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## Venue Shopping: Domestic Interests in Global Politics

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# **Venue Shopping: Domestic Interests in Global Politics**

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**Dissertation to the  
Eberly College of Arts and Sciences  
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# **Abstract**

## **Venue Shopping: Domestic Interests in Global Politics** **Sara M. Moats**

The role domestic organized interest groups play in political affairs has drastically changed in a very short time period, yet the subject has been basically ignored by academia. This study investigates the motivation, strategies, and tactics of domestic organizations that seek lobbying targets outside the domestic political arena. Interest groups in the United States and Canada were selected from three distant policy areas: environmental policy, reproductive policy, and agriculture policy.

By investigating the motives, strategies, and tactics domestic organizations use beyond the domestic political environment, this research has added to our knowledge of interest group behavior. Research on the transnational activities of organized interests has added an additional layer of explanation to international relations theory. Specifically, this work builds upon neo-liberal theory by investigating an additional communication channel beyond the state.

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## ''''''''Chapter One

### **The Pluralization of Domestic Political Issues**

The very essence of an organized interest is to convince the public and government officials that their position is not only right but in the best interest of the overall public. However, at times a domestic organization will look beyond the domestic political venue to advance their goals. Thus, it is common for a domestic group to approach intergovernmental organizations, nongovernmental organizations, and foreign governments. However, depending upon the group, the reasoning and strategy for the international move is often very different.

For instance, climate change policy, whether proposed at the domestic or international level, has created very contentious worldwide political debate. Climate change provides an excellent example of groups leaving the domestic political environment to advance a goal. For instance, two groups, one Canadian based, the other based in the United States have different objectives in terms of climate change policy and thus use the international arena differently. Both groups are concerned with the same policy; however, their strategic outlook on achieving such a policy is drastically different.

The Heartland Institute is an American based policy advocacy group that promotes free market environmental policy. In other words, the Heartland Institute argues that energy technology is better to solve any environmental problem rather than government control. The group considers their main focus to

be primarily the domestic policy direction of the United States because they are concerned with the wellbeing of Americans. However, climate change is a global issue. Thus the group works with international leaders to “push back” against government regulations. Because the group questions the science behind climate change, the utilization of international institutions such as the United Nations is not their preferred strategy. Rather, they prefer to work directly and network with organizations similar to their own worldwide. Since 2008, the Heartland Institute has hosted eight international conferences geared specifically towards the scientific community. This group argues that the best way to promote market based technology while resisting governmental regulations is to build coalitions throughout the world. Thus, they provide an international forum for individuals to meet and exchange ideas. Then, their *allies* return to their country of origin and are encourage to approach their respective government officials. According to the Heartland Institute, if others such as the European states resist climate change regulations, then it will remove the pressure here in the United States to implement such policy. Therefore, the Heartland Institute has adopted an international coalition strategy to prevent the adoption of climate change policy in the United States.

The International Institute for Sustainable Development (IISD) has a different objective. They are a Canadian based advocacy group which promotes sustainable development policies in not only Canada but worldwide. They routinely meet with policymakers worldwide to promote policies in which the entire world may

mutually benefit. They primarily access policymakers at ministerial sessions during intergovernmental organization meetings. Thus, this group prefers to use Intergovernmental Organizations (IGOs) such as the United Nations as an access point to promote their research and educate the policymakers on the mutual benefit of domestic climate change policy. They have Nongovernmental Organizations (NGOs) status at the UN, often speaking at meetings, as well as holding side events. A side event is an event held during a ministerial meeting in which IISD makes information available and holds discussions for implementing sustainable development policies domestically.

Both groups are involved with the same issue: climate change regulation at the domestic level. However, each has a different objective in terms of the policy direction and their strategies differ. One wants to maintain the domestic status quo and the other to challenge domestic status quo, thus their strategies differ. As demonstrated by the transnational strategies of two different organizations, a group must at times leave the domestic political environment in search of global influences to promote issues they deem important. However, questions about the group's incentives and intentions remain. For instance, why does the group leave the domestic environment, what is its intended target, and finally was the international move a success?

In an age of transnationalism and globalization, domestic organized interests<sup>1</sup> are struggling to cope with an ever-changing world. Today, there are very few issues that are purely domestic; however, there are relatively few academic studies that focus solely on the activities of domestic organized interests in a global world. Thus, there is a need for more research on the behavior of domestic organized interests. As groups continuously look for ways to expand the

scope of their cause,<sup>2</sup> organized interests will often move beyond the borders of their home state and reach out to the international world. Previous studies find that a domestic interest group will attempt to persuade the policies of their home government and international institutions, as well as the policies of other states for their own gain. Pulling from the policy diffusion literature,<sup>3</sup> which looks at how the policy choice in one state influences the choices made in a second state, an interest group will both directly and indirectly lobby their home government as well as directly and indirectly lobby the governments of other nation states. A domestic interest group will also maintain close connections with nongovernmental organizations and intergovernmental organizations in an attempt to expand their cause. As a result, a domestic group will in time become transnational organizations. In doing so, three strategies will be utilized to maximize their power. The first strategy is domestic, in which the group lobbies their domestic government. The second is transnational. With this strategy, the group has two options. The group will either contact similar groups within a state in an attempt to indirectly sway the policy outcomes of that state. The interest group may also attempt to lobby directly the policy makers of the international state. The third strategy involves a group approaching a nongovernmental organization or intergovernmental organization when blocked both at the domestic and transnational levels. It is believed that a domestic group will leave the domestic political arena for three reasons; however the reasons are not thought to be mutually exclusive. First, a group that has achieved domestic success will expand to protect that success in other venues. Second, a group whose policy objectives are blocked domestically will expand to challenge the domestic status quo. Third, a group will expand to additional venues in other nations to offer protection or services worldwide. For instance, a group such as the American Association for Retired Persons would likely expand to protect the rights of the elderly worldwide.



Thus, this is a comparative study which seeks to answer numerous questions about the activities, political goals, and incentives of domestic organized interests such as interest groups, for profit, and non-profit corporations. For instance, why does a domestic group choose to move out of the domestic political arena? Furthermore, does the group consider the transnational move successful in achieving their political objectives?

To address these questions, this study will investigate the incentives, objectives, strategies, and success of a domestic interest group's transnational activities. Before discussing the research questions in more detail, it is necessary to define the terminology that will be used throughout this study. First, an interest group is defined as any non-party organization that engages in political activity (Nownes 2013). As Kay Schlozman and John Tierney (1987) argued, the term organized interest is an umbrella term that covers any group which engages in political activity. There are numerous types of groups which meet these criteria, including: for-profit corporations and non-profit corporations, trade associations, unions, professional associations, citizen groups, think tanks, churches, foreign governments, charities, and political action committees.<sup>4</sup> This research will look specifically at trade associations, professional associations, unions, citizen groups, and think tanks.

When a large number of individuals and groups join forces to pressure the government in a contentious and unconditional manner, a social movement has formed. If the movement stretches across borders to included participants in other countries, a transnational social movement is formed (Moghadam 2013). It is possible a domestic group involved in this study could become involved in a transnational social movement; this is especially true of the environmental and human rights groups. However, this research is investigating the activities and objectives of domestic organized interests and the incentive to lobby transnational targets.

Thus, the focus of this study is on individual domestic group behavior, meaning a group's goals and motivation for leaving the domestic venue, not transnational movements, and not social movements.

Finally, clarification is needed in terms of transnational and international relations. International relations refer to the interaction among sovereign states. However, there is considerable political activity in the international world that is beyond a state's control. For instance, multinational corporations, transnational advocacy networks, and scientific networks all operate beyond state borders. Thus, transnational refers to all activity and interactions that takes place beyond sovereign borders, but do not necessarily involved governments of the states (Keohane and Nye 1971). With increased transnational activity, what role do states play? By examining the theoretical aspect of state interaction, it appears that international theory is lacking an important transnational element.

### **The Missing Link: Bridging Domestic and International Relations Literature**

Traditional international relations literature is very state-centered, meaning it focuses on the interaction of sovereign states. As demonstrated by the international relations theory literature, nation states for the most part are the only player. However, in today's world there are many domestic factors that influence the actions of a sovereign state. There also has been a gradual pluralization of domestic politics. Thus, this research on transnational actions of organized interests will effectively add to the international relations literature by adding an additional layer of explanation. Keohane and Nye (1977) argued that there are many channels for states to communicate, but most of the literature is state-centered<sup>5</sup>. There are numerous reasons states act the way they do; this is demonstrated by examining the different levels of

analysis, but the unit of analysis is the state. This research is shifting analysis to domestic groups, thus bridging international relations and domestic interest group literature.

Therefore a discussion of various international theories is relevant in a study involving domestic interest groups because very few issues are considered purely domestic, just as few issues are considered purely international. There is considerable interaction among states as well as non-state actors when dealing with most issues. International theories offer explanation to how foreign states and domestic interest groups may interact as well as the channels for that interaction. This explanation is limited simply because international theory seeks to explain state to state interaction. However, a brief discussion of international relations theory is warranted.

The impact domestic interest groups would have on the policy decisions of other states is disregarded by the neo-realist school of thought. The idea of domestic groups moving beyond the domestic political system runs counter to neo-realist theory. Neo-realism holds states are the primary actors in international relations. The internal factors within a state such as the economic or political institutions, public opinion, or interest groups have very little relevance in neo-realism (Waltz 1979). However, other theories incorporate other actors in the explanation for a state's behavior. Constructivism argues that international relations between states are socially constructed by historical events and changing perceptions (Wendt 1992). Transnational advocacy networks are central to the constructivist argument. According to Keck and Sikkink (1998), these networks develop over time as individuals with similar views work together to promote a cause, ideas, or norms. The members share information and work to frame issues in such a way to achieve their desired results. For instance, groups will frame an issue to fit a certain venue. For example, indigenous activists will frame their issue to merge with environmental groups. The authors claim transnational advocacy networks are likely to form

around issues which face domestic roadblocks, the political entrepreneurs want to expand their cause to include more actors and a larger audience, or finally to expand opportunities for contacts. In terms of issues that face a domestic roadblock, domestic groups will seek assistance from international allies in hopes the international group will pressure their domestic government. This boomerang pattern is usually seen with environmental and human rights issues.

In addition to neo-realism and constructivism, neo-liberalism also offers a third perspective on international relations. For instance, Robert Keohane and Joseph Nye argue there are multiple “channels” through which states may communicate. In other words, international relations involve much more than simply states communicating with other states (Keohane and Nye 1977, 1984, and 1987). Neo-liberalism theory therefore provides a linkage between domestic interest groups and the policy directions of foreign states, whether the policy is domestic or foreign in nature.

The role domestic institutions play in the formulation of a state’s interaction with other states has been widely studied. For instance, Robert Putnam (1988) argued that leaders must balance domestic factors such as interest groups with the pressures of the international system when trying to achieve goals. Other studies have considered the degree a state’s political system matters. Democratic peace theory examines the role democratic institutions have on a state’s international relations with others. Helen Milner (1997) argued that domestic politics has a very important influence on the relationships between states. For instance, cooperation with others is caused by domestic interaction. When a state cooperates or not internationally will create a system of winners and losers domestically. In other words, issues typically will not have a unified response from domestic actors. Interest groups and other policy makers will likely have

opinions on the proposed cooperation, and they typically will not present a unified domestic voice (Milner 1997, 9-11).

The brief review of the various international relations theories supports the notion that international relations theories are state-centric. However, Keohane and Nye (1971) opened the door for the inclusion of non-state actors in world politics and argued that scholars had basically ignored their involvement. The authors defined world politics as the political interaction between significant actors in a world system. Furthermore, a significant actor is any autonomous individual or organization that controls substantial resources and participates in political relationships across state lines. Therefore, additional factors beyond the state must be considered such as the involvement of domestic organized interests.

### **Studying Transnational Interest Group Activity**

The following chapters will answer some unresolved questions regarding the transnational activities of domestic organized interests. Chapter Two will discuss the research questions and theoretical base in more detail. Chapter Three will discuss the research design and methodology. As stated above, this project is a comparative case study that will analyze domestic political conditions in which the domestic groups operate. These domestic conditions such as political institutions, political cultures affect a group's domestic activity and thus also impact the transnational activity. Therefore, Chapter Four will consider the domestic factors in more detail; specifically the domestic conditions in the United States and Canada will be examined. Chapters Five, Six, and Seven will test the theory through a series of case studies developed to showcase how domestic organized interests utilize numerous strategies to influence policy both domestically and transnationally. These chapters will demonstrate how, when, and where

domestic groups are active beyond the domestic venue. The policy cases were selected to cover various policy typologies.<sup>6</sup> First, air pollution emissions policy was selected as a regulatory case study. The second case, reproductive rights addresses morality policy. Finally, agriculture policy was selected for the redistributive policy case study. The case review will determine which domestic groups are likely to search for additional lobbying venues as well as their strategies. Chapter Eight will offer concluding remarks about why some groups move into the transnational world, and why some choose to remain domestically focused. Also, beyond providing insight into group behavior, this research also seeks to provide a link between domestic and international theories. Much of the literature involving group activity centers on domestic politics. Additionally, the international relations literature focuses on the behavior among states. This study will showcase the gradual pluralization of domestic political issues and clarify the changing role domestic organized interests' play in a formerly state-centered world. Thus, as a result of globalization, domestic organized interests will be become transnational actors in the international political system.

## .....Chapter Two

### **Domestic Organized Interests: Motivations, Strategy, Success**

Historically as an organization, we focused on the national conversation. However about ten years ago, we started to look at the international world. Globalization has brought issues onto the world scene. We had great success domestically. Forty years ago, the West was thought to be insignificant, like a frontier. The Canada West Foundation has changed the way policymakers view western Canada. Therefore, since we have had success domestically, we think we could also have a lot of success internationally.

-Canadian West Foundation Interview, February 26, 2013

The quotation captures the spirit of organized interests in a global world. Since the conclusion of World War II, the world has drastically changed. Along with states, international organizations, both governmental and nongovernmental now play an important role in shaping world events. In today's world, it is difficult to find an issue that is purely domestic centered. However, where do domestic organized interests fit into the modern picture? This project seeks to answer growing questions regarding the motivation and strategies of domestic organized interests in a globalized political world. Therefore, I propose to examine four questions in this study. First, why does a domestic group leave the domestic political arena? Second, how does a group access the international world? Third, are the transnational lobbying tactics different from

domestic lobbying tactics? Fourth, is the group successful when it engages in transnational political activity?

### **Research Question One: Group Motivation**

Why does a domestic group leave the domestic political arena? When considering why a group leaves the domestic environment, the core question is what is the group's motivation or incentive for the move to engage in transnational political activity? To answer this question, it is necessary to examine classic interest group theory. This literature is largely concerned with domestic politics; however, I hypothesize that the motivation to engage in transnational activity will be similar to the range of domestic motivations or incentives to act. The literature suggests that various motivations for group action exist. For instance, Peter Clark and James Q. Wilson (1961) examined the various incentives of organized interests. Incentives are classified into three distinct types and as a result, based upon the group's incentive system the different types of groups can be distinguished. Through examining various incentive systems, the activity and tactics of a particular group can be explained. Material incentives offer an actual tangible benefit that can translate into monetary value such as a wage increase resulting from union bargaining. Solidary incentives offer no monetary value, rather the benefit is perceived. For instance, joining an association may bring a level of social status or participating may bring self-gratification. Finally, purposive incentives also offer no monetary value; however the group is seeking a particular policy goal rather than a socializing benefit. As a group develops, their incentive may change (Clark and Wilson 1961). Thus, a domestic group may change lobbying venues as their motivations and incentives change.<sup>7</sup>



In addition, a group must balance its incentives with relative returns. In other words, a group entrepreneur must offer benefits to potential or current members and in return, the members must perceive these benefits as worth participation. Thus, an exchange occurs between group members and leadership. This exchange is what motivates members to join and continue their membership (Salisbury 1969). At times, it may be necessary for group leadership to look beyond the domestic environment to provide members with benefits. However, as Mancur Olson demonstrated, some groups will have problems recruiting and retaining members, meaning groups do not always form out of a “common interest.” Olson argued that there is little inducement for an individual to contribute towards the “collective good” when the rewards and benefits the group seeks are available to all, not simply those who contributed. At times, the common goals of the group are not enough to encourage membership. Rather, the group will need to offer a nonpolitical incentive to entice prospective members to join. These benefits are available to members only, thus prospective members will join the group because they value the group’s mission, but also to receive the selective benefit. Thus a group’s formation and continued existence will depend on the ability to offer benefits (Olson 1960). Taking this a step further, Terry Moe (1980) contended that Olson’s logic of collective action theory focused too much on the material nonpolitical benefits. Finding that the use of incentives and collective goals varied among groups, he also was critical of more traditional pluralism theory for over emphasizing the political benefits of groups.<sup>8</sup>

Recently, Frank Baumgartner and his colleagues (2009) mapped group activity across variety different issues. Their study produced a comprehensive sample of issues that encompasses all parts of the policy process. By tracking issues throughout the policy process, it is possible to see what motives and incentives are more significant than others in terms of

influence and access in the transnational realm. It is also possible to determine why a group would possess the incentive to leave the domestic arena in search of other institutional lobbying venues.

The domestic political environment benefits those who are against a policy change. In other words, those who advocate maintaining the status quo are advantaged by the domestic political system. Policy change faces numerous hurdles which makes protecting existing policy easier. Drastic policy change is rare because interest groups and policy makers tend to prefer existing policy (Baumgartner et al 2009). Paul Pierson (2000) asserted this resistance to change can be explained by path dependence. Once a path or policy is determined, it is difficult to change course because the selected path will have relative rewards or returns. As time passes, there are increasing returns or gains from a policy, thus making an alternative even less likely (Pierson 2000). As a result, there is little motivation for a group to pursue a policy alternative domestically. Thus, path dependency means some groups might seek additional venues beyond the domestic environment.

Many policy debates tend to be simple. Usually side A will want protection for the existing policy and side B wants policy change. Although Baumgartner et al. (2009) note that some issues will have numerous sides, however a typical policy will have two competing sides. The “sides” to a policy debate however are not simple. The actors are very diverse and come from different angles of the policy spectrum. A policy side may have numerous actors all wishing to keep or change existing policy, however, the actors will not necessarily be advocating the same goals (Baumgartner et al 2009). For instance, the Patient Protection and Affordable Care Act signed into law by President Barack Obama has two main sides, those who are happy with healthcare reform and wish to keep the law with a few modifications, and those who are not

satisfied and want the law repealed. The side which advocates repeal is made up diverse actors including the Chamber of Commerce, civil liberties groups, and some in the medical profession. These groups each have a different perspective about the law, each bringing different grievances to the table even though their ultimate goal is the same. Thus, the healthcare issue was expanded beyond the initial point of conflict to also include debate about the economic costs, the impact on various civil liberties, and religious freedom that motivated diverse groups.

As stated by E. E. Schattschneider (1960) a group who has not achieved a goal will, as in the healthcare example, possess the motive to expand the issue to involve more actors. The side that wishes to expand the conflict also might have to redefine the issue to collude with other groups; however groups have difficulty redefining an issue quickly. Rather, they form coalitions within the existing policy community (Baumgartner et al 2009). These coalitions allow the conflict to expand and gain more attention. Therefore, a domestic group may mobilize or join a coalition if the group perceives a threat to their interests (Baumgartner et al 2009). However, this study theorizes that groups are sometimes forced to shop for additional venues beyond the domestic level to encourage policy change.

Also, when a foreign state has adopted a policy similar to the domestic group's cause, the group may look to the foreign state for assistance with their own domestic policy struggles. The group may use the foreign state as a successful policy example to showcase domestically. The group may also see the potential for mutual gain between their states. For example, an agricultural or pharmaceutical group may contact a foreign government directly or indirectly in response to the state's new trade policy. Based upon studies which outline the various incentives and motivation for group formation and action, it is theorized that a domestic group would have

the motivation to leave the domestic environment for three reasons: to protect the domestic status quo, to challenge the domestic status quo, or to seek universal protection.

### ***Protect the Domestic Status Quo***

When a group feels a foreign government's policies or actions could potentially impact their group's interests domestically, the group is likely to communicate with the foreign government, either directly or indirectly. In addition, the domestic group may view the actions of the international community as threatening to their domestic cause. For instance, the mobilization of the international community on issues such as gun control or emission controls will likely cause domestic groups to mobilize. When a group mobilizes, others will counter-mobilize (Truman 1951). Therefore, a domestic group will likely contact a foreign government or an intergovernmental organization, either IGO or NGO to monitor and lobby against changes to domestic policy.

Consequently, a domestic group's decision to move to the international arena is closely tied with the domestic political environment. Domestic policy favors status quo (Baumgartner et al 2009). Therefore, domestic groups which advocate maintaining a current policy direction would be likely to venture into the international world to monitor the activities of international institutions such as the United Nations or transnational advocacy networks. The group simply wishes to protect the issue domestically and prevent re-framing or expansion of the issue domestically.

### ***Challenge the Domestic Status Quo***

At times the domestic political environment may have hostility towards a group's cause. Therefore, the domestic group will be motivated to go international for a different reason. They wish to change existing domestic policy<sup>9</sup>. At this point, transnational advocacy networks

become important allies for the domestic group. A transnational advocacy group works to challenge the current state of a policy. They do so through linking similar issues together and re-framing issues. The main goal is to change a current perception about an issue (Keck and Sikkink 1998).<sup>10</sup> Over time, an issue may be viewed differently and the domestic status quo can be altered. Thus, a domestic group seeks assistance from the international world to change the current perceptions surrounding a domestic issue in hopes of eventual domestic policy change.

### ***Seek Universal Protections***

Finally, a group may at times seek to influence policy worldwide. When a cause is important to a group, members feel benefits should be enjoyed by everyone and, not simply by citizens of their state. Thus, a group may select an international venue to bring recognition and legitimacy to their issue. For example, the United Nations General Assembly has become a legitimizing institution over the years. The United Nations was created as a collective security institution; however the occurrences of actual collective security missions have been rare. Rather, the United Nations has served as a forum for granting or withholding legitimacy through the approval or disapproval of state actions or policy. For instance when a state is granted membership, that membership brings legitimacy to the state worldwide. Beyond statehood, the actions of states can be condemned, which will eventually pressure the state to change its policies or behavior. For example during the 1950s and 1960s, the United Nations served as a forum for discussing the legitimacy of colonialism. A good deal of pressure was placed upon the colonial powers to grant independence to their colonies (Claude 1967). Currently, there is considerable discussion at the international level on the notion of universal human rights. Groups seek NGO status before international institutions to seek protection of numerous groups

including women, children, and the elderly. Therefore, a domestic group maybe motivated to use the international world as a forum to influence world opinion.

### **Research Question Two: Strategies**

How does a group access the international world? This research question deals with how a group enters politics in another nation or international forum. Because of institutional differences in the context of domestic and foreign politics, it is hypothesized that when a group's policy initiatives are blocked domestically, several transnational strategies can be adopted, as noted in Table 2-1.

<b>Table 2-1: Transnational Strategy</b>
Send Representative to Foreign Government
Form a Coalition with Similar Foreign Group
Attend an IGO Meeting
NGO Status before an IGO
Form a Coalition with International NGO

First, the domestic group seeking to change policy can approach a foreign government either directly by sending a representative of their group to meet with government representatives or indirectly by expanding to form a coalition to include similar groups abroad. During this time, the issues will be reframed to encourage attention. This allows the coalition to build a broader spectrum of support<sup>11</sup>. At the same time, those who wish to contain the issue will attempt to prevent issue reframing and will argue the issue is domestic and does not have further implications.

When the group's strategy is to expand or contain policy change by contact with a foreign state, a group must communicate with policy communities. A policy community is a narrow group of specialized individuals who know the policy area well. The community consists of special interests, bureaucratic civil service workers who implement policy and policy makers who are concerned with the policy area, as well as other groups with similar interests. Baumgartner et al. (2009) conducted a study of interest group activity and found forty percent of policy advocates in the American political system are government officials. In Canada policy communities have been growing. For a group to be successful with any the policy community, it must devise a strategy to persuade the executive and supporting agencies, the lead agency, similar groups, and at times the public on the value of its policy preferences (Pross 1986). Therefore, to secure political access beyond its home nation, a domestic group may devise a strategy to find an ally within a foreign government's policy community.

Second, when blocked at the domestic level and the group deems the transnational level to offer little assistance, the group can attempt to gain attention of intergovernmental organizations. The goal is to expand the scope of their issue, bringing attention as well as an alternative to the current policy. Groups and other nongovernmental organizations have developed institutionalized relationships with intergovernmental organizations. For instance, in the United Nations, nongovernmental organizations are eligible for consultative status within the Economic and Social Council. In 1946, there were forty-one nongovernmental organizations with consultative status, today there are over 3,400 organizations. Article 71 of the United Nation's charter established the initial relationship between the United Nations and NGOs. Then, in 1996 the relationship was further institutionalized by Resolution 1996/31. Consultative status is granted to an organization by the Economic and Social Council (ECOSOC) upon

recommendation from the Economic and Social Council Committee on NGOs. There are three categories a nongovernmental organization may be classified as. General consultative NGOs are very large organizations that cover a wide range of activities. Special consultative NGOs are concerned with fewer issues than the general consultative NGOs and tend to be much smaller. Finally, roster consultative NGOs are very narrow and technically focused. The NGOs attend international conferences and meetings of the United Nations bodies and preparatory meetings. NGOs may also with permission from the conference chairman address the committees (UN ECOSOC Consultative Status, Clause 51 of Resolution 1996/31). The World Trade Organization and the International Monetary Fund also allows interaction with nongovernmental organizations.

Third, at times a domestic interest group will adopt the strategy of seeking nongovernmental organization status in international governmental bodies to protect their interests or encourage domestic political change. For instance, the National Rifle Association of America (NRA) is listed as a roster consultative NGO in the United Nations. Upon recognition as an NGO in the United Nations in 1996, the National Rifle Association released a statement claiming:

If we don't monitor what governments such as Japan and Canada are up to in the UN, we won't be able to do our job -- to inform our members, our friends in Congress and the American people. (NRA-ILA FAX ALERT, 11/15/96).

Since the 1996 acceptance as a nongovernmental organization, the NRA has addressed several preparatory committees, the latest being the United Nations Arms Trade Treaty Preparatory Committee in July 2011. Executive Vice President Wayne LaPierre addressed the committee, stating that the NRA will “oppose any UN attempt to regulate domestic firearm



ownership in the United States” (LaPierre 2011). In addition, the World Trade Organization lists hundreds of domestic groups which attend its Ministerial Conferences.

Finally, in recent decades there has been a surge in the development of transnational advocacy coalitions. These networks are composed of diverse actors such as individuals, interest groups, and various NGOs all working through horizontal communication to follow a common strategy that promotes a common policy goal (Keck and Sikkink, 1998). Steven Bernstein and Benjamin Cashore (2000) attempted to demonstrate the linkage between transnational advocacy networks, international institutions and domestic policy change. They found that the existing literature offered an inadequate explanation of how transnational advocacy networks and international institutions can influence domestic policy. Thus, the authors developed four possible paths for domestic policy influence. First, groups will use global markets to pressure domestic governments or companies to change their policy. Thus, this path seeks to influence the domestic consumer. Second, groups will push for compliance with the rules and regulations outlined in treaties. In other words, transnational advocacy groups will pressure institutions to enforce the stated penalties for noncompliance. Third, groups will push for changes in international discourse on a specific issue. This captures Margaret Keck and Kathryn Sikkink’s (1998) argument of transnational advocacy networks. Thus, the group will attempt to influence how the domestic government views the issue. Finally, the group will attempt to infiltrate the domestic policy process by directly joining forces with established domestic groups or creating new organizations to act in the domestic policy process (Bernstein and Cashore 2000).

Therefore, there is considerable movement between the domestic, transnational, and international venues and domestic groups cooperate with additional actors when their interests are similar and choose additional venues based upon their domestic policy goals<sup>12</sup>. Regardless of the strategy, a

successful group must gain the attention of the additional venues. Thus, they must engage in agenda setting and other tactics to induce political change.

### **Research Question Three: Tactics**

As a group moves into the transnational arena, will their tactics change or will the group implement the same lobbying tactics that are used in domestic politics? It is hypothesized that the domestic group will adopt the same tactics transnationally as it does domestically.<sup>13</sup> For instance, in regard to its NGO status before the United Nations, the NRA stated it will play the same role transnationally as it does domestically.

The fact of the matter is that the role NRA will play within the UN as an NGO will be almost identical to the role our registered lobbyists play every day on Capitol Hill and in state capitols across the nation - educating and informing lawmakers of the facts behind the debate and working to protect the interests of our members. (NRA-ILA FAX ALERT, 11/15/96).

However, while the group will implement the same lobbying tactics used domestically, the group must also be aware of the institutional constraints in other venues. Ellen Immergut argued that the institutional rules determine the extent to which groups will be able to influence domestic policy. Different states have different political institutions which determine the “rules of the game”, and all political actors must conform to the rules to participate in the system (1992). Differences such as a presidential or parliamentary system, campaign finance restrictions, and lobbying disclosure laws all appear to force an organization to modify their tactics.

Robert Boatright's (2011) recent study highlights the differences between the United States and Canada in terms of the electoral systems and the impact on interest group behavior. For instance, the United States has a weaker party system than Canada, creating more points of lobbying access. In Canada, groups are more likely to focus at the provincial level, while American groups are more likely to focus on the federal level. Both the United States and Canada prohibit foreign nationals from donating to political campaigns.<sup>14</sup> Thus, a foreign group would be excluded financially from the electoral politics in the United States and Canada. As a result, the group would be forced to utilize other tactics such as coalition building with similar foreign groups. Additionally, a domestic group may work directly with a foreign policy maker on an issue for mutual gain. A domestic trade group in the United States working to expand the Keystone Pipeline may find the Alberta provincial government to be a better target than the Canadian Minister of Natural Resources. Therefore, when a domestic group approaches a foreign state or international organization, a more successful group will know the institutional constraints of the foreign system and adapt their tactics as necessary. These tactics will be explored in more detail in Chapter Four.

#### **Research Question Four: Success**

Is the group successful when it engages in transnational political activity? This question deals with the overall success the group has had with the decision lobby transnationally. The notion of success is a relative term. Thus, how successful does the group consider the international move has been? In other words, did the group gain anything by changing venues? Success is a very difficult concept to define. The very notion of success is interpreted in a variety of ways, and is very group dependent. Typically, success refers to group getting an issue

on the political agenda or a group is able to achieve a policy change. For this study, success is measured in relative terms, meaning does an individual group view their transnational activity as successful? In other words, did leaving the domestic political environment to pursue alternative lobbying targets result in a favorable outcome for the group?

### ***Agenda Setting***

Agenda setting is the process by which an issue gains attention in the eyes of the public and the policy makers; thus the definition of agenda setting does not vary drastically from scholar to scholar. For instance, according to James Dearing and Everett Rogers (1996), agenda-setting addresses the ongoing competition among issues to gain the attention of media professionals, the public and policy elites (1996). Thomas Birkland (1997) defined agenda setting as the “result of society acting through political and social institutions to define the meanings of problems and the range of acceptable solutions,” while Roger Cobb and Marc Ross (1997) viewed agenda setting as the political process of selecting issues for active consideration”

The definitions all argue that agenda setting is basically the process of focusing attention on an issue. However, Baumgartner et al (2009) found that attention alone does not imply a solution to a problem or cause a policy change. An alternative solution to the status quo must also be offered. In addition, how an issue emerges on the public agenda has also received significant attention in the literature. Cobb and Charles Elder (1972) studied how issues move from the public agenda, the issues the public are concerned with to the formal agenda, the issues policy makers see as important. The authors asserted there is a path from the public to the formal agenda. First, the issue created by focusing attention, then the issue is expanded to encompass more actors, and eventually gains the attention of policy makers. John Kingdon (1984) also examined how issues arrive on the formal agenda, arguing there are “problems, policies, and

politics” looking for a “window” of opportunity for policies to gain the attention of policymakers. Anne Schneider and Helen Ingram (1993) argued that definitions of the issues and target populations are “socially constructed”, meaning how issues are framed whether positive or negative determine if the issue is seen as a problem. The framing is important, because as Baumgartner et al. (2009, 114) note, the definition of the issue is important. Lobbying efforts control the definition of issues, and as the definition changes, so does the policy. Thus if a group controls the definition of the issue, you control the policy outcome. However it is difficult to reframe an issue or change the definition, thus groups must form coalitions (2009, 49).<sup>15</sup>

J. A. Weise (1989) contended that defining the problem is different from agenda setting. Problem defining involves the organization of facts and perceptions, while agenda setting is the process by which problems come to the public’s attention. Going a bit further, David Dery (2000) claimed agenda setting and problem definition are dual processes. Coalitions are able to create attention, but face opposition when defining the problem. The author argued that coalitions wishing to protect the status quo will redefine an issue, making it seem less of a problem (2000). Those wishing to change a policy will expand the problem, reframing the issues hoping to gain more attention from a diverse group of actors. Those wishing to protect the status quo will challenge the reframing; claiming it doesn’t impact more actors or the issue should be left to the experts (Baumgartner et al. 2009, 48). In other words, when one group mobilizes, others will counter-mobilize (Truman 1951). However, as James Druckman asserted, framing is not simply a matter of manipulating public opinion on behalf of the political elite. Rather, he suggested that citizens consider the source of information when developing opinions. Therefore, in order for an issue to be successfully framed, the audience must feel the information came from

a credible source. Thus, citizens are seeking guidance from the elite when formulating specific opinions (Druckman 2001b). This form of framing is known as emphasis framing, and is much more frequent. Alternatively, equivalency framing suggests that citizens base opinions on arbitrary information or political cues such as a party endorsement (Druckman, 2001a). Additionally, the group's success in framing an issue also is dependent upon how the issue is viewed by the audience. Dennis Chong and James Druckman (2013) argued that it is difficult to reframe an issue when the target audience holds a strong opinion regarding the issue. This suggests that groups may face challenges when attempting to expand or contain an issue.

Baumgartner and Bryan Jones (2009, 513) found that public policy is disjointed, meaning there will be periods of stability followed by short bursts of activity. A stronger subsystem resists the burst of activity, and as a result is able to resist policy change. Thus when faced with a domestic roadblock, groups working together through coalitions will move beyond the domestic political environment hoping to bring attention to their issue. In addition, when the policy subsystem is shaken by the activity, groups will also use foreign groups, governments, or other institutions to protect their domestic interests.

### ***Policy Formation***

Whether the group is working to move an issue onto the agenda or prevent it, the initial push to gain attention for an issue is only the first step. From here, the group must actively push for a problem resolution. This is commonly referred to policy formation in which alternatives solutions to a public problem are developed and current policies are defended. These policy alternatives come from a variety of sources such as planning commissions, legislative committee meetings, think-tanks, and interest groups. In particular, interest groups tend to develop policy solutions that meet their individual organizational objectives, and lobby both the legislative and

executive branches to adopt their solutions (Dye 2013). Additionally, Guy Peters noted the relationship between an interest group and executive agency<sup>16</sup> and argued that groups with an established relationship will often advocate for maintaining policy status quo because the executive agency prefers the established policy. However, public interest groups<sup>17</sup> tend to advocate policy reform and often attempt to expand issues, thereby breaking the established policy subsystems (Peters 2010). Thus, a group challenging the status quo may often look to additional venues to present its policy solutions when blocked domestically.

From the above discussion it is clear that organized interests engage in agenda setting to gain attention and offer solutions that will meet their objectives. Whether the target is located within the domestic venue or beyond, a group must create interest and attention. It is also clear from the above discussion that this research hopes to determine how, why, and with what success a domestic group would leave the domestic environment, thus opting to lobby transnationally.

### **Limitations of this Study**

There are several bodies of literature that addresses the efforts of organized interests moving both horizontally and vertically among the different levels of government to lobby additional targets, including foreign governments acting as an organized interests, international non-governmental institutions, and sub-governmental lobbying; however, they are not relative to this study. This study specifically is focused on the behavior of domestic organized interests. However, this additional literature adds a supplementary layer of understanding in terms of the behavior of organized interests as a whole. Thus, it is worth briefly discussing.

