

Why Hospitals Hire Tobacco Lobbyists

Conflicts of Interest Among Lobbyist Clients

July 3, 2023

Abstract

Conflicts of interest occur when lobbyists represent seemingly adversarial interests. We explain why groups hire conflicted lobbyists. Not all conflicts result in actual harm to client interests. Rather, interest groups balance the risk of harm with the benefits associated with particular lobbyists. Sources of support for groups, as well as their institutional and legal contexts, matter. Whereas potential harms associated with conflicts pose little threat to institutional interests, those that rely on members or donors are more vulnerable. Moreover, intergroup competition for access and influence, and anti-conflicts laws, have countervailing effects. By examining the frequency with which healthcare interests hire tobacco lobbyists, we find consistent evidence that groups deliberately balance risks and benefits when hiring lobbyists. Our findings imply that the representation of group interests by lobbyists is more fraught with risk today than ever, but that reforms and laws may help improve such representation.

In the context of lobbying, a conflict of interest occurs whenever a lobbyist is hired to represent clients with seemingly adversarial or contradictory policy interests. For example, hospitals or healthcare firms may hire lobbyists who also represent tobacco interests. Such conflicts pose risks to clients. Lobbyists may fail to represent all clients faithfully or clients may experience reputational losses as a result of hiring conflicted lobbyists. In this study, we propose that not all conflicts pose actual harm and that interest groups hire conflicted lobbyists out of strategic considerations. More specifically, different kinds of interests hire conflicted lobbyists due to different levels of reputational concerns, but groups' decisions are affected by the institutional and legal environments in which they seek influence. We find evidence for such strategic hiring by examining how often healthcare interests active in the American states hire tobacco lobbyists.

In our perspective, interest groups looking to influence legislative outcomes may choose different kinds of lobbyists or individuals who communicate directly with lawmakers, and some lobbyists entail greater risk of harm than others. In particular, when clients hire lobbyists who represent other clients with seemingly adversarial interests, they assume greater risk of harm to their interests. Examples of harm include various kinds of shirking or agency-abuse: lobbyists may choose to prioritize the interests of better-paying clients or even lobby against the interests of some clients (see Lowery and Marchetti 2012). Nevertheless, there are both group- and system-level factors that determine groups' propensities to hire lobbyists with ostensible conflicts. First, groups that value highly their advocacy activities and associated reputations are less likely to hire conflicted lobbyists. Second, the context in which groups lobby matters since competition for personal access to lawmakers, as well as laws that regulate lobbyists, vary across political systems. Groups are willing to accept more risk of harm in return for influence in systems where access is more limited (as in Strickland and Crosson 2023), and transparency laws help clients to evaluate levels of risk associated with lobbyists more accurately.

We study how often healthcare interests hire tobacco lobbyists since the simultaneous representation of both kinds of interest by a lobbyist poses particular issues for clients. As mentioned, not all conflicts result in actual harm to client interests. Rather, clients assume the risk of harm by hiring particular lobbyists. Tobacco lobbyists are paid well, and their clients' economic and political activities are a subject of public concern (Givel and Glantz 2001; Rotman, Ballweg, and Gray 2022). Given that the use of tobacco-based products is associated with poor health outcomes, the hiring of tobacco lobbyists by healthcare interests poses risks of actual harm to client interests. Yet, healthcare interests have a history of hiring such lobbyists (Goldstein and Bearman 1996).

To find evidence for our perspective of how lobbyists are hired, we build a data set consisting of nearly 10,000 healthcare interests that registered to lobby state lawmakers. The interests registered to lobby in either 1989 or 2009. We find that healthcare interests without members (e.g., hospitals, pharmaceutical companies) and those whose members were united by economic or professional considerations both hired more tobacco lobbyists than groups whose members were united by a non-economic cause. We also find that groups generally hired more tobacco lobbyists in political systems where more groups per legislator hired lobbyists, where there were no laws requiring lobbyists to involve clients of possible conflicts, and where lobbyist reporting requirements were more numerous. These trends persist even when we control for the effects of total lobbyists hired per group and numbers of tobacco interests present in each state. A second, smaller data set further confirms these results even when lobbyist types and compensation totals are held constant.

