by ideologically conservative groups.

In short, the citizens group was what Clemens (1997) called a generic “organizational form;” as such we would expect it to take root in a variety of policy areas, not just in CIP. Its adoption and utilization in communication-information, however, was legitimated by a critical change in the political opportunity structure: the United Church of Christ Office of Communications’ legal victory giving citizens standing in broadcast license challenges (see Chapter 4).⁵ The first favorable decision in that case came in 1966,⁶ and was decisively resolved by an appeals court in 1969.⁷ In percentage terms, there was a huge jump in foundings in the 1970-71 period. As we shall see when we discuss the coding of the organizations, most of the organizations created in the surge of activism in the 1970s were focused on broadcasting policy and practices.

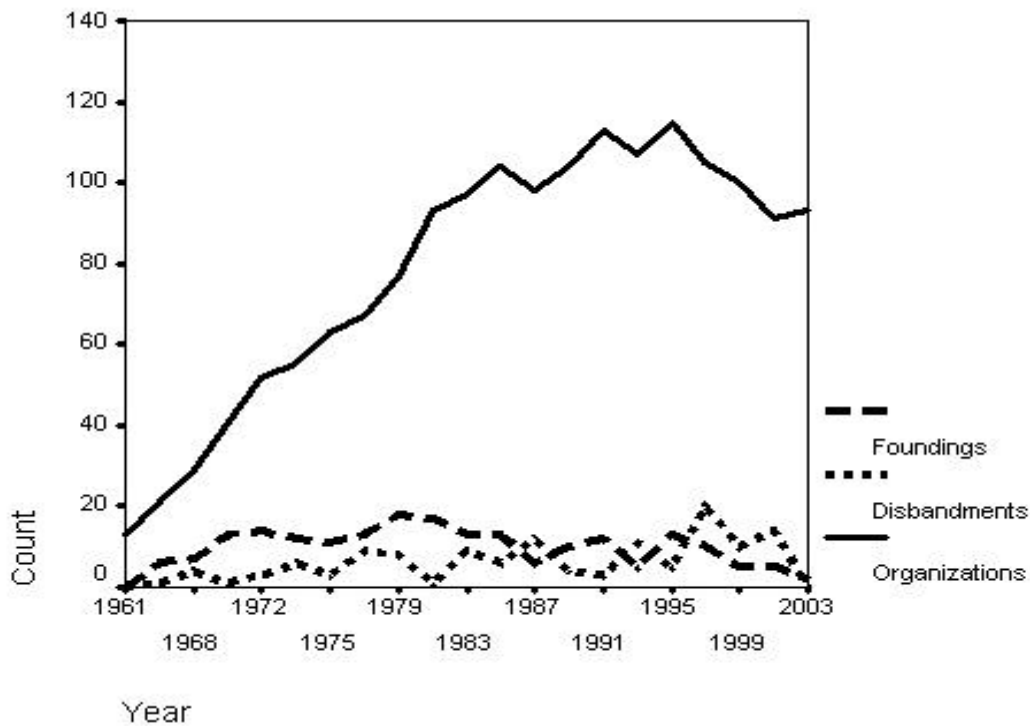
a thing as “the” public interest. What matters is that the group advocates a collective good that, if achieved, will not result in the material benefits produced being selectively concentrated on its members or activists. In making this distinction, Berry is relying on the collective action theory of Mancur Olson (1966).

⁵ See Horwitz (1997) for a review of the case.

⁶ Office of Communication of the United Church of Christ v. FCC, 359 F.2d 994 (1966).

⁷ Office of Communication of the United Church of Christ v. FCC, 425 F.2d 543 (1969).

Chart 3.3 Public Interest Advocacy Organizations (1961-2003)