Foreign governments often act as organized interests in an attempt to influence the domestic policies of foreign states. This work discusses why a foreign government would

become involved with domestic organized interests, and provides important information as to how and why foreign states may wish to lobby another government. The literature also provides clarification on the different regulations regarding the lobbying activities of foreign agents in the United States and Canada. This literature, while valuable does not explicitly clarify why domestic groups move internationally; it does however provide a theoretical basis to build an explanation. In today's world, there are few issues that involve a single state. States are extremely interconnected. Thus an interest group may better serve its cause by expanding to other states or international organizations. An interest group could act as a catalyst for state cooperation on an issue.

The literature on the lobbying between states and provinces also provides an important theoretical base for explaining how policy moves between the states and provinces in the United States and Canada. Those same themes can be applied to domestic groups lobbying a foreign state or organization. A group wishing to achieve its goals will expand its cause to include more actors in an effort to bring attention to their cause (Schattschneider 1960). At times the domestic political environment is not sufficient and the group will look to other states and organizations internationally. For instance, policy diffusion examines how policy moves from one political setting to another. This literature tends to focus on policy movement between the U.S. states. Policy diffusion is different from policy transfer in that policy transfer studies tend to focus on institutional factors affecting policy change (Bulmer and Padgett 2004). For instance, Simon Bulmer and Stephen Padgett argued that policy transfer occurs because of coercion, meaning there is some form of institutional control over certain aspects of some policy areas. Thus most policy transfer studies focus on the European Union, while most policy diffusion studies focus on the United States, in particular policy movement between the U.S. states. For instance, how



and why do states adopt similar policies? The literature is divided into two camps in terms of policy changes: the internal determinates, meaning the social, economic, and political factors within a state <sup>18</sup>and the external determinates, meaning the regional influence of neighboring states <sup>19</sup>(Stokes 2007). Frances Berry and William Berry (1990) asserted that studies that focus exclusively on internal or external factors do not account for state innovation. Furthermore, they argued that both external and internal factors must be considered and concluded that multiple factors influence decision making in the states. However, the authors did note that much of the research on policy diffusion has focused on domestic policy areas, and does not tend to expand into the international arena. Thus, more research is needed to determine the impact domestic organized interests have on policy diffusion between international states. This study regarding the behavior of domestic organized interest hopes to expand the policy diffusion literature in a somewhat different direction.

The NGO literature focuses on how groups interact with domestic states as well as intergovernmental organizations. Much of the NGO literature is based on the complex interdependency theory (See Keohane and Nye 1977, 1984, 1987) which looks at the many channels through which states communicate. Nongovernmental organizations provide an additional channel of communication, but the literature lacks a clear explanation for domestic groups becoming involved with nongovernmental organizations, thus becoming transnational actors. Additionally, the transnational advocacy networks attempt to influence policy direction through framing and perception. However, it does not explain which domestic groups are likely to become involved.

## **Conclusion**

To summarize, it is theorized that a domestic group has three basic motives or incentives to move transnationally: to protect domestic policy status quo; to challenge domestic policy status quo; and to seek universal protection for an issue. Additionally, this research hopes to answer questions regarding the strategy and tactics involved with the transnational move as well as the success of the move, but little has been said in terms of how the research questions will be addressed. Thus, the methodology will be discussed in the following chapter.

## .....Chapter Three

### **Research Design and Methodology**

When conducting a study of this level, it is often very difficult to develop a model to explain not only why groups support the policies they do, but also how they select a particular course of action. Explaining why a group supports certain policies or issues is easier than explaining how a group supports them. Groups support certain issues for a number of reasons. The reasons stem from the members having an ideological connection to an issue to a more self-interested nature such as a monetary interest.<sup>20</sup> Whatever the reason a group supports an issue, the question of how the group supports the issue remains. Different groups have different preferences when going about their work. The different preferences for how a group supports an issue stem from the groups degree of institutionalization. However, it is difficult to conceptualize how a group supports issues. For instance, measuring a group's preferences among various courses of political action is complicated. Groups often wish to keep their preferences secret. A group will often publicize their goals, but goals and preferences are not necessarily the same. Institutional goals are what the group strives for, or what the members hope the group will achieve at some point. The preferences are often the means to achieve their goals. For instance, how does a group operate? Do they prefer grassroots campaigning or direct lobbying? Preferences lead groups to different forms of lobbying and different lobbying targets. Just as states have numerous channels to access the international world (Keohane and Nye 1984), different groups prefer different channels for access; however it is difficult to develop a theoretical model showing both issues and preferences.

In the past, scholars have attempted to develop cross national studies which compare the activities of groups. David Goldberg (1990) attempted to explain how ethnic interests groups in the United States and Canada pursue foreign policies dealing with Israel and Middle Eastern states. Goldberg recognized that the groups in the United States and Canada are diverse and have their own agendas, so a point by point comparison would offer little useful information. Rather, Goldberg developed a model which considered the make-up and structure of each organization and outlined the organizations response to their respective government's foreign policies toward the Middle East and Israel. The American Israeli Public Affairs Committee and Canadian Israeli Committee were compared on their organizational structure, patterns of behavior, and level of influence within their state. Goldberg used the time period of 1973-1988 and divided the period by issues of concern for each group within each state. Issues such as the Yom Kippur War, anti-boycott legislation, and the issues with Palestine were examined in each state within the given time period. By dividing the data, it was easier to analyze the group's responses to the policies (Goldberg 1990).

Baumgartner et al. (2009, 1-6), in an attempt to map out the policy process, developed a random sample of issues which covered a wide range activities dealing with the United States federal government. The authors started by interviewing lobbyists that are active in numerous issue areas. The lobbyists were asked to identify the most recent issue they were working on. This produced a sample of ninety-eight issues that lobbyists were currently working on. From there, the issues were studied. Information about the active interest groups was also collected, and the issues were followed through the policy process. A database for each issue was organized, which included the groups actively working on the issue, as well as information about the groups, including their membership size; budget; and staff size. This information was

collected from the group's websites, the Encyclopedia of Associations, and the IRS Form 990 which detailed the group's finances. Information from the Lobbying Disclosure Reports was used to determine lobbying expenditures and Federal Election Commission documents were used to determine information about their PAC's activities. The issues were also traced through the policy process by documenting media coverage, policy proposals, hearings, congressional statements, and television ads. In addition, the database also tracks how corporations are involved with the issues, including the number of employees and the annual revenues (Baumgartner et al. 2009, 276). Using this research design as a guide, the study can be repeated on a much smaller scale to determine if and subsequently how domestic groups access foreign governments and international organizations to win support for their interests.

The structured, focused, comparison method involves asking general questions pertaining to the research objective. The questions are applied to each case. Because the questions are standardized, the results can be compared. Historically, scholars have been critical of research involving case studies because of the lack of comparison. To overcome the problems surrounding case studies, Alexander George and Andrew Bennett (2005) claimed case studies must meet three requirements. First, each case within the study must be related to a general topic. For example, each case must deal with crisis management or alliance formation. Second, the cases selected should be chosen based on a set of clear objectives. Finally, the case studies should be of theoretical interest.

The following model expects to identify which domestic interest groups are likely to expand their cause internationally. Furthermore, this research hopes to recognize what factors are likely to influence that decision and at what level the group will approach. The group's perception of the domestic political environment as well as notion of changing world norms are

believed to influence the decision to lobby an additional venue as well as the choice of venue. For instance, the stability of current policy and the group's perception of the public good all impact venue shopping.

This is a comparative study examining group behavior in the United States and Canada. A comparative study was selected to compare domestic conditions within each country. For instance, are American groups more or less likely to seek transnational lobbying targets? Do the domestic conditions in Canada make a domestic Canadian group more or less likely to go international?<sup>21</sup> The United States and Canada were selected because of their proximity to each other. This may reveal that bordering states also are more likely to have a higher degree of shared interest group activity.

Three distinct policy typologies were selected for review. Different policy areas were selected to determine if behave differently across different policy typology. Environmental policy, specifically emission policy was selected as the regulatory case; agriculture policy was selected as the re-distributive case; and reproductive rights policy was selected as the morality case.

Using the structured, focused, comparative method (George and Bennett 2005), a case study for each policy was developed based around Canadian and American groups. First, the issues relevant to each case were defined. It is important to clearly outline the issues in both the United States and Canada. Because the political cultures within the United States and Canada are different, the issue may be viewed differently. Therefore, the review will show how the issues developed and are perceived within each state. This will also provide information on how the groups involved perceive the issue within the domestic political environment.

Second, American and Canadian groups who are active domestically in each policy area were identified. Groups were selected from each policy area in both the United States and Canada. Both the United States and Canada maintain a registry to track lobbying activity. The Lobbying Disclosure Act of 1995 (United States) and the Lobbyist Registration Act of 1988 (Canada) both require lobbyists to report their activity, including which government official they have approached and any money contributed. In Canada, the Office of the Commissioner of Lobbying maintains the registry. The law divides groups into two tiers: lobbyists who are paid to influence on behalf of a groups and lobbyists who approach the government on behalf of a single group or issue (Landes 2002). In the United States, data collected under the Lobbying Disclosure Act is maintained and made available to the public by the Secretary of the Senate and the House of Representatives Clerk.

For Canada, the lobbying database was sorted to show groups based upon the issue they support: agriculture, environmental emissions, and reproductive issues. Then, groups were selected based on their contact with the Canadian government. Groups who approached the government were recorded. It is theorized that groups who routinely contact their domestic government may also contact a foreign state or nongovernmental organization. Data was collected from May 2011-March 2014. In the United States, the process was repeated using the Lobbying Disclosure Database. Data was collected July 2011-March 2014. The Center for Responsive Politics which operates the website OpenSecrets.org was also use to collect reproductive groups. This site maintains a registry for public and educations uses. The site provides data on money donated to political campaigns. The site also tracks money spent by organizations, including whom the money is donated to and how much money is spent. Again,

as with the Canadian groups, it is theorized that groups who are very active in a domestic policy would also be active in the international arena.

A main research dataset was constructed by including each group that accessed their domestic government during the timeframe. Next, groups were selectively rejected based upon the group type. For instance, only interest/pressure groups and public interest groups were included in the dataset, particular corporations were excluded. A public interest group is distinguished from a typical interest group based upon the groups lobbying goals. For instance, a public interest group seeks to further an issue that will not directly benefit its members such as protection of human rights or the environment, rather the group is seeking general social benefit. In contrast, a typical pressure/interest group seeks benefits for their members (see Smith 2005). Finally, groups which had numerous governmental contacts were included over groups with a single contact logged in the lobbying disclosure database. It is theorized that an active domestic group would also be very active internationally. Thus groups with only a single contact were excluded. The dataset was narrowed to include approximately 30-50 groups. From this dataset twenty-five groups per policy area were selected at random using the Microsoft Office program Excel. In addition, numerous “think tanks” were also selected from both the United States and Canada. Because these organizations advocate a policy position, it was theorized that they would also have a high degree of international activity.

Data concerning each group selected was collected through online surveys and follow-up direct interviews. According to Robert Groves et al (2009), a survey is a systematic method for gathering information from sample entities for the purpose of constructing quantitative descriptions of the attributes of the larger population of which the entities are members (2009, 2). There are two basic types of surveys: cross-sectional and longitudinal. A cross-sectional survey



analyzes data collected from a sample from a single timeframe, while a longitudinal survey examines data collected from different times. For instance, a longitudinal survey may examine data over a period of weeks, months, or years. A cross-sections survey would use a single point in time. Cross-sections studies are uses to examine relationships between variables at a particular time, while longitudinal studies are used to trace trends over time (Babbie 1973).

This particular study is a cross-sectional because the research hopes to produce information on a group's decision making process in relationship to its lobbying activity. An email was sent to each group selected containing a link to the survey. After the group completed the initial online survey, follow-up interviews were scheduled to gain a more detailed understanding of the group's decision making their perception of the political environment. A mixed mode survey was selected to improve the quality of information. Using a mixed mode method reduces costs, improves non-response rates, and survey coverage (Groves et al 2009, 158). J.R. Hochstim (1967) conducted a study comparing different survey methods. The study compared personal interviews, telephone interviews, and mailed questionnaires. It was found the personal face-to-face interviews produced the highest response rate; however it was also the most expensive. Mail surveys were also more likely to have incomplete questions, especially when dealing with social behavior (1967). Later studies compared the response rate between personal interviews and web-based surveys and produced similar findings to Hochstim. Web-based surveys are also more likely to have a higher non-response rate than face-to-face interviews (Heerwegh and Loosveldt 2008). Therefore, it was decided to conduct web-based surveys first and supplement the with telephone interviews afterward.

The survey questions were constructed to map a group's decision making process in terms of venue shopping. For instance, how does the group view the domestic political

environment in regard to their issue? Does the group view the environment in terms of hostility or are they comfortable with the policy process? What relationship does the group have with international organizations or foreign governments? Once completed, the surveys were coded to standardize the responses and analyzed to determine group behavior and decision making. The open ended questions were coded into identify patterns of behavior. Information regarding group behavior surrounding three distinct policy areas was comparatively collected and standardized to identify various incentives among the groups. These incentives motivate the group to use different strategies when lobbying the international world. The information collected about each group will provide answers to the four research questions: What is the motive or incentive to leave the domestic arena? What strategy does the group use internationally? What tactics does the group use internationally? Was the move successful in terms of achieving the group's goals?

To answer these questions, it is necessary to examine the internal conditions within the state. It is contended that the internal domestic conditions will influence the group's decision-making domestically, and these conditions will also influence the transnational decisions and activity. Therefore, the following chapter will consider the impact domestic conditions have on a group's decision to leave the domestic environment, what venue will be selected, and ultimately the success of its entry into transnational activity.

## **Chapter Four**

### **Domestic Perspectives and Transnational Tactics**

Domestic organized interests will select a strategy that will maximize their persuasive capacity. At times their strategy will include leaving the domestic political environment thereby globalizing their efforts. Whatever strategy the group selects, there is an overriding question regarding the tactics of the group. Will the group employ the same tactics transnationally as it would domestically? The incentives, objectives, and tactics of organized interests have been widely studied. However, these studies focus on domestic behavior. The transnational strategies and tactics of organized interests have been largely ignored. This study seeks to clarify how domestic organized interests are utilizing domestic tactics in the transnational arena.

It is hypothesized that a domestic group will employ the same tactics transnationally as it would domestically simply because those tactics have been proven successful. For example, when a group has had success lobbying the executive branch in their home state, it logically would employ those same tactics when dealing with the executive branch of a foreign state. Therefore, the lobbying tactic does not change but the context or venue does.

However, the tactics of interest groups in different political systems vary in a variety of ways. The degree of separation of powers, party discipline, and campaign finance laws all present challenges for a domestic group wishing to persuade a foreign actor. Thus, a successful group will be aware of both the tactics used domestically and how those tactics can be utilized in different political contexts. Hence, a discussion of the domestic behavior of groups in United States and Canada should provide insight on potential transnational tactics and may clarify the specific nature of transnational activity.

The literature on organized North American organized interests' activities is comprehensive and extensive. Numerous studies have looked at group tactics from many different perspectives and different units of analysis. Because, in addition to the objectives, strategies, and successes of domestic organized interests, this study is concerned with variations in the political tactics of groups. It is important to understand the different forms of domestic pressure tactics. A group may focus exclusively on the legislative branch, while others devote attention to both the administrative and elected branches. Still yet, some groups seek to alter opinions through campaign support. A group may focus on one target exclusively or numerous targets simultaneously.

For organizational purposes, the literature has been grouped into three sections. The first section outlines how groups work domestically to lobby and provide campaign support to policymakers in the United States and Canada. Sections two and three compare the institutional and political cultural differences between the United States and Canada in order to illustrate why groups might deploy tactics differently in different political contexts. For instance, the presidential and parliamentary systems as well as different political cultures create different institutional constraints. This literature review additionally will show that there is very little examination of why some domestic interest groups reach out to the international world in an attempt to influence the policy directions in a particular area, while other groups remain focused on domestic politics.

### **Domestic Lobbying and Campaign Assistance**

To explain how interest groups operate transnationally, it is first necessary to understand how organized interests work to influence policy domestically. All lobbying can be boiled down

to two forms: direct contact and indirect contact. Direct lobbying is defined as the direct interaction with public officials for the purpose of influencing policy decisions. This involves lobbyists directly meeting and discussing policy preferences with the policymakers. Usually, in the United States, a lobbyist will target particular members of Congress that serve on a committee of interest to the lobbyist (Barbour and Wright 2006).

Indirect lobbying is defined as an attempt to influence policymakers by encouraging the general public to place pressure on them (Barbour and Wright 2006). Members of Congress are always tuned in to their constituency at home. Because these are the people who put the congressman in office, the congressman will always be concerned with their views. If the congressman's constituency is supportive of a bill then the congressman is likely to support it. If the public dislikes the bill, chances are, so will the congressman. Therefore, lobbyists will organize the public at home to support their cause (Wittenberg and Wittenberg 1994). The type of group can also influence the type of lobbying. Beth Leech (1998) found that business groups use indirect lobbying nearly as often as non-profit groups. This could indicate that business groups, like citizen groups wish to personally speak with policy makers, but will also attempt to sway public opinion (Leech 1998). Business and trade groups spend more money on lobbying in recent years than citizen groups. They also account for half of the registered lobbyists in Washington, DC. An interest group that lobbies an issue, in which there are hundreds of other groups lobbying for the same cause will have little voice, but a group that finds a policy "niche", or a small area of the policy may have more success because there is less attention on the issue. Therefore, business groups can afford to pick their issues that they lobby for, meaning the business and trade groups have unlimited resources and fewer groups interested in their cause. This allows the trade or business group to "hand pick" the issues they lobby. Citizen groups on

the other had do not have the resources. There is also likely more controversy and attention placed on their issue. Therefore, their cause may receive little attention from policy makers. It is important for a lobbyist to have a “niche” to follow (Baumgartner and Leech 2001).

Additionally, organized interests will occasionally conduct research on relevant issues and publish reports. These reports contain detailed analytical information regarding the ramifications of a particular policy or governmental action. Interest groups will use this information to educate both the public and policymakers in an attempt to alter opinions on an issue. Thus, this tactic can be both direct and indirect depending upon the intended target. If the information is sent directly to the policymaker, then it is considered direct lobbying. If the information is made available to the public, then it is indirect lobbying (Nownes, 2013).

There are some that argue that lobbying tactics are the same no matter who is being lobbied. Ernest Wittenberg and Elisabeth Wittenberg claimed that lobbying tactics do not change just because the target changes. Those who approach members of Congress, those who package legislative initiatives for the President, labor union officials and policy advocates all have the same approach when persuading a policy maker, even though their message may be different, their tactics are the same. First, every successful lobbyist will define the issue. The issue must be clear and presented in such a way that the information is easy to understand. The issue must be well researched and defined in such a way that the facts are outlined. Second, a lobbyist will recruit allies to support their cause. Allies should be available in every state. Congress will usually ask about the support for the cause. Third, a cause needs a congressional sponsor. A lobbyist will approach a member of Congress who is devoted to the cause and will pursue the cause through Congress. Next, issues are brought to the media. Issues that are important to the voters at home will also be important to Congress. Also, when a hearing is

called about the issue, the lobbyist will recruit people to testify and make sure they are prepared for questions. Finally, a lobbyist will monitor the issue through Congress (1994).

Thus, lobbying tactics do not change simply because the target has changed. However, there are at times institutional differences that force the lobbyist to adapt their tactics. For instance, in Canada, lobbyists are less likely to approach members of Parliament because of the parliamentary control of the political system. For instance, Henry Jacek (2004) claimed that interest groups lobby bureaucracies in Canada because the bureaucracy shapes cabinet decisions. By pressuring bureaucratic staffer, a group may be able to influence a Cabinet decision. Robert Presthus (1974) conducted a survey of interest group leaders in Canada and found groups were more likely to target a bureaucratic agency before contacting the parliament, their staff, or the courts. The Canadian Parliament is tightly controlled by the Prime Minister and the Cabinet. Therefore in Canada, it is more productive to approach those in the executive branch than the legislative. It is important to note that campaign spending is another means of access beyond lobbying. However, as Robert Boatright (2011) noted, the United States and Canada both recently passed campaign finance reform and domestic interest group reaction varied between the countries. American groups adapted to the changes very quickly while Canadian groups did not change tactics. The author attributes the differences to variances in the political systems.

Therefore, the tactics of interest groups are not simply those found in the American political system. Variations in group activity outside of the United States have been noted in early studies<sup>22</sup>. The following section will discuss how interest groups work within government institutions domestically in both the United States and Canada. This section will demonstrate the behavior of domestic organized interests. However, more importantly it will demonstrate how domestic conditions influence domestic politics and in turn, transitional lobbying activity.

### *Lobbying Tactics in the United States Legislative Branch*

In the United States, at the legislative level issues are at the center of many debates. Congressional members in the United States are self-interested. They support their own goals as well as the goals of their constituency. They often have three specific goals in mind: creating good public policy, re-election, public prestige (Fenno 1978). Interest groups can assist members of Congress with each of those goals. However, interest groups will be supporting a certain issue. Therefore, the legislative branch will work differently with interest groups than the executive branch.<sup>23</sup>

All issues are not treated equally in legislatures. Dan Haider-Markel (1999) claimed that cultural issues and interest group activity have been ignored by researchers. The literature is weak regarding the role interest groups play in the cultural policy. The author claimed to strengthen the literature by filling the gap between cultural and ideological groups and congressional voting. He studied the activities of gay and lesbian groups and their involvement in Congress. The author applied exchange theory, which holds that relationships are built on a cost benefit analysis. If the exchange between individuals or groups is greater than the costs, then the exchange will continue. The theory was developed by George Homans in 1958.

Exchange theory has been applied to congressional voting in the past. Susan Welch (1982) claimed that groups provide Congress with campaign contributions in exchange for a favorable vote on an issue. According to Welch, interest groups and congressional exchange is more of a reciprocity relationship because the groups and members of congress have little control over issues that will be voted on. Haider-Markel claimed that the literature does not support the idea that gay and lesbian lobbying groups would see much success because the issues are highly controversial, very salient, and have a high degree of partisanship.



In previous studies, the author has found that gay and lesbian groups have been able to influence the congressional agenda (Haider-Markel 1997) and lobbied for anti-gay hate crime legislation in several states (Haider-Markel and Meier 1996). Because there are a number of factors that influence congressional voting on gay and lesbian issues, the author claimed that interest group influence may be marginal. The author concluded that cultural issues are a variant and the influence that groups have over the issues varies greatly depending on numerous factors. However, the author breaks from previous literature by showing that groups do not always have the best influence when issues are of low salience. Campaign contributions and grassroots mobilization are the best tools available to groups when dealing with cultural issues. The groups have more success when trying to block negative policy rather than supporting positive or pro-gay policy (Haider-Markel 1999).

In democratic systems, in which public opinion is always a concern for policy makers, the success of interest groups is more likely on issues that have low salience to the public, low partisan conflict, and low levels of opposition. Interest group success is more likely when several conditions are met: (1) when issue salience is low; (2) when the issue is highly technical, specialized, or narrow; (3) when policy benefits are concentrated and costs are dispersed (Smith, 1995) (Evans in 1986 argued that this condition cause conflict, which makes groups influence less likely); (4) when partisanship and ideology are avoided; (5) when the public is ignorant, indifferent, or divided; (6) when the interest group is unopposed by other interest groups; (7) when groups follow-up contributions with intense lobbying; (8) when contributions are intended to influence legislative outcomes rather than electoral outcomes; (9) when legislators are ideologically moderate; and (10) when public opinion is on the side of the interest group (Smith, 1995). Therefore, a group is more likely to be successful if they present the issue in such a way

that conflict and ideology are avoided. Furthermore, a group will also tend to make the issue as narrow as possible. This reduces competition with other groups for resources and helps the group avoid conflict (Browne 1990).

Diana Evans (1986) argued that the issues matter for congressional voting and interest group influence. Interest groups will likely have more influence on issues that have a consensus rather than surrounded by conflict. Issues that are consensual usually concentrate the benefits and disperse the costs onto others. Conflict issues will concentrate the benefits and the costs or disperse the costs and concentrate the benefits. In other words, Evans is claiming that issues that will have the most conflict surrounding them are the ones that attempt to give the benefits to a small group while transferring the cost to another group or transfer the cost throughout society. Issues with intense conflict are harder for groups to influence (Evan 1986).

In the United States Congress, issues that are ideological by nature usually are harder for lobbyists to gain support for because they are immersed in conflict. Ideological cultural issues usually are high conflict issues which tend to divide public opinion and create partisanship (Hunter 1991). Aage Clausen (1973) defined ideology as the cultural schema that is used to make decisions on issues. Knowing the ideology of the policymakers is very important when a lobbyist approaches them. Religion and ideology will often go hand in hand; therefore, religion can play a role in congressional decision making (Benson and Williams 1982). There is evidence that congressional voting can be influenced on some issues. Abortion, for example is a very controversial high salience issue. Congressional voting can be influenced by interest groups on some cultural issues such as abortion (Gohmann and Ohsfeldt 1990). When faced with a cultural issue, legislatures will usually not follow party lines in the United States. Their ideology will tend to be the overriding factor when voting (Haider-Markel 1999). Voting party lines will

usually occur half the time in Congress on roll call votes, however there is evidence that there is more party unity today than in the past (Dye 2007). The views and wishes of the constituency play a major role in the voting behaviors of congressional members. However, the issue does matter (Buchanan and Ojfeldt 1993). The ideology of the congressman will tend to match that of his constituency. Because most congressmen were born and raised in their district, they will likely have similar views to those in their constituency (Dye 2006). However, the issues do seem to matter when considering the views of the constituency. James Lindsay (1991) claimed that the constituency matters very little in matters of national defense.

There is evidence that policymaker's opinions on issues will remain stable over time. Richard Fenno (1978) stated that congressional members tend to vote the same way on issues over time, therefore, to understand how Congress is going to vote on a given issue it is important to know how they are predisposed towards an issue. Also, newer issues are easier for groups to manipulate because the issues may not be fully understood by policymakers at that time. As a result, interest groups can fill in the missing information and have more persuasive power over newer issues (Fleisher 1993).

### ***Lobbying Tactics in the Canadian Parliament***

Interest groups are a legitimate part of the Canadian political system. Although both the public and the government view groups as valuable, but also recognize there is a need for groups to have limits on their influence. In particular, groups perform four functions for their members: administer, regulate, communicate, and legitimate. First, groups provide a public service. Many groups encourage its members to volunteer (Pross 1994). Along these lines, Dorothy Duchesne found that 27 percent of Canadians over age fifteen volunteered for a group (1989). Therefore, group members volunteer time and knowledge by conducting support groups and distributing

information to the general public. Next, groups regulate its members, notably in professional associations. For example the Canadian Bar Association or the Canadian Medical association sets admission standards as well as sets standards for professional conduct. Next, groups provide communication. Groups communicate with the government and the government communicates with the group through meetings and newsletters. Groups also commutate with other groups (Pross 1994). With this in mind, one could also assume a group would communicate with a foreign group or a nongovernmental organization. Finally, a group provides legitimacy. A favorable report about a proposed policy from a respected group carries weight not only with the group's members, but also with the general public (Pross 1994).

Although the government recognizes a need for pressure groups, Canadian political parties often complain about group involvement. For instance, parties often cite group's undemocratic voting procedures; controversial tactics; polarizing of the issues; pursuit of narrow interest at the public's expense. Although, some complaints are well founded, A. Paul Pross noted that not all groups can be compared equally (1994). Groups are diverse and their organization and leadership tactics vary.

At the heart of the discussion over groups and political parties is the Responsible Party Model. The model holds that parties should provide voters with clear platforms, candidates should pledge support for the platform, and finally party officials should ensure members vote for their policies to ensure the party is held accountable to the voters (Barbour and Right 2011). In Canada, party officials are great party organizers but are less successful organizing and communicating with the public at the grassroots level. However, groups fill the gap. A group offers a channel for citizens to voice concerns. The party channels are difficult for individuals to access, thus they organize. In fact many citizens feel they have a better chance to influence

public policy by working with a group than by working with a political party (Pross 1994).

When citizens join groups, they are participating in their democracy. According to Lisa Young and Joanna Everitt, citizen participation is increasingly conducted through group participation more so than other forms (2004).

Interest group involvement in Canadian politics is seen as a relatively recent phenomenon. However, Hugh Thorburn (2001) claimed that group involvement in government affairs was seen very early. Representatives from the railroad, banking, and shipping industry formed relationships with the British North American government as Canada began to expand west. Later these relationships developed between bureaucratic agents and the industry. Although scholars did not focus on group activity in Canadian policy process until the 1960s, Fred Engelmann and Mildred Schwartz (1967) were one of the first to discuss interest groups in Canada. They claimed that Canadian politics had interest group activity, but the political observers were not willing to admit it. Today, it is widely accepted that interest groups can influence public policy in Canada (Jacek 2004). In particular, business groups have an advantage over labor unions because they are better organized and have a longer span (Coleman and Jacek 1983). The larger the business, the better organized and powerful the group will be. The least influential groups are environmental, ethnic, religious, linguistic, and social issue groups, but the Coleman claimed they can have an impact on policy makers close to Election Day (Coleman 1988). Ronald Landes (2002) reiterated Coleman's point by claiming business and corporate groups are dominant in the Canadian system, however single issue groups are growing in strength and numbers. Although, the single issue group is not as dominant in Canada as in the United States

Business and industry associations are also more like to use paid lobbyists than nonprofit or citizen groups. The reason for this is most of the lobbying activity conducted by businesses is aimed at selective narrow benefits, while groups lobbying for the public good tend to pursue collective benefits (Young and Everitt 2004).

There is also a good deal of competition among Canadian groups. Phillip Amara et al. (1999) conducted a survey of Canadian associations at the federal, provincial, and municipal levels. The authors found the most lobbying is conducted by groups seeking private and public goods. Additionally, the degree of competition between associations relates to the group's lobbying tactic (1999). The competition among groups also extends to competition among groups lobbying for the same cause. Groups often compete with similar groups, trying to discredit other groups in an effort to ensure their own survival<sup>24</sup>. David Kwavnick (1970) argued that groups struggle and compete for formal government recognition. This struggle goes beyond lobbying to secure benefits for group members. The author examined labor union behavior in Canada, finding that groups demand formal recognition from government. This recognition also extends to group member appointment to certain advisory boards and commissions. The appointment demonstrates the government feels the group is legitimate. Kwavnick argued that groups behave this way because group leaders perceive weakness in the group. For instance, labor federations are only as strong as their members. In Canada, the strongest labor groups are affiliated with the American groups, and leadership decisions are made by the American leaders (1970). Nonetheless, access to policy makers is gained with the government feels the group is legitimate and the group has legitimate information that would be valuable to the policy process. Business groups are more likely than public groups to hire consultants to protect their interests. This is likely due to business having more financial resources available. These consultants have

numerous established contacts within government at numerous levels. This further increases access for these groups, which increases their legitimacy. Although, groups that are not considered legitimate by the government can gain status by holding demonstrations or protests. Such activities bring media attention to an issue (Young and Everitt 2004). However, there activities are risky, because they risk government annoyance with the group.

Overall in Canada, the parliament is not typically the institution that initiates or formulates public policy. The executive cabinet handles policy initiation or agenda setting as well as policy formulation (Pross 1986). The Canadian Prime Minister is the primary figure in Canadian government. The prime minister and the cabinet formulate policy and introduce it to the Parliament. Their policy is usually not challenged (Brooks 2007).

The Parliament is the best suited to provide information and support to the cabinet during the early stages of the policy process (Pross 1986). This would suggest that parliament brings ideas to cabinet members. This would leave open the possibility that interest groups who have a relationship with members of parliament could influence them to take a particular position when meeting with cabinet members.

Prior to 1975, Canadian interest groups tended to fall under the elitist model. The system favored elite groups who had prior relationships with the government. Therefore, society's elite tended to formulate policy, and elite groups were involved. Groups who used public opinion as their main access tool tended to be excluded from the process (Thorburn 1994). Presthus (1973) explained that there were three reasons the system favored elite accommodations for certain groups. First, the system restricted groups to those with only a direct interest in the policy outcome and those who wished to protect the status quo. Second, the problems were defined in very technical terms in which the government relied on the groups for information. Thus,

government programs expanded without significant direct government direction. Finally, the allocation of resources was very resistant to new information such as new technology or economic information. This new information challenged the existing agency-clientele relationship, thus it was excluded (1973, 351). The elite accommodation was expanded by a growing bureaucracy. The government size expanded incrementally, thus allowing the bureaucrats to control the growth. The relationship between groups and bureaucrats was also strengthened because they tended to share the same values (Thorburn 1994). This system however changed in the 1960's as society began to change. According to A. Paul Pross (1975) these changes impacted the way institutionalized groups were evaluated.

In 1968, Prime Minister Pierre Elliot Trudeau introduced reforms that would greatly change the old elite system. The introduction of the Centralized Cabinet Committee system brought more government actors into the policy making process. More cabinet officials would now be involved in policy making with caused groups to make more government contacts and spend more resources. Also, the growth of central agencies such as the Privy Council Office has further drained group's resources (Thorburn 1994). This new system had a very detrimental effect on a group's ability to influence a policy direction (Gillies and Pigott 1982).

### ***Lobbying the Executive Branch***

Interest groups approach the executive branch differently in the United States than they do in Canada. This is mainly due to the institutional differences in the executive branches of the respective countries. Michael Gallagher, Michael Laver and Peter Mair (2001) argued that there are two types of bureaucracies: generalist and technocratic. A generalist system relies on general administrators and people are socialized into the bureaucratic culture of the organization, meaning the decisions are made based on past tradition. A technocratic bureaucratic system



relies on technical training and skill such as engineering and a mastery of economic policy. The United States is considered a more generalist bureaucracy, while Canada is considered technocratic. The following section will focus the behavior of organized interests in the United States and Canadian executive branches.

### *Lobbyists' Tactics in the United States Executive Branch*

The executive agency heads in the United States are political appointees. The career level bureaucrats under them at times are resentful and uncooperative. The President wants to be perceived as a strong leader. To do this, he must structure organizations that respond to his needs. Therefore, the President appoints people to support his objectives. These objectives often run counter to the career civil servants (Moe 1985). Therefore, instead of demanding conformity from the staff, an appointee will be better served if he engages in "self-help" in which the appointee asks the predecessor for advice and asks for conditional cooperation and assistance from the career civil servants. Conditional cooperation implies the appointee develops trusting relationships with civil servants, builds alliances within the agency and outside the agency, including interest groups, media, and other agencies (Hecklo 1977). This allows the appointee to develop relationships with many different groups in order to better carry out the goals of the President.

As Hugh Hecklo stated, political appointees will often seek relationships with groups outside of the agency. At the same time, interest groups are also looking to form relationships within executive agencies. To influence the executive branch in the United States, a lobbyist must make official and unofficial contacts. There are two ways in which a lobbyist can make official contacts: through the executive veto power and administrative testimony (Wolpe and Levine 1996). The authors claimed the veto power the executive holds is very powerful. It is

also very difficult to persuade the executive branch to veto a policy bill, or make that policy an objective of the administration. Therefore, because it is often too difficult to lobby the chief executive the President, a lobbyist must go to his staff for assistance. Before the staff will support an issue and bring it to the President, the staff must be assured that the issue has the full support of the entire industry. According to the authors, the vote of confidence from the industry is more important to the executive branch than in Congress because the executive is responsible and accountable to the entire nation, not simply a congressional district (Wolpe and Levine 1996).

Administrative testimony is a way for the executive branch to make their policy wishes clear to congress, and will usually be very well received by the committees out of respect for the President. According to the authors, a group can influence the content of the executive's message to a congressional committee. Further, if the President is taking the same policy stance as the lobbyist, then the group may be able to provide supporting data to supplement and strengthen their argument. If the President is not going to give a positive message about the industry, then a good relationship with the staff will allow the group time to prepare a counter response. Frequently, if time is allowed, the group will mobilize its congressional supporters and prepare them to ask questions and provide damage control for the President's message (Wolpe and Levine 1996).