Our findings have implications for representation and reform. Lobbyists are the intermediaries who link organized interests with policymakers, so their efforts matter for how well clients are represented. Conflicts raise questions about the quality of representation that clients receive from their lobbyists and sources of bias over which interest groups are most represented and influential in legislatures. Actual harm to client interests (i.e., shirking by lobbyists) affects the information that lawmakers receive from interests (Hall and

Deardorff 2006). Moreover, social scientists have claimed for decades that the interests that lobby generally are smaller and wealthier than the interests that do not lobby (Olson 1965; Schlozman and Tierney 1986). Conflicted lobbyists may choose to prioritize the interests of better-paying clients and therefore magnify existing inequalities in the influence that various interests exercise (Holyoke 2016). Given that more lobbyists now represent multiple clients (Drutman 2015; Strickland and Crosson 2023), there is more potential for conflicts and actual harm to occur. Ultimately, understanding the circumstances under which interests hire conflicted lobbyists can help reformers to identify means for improving representation. Professional associations for lobbyists, or lawmakers, may regulate conflicts.

Despite its wideranging implications, our study provides novel contributions to scholars' knowledge of interest groups. Our study is the first to explain the emergence of conflicts among lobbyists. Whereas Goldstein and Bearman (1996) measured how often healthcare firms hired tobacco lobbyists, they did not attempt to explain variation in conflicts across group types or political systems. Our study is the first to examine the emergence of conflicts across multiple decades, as well as simply the emergence of healthcare and tobacco lobby groups. The study by Goldstein and Bearman examined conflicts that occurred during a single year. Finally, all of the findings presented in our study are new: scholars previously had little statistical evidence that intergroup competition for access produces more conflicts, that anti-conflict laws actually dampen conflicts, or that reporting requirements *encourage* or allow groups to hire conflicted lobbyists. In providing these contributions, our study allows scholars to speak to a topic that has received coverage in popular press outlets (see Lyden 2015; Ingersoll 2017). There is no other systematic explanation for the hiring of conflicted lobbyists, and the ongoing rise in multi-client advocacy ensures that the findings presented in this study will remain relevant for years to come.

Conflicts as Causes for Concern

Following McMunigal (2001), lobbyists, like lawyers, may have incentives to disserve their clients for a number of reasons and, just as clients may assess the risks of conflicts associated with particular attorneys, clients of lobbyists may evaluate the risks associated with different agents. Not all conflicts pose actual harm to client interests but clients may take steps to minimize the risk of harm. This includes hiring lobbyists who pose an acceptable level of risk in light of other professional qualities. McMunigal argues that it is impossible to eliminate all risk of harm in the practice of the law, so clients must consider unacceptable risk and make strategic decisions over whom to hire. For example, joint representation of criminal defendants poses a risk that the attorney will represent better only one defendant, but the benefit of such an arrangement may lie in clients presenting a “unified front, saving money, and increasing access to a defendant’s counsel of choice” (69). Likewise, we believe that it is impossible for clients of lobbyists to remove all risk of conflict from their relationships with the agents. Rather, clients may manage risk by hiring particular agents.

Both scholarly and popular accounts of lobbying reveal instances of harm. There may be conflicts between the personal interests of lobbyists and those of their clients. These conflicts may occur even when lobbyists each represent single clients. For example, lobbyists may covertly advocate for legislation that harms their clients’ interests so that they may be paid to lobby against the legislation (Gray and Lowery 1996a). This practice received substantial press coverage when Jack Abramoff, a prominent lobbyist active in Congress, was convicted of wire fraud and conspiracy (Lowery and Marchetti 2012). A more subtle form of conflict occurs when lobbyists seek to preserve their relationships with lawmakers at the expense of their clients’ causes. Lobbyists commonly work to build professional relationships with lawmakers so as to achieve access on a regular basis (Ainsworth 1997). Lobbyists sometimes soften or even reverse the stated stances of their clients so as to preserve their relationships with officials (Kersh 2000; Holyoke 2016, 2022).

Particular forms of harm may also occur only in the context of multi-client lobbying. Lobbyists may charge clients redundantly for the same hours of labor (Strickland and Crosson 2023). Lobby clients may prefer their lobbyists not to represent groups with seemingly adversarial policy preferences due to financial considerations. Clients may be concerned that adversarial interests pay their lobbyists more handsomely (see Givel and Glantz 2001; Kersh 2000). Conflicts between clients may also involve reputational harm. On occasion, the clients of lobbyists who represent seemingly adversarial interests are interviewed by journalists. Such clients may prefer their names not to be associated with other kinds of interests.