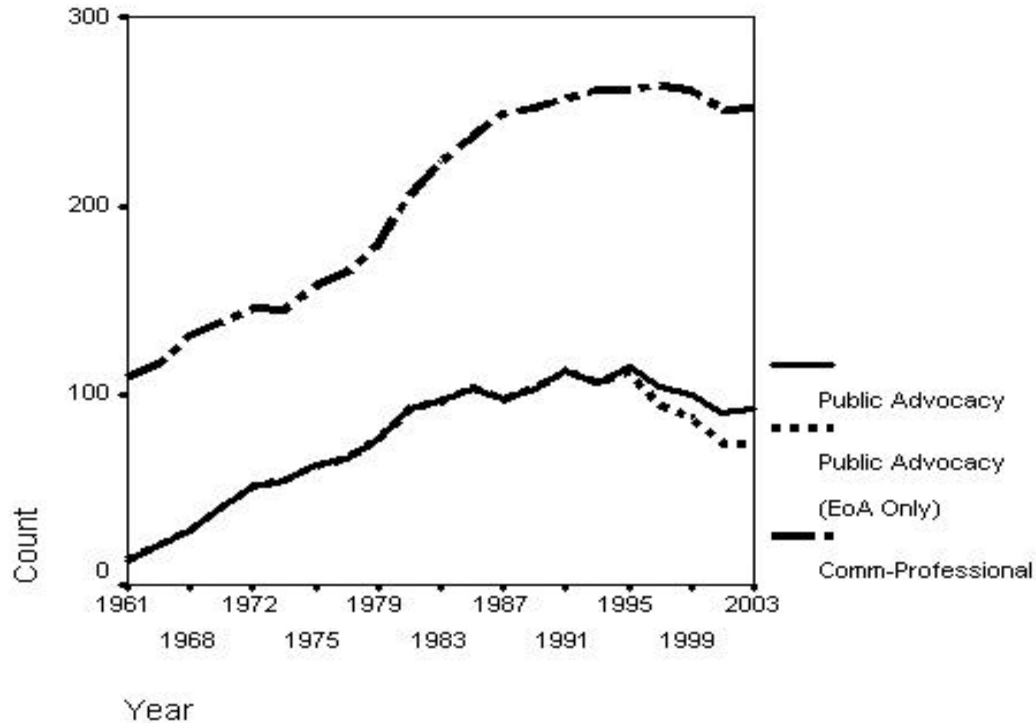
Thus, the public interest advocacy organization achieved legitimacy in the mid-late 1960s and proliferated rapidly during the 1970s and the early 1980s. But, following the inverted U-shaped pattern commonly seen in studies of organizational populations, the number leveled off in the late 1980s as birth rates declined and death rates increased, presumably because of limits imposed on the overall size of the population by the availability of human and financial resources and public interest in CIP issues. In the early and mid-1990s, the growth of Internet-related advocacy organizations led to a moderate but brief surge in birth rates and in the cumulative total. After 1997, however, the decline continued, fueled primarily by huge die-offs of organizations in 1996-97, and 1998-2001. The main impact of the rise of the Internet was to change the *composition* of the population, not its size (See Chapter 6).

Commercial and professional organizations

The corresponding data for commercial-professional organizations concerned with CIP makes for a useful contrast with the public interest groups. There are a lot more commercial-professional groups than public interest groups. We counted a total of 357 different organizations that came into existence during the study period. Of those, slightly more than 250 trade and professional groups existed in 2003, compared to 93 public interest groups.⁸ This is not a surprising finding. According to one recent political science study of interest group organization, “Survey after survey has revealed that companies and industry associations outnumber other [interest groups in Washington DC] by a large margin.” (Hart, 2003)

⁸ Of course, this method counts only organizations, it does not count lobbyists for individual firms, which would tilt the lobbying scales even more toward the commercial and professional sectors.

Chart 3.4 Comparison of the Population Size of Commercial-Professional and Public Interest Advocacy Organizations, 1961 - 2003



Industry and professional groups tend to be highly specialized in focus and surprisingly diverse in their politics. For example, the American Library Association must be classified as a professional group with a material interest in its policy positions, but it frequently aligns with rights-oriented public interest groups such as ACLU in communication-information advocacy. Likewise, several of the professional groups in communication work to advance the interests of ethnic identities and thus may frequently share goals with civil rights-oriented advocacy organizations. There is in fact a great deal of interaction between public interest advocacy groups and trade-professional groups; on any given issue one can see public interest groups coalescing with “materially interested” groups. Such cooperation can greatly increase the leverage of the citizens’ advocates, and vice-versa.