Beyond official contacts, a lobbyist must also make unofficial contacts. These unofficial contacts include the civil servants that have worked their career in a particular agency. The authors argue that because there is a great deal of turnover with congressional staff members as well as Whitehouse staffers, the civil servants offer a tremendous amount of not only knowledge about the industry, but also stability. Through this stability, a policy triangle may develop in

which long term relationships will facilitate the development of favorable policy for the group. The triangle includes: the interest group, the executive agency staff, and a congressional committee. These policy triangles aide the argument for or against a policy issue by showing unified support (Wolpe and Levine 1996).

However, there is a body of literature that argues against the notion of such policy triangles. Heclo (1978) claimed that the iron triangle is not an incorrect theory, but is very incomplete. By viewing policy making in a triangle, much of the other influences on policies are missing such as policy entrepreneurs, journalists, and technical specialists. Here, the author has attempted to show that the policy process is much more complex than the simple subsystem. Therefore, an interest group has many more options available to influence policy. Thomas Gais, Jack Walker, and Mark Peterson (1984) investigated the iron triangle theory and found that the iron triangle subsystem is no longer as important or effective as it once was. A new system of conflict and unpredictability has evolved in the United States. A major reason for the development is the rapid influx and development of new interest groups which have involvement in many different areas of a specific policy. Also, the public is now much more informed due to media involvement.

Beyond the iron triangle, there is literature that suggests that the executive now has a more involved role than in the past. The development and involvement of new citizen groups has greatly changed the structure of the American political system. The groups are backed and financed through private donations, usually not membership dues. This allows groups to get around the collective action problems that Mancur Olson (1965) discussed. These groups challenge the traditional commercial interest groups. There is a new level of conflict that is ideologically based between the citizen groups and the traditional groups. This has led to

changes in the policy making institutions: the President and Congress. Congress is now more sensitive to the concerns and needs of general citizens. The President is now involved in more policy areas. More and more issues are demanding presidential attention. As a result, the President is now more of a conflict manager. The authors claim that because the President is involved in more areas than in the past, many groups may go directly to the President to voice concerns and bypass Congress (Gais, Walker, and Peterson 1984).

However, the growth of citizen groups has caused many unpredictable policies, diminished the autonomy of the subsystem and brought many of the issues once decided behind closed doors out to the public. Ideological conflict is now much more important in the American system than in years past. However, the authors make little mention of the executive agencies that implement policies. Do these newly developed citizen groups lobby executive agencies like the traditional commercial groups? Even though this study contains some holes in its research, the study does outline how interest groups are not limited to the iron triangle. Policy subsystems are very constraining and assume that no other institutions are involved in a particular policy. The authors used a mail survey of American interest groups, asking them to outline their contacts. This showed that groups have more involvement in policies than what the iron triangle theory alludes to (Gais, Walker, and Peterson 1984).

According to Randall Ripley and Grace Franklin (1990), subsystems work best and are developed when a policy is new and is distributive in nature. The 1960s-1980s the United States developed many new policies that were very redistributive and regulatory in nature. The federal government assumed control in numerous policy areas that were once controlled by the state and local officials such as education and environmental pollution control. The redistributive policies promote a system that places interests at odds with one another. The decisions are not made by

simply the sub committees, and bureaucratic agencies. There are many other actors involved, including the President. Therefore, interest groups will attempt to lobby many different institutions to influence policy.

Along that line of thought, it could be assumed that interest groups also work with foreign leaders in an attempt to influence the policies of that state. As Thomas Gais, Mark Peterson, and Jack Walker have argued, citizen interest groups are now centered and organized around ideology. Because ideology is very strong, and usually long lasting it could be argued that groups with a strong ideological belief on an issue will not only attempt to change the policies of their home state, but will also wish to alter the policies of other states as well.

#### *Lobbyists' Tactics in the Canadian Executive Branch*

How groups lobby the executive is slightly different in Canada than in the United States. Henry Jacek (2004) argued that Canada has a very technical bureaucratic system, in which the system relies on technical experts that are highly knowledgeable and well trained. Because of this technical expertise, Jacek claimed that interest groups lobby bureaucracies in Canada because the bureaucracy shapes cabinet decisions. However, over time the bureaucracy has become very responsive to the wishes of the Prime Minister and other Ministers. In terms of public service, the bureaucrats wish to please the Government. They network with officials from all levels of government, lobbyists, and consultants. The bureaucrats knowledge of issues matters less than their ability to network and form partnerships. Their job is basically to defend and protect the Government's positions (Savoie 2010, 180). Lawrence Martin described the relationship between the Prime Minister and the bureaucracy as the bureaucrats either "fall in line, or fall out of favor" (Martin, 2006 A1, and A6). To state differently, the bureaucratic staff basically networks and advocates for the government.

In Canada, gaining access to the cabinet ministers is very difficult. They are very busy, and typically do not see many interest group officials unless there is a pre-established relationship. Another reason groups do not typically see the minister is because the minister will take the position of the government. This ensures that the agency will pursue the policies of the government. If the groups ideas do not match that of the government, then approaching a minister may lead to entangling the cabinet in the issue. Therefore, a group will usually approach a member of the minister's staff and civil service workers that work within the policy area. However, bureaucratic interests are declining in Canada. Therefore, there has been a growth of policy communities. The policy community is a narrow group of specialized individuals who know the policy area well. The community consists of special interests, bureaucratic civil service workers who implement policy and policy makers who are concerned with the policy area, as well as other groups with similar interests. For a group to be successful within the policy community, it must persuade the executive and supporting agencies, the lead agency, similar groups, and at times the public. As time passes, the community will become more established and the minister will be more willing to consult with its members (Pross 1986).

Canadian groups often operate behind the scenes because their work and influence are not particularly accepted by Canadian political culture. Group activity is seen as an attack on parliamentary sovereignty thus groups work in less visible areas, most notably the bureaucracy. Canadian groups are also more likely to approach the executive branch because they are likely to achieve more success. The Parliamentary system and party discipline have left legislative committees with very little real power. As a result, the American style subsystems did not develop in Canada (Landes 2002).

There has however been an increase in group's utilization of the judicial branch. The 1982 Canadian Charter of Rights and Freedoms has given groups the opportunity to fight public policy in the courts (Landes 2002). A study completed in 2000 found that non-corporate groups made up 62 percent of the court challenges of public policy. Corporate challenges made up the remainder (Hein 2000). Furthermore, Patrick Monahan (2000) found that the Supreme Court allowed groups who were not directly involved in the case to intervene in half its cases. Although, Charles Epp (1996) argued the Canadian Charter of Rights and Freedoms did not alone create the opportunity for groups to pursue grievances in court. Rather, he argued that social conditions enabled the charter's effectiveness. Those conditions include: organization mobilizations, finances, and lawyers. Rights advocacy groups developed very quickly in Canada, starting in the 1960s. For instance, the Canadian Civil Liberties Association formed in 1962. These groups mobilized to invoke the rights of various groups including women, indigenous peoples, and the disabled. Second, financing must be available to pursue issues through the courts. Both the federal and provincial governments established legal aid programs making funds available for both civil and criminal cases. Lastly, legal professionals are needed to interpret the law. In the post-WWII era, the Canadian legal profession is based much more on formal law school training rather than an apprenticeship (Epp 1996).

#### *Variations in Lobbying Tactics Summarized*

From the above discussion it is clear that organized interests behave differently in the United States and Canada. In the United States, groups will approach the legislative and executive branches frequently, while in Canada, the executive is the more favored target. However, the domestic behavior is very important in terms of explaining transnational behavior. The institutional differences such as a presidential versus parliamentary system could be a factor

in a domestic group's decision to engage in transnational lobbying. The following section will discuss the effect of institutional differences between the United States and Canada on the tactics of interest groups and their decision to act transnationally.

### ***Domestic Electoral Tactics: Campaign Contributions***

Another way groups can persuade legislative and executive policymakers is through campaign contributions and support. In the United States, there have been many studies done on congressional voting behavior and the linkage of campaign contributions, but the results are inconclusive. Some scholars claim that there is a slight link between the two; others argue there is not such link.

#### *Campaign Contributions in the United States*

In the United States, Susan Welch (1982) found there is a link between campaign contributions received and voting behavior. However, the author pointed out that other factors are more relevant in determining how a congressional member will vote beyond the campaign contributions received. For example, party membership, ideology of the member, and the wishes of the constituency tend to reveal more about voting behavior than campaign contributions. Welch did a simple regression analysis to determine if members of congress were influenced by campaign contributions. The author's dependent variable was whether or not the congressman voted for or against a particular bill. In this case, the author used the amount of dairy contributions from the dairy industry as the independent variable. The author found that campaign contributions and voting behavior was an ongoing process. If a group gave a congressman a contribution, then the congressman was likely to support the dairy industry which in return caused a larger contribution the following year. The effect of the contribution is small;



however when it is compared to the other factors such as ideology, party, and constituency opinions.

Dennis Quinn and Robert Shapiro (1991) also found limited support for campaign contributions and a particular voting behavior. According to their study, the establishment of a political action committee dealing with taxation and redistributive policies increases support for particular party. However, along the same lines as Welch (1982) the authors found that party membership was a larger factor in determining support. For instance, the authors found Democrats are more supportive of higher corporate taxes than Republicans over a thirty year period (1991).

On the other side of the debate, many authors have found that there is little evidence to link voting behavior and campaign contributions together. Henry Chappell (1981) found that campaign contributions and voting behavior are largely unrelated. The author attempted to build on the work of G.C Durden and J.J. Silberbman (1976) in which they found that the AFL-CIO was in fact able to influence the way Congress voted on minimum wage laws. Chappell claimed that Durden and Silberbman had a very broad focus and attempted to narrow his study to only a few groups. The author found that the link between voting and campaign contributions was inconclusive, stating that voting behavior was more likely based on constituency and ideology.

Still yet, there is evidence that the issue causes the variance, not the amount of campaign contributions. James Kau, Donald Keenan, and Paul Rubin (1982) and Linda Johnson (1985) found that the issues matter in terms of voting behavior and campaign contributions. Kau et al (1982) attempted to determine the impetus behind policies that aim to increase government regulation in the economy. The authors developed a model using the roll call votes of several congressmen on numerous issues. Kau et al (1982) concluded that ideology of the congressman

and the constituency is very important in terms of voting behavior. For example, the number of farmers present in a congressman's district was significant in determining the support for increased farming regulations. The more farmers located in the district, the less likely the congressman would support increased regulation. They also determined that union support of an issue would likely increase the congressman's support of an issue. If a union supports increased regulation, then congress is also likely to support it. However, the article is dated. In the 1980's labor unions were much stronger than they are today.

Johnson (1985) considered whether or not savings and loan political action committees are successful at influencing roll call votes. The author used nine real estate policies and the roll call votes in the House of Representatives to test voting patterns. Real estate bills were selected because of the intertwined nature of the real estate and savings and loan industries. The author found that the savings and loan political action committees were only moderately successful at influencing roll call votes. The author believed that other groups with more experience would have better results.

Alan Neustadl (1990) found that the visibility of the issue is important for congressional voting. The author's work was built upon the work of Woodrow Jones and Robert Keiser (1987). Their study found high visibility issues usually have emotional undertones which will cause Congress to vote with their party or the ideology of their constituency. Jones and Keiser claimed that campaign contributions from labor groups do influence voting, but the vote is dependent on the visibility of the issue in the media. Neustadl claimed that labor group contributions are more effective than business group contributions to predict congressional voting behavior. The author used data from the 99<sup>th</sup> Congressional term and concluded that labor contributions are significant and positively related to pro-labor votes in Congress. In other

words, the more a labor group contributes to a congressional member, the more likely the member will vote pro-labor. Business groups are not as strong as labor groups. In fact, the author found a negative relationship between business group contributions and the number of pro-business votes. However, on high visibility issues, labor contributions are not significant. The same is true for business groups. For low visibility issues, labor groups are effective at using campaign contributions to influence votes, while business groups are not effective. Business group contributions have no effect on low visibility business issues. Therefore, Neustadl (1990) argued that labor groups are better able to influence congressional votes if the issue is not highly visible to the public. If that is the case, then Congress will tend to vote based on their ideology or that of their constituency (1990). However, interest groups will lobby their allies in congress (Hojnacki and Kimball 1998). Groups will support their allies in Congress the most, those “on the fence” secondly, and their competition last. Therefore, because congress was dominated by the Democrat Party, it may be possible to conclude that business groups spent little time lobbying the Democrat members.

Laura Langbein (1993) claimed that groups use campaign contributions differently than they use lobbying tactics. The author claimed that groups lobby not only their supporters, but also the moderates, or those that are undecided about an issue. The group will lobby the moderates because lobbying is not tied to group membership like contributions are. Langbein (1993) argued that groups are less willing to give moderates and non-supporters financial support because they do not want to explain why money was given to non-supporters. For example, it is difficult for a pro-choice group to justify giving financial support to a pro-life member of Congress. Therefore, groups will focus campaign contributions on those members of Congress that support their own beliefs. They however will lobby the fence sitters in an attempt to

influence their vote. Going further, Langbein elaborated on Robert Salisbury's work. Salisbury (1983) made a distinction between membership groups and institutions. According to Salisbury, membership groups rely on their members for support. Their members are citizens, consumers, producers, all supporting the group. Institutions have firms as their members. People join membership groups for self-expression. Institutions are made up of firms with self-interested economic intentions. Institutions want to strengthen or protect their interests, while membership groups are joined by individuals who join based on ideological reasons. Langbein (1993) claimed that PACs that are associated institutions tend to allocate money to congressional members to maintain a status quo or slightly improved policy. Because institution groups target swing voters, they will attempt to reduce the conflict. Membership groups will target supporters and attempt to expand the conflict (1993).

#### *Campaign Contributions in Canada*

In relation to the growth of groups, the Canadian government actually financed the creation on many groups. Beginning in the 1960s, the government provided subsidy money for groups. For example through the Women's Program, the Canadian government has provided money for women's groups to promote gender equality since the 1970s. The National Action Committee on the Status of Women (NAC) was founded in 1972 with government funds. Government funding of groups has been reduced over the years (Landes, 2002 P 429), and since 1997 the Women's Program does not provide funding for core operation only for projects. Thus many feminist groups have disappeared (DAWN Ontario 2011)

## **Institutional Differences**

Differences among political systems present an interesting challenge for domestic groups wishing to lobby targets beyond their domestic environment. The institutional differences of a presidential and parliamentary political system might force a group to adapt its tactics when necessary. Although, it is important to note that just because a political system is different does not mean tactics will automatically change. For instance, an American group may approach a Canadian executive agency the same way it would an American executive agency. The key tactics are the same; the difference is knowledge of the political system and its constraints. Thus, the following section will discuss the institutional differences in the United States and Canada.

### ***Presidential vs. Parliamentary Systems***

When attempting to influence public policy, an interest group will work differently depending on the institutional context. In efforts to influence the executive, it is therefore important to know how that institution works. By comparing similar institutions, a researcher can determine where policy differences may arise. According to Guy Peters (1998), there is not a perfect method for doing a comparative analysis, it depends what you are looking for (Peters 1998). When considering the United States Presidency, there are three elements for comparing the American President with other leaders abroad. Systems, situations, and leaders, according to Bert Rockman (1998) are all intertwined and can be used to compare other leaders with the institution of the United States President.

Rockman (1998) argued that there are several reasons why political systems are different. Those reasons include: power attributes, the degree of centralization, and political institutions. Power attributes refers to the amount of power the state holds. The more military or economic power a state holds will influence their importance worldwide. Institutions, according to

Rockman, are also a factor for producing system differences. He argued that one of the most striking differences between a parliamentary system and a presidential system is the degree in which interest groups are able to shape the political agenda. In a presidential system, the president must bargain and construct coalitions within the legislature and in the eyes of the public to form legislative majorities. The President's agenda is less absolute than that of a Prime Minister in a parliamentary system. Here, the Prime Minister has a more active role with the legislative branch, and once a legislative agenda is formed, it is all but certain to pass. Therefore, because the Prime Minister needs less help from interest groups than a President, interest groups operate differently in a parliamentary system. Here, they are more likely to interact with party leaders or in the bureaucracy (Rockman 1998).

Centralization according to Rockman (1998) refers to the resources and authority that is available to leaders. He considered several forms of centralization including the level of financial and political resources available to the central government in relation to those available to other units of government. The more resources available, the higher degree of centralization a state has. The second form of centralization deals with the powers of parties. Here, the more power and available resources a governing party has, the more centralized a state is considered to be. Finally, the last type of centralization the author considered is the power relationship between the leader and his cabinet.

Arend Lijphart is the foremost authority on the role centralization plays on policy outcomes. Lijphart claimed that all democracies could be categorized into two distant camps or models of democracies: majoritarian and consensus. There are several key concepts to the majoritarian model. First, there is a concentration of executive power with one party and bare majority cabinets. This means that the party with the most seats in Parliament will form the

government. Second, there is cabinet dominance. The cabinet is formed by the majority party, so there is a high degree of confidence from parliament. Third, there is a two-party system, meaning two parties compete for power. Fourth, the state has majoritarian and disproportionate elections, meaning first past the post is used. Fifth, the interest group system is very pluralistic. In other words, there are several competing groups who wish to access the government. Sixth, the government is unitary and centralized, meaning the national government holds a good deal of power. Seventh, legislative power is concentrated in one powerful house, such as the House of Commons in the United Kingdom. Eighth, a majoritarian system will have constitutional flexibility, meaning it can be changed easily. Ninth, there is little judicial review of policies. Finally, the central bank is controlled by the executive.

In a consensus system, the situation is just the opposite. First, there is executive power sharing. This refers to a coalition of power in the executive. Second, there is an executive-legislative balance of power. This means the executive and the legislature are independent of each other. Thirds, there are multiple parties. Forth, the system has proportional representation. Fifth, the interest group system is very corporatist, meaning there is a coalition between the government, labor, and business when forming public policy. Sixth, the state is decentralized and federal. Seventh, there is bicameralism in which there are two equal houses in the legislature. Eighth, the constitution is very hard to change. Ninth, there is judicial review. Finally, the central bank is independent (Lijphart 1999).

For the purpose of this research, the primary factors that will be focused on are the cabinet dominance, the legislative-executive balance of power, interest group system, and the

degree of federalism. Now, the institutional differences of the United States and Canada will be discussed in terms of where they fall on Lijphart's scale of democracies.

Lijphart claimed that the legislative-executive balance of power variable demonstrates the difference between concentrated power of the majority and a consensus sharing of power (Lijphart 1999). This variable is important because the balance of power between the executive and the legislative branches will be a factor in how groups approach foreign states. Lijphart argued that single party majority cabinets and multi-party coalition cabinets are different in two respects. First, whether the cabinet is made up of one-party or a coalition of several parties and second, the kind of parliamentary support the cabinet has. Lijphart classified the United States as a one-party cabinet simply because the United States President is a very dominate figure. Therefore, the one-party is considered to be the President's party. The United States cabinet is also considered to be a minimal winning cabinet by definition because the President appoints his cabinet. Lijphart considered Canada to also be a one-party, minimal winning coalition cabinet (Lijphart 1999).

The legislative-executive balance of power is an important variable to consider because the legislative-executive power sharing is extremely important in terms of how groups lobby foreign states. These institutional differences demonstrate that groups who wish to lobby foreign states must also take into account how policies are made. By determining how policy is made, it is possible to lobby for policy change. Lijphart claimed that presidential and parliamentary systems have three key differences in terms of the legislative-executive balance of power. First, in a parliamentary system the prime minister and the cabinet are more dependent on the legislative branch because they must maintain their confidence. A vote of no confidence from the legislature could remove the executive from office. In a presidential system, the president



cannot be removed by the legislature except for criminal offence. Second, in a parliamentary system the prime minister is selected by the legislature, while in a presidential system the president is elected by the public either directly or indirectly. Third and finally, in a presidential system, the president is the sole decision maker. The cabinet serves an advisory role. While in parliamentary systems, the prime minister will make collective decisions with the cabinet (Lijphart1999). Furthermore, Douglas Verney (1959) stated that there are three more crucial differences between a parliamentary and presidential system. First, in a presidential system the executive cannot also serve in the legislative branch. In a parliamentary system, there is no mutual independence. Second, a president does not hold the right to dissolve the legislative branch, while a prime minister may hold that right. Finally, parliamentary systems will usually have dual executive, meaning a head of state and a head of government. In a presidential system the president will usually serve as both the head of state and the head of government (Verney 1959) Lijphart (1999) classified Canada as a parliamentary system and the United States as a presidential system.

### ***Federalism***

The degree of centralization is very important in terms of interest group activity within a state. A federal state will often allow interest groups to expand their conflict to other areas or other level of government (Dye 2007). Schattschneider (1960) claimed that when a group fails, they will expand the conflict to encompass more people and more groups, thus a conflict may appear to be contained because of the passage of certain policies at the state level or court decisions at the state level, but groups who have lost will eventually expand to the national level. They will lobby the national congress or go to the federal courts. Canadian interest groups also observe this trend. Groups who started at the provincial level will often move their central

headquarters to Ottawa in order to have a presence there (Pross 1986). Therefore, a higher degree of federalism will allow interest groups more area to pursue their issues. Lijphart developed an index to measure the degree of federalism a state has. According to this index, a 1.0 signifies a unitary system and 5.0 a federalist system. The closer a state is to one side of the scale indicates its degree of federalism. Both the United States and Canada have a high degree of federalism according to the index scale. Both received a 5.0, which is the highest ranking for the degree of federalism within a state (1999).

### ***Pluralism and Corporatism***

The final variable from Lijphart to consider is the type of interest group system within the state. Because this research focuses on interest group activity, this variable is extremely important. There are two distinct types of interest group systems: pluralism and corporatist systems. Lijphart defers to Philippe Schmitter (1982) for a more concise definition of the systems. According to Schmitter, a corporatist system has large interest groups in membership size, but relatively few in group in the system. They are coordinated nationally and are consulted regularly by leaders, and policy is made through a comprehensive agreement, called a tripartite pact. A pluralist system features many small interest groups with varying sizes. There is also little consultation and no tripartite pacts (1982). As with federalism, Lijphart also created an index to measure pluralism and corporatism systems. Here, 4.0 is the highest pluralism ranking and zero is the lowest meaning corporatism. Lijphart considers Canada to be the most pluralist country with a score of 3.56. The United States is just behind at 3.31 (Lijphart 1999). Therefore, both the United States and Canada have a high degree of pluralism within their countries. This means that there are many groups operating within both the United States and Canada. Because there are so many groups at work in both states, all of which are competing for access to the

government, it seems more plausible to consider groups would be willing to reach out to foreign states in support of their cause. They also would be more willing to attempt to access states with similar interest group systems. A state with a more consensus system would be harder to intercept.

This section has outlined the degree of cabinet dominance, the legislative-executive balance of power, and centralization in the United States and Canada and the impact these differences have on domestic group tactics and behavior. Interest group pressure on both the executive and legislative branches in both states; however, their strategies vary depending upon the state. For instance, groups are more likely to approach cabinet members in Canada than the United States because the Canadian parliamentary system gives the ministers more governing authority. Thus, based upon different domestic political institutions, a group may seek additional international lobbying targets because of domestic constraints. The following section will review political culture and its potential impact on group behavior.

### **Political Culture**

There are notable differences among the political cultures of different nation states. These differences cause variation among the states and can lead to variation in how political tactics are deployed. These differences have influenced the foundations of the American and Canadian systems and have contributed to the variations in lobbying tactics discussed above.

Canadian political culture studies usually focus on how Canadians are different from Americans. Canadians tend to be very vocal on the differences between their society and American society. In fact, because of the close ties Canada has with the United Kingdom, most Canadians would identify themselves as more British than American in terms of political

institutions, values, and heritage. However, the question of “what it means to be Canadian” has haunted the public for generations. As the younger generations grow, there is less of a feeling of being British, but they also struggle to be different from Americans. American values tend to be centered on individualism and a self-sustaining society, while Canadians tend to see themselves as less individualistic, more passionate, and more tolerant, less suspicious of government (Brooks 2007, 31). It is worth noting that these trends are seen in English speaking Canada only. The language barrier isolates the French speaking province of Quebec from some American influences. Quebec’s population is also highly influenced by Catholic religious ties. Therefore, French-speaking Canadians tend to be much more concerned about the Anglo effects on their society, but tend to blame English-Canada rather than the United States (Brooks 2007).

The origins of Canadian political culture can be traced back to the fragmented values of Canada’s history. On one hand, French Canada has roots in the feudal societies of France. Once the French revolution took place, immigration to Canada from France virtually stopped. This allowed French Canadian society to develop around the feudal class social values of pre-revolution France as well as the Catholic Church. Therefore, many of the French-Canadian institutions are based on the Catholic Church. On the other hand, English Canadian society grew mainly from the British immigrants of the United States. In other words, the British loyalists left America and settled in Canada. The British loyalists brought with them a sense of British society and traditions to build their institutions (Brooks 2007 43). For clarity purposes, this study will focus on the English speaking provinces of Canada.

During the eighteenth century, a belief in liberalism gained in popularity. The classic liberal thought centered on individual freedom in politics, religion, and economic relations. The political institutions of the United States are based upon this belief (Brooks 2007). This raises

the question of why did the British loyalists leave the American colonies when this belief was so prevalent? The answer can be traced back to their British roots. The liberalism of the time was also influenced by the Tory conservative ideology. This had a diluting effect on those who immigrated to Canada. The conservative Tory ideology held that there should be deference for established authority and institutions, as well as an acceptance of social inequalities between classes. The greater social order was considered more important than individual inequalities (Christian and Campbell 1982, 23-25).

Today, Canada is more ideologically liberal than the United States. This can be linked to the argument that classic liberalism never achieved the status in the Canada that it did in the United States. Because of the fragmented ideas that the British loyalist brought to Canada, which mixed liberal and conservative ideologies, liberal ideas such as free markets were not as important to Canada. This allowed socialism undertones to develop in modern day Canadian society. The term “Red Tory” was developed by Gad Horowitz in the mid-1960’s to explain the mixture of conservative beliefs in structure, order, and classes while still supporting the development of a society that embraces fairness. In other words, the “Red Tory” believes in using class and status to further the common good. Canadian society is rooted in collectivism for the betterment of the society (Horowitz 1966).

Canadian and American political culture differences can be organized into four distant categories: community, freedom, equality, and attitudes about the state. By examining the different categories, a comparison can be made between the United States and Canada. In terms of community, the Canadians tend to suffer from an identity crisis, meaning they are often insecure and confused about their social identity. As mentioned above, the American Revolution forced many British supporters to immigrate north. As Canada developed, the citizens found

themselves in a constant battle to prove their distinction from the United States (Brooks 2007, 46-48).

The most striking difference between the Americans and the Canadians is about personal freedom. Freedom and personal liberty is ingrained in American culture, but Canada does not have this ingrained personal liberty. The largest demonstration of the can be seen when comparing political ideals on gun ownership. Americans tend to believe that gun ownership is a fundamental right, while Canadians do not tend to view gun ownership as such a right. Americans feel they need guns for protection, while Canadians feel the government can adequately protect them (Brooks 2007, 55).

Beyond individual freedoms Americans and Canadians have different views concerning trust in their governments. Americans are far more likely to distrust their government than Canadians. Canada has a very collective nature that allows them to rely on their government to do the right thing, while Americans are more individualist (Brooks 2007, 56). Brooks stressed that Canadians do not value freedom any less than American, however Canadians are less likely than Americans to feel government interference with personal rights and property in the name of security violates their rights (Brooks 2007, 57).

In terms of social equality, Canadians tend to value equality and fairness more than Americans. Canadians are more likely than Americans to support social welfare policies, and are more willing to use government policies to equal the playing field (Brooks 2007). Americans value equal opportunity, which gives everyone a chance to succeed, while Canadians are more likely to value equality of results, meaning everyone will have the same outcome (Lipset 1990, 155).

Canada also has a higher tolerance of culture and diversity than the United States.

Canada as with the United States has had issues with race discrimination, but the United States has had a much rockier past than Canada (Brooks 2007). However, Raymond Breton and Jeffery Reitz (1994) claimed that the cultural differences between the United States and Canada are more apparent than real. The authors claim that there is no empirical evidence for the belief that Canadians are more tolerant of diverse culture than Americans.

In terms of government expectation, Americans expect less government intrusion in private affairs, while Canadians are comfortable with government rules and regulations. Canadian government will pursue policies that redistribute wealth much more than Americans (Brooks 2007, 64). The United States also has a greater belief in religious values than Canadians. Canada is much more secular than the United States. According to the World Value Survey (2000), Americans have far more traditional values than Canadians. The secular nature of Canadian society can somewhat explain why cultural issues in Canada are far less volatile than in the United States. Issues such as abortion, stem cell research, and marriage rights are far less controversial in Canada than in the United States. Furthermore, Canadian politicians do not tend to mention scripture or religious practices in their public speeches, while American politicians routinely include religion in their speeches (Brook 2007 67-68). However, using data from the World Value Survey, Christian Boucher (2004) found that the value differences between the United States and Canada are relatively small except for religious and moral issues. When dealing with these issues, the United States tends to be much more conservative than Canada. With that in mind, it may be harder for cultural based groups from the United States to be effective in Canada than vice versa. Furthermore, because of the cultural differences between the two countries; the success of interest groups across borders could vary.

## **Domestic Tactics: Concluding Remarks**

The preceding section examined the various lobbying tactics available to organized interests and how those tactics are utilized domestically. Additionally, different political systems and political cultures were discussed. This discussion has revealed that while each body of literature has contributed to the understanding of lobbying and interest group behavior, each fails to fully explain why some domestic groups become transnational actors and some remain purely domestic. The first section outlined the definition of domestic organized interests in the United States and Canada, as well as their domestic lobbying tactics; however the literature does not clearly explain why a group leaves the domestic political environment and if they will utilize the same domestic tactics transnationally. The sections on political institutions and political culture showcase how and why the political systems of states develop differently. Because of the differences in political culture and political institutions, groups may choose to utilize different domestic tactics to achieve their goals. The literature outlined in these sections does not directly relate to lobbying; however, it is still very important because it shows how groups are constrained by domestic political practices.

It is hypothesized that when a group leaves the domestic political arena, it will likely continue to employ the same domestic lobbying tactics. The organizations have successfully utilized these tactics domestically and will continue to utilize the same tactics transnationally; however different political systems will make some tactics more useful than others. A group that has had a great deal of success lobbying individual members of the United States Congress might opt instead to approach a particular Canadian Minister rather than an individual member of Parliament. Thus, when a group lobbies domestically, it must be aware of the political system and constraints. This is also the case when lobbying transnationally. An organization must



understand the different political systems and will select a tactic based upon that particular system.

The following chapters will investigate the use of tactics and the impact of domestic constrains. As noted in Chapter Three, data for this study was collected through a series of interviews. Based upon the literature outlined above, four tactics have been identified: coalition building, direct contact<sup>25</sup>, and expert testimony. During the interviews, organizations were asked to elaborate upon their use of these tactics, both domestically as well as transnationally. The following chapters will showcase the interviews through a series of case studies. Each will consider how and why domestic organizations in both the United States and Canada move into the transnational arena, what tactics are utilized, and was the move successful.

## **Chapter Five**

### **Environmental Policy:**

#### **Organized Interests and Transnational Activity**

In late October, 1948 a fog settled over Donora, Pennsylvania. The small town along the Monongahela River is located southeast of Pittsburgh. As with many towns in the region, the steel mill was the main industry. The town's close proximity to the river often created foggy conditions. However, this unusually heavy fog lingered for days. When smoke emissions from the steel mill mixed with the heavy fog, poisonous smog was created. Within four days, twenty people had died and thousands more were sickened with respiratory distress. This event is considered one of the worst air pollution disasters in United States history (Ellington-Brown February 28, 2009).

In the months that followed the Donora incident, public health officials began testing air samples to determine first if industrial pollution could cause a mass health concern (N.Y. Times November 27, 1948), then exactly what caused the smog (N.Y. Times March 24, 1949). Events such as Donora served as focusing events, setting the stage for future clean air legislation. However, the attention to environmental issues started years before in the late 1800s. This chapter will review the environmental movements in the United States and Canada, with a particular focus on the development of air pollution emission controls and water pollution laws. The motivation, strategies, tactics, and perceived success of organized environmental interests in the United States and Canada will be discussed in relation to the development of environmental policy. As the environmental movement progressed, new organizations were formed and

established organizations, notably the industry adapted their tactics and tactics. The examination of the development, motivation, and tactics of domestic organized environmental interests will provide a foundation for addressing questions concerning how and why groups utilize transnational lobbying targets.

### **Group Advocacy and the Early Environmental Movement**

Environmental consciousness developed roughly along the same timeline and was influenced by the same individuals in both the United States and Canada. The environmental movement can be divided into various stages, starting with land and resource conservation, and then moving towards pollution prevention and environmental activism, and finally full scale institutionalization into mainstream politics<sup>26</sup>.

In the late 1800s, conservation and preservation of the land were popular themes as both states moved to populate their western territories. The literary works of Henry David Thoreau, Ralph Waldo Emerson, and William Wordsworth romanticized the notion of nature. In the United States, President Theodore Roosevelt moved conservation into the political spotlight. The Reclamation Act was passed in 1902, which created the Reclamation Service. This agency was charged with developing flood control, irrigation, and electricity generation policies. At this point policies were geared towards resource management rather than resource exploration by private development. As policies progressed, interest groups naturally formed. The groups however were split between conservation and preservation. Conservation focused more on land management and “right-to-use” policies while preservation focused on land preservation for scenic value (Silveria 2001). For instance, Gifford Pinchot is considered the “father of American conservation” and founded the Society of American Foresters in 1900 (US Forestry Service History 2013). On the other side, John Muir founded the Sierra Club in 1892 to promote

wilderness protection. Other early groups included the National Audubon Society which formed in 1905 and the Boone & Crockett Club, which formed in 1887. Although the philosophies were slightly different, there was very little diversity between the conservationists and the preservationists. Members on both sides were mainly white upper class men who simply enjoyed the outdoors. The working class as well as ethnic minorities were very much excluded from club membership (Silveria 2001). Noteworthy events during this stage of the environmental movement included the creation of Yellowstone National Park in the United States in 1872 and Canada's Banff National Park, created in 1885. Also, in 1916, the United States and Canada<sup>27</sup> signed the Migratory Bird Treaty to protect migrating species across their borders (Hummel 2012).

By the 1960s the focus in both the United States and Canada had shifted from conservation and preservation to pollution control and prevention. The environmental movement in both states became more diverse as citizens became more environmentally conscious. Citizens were more affluent; as a result, they began to worry less about economic issues and became increasingly concerned with the social issues such as civil rights, public safety, and the environment (Inglehart 1990). In addition to becoming more affluent, the values among citizens began to change, especially among younger generations. Material possessions became more important in the years following World War II, as did the desire to travel and engage in leisure activities. Thus, an aesthetically pleasing environment became very important. Also, quality of life became a very important issue. Opinions regarding healthcare and the quality of life altered how citizens felt about the environment. There was a new desire to be free from harmful pollution that would negatively impact human health that was not widely observed in older generations (Hays 2000, 22-23).

Additionally, several events directed public attention towards the environment in the United States and Canada. In 1962, Rachel Carson published *Silent Spring*, which warned of the dangers of pesticide poisoning. In the late 1960s the Cuyahoga River caught on fire because of industrial dumping. A large oil spill occurred in Santa Barbara, California. Additionally, in Ontario the Wabigoon River contained large amounts of mercury from industry dumping. As a result, the residents living at the Grassy Narrows and Whitedog First Nations reservations were poisoned from eating contaminated fish.