Although it is impossible to prevent all risk of harm, especially the harms that involve lobbyists' personal interests, lobbyists and clients may work to reduce harm by avoiding conflicts. Ethical lobbyists may vet clients to minimize the risk of conflicts occurring. One lobbyist in Colorado, for example, refused to take on clients whose interests could conflict with those of his existing clients (Rosenthal 1993). Yet other lobbyists inform their clients of potential conflicts and represent all clients as usual only if clients have no objections. Some state governments in the United States require lobbyists to disclose potential conflicts to their clients or else be barred from lobbying for a time. Lobbyists may even form professional associations that require members to take oaths of ethical conduct. All these solutions, however, are imperfect at preventing lobbyists from representing sets of adversarial interests. Lobbyists may not behave ethically, comply with state reporting requirements, or join professional associations (Strickland 2019; Bernstein 1991). Therefore, in choosing lobbyists, interests seeking representation must consider how much risk of harm they are willing to tolerate (as in McMunigal 2001). Some risks, such as those involving the personal interests of lobbyists, are inherent in all lobby contracts; but the risks involving adversarial interests may be controlled somewhat since clients may choose to hire conflicted lobbyists.

Explaining the Emergence of Conflicts

The nature of a group's membership, which is often related to its mission, may matter for its propensity to hire a lobbyist who represents an ostensibly adversarial interest. Numerous organizations that lobby consist of individual members who pay dues or provide other resources voluntarily. Moreover, whereas some membership-based organizations are formed for economic, occupational or professional purposes (e.g., labor unions and trade associations), others advocate for public goods and are likewise known as public interest groups (Berry 1977). Prominent examples include the American Civil Liberties Union or Sierra Club. Importantly, whereas the occupational groups attract members due to the various material and solidary benefits they provide members, supporters of public interest groups derive more purposive or ideological benefit from participating (Clark and Wilson 1961; Cook 1984).

Differences in sources of support have multiple implications for the hiring of lobbyists. Unlike individual businesses or institutions such as hospitals and universities, membership-based organizations do not sell or produce private goods and services but rather rely on member or foundation support for their continued existence (see Walker 1983; Gray and Lowery 2001). This suggests that institutions not supported by members may not suffer the same *reputational* losses from conflicts as other organizations. In the case of organizations that depend on members, negative publicity related to an advocate may entail a loss of member or donor support (due to reduced confidence that member dues or donations are being used effectively). Not all membership-based groups face the same prospect for financial losses. In the case of labor unions or trade associations, members may continue to support these organizations since membership may be mandatory (such as in closed shops or with bar associations) or due to the occupational benefits that these groups provide, which may be material and solidary. In the face of negative publicity regarding a conflict, public interests cannot rely on such a hedge but must instead overcome the free-rider problem on an ongoing basis, and mobilize members for support (Bevan 2013). Relatedly, political advocacy tends to be a core mission for public interests since government is the primary means for providing

public goods. Organizations consistently attempt to shield their core functions from external threats (Thompson 1967) such as those posed by conflicted lobbyists.

There is anecdotal evidence that sources of support for groups matter for their hiring decisions. When leaders of different healthcare interest groups were asked about their lobbyists' representation of tobacco interests, responses varied. Particularly, when leaders of a state licensing board for doctors, a hospital association, and an obstetrics association were all asked about their lobbyists' work for tobacco interests, all the leaders indicated that the conflicts were of little concern (Ingersoll 2017). When the leader of the Rainbow Health Initiative in Minneapolis, an healthcare advocacy group that solicits donations, however, was informed that her lobbyist also represented a tobacco company, she expressed concern and promptly cancelled the lobbyist's contract. The leader indicated that the "fact that [the lobbyist] represents a tobacco company, now that [she was] aware of it... [would] be problematic..." (Ingersoll 2017). It was problematic for the Initiative given that, in addition to providing health services, it engaged in fundraising activities and received funding as a result of the 1998 Tobacco Master Settlement Agreement. Other healthcare groups have dissolved their ties with tobacco lobbyists, including hospitals and pharmacies on occasion (see Pallarito 1993; Gehrke 2009; Wahba 2015).

Based on these theoretical and popular accounts, we believe that sources of support for organizations will be correlated or help explain how often they hire lobbyists with conflicts. In the case of businesses and institutions, or associations of these entities, conflicts among lobbyists represent little existential threat to the organizations. Such conflicts pose more serious threats to organizations that recruit members or raise funds. Whereas those with economic or occupational missions may rely on members to join or contribute for various reasons, public interests are more vulnerable to possible reputational losses since their members join or donate for purposive benefit. After all, public interests compete for limited numbers of members and donors (Gray and Lowery 1996b).