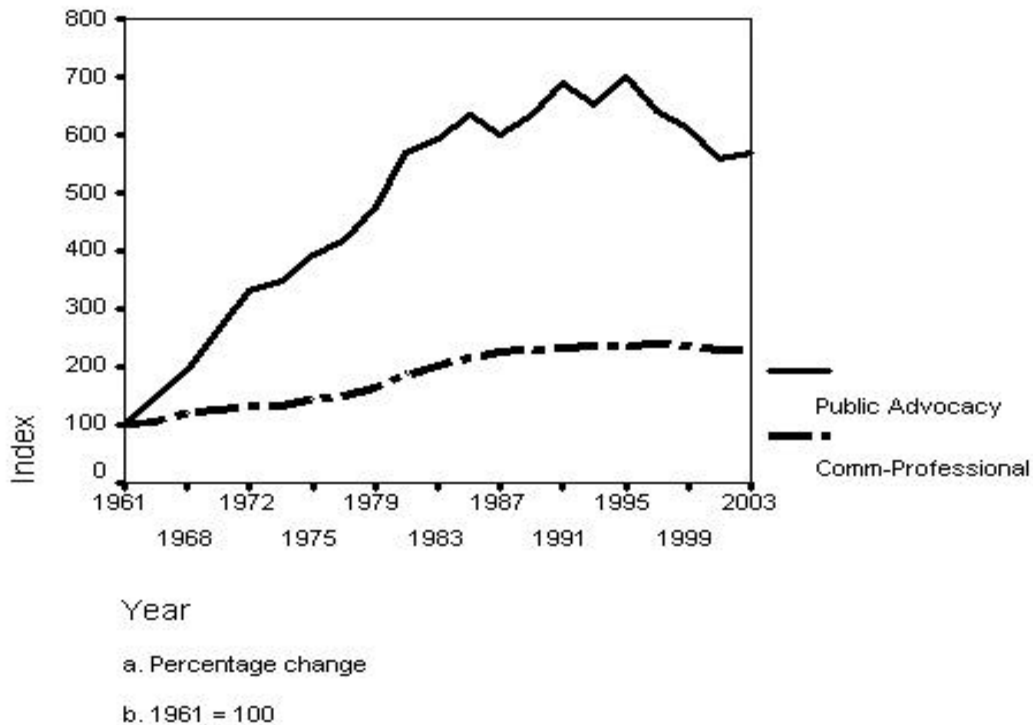
Indeed, a valid criticism of the organizational ecology method is that isolating a specific population of organizations may obscure the ways in which one population might interact with another set of organizations. As one comment on the original report noted:

[T]his kind of quantification [does not] capture the actual ebb and flow of organizations in and out of media activism. This is particularly true of large multi-issue groups such as the National PTA, Consumers Union, ACLU, NAACP, etc. For example, Children Now, a children’s advocacy group founded in 1988, did not enter the national children’s media policy debate until 1993, as part of a coalition of child advocacy, health, and education groups that was formed during early days of the Clinton Administration.⁹

⁹ Comments of Kathy Montgomery, 29 July 2003 convening sponsored by the authors and the Ford Foundation.

When the commercial-professional and public interest group populations are compared, there is a significant difference in the timing of population change. Starting in 1961, a year where both populations exhibited similar growth, Chart 3.5 indexes the annual percentage change in cumulative organizations. We see the population of public interest groups increasing by more than 600 percent in the late 60s and 70s, as compared to the more steady growth in the population of trade and professional groups, which merely doubled. Whereas the public interest groups grew most rapidly in the 1970s, the commercial-professional groups move to a new plateau during the 1980s, corresponding to the rise of the computer industry and the liberalization and growth of the telecommunications industry.

Chart 3.5 Organizational Growth Rate Index (1961-2003)



There is also a notable difference in the way the two populations adapt to changing conditions. Mergers are more frequent among commercial-professional groups, and the names they adopt change more frequently in reaction to changes in technology and markets. Public interest groups on the other hand tend to adopt a more persistent identity and rarely merge. A persistent identity also means that the citizens’ organizations themselves tend to be less sustainable. Of the 223 public interest organizations observed over the 42-year period, only 93, or 41%, still existed in 2003. For the commercial-professional groups, 71% of the 357 observed organizations survived at the end of the period. There is a huge difference in the survival ratio. To summarize bluntly, the population of public interest groups responds to changes in the political environment by letting old organizations die and forming new ones, whereas the population of trade and professional groups is more likely to adapt by modifying their behavior, name and membership.