As the public became more environmentally conscience, the elected officials also developed an environmentally friendly agenda. Environmental issues were easy to support in the late 1960s and throughout the 1970s because they were deemed politically attractive. Environmental policy gained bi-partisan support in Congress (Kraft and Vig 2013).

### **Groups and United States Environmental Policy**

The adoption of environmental policy in the United States was not automatic. Citizens pressured the government at all levels to control pollution, however industry representatives had a very established relationship with government officials. At the state and local level, industry associations had the resources and technical expertise to produce scientific studies regarding industry activity and the environmental impacts, thus they were very influential to state policymakers, both legislatively and in the regulatory agencies. Therefore, there was pressure upon the federal government to develop comprehensive environmental protection policies. However, even at the federal level, the citizen environmental groups were somewhat disadvantaged compared to the industry associations. Both the industry and environmental organizations worked with federal policymaking institutions; however, while the environmental groups were new and had to learn the tactics and lobbying strategies the industry representatives

simply had to alter their strategies to the environmental rhetoric. Industry organizations employed lawyers to influence the legislative branch and appeal decisions in the courts; public relations experts to control the frame of highly visible environmental issues; and technical experts to work with regulatory agencies to control the scope of regulations. Thus, the industry's resources gave them a clear lobbying advantage compared to the newly established citizen groups. Most environmental citizen groups were established in the 1950s and 1960s and lacked both the financial resources and institutional knowledge to compete with the industry in terms of influencing policymakers. Thus, these organizations took a different approach. Their strategy was mainly to run grassroots public relations campaigns to set the public agenda<sup>28</sup>. Information was distributed through membership publications and through the media. Therefore, the main strength of the environmental citizens groups was the general public. Citizens were encouraged to pressure policymakers for action on environmental issues (Hays 2000, 189-91). Thus, the strategy was lobbying for contact. As Anthony Nownes (2013) discussed, lobbying for contact is an indirect lobbying tactic in which organizations develop grassroots campaigns to set the public agenda and relay their concerns to policymakers. Eventually, the citizen groups were able to add technical and legal experts to their staffs. Additionally, new groups such as the Natural Resources Defense Council and the Environmental Defense Fund developed specifically to focus on environmental legal defense. However, the citizen groups still did not have the resources that were easily available to the industry representatives, therefore citizen groups focused mainly on public relations campaigns and did achieve success at the federal level with the passage of clean water and clean air legislation (Hays 2000). Thus, after decades of activism, the environmental movement has become a dominant player in American politics. However, as time went on, the organizations became more professional and less dependent upon individual members. Groups

now had a full-time staff which included scientists, lawyers, and lobbyists. For example, in Canada groups such as Pollution Probe and Ecology Action Centre were founded (Johnson 2008 and Hummel 2012). In the United States, the CEOs of the ten largest environmental organizations formed the G-10<sup>29</sup>. As a coalition, the G-10 focused more on lobbying and strategy in Washington DC, and less on the advocating direct action corporate polluters. This strategy alienated the smaller groups such as Environmental Action and the World Wildlife Fund. However, the G-10 coalition was quickly perceived as too mainstream and close with both the government and industry. Thus, a new grassroots movement started in the late 1980s and 1990s. The new movement included very diverse groups that focused on environmental justice (Silveria 2001).

When Ronald Reagan was elected President of the United States in 1980, his devolution policies relaxed the federal governments enforcement of federal environmental laws and left enforcement up to the individual states. Additionally, there were questions surrounding the impact of environmental regulations on the economy (Kraft and Vig 2013). In the early 1970s, David Zwick and Marcy Benstock argued that major industries exerted pressure upon the state governments to prevent strict implementation of environmental regulations, which resulted in the federal water pollution efforts having little impact on preventing water pollution (1971). Thus, when the states received further control over environmental regulations, environmental groups viewed this as very threatening to their cause. Groups appealed to the general public, warning of the dangers of industrial pollution. As a result, membership in existing groups increased and new groups were formed (Kraft and Vig 2013). This trend continued until the recession in 2009. The large nationwide organizations saw declining membership and decreased funding, while the smaller organizations faced financial hardships (Rosenbaum, 2014).

### ***Water Pollution***

The first major policy in the United States to address water pollution was the Federal Water Pollution Control Act of 1948. This policy authorized federal, state, and local officials to collaborate on the development of water pollution control plans, particularly for the elimination of pollution across state borders. The law was amended several times, notably in 1972. After the 1972 amendments, the Water Pollution Control Act became known as the Clean Water Act. The Environmental Protection Agency (EPA) was authorized to implement water pollution control standards and individuals were prohibited from releasing polluting substances into navigable waterways without a permit (EPA Clean Water Act History 2013). In 1978, the United States and Canada signed the Great Lakes Water Quality Agreement, in which each state expressed commitment to protect the Great Lakes Basin Ecosystem. The Great Lakes Critical Programs Act was passed in 1990 as an amendment to the Water Pollution Control Act. This amendment required the EPA to report annually to Congress on the water quality of the Great Lakes as well as establish water quality standards and assist the states will implementing the criteria (EPA Great Lakes Human Health Program 2013).

### ***Air Pollution***

In the United States, the Clean Air Act was passed in 1963, the first attempt to reduce air pollution and improve public health. The act provided funding for state and local agencies to research emissions and create control programs. Specifically, the law targeted emissions from “stationary sources” such as coal fired electric generation and “mobile sources” such as automobiles. The act was amended in 1965 to establish automobile emission standards and to also study the effect of trans-national air pollution from Canada and Mexico. The act was again amended in 1967 to establish Air Quality Control Regions throughout the country to measure air



quality and set national emission standards for stationary sources (Clean Air Act of 1963, PL 88-206).

However, the most substantial amendment was passed in 1970. Under the amendment, national ambient air quality standards would be set and further vehicle emission standards were enacted. It also allowed citizens to seek legal action against those who violated the act (Clean Air Act of 1970, PL 91-604). The final amendment was passed in 1990, which focused on technology to reduce air toxins. The act called for low-sulfur fuels and alternative fuels to reduce acid rain. Additionally, the act created domestic legislation to implement the Montreal Protocol, an international treaty to prevent ozone layer depletion. Thus, the act called for the reduction of chlorofluorocarbon emissions, which deplete the ozone layer (Clean Air Act of 1990, PL 101-549).

In addition to the Clean Air Act, in 1969 the National Environmental Policy Act was enacted. Thus, with the act's passage, the federal government became very involved with environmental policies, requiring all federal agencies planning projects to submit Environmental Impact Statements and required the President to establish the Council on Environmental Quality. This council would assist the President with environmental research and prepare an annual report for Congress (Guardian 1992).

### ***The Environmental Protection Agency***

In 1970 President Richard Nixon sent a memo to Congress asking for a number of environmental improvements. For instance, the President asked for increased appropriations for improved water treatment facilities, national air quality standards, guidelines to lower vehicle admissions, and research funding to reduce automobile pollution. However, President Nixon's greatest environmental milestone was the creation of the Environmental Protection Agency. The

President wished to create a single federal agency to enforce and oversee federal environmental policy. Thus, the President submitted Reorganization Plan Number 3 to Congress, which called for the consolidation of a number of federal environmental agencies scattered across three Cabinet departments. Once the reorganization was complete, President Nixon created the Environmental Protection Agency through executive order in December, 1970 (Guardian 1992).

### **Groups and Canadian Environmental Policy**

The development of environmental policy and the influence organized interests in Canada have been very similar to the United States. Like environmental interests in the United States, Canadian groups do not have the resources the industry has. Because they lack significant resources, the focus tends to center on public relations campaigns. Groups attempt to keep issues before the public and offer educational information on the environment. Thus, the industry associations have a much more established relationship with the Canadian government (Hessing, Howlett, and Summerville 2005).

#### ***Canadian Environmental Protection Act***

Environment Canada was created in 1971 by the Department of the Environment Act. This law consolidated numerous agencies such as the Meteorological Service and Wildlife Service to create one comprehensive agency. The Minister of the Environment heads the department (About Environment Canada 2013). Under the Canadian Constitution, public health issues tend to fall under the province's control (Section 97, (7), Canadian Constitution Act). Thus, many of Canada's environmental laws such as air pollution are adopted and implemented by the individual provinces. However, the Canadian Environmental Protection Act gives the federal government some authority to regulate many aspects of environment pollution control.

The Canadian Environmental Protection Act originally was passed to address growing public concerns over the emission of toxic substances being released into the environment. In 1985, a taskforce was established to research the effectiveness of current policy when dealing with toxins. Canada had numerous environmental laws that dealt with numerous aspects of environmental protection, such as the Environmental Contaminants Act, the Clean Air Act, and the Ocean Dumping Act; however, the taskforce found that existing policy was not adequately addressing the release of toxic substances into the environment. Thus, in 1988, the Canadian Environmental Protection Act (CEPA) was passed. The CEPA consolidated numerous existing environmental laws. Environment Canada would administer the law in conjunction with Health Canada. Thus, with the passage of the CEPA, the federal government could now establish environmental quality objectives, regulate the components various substances such as fuel and cleaning agents, and take action to prevent international pollution through entering into international agreements. In 1995 the policy was reviewed to assess its effectiveness. It was found the law should do more to prevent toxic pollution from reaching the environment, rather than retroactively address the problems after occur. Therefore, after a long series of parliamentary debates, the act was amended in 1999 to be more proactive. The focus of the CEPA now is on prevention, phasing out harmful substances, regulating vehicle and engine emissions, and strengthens enforcement. Thus, Environment Canada uses regulations to meet the objectives of the CEPA (CEPA, About, 2013).

### **Transnational Group Advocacy and the Environment: The Phosphate Case**

During the 1960s and 1970s, the environmental movement brought many diverse environmental groups together, all of which were demanding governmental action against air and

water pollution as well as protection against hazardous waste. However, the major industries in both states attempted to influence the government's development and enforcement of policies, and encouraged individual states/provinces to set low standards and delay implementation of the environmental policies. This was very apparent with the battle over phosphates. In both the United States and Canada, the issue received attention however in Canada; the issue became a rallying point for the environmental movement. In the United States, the industries were able to largely prevent governmental action; in Canada policy was enacted within a few years. The United States did not enact a policy at the federal level.

In the late 1940s, laundry detergent manufacturers began adding phosphates to the detergents to enhance the cleaning power. The phosphates eventually end up in lakes and waterways and encourage the growth of algae. As large amounts of algae form, the water is deprived of oxygen, and eventually not able to sustain fish and other wildlife. As concern grew over the use of phosphates and the impact on waterways, the United States and Canada asked the International Joint Commission (IJC) to investigate the condition of Lake Erie and Lake Ontario in 1964. The Joint International Commission was created through the 1909 Boundary Waters Treaty to resolve disputes between the United States and Canada regarding shared waterways<sup>30</sup>. In 1969, the Commission released its final report, finding that the lakes had significant pollution, with the sources coming from both states. Additionally, the report argued that phosphates had a very detrimental impact on water qualities of both lakes. The Commission recommended both states enact phosphate control programs at local sewage treatment facilities to prevent substances from entering the waterways. The report also recommended the use of phosphates in detergent be phased out by 1972 and industries develop a more environmentally friendly substitute. The IJC held six public hearings in both states in which the soap and detergent associations from both

the United States and Canada testified. The industry argued that removing phosphates from detergents would have a detrimental impact on human health because the sanitizing powers of soaps and detergents would be greatly reduced, impacting schools, hospitals, and restaurants. Additionally, the 1972 deadline to phase out the use of phosphates was not realistic. Furthermore, the only substitute available was nitrilotriacetic acid (NTA), which the industry argued was not fully tested to be environmentally friendly or be as effective as phosphates. Thus, the industry representatives in both states recommended an upgrade in sewage treatment plants to capture substances before reaching the water (McGlucken1989).

The IJC report recommendations were the same for both the United States and Canada. However, the issue developed much faster in Canada than the United States. The Canadian environmental groups mobilized, as well as the American detergent industry. The result was a Canadian ban on detergents containing more than 20% phosphates in 1970, and a complete ban in 1972. (McGlucken1989).

In Canada, newspapers ran stories of the IJC report and recommendation that mobilized a very environmentally conscience public. Within two months, the Department of Energy, Mines, and Resources received 413 letters from citizens concerned about the use of phosphates and water pollution. Additionally, the environmental groups were very active, writing letters to the government as well as contacting groups abroad. For instance, the Society to Overcome Pollution contacted the Swedish Consumer Association to inquire about low-phosphate detergents being sold there. The group's response was sent to the Minister of Energy, Mines, and Resources. Following the intense interest, Minister Joseph Greene sent representatives to both Sweden and the United States to discuss the issue. Additionally, he called for a meeting with the three largest detergent manufacturers: Procter and Gamble, Lever Brothers, and

Colgate-Palmolive. The industry representatives argued the research was inconclusive and they were not convinced phosphates were the cause of the deteriorating conditions of the lakes. Greene requested the industry submit suggestions to alter their detergent formulas, none were submitted. Thus, in 1970, an amendment to the Canada Clean Water Bill was submitted and the industry declined to comment at the hearings. It passed and received royal assent in June (McGlucken 1989).

In the United States, the detergent industry fought against federal regulations, suggesting instead that local sewage treatment plants remove the phosphates before the wastewater reaches lakes and streams. Additionally, the industry refused to limit the amount of phosphates used in detergents, claiming the “American Housewife” expected a certain level of cleaning power. In 1971, the Federal Trade Commission, pressured by numerous environmental groups released a proposed regulation, requiring detergent manufactures to list all ingredients as well the percentage of each ingredient used. President Nixon instructed the FTC to delay the new regulation until a phosphate substitute could be developed; however, the substitute, nitrilotriacetic acid (NTA) raised additional environmental concerns. Additionally, the detergent industry was able to delay implementation of state and local phosphate bans with court challenges (Zwick and Benstock 1971, 67-92). Currently in the United States, there is not a federal law banning phosphate bans however, the states have enacted restrictions. For instance, several states ban dishwashing detergent with phosphate levels over 0.5% (Koch 2010). As a result, members of the American Cleaning Council (formally the Soap and Detergent Association) announced they would voluntarily remove phosphates from their products (Clean Water Action 2010).

As noted in Chapter Four, the political systems in the United States and Canada have notable differences. The grassroots mobilization in Canada was able to not only get the issue on the political agenda, but achieve a successful policy change. In the United States, the issue did not receive the same level of attention. Additionally, industry group representatives were much more active in Washington than in Ottawa (McGlucken 1989). From the phosphate example, it is clear the tactics and strategies of the groups differed and produced different results.

### **Group Advocacy and the International Environmental Agenda**

There was also new attention to the environment in the international community. In 1972, the United Nations Conference on the Human Environment was held in Stockholm, Sweden. The conference produced an environmental manifesto, which contained a number of principals relating to human rights and the environment such as safeguarding natural resources and wildlife as well as preventing pollution. However, the principals were very state-centered, meaning the states were responsible for setting environmental standards; although the states were encouraged to cooperate both with other states and international organizations to protect and improve the environment. In fact, hundreds of IGOs and NGOs attended the conference (UN Global Issues/Environment, 2013).

The Stockholm Conference truly created global interest for environmental affairs. Later in 1972, the UN General Assembly created the UN Environment Programme, which coordinates the United Nation's environmental projects and priorities. In 1992, the UN Earth Summit was held in Rio de Janeiro, and resulted in a world sustainable development plan. The areas of emphasis include protecting the atmosphere, preventing deforestation, and preventing air pollution. The plan also outlined the role various groups such as women, farmers, industry, and

NGOs could play in ensuring sustainable development worldwide (UN Global Issues/Environment 2013).

In 1992, the UN Framework Convention on Climate Change (UNFCCC) was established for states to develop measures to prevent climate change. To date, there are 195 state parties and 1598 NGOs with observer status. In 1997, the UNFCCC developed the Kyoto Protocol, which set international emission targets for emission reduction. The UNFCCC has held eighteen summit meetings, the latest held in Doha, Qatar in December, 2012. However, the Copenhagen Climate Change Conference in December, 2009 received a good deal of attention. Many states as well as environmental groups hoped this meeting would produce a comprehensive climate change agreement. However, many were disappointed when the meeting ended in a stalemate, without producing a binding document (UNFCCC 2013).

What is significant about these international events is that they opened the doors for domestic organized interests to pursue environmental interests on a global scale. The following section will discuss the activities of both environmental and industry related groups in the United States and Canada.

### **American and Canadian Environmental Organized Interests: Transnational Activity**

As discussed in Chapter Two, this study seeks to answer four basic questions regarding the transnational activity of domestic organized interests:

1. Why does the group leave the domestic political environment? (Motivation)
2. What strategy does the group access the transnational world? (Strategy)
3. Does the group utilize the same tactics transnationally as it would domestically?  
(Tactics)
4. Does the group consider their transnational efforts successful? (Success)



To assess the hypothesis that a domestic group will employ the same strategy and tactics transnationally, these questions are first examined to discern the motives strategies, and tactics of domestic organized interests concerned with environmental policy in the United States and Canada. The groups were divided into two main categories. The first category is industry based, meaning the group represents or advocates for an industry such as mining, oil, or natural gas. Groups advocating for or researching methods of energy independence were also included in this category. The second category is environmentally based, meaning that the group advocates for policies such as controlling climate change or preventing air or water pollution.

### **Question One: Motivation**

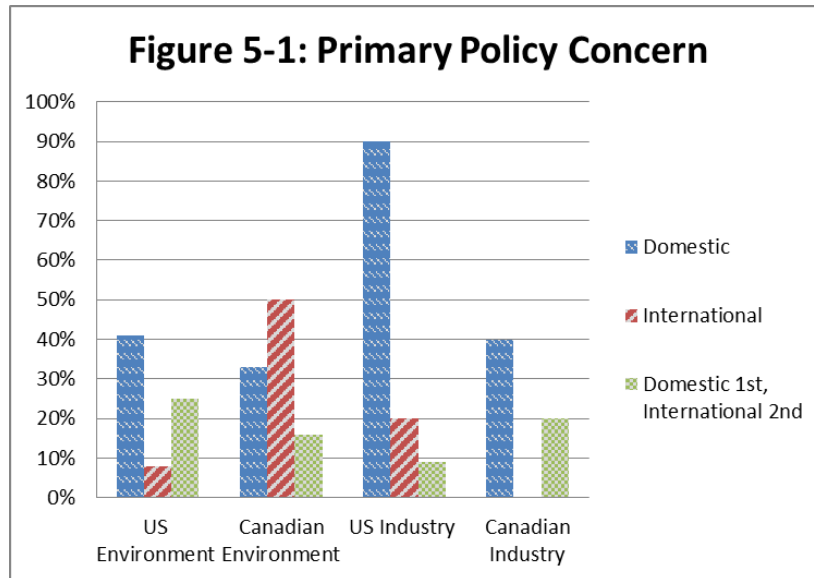
Domestic groups have different incentives and objectives. Based upon those incentives and objectives, the group will have different motivation to pressure targets beyond the domestic political environment. In Chapter Two three motivations for transnational action have been identified: Protect Domestic Status Quo, Challenge Domestic Status Quo, Promote an International Norm. To measure a group's motivation, it is necessary to evaluate how the group views the domestic political environment, their level of concern with the actions of foreign states and international institutions, as well as if they are primarily concerned with the direction of domestic policy.

The groups were asked if they were primarily focused on the direction of domestic policy or if their focus was more internationally centered. Additionally, during the interviews, several groups stated their primary purpose was influencing the direction of domestic policy, however they specifically noted the impact globalization has on domestic policy. Thus, a third category

was added to emphasize their primary concern was domestically focused; however they monitor the activities of the international world.

### ***Primary Policy Concern***

Figure 5-1 illustrates the primary policy concern for each group category. Industry related groups in the United States overwhelmingly stated their primary concern was the direction and scope of US domestic policy; however a small percentage of those interviewed stated they are also concerned with the international world. Canadian industry groups, like the industry groups in the United States were also likely to be concerned with domestic policy. None of the Canadian industry associations interviewed stated they were primarily internationally focused; however twenty percent claimed they monitor international activities. Environmental groups in the United States are also more likely to focus on the domestic policy direction of the United States; however, the environmental groups tend to have more of an international focus than then industry related groups in the United States. Twenty-five percent of U.S. environmental groups interviewed stated they also focus on the international world. The Canadian environmental groups are more likely than any other category to have an international focus. Additionally, a small percentage of Canadian groups report they are primarily domestically focused, but do monitor the international environment.



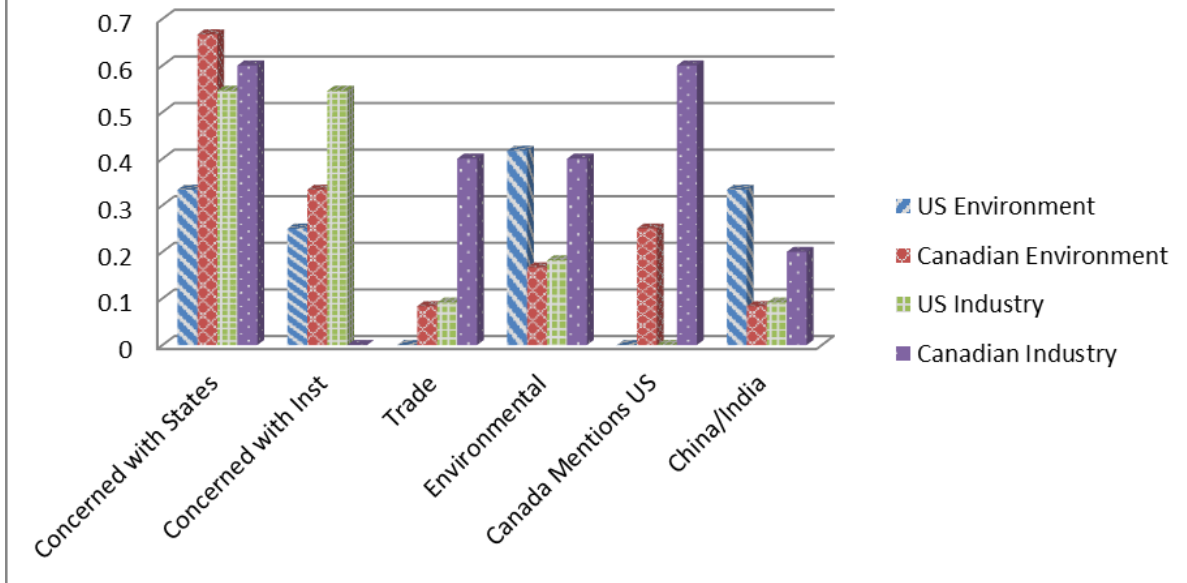
***Specific Areas of Concern***

During the interviews, groups were free to discuss various issues of concern. Those issues were coded and are presented in Figure 5-2. A small percent of industry related groups in the United States discussed trade relations and concern over the implications of the actions of the Chinese and Indian governments. Additionally, eighteen percent of U.S. industry groups specifically mentioned their commitment to high environmental standards. Canadian industry groups are concerned with the actions of foreign states, especially the United States. A Canadian respondent reported that:

Our government will usually take cues from the United States. Thus, we worry about the United States. So far, the U.S. and Canadians have been on the same page climate change wise. We hope it continues.

-Group Interview, February 22, 2013

**Figure 5-2: Concern with Foreign Government or International Institution**



A small percentage of environmentally focused groups in the United States also have concern with the implications stemming from the actions of international institutions and foreign states. This is especially true in terms of the actions of China and India. These states were mentioned specifically as the source of environmental problems. Additionally, Canadian environmental associations also are concerned with the actions of foreign states; however they are more likely to be concerned with the actions of the United States. A majority of Canadian environmental groups, sixty-six percent reported they are concerned with the actions of a foreign state, notably the United States:

The Canadian government has really taken a page out of the Republican’s playbook. They seem to act like members of the Tea Party. The Republicans have also been in Canada to help the Conservatives with strategy. The current

government has a “divide and conquer” strategy when dealing with domestic groups; it is very difficult to work with them.

-Group Interview: March 18, 2013

### ***Domestic Political Environment***

When asked to rate the domestic political environment in terms of whether or not it is promoting the organization’s goals, a majority of participants in all categories ranked the domestic environment as very negative or negative (see Figure 5-3). For instance, a majority of the US environmental groups rated the domestic political environment as negative, although eight percent viewed the environment as positive.

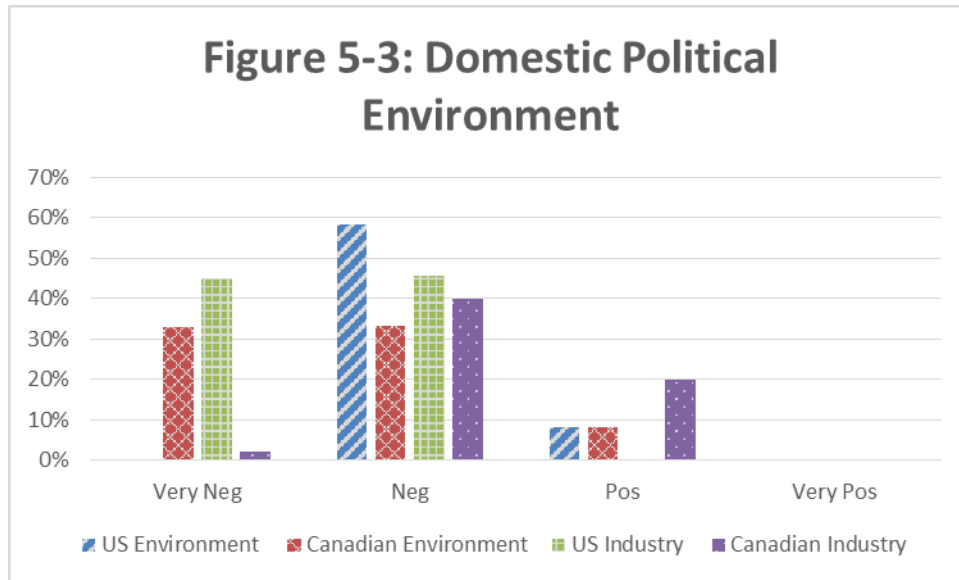
Congress right now is really anti-environment so a lot of what we do is defense.

-Group Interview: October 25, 2013

A small percentage of U.S. and Canadian environmental and Canadian industry groups viewed the domestic political environment as positive. None stated the environment was very positive. For instance, a US based group working on energy security stated:

The two parties spend too much time arguing about what the actual facts are, and not enough time trying to solve issues. If you can’t agree on the actual issue or what caused it, it is difficult to have actual dialogue on how to develop a working solution.

-Group Interview February 22, 2013



***Transnational Motivation: U.S. Industry***

Considering industry based groups in the United States are extremely focused on the direction of domestic policy, it is unlikely they would leave the domestic political environment to promote an international norm. More likely, groups working with an industry would leave the domestic environment to protect policy status quo or challenge it. These groups also tend to be highly concerned with how foreign states and international institutions could impact them domestically. Thus, the motivation to expand into the international area would likely be to protect status quo.

***Transnational Motivation: Canadian Industry Based Groups***

Based upon the primary domestic policy concern, Canadian industry groups are not likely to leave the domestic political environment to pursue an international norm or standard. Rather, their motivation is based upon securing domestic policy outcomes. Canadian industry groups

closely monitor the activities of the United States government, thus they will likely become involved transnationally to protect domestic policy.

***Transnational Motivation: Environment- United States***

Domestic environmental groups in the United States are slightly more internationally focused than the U.S. industry groups. Additionally, the environment was cited more often than trade; while trade was the most important issue for the U.S. industry groups. Environmental groups in the U.S. also are concerned with the implications of China and India. However, in terms of the motivation to lobby international targets, the results are inconclusive.

***Transnational Motivation: Environment- Canada***

Canadian groups also reported the domestic political environment as negative or very negative. Only eight percent viewed the environment as positive. They also are extremely concerned with the actions of the United States. Therefore, the motivation for Canadian environmental groups is likely to challenge domestic status quo and monitor the activities of the United States government in terms of how their policies may impact Canadian environmental policy domestically.

Thus, when considering the motivation of industry oriented groups and environmental groups in the United States and Canada, motivation is not country specific. The groups in both countries are similarly motivated. Industry organizations are motivated more by self-interest; while environmental organizations are more interested in pursuing transnational targets for mutual gain.

## **Question Two: Strategy**

It is hypothesized that a domestic group has a variety of strategies it can utilize when lobbying transnationally. A group for instance could directly or indirectly lobby a foreign government, seek assistance from an intergovernmental organization such as the United Nations or work with international nongovernmental organizations. As discussed in Chapter Two, through the literature review and interview process five specific strategies have been identified, as listed in Table 2-1.

### ***Involvement with IGOs and NGO Status***

Industry and environmental groups from both states utilize intergovernmental organizations and attend their meetings. However the reason for the attendance varied based on the group type. Both American and Canadian environmental groups argue IGOs can offer mutual gain or benefits for all. Both American and Canadian industry groups are more likely to list the reason for attendance as self-interested or to monitor a situation. The Canadian environmental interests are more likely to speak at the meeting. Overall, each of the four categories of organized interests had at least one group with NGO status before an intergovernmental organization. However, the Canadian environmental based groups are significantly more likely to hold NGO status than the other categories.

### ***Contact with Foreign Government***

Sending a representative to speak directly with a foreign government official is a strategy used by all four categories. However, industry groups in both the US and Canada are more likely to send a representative to speak with a foreign policymaker. Fifty-four percent of American industry related groups reported sending a representative to a foreign country last year.



Forty percent of Canadian industry groups sent a representative, while thirty-three percent of US and Canadian environmental groups sent a representative.

### ***Form a Coalition with Foreign Group or International NGO***

Groups in all categories reported forming a coalition with a group in a foreign state that has similar interest as their own. However, the industry groups in the United States and Canada utilize coalition building slightly more than environmental groups. Additionally, the industry and environmental groups in both states report forming a coalition with an international NGO. Fifty percent of Canadian environmental groups reported working with an international NGO at least once in the last year, while forty percent of Canadian industry groups formed a coalition. The numbers were slightly lower for groups in the United States and Canada. However, a small percentage of Canadian environmental groups stated they formed a coalition with international nongovernmental organizations forty to sixty times in the last year.

### **Question Three: Tactics**

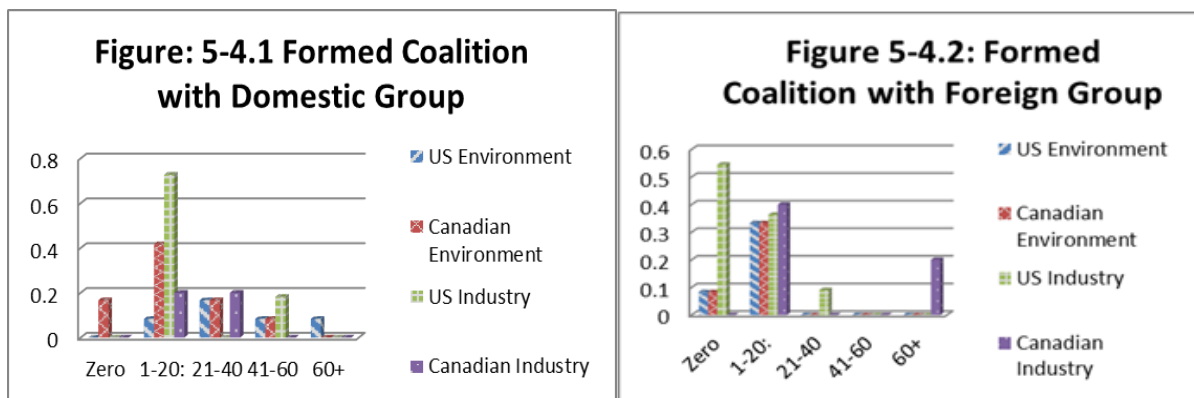
It is hypothesized that the domestic group will use the same lobbying tactics transnationally as it would domestically. To answer this question, each group interviewed was asked about the various ways they communicate domestically. For instance, the groups were asked questions regarding direct lobbying tactics and coalition building domestically. Then, the groups were asked about their transnational activity. For example, the groups were asked how many times in the last year have they sent a representative to a foreign state to discuss an issue with a government official.

The domestic tactics were then compared with their international tactics. The comparison showed that groups in all categories use the same tactics transnationally as

domestically. For the most part, groups are much more active domestically than internationally. As noted in Chapter Four, four main tactics have been identified.

***Tactic: Coalition Building***

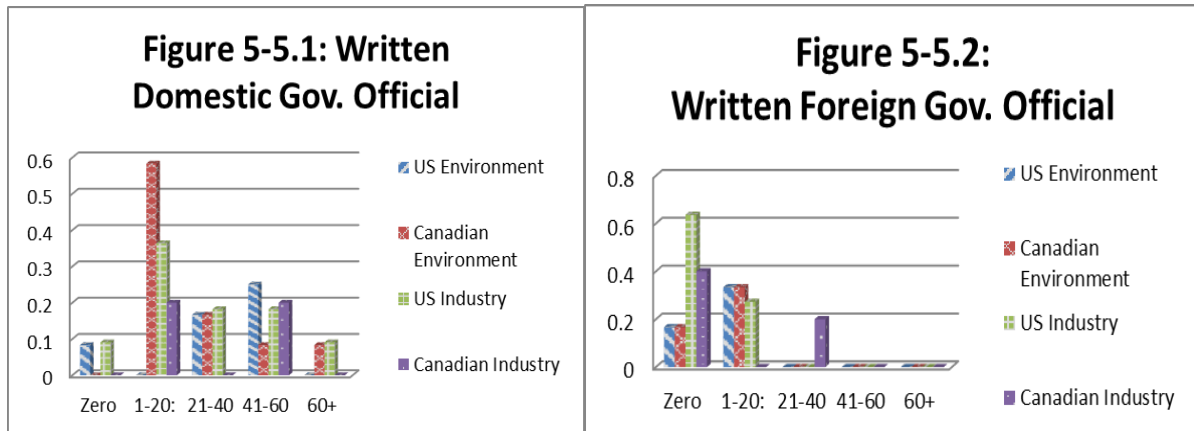
The domestic and foreign coalition comparisons are illustrated in Figures 5-4.1 and 5-4.2. Groups in all categories utilize this tactic domestically; additionally this is a popular tactic transnationally especially for the Canadian industry related groups.



***Tactic: Writing to Government Officials***

Domestic organized interests will often write to policymakers to make them aware of particular issues. As mentioned in Chapter Two, interest groups will conduct research on issues and then distribute that information to both policymakers and the general public. When information is sent to policymakers, it is typically sent as a traditional letter or as email. As demonstrated in Figures 5-5.1 and 5-5.2, writing to domestic policymakers is an extremely popular tactic for all categories; however, this is also a favored tactic in terms of transnational activity. While several groups stated they did not write to a foreign policymaker over the last year, several reported doing so between one to twenty times. Also, this tactic is used more frequently by Canadian industry groups, with twenty percent claiming they have written to a

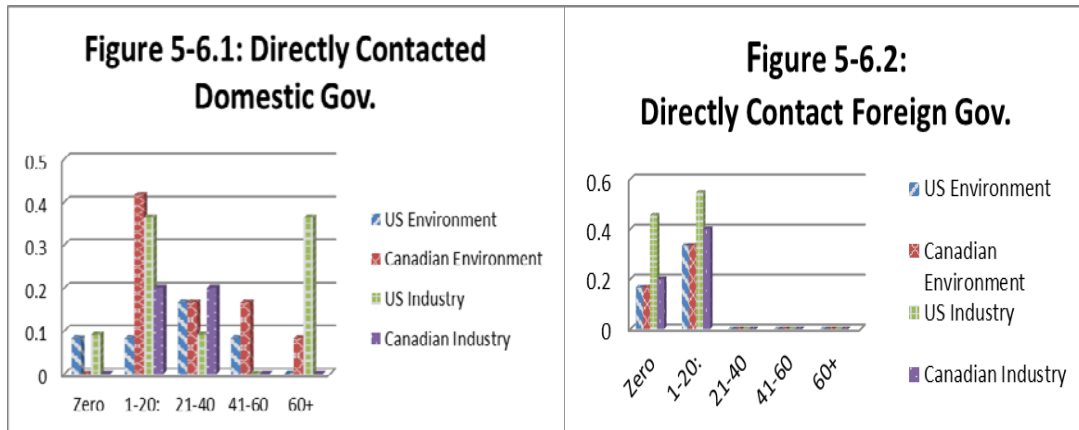
foreign government official. Typically, the Canadian industry would contact the United States government.