H_1 : On average, institutions hire lobbyists with conflicts more often than membership groups, *ceteris paribus*.

H_2 : On average, among membership groups, economic groups hire lobbyists with conflicts more often than non-economic groups, *ceteris paribus*.

We also believe that the institutional environment in which organized interests seek influence matters for the hiring of lobbyists with conflicts, independent of variations in sources of support for groups. Recall that organized interests seek influence over policy via lobbyists. Personal access or meeting time is required for lobbyists to convey information to lawmakers and, ultimately, influence the content of laws (Wright 1996). Unfortunately for most interests, lawmakers cannot ensure equal access to all lobbyists, and lobbyists accordingly must compete. We propose that organized interests hire lobbyists with ostensible conflicts more often under conditions of increased group competition for access to lawmakers. Political systems vary greatly in terms of how many distinct interests lobby, and such variance usually reflects differences in economic output or diversity (Gray and Lowery 1995). Across the same political systems, numbers of legislators also vary such that there are more (fewer) points for access.

Little research links group competition with legislature size but the theoretical accounts provide arguments relevant for our hypothesis. Powell (2012) finds that legislators raise more campaign funds on average in states with more registered lobbyists and fewer legislators, and Kattelman (2015) argues that legislators and staff persons are themselves points of access for interested groups. Apart from theoretical arguments, there is some anecdotal evidence that competition among groups has led to potential conflicts. When asked about a lobbyist's representation of tobacco, an executive of a healthcare firm active in South Dakota indicated simply that "[w]hen you live in a small state, many of the lobbyists lobby for multiple entities" (Lyden 2015). Likewise, the executive was not concerned about the lobbyist's other clients. When asked about his tobacco lobbyist, a director for a large health insurance company indicated that "[w]e simply hire the [lobbyists] we feel that are most effective in carrying our message to the legislative bodies" (Pallarito 1993).

H₃: On average, interest groups hire lobbyists with conflicts more often in political systems where there is greater competition for personal access to lawmakers, *ceteris paribus*.

The legal environments in which organized interests seek influence should also matter for the hiring of lobbyists with conflicts. Two kinds of laws should matter specifically for conflicts among registered lobbyists. The first consists of laws that require lobbyists to disclose potential conflicts to clients before providing representation services.¹ Such laws are uncommon but may be found in the United States. The state of Texas, for example, requires lobbyists to inform clients about potential conflicts and report conflicts to state authorities. Lobbyists report dozens of actual or potential conflicts each year (Stiles 2010). Although Pennsylvania also requires lobbyists to report conflicts to state authorities, most states with anti-conflict laws merely require lobbyists to notify clients and receive written authorization for continued services. As of 2022, lobby laws in seven states contained anti-conflict provisions: Colorado, Idaho, New Jersey, Pennsylvania, Texas, Utah, and Washington. Whereas laws approved by voters in Idaho and Washington in the early 1970s contained these provisions, Colorado became the latest state to implement such a law. All the laws allow lobbyists to represent adversarial interests provided that the interests are notified first.

Another aspect of the legal environment in which interest groups lobby is reporting requirements. In the United States and elsewhere, lobbyists are often required to report amounts of money spent on lobbying (including compensation), contributions to candidates, or even gifts to officials (Newmark 2017). We believe that such requirements allow groups to make more informed decisions about the risks associated with each lobbyist. Organized interests active in Europe regularly make use of lobby registers and other sources of lobby information (Crepaz 2020). There is no reason to believe that interests active elsewhere do not examine lobby registers and reports equally or more often. Although lobby registers identify which clients each lobbyist represents (and thereby provides at least a blunt level of protection from obvious conflicts), we believe that supplemental reporting requirements

¹These laws differ from general conflict-of-interest provisions that govern legislative ethics and the granting of state contracts (see Rosenson 2005, 60-89).

help organized interests to evaluate the relationships that exist between their lobbyists and other clients. Compensation and expense reports, for example, may be used to determine how much of a lobbyist's income or expenses are related to any particular client.

Although both anti-conflict and reporting laws may help clients to make more informed decisions regarding the risks of hiring particular lobbyists, there are several reasons to presume that the effects of these different kinds of laws will differ in size. Anti-conflict laws require lobbyists to report possible conflicts directly to clients. In contrast, transparency laws generally require that lobbyists report their activities to state authorities, and clients may choose to examine such reports. Moreover, whereas anti-conflict laws require lobbyists to indicate to clients the potential for conflicts, general reporting requirements may not clearly indicate when conflicts occur. For these reasons, we consider anti-conflict laws to be an extraordinary form of reporting requirement with regard to conflicts.