Modes of advocacy

One of the most important mechanisms of adaptation is for newly formed public interest groups to adopt a different mode of advocacy. The orientation of advocacy groups toward content, rights or economic modes of mobilization has changed dramatically over the four decades studied. Once again, a major change is visible between the late 1960s to the 1970s. But in this case instead of stabilization from the 1970s to the present we see continual change in the proportion of organizational observations representing various modes of advocacy. In particular, the rise of Internet-related policy issues in the late 1990s seems to have made a big difference, pushing advocacy away from content and more toward contestation around individual rights and economics.¹⁰

Table 3.1 Modes of Advocacy by Decade

	Content	Econ	Rights	Combination
1960s	40%	20%	34%	6%
1970s	51%	20%	20%	8%
1980s	50%	17%	23%	10%
1990s	44%	19%	29%	9%
2000s	33%	23%	33%	11%

Percentage of organizational observations in each decade

In the 1960s, rights-oriented advocacy organizations constituted 34% of the observations. As communication policy issues were caught up in larger social movements for civil rights and peace in the late 1960s and 1970s, the mode of advocacy became predominantly content-oriented. Activists claimed that mass media programming did not adequately represent the viewpoints or faces of various contentious groups.¹¹ In addition to civil-rights oriented advocacy, the late 1960s-early 1970s produced a major rise in demands for mass media content to be more socially responsible. Organizations such as Action for Children’s Television, Project SMART (dealing with alcohol), campaigns against cigarette ads and violence all fit into this category. Also forming during this period of intense ideological conflict were advocacy organizations of both liberals and conservatives devoted to countering bias in reporting and representation of news. All sought to contest and/or regulate the messages produced by the mass media.

Thus, in the 1970s content-oriented activism rose to 51% of the observations, and that mode of activism remained dominant (at 50%) throughout the 1980s. Conservative responses to the liberal-dominated 1970s contributed to the dominance of content. In the late 1970s and early 1980s, culturally conservative organizations took a content-oriented approach to influencing policy, exposing what they saw as biased reporting (Accuracy in Media, Eagle Forum, World Media Association, Fairness in Media) or supporting the suppression of what they saw as programs

¹⁰ The change would be even more pronounced if one took the UCC case, rather than the somewhat arbitrary decade change, as the point of division. The first of the two UCC decisions was resolved in UCC’s favor in 1966; the rise of activism around broadcast license challenges started to produce new organizations in 1967. If 1967 is used as the point of division between the two periods, rights-oriented activism rises to over 41% of the observations in the early-mid 1960s and content-oriented activism drops to about 34%.

¹¹ Such organizations, however, sometimes spanned economic and content modes of advocacy by pushing regulations and policies promoting access to mass media, or by attempting to influence the hiring practices of broadcast stations. The National Citizens Committee for Broadcasting is an example of an organization that was coded both ways.

encouraging or reflecting immoral and anti-Christian values (National Federation for Decency, Clean Up T.V. Campaign, American Family Association). (Montgomery, 1989)

In the 1990s, however, a growing number of organizational disbandments in the 1992-93, 1996-97 periods, coupled with a significant number of new organizational foundings in the 1990-91, 1994-95, and 1996-97 time periods, produced a major change in the composition of the population. Content-oriented advocacy falls to 43.5% of the observations. The organizations dying off were predominantly content-oriented: anti-pornography organizations, social responsibility advocates, advocates of ethnic representation and opponents of defamation. Notable disbandments include Action for Children's Television (1993) and the venerable National Association for Better Broadcasting (1997). The new organizations, on the other hand, were more often rights-oriented advocates associated with computers and the Internet, such as the Electronic Frontier Foundation (1990), Electronic Privacy Information Center (1994), Center for Democracy and Technology (1995), Internet Free Expression Alliance (1997), and Domain Name Rights Coalition (1996). In the 2000s, the trend intensified, with new foundings such as Public Knowledge (2001) and Center for Digital Democracy (2001) and major die-offs of content-oriented groups such as Parents Music Resource Center and National Black Media Coalition. Observations of organizations devoted to individual rights-oriented advocacy grew to its highest level since the 1960s (33%); content-oriented advocacy fell to its lowest level ever (33%).¹²

Economics-focused advocacy seems to have retained a steady share of observations (around 19%) throughout the study period. In the 2000s, however, it reached its largest portion ever (22%). This category includes consumer organizations and policy advocates focused on communications and information industry regulation, such as Consumers Union, Media Access Project, Progress and Freedom Foundation, Consumer Project on Technology. The number of groups that combine economic modes of advocacy with other modes has increased steadily. This seems to have occurred as advocates realize how closely their policy goals intersect with the larger (and once considered obscure and technical) issues of infrastructure regulation. More generally, combined modes of advocacy steadily rise during the study, from 6% to 11%, perhaps indicating a more integrated approach to CIP.