***Tactic: Direct Contact***

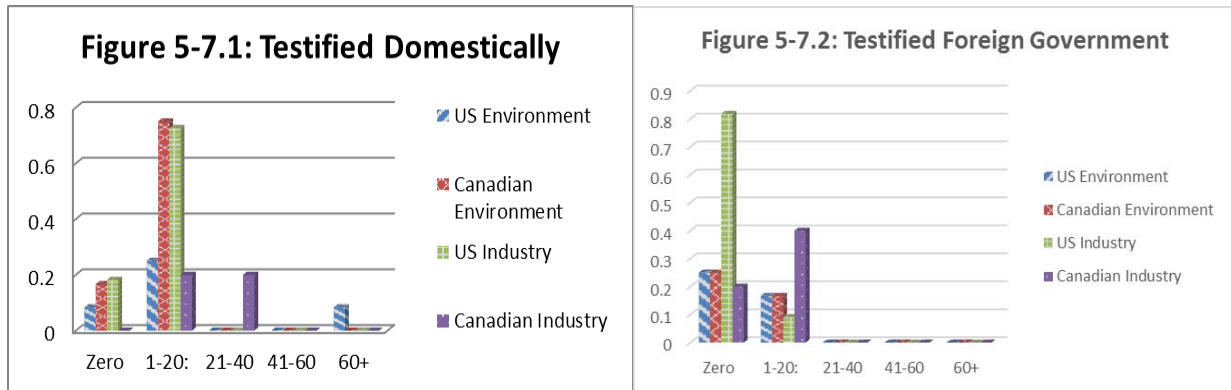
Direct lobbying is a popular tactic utilized by all groups domestically, as demonstrated in Figure 5-6.1, however it is also used to lobby transnationally, as noted in Figure 5-6.2. This tactic is more widely used by the industry related groups in both the United States and Canada.

However, environmental protection organizations also work directly with foreign policymakers. For instance, an American environmental group stated they are in contact with Environment Canada frequently, but also noted the communication is usually arranged by a sister organization located within Canada<sup>31</sup>. As noted in Chapter Four, institutional differences exist between the United States and Canada, thus the American group may have elected to work directly with the Canadian executive agency over members of Parliament.



***Tactic: Testimony***

Offering expert testimony is the final tactic groups utilize both domestically and transnationally. The best lobbying tool an interest group has is its special knowledge and information. That information usually comes from the group’s own research or their expertise knowledge of the subject matter<sup>32</sup>. As figures 5-7.1 and 5-7.2 reveal, this tactic is used more often domestically; however, it is also used occasionally to lobby transnationally by groups in all categories. The Canadian industry groups report they will testify before a foreign government body more frequently than other groups interviewed.



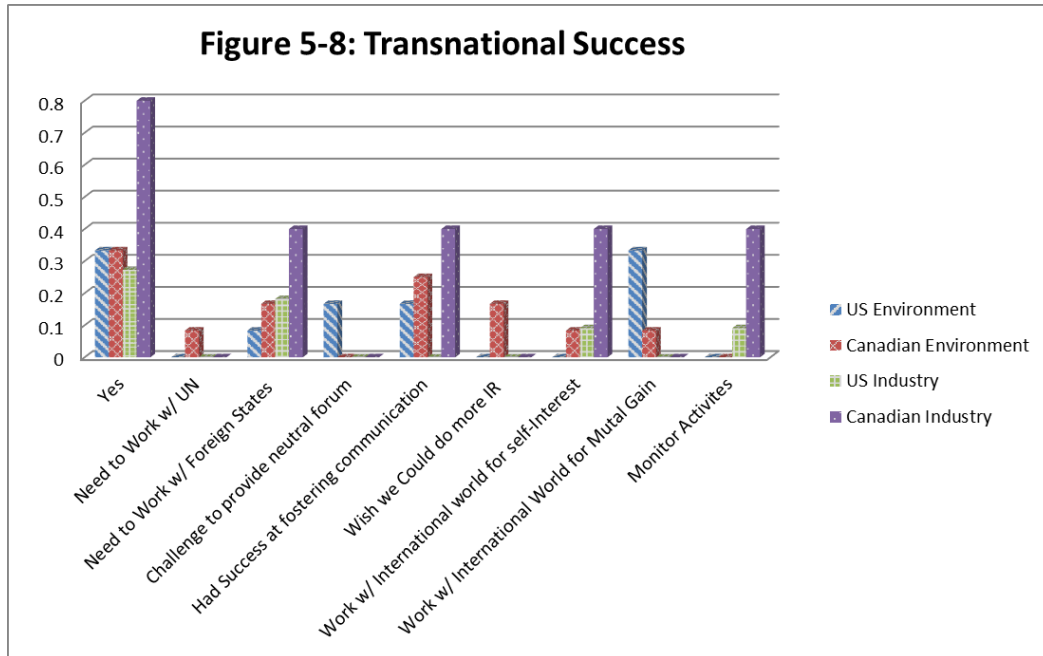
### Question Four: Success

The final question of the interview asked participants to consider the success of their transnational activities. While some groups in all categories stated they are purely domestic and do not have any transnational activity, those that are active transnationally reported their efforts to be successful. Additionally, participants were asked to elaborate and discuss their activities. This was an open ended question in which participants reflected on their goals as an organization as well as their limitations. For instance, a group in the US industry category stated:

The Europeans especially are hard to convince, but coming around. They indoctrinate school children about climate change and the “evil impact” and when they grow up, it is hard to change opinions. However, they are starting to come around and see regulations are not the answer. It is always better to use free-market incentive based technology not the governmental controls.

As stated illustrated in figure 5-8, the Canadian environmental groups are the most likely motivated to seek lobbying targets beyond the domestic venue in order to pursue a world norm. In fact, Canadian environmental groups were they only participants to state they wished they had more international activity. Environmental groups in the United States also report that their transnational lobbying has been a success; however U.S. groups do not see a lasting need to work with the United Nations, although, both environmental groups in the United States and Canada

do see working with international actors as an opportunity for mutual gain. The industry groups, especially the Canadians report their actions as successful, but the activity is done more for self-interested reasons such as monitoring activities of international actors.



### Conclusion

Industry related groups and environmental protection groups have different interests. Both tend to hold the environment in very high regard; however they have a fundamental difference of opinion in terms of environmental policy. Because of the fundamental difference of opinion, industry and environmental organizations are motivated by different factors. The industry tends to argue that strict environmental policies are disadvantageous to production and places the consumer in an unfavorable position, arguing that blanket environmental regulations are not only unproductive, but also unnecessary because they are very committed to not only energy production, but also environmental sustainability.

Environment groups on the other hand argue that comprehensive regulations are needed because without them, the industry will put forth minimal effort to ensure environmental protection and sustainability. They also argue that there will be little incentive to reduce emissions.

Canadian and American industry-focused organizations tend to be domestically focused and thus motivated to venture into the transnational political arena to protect the domestic status quo. The environmental organizations in the United States are more internationally focused than American industry organizations; however, the transnational motivation is not concrete. The Canadian environmental groups on the other hand are the most internationally focused of any category and have a clear transnational motivation to challenge the domestic status quo.

Additionally, the motivational factors for the industry organizations are not country specific. Groups in both the United States and Canada have similar motives to enter the transnational arena. American environmental groups are more domestically focused and thus are possibly motivated by different factors, while the Canadians are more internationally focused. Furthermore, the tactics utilized domestically by industry and environmental groups in both countries are similar. The same tactics are used transnationally, just not as frequently employed as domestically.

Finally, there are differences in how the industry and environmental groups assess their success. In both states, groups argue their transnational work has been a success, however because the groups have different motivations for working transnationally, they will have different opinions of their success. Canadian and American industry organizations seek transnational lobbying targets to monitor issues and protect domestic policy while the

environmental organizations work for a mutual environmental goal. Thus is especially true for the Canadian environmental organizations.



## .....Chapter Six

### ""Reproductive Rights

#### ""Organized Interests: Debating Morality, Privacy, and Venue

In 1962 Sherry Finkbine was a mother of four, currently pregnant with her fifth child. Finkbine had taken anti-nausea medication her husband had brought back from a European trip. The pills contained thalidomide, which was not sold in the United States. When taken during a pregnancy, thalidomide was known to cause severe deformities of the fetus's limbs. After learning she had consumed thalidomide, Finkbine wished to terminate the pregnancy.

At the time, all U.S. states prohibited abortions with the exception to preserve the mother's health<sup>33</sup>. However, the laws were very vague. The exception was commonly referred to a therapeutic abortion or a TA. To qualify for a TA, the mother's life must be in danger; however the degree of danger was debatable. For instance, a woman with a heart condition could possibly survive the pregnancy and deliver a healthy baby. Although conviction for completing an abortion procedure was basically non-existent, doctors still worried about prosecution and career defamation. Therefore, most doctors recommend the procedure, sometimes two physicians make the recommendation, and then it went before a review board at the performing hospital<sup>34</sup>.

Initially, the three physician board at a Phoenix hospital approved Finkbine's request for the procedure. However, after media attention, and questions about medical necessity, the panel reversed the decision<sup>35</sup>. After the request was denied, Finkbine looked to the international world.

In the early 1960s, seven countries allowed the procedure: Japan, Finland, Norway, Denmark, Sweden, Britain, and Soviet Union<sup>36</sup>. Finkbine traveled to Sweden seeking an abortion. The Royal Swedish Medical Board approved the request in order to preserve the mental health of the mother<sup>37</sup>.

As the Sherry Finkbine story displays, there are few issues that are as politically contentious as the abortion debate. In both the United States and Canada the issue places science against morality; religious values against personal privacy. The debate is very similar in both countries, and surprisingly the policy development followed similar timelines, yet the outcome is very different. This chapter will outline the origins of abortion policy in both the United States and Canada, including how early abortion laws developed and the driving force behind policy change. Focus will then shift to a discussion on the activity of organized interests and the various strategies both sides utilize both nationally and internationally.

### **Group Advocacy and Policy Development: The United States**

Historically restrictive abortion policies are, for the most part, a recent phenomenon. During colonial times, through the mid-19<sup>th</sup> Century abortion laws were governed by the concept of “quickenings”, or the moment the mother first feels the fetus move. Prior to quickening, most states allowed for legal abortion. However, as time went on, states began implementing policies restricting the procedure, mainly because of an extensive lobbying campaign by the medical community. The American Medical Association formed in 1847 and lobbied policymakers at the state level to restrict abortion. The new laws were sought after, for the most part to prevent midwives from performing the procedure (Rose 2007). As a result of the lobbying campaign,

abortion practices were restricted in every state; however the procedure could still be performed when a physician felt it was necessary to preserve the mother's physical or emotional health. Typically, a panel of physicians would make decisions regarding abortions (NAF 2012). Congress further tightened restrictions with the passage of the 1873 Comstock Act<sup>38</sup>. This made sending obscene material through the mail a federal crime. The ban included contraception material and information about contraception. In addition, states also passed similar distribution legislation (Rose 2007).

Although performing an abortion was illegal, the legality did not prevent women from ending their pregnancies. Both physicians and midwives would routinely perform abortions throughout the United States. Abortion laws were habitually "overlooked" by local police, just as prohibition, prostitution, and gambling laws were ignored. Particularly, law enforcement would typically disregard abortion providers unless a death or serious injury was reported following a procedure. Therefore, until the 1940s, many abortions were performed without interference from law enforcement. For instance, Ruth Barnett conducted an estimated 40,000 abortions in Portland, Oregon without a single death (Salinger 1996). However, after World War II, local authorities across the United States were pressured by citizens to "clean up crime; "tough on crime" became a standard election time slogan of the era. Therefore, crimes such as gambling, prostitution, and abortion that were once overlooked by law enforcement now tool of political advancement. As the legal crackdown went on, the industry was forced underground. Thus, many "back alley" clinic opened, usually with untrained staff and unsanitary conditions. As a result, many women died or lost future fertility after a procedure. According to Rickie Salinger, it was the restrictive laws that caused the procedure to become very dangerous (1996).

Early interest group activity centered upon the actions of Margaret Sanger. Sanger developed the National Birth Control League in 1914<sup>39</sup>, which lobbied for the legal distribution and access to of birth control. In an effort to create access to birth control, Sanger aligned with the physicians to push for the legalization of contraceptives, emphasizing a doctor's responsibility to provide medical assistance rather than focusing on privacy and women's rights. The separation of contraceptives from abortion made the contraceptive bans easier to repeal legislatively (Rose 2007).

Ironically, it was the medical community that initially lobbied for abortion restrictions, and who later pushed for more liberal policy in the 1960's. According to Melody Rose, two events encouraged doctors to lobby for better access to abortions. First, a measles outbreak in San Francisco caused many doctors to push for easier access. Contracting measles during the first trimester of pregnancy is known to cause deformities in a developing fetus. Physicians understood that women who had the disease during their pregnancy were at risk for delivering a severely deformed baby; however they were legally not able to end the pregnancy. The California Medical Association and the National Organization for Women, which formed in 1966, lobbied the California government for relaxed laws. In 1967, California passed the Therapeutic Abortion Act, which gave physicians more authority to determine when the procedure was medically necessary (Rose 2007). California's law was based upon the American Law Institute's draft abortion bill, which called for abortion laws to be liberalized based upon five key provisions: to protect the health of the mother; when the mother's health is "substantially" jeopardized; when the pregnancy results from rape; when the pregnancy results from incest; or when the fetus is "substantially" damaged. Colorado and North Carolina also passed similar laws (N.Y. Times July 4, 1989).

The measles outbreak along with the Finkbine case discussed in the opening vignette caused many doctors to question abortion laws in their states, and many started to object to hospital review boards, which often questioned their authority over their patients care. In addition, the National Abortion Repeal Action League<sup>40</sup> formed in 1969, seeking the repeal of all abortion laws. By 1970, Alaska, Hawaii, and New York decriminalized the procedure. However, there were very uneven laws throughout the states. As a result, the movement moved into the court system. *Griswold v Connecticut* (1965) invalidated the state level Comstock laws, making contraception information available to married couples. *Eisenstaedt v. Baird* (1972) further extended availability to the non-married. This case struck down a Massachusetts law which did not allow distributing contraceptives to single patients (NAF 2012). However, the landmark case *Roe v Wade* (1973) overturned abortion laws in numerous states, and extended the fundamental right to privacy (Rose 2007). The case involved a Texas law, which like many states, prohibited abortion unless to preserve the life of the mother. The 7-2 decision organized the legality of an abortion into trimesters. The first trimester, or first three months, a state cannot prevent an abortion. The second trimester (second three months) states can pass abortion legislation to protect a women's health. The final trimester (last three months), abortion can be prohibited if the fetus is viable (NAF 2012).

In the years leading up to and following *Roe v Wade*, groups on both sides of the issue mobilized to overturn the case or protect the status quo. As Rickie Solinger argued, it was not until after *Roe v. Wade* that abortion became such a volatile political issue. Groups mobilized in at both the state and federal level. At the federal level, the Hyde Amendment passed in 1976, which prohibited federal funding for abortion services, mainly through the Medicaid program.

The Hyde Amendment was later extended to include any relevant federal program, including the Indian Health Services, the military, and Peace Corps (Solinger 2005).

By the mid-1990s federal funding for family planning services was also cut. For instance, public funding for family planning fell 65 percent from the 1980's. In addition, the welfare reforms of the 1990s also reduced the number of women eligible for Medicaid; however no additional funding was allocated for Title X, the federal program which provides contraceptives to low income women. As a result, women lacked resources and available family planning services which caused abortion rates to increase among the poor (Solinger 2005).

In addition to cutting domestic funding, the United States also prohibited public funds from supporting abortion services abroad. In 1984, President Ronald Reagan announced the "Mexico City Policy" which declared that the government would not fund groups that offered abortion as part of family planning services in other countries. Organizations receiving funding also agreed to not promote or refer patients for the procedure. The so called "gag order" was repealed by President Bill Clinton, reinstated by President George W. Bush, and then repealed by President Barack Obama shortly upon taking office in 2009 (White House Memo on Mexico City Policy Jan. 23, 2009).

Although pro-choice groups applauded President Obama for repealing the "gag order" policy, they were equally discouraged when the President signed Executive Order 13535 in 2010. As the President and Congressional Democrats worked to pass the Patient Protection and Affordable Care Act, abortion funding became a stalling point. Pro-life Democrats in the House of Representatives held reservations about the bill and its ability to prevent public funds from providing the procedure. As a result, President Obama agreed to issue an executive order,

extending the Hyde Amendment to all programs and services relating to the Patient Protection and Affordable Care Act (Executive Order 13535 March 23, 2010).

At the state level, groups such as the Pro-Life Action League, Operation Rescue, and the National Right to Life Committee pressed state legislatures to pass restrictive abortion policies and campaigned for ballot initiatives. Numerous states have passed laws such as required waiting periods before the procedure can be performed, parental notification, spousal consent, and regulation of abortion providers. For instance, Mississippi passed a law in 2012 requiring physicians that provide services at local clinics to also have hospital privileges at a local hospital. Mississippi State Rep. Sam Mims argued the law protects the health and well-being of patients by ensuring they are treated by qualified medical professionals. The Center for Reproductive Rights, which campaigned against the law's passage and filed a lawsuit challenging its constitutionality, claimed the law had little to do with health and was intended to shut down the state's only providing clinic (Phillips 2013). According to the pro-choice groups, all laws are designed to limited or prevent the procedure and have little to do with health concerns. As a result, groups such as Planned Parenthood and the Center for Reproductive Rights routinely challenge the constitutionality of the laws (Solinger 2005). A federal district judge blocked the enforcement of the Mississippi law in April, 2013 while the case continues (CRR 2013).

Additionally, as the pro-life and pro-choice groups devoted resources towards the enactment of state laws, the Republican and Democratic Parties worked with key activists and groups on both sides, hoping to make significant gains in upcoming elections, particularly the 2014 midterm election. Democrats framed restrictions as a "war on women" while Republicans framed the issue in terms of budgetary spending. For instance, Representative Steve Israel (D-NY) stated "Republicans have turned floor of the House into a battleground for their relentless

was on women's health care and freedoms". On the other side, Republicans in the House of Representatives are expected to prioritize the No Taxpayer Funding for Abortion Act (Peters 2014). This bill was introduced in May, 2013 and aims to tighten existing federal laws regarding abortion funding. For example the bill would prohibit the use of federal subsidies for health insurance plans covering abortion (H.R. 7), thus codifying President Barack Obama's 2010 executive order.

Since *Roe v. Wade*, every United States President has either declared himself to be pro-life or pro-choice, which indirectly influence reproductive policy through judicial appointment. By 1992 for instance, President Ronald Reagan and President George H.W. Bush had appointed 60 percent of all federal judges. This greatly increased the likelihood that restrictive policies would be upheld (Solinger, 2005). However, President Clinton and President Obama both appointed fairly liberal judges.

Three important Supreme Court cases in which interest groups appeared as friend of the court have greatly influenced reproductive policy's constitutionality since *Roe v Wade*. First, *Webster v. Reproductive Health Services* (1989) held that states could restrict funding for abortion services as well as prohibit abortion services from being performed in state owned facilities. Second, *Rust v. Sullivan* (1991) held a federal regulation that prohibited physicians at publicly funded family planning clinics from referring patients for abortion services (Solinger 2005). Finally, in *Planned Parenthood v. Casey* (1992) the Court affirmed the right to an abortion, but replaced the trimester test's regulation of the procedure. The Court held that a state law could not create an "undue burden" in terms of access. In other words, any law which creates "substantial obstacles" in obtaining an abortion creates an undue burden for the patient, and thus violates the constitutional right to an abortion (McBride 2006). Thus, *Planned*



*Parenthood v. Casey* set standards which state laws would be compared with when determining the constitutionality of the law.

### **Group Advocacy and Policy Development: Canada**

Just as in the United States early abortion policy in Canada was heavily influenced by English Law. In 1803, the Ellenborough Act was passed, which made abortion after the quickening illegal. Because British North America followed British law, terminating a pregnancy after the quickening was also illegal in the Canadian Colonies. As medical technology developed, scientists were able to observe fertilization processes. Thus as a result, in 1837 the Ellenborough Act was amended to ban all abortions. Colonial laws thus reflected the change (CCBR July 5, 2012).

The British North America Act of 1867 created the Canadian federal system and the governing structure (BNAA 1867). Shortly after, the Canadian Parliament amended existing abortion law to criminalize both the woman seeking the abortion as well as the provider in 1869. Then, in 1892 the first Canadian Criminal Code was passed. Section 251 of the Criminal Code banned abortion as well as the use, distribution, or sale of contraceptives (CCBR July 5, 2012). Thus, abortion was prohibited in at all stages of pregnancy. Then in 1969, Minister of Justice Pierre Trudeau introduced legislation to amend the Criminal Code by decriminalizing homosexuality, contraception, and abortion. Therefore, the Omnibus Criminal Reform Bill amended Section 251 of the Criminal Code, allowing abortion if the mother's health was at risk (Bill C-150 Sec 251).

Just as in the United States, the procedure would be approved if the mother's health was jeopardized; however approval was subject to a committee's approval. Therefore, the procedure was required to be performed in a licensed hospital and approved by the Therapeutic Abortion

Committees (TAC). Because the procedure required TAC approval, the access was not uniform throughout the country (CCBR, July 5, 2012). In addition, a 1977 Ministry of Justice committee report concluded that laws were not applied equally across the country (Badgley Committee Report Ministry of Justice 1977).

In the years after the Criminal Code was amended, the law was criticized from many different angles. For instance, United Church of Canada and the Canadian Medical Association were vocal supporters of changing Canadian abortion laws. Their views were facilitated widely by the Globe and Mail Newspaper. The official position of the Church of Canada regarding abortion is to value the sanctity of human life. However, the Church does consider the issue to be a personal matter between a woman and her doctor, thus the Church advocated amending the Criminal Code to remove the hospital therapeutic abortion committees. However, the choice should be the “lesser of two evils”. Therefore, according to the Church of Canada, the key to preventing abortion should be prevalent access to contraception (UCC Social Policy Positions July 2012).

The Canadian Medical Association’s official position states that an abortion should not be used as an alternative to contraception. The organization argues that sexual education is the most important factor and all information and alternatives should be made clear to the patient. In addition, no patient should be compelled to have an abortion, and no physician should be compelled to offer the procedure against moral or religious reservations (CMA Induced Abortion Policy 2012).

Both pro-choice and pro-life groups were critical of the abortion legislation. Opponents of the law said it was too vague; stating the definition of the mother’s health was not clear and thus would result in the committees would result in unequal enforcement of the law. Pro-choice

advocates also were critical of the law because it was considered invasive, and the TAC created unequal access to the procedure. For instance, public hospitals were not required to create therapeutic abortion committees (TAC). In 1985, there were 860 public general hospitals, only 249 maintained TAC (Globe & Mail Jan. 12, 1985). The pro-choice groups accused the pro-life groups of infiltrating hospital boards and intentionally staffing TACs with pro-life physicians and setting procedure quotas (Pro-Choice Network July 10, 2012).

In early December, 1980 the Concerned Citizens for Choice organized a rally in Vancouver. The group received assistance from two notable pro-choice groups: the American National Organization for Women and the British Labor Abortion Rights Campaign. There was also a very important speaker at the rally: Dr. Henry Morgentaler (Globe & Mail December 4, 1980). Dr. Morgentaler had lobbied against Canada's abortion laws for over twenty years. In 1968, Morgentaler began offering abortion services from his clinic in Montreal, despite the law stating the procedure may only be performed in a licensed hospital after TAC approval. He stood trial three times, and juries acquitted all three times. Appeals courts would later overturn his conviction, finding him guilty. Eventually, Quebec decided the abortion statute was "unenforceable" and would no longer prosecute abortion providers. As a result, Dr. Morgentaler challenged abortion laws throughout Canada by opening illegal abortion clinics (Pro-Choice Action Network July 10, 2012). In 1983, Morgentaler opened clinics in Winnipeg and Toronto, resulting in police raids in both and numerous charges filed against Dr. Morgentaler in both cities. A series of trials, acquittals, and appeals followed, finally ending at the Canadian Supreme Court (Globe & Mail Jan. 29, 1988).

The Canadian Supreme Court struck down Section 251 as unconstitutional on January 28, 1988. Specifically, the Court ruled that Section 251 of the Criminal Code violated Section 7 of

the Charter of Rights and Freedoms (*R. v. Morgentaler*, 1988). Today, there are no legal abortion restrictions in Canada (Pro-Choice Action Network, July 10, 2012). However, the Court stated that Parliament could still pass legislation. Parliament has attempted to pass abortion policy, but the legislation has failed. In 2012, Conservative MP Stephen Woodworth introduced a private member bill asking for a special committee to reexamine Subsection 223(1) of the Canadian Criminal Code which declares a child is a human being only at birth. The motion failed with a 203 to 91 vote in the House of Commons (Motion 312 February 6, 2012). Additionally, Conservative MP Maurice Vellancott filed two motions in October 2013; Motion 482 again asking for a committee to reexamine the concept. Motion 483 asked that the committee also investigate if Canadian law conformed to the United Nations United Nations Convention on the Rights of the Child; which requires states to provide special protection to a child both before and after birth. Canada had ratified the Convention in 1991 (O'Malley December 13, 2013). While both motions received little support, the continued discussion has encouraged Canadian Pro-Life Groups.

The legal void that we have on abortion has left unborn children at the mercy of people who want to destroy them, and certainly, that should be corrected.

-Campaign for Life Coalition, Life Site News, Dec. 9, 2013

As stated above, this research seeks to answer questions surrounding the transnational activity of organized interests. Specifically this project examines the motivation, strategy, tactics, and successes of domestic organized interests in the transnational political arena. The activities of pro-life and pro-choice domestic interest groups in the United States and Canada were studied to clarify not only the scope of the debate, but also to clarify the constraints and possibilities of both sides of the movement<sup>41</sup>.

### **Question One: Motivation for Transnational Action**

Domestic organized interests are motivated by different incentives and objectives. Based upon the objective, a domestic interest group will have different motivation to pressure targets beyond the domestic political environment. This research has identified three main objectives: Protect Domestic Status Quo, Challenge Domestic Status Quo, Promote an International Norm. When examining the objectives of the organized interests involved in the pro-life and pro-choice movements, it is clear that the motivation for transnational activity is very different for the Canadians than the Americans. The policy variation between the two states presents a very interesting dynamic for organized interests on both sides. The following discussion will demonstrate the competing interests of the groups and will thus demonstrate how varying incentives and objectives will create different motivation for transnational activity

Figure 6-1 demonstrates the primary policy concern of pro-life and pro-choice organizations in the United States and Canada<sup>42</sup>. Forty percent of Canadian pro-life organizations state they are purely domestically focused, while sixty percent are primarily concerned with domestic policy, but also have an international focus. For instance, one organization views abortion as a crime against humanity, and thus feels it should be prevented worldwide. The organization states they work in Canada, but also take their message globally to reach policymakers. None of the Canadian pro-life organizations stated they are primarily internationally focused. In the United States, the pro-life organizations were equally split between their focus being primarily domestic and domestic then international. Additionally, a very small percentage stated they have a main international focus. In terms of the American pro-

choice policy concerns, a majority stated they are focused on domestic policy, but also have an international interest. However, twenty-eight percent are strictly domestically focused. In Canada, the pro-choice movement is completely internationally focused. The Canadians, while working within the Canadian political system also are interested in working internationally. This is also true of American pro-choice organizations. American pro-life groups are equally divided between focusing only on the domestic environment and working domestically and internationally. The group's primary policy venue possibly is related to how the group views their domestic political environment.

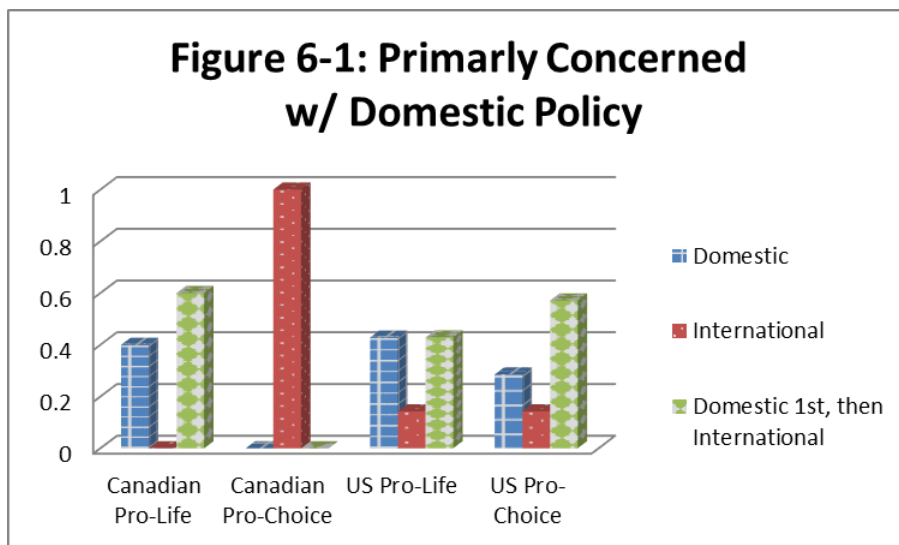
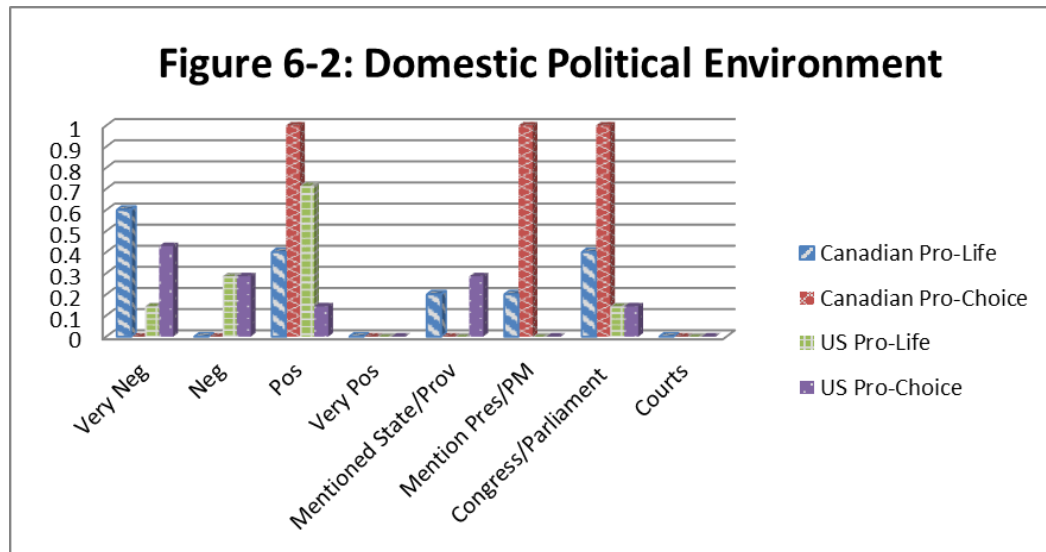


Figure 6-2 displays the organization's opinion about domestic politics. Sixty percent of Canadian pro-life organizations view the Canadian political environment as very negative towards their cause; however, forty percent argue the domestic political environment is positive toward their cause. Those that view the domestic venue as positive also argue the Canadian Parliament is beginning to show interest in developing abortion policy. For instance, MP Woodworth's motion to reexamine the issue was defeated, however it received more votes that

many pro-life organizations expected and they find this very encouraging. However, a majority of Canadian pro-life organizations find the domestic political environment to be very negative and claim Parliament could do much more to advance the issue. On the other side, the Canadian pro-choice movement views the domestic environment as positive, even to the point of using Canada as an example for other states to model. For instance, it is argued that Canada’s abortion rate is lower than other states where abortion is restricted. According the United Nations Populations Division, in Canada, there are 13.3 abortions performed per 1000 women. The United Kingdom has more abortion restrictions<sup>43</sup>, but also has a higher abortion rate at 16.8 procedures per 1000 women (2011). Thus, it is argued that a lack of policy does not increase the occurrences of the procedure.



In the United States, the pro-life groups are likely to view the domestic environment as positive; the pro-choice on the other hand view the environment as negative or very negative. Specifically, the pro-choice groups tended to point to restrictive state policies as the reason for the negative rating.

The Federal level is great. The Patient Protection Act has increased access to reproductive services, and preventive care so we are very happy with it. At the state level, it depends on the state but we have seen an unprecedented level of attacks on reproductive choice at the state level in the last few years. Americans United for Life is working in every state, pushing an agenda. American public opinion is in favor of the right to choose, and believes in rights, but there are constant state battles.

-American Pro-Choice Group Interview, Oct. 31, 2013

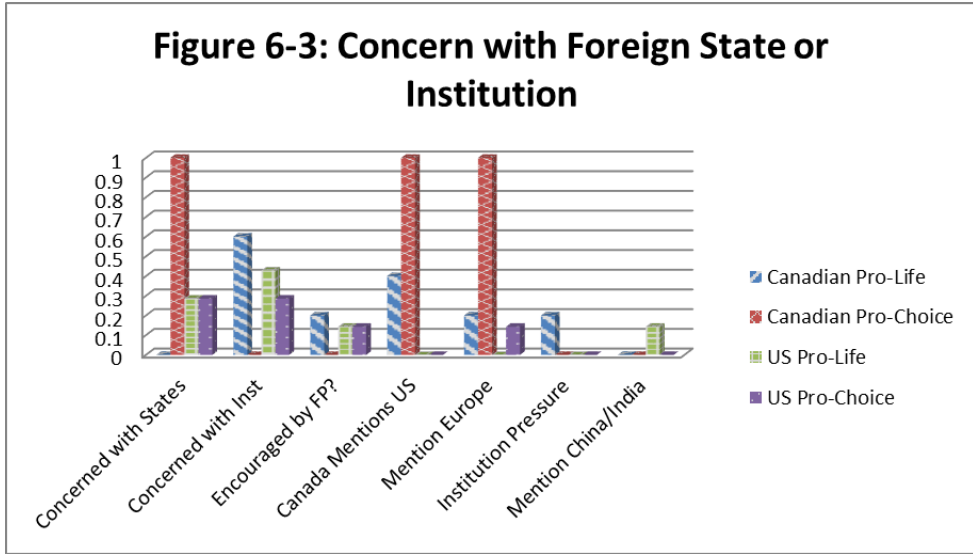
Does this impression of the domestic political environment influence a group's concern with the actions of a foreign state or international institutions? The pro-choice movement in Canada is very much concerned with the actions of foreign states. Specifically, there is concern with the policies of the United States and particularly the pro-life groups within the United States.

As illustrated in Figure 6-3, the Canadian pro-choice and pro-life sides both voice concern with the United States, and to a lesser extent, also with European states. The pro-life groups look to the United States for examples of successful policy campaigns, while the pro-choice groups are apprehensive about the American pro-life movement.

The anti-choice movement in the United States is pushing policy here. They come up here and speak, try to give advice to the other side. Plus, it was the anti-choice movement in the US that was behind the murder of our doctors in the 1990s. Internationally, we work around the world to showcase our Canadian law and demonstrate that you do not need restrictions.

-Canadian Pro-Choice Group Interview, Jan. 28, 2014





Additionally, Canadian pro-life groups are more willing to work with international institutions than both their pro-choice counterparts in Canada and both sides in the United States. Sixty percent of Canadian pro-life groups stated they were concerned with the impact international institutions such as the United Nations could have on domestic policy, additional a very small portion actively works through the United Nations in an effort to educate policymakers across the world. For instance, consider the statement from a Canadian Pro-Life member:

The opposition is really pushing policies for the developed worlds- Africa, and Latin America in terms of population control and we want people all over the world to know what a legal abortion could cause. The foreign leaders we meet at the United Nations are shocked to hear our side... the other side of a story.