In general, we expect both anti-conflict and reporting laws to have substantively similar, albeit dissimilar in size, effects on the hiring of conflicted lobbyists. Both sets of laws presumably discourage the hiring of lobbyists since they give clients greater abilities to identify and avoid conflicts. As an implication, it remains possible that these lobby laws also enhance the connection between competition for access and the hiring of lobbyists with conflicts. In other words, the hypothesized relationship between competition and conflicts may be strengthened by the presence of anti-conflict or reporting laws.

H_4 : On average, interest groups generally hire lobbyists with conflicts less often in political systems where there are anti-conflict laws (greater reporting requirements) for lobbyists, *ceteris paribus*.

H_5 : On average, the effect of competition on conflicts increases with anti-conflict laws (reporting requirements), *ceteris paribus*.

Venues and Measurement

To test our theory, we choose to examine trends in lobbying in the American states. There is significant variation in group mobilization and political environments among the states,

and such variation is required for testing our hypotheses empirically. Importantly, the states also all require lobbyists to register and indicate the identities of their clients. The earliest registration requirements emerged during the Progressive Era and gradually spread to other states. By 1976, all states required lobbyists to register (Strickland 2021). Other venues in which lobbying occurs, such as Congress, executive-branch agencies, or even governments beyond the United States, do not provide sufficient variation in explanatory variables, or information about lobby activities that is sufficient for identifying ostensible conflicts (see Chari et al. 2019).

We use lobby registers from the states to detect possible conflicts, or when interests hire lobbyists who pose greater risk of harm. When registering in the states, lobbyists provide statements that are legally binding (i.e., they may be punished or sanctioned for providing false or inaccurate information, including for lobbying for any client without registering to represent the client). Even without sanctions, lobbyists have incentives to comply with registration and reporting laws (see Crepaz 2020). The lobby registers reveal, in a structured manner, the entities that each lobbyist represents. We believe that these qualities make lobby register a superior means of detecting ostensible conflicts over interviews with lobbyists who may seek to obfuscate their relationships or interviews with clients who may be unaware of conflicts. Although some states require lobbyists to report their positions on various proposals, such requirements were adopted relatively recently so there is limited variation in political and legal variables. Moreover, we are interested in detecting risk acceptance generally by interests and not actual instances in which lobbyists represented opposing sides. Lobbyists also may fail to report such substantive conflicts of interests.

To detect instances in which interest groups hired lobbyists who posed greater risk of harm to their interests, we examine numbers of healthcare firms that hired at least one lobbyist who also represented a tobacco group during a legislative session. Healthcare and tobacco firms are susceptible to conflicts given that the use of tobacco products is associated with poor health outcomes, and tax revenues or punitive judgments related to tobacco

products are often earmarked specifically for medical or preventative programs. While there may be substantive conflicts between these interests, healthcare firms may also experience reputational losses as a result of being represented by a tobacco lobbyist. Such lobbyists are tracked even by the non-profit advocacy group Action on Smoking and Health, and their efforts are the subject of substantial litigation and academic study (Givel and Glantz 2001; see Rotman, Ballweg, and Gray 2022). Importantly, it has been shown that numerous healthcare firms already employ tobacco lobbyists (so there is presumable variance across states). Goldstein and Bearman (1996) examined lists of registered lobbyists from the states and found that there were 303 healthcare organizations that had hired lobbyists with tobacco interests. In fact, among the 450 individuals registered to represent tobacco interests, 220 were also registered to represent a healthcare organization. The number of healthcare firms that hired tobacco lobbyists ranged in value from zero in several states to 25 in Michigan. Healthcare lobby efforts in the states have also received substantial academic attention (e.g., Lowery and Gray 2007; Gray, Lowery, and Benz 2013).

To determine how many healthcare interests in each state hired a tobacco lobbyist, we turn to lists of registered lobbyists and their clients. Since the institutional and legal environment in which organized interests lobby has changed significantly over time, we collect lobby lists for five waves of observations spanning several decades. Lists from roughly twenty states were found for years around 1949 and 1959 in state archives and libraries. Lists from around 1973 and 1989 were gathered primarily from Reitman and Bettelheim (1973), Marquis Academic Media (1975), and Wilson (1990), which are all collections of lobby registration lists gathered from state authorities. Lists from 2009 were gathered primarily from the National Institute on Money in Politics, a non-partisan research organization that collects lobby and campaign finance data from the national and state governments. Where possible, original lists from archives or libraries were consulted.