Ideology

Organizations were coded for their ideological perspective, when it could be known. Categorization was based on a combination of information about their positions and their funding sources. Organizations that combined liberals and conservatives, or which focused on a narrow issue capable of appealing to both perspectives (e.g., spam control), were classified as nonideological. Socialist and liberal-socialist united front organizations were put into a fourth category.

The data reveal considerable changes in the ideological composition of public interest groups. It would appear that compared to the 1960s, more groups are divided into an ideological camp, and that most of the polarization took place between decade 6 and decade 7.

¹² As Appendix 1 shows, we performed a statistical test (Chi-square) on the advocacy mode data, from which we conclude that the two nominal variables (decade and mode of advocacy) are not independent. The test is significant at the 0.05 level.

Table 3.2 Ideological orientation of CIP advocacy groups

	NONIDEOOL.	LIBERAL	CONSERV	SOCIALIST	UNKNOWN
1960s	25.4%	33.8%	18.3%	12.7%	9.9%
1970s	15.1%	54.0%	14.6%	5.2%	11.0%
1980s	13.5%	48.2%	20.6%	3.8%	13.9%
1990s	15.1%	58.8%	16.8%	3.0%	6.4%
2000s	12.6%	67.6%	13.5%	3.9%	2.4%

Percentage of organizational observations in each decade

From the 1960s to the 1970s, observations of organizations coded as “conservative” declined from 18% to 14.6%, while organizations coded as “liberal” jumped from 34% to 54%. About 5 – 6 years after the surge of media-oriented liberal public interest organizations in the late 1960s and early 1970s, conservative groups began to organize on similar lines. Across our observations of the 1980s, observations of conservative organizations jumped from 15% to 21%, and liberal organizations’ share dipped for the first and last time. (The large number of unknowns for the 1980s could raise questions about the significance of this data.) What is most noteworthy, however, is the degree to which liberal organizations’ share of the observations increases after the 1980s. By the last decade, ideologically liberal organizations account for nearly 68% of all observations. Conservative organizations that focus on Internet policy are particularly rare.

If one breaks down resource measures by ideology, one finds notable differences between liberal and conservative organizations. There seems to be many more liberal groups competing for the same members and financial resources. The existence of a few large liberal organizations, such as ACLU and Consumers Union, skew the distributions and make the statistical means almost meaningless. But if one takes the median as a measure of central tendency one finds that liberals have a median budget of \$386,759, a median staff size of 5, and a median number of members of 500, whereas conservative organizations have a median budget of \$838,604, a median staff size of 7, and median number of members of 14,000. Thus, liberal groups, while much more numerous, typically have fewer members and financial resources, while conservatives have far fewer organizations with more members and bigger budgets.

Communications-Information Medium

Another, more obvious form of adaptation is for citizens’ organizations to devote their attention to different media forms, such as broadcasting, print, computers or telecommunications. We coded organizations by the media form(s) they targeted. Table 3.3 summarizes the results.

Table 3.3 Media Forms Targeted by Advocacy Groups

	1960s	1970s	1980s	1990s	2000s
Broadcasting & Cable	42%	46%	29%	24%	23%
Broadcasting, Cable & Telecom	8%	3%	2%	2%	2%
Print	16%	11%	8%	6%	5%
Print, Broadcasting, Cable	4%	9%	17%	15%	9%
Telecom	9%	5%	4%	5%	3%
Telecom & Internet	-	-	-	4%	6%
Computers, Internet	-	2%	5%	12%	23%
All	11%	11%	14%	11%	12%
Government info (FOIA)	-	-	2%	3%	2%
Unknown	1%	6%	11%	6%	1%
Other	8%	6%	10%	13%	13%

Percentage of organizational observations in each decade

Here we see a great deal of adaptation and change over time. As one might expect, broadcasting occupied the lion's share of advocacy groups' attention in the 1960s and 1970s. But by 2003 policy issues raised by computers, telecommunications and Internet made up the primary focus of about the same number of groups as all forms of mass media combined. We saw no trend toward organizations focusing on "all" issues indiscriminately, however. While most organizations remain specialized in this regard, we do see a more even distribution of their efforts over a wider variety of media forms.