-Canadian Pro-Life Group Interview, Jan.30, 2014

Thus, there is interest in using international institutions as a forum for discussion. However, in the United States, there is less concern with foreign states and international

institutions. An American pro-choice organization that currently holds NGO UN status argued, they have the NGO status, but have never utilized it. When asked specifically about being concerned with the influence international institutions and foreign states could have on domestic US policy, she stated:

No, we in the United States tend to export our beliefs to the world more than importing.

-American Pro-Choice Group Interview, Jan. 30, 2014

Additionally, another organization stated they are not concerned with external influence, but are disappointed in the policies of the United States compared to others:

No, we do not worry much about the influence international laws would have in the United States because the US tends to go its own way. Also, in terms of global health in general (HIV/AIDS, research etc) the U.S. is a global leader. However, the U.S. often lags behind on reproductive health issues. For instance, last month the U.K. allowed funding to be used for abortion services for victims of war rape. Norway also allows the funding for services. However, the United States does not. Thus, the U.S. lags behind.

-American Pro-Choice Group Interview, Feb. 26, 2013

### ***Leaving the Domestic Arena***

What is the motivating force behind a domestic interest group working with reproductive issues to leave the domestic political environment? To answer this question, it is necessary to consider the current policies in each state. It is hypothesized that a domestic interest group is motivated to leave the domestic political venue for three reasons: to maintain domestic status quo, challenge domestic status quo, and alter world norms. Considering these reasons, it is

possible to observe how the domestic policies in both the United States and Canada can cause a domestic organization to seek transnational lobbying targets for differing reasons.

### *Canada*

Following the Canadian Supreme Court's ruling in 1989, there are no legal restrictions on abortion, thus the pro-choice side has an incentive to protect the status quo, however they are very comfortable with their current domestic position. There have been a few minor parliamentary attempts to develop abortion policy in Canada, which the movement aggressively fought.

We fight hard against little motions because we feel that one restriction will lead to more. We come out hard against MPs and make it a difficult political environment for them.

Canadian Pro-Choice Group Interview, Jan. 28, 2014

Through the interview process it was revealed that the main objective was to publicize Canada's policy and convince other states that restrictive policies are not unnecessary. Thus, the Canadian pro-choice side is motivated to enter the transnational political environment as a means of altering worldwide norms.

On the other side, however, the Canadian pro-life groups clearly wish to alter status quo. They are seeking a policy that would regulate abortion procedures as a means of stopping abortion in Canada. However, many groups are nonprofit and are legally limited in their ability to lobby policymakers. Rather, they focus on education and changing public opinion. The hope to educate and change opinions does not end at the Canadian border. As one Canadian pro-life interviewee remarked:

Abortion is a crime against humanity and a crime against women.

-Canadian Pro-Life Group Interview, Jan. 30, 2014

Thus, for the Canadian pro-life movement, the motivation for transnational activity is both challenging domestic status quo and the establishment of worldwide norms.

*United States*

The motivation for American groups on both sides the issue is different than the Canadian group motivation. For the American pro-choice movement is very interested in protecting the domestic status quo policy regulations that were established in *Roe v Wade* in 1972; this is demonstrated by the movement's activity especially at the state level. The pro-choice movement will aggressively lobby against restrictive policies in the states and will use the courts to prevent restrictive policies from being enforced. However, fifty-seven percent of American pro-choice organizations interviewed stated they are domestically focused first, but internationally focused second. This is especially true for newly established organizations. For instance, when asked about their transnational activities an American pro-choice group stated:

We are very interested in working internationally, however we are so new domestically we need to get that going first. We know people in other countries such as Germany or Argentina, however at this point all we really do is talk. There is nothing institutionalized or formal, but in the future as we grow we really want to explore this.

-American Pro-Choice Group Interview, May 6, 2013

Therefore, when moving into the transnational venue, the American pro-choice organizations have incentives to both protect the domestic status quo and alter world norms.

The American pro-life movement has different objectives. Members actively work to challenge the domestic status quo. This is done mainly at the state level as groups work for

regulations across the country. Seventy-one percent of American pro-life organizations interviewed reported the domestic political environment as positive, and will argue their work is creating a culture of life in the United States. In terms of their motivation to explore transnational venues, many groups wish to expand this culture throughout the world. However, the goal for world expansion is not as extensive for the American pro-life movement as it is for the American pro-choice movement. As the interviews were conducted, there seemed to be a general consensus among the American pro-life organizations that for the moment, there is considerable work left to do here domestically, but many have future ambitions of engaging in more transnational work.

We work mainly at home. We have potential to move in this (international) direction in the future. Right now our board wants to keep it domestic, so I don't see us moving towards trying to persuade other countries directly. Rather, I see us working more with similar groups in other countries to help promote the cause.

-American Pro-Life Group Interview, Jan. 30, 2014

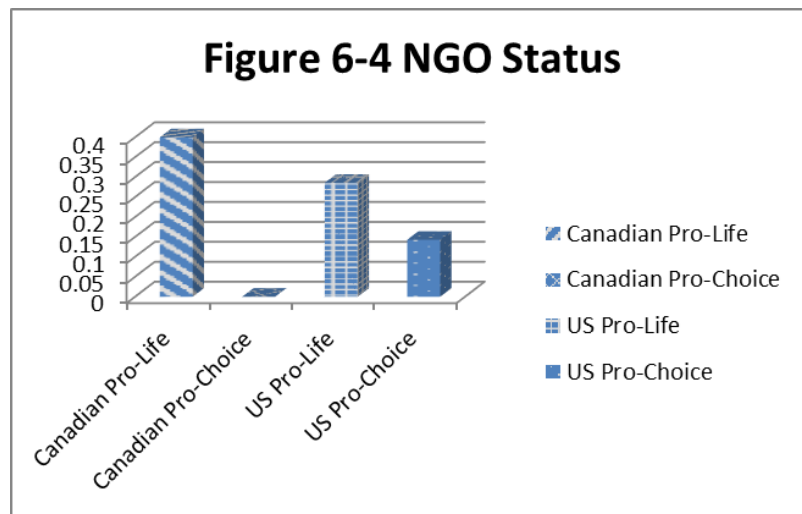
From the above discussion, it is apparent that the decision to leave the domestic political arena is motivated by numerous factors. The pro-choice and pro-life movements in both states are motivated by the desire to spread a message worldwide, although the message is different, the motivation is the same. Both sides wish to spread their values across the globe. However, as both movements have aspirations for world acceptance of their views, they also have an interest in working domestically, whether to protect the domestic status quo or challenge it.

## Question Two: Strategy

A domestic interest group may utilize numerous strategies when lobbying transnationally. The group may form a coalition with similar groups in a foreign state or may decide that direct contact with a foreign government would produce better results. Alternatively, the group could work with an international non-governmental organization or seek NGO status before an intergovernmental organization. There are five specific strategies a domestic organization may select when lobbying transnational actors (See Table 2-1). Through the interview process, it has been determined that domestic organized interests working with reproductive issues utilize a variety of these transnational strategies.

### *Strategy: NGO Status before an IGO*

Figure 6-4 illustrates the Canadian and American domestic groups that are actively working on the pro-choice and pro-life issues that have NGO status. Pro-life organizations, whether located in Canada or the United States are more likely to hold NGO Status than their pro-choice counterparts.



***Strategy: Attend an IGO Meeting***

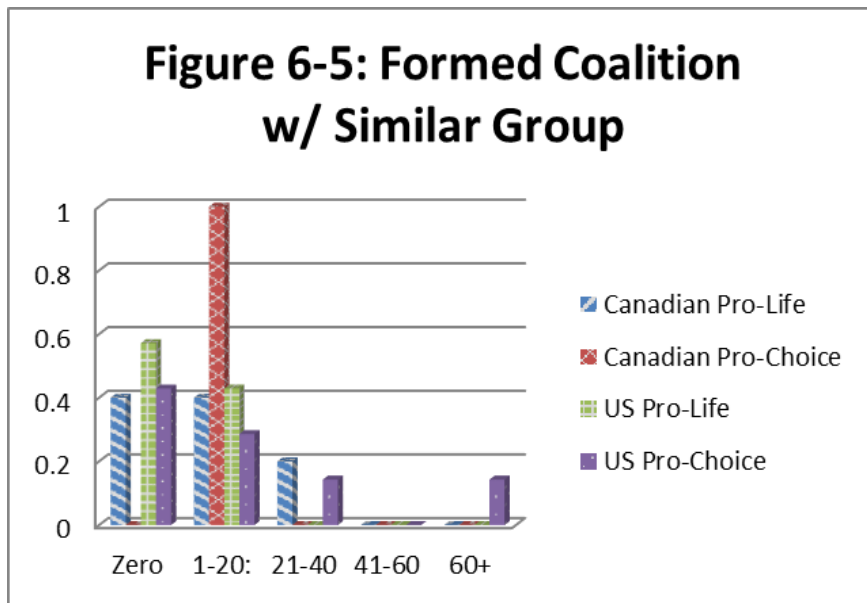
Pro-life and pro-choice organizations from both states report attending an IGO meeting; however the American pro-choice groups were more likely to use this strategy, more so than the Canadian pro-choice. The pro-life organizations in the United States are the least likely to attend an IGO meeting. For instance, one interviewee stated the group was invited to attend a preparatory session, but declined because they did not see how it could benefit their cause<sup>44</sup>. The Canadian pro-life movement also attended a meeting in the last year.

***Strategy: Send a Representative to a Foreign Government***

Organizations in each category sent a representative of their organization to meet with a foreign state official; however this was not a popular strategy. For the United States, approximately eighty-five percent of both pro-choice and pro-life groups stated they have never sent a representative to a meet with a foreign government policymaker. A small percentage claimed they have utilized this strategy within the last year, but not often. Twenty percent of Canadian pro-life organizations have met with a policymaker in another state over the last year; however very infrequently. The national pro-life organization in Canada also stated their organization has met with foreign policymakers over the last year, but just as the other categories, not often. The survey asks groups to report how many times in the last year they have performed a specific task such as sending a group representative to discuss issues with foreign policy makers. The survey is divided into intervals of twenty; for instance one to twenty, twenty to forty etc. For the most part, interviewees that stated their organization used this strategy stated that the frequency was typically less than five.

**Strategy: Formed a Coalition with Foreign Group**

Organizations working with reproductive matters do not frequently work directly with foreign policymakers; however working with similar groups abroad is a bit more prevalent. As demonstrated in Figure 6-5, the American pro-choice movement utilizes this strategy more often than the others. Additionally, approximately forty percent of pro-life organizations in both states have formed a coalition with an organization located in a foreign state for mutual gain. When asked about the nature of their coalitions, groups reported they share information and educational material. Additionally, they will collaborate on how to handle policy issues that arise.

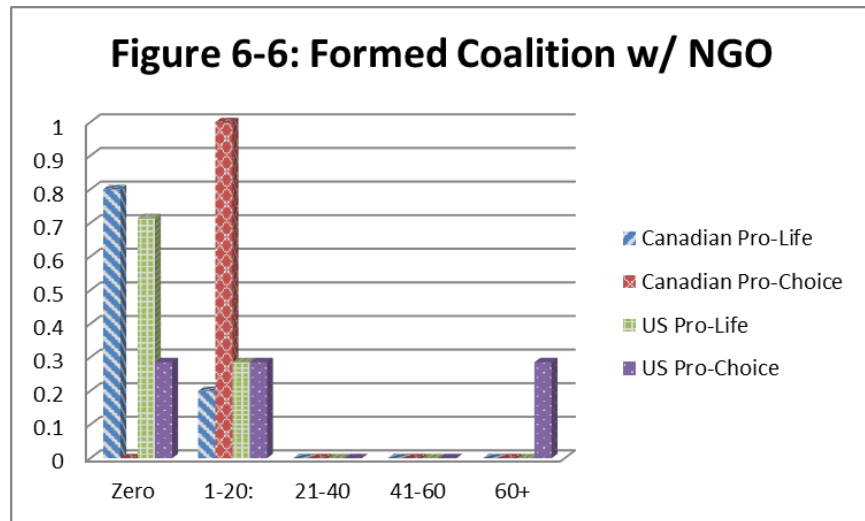


**Strategy: Formed Coalition with a Nongovernmental Organization**

Domestic organizations will on occasion collaborate with nongovernmental organizations; however, this strategy is not utilized as often as working with similar groups abroad. As demonstrated by figure 6-6, pro-life organizations are the least likely to work with an NGO, however twenty-eight percent of American pro-life groups and twenty percent of



Canadian pro-life groups reported worked with an NGO between one and twenty times last year. Additionally, the pro-choice movement in both states also utilizes this strategy; typically they work with Planned Parenthood International.



### Question Three: Tactics

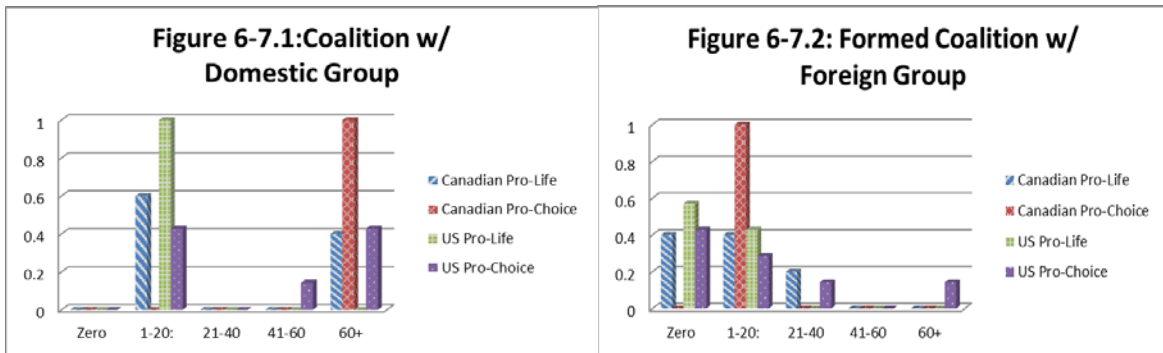
It is hypothesized that domestic groups will use the same lobbying tactics transnationally as it would domestically. To determine what lobbying tactics a group utilizes, interviewees were asked a series of question pertaining to their domestic and transnational activities. By asking about specific and transnational behavior, observations can be made regarding the domestic and transnational tactics. The following discussion will demonstrate the tactics used by organizations working with reproductive issues.

***Tactic: Coalition Building***

Figures 6-7.1 and 6-7.2 compares how a domestic organization works domestically with similar groups and transnationally with foreign groups. Domestic organizations all report working with similar domestic groups. For instance, an American pro-life group stated:

We have a great relationship with the local groups such as the pregnancy resource center and the adoption center. We also work with others around the state and a little nationally. This is something I want to do more of. I've just started to really network and attend national conferences.

-American Pro-life Interview, Jan, 23, 2014



Although transnationally, they have less activity; fifty-seven percent report no collaboration with foreign groups. However, the American pro-choice groups work with others very frequently, forty-two percent of those surveyed reported forming a coalition with a domestic group over sixty times a year. They also regularly collaborate with foreign organizations. When speaking with a representative from an American pro-choice organization about foreign coalitions, she responded:

We do this frequently. For instance, we conference swap, meaning we send a representative to a European family planning conference to present, and then they will send one to our conference.

-American Pro-Choice Interview, Feb. 8, 2013

Additionally, Canadian Pro-life organizations also are likely to form a coalition with a domestic group and foreign group. Forty percent of Canadian pro-life organizations interviewed stated they work with a domestic organization over sixty times a year. Transnationally, forty percent interviewed stated they work with a foreign organization one to twenty times a year; twenty percent work with a foreign group twenty to forty times a year. The Canadian pro-choice side is also active coalition wise. They work quite often domestically, and also collaborate with foreign groups a few times a year. For example:

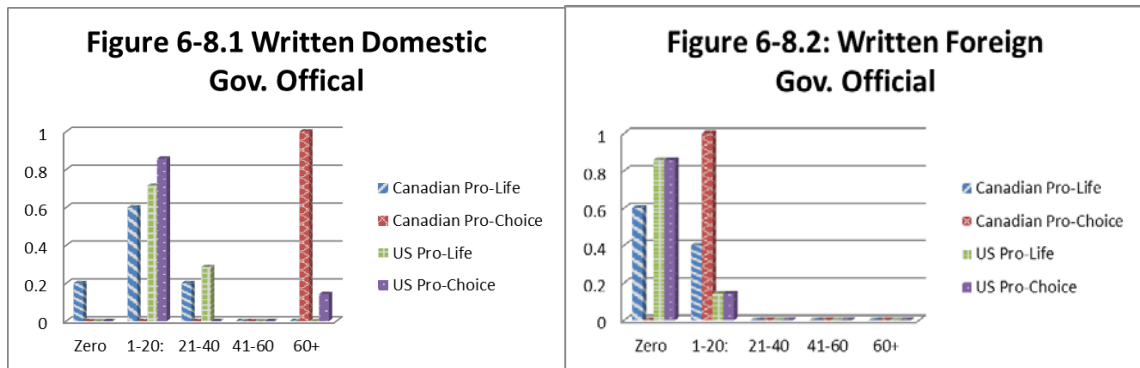
We work with groups around the world. The U.K., Ireland, New Zealand for instance.

-Canadian Pro-Choice Group Interview, Jan. 28, 2014

Thus, coalition building is a popular tactic domestically for all organizations on both sides of the debate in both the United States and Canada. Transnationally, it is not utilized as much but still seems to be a useful communication tool, especially for the American pro-choice side.

***Tactic: Written Communication***

Writing government officials is a common tactic utilized domestically by organizations in the United States and Canada to voice their opinions and promote policy studies. However most organizations interviewed hold a charity status thus must use caution when communicating with policymakers. Figure 6-8.1 and 6-8.2 depict how groups communicate with domestic and foreign policymakers in writing.



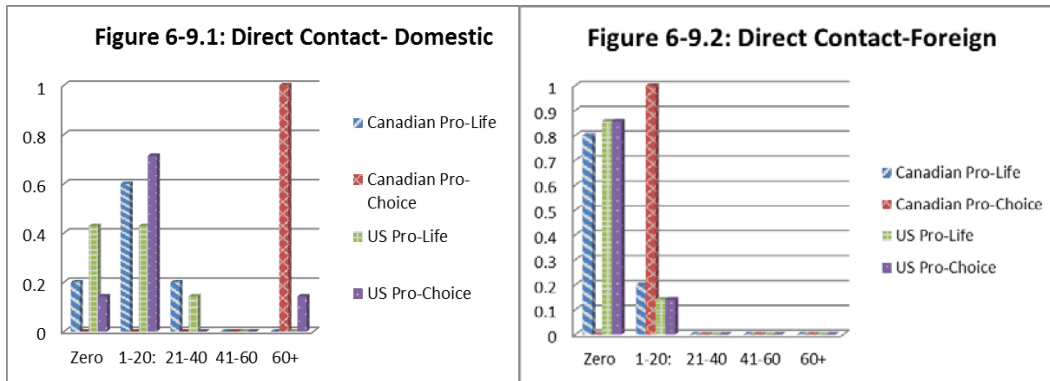
Excluding a very small percentage of Canadian pro-life organizations, all groups interviewed write to their domestic policymakers several times a year. The pro-choice movements in both Canada and the United States are especially active in terms of letter writing. When the focus is shifted to the frequency a group writes foreign policymakers, the activity for all groups' declines. American groups, both pro-choice and pro-life do not use this tactic very often. Only fourteen percent on both sides have written to a foreign government official in the last year. A small percentage of Canadian group's state they have written to foreign policymakers, but not to the extent they use this tactic domestically.

### ***Tactic: Direct Contact***

As stated above, many groups participating in this study hold a charitable status with the federal government, whether Canadian or the United States. As a result, many organizations are prohibited from directly lobbying an elected official. Direct contact is usually limited to educational discussions, meaning they attempt to provide information to the policymaker regarding important issues. As a result, several organizations reported they have no direct contact with governmental officials. However, as Figure 6-9.1 and 9.2 demonstrate, many organizations in both states on both sides do engage policymakers directly as a tactic to alter their opinions. The pro-choice movement employs this method a good deal, with some groups reporting they have direct contact with a policymaker over sixty times a year. The pro-life sides also utilize this tactic frequently. However, when domestic contact is compared to foreign contact, the tactic is used much less frequently; although it is still used by groups in all categories. Although, it is important to note that domestic organizations are aware of different political institutions and do consider these differences when working with foreign policymakers. For example a Canadian pro-life organization stated:

“In the United States, the states have a lot more autonomy than the provinces here. The US states can do a lot of things we cannot here.”

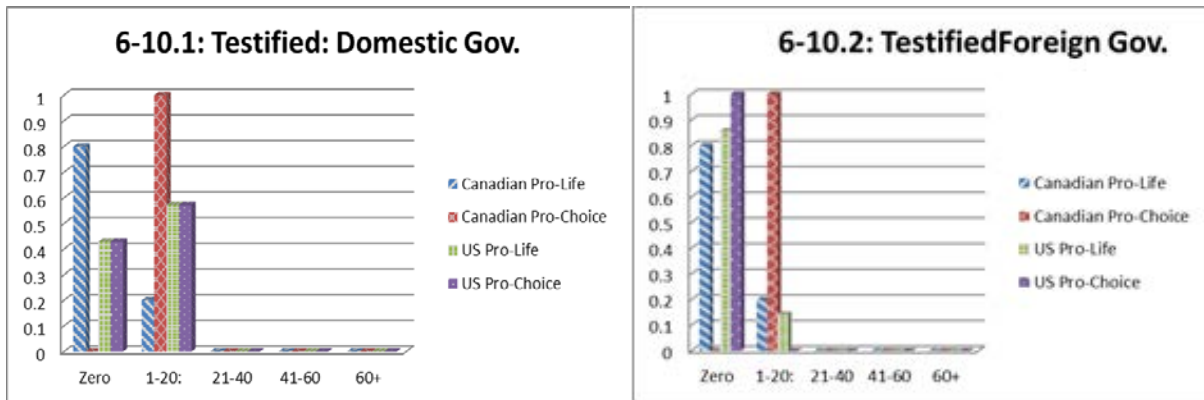
-Canadian Pro-Life Group Interview: January 21, 2014



***Tactic: Testimony***

Domestic groups will often be asked to testify before a congressional or administrative body. Interest groups hold a great deal of knowledge concerning issues important to their organization. Groups will often conduct research on particular issues or trends<sup>45</sup>. Expert testimony is a way to distribute information to an audience. Groups in all categories utilize this tactic domestically, particularly in the United States. As displayed in Figure 6-10.1 and 6-10.2, over half of the American pro-choice and pro-life groups interviewed have utilized this tactic. The Canadians also report testifying before a domestic governmental body.

The tactic is used much less transnationally. A very small percentage of pro-life organizations in both the United States and Canada report they have given expert testimony before a foreign government. All American pro-choice groups interviewed stated they have never used this tactic



From the above discussion, it is clear that domestic organized interests will utilize the same lobbying tactics transnationally as domestically; although the domestic tactics are used more often and by a large percentage of groups. Coalition building is the most popular tactic, used by groups in each category. Particularly, American pro-choice groups more likely than the others to work with foreign organizations. Beyond working in coalitions, American groups as a whole are less likely than the Canadian groups to work internationally.

#### Question Four: Success

The final research question deals with the success of a domestic group's transnational activity. Interviewees were asked if their transnational lobbying efforts have been successful. As noted in Figure 6-11, some participants stated their work is purely domestic, while others work transnationally through coalitions. The American pro-life groups were the most likely to focus exclusively on the domestic political venue. They also have the least transnational activity. Groups in this category are working to alter policies domestically, and view transnationally expansion as future possibility. This is demonstrated by the final comments made by an American pro-life interviewee:

“Right now we must think inside the box. We have a lot of work here to do and must focus here first. Maybe in the future”.

-American Pro-Life Group Interview: January 28, 2014

However, some American pro-life organizations do work transnationally and consider their work to be very successful. For instance, one organization started in 2000, and has expanded worldwide.

We started in 2000 as a small bible study group at my church, simply to help those heal after an abortion, myself included. Since then, we have 100+ chapters in the US and 13 in other countries. My books have also been translated into different languages. This is an example of what God can do with a surrendered life. My life mission is to help others everywhere and I am blessed.

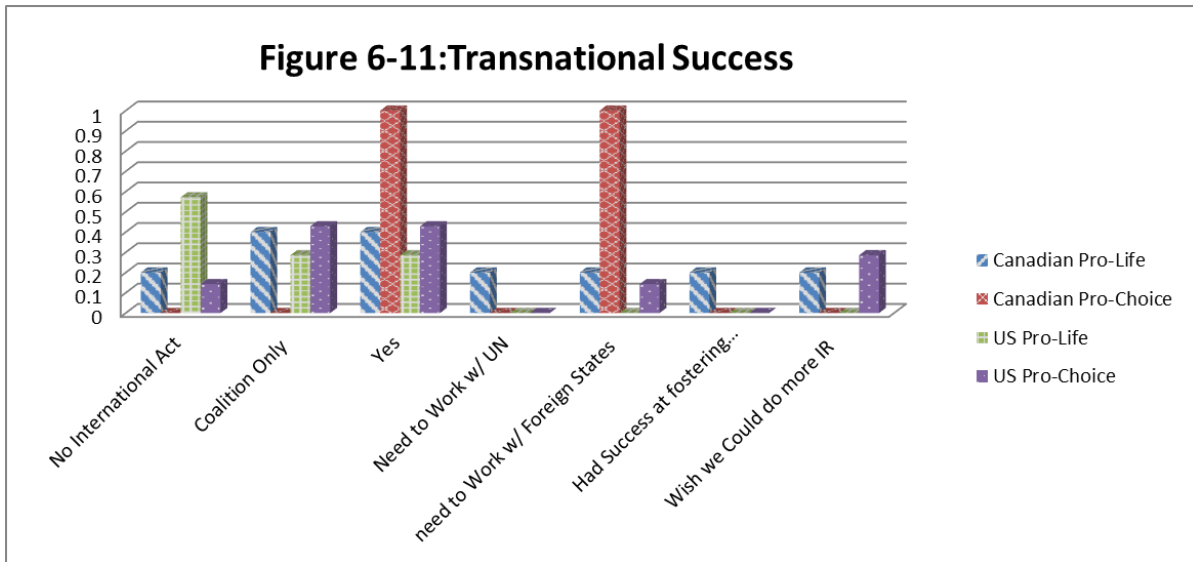
-American Pro-Life Group Interview: June, 4 2013

Canadian pro-life organizations working transnationally also see their activity as successful; however, these organizations are more open to the idea of working with the United Nations and foreign states. They also stated they have had success fostering communication on the transnational scene.

American pro-choice organizations are more likely to restrict their transnational activity to working through coalitions; additionally forty percent argue their transnational efforts have been successful. The Canadian pro-choice movement also views their international activity as successful. Specifically, they work to keep the issue on the worldwide agenda and use Canada as an example of successful reproductive model:

We work a lot to keep issues alive. The United Nations is becoming less influenced by anti-choice and has encouraged countries to decriminalize abortion. In Africa, pro-choice doctors have been working with the government to change laws and decriminalize.





### Conclusion

American and Canadian organized interests working transnationally with reproductive issues have many similarities, but at the same time there are some notable differences. These differences can be observed by revisiting the hypotheses. First, when considering the motivation to lobby transnationally, there are clear differences between pro-life and pro-choice organizations; however there are not significant differences among organizations when broken down by state. On one hand, the pro-choice movement in both the United States and Canada is motivated to protect domestic status quo. On the other hand, the pro-life movement in both states is just the opposite, they are working to challenge domestic status quo. The pro-life movement in Canada is more constrained and somewhat blocked domestically thus seeks transnational lobbying targets as a means of challenging domestic status quo, while the pro-life movement in the United States is more domestically centered and less likely to utilize

transnational lobbying to challenge domestic policy. The pro-choice movement in both states works to protect domestic status quo, however the Americans see the environment as more political contentious than the Canadians. What is unique about this case in general is both sides in both states engage in transnational activity for reasons beyond domestic policy concerns. Both sides are motivated by aspirations of altering world norms.

Second, both American and Canadian organizations in both categories report using similar strategies; however the strategy selected tended to reflect the group objective more so than the group's country of origin. For instance, pro-life organizations are more likely to hold NGO status while pro-choice organizations are more likely to utilize coalition building with foreign groups. Finally, while working transnationally, the domestic organized interests in both states will utilize the same domestic lobbying tactics; however, the tactics are used less frequently transnationally.

When considering how successful a group feels their transnational activity has been, it is necessary to remember that the issue is very ideologically charged in both states. Thus, their success is often views as a continuum and will not be one hundred percent achieved until the worldwide goal is reached.

## Chapter Seven

### *Agricultural Policy: Domestic Interests, Global Focus*

In the age of globalization, goods and services are constantly flowing across international borders. Agricultural products are no exception. For instance, roughly two-thirds of all food consumed in the United States is imported into the country (Harris, NY Times, June 21, 2011). In both the United States and Canada, policies surrounding agriculture have been a source of political contention as farmers compete with other industries for resources and protection. As Richard Barichello (1995) noted, there are many ways to look at a countries agriculture policies. For example, scholars could investigate trade policy or various commodity programs. This chapter will discuss the historical development of agriculture policy in the United States and Canada and examine the influence organized interests have had with the formation of both the domestic and international agriculture policies.

#### *Agricultural Policy and Organized Interests in the United States*

Agricultural policy in the United States is very complex. In the past, agriculture referred to simply farm policy and dealt with mainly the maintenance of farmer incomes and soil resources. Today, agricultural policy encompasses much more, including food safety, food security, and foreign policy (Browne 1988). When did the policy become so complex? The federal government has been involved with agriculture policy since the very early days of the nation. Early farm policy mainly developed because of land distribution and population shifting. As time went on, policy direction shifted towards farming education and research, then later, as farmers pressured the government, the policy progressed towards crop and income protections.

Three periods mark early agriculture policies in the United States, with each new era overlapping with the previous. The first era took place from 1785-1890. At this time, land distribution was the focus of policymaking. The United States expanded its territory very rapidly through treaties, land purchases, and land transfers. As a result, the federal government encouraged citizens to move westward to populate the new land. Thus, early policies created access to the land for settlement and farming. Although the government wished to shift population west and distribute public lands, there was debate about the best way to accomplish this. Two main perspectives on land distribution developed. The first argued the government should sell large parcels of land at higher prices. This would quickly distribute the land and create government revenue. The theory was that the individual who was financially able to purchase the land would also have the resources to develop it, which would also aid economic development on the frontier. The second perspective argued for the division of the land into smaller parcels and its sale at cheaper prices per acre. This method of land distribution would create widespread settlements in the frontier, increasing population and assist in securing the nation's borders (Agriculture Outlook 2000).

Initially, the government sold public land in large quantities; however, this option generated little attention, thus the policy shifted towards reducing the minimum acreage for sale and increasing credit opportunities. The Public Land Act of 1796 allowed for the purchase of 640 acres at \$2 per acre of credit. The Land Law of 1820 further reduced the minimum acreage and price to 80 acres for \$1.25 an acre and removed the credit system. The Preemption Act of 1841 created a system in which "squatters" were able to purchase land they settled (Growing Nation 2012).

However, the federal policy most associated with land distribution is the 1862 Homestead Act. The Southern states tended to favor distributing federal lands in greater quantities to wealthier individuals who could develop the land as they pleased. This policy fell more in line with the southern ideology of the time. Thus, southern policymakers were opposed to allowing smaller farm settlements in the Western territories. However, when the southern states seceded there was virtually no congressional opposition to the policy. As a result, in 1862 the Homestead Act easily passed. This act granted 160 acres of land to settlers who cleared and farmed the land for five years (Agriculture Outlook 2000). Because the federal government's goal was to populate the area and increase development, this policy was successful. The 1890 United States Census revealed three million families were farming in the Great Plains. As a result, the Superintendent of the Census announced the land was no longer a "contiguous frontier", declaring it closed (DH 2012). This announcement thus ended the first era of American farm policy.

During this time period, the American farmer was also becoming very active politically. In addition to the federal government's land policies, the end of the Civil War also opened new land to farmers across the South and West. As the farming occupation expanded, many farmers were plagued with limited farming knowledge, falling prices, and constant conflict with the banks, railroads, and grain elevator companies. As a result, two main farmer's organizations developed during the late Nineteenth Century: The Order of the Patrons of Husbandry (the Grange) and the Farmers Alliance. These organizations were instrumental in the development of farmer's movement as well as the development of the Populist Party.

The Grange was established in 1867 in Washington, DC after Oliver Kelly, a clerk working for the Department of Agriculture toured the South to assess agriculture production after

the Civil War. The organization was designed to promote agriculture and support the interests of the farmers. Initially, there was little interest in the organization, however by the 1870s, commodity prices had decreased and conflict with the railroad and other corporations was quickly increasing. As a result, membership increased particularly in the Midwest; by 1875, there were approximately twelve thousand local Grange chapters. The backlash against corporations and monopolies created the momentum for the Grange's growth and early success; however it was the same notion of corporate greed that prevented the organization from expanding further. The rural farmers were suspicious of the central leadership and resentful of paying membership dues to the organization. Thus, the state chapters became decentralized and the national organization began to support grassroots initiatives. As an organization, the Grange actively lobbied for the elevation of the USDA to Cabinet level status and was active in electoral campaigns throughout the states. However, the decentralization created tension within the association which made organization wide policy priorities difficult. Thus, the influence of the Grange faded in the late 1800s (Sheingate 2001).

The low commodity prices of the 1870s created a situation in which many poor rural farmers had substantial debts and were facing foreclosure on their farms. This created a lot of anger and resentment towards the banking industry. This was in addition to the bitterness already directed towards the railroads. The National Farmers' Alliance <sup>46</sup> developed in the 1870s as a result of the discontent among the farmers. The National Farmers' Alliance pressured the government for credit reform policies and better regulation of the banking and railway industry. However, the organization was segregated, thus the Colored Farmers' Alliance formed to support African American farmers, particularly in the South (Postel 2009).

Charles Macune, leader of the Farmers' Alliance argued the rural farmers were impoverished because they lacked organization, thus the Alliance organization should resemble a business model similar to other corporations. This would enable the organization to gain political influence (Postel 2009). However, the Farmers' Alliance did not gain the political status it initially hoped for, as many members felt they were being ignored by Democrat and Republican Parties. Thus, Farmers' Alliance was the driving force behind the creation of the Populist Party. The Populist Party, also known as the People's Party was viewed as the anti-elitist party which made it very appealing to the struggling farmers. James Weaver ran as the Populist's Party's nominee in the 1892 presidential election. While the Democrat candidate Grover Cleveland won the presidency, numerous Populist Candidates won congressional and gubernatorial seats (Wormser 2002).

Elizabeth Saunders argued farmers and workers had similar ideologies and both shared similar animosities towards corporations, yet the Populist Party had problems securing the labor vote. With the nomination of William Jennings Bryan, Populist Party leaders hoped to form a farmer-labor alliance. The Democrat Party also nominated Bryan, who advocated for stronger railroad regulations, free coinage of silver, and less government involvement in labor strikes. Bryan campaigned across the country in an attempt to mobilize voters, particularly the urban labor vote. However Republican Party organizers and industry leaders organized a counter-campaign, warning voters that electing Bryan would destroy the economy, causing factors to close and interest rates to increase. The Republican strategy worked; the American working class agreed with Bryan's ideology, yet could not rationalize voting to support the agrarian movement (1999).

With the defeat of William Jennings Bryan and the decline of the Populist Party, many worried the farmers movement would also fade into non-existence. However, the Grange was slowly gaining membership and influence. Also, members of the Farmers' Alliance created a new organization, the Farmers Education and Cooperation Union of America, often called the National Farmers Union in 1902. Like their predecessor, the new organization attempted to form coalitions with the labor groups (Saunders 1999). The Grange and National Farmers Union are still in existence, and both continue to support family farms through grassroots initiatives.