From the lists, we developed a data set consisting of all healthcare interest groups that registered to lobby. Following Goldstein and Bearman (1996), healthcare firms include in-

dividual hospitals and hospital associations; heart, lung, and cancer societies; state health departments; medical societies and licensure boards; healthcare occupational associations; pharmaceutical companies and pharmacies; chiropractic, dental, optometric, and psychiatry interests; ambulance associations; and healthcare and health insurance corporations. Some organizations appeared in more than one state or in multiple years. For every healthcare group, we used the lists to determine both how many lobbyists it hired and how many of those lobbyists represented at least one tobacco interest. These interests included the major companies (e.g., Altria, Lorillard, Philip Morris, R.J. Reynolds, Swisher, Swedish Match); tobacco advocacy groups such as the Center for Indoor Air Research, National Smokers Alliance, and Tobacco Institute; and various tobacco retailers, wholesalers, or associations (e.g., Cigar Association). Given no evidence for funding from the tobacco industry, the only pro-smoker grassroots organization that appeared in the lists, Smokers' Rights of New Mexico, was not coded as a tobacco group (see Lait 1989).

Our data set is the most comprehensive compiled in terms of health and tobacco lobbying, and related reputational conflicts, in the states. Table one reports the total number of states included in our sample for each wave of observations, and the total numbers of healthcare and tobacco lobbyists and interest groups registered in those states. Some lobbyists or interests may have appeared in multiple states. The numbers should be interpreted as measures of total volume in lobbying or group mobilization. The table also provides the total number of instances in which a healthcare firm hired a lobbyist that also represented a tobacco firm.

From the table, since the late 1940s, both healthcare interests generally, and those that hired a tobacco lobbyist, have increased steadily in number. Roughly two percent of the healthcare interests active in twenty-two states in our first wave of observations hired a tobacco lobbyist. This figure increased significantly throughout the 1980s such that, by the end of that decade, nearly ten percent of healthcare interests had hired a tobacco lobbyist. Twenty years later, roughly 13 percent of healthcare interests had a tobacco lobbyist.

Table 1: Healthcare and Tobacco Mobilization (State Data)

Period	Total States	Healthcare Interests	Healthcare Lobbyists	Tobacco Interests	Tobacco Lobbyists	Health Firms with Conflicts
c.1949	22	165	191	20	22	3
c.1959	26	292	420	16	17	0
c.1973	49	834	1,300	49	64	17
c.1989	49	3,067	4,607	219	396	296
c.1994	50	4,811	2,999	-	450	303
c.2009	50	6,689	9,430	290	821	850

Note: Some interests and lobbyists appeared in multiple states. Totals from 1994 taken from Goldstein and Bearman (1996) and Lowery, Gray, and Cluverius (2015).

Explanatory Variables

To test our hypotheses, we also need to measure our explanatory variables or the factors that should, according to our hypotheses, be correlated with reputational conflicts. To test our hypothesis regarding sources of group support, we classified each of the healthcare interests in our dataset into one of three different categories. The first consists of individual businesses or institutions, or associations of institutions (as in Gray and Lowery 2001). Common organizations in this category include hospitals, insurance companies, pharmacies, pharmaceutical companies, and state medical or licensure boards. The second classification consists of groups whose members or donors are autonomous individuals (as in Gerber 1999) who are united by some economic or professional purpose. Common organizations in this category include various labor unions and associations for particular occupations (e.g., anesthesiologists, chiropractors, nurses). Finally, our third category consists of organizations whose members or donors are autonomous individuals not united in purpose by an economic or professional interest. Common entities in this category include the American Cancer Society, American Heart Association, and Arc of the United States. A small number of organizations included both institutional and autonomous members, or the nature of

some other groups' membership could not be ascertained. These eleven organizations were omitted from our analysis.

To measure intergroup competition for personal access, we turn to the ratio of the total number of organized interests with lobbyists in a state to the number of incumbent lawmakers. The states vary drastically in terms of numbers of organized interests, with several containing a few hundred groups that lobby per year and others containing several thousand (Strickland 2021). Numbers of legislators, however, do not vary nearly as much. Legislatures range in size from 49 senators in Nebraska's Unicameral to 424 members in the New Hampshire legislature (Squire and Hamm 2005). The lack of variance in legislator totals suggests that there is significant variance in average numbers of groups per official across the states. Indeed, during years in our last wave of observations, average numbers of groups per legislator ranged from 1.2 in New Hampshire to 23.6 in Florida.