3.3 Analysis: Public Interest Advocacy and Institutional Change

The relevance of the data above will become clearer as we go through a more detailed, decade by decade narrative in the next three chapters. Some general observations are in order, however.

The hearings data show that CIP has taken its place alongside "the environment" as one of the main preoccupations of lawmakers over the past two decades. In the explosion of congressional hearings we see that a larger portion of the hearings are indexed under multiple terms, indicating a trend away from the segmentation of communication-information policy issues into different discourses and different legal and regulatory regimes.

The increase in Congressional activity is associated with growth in the cumulative size of the population of advocacy organizations. Statistical analysis reveals a strong, positive relationship between the cumulative number of public interest and commercial-professional organizations and the number of congressional hearings.¹³ This is consistent with what has been demonstrated across several social movement organization populations and policy areas. (Baumgartner, Leech, & Mahoney, 2003)

There was, however, a moderate negative relationship between the number of congressional hearings and the number of births of new public interest organizations devoted to CIP.¹⁴ Given the

¹³ $r(35) = .53$ for public interest groups and $.63$ for commercial-professional groups, $p < .01$, two-tailed.

¹⁴ $r(35) = -.41$, $p < .05$, two-tailed.

enormous increase in CIP legislative activity associated with the 1997 – 2001 period, it is somewhat surprising that there was not a corresponding surge of organizational foundings. Instead, there was a major increase in organizational deaths among public interest groups. We interpret this fact as follows. By the 1980s, the size of the advocacy organization population was nearing the “carrying capacity” of the political-economic system. The growth in death rates in the 1990s was associated with change in the *composition* of the population as opposed to change in its size. Dramatic changes in the communication and information industries, in technology and in social impact in the 1990s and early 2000s led to a major redistribution of membership and financial resources across issue-areas and media forms. Most notably, CIP advocacy responded with dramatic shifts in the dominant mode of advocacy: there was a steady diminution of the content-oriented advocacy associated with the 1970s and a move toward rights and economics. More organizations combine more than one mode of advocacy.

This leads to one of our most important conclusions. We believe that the rise of public interest organizations in the 1960s was mainly a product of identifiable structural changes in U.S. political institutions.

David Vogel describes some of those structural changes in his book on the political power of business in the United States. (Vogel, 1989) He observes that from 1966 to 1968 there was a tremendous outpouring of regulatory legislation from Congress in response to the rise of consumer and environmental movements.¹⁵ Reform-minded environmental and consumerist politicians and public advocates gained a political advantage by redefining the terms of policy debate. Environmentalism and consumerism shattered old patterns of business influence by raising issues that cut across nearly all industries and multiple policy domains. Business interest groups had been organized for and accustomed to sector-specific programs and lobbying. But environmentalism as a norm, for example, affected automobile manufacturing, product packaging, energy production, public sewage and waste disposal and a host of other sectors that had in the past been segregated into distinct policy domains. Business interests had few established mechanisms for coalescing with other businesses in other sectors, were not prepared with counter-arguments against the newly formulated norms, and thus were not prepared tactically to counter public interest advocacy in the wider political arena.¹⁶

Vogel identifies a number of other historically specific conditions that led to the rise of public interest movements and a decline in the relative strength of business interest groups during this period. Most critical in his opinion is that post-World War II economic growth had been robust for many years and was largely taken for granted. Long-term growth bolstered public confidence that

¹⁵ The National Traffic and Motor Vehicle Act, the Fair Packaging and Labeling Act, the Federal Hazardous Substance Act, the Federal Meat Inspection Act, the National Gas Pipeline Safety Act, the Truth in Lending Act, the Flammable Fabrics Act, and the Child Protection Act. For some reason Vogel does not track the civil rights movement as carefully as consumerism and environmentalism, but if the period is extended to 1964 – 1968 it includes passage of the Civil Rights Act of 1964, which created the Equal Employment Opportunity Commission, and the Voting Rights Act of 1965. During this period, too, the Federal Trade Commission issued a report proposing to ban cigarette advertising on television. The ban on cigarette advertising was implemented in 1970.