The second era occurred from 1830 through 1914. During this time, policy shifted towards increasing productivity through education and research. The argument was that improving agriculture methods would stimulate economic development and support the manufacturing industry, as well as a growing urban population in the East. Thus, the federal government became increasingly supportive of farming research and education (Agriculture Outlook 2000). In 1862, the Department of Agriculture was established, and Congress passed the Morrill Land Grant College Act. This law further connected agriculture with education by establishing land grant universities throughout the country (USDA History Timeline 2012). These universities produced highly trained individuals, many of whom later served the USDA as technical advisors. The USDA would send these advisors into rural communities to educate farmers on new farming practices and techniques. This further facilitated the need for a more complex extension service to provide the local farmers with the latest technology. Thus, in 1914 the Smith-Lever Extension Act established federal funding to create USDA Extension Offices in rural counties throughout the country. The USDA and the land grant universities in the states would administer the program jointly. Each local extension agent worked to organize the farmers



into local farm bureaus. In 1919, the local organizations jointed together to form the American Farm Bureau Federation (Sheingate 2001).

During World War I, agriculture exports drastically increased as European countries had increased demand for food. This resulted in increased world food prices, which increased the farmer's income. However, after the War, European demand dropped, which created lower prices on the world market. As a result, domestic farmers in the United States pressed for government polices to control food prices and supply. The arguments tended to support limiting the supply domestically, and selling the surplus on the world market. Thus, Congress drafted the McNary-Haugen Farm Relief Bill to control domestic supply. The bill passed Congress twice, but President Calvin Coolidge twice vetoed it (Agriculture Outlook 2000). President Coolidge argued it was not the government's responsibility to regulate the farm economy, rather farmer co-operatives and market networking would be a better system. President Hoover further agreed the government should have little involvement and farmers should maintain more control. Thus, the Agricultural Marketing Act of 1929 created the Federal Farm Board. This provided government loans for farmers to establish marketing cooperatives and marketing agencies for commodities such as wheat and corn. When delivered to the cooperative, commodities would be stored and then released to the market slowly to control prices. However, as the 1929 Stock Market crash creating an economic downturn, it was clear the cooperatives were not enough to control prices, thus acreage reduction was encouraged, but met heavy opposition from farmers across the country. Congress in an attempt to stabilize domestic prices and limit foreign imports, passed the Smoot-Hawley tariff in 1930, which placed taxes on twenty thousand imported products. Countries around the world followed suit. As a result, agriculture exports in the United States fell twenty percent in a decade (20<sup>th</sup> Century Farm Policy 2012). As prices failed

to stabilize, the cooperatives began to break up (Sheingate 2001). The falling crop prices and limited world demand facilitated a new era in American farm policy, the New Deal.

The Federal Farm Board experiment demonstrated that market incentives and voluntary acreage reduction were not enough to stabilize prices because there was no incentive for individual farmers to reduce acreage. As President Franklin Delano Roosevelt took office, one of his first New Deal policy initiatives was to address the farm economy. The Agricultural Adjustment Act of 1933 attempted to control the large agricultural surplus by providing farmers financial assistance to reduce production. Taxes on food and clothing processors that used the agricultural goods financed the farmer subsidy. The program was initially successful; farm incomes did increase (Bowers, Rasmussen, and Baker 1984). In *U.S. v Butler*, the Supreme Court ruled the federal government had unconstitutionally exceeded its authority under the Delegated Powers Clause of the Constitution by attempting to regulate farming production. Additionally, the Court held that the tax levied on processors was not a true tax because it did not benefit the general welfare, but rather a specific population (January 6, 1936).

In addition to stabilizing prices and farmer incomes, the federal government also took measures to improve soil quality. However, it did very little to ensure that farming practices did not erode the soil. Soil erosion, when paired with a lasting drought created one of the worst agriculture disasters in history, the Dust Bowl. As a result, Congress passed the 1936 Soil Conservation and Domestic Allotment Act. This law created soil conservation programs and further increase education opportunities for farmers. While the new soil conservation initiatives improved the general knowledge concerning soil quality, commodity prices and farmer incomes were will problematic. Thus, USDA and farming organizations pressed Congress to develop a second adjustment program to control production. In 1938, it passed a second Agricultural

Adjustment Act that combined soil conservation programs with crop insurance and subsidies to guarantee farmer income (Bowers, Rasmussen, and Baker 1984).

Between 1938 and 1996, Congress passed a version of the Farm Bill every five or so years<sup>47</sup>. Then, in 1996, the Freedom to Farm Act made major changes to the Farm Bill. The government phased out the grain management programs and reformed the criteria for farmers receiving direct payments. The programs no longer tied support payments to grain prices. Additionally, the Act removed planting restrictions to give farmers more freedoms on planting decisions. However, by 1998, the price of grain had drastically fallen. Thus, amendments gave grain farmers direct support payments based upon the historical crop yield regardless of market conditions. Crop insurance was also mandated, but heavily subsidized. Thereafter the amount of government support for farmers climbed to record numbers between 1999 and 2001.

Additionally, sixty-two percent of farmers were not receiving any support payments from the government; the large wealthier farms were receiving the most support (Masterson 2011). The 2002 and 2007 Farm Bills did little to cut support payments for the largest farms (Lockhead, 2007). With a record budget deficit, members of Congress were pressured to cut spending, thus the current Farm Bill which was passed in January 2014 placed income caps for subsidy payments and cut the direct payment program; however, the crop insurance subsidies were expanded. In addition, Congress cut eight billion dollars from the Supplemental Nutrition Assistance Program (SNAP)<sup>48</sup> (Nixon, 2014).

Because they create a significant opportunity to access policymakers and make political gains, the omnibus Farm Bills are very important to organized interests. Over the years, as demonstrated above, the various farm bills have had different goals. For instance, during World War II, production increased to meet wartime food demand. Global trade initiatives became

important starting in the 1970s, and continue today. However, the persistent agricultural policy problem has traditionally been dealing with the commodity surplus and low prices. As policy began to focus on particular commodities, the commodity organizations became a powerful political force in Washington, DC and began to rival large general farming organizations (Browne 1988).

By the early Twentieth Century, there were four national agriculture groups actively working in Washington, DC: the American Farm Bureau Federation, the National Farmers Union, the National Farmers Council, and the National Grange. The Farm Bureau was the largest and most active; however, because of its size, the Farm Bureau's membership was very fragmented. (Browne 1988).

With the addition of new commodities, conflict began to arise within the American Farm Bureau Federation and various extension offices, as well as within the USDA. Since 1919, the AFBF was the most influential farming organization in the United States; however, the National Farmers Union quickly became influential. The National Farmers Union developed more around supporting the smaller farming operations. As time went on, the two groups began to use different legislative tactics. For instance, the American Farm Bureau maintained a close relationship with the USDA and utilized the congressional budget process to pressure policy makers to defund unwanted policy initiatives. The National Farmers Union on the other hand used more grassroots tactics to build a close relationship between farmers and farm labors. This alliance was then discredited the AFBF. As the post-War policies emerged, the two groups began increasingly involved with party politics. The American Farm Bureau Federation aligned more with the Republican Party, pushing for flexible price supports dependent upon supply, while the National Farmers Union supported Democratic Party initiatives for fixed price support.

Thus, agriculture policy in the late 1940s, through the 1950s was as a zero-sum game as both parties attempted to pass legislation to appease the organized interests and the rank-in-file voters among their membership (Sheingate 2001).

As World War II began, the United States facilitated wartime preparations across numerous economic sectors, including agriculture. It increased production to meet military needs. By the mid-1940's, over one hundred commodities were being supported by the government (Bowers, Rasmussen, and Baker 1984). As Adam Sheingate (2001) noted, the government began to fund additional commodities and as a result organizations formed to support individual commodities such as wheat or cattle. Many organizations formed in the 1950's, however they did not become political active for years. For instance, the National Corn Growers Association formed in the 1950s but did not establish an office in Washington DC until the 1980s. Additionally, during the 1970s many organizations without a direct farming interest became involved in agriculture policy. Compared to established farm groups these organizations were typically very small. They focused on consumer interests, world hunger concerns, and the environment (Browne 1988).

As William Browne (1988) argued, when agriculture policy became more complex additional actors became very involved in policy development. For instance, the United Autoworkers created a division for farm equipment. The Humane Society of the U.S. became concerned with farm animal treatment, and the Environmental Policy Institute began monitoring the effects of agriculture production on the environment. By the 1980s there were many very diverse organizations actively working on agriculture policy. Browne examined the various groups and divided them into six categories. The first is the producer organizations. These groups represent a variety of diverse farming interests, ranging from general farming such as the

American Farm Bureau Federation to more specific commodity organizations such as the National Cattlemen's Association. The second lobbying category represents the producer/agribusiness organizations. These cooperative associations work on industry related issues such as marketing. Next, the agribusiness intermediary organizations are mainly trade associations. They do not primarily represent a commodity; rather, these organizations represent the processors and distributors. For example, the Corn Refiners Association would fit into this category. The next category is the suppliers/facilitators. These organizations are more concerned with research and education, such as the Fertilizer Institute and the Farm Foundations. The fifth category is the public interest groups. Organizations in this category represent a variety of non-farming interests that involve agriculture policy. Finally, the last active lobbying category is the agribusiness and food firms. Food organizations such as ConAgra Foods are active participants in agriculture policy debates, even though their interests does not directly relate to farming (1988).

#### *Agricultural Policy and Organized Interests in Canada*

The Canadian agriculture sector developed along a similar path as the United States; however, there are some notable differences. The Canadians, as did the Americans wished to populate their Western Territories and encouraged westward immigration. The Dominion Land Act of 1872 very much resembled the Homestead Act in the United States. This law allowed settlers to purchase and develop land owned by the Crown<sup>49</sup> (Dick and Taylor 2007). However, the Canadian Pacific Railway owned much of the Western land. In 1871, British Columbia joined the Canadian Confederation. The province agreed, however, insisted on the construction of a railway to connect the province with the East. The Canadian Prime Minister, Sir John MacDonald. Agreed, and Parliament granted the Canadian Pacific Railway twenty-five million

dollars and twenty-five million acres of government land to construct the railroad across Canada (CPR 2006).

The climate and shorter growing season in Canada greatly limits agriculture production. As a result, the various provinces control most agriculture policymaking (Dick and Taylor 2007). Additionally, the Canadian Constitution mandates that the federal and provincial governments will have joint responsibility for agriculture matters (Frutan 2007). As a result, agriculture policies vary across Canada. The development of the Canadian wheat industry highlights not only the interaction among the different levels of government, but also the growth and expansion of Canadian farmer organizations.

As the railroad expanded through the Canadian West, the number of farms also increased. Families were encouraged by the government to move west and establish working family farms. As the population expanded westward, conflict between the railroad, grain elevator companies, and farmers was inevitable. There were virtually no regulations on grain production in the late Nineteenth Century. The grain elevator companies determined the grade and price for grains, and then shipped grain in railway cars for final sale. The individual farmer had to accept the company's price or not sell the grain (Friesen 2012). The farmers pressured the government for better regulation of the industry, which resulted in the Manitoba Grain Act, passed in 1901. This law established weight and measure regulations and allowed a farmer to ship grain in their own railway cars. However, both the elevator companies and the railroad largely ignored the law. As a result, in 1901, the Territorial Grain Growers Association formed<sup>50</sup>, and membership spread throughout Manitoba and Saskatchewan. Additionally, the Farmers Union of Alberta formed as a separate organization. Both organizations lobbied the Canadian Parliament for better enforcement of the Manitoba Grain Act. Specifically, they called for a regulated grading system

for grain, fair prices, and forced compliance. Additionally, the government was still in the process of encouraging western expansion; however, the process had slowed because many were suspicious of the railroads and elevator companies and argued the government could not guarantee the farmers would receive a fair treatment. As a result, Parliament passed the Canadian Grain Act of 1912. This law established the Canadian Grain Commission, which created regulations for sampling and grade determination. The law also had a positive impact on western immigration. The Canadian government could now guarantee individual farmer rights (Friesen 2012).

During World War I, just as in the United States, Canadian agriculture production increased to meet wartime supply needs. However, as prices fell after the War there was increased pressure to stabilize markets. Thus, many farmers participated in marketing co-operatives. For example, the Farmers Union formed in 1921 and looked to the United States for examples of successful marketing ideas. Aaron Sapiro, a California lawyer and co-operative marketing expert, came to Canada to discuss commodity marketing. However, the cooperatives for the most part failed as the Great Depression struck causing continued low prices and commodity surpluses. The Canadian government responded by attempting to stabilize prices. For instance, the Canada Wheat Board Act of 1935 allowed for government marketing and guaranteed minimum prices (Thiesson 2007). In addition, Parliament passed the Prairie Farm Rehabilitation Act in 1935 to provide farmers with better farming techniques, education, and encouraged soil conservation (Dick and Taylor 2007).

World War II, caused commodity prices to increase, only to fall shortly after the War ended. Thus, established in 1945, the Interprovincial Farm began to pressure the federal government for better farm support. The organization sent a list of demands to the Canadian



Cabinet, including parity prices, farm tax reform, and freight policy reform. The organization stated that if the Cabinet did not meet their demands, they would strike on September 6 1946. They struck. After a twenty-one day strike, the Minister of Agriculture, JG Gardiner invited Union leaders to Ottawa for negotiations. The talks resulted in various measures, including increased minimum prices for hogs and the removal of the wartime fuel tax (Thiesson 2007).

For the most part, since the 1950s the Canadian government has provided less direct domestic income support to farmers than the United States. In 1991, the Parliament passed the Farm Income Protection Act, which created a series of umbrella income stabilization programs designed to be a safety net for all commodity programs. The federal and provincial government would jointly finance these programs (Barichello 1995). Additionally, in 1997, Parliament passed two laws to deal with farmer financial stability. The Agricultural Marketing Programs Act allows commodity farmers to receive cash advances at designated times throughout the year. The government guaranteed the cash advance, which keeps interest rates low. Secondly, Farm Debt Mediation Act provides farmers with financial counseling in the event they are unable to meet financial obligations. The Agricultural Growth Act, introduced in December 2013 proposes amendments to both the Agriculture Marketing Programs Act and Farm Debt Mediation Act to modernize the loan process. The proposed law also has provisions to control import and export of agricultural products and improve food safety through better record keeping (C-18, 2013). The Canadian government is very concerned with complying with international agreements, thus the Agriculture Growth Act also contains provisions to align better with the Convention of the International Union for the Protection of New Varieties of Plants<sup>51</sup> (Brodhagen 2014).

Like the United States, Canada has witnessed increasing pressure to cut spending and reduce the deficit. Finance Minister Jim Flaherty proposed the Conservative government cut ninety billion dollars from the federal budget by 2017 with seventy-five percent of the cuts coming from direct spending (Whittington 2013). Thus, the farmer support programs may face uncertainty in the coming years. The Ministry of Agriculture and Agri-Food<sup>52</sup> projects it will lose ten percent of its budget over the next few years. However, farming organizations are optimistic. For example, Humphrey Banack, the Vice President of the Canadian Federation of Agriculture stated:

The CFA recognizes the work done by government to increase the competitiveness of Canadian farmers, and we see continued commitment in that regard in various aspects of this budget.

This project seeks to examine the motivation, strategy, tactics, and successes of domestic organized interests in the transnational political arena. Agricultural organizations in the United States and Canada bring a unique dimension to this research. Domestic farm organizations have a rich history in both states, yet in today's world, agriculture policy reaches far beyond the domestic arena. Thus, this study examines agricultural organizations to investigate increasing political linkages between the domestic and transnational levels.

### **Question One: Motivation for Transnational Action**

As stated above, different incentives and objectives motivate domestic organized interests. Previous chapters have discussed the differences among environmental and reproductive organizations. Agricultural organizations have different incentives and objectives as well. This research has identified three main organizational objectives: protect domestic

status quo, challenge domestic status quo, and promote an international norm. When examining the transnational activity of agricultural organizations, there are various motivational factors behind the activity. The following discussion will demonstrate the competing interests of American and Canadian agricultural groups and will thus demonstrate how varying incentives and objectives will create different motivation for transnational activity

Figure 7-1 illustrates the area of primary concern for agricultural organizations in the United States and Canada. A very small percentage of American organizations stated that they are solely domestically focused, but a slightly larger percent claimed that they are solely internationally focused. A majority of American agricultural groups interviewed, thirty-seven percent stated they are primarily concerned with domestic policy, but also have an international focus. For instance, one group stated:

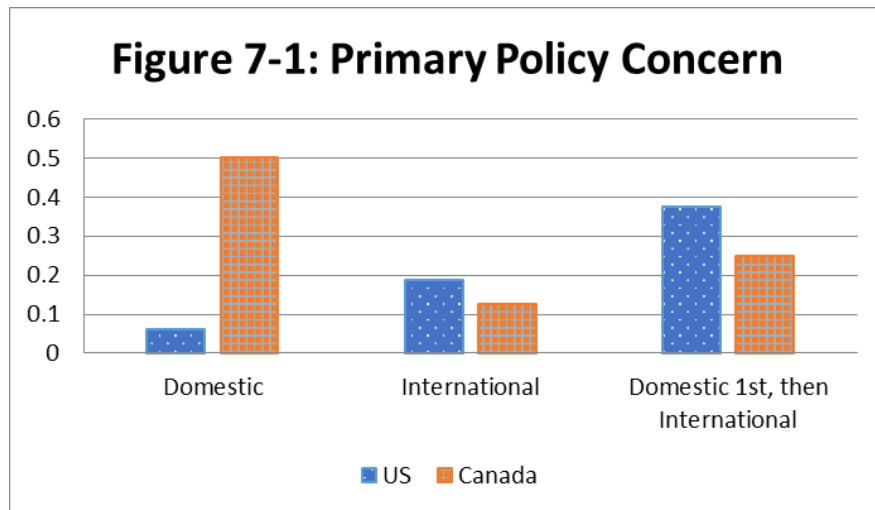
We focused on both. In the United States, policy will have an immediate effect on our industry. However, the international standards will eventually make their way into domestic policy.

-American Agriculture Group Interview: February 21, 2013

Canadian groups, on the other hand, tend to be more domestically focused. A very small percent claim to be internationally focused; however, fifty percent are entirely centered upon domestic policy. Twenty-five percent argue they are domestic focused first, then international. For example:

We deal mainly with national issues, but must focus worldwide because we move horses around the world for shows and ownership. Thus we need to be concerned with what is going on around the world in terms of trade, animal safety, and food regulations.

-Canadian Agriculture Group Interview: September 11, 2013



The Canadian groups are more likely than the American groups to focus solely on the domestic political environment. This may be explained by examining how each side views their domestic political environment. As shown in Figure 7-2, fifty percent of American agriculture organizations stated the domestic environment is negative, twenty-five percent stated it is positive, and a very small percentage stated it is very positive.

It is changing, but still a challenge. It is hard to “dis-link” the industrial hemp industry from drug policy. The DEA confuses people into believing hemp and marijuana are the same thing. They need to protect their budget. They are afraid they would lose money if hemp is legal to grow in this country. For instance, in 2001, the DEA tried to ban hemp foods. The measure failed, mainly because the Hemp Foods Association fought it”.

-American Agriculture Group Interview: September 4, 2013.

However, the Canadians see their domestic environment in much more positive terms. Sixty-two percent viewed the domestic atmosphere is positive. Surprisingly, those with a negative opinion tended to oppose genetically modified organisms and support organic farming.

Our current government is very business oriented. They are in favor of profit.

Organic farming in Canada is more like a niche. It is only one to two percent of farming in Canada, thus the government is obviously going to support the bigger farms.

-Canadian Agriculture Group Interview: September 12, 2013.

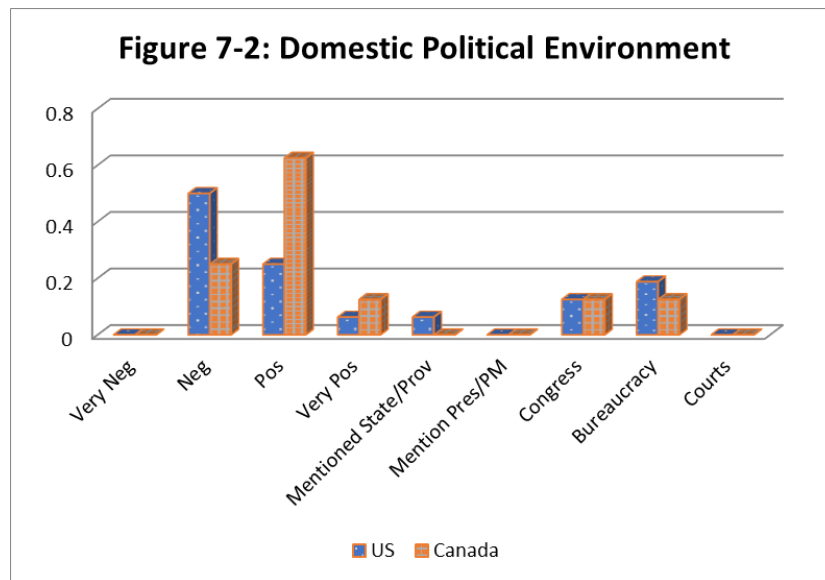


Figure 7-3 demonstrates the level of concern groups have with the policies of foreign states and international institutions. The Americans and Canadians are equally concerned with the policies of foreign governments. Twenty-five percent of the American groups interviewed reported the policies of China and India are areas of concern, while none of the Canadian groups mentioned China or India. A very small percentage of Canadian organizations stated they were

concerned with the actions of the United States; however, groups in both Canada and the United States reported they monitor the Europeans very closely. This is especially true in terms of trade.

We are concerned because most of our imports come from EU members, so we worry about what they are doing in terms of procedures, regulations, and price and how that will impact us here.

-American Agriculture Group Interview: September 12, 2013

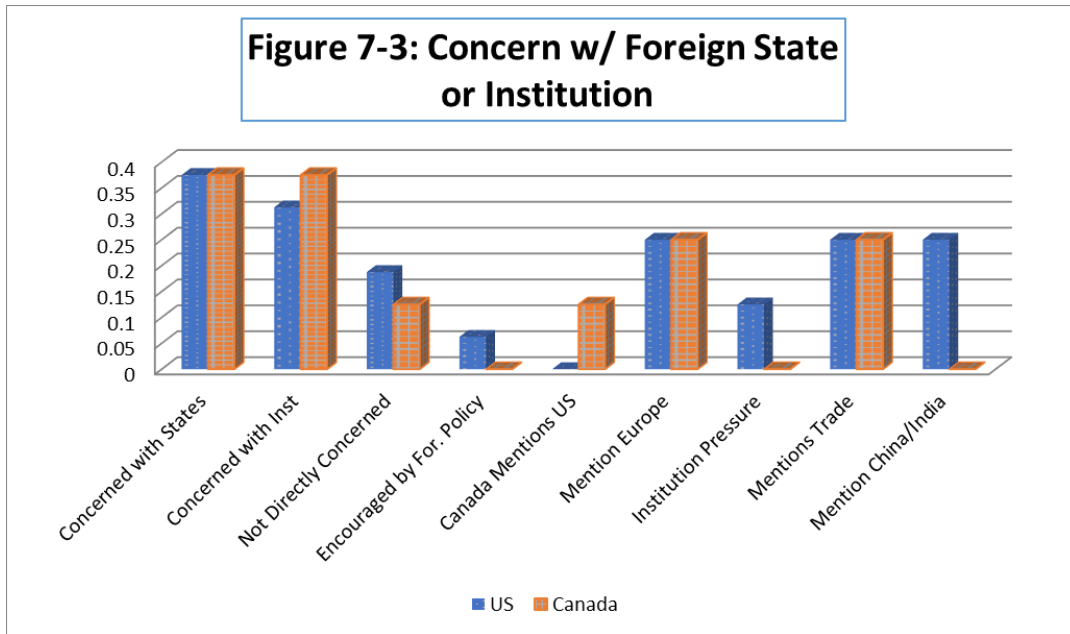
A specific issue of concern for both the Americans and Canadians is the use of hormones and genetically modified organism (GMOs) in agricultural products. See the statements below, one from an American group representative, the other from a Canadian representative.

The EU is difficult. They have basically banned importation of US beef over the use of hormones.

-American Agriculture Group Interview: October 22, 2013

We worry about Canada, but also need to know what is going on outside because that can help us. For instance, Europe (other than Spain & Portugal) does not allow GMOs in agriculture. They also require labeling. Therefore, we want to be like the Europeans. However, the use of GMOs was never widespread there like here so it was easier for them to ban the use. Canada sends a lot of wheat to Europe. As a result, our Canadian farmers do not want to use GMO wheat because the Europeans do not want it. So that is like an incentive.

-Canadian Agriculture Group Interview: September 24, 2013



The American group viewed European restrictions more in terms a free trade barrier, while the Canadian group used European policy as an example to encourage the limitation of genetically modified organisms in Canadian agriculture.

**Leaving the Domestic Arena:**

The Canadian groups are more likely to have a purely domestic focus than American groups and have a more positive outlook on their domestic political environment. However, when questioned about the level of concern with international institutions and foreign states, the Canadians were slightly more concerned with international institutions. Additionally, Americans and Canadians were equally concerned with the actions of foreign states. Consider once more, the three motivating factors for leaving the domestic arena: protect domestic status quo, challenge domestic status quo, and alter world norms. Groups in both countries are very concerned with trade issues, thus are motivated to leave the domestic political environment to ensure no interruption in the international trade of their particular commodity. Thus, whether the group is protecting or challenging domestic status quo or attempting to alter world norms is very

dependent upon the policies surrounding their individual commodity. For instance, the organic agriculture sector seems to promote the adoption of worldwide organic farming practices and have a more negative view of their domestic environment. For instance, an American organization that specializes in promoting organic agriculture remarked:

It is pretty tough (the domestic political environment). We had to fight like crazy to even get organic staples into the Farm Bill, and DC is so dysfunctional that the Farm Bill is in trouble. We push for more funding for research and work on the Organic Crop Share and the International Food Safety Act, but organic is a very hard sell.

-American Agriculture Group Interview: September 12, 2013

On the other hand, motivation for organizations in both the United States and Canada working with mainstream agriculture tends to be trade issues and protecting their commodity worldwide, as well as ensuring it is marketable. For instance, a representative of the American peanut industry stated:

We work with growers to produce peanuts that will be able to be sold internationally. GMO peanuts will not sell in Japan, or Europe.

-American Agriculture Group Interview: September 17, 2013

Therefore, when leaving the domestic environment, organizations are motivated to leave the domestic political arena more so by the need to protect or promote a specific industry or commodity. This holds true for groups in both the United States and Canada.

### **Question Two: Strategy**

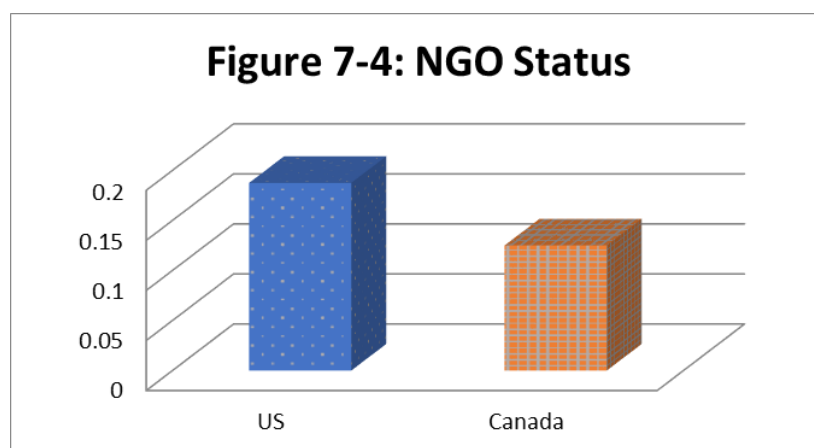
A domestic organization may utilize a variety of transnational lobbying strategies. For example, the group may work directly with a foreign government, or use international



institutions such as the United Nations or World Trade Organization. As noted in Table 2.1), there are five strategies a domestic organization might select when lobbying transnational actors. During the interviews with American and Canadian agricultural organizations, it was discovered that a group's transnational strategy is very issue dependent.

***Strategy: NGO Status before an IGO***

Domestic interest groups will often seek NGO status before an intergovernmental organization however, as figure 7-1 demonstrates, this is not a widely used strategy for agriculture groups in either country.



Approximately eighteen percent of American organizations interviewed report holding NGO status, while twelve percent of Canadian groups hold NGO status before an IGO. Of the organizations interviewed, the large national organizations used this strategy exclusively. Additionally, many groups are also members of larger international NGOs that hold NGO status. For example and American group representative stated, they do not have NGO status directly, but are a member of the International Feed Industry Federation, which does hold NGO status.<sup>53</sup>

***Strategy: Attend an IGO Meeting***

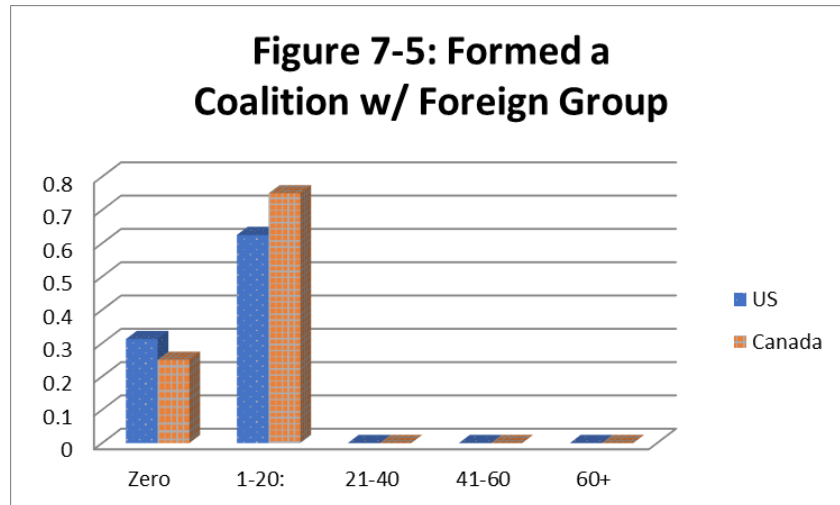
Although a strategy utilized more by the Canadians than the Americans, both American and Canadian agriculture organizations stated they attended meetings held by an intergovernmental organization. Approximately eighteen percent of American organizations reported that they attended an IGO meeting over the last year, while thirty-seven percent of Canadian organizations attended an IGO meeting.

***Strategy: Send a Representative to a Foreign Government***

Working directly with foreign governments is a useful transnational strategy because it allows groups to discuss directly areas of concern with foreign government officials. The American agriculture organizations tend to utilize this strategy more than the Canadian organizations. Sixty-two percent of American organizations stated they have sent a representative of their organization to discuss issues with a foreign government at least once over the last year. Thirty-seven percent of Canadian organizations have sent a representative to meet with a foreign government.

***Strategy: Formed a Coalition with Foreign Groups***

Figure 7-5 illustrates how domestic organizations work with similar groups in other countries. Both American and Canadian organizations utilize this strategy; however, it is slightly more popular with the Canadians than with the Americans. Sixty-two percent of American organizations state they have worked with a foreign organization between one and twenty times over the last year. Seventy-five percent of Canadian organizations have collaborated with a foreign group.



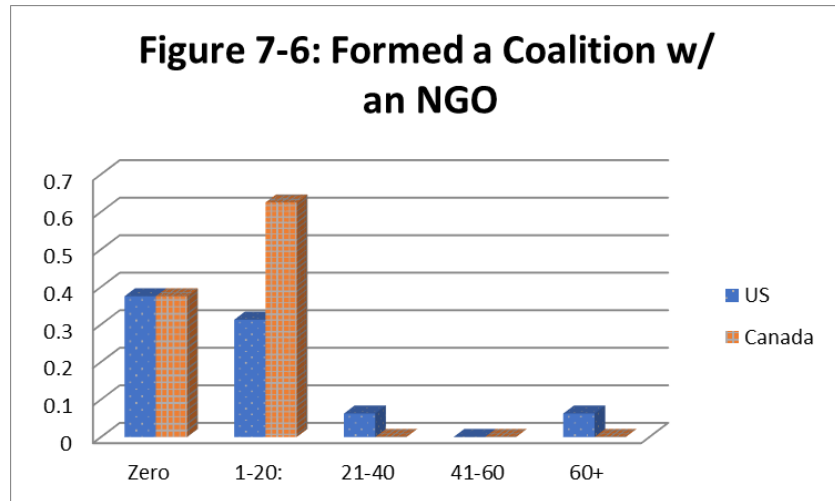
***Strategy: Formed a Coalition with a NGO***

The final transnational strategy is forming a coalition with an NGO. As demonstrated in Figure 7-6, both American and Canadian organizations will work directly with international nongovernmental organizations, sixty-two percent of Canadian organizations stated they have worked with an NGO at least once over the last year. Thirty-one percent of American groups interviewed reported forming a coalition with an NGO at least once over the last year; however, a very small percentage of American groups use this strategy over sixty times a year. For example, an American group representative stated they work with NGOs for trade as well as humanitarian assistance.

We work with NGOs all over the world. Some is trade related because it is in our best interest to sell US agricultural products all over the world. However, our members also realize we have a lot to offer other countries. When disaster strikes, whether its Mother Nature or civil strife, we can offer assistance through our food programs. So, we work with a lot of humanitarian groups. Also, our research and

development can help those all around the world. Our Biotechnology resources develop drought and disease resistant crops that are not so needed here, but very useful in Sub-Saharan Africa.

-American Agriculture Group Interview: October 22, 2013



### Question Three: Tactics

It is hypothesized that domestic groups will use the same lobbying tactics transnationally as they do domestically. Thus, the group representative’s were asked numerous questions regarding their organization’s domestic and transnational lobbying tactics. The responses were then analyzed to determine if there are any tactical differences between lobbying domestically and transnationally.

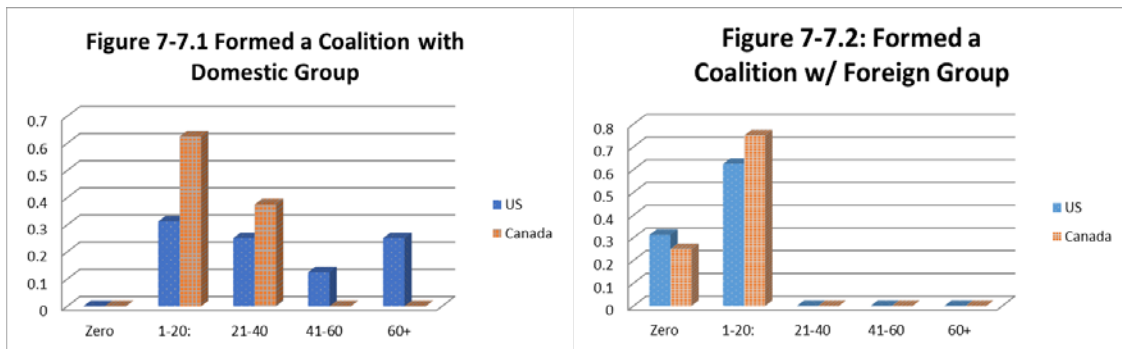
***Tactic: Coalition Building***

Coalition building is a popular domestic tactic; it is also utilized transnationally, however not as often. Figures 7-7.1 and 7-7.2 demonstrate the frequency organizations work with similar groups domestically and abroad. Sixty-two percent of Canadian organizations stated they

collaborated with a similar Canadian group between one and twenty times over the last year. Thirty-seven percent stated they have worked with a Canadian organization between twenty-one and forty times in a year. The American organizations also widely use this tactic. Twenty-five percent of American groups interviewed reported working with a similar American organization over sixty times.

We do this a lot, but it is really commodity based. Depending what’s going on, we will work with lots of other groups here domestically. For example, our *Barnyard Coalition* is made up of cattlemen producers, sheep, chicken, etc. The coalition members depend on what the issue is.