Regarding the legal environments in which organized interests operate, we employ two measures concurrently. The first measure consists of a dichotomous indicator for whether a state had an anti-conflict law in effect. As described earlier, such laws require lobbyists to notify clients of potential conflicts and receive written authorization to provide continued representation services. These laws were found in annual editions of the *Lobbying, PACs, and Campaign Finance: 50 State Handbook*, compiled by the State Capitol Group. The handbooks include chapters that summarize regulations on lobbying and campaign finance in each of the states. The second measure consists of an additive index of reporting requirements originally proposed by Newmark (2005). In the index, states receive a point for every requirement that is in force: whether lobbying of administrative agencies requires registration, expenditures benefitting public officials or employees, compensation received broken down by employer, total compensations received, categories of expenditures, total expenditures toward lobbying, and contributions received from others for lobbying purposes (see Newmark 2017). States may receive scores ranging from zero to seven for this measure.

Ultimately, given the availability of observations of our explanatory variables, our data set consists of 9,745 healthcare interests that registered to lobby in at least one state in either of our final two waves of observations. Every observation consists of a healthcare group that registered to lobby in a particular state. Some groups registered in multiple states or during both observation waves, so their names appear more than once in the data set.²

Method and Results

To test our hypotheses, we estimate a series of regression models that predict the total number of tobacco lobbyists hired by each healthcare group. The totals range in value from zero (for 88.5 percent of observations) to 23 lobbyists. Given our outcome variable is a count with overdispersion (i.e., the model-conditional mean exceeds the model-conditional median), we estimate a series of negative-binomial and zero-inflated negative binomial regression models (see Long 1997). In the negative-binomial models, numbers of tobacco lobbyists hired are treated as distinct events, and we control for total numbers of tobacco groups active in each state. However, given that some healthcare groups in our data set registered to lobby in states in which no tobacco interests were present at all, observations for those groups could not assume values (for the dependent variable) greater than zero. The zero-inflated models each consist of two sets of coefficients: one set of traditional negative-binomial coefficients and another set of logistic coefficients. Whereas we control for total tobacco groups in our negative-binomial models, we use this variable to predict excessive zeroes in our zero-inflated models.

We include a variety of group- and state-level control variables in all regression models that are not related to our hypotheses. First, we control for the logged total of lobbyists hired

²A reliable lobbyist list dating from the late 1980s and from Michigan could not be located. Earlier that decade, the state adopted a law that required lobbyists to register once (and therefore not register during subsequent legislative sessions). As a result, the lobbyist lists from Michigan dating from the 1980s include lobbyist-client combinations that were likely inactive. As a result, numbers of conflicts in these lists are artificially high. The more recent lobbyist list from Michigan, provided by the Institute, however, includes only active lobbyists.

by each healthcare group. We also hold constant the effect of tobacco groups in the states. We view both these variables as statistical controls related to our model specification since, presumably, the likelihood of hiring a tobacco lobbyist increases in a non-linear, marginally diminishing fashion as a group hires more lobbyists, and the likelihood of hiring a tobacco lobbyist increases as more tobacco groups register to lobby in a state.³ We include an indicator for whether states had separate registration procedures for law firms. The lobbyist lists produced by such procedures likely have artificial conflicts. We also include effects for both states and periods. These effects help to capture state-level differences in the hiring of tobacco lobbyists that are not included in our models and the overall (national) difference in hiring trends between the two waves of observations. As a result, the coefficients for state-level variables (i.e., institutional and legal variables) are based on changes in hiring trends that occurred within states and over time and changes in local institutions or laws (Mummulo and Peterson 2018).

Our regression coefficients are included in table two. The first two models present negative-binomial regression coefficients while the last two models present the results of zero-inflated negative-binomial regression models. From all four models, we find that occupational groups were as likely to hire tobacco lobbyists as non-membership interests but that healthcare advocacy groups (i.e., those with members not united by an economic or professional cause) were discernibly less likely to hire tobacco interests. The models provide a range of estimates from our sample: advocacy groups hired between 54 and 74 percent as many tobacco lobbyists as did institutional interests. Unsurprisingly, as the number of lobbyists hired by any interest increased in number, the number of tobacco lobbyists hired increased as well.