¹⁶ At that time, the Business Roundtable, a lobbying group of 200 or so CEOs from the nations largest firms started in 1972, helped redirect specific business lobbying efforts towards more general business issues. For instance, they took up issues such as labor law, which cut across industry boundaries, in an effort to drive the congressional agenda. (Berry, 1984)

government could redistribute wealth or impose costs on business to improve social conditions with little pain. Another important change was the massive expansion of higher education that took place during the 1960s. The “citizens’ movement” was able to identify and mobilize a new constituency, consisting of educated, upper middle class baby boomers, while drawing on the classical liberal-democratic coalition. Other changes facilitated these tendencies. The rise of national television and of direct mail as a fundraising technique reinforced the prospect of issue-oriented politics. All of these factors changed the rules of lobbying in ways favorable to the new forms of interest organization, creating opportunities that were seized by public figures such as Ralph Nader and Martin Luther King.

Complementing Vogel’s argument, the work of Jeffrey Berry (1977; 1999) focuses specifically on public interest advocacy groups in roughly the same period covered by our study. Berry argues that public interest advocacy organizations (or what he calls “citizens groups”) constitute a new kind of “post-materialist politics” and shows that this form of politics has been institutionalized since the mid-1960s. Citizens’ groups “have been remarkably successful in influencing public policy” in Washington and at getting media coverage for their views. (1999, p. 2-3)¹⁷

The citizens lobbying group (usually focused on specific policy issue-areas), and the public interest law firm (also typically focused on specialized areas of law) can thus be considered new modular forms of interest organization that developed in the late sixties and early seventies.¹⁸ These groups created a visible, issue-focused presence in the media, Congress, and the regulatory bureaucracies that would follow up on and advance reform agendas. Like several other political scientists who have studied interest group organization and political opportunity structures, Berry (1999, p. 29-30) describes a self-reinforcing cycle that occurs when the advocacy groups succeed. Early political entrepreneurs engage the institutional system in some way; if the system rewards them by opening up channels for influence and producing positive results, more collective action follows. (See also Walker, 1991) Once an activated interest or advocacy group has been formally incorporated into an institutional structure, it is not unusual to see the institutional structure subsidizing the groups directly – for example, the Community Relations Service of the Justice Department in the early 1970s is known to have aided broadcast license renewal challenges by minority groups. (Schement, Gutierrez, Gandy, Haight, & Soriano, 1977)

In conclusion, if we were to attempt to identify the underlying recipe for institutional change in the mid-1960s-1970s we would see:

1. An articulation and long-term cultivation of challenging new social norms (racial equality, feminism, consumerism, environmentalism) by sustained social movements;
2. The insertion of these norms into the political and institutional structure in ways that cut across entrenched power relationships;
3. Changes in national political structures and communication technologies that created opportunities for new political entrepreneurs;

¹⁷ Incidentally, his data shows that liberals are much more effective at using this organizational form than conservatives, at least when it comes to influencing Congressional legislation.

¹⁸ The public interest law firm had a longstanding precursor in the American Civil Liberties Union (ACLU), which we count in our data as a communications-information advocacy organization. ACLU was founded in 1920. It acted as a legal defense fund for socialists whose freedom of speech or association was violated during the red scares of the 1920s, suffragists and sex educators, and many other types of defendants. It used litigation to pursue liberal and progressive policy goals long before the public interest law firm became a generic form.

4. An identification and mobilization of new constituencies, not simply a rallying of existing constituencies;
5. The development and institutionalization of a new organizational model, the public interest lobbying and litigation organization, capable of serving as the interface between the newly mobilized constituencies and the government.

Note well that item #5 on the recipe seems to have come after, rather than before, most of the major institutional changes were well underway. Vogel (1989, p. 38-39) shows that formal organization of most consumer advocacy groups took place after the rush of consumerist regulatory legislation enacted between 1966 and 1968. The same proves to be true of the first wave of media advocacy organizations. Public interest advocacy groups helped to maintain and extend the social movements of the 1960s; they do not seem to have been the principal cause of them.

It follows that any major revival of public interest activity around CIP will hinge more on structural changes in political institutions than on an increase in legislative activity per se.

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