-American Agriculture Group Interview: October 22, 2013



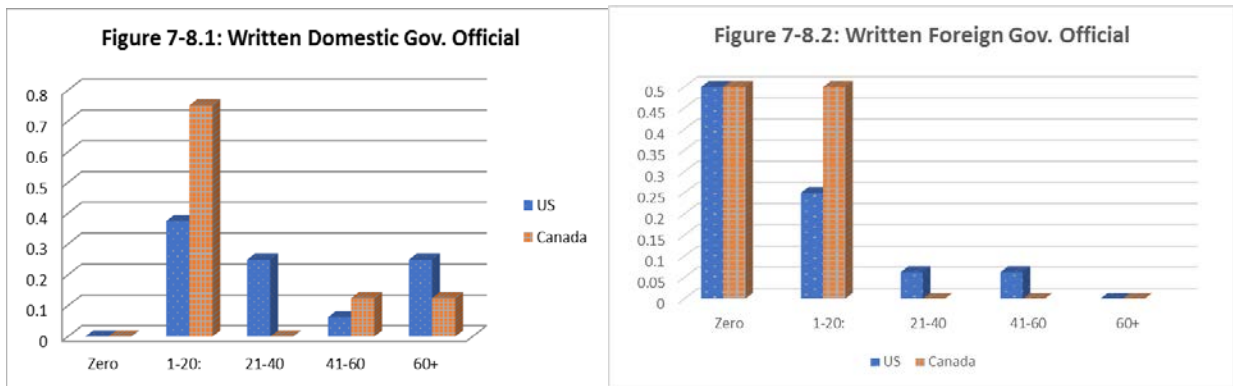
Coalition building is also a popular transnational tactic. Seventy-five percent of Canadian organizations and sixty-two percent of American organizations stated they utilize this tactic between one and twenty times as year.

We try to link our researchers and students with others around the world for collaboration and exchange programs.

-Canadian Agriculture Group Interview: September 12, 2013

***Tactic: Written Communication***

Writing government officials is a widely used tactic domestically and transnationally. Figures 7-8.1 and 7-8.2 illustrates how often American and Canadian organizations write to the government. Groups from both states reported writing to their domestic government officials frequently. This tactic is also used transnationally, however, domestic groups do not write foreign officials as often. The Americans seem to use this tactic more frequently than do the Canadians.



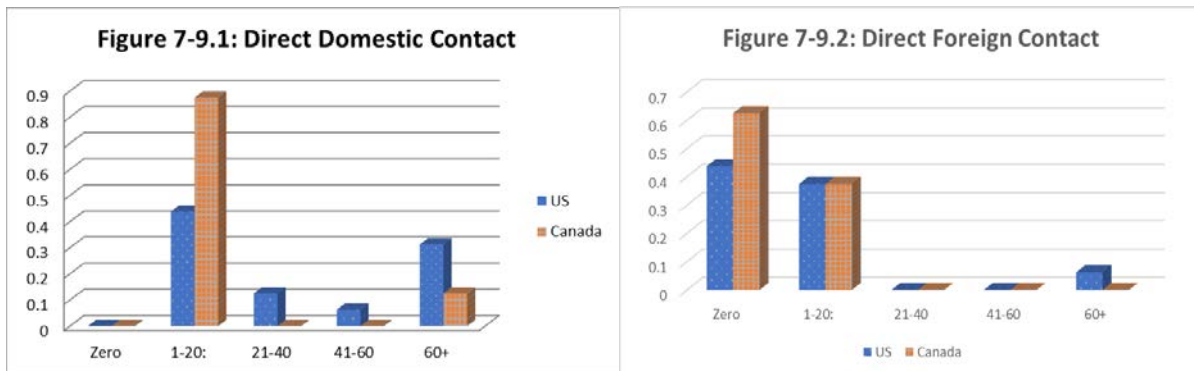
***Tactic: Direct Contact***

Organized interests will often directly contact the government. Figure 7-9.1 reveals that both American and Canadian organizations are in regular contact with their domestic government. Every organization interviewed stated they have had direct contact with the domestic government over the last year. American organizations have more direct contact with the United States government than the Canadian organizations with their government. For instance, see the statement below from an American agriculture group representative regarding their lobbying activities:

We have a full time lobbyist on Capitol Hill and he regularly has contact with Congress. Our lobbyist contacted each member of the House, went to their office before the Farm Bill Amendment vote. He will also go to each Senator when they come back.

-American Agriculture Group Interview: September 4, 2013

Canadian organizations do not contact the Canadian government as frequently; however, a very small number of Canadian organizations reported contacting the government directly over sixty times last year. Although, eighty-seven percent of Canadian organizations interviewed stated use the tactic between one and twenty times a year.



As Figure 7-9.2 demonstrates, American and Canadian organizations also have direct contact with foreign governments, however when compared to their domestic contact, the foreign contact is limited. Approximately thirty-seven percent of the organizations in both states reported having direct contact with a foreign government between one and twenty times a year. However, very small percentage of American organizations reported contacting a foreign government directly over sixty times a year. For instance, the representative of a very large American farming organization stated he is in regular contact with foreign governments:

I speak with foreign government officials several times a month. When there is an issue, it is several times a week. We have formed close ties with the embassies and ambassadors from other countries. That allows us to pick up the phone and call them directly when there is a problem or an issue is brewing”.

-American Agriculture Group Interview: October 22, 2013

The same representative also argued that maintaining close relationships with foreign governments is important to protect agricultural products in the United States. For example:

“We work closely with other countries and organizations to ensure things run smooth here. When an issue comes up, we like to address it whether that means talking to our own government or talking with an Agriculture Minister or with an embassy representative here in town (Washington, DC)”.

-American Agriculture Group Interview: October 22, 2013

What is important to note about this tactic is domestic organizations understand political institutions around the world vary. As a result, when approaching a foreign government directly, the domestic organization will consider institutional differences and select a target accordingly.

### ***Tactic: Testify***

Expert testimony is used to keep issues on the agenda and shape policy. For instance, a representative from an American organization that supports organic farming stated they have worked closely with the US Department of Agriculture:

Yes (we testify), but usually for the USDA. However, we are not nearly as active now since the USDA launched the organic program. We pushed very hard for the



government to develop standards. Now, we mainly have a “shaping” role, we try to shape the policies.

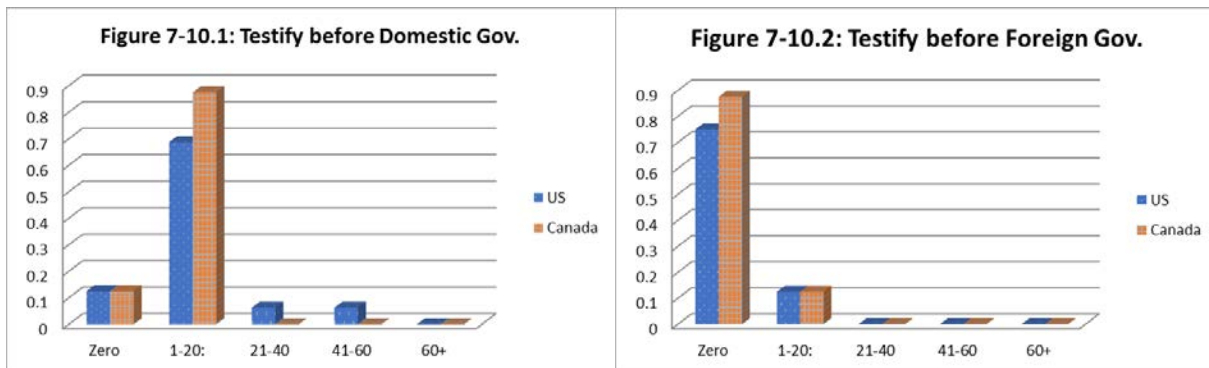
-American Agriculture Group Interview: September 9, 2013

Figure 7-10.1 illustrates how organizations utilize expert testimony domestically. Eighty-seven percent of Canadian organizations stated they have testified before a Canadian governmental body.

We recently spoke at a hearing for a report the government was doing. We presented information on GMOs.

-Canadian Agriculture Group Interview: September 24, 2013

Sixty-eight percent of American organizations interviewed have testified in the United States between one and twenty times within the last year. Figure 7-10.2 shows the frequency organizations testify before foreign governments. For the most part, organizations do not use this tactic very often. Seventy-five percent of American groups and eighty-seven percent of Canadian groups reported they have never testified for a foreign government. However, a small percentage of organizations in both states, approximately twelve percent have used the technique.



The review of various lobbying tactics revealed domestic agricultural organizations employ the same lobbying tactics both domestically and transnationally, while the transnational lobbying is less frequent. Expert testimony is the least popular tactic; it is not frequently utilized by either side. However, the other tactics are widely used. The Canadians tend to use coalition building more often, while the Americans write foreign government officials and use direct contact more often.

#### **Question Four: Success**

Finally, participants were asked if their international activities have been successful. As illustrated in Figure 7-11, some organizations did not have any international activity; other group representatives were not sure or did not answer the question. However, American organizations were slightly more likely than Canadian organizations to state their transnational activities have been successful. When asked to elaborate, eighteen percent of American organizations specifically stated their transnational activity has successfully protected their industry. For example, when asked about their transnational success, an American group representative stated:

“Yes, very much so. We ensure our industry is protected. We have been successful at influencing global relationships and expand international trade opportunities for the industry”.

-American Agriculture Group Interview: February 21, 2013

Additionally, American groups argued they have had success fostering communication and stated they needed to work more with the foreign governments. However, the Canadians were more likely to mention resources as a reason for their limited transnational activity than were the Americans. For instance, a Canadian organization stated they work with Greenpeace to supplement information because of limited resources:

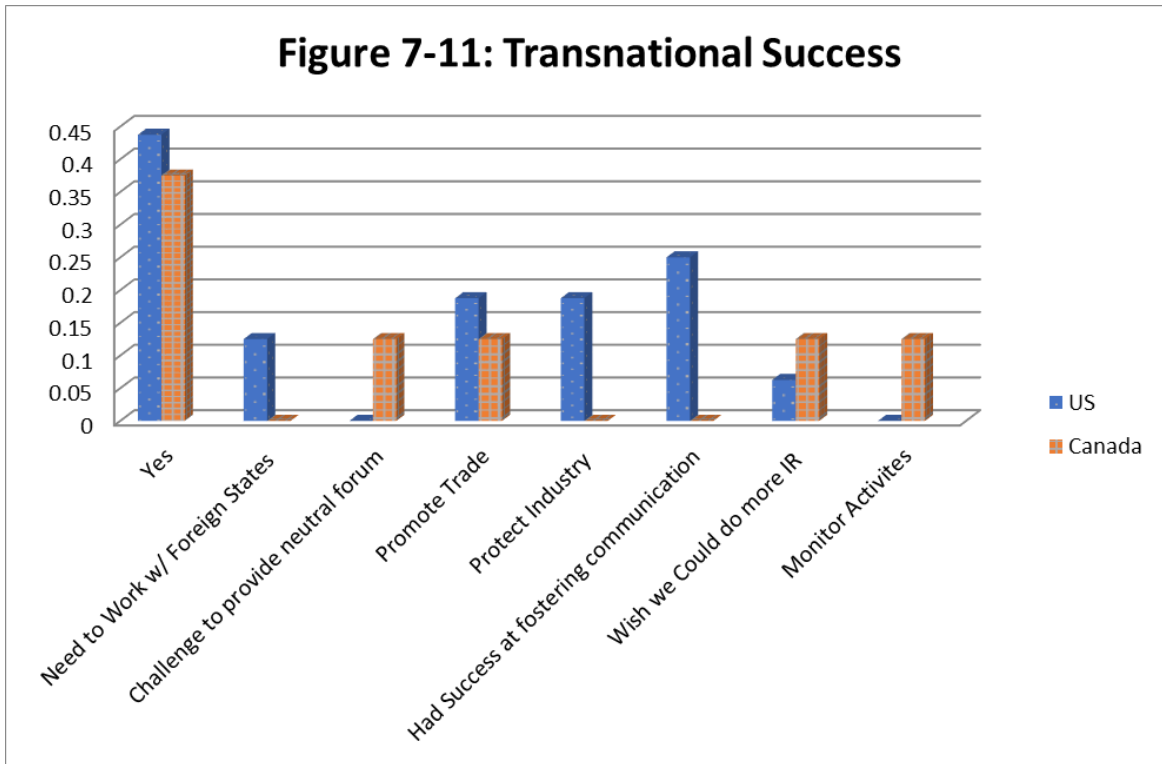
We would love to do more, but do not have money or the staff. We work with Greenpeace Montreal, thus we receive a lot of information about the international policies through them. It is important because we need to know what other countries are doing, but don't have the capacity to do it ourselves.

-Canadian Agriculture Group Interview: February 24, 2013

In terms of promoting trade, Americans and Canadians both reported their activities have been successful. Eighteen percent of American organizations and twelve percent of Canadian organizations argued they have successfully promoted or increase trade of their commodity. For example, when speaking with a representative from the Canadian soybean industry, they argued they have successfully created international markets, especially in Japan<sup>54</sup>. Americans also focused on how their product is received worldwide, but also is working to ensure trade practices are fair:

We are bringing awareness to the industry and showcasing how it has grown. Now, we are really focused on bringing international labeling standards and preventing unfair import practices.

-American Agriculture Group Interview: September 12, 2013



### Conclusion

The goal of this research is to answer questions regarding the transnational lobbying activities of domestic organized interests. When examining organizations working with agriculture policy in the United States and Canada, it is clear that different groups are motivated by different factors, they also use varying strategies and tactics, and report different levels of transnational lobbying success. Are the variations specifically related to the organization's country of origin, or are they industry specific? The following discussion will revisit the hypotheses and offer concluding remarks about organized agricultural interests in the United States and Canada.

Organizations in both the United States and Canada are highly concerned with international trade, thus group motivation for leaving the domestic political environment centers upon preventing trade interruptions and developing new international markets for their products. When placed in the context of the three motivating factors for engaging in transnational

activity<sup>55</sup>, the motivation is very issue and situation dependent. The Canadian organizations tend to be more domestically focused than the American organizations; however the groups that focus on both the domestic and international environments do so to protect their commodity. The exception seems to be organizations that focus on organic farming. They groups wish to promote organic techniques around the world, however there is also an individual commodity motivation with these groups as well because they realize many products containing hormones and GMOs will not sell in certain international markets.

The transnational strategy is also dependent upon the situation. Many group participants stated their reaction to international events was based upon the particular situation. For the most part, organizations in both the United States and Canada do not seek NGO status; however, both categories work closely with international NGOs. Additionally, international nongovernmental organizations often have NGO status thus. Canadian and American organizations also work closely with similar foreign organizations. Additionally organizations tend to use the same lobbying tactics in both the domestic and transnationally arenas. Although as expected, organizations in both states are more active domestically than transnationally.

Finally, both American and Canadian organizations report their transnational activity has been successful. However, it is very industry based. Organizations state they have successfully prevented trade barriers or enhanced international standards or regulations. Thus, the American and Canadian agriculture organizations tend to focus not on the success of agriculture policy as a whole, but rather how successful their individual commodity is.

## **Chapter Eight**

### **Domestic Interests and Transnational Politics**

In today's globalized world, there are few, if any issues that are purely the focus of domestic politics. Domestic issues that were once the sole responsibility of the state now receive worldwide attention. There is a great deal of research available which explains how and why states behave in the international world. There is also a rich literature on domestic interest group behavior. However, there is very little scholarly work available that discusses the interaction between a domestic interest group and the international world. For example, why would a Canadian pro-life organization seek NGO status before the United Nations? Why is an American environmental organization concerned with the actions and policies of the Chinese government? Thus, there has been a gradual pluralization of domestic political issues and as a result, domestic interest groups have become transnational actions. The role domestic organized interest groups play in political affairs has drastically changed in a very short time period, yet the subject has been basically ignored by academia. This study was conducted to investigate the motivation and incentives of domestic organizations that seek lobbying targets outside the domestic political arena. However, the motivation for transnational lobbying is only part of the story, additional questions regarding the strategies and tactics the group employs, as well as the group's transnational successes were equally intriguing. The preceding chapters offered insight on the transnational activities of three very different types of organizations actively working in the United States and Canada. The following discussion will return to main hypotheses and offer concluding remarks regarding the transnational behaviors of domestic organizations in

both states.

### **Transnational Motivation**

As discussed in Chapter Two, a domestic organization may be motivated to leave the domestic political environment for three main reasons: to protect domestic policy status quo; to challenge domestic policy status quo; or alter world norms. Are different types of organizations motivated by different factors? Does the country of origin influence a group's decision to lobby transnational actors?

#### *Environmental Organizations*

Environmental organized interests working in the United States and Canada can be divided into two main camps: The industry related groups and environmental protection groups. The industry organizations in both states are very domestically oriented. Both tend to focus on protecting domestic policy and worry about the implications of the actions of foreign states. For instance, these organizations are not concerned so much with international norms or standards, but rather are concerned with protecting the domestic policy status quo, especially in terms of climate change policy. The environmental organizations on the other hand are motivated by different factors. American and Canadian environmental groups are more internationally focused than the industry groups; Americans organizations report monitoring the actions of China and India, while the Canadians closely observe the policies of the United States, the transnational motivation is more to challenge domestic status quo and promote tougher environmental regulations. Thus, environmental groups seek international lobbying targets for mutual gain, while the industry uses the transnational environment more for self-interest. This is the case for organizations in both countries.

### *Reproductive Organizations*

Pro-life and pro-choice groups in the United States and Canada are faced with different domestic political situations. The Canadian Supreme Court has ruled abortion restrictions violate the Canadian Constitution. Thus, the pro-choice movement is motivated to protect domestic status quo, while the pro-life organizations clearly wish to challenge domestic policy. However both sides are interested in altering world opinion on the issue. The Canadian pro-choice movement is particularly interested in showcasing the Canadian policy to the world and encouraging other states to follow the Canadian example. The domestic circumstances in the United States are different. The American pro-choice movement actively protects status quo and is less concerned with the actions of foreign states and institutions and more with the pro-life lobby in the United States. The American pro-life organizations have the least transnational activity but many wish to later expand their organization. Thus, both American pro-life and pro-choice groups wish to alter world norms; however the domestic environment is more contentious than the Canadian environment. As a result, American organizations on both sides reported they must focus a lot of attention on domestic politics, especially at the state level.

### *Agricultural Organizations*

American and Canadian agricultural organizations are extremely concerned with trade relations and the protection of their particular product. Organizations from both states monitor trade policies worldwide in order to prevent trade restrictions. The European policies are especially concerning for agriculture organizations in both the United States and Canada. Transnational lobbying motivation is very dependent upon a particular situation. A group's decision to leave the domestic political environment is based upon the protection of their commodity. The exception seems to be organizations working to support the organic farming



industry. These groups are concerned with trade, but also are interested in promoting organic farming on a global scale.

What is the main motivational factor for leaving the domestic political venue in search of additional lobbying tactics? Does the group's domestic goals and incentives matter in the decision to lobby transnationally? The answer seems to be extremely issue dependent. Whether the group is protecting domestic policy status quo, challenging domestic policy status quo, or attempting to alter world norms depends upon the particular issue the organization is working to support.

### **Transnational Strategy**

There are five main transnational strategies a domestic organization may utilize when lobbying actors beyond the domestic venue (see Table 2-1). An organization will select a strategy based upon its domestic incentives and transnational motivation. For example, the Canadian pro-life organizations were more likely to hold NGO status than the Canadian pro-choice movement and both sides in the United States. The Canadian pro-life movement also wishes to challenge domestic status quo and alter world norms. The involvement with IGOs allows them to be involved in the international conversation. Alternatively, an organization could send a representative to meet with a foreign government official. This strategy is very popular with Canadian and American environmental industry organizations. These groups are also likely to seek transnational lobbying targets to protect status quo. Also, agriculture organizations in both states regularly form coalitions with foreign domestic groups. This strategy reflects their desire to monitor international trade policies. The foreign groups could provide early notification regarding potential policies. Thus, domestic organizations will select a strategy based upon what they are trying to achieve.

## **Transnational Tactics**

An important question regarding domestic organizations and transnationally lobbying is does the group use the same lobbying tactics transnationally as domestically? A review of the literature on domestic interest group lobbying tactics and techniques (see Chapter Four) revealed organizations use four main tactics<sup>56</sup>: coalition building, writing to government officials, direct contact, and expert testimony. Representatives from the various organizations across the three categories each discussed their domestic and transnational tactics. The tactics used to influence the direction of domestic policy and persuade domestic policymakers are exactly the same tactics used in the transnational arenas. Whether the organization was American or Canadian; or representing an environmental, reproductive, or agricultural interest, the transnational tactics were the same. All organizations wrote domestic and foreign policy makers; had direct contact with policymakers at home and abroad; testified before the domestic government as well as before a foreign government; and formed coalitions with similar groups at home and throughout the world. Thus the lobbying technique does not change because the target changes. What does change is the frequency of contact. Organizations all reported working more with their domestic governments than transnationally. However, it is expected a domestic interest group would have more frequent contact domestically than abroad. It is also worth noting that while the tactic does not change with the venue, the lobbying target within a venue may change depending upon the political system. As noted in Chapter Four, there are institutional differences between a presidential and parliamentary system. Domestic organizations understand these institutional differences impact the overall success of their transnational activities. This is especially true in terms of access. Because a parliamentary government is more centralized, a group may have

better results speaking with a high ranking cabinet official as opposed to a rank-and-file MP. For instance, representatives from American organizations reported speaking with Cabinet-level policymakers of other governments; however none reported speaking with a lower ranking member of parliament. Canadian organizations also recognize the American political system differs from their own. Thus, a domestic organization must know the lobbying target's political system, and the constraints of that political system. An understanding of varying political systems is essential for a domestic group to be successful beyond the domestic venue.

### **Transnational Success**

As stated in Chapter Two, success is very hard to measure; it is a relative term than is very much group dependent. For example, was the group successfully able to secure an issue on the formal agenda, was there a policy change? For the most part, all organizations that pursue transnational lobbying tactics reported their actions have been successful. Many specifically stated they have had success fostering communication and bringing attention to their issue. Others argued they needed to work more with international institutions or directly with foreign policymakers to achieve their goals. Thus, transnational lobbying success is based upon the group's initial motivation to leave the domestic political venue. For example, agriculture organizations are motivated by trade and protecting a commodity. Many groups argue they have successfully promoted and or protected their product on the world market. The transnational motivation for reproductive organizations is extremely ideologically based. Whether the group leaves the domestic political environment to protect or challenge domestic status quo, their ultimate goal is to alter world norms. Although the organizations argue they have been successful, success will not be one hundred percent achieved until world norms are changed.

The environmental organizations, whether working for an industry or working to protect the environment also report their activities have been successful, but again the notion of success is viewed based upon the motivation. Industry based groups in both states argue their transnational activity has allowed them to successfully monitor situations, while the environmental organizations argue they have successfully fostered communication beyond the domestic arena.

When considering transnational success, it is important to also consider the receptiveness of the alternative venues. This research has determined why a domestic organization would seek a lobbying target beyond the domestic venue; however there has been little said regarding the intended target's interest in a foreign domestic interest group. Domestic governments and similar domestic organizations have an incentive to work with a domestic interest group because the group provides information. Information is the most valuable resource an interest group has. This information is also valuable to the outside lobbying targets. Whether collaborating with foreign organizations or working directly with foreign governments, the domestic group's information creates a situation in which there is mutual gain.

### **Concluding Remarks**

This project has examined domestic organized interests from a completely new perspective. By investigating the motives, strategies, and tactics domestic organizations use beyond the domestic political environment, this research has added to our knowledge of interest group behavior. Throughout the latter part of the Twentieth Century and into the early Twenty-First Century, scholars of organized interests such as David Truman, Mancur Olson, James Wilson, and Frank Baumgartner each examined interest group activity. A variety of questions were answered such as why do groups form? What are their goals and incentives? What role do they play in the policy process? However, the questions of how and why groups become

transnational political actors were left largely unanswered until now.

Beyond adding to existing interest group literature, this project serves an additional purpose. Research on the transnational activities of organized interests has added an additional layer of explanation to international relations theory. Specifically, this study will supplement neo-liberal theory. Neo-liberalism argues there are many different channels in which states communicate; this study has further examined an additional communication channel. Thus, this research effectively builds upon Robert Keohane and Joseph Nye's (1971) early work on transnational relations by further investigating the impact a domestic interest group's transnational activities may have on the international political environment. By shifting analysis to domestic groups, the domestic and international literature has been linked together. Today's world is a global world, thus the line between the domestic political venue and the international world is constantly shifting. As a result, future research must focus on the ever-changing intrastate and interstate political relationship.

## Notes

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<sup>1</sup> See Schlozman and Tierney (1987). An organized interest is a comprehensive term referring to any group which engages in political activity. Thus, trade associations, unions, citizen groups, churches, for-profit corporations, and non-profit corporations all fall under the umbrella term of *organized interests*.

<sup>2</sup> See Schattschneider (1960). Schattschneider claimed that when a group is not successful, they will try to expand the conflict to other institutional settings or by involving more participants. Thus a conflict may appear to be contained at one level of government. However the losing side will attempt to move the conflict to additional or other political or governmental contexts.

<sup>3</sup> See Walker (1969) Walker asked two ground breaking questions: Why are some states pioneers in policy innovation, while others are not? How does the innovation spread from American state to state? Walker concluded that innovation spreads due to the growth of communication systems throughout the states, established mainly professional associations. Also see Simmon and Elkins (2004). Simmon and Elkins consider trade liberalization in terms of policy diffusion under two mechanisms: foreign policy adoptions in one state alter the benefits of adoption for others, and these adoptions provide information to others about the costs and or benefits of a particular policy innovation. Also see Huntington (1991) for democracy diffusion and Collier and Messick (1975) for policy diffusion between the states.

<sup>4</sup> See Nownes (2013) for a detailed discussion of the types of interest groups. Nownes argued there are fifteen basic interest group types.

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<sup>5</sup> See Keohane and Nye (1971). The authors investigated the involvement of non-state actors in world politics. Specifically, they examined the effect transnational actors had on government, and the “ability to govern”. However, the unit of analysis was the state.

<sup>6</sup> See Lowi (1964) for policy typology: Regulation, Distributive, and Redistributive. See Mooney (2001), Meier (1994) and Tatalovich & Daynes (1998) for morality policy.

<sup>7</sup> See Pralle (2000) for policy learning and venue changing

<sup>8</sup> See Truman( 1951) and Bentley (1959)

<sup>9</sup> See Pralle (2000) the author notes that a group who has policy failure in the past but has had recent policy success may still seek an alternative venue because the group’s goals change over time.

<sup>10</sup> Also see Krieserg (1997). Transnational Social Movements (TSMOs) attempt to alter the status quo of an issue by mobilizing support, offering opportunities for state representatives to communicate, and maintaining attention on the issue.

<sup>11</sup> See Smith et al (1997). Transnational Social Movements Organizations (TSMO) have different opportunities at various levels of government, whether national, transnational, or international. TSMO also have varying degrees of coordination. These differences alter the TSMO’s strategy when attempting to alter perceptions of problems and alternative.

<sup>12</sup> Pralle (2000) argued that a venue change is the result of policy learning (see May, 1992 for policy learning). Thus, a group will seek a particular venue that is receptive to their cause. The group will often experiment with numerous venues in

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search of an open forum. Once a positive venue is found, the group will likely remain at that level. However, Pralle's work does not explain how a group selects a venue for experimentation, or why they may change at some point.

<sup>13</sup> See Wittenberg and Wittenberg (1994) The authors argued that domestic lobbying tactics in the United States do not change with the target.

<sup>14</sup> See The Foreign Agents Registration Act of 1966 (FARA) and the 1974 Federal Election Campaign Act (FECA) for information regarding the United State campaign contribution prohibition. See the Canadian Election Act of 2000 for information regarding the Canadian law.

<sup>15</sup> The Advocacy Coalition Framework considers the interaction of coalition members in a particular policy area, the coalition can include members from different levels of government all promoting a common policy goal. See Sabatier and Jenkins-Smith (1993). Also see Farquharson (2003). The author combines the ACF and TANs, showing that local policy networks can benefit from the transnational networks.

<sup>16</sup> See Helco (1978) and Wolpe and Levine (1996) for a more detailed discussion on the Iron Triangle.

<sup>17</sup> See Nownes (2013) A public interest group, more commonly referred to a citizens group is a group in which individual citizens are members. These groups represent a wide range of concerns such as the environment, pro-abortion and anti-abortion, and the elderly.

<sup>18</sup> See Downs and Mohr (1976), Regens (1980) and Martin (2010). Downs and Mohr (1976) developed a framework to explain inconsistencies in innovation. Regens (1980) examined why some American states actively pursue new energy policy, while



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others are more passive. The author concluded that states develop energy policy based on their structural composition and internal energy supply and demand. Martin (2010) argued that domestic conditions influence the effects of policy diffusion. In other words, policy diffusion should be measured as conditional. The domestic conditions such as institutions or government ideology affect how a government will adopt and implement a policy that originated in another state. The author's model used US state cigarette tax differences among the states to show how policy diffusion was dependent upon the government's ideology. However, Grossback et al (2004) reached a different conclusion on the effects of ideology. They argued ideology is used to evaluate how policies have worked in other states. Thus ideology is used to form an opinion of a policy.

<sup>19</sup> See Walker (1969), Grupp and Richards (1975) and Light (1978). Walker (1969) argued that state governments use other states as models when adopting new policy. Grupp and Richards (1975) built upon Walker (1969), and found that state administrators within a policy area are aware of other states with exceptional innovation in their policy area. Light (1978) found that state administrator opinions about new policy are related to other states and the functionality of their policy area. For some policy areas, states look to the federal government for guidance, while for other policy areas, administrators look to other states. Other states are an important variable for administrators, but their personal definition of the policy area also matters.

<sup>20</sup> See Clark and Wilson 1961 for the various incentives of organized interests, including: material, solidary, and purposive.

<sup>21</sup> The term *Domestic Conditions* refers to various political conditions within a particular state such as the political institutions, political culture, and interest group

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activity. It is theorized that the domestic conditions influence a group's transnational activities. This will be discussed further in chapter four.

<sup>22</sup> See W. Ivor Jennings (1939). Jennings examined the existence of group activity in Britain in the 1930's and found interest groups covered a wide segment of British society just as in the United States. Therefore, it is clear that interest group activity can be compared across state institutions. Also see Arthur Bentley (1949). Bentley first published *The Process of Government* in 1908. He examined how groups operate within legislatures. He stated that group activity is different because of the systems in which they operate in. In other words, the "rules of the game" are different across countries. Bentley examined how groups interacted with the legislatures of numerous countries.

<sup>23</sup> See. Arthur Bentley (1949). Bentley studied group activity and its result on the enactment of certain laws. The author claimed that log rolling is the most important characteristic of the legislative process. "Log rolling is the trading and adjustment of the interests"

<sup>24</sup> See Key (1964) and Banfield (1965). Groups often view similar groups as advisories and try to discredit them. Key conducted a study on the American Farm Bureau Federation, finding the groups tends to work for its own survival, putting those needs above the needs of general members. Banfield expanded this by claiming groups make demands upon policy makers to ensure their own survival.

<sup>25</sup> Direct contact refers to both contacting policymakers in person and writing letters in an attempt to share information. See Nownes (2013) interest groups will develop detailed research and often distribute it to various policymakers.

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<sup>26</sup> For a more detailed description of the various stages of the environmental movement see Silveria (2001) for the United States and Hummel (2012) for Canada.

<sup>27</sup> Note: The United Kingdom signed the treaty on behalf of Canada

<sup>28</sup> See Cobb, Elder, and Ross (1976) for a discussion on the distinction between the public and formal agenda.

<sup>29</sup> G - 10 Members Included: Environmental Defense Fund, Environmental Policy Center, Friends of the Earth, Isaac Walton League, National Audubon League, National Parks and Conservation Association, National Resources Defense Council, National Wildlife Foundation, Sierra Club, Wilderness Society.

<sup>30</sup> See the International Joint Commission: [http://www.ijc.org/en\\_/](http://www.ijc.org/en_/)

<sup>31</sup> American Environmental Protection Group Interview; February 13, 2013.

<sup>32</sup> See Anthony Nownes, 2012.

<sup>33</sup> N. Y. Times, August 1, 1962.

<sup>34</sup> N. Y. Times, April 25, 1965.

<sup>35</sup> N. Y. Times, August 1, 1962

<sup>36</sup> N. Y. Times, August 1, 1962

<sup>37</sup> N. Y. Times, August 19, 1962

<sup>38</sup> The 1873 federal law and the state laws were collectively known as the Comstock Laws. The federal law was ruled unconstitutional in 1936, see *United States v One Package of Japanese Pessaries*. The state laws were ruled unconstitutional in 1965, see *Griswold v Connecticut*.

<sup>39</sup> The National Birth Control League became Planned Parenthood.

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<sup>40</sup> The National Abortion Repeal Action League became the National Abortion Right Action League in 1973.

<sup>41</sup> The domestic groups included in this project must have a primary pro-life/pro-choice objective. Many organizations have an issue statement on the topic but do not actively work on the issue, thus groups such as the Traditional Values Coalition were excluded. Additionally, any group that advocates violence such as the Missionary to the Unborn was excluded as well.

<sup>42</sup> Locating Canadian pro-choice organizations was incredibly difficult because there are very few actively working in the country. The only nation-wide political pro-choice group was interviewed and stated that there are some very small charitable organizations working locally. Attempts to interview additional Canadian pro-choice organizations were unsuccessful.

<sup>43</sup> Abortion policy in the United Kingdom is governed by the Abortion Act of 1967. The procedure is permitted during the first twenty-four weeks of pregnancy if the following criteria is met: 1. Procedure must be carried out in a hospital or a specialist licensed clinic, 2. Two doctors must agree that an abortion would cause less damage to a woman's physical or mental health than continuing with the pregnancy.

<sup>44</sup> American Pro-Life Group Interview- June 4' 2013

<sup>45</sup> See Barbour and Wright, 2014. Interest groups often conduct research on relevant issues, however information tends to support their position.

<sup>46</sup> The organization began in Texas as the Southern Farmers Alliance, each local community would have a sub-alliance consisting of approximately twenty-five family farms. By 1882, there were 140 sub-alliances across Texas. Under the leadership of,

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Charles Macune, the organization merged with other similar organizations in other states such as the Arkansas Agricultural Wheel. The name was eventually changed to the National Farmers Alliance and Industrial Union. See Saunders (1999).

<sup>47</sup> The Congressional Acts have various names, such as the Food and Agriculture Act of 1977 or The Food Security Act of 1985. However, for simplification purposes, the omnibus agriculture bills are referred to as Farm Bills.

<sup>48</sup> The Food Stamp Act of 1964 was amended by the Food Stamp Act of 1977, which included the program in the Food and Agriculture Act of 1977.

<sup>49</sup> When the Dominion Land Act was passed, Alberta, Manitoba, and Saskatchewan were not provinces, thus the provincial governments did not receive control of the land and natural resources. The Natural Resources Acts in the 1930s were passed to transfer Crown owned lands to the provinces. See: the Alberta Natural Resources Act of 1930, the Manitoba Natural Resources Act of 1930, and the Saskatchewan Natural Resources Act of 1930.

<sup>50</sup> See Ian McPherson (2006). Many small organizations developed throughout the Canadian Prairie provinces in response to lack of enforcement of the Manitoba Grain Act. The Territorial Grain Growers Association was the most active.

<sup>51</sup> The UPOV is an IGO established to promote plant variety and establish new plant species. Canada joined the Convention in 1991.

<sup>52</sup> Agriculture and Agri-Food was created in 1868 to regulate the agriculture industry.

<sup>53</sup> American Agriculture Group Interview: February 21, 2013

<sup>54</sup> Canadian Agriculture Group Interview: March 20, 2014

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<sup>55</sup> Motivating Factors: Protect Domestic Status Quo, Challenge Domestic Status

Quo, Alter World Norms.

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