With regard to intergroup competition for access, three of the four regressions confirm our third hypothesis. From the three models in which competition is correlated with tobacco lobbyists hired, every additional group per legislator was correlated with groups hiring be-

³Using the sheer number of lobbyists hired by each group does not change the substantive findings regarding other variables.

tween 8 and 22 percent additional tobacco lobbyists on average. The results, although not entirely consistent, provide evidence that groups accepted greater risk of conflicts in political environments in which more groups were competing for the attention of lawmakers (as in Kattelman 2015). Given that numbers of lawmakers did not change in most states between the two waves of observations, much of this effect is likely driven by increases in state interest populations.

The results provide strong and consistent support for our fourth hypothesis, but only for anti-conflict laws: the implementation of anti-conflict laws appear to have dampened the number of tobacco lobbyists healthcare interests hired. Between the two periods we studied, four states implemented anti-conflict laws: New Jersey, Pennsylvania, Texas, and Utah. Our results suggest that the implementation of these laws led healthcare groups to hire between 60 and 75 percent *fewer* tobacco lobbyists on average. This provides evidence both that lobbyists obeyed these laws and interest groups accordingly dissolved relationships with conflicted lobbyists, but our results do not prove that perfect compliance occurred. However, the implementation of additional lobbyist reporting standards (as measured by Newmark 2005) was correlated with healthcare groups hiring *more* tobacco lobbyists. This trend counters our expectation but is consistent across all four models: with every additional reporting requirement a state adopted, healthcare interests hired between 13 and 25 percent more tobacco lobbyists. We do not know why anti-conflict and reporting laws had such different effects on the hiring of tobacco lobbyists by healthcare groups. It may be the case that groups dissolved contracts with lobbyists whenever informed of potential conflicts, but that reporting requirements gave groups greater assurance that they would not experience actual harm. The implementation of anti-conflict laws did not affect the link between competition and conflicts but our results provide evidence that reporting requirements did: the effect of competition (reporting) was lessened slightly in the presence of greater reporting (competition). This result is also not consistent with our expectation.

Finally, with regard to the excessive zeroes in our sample, the logistic coefficients presented as part of our zero-inflated negative-binomial models present consistent and intuitive results. Recall that some healthcare groups in our sample hired zero tobacco lobbyists because there were no tobacco interest groups present in the state. (This was the case for the 36 healthcare groups registered to lobby in Alaska in 2009.) Our models show that the log odds of an observation being an excessive zero decreased by 0.048 or 0.047 for every additional tobacco group present in the state’s list of lobbyists. In other words, every additional tobacco group decreased the probability of an observation being an excessive zero by slightly more than five percent.

Some results presented in table two are consistent with those presented by Goldstein and Bearman (1996). Although those authors did not propose a theory regarding which healthcare organizations hired tobacco lobbyists more often in 1994, they did examine what kinds of groups (broadly construed) hired such lobbyists. According to them (1140), “[f]ive major categories of health organizations [stood] out as employing [tobacco] lobbyists: physician professional associations and societies; hospitals, hospital associations, and health care associations; pharmaceutical organizations; optometry and chiropractic associations; and medical [or] healthcare corporations.” We note that none of these organizations are advocacy groups that consist of members not united by an economic or professional consideration. Moreover, in Goldstein and Bearman’s data, only in Ohio did any such organization hire a tobacco lobbyist. These results are also robust to the inclusion of various interactive effects. In regressions not presented, we find that levels of intergroup competition and reporting generally did not affect the correlations between group type and numbers of tobacco lobbyists hired. One exception: in zero-inflated models, competition appears to have encouraged advocacy groups more than institutions to have hired tobacco lobbyists, but the general difference in such hiring between the two group types remained statistically discernible.

Table 2: Tobacco Lobbyists Hired by Healthcare Interests

	Model 1: Negative Binomial	Model 2: Negative Binomial	Model 3: Zero Inflated	Model 4: Zero Inflated
<i>Group-level variables:</i>				
Occupational Group	-0.055 (0.073)	-0.058 (0.073)	-0.041 (0.056)	-0.042 (0.056)
Advocacy Group	-0.612*** (0.138)	-0.611*** (0.137)	-0.308** (0.127)	-0.303** (0.127)
ln(Lobbyists)	1.371*** (0.042)	1.367*** (0.042)	1.009*** (0.047)	1.004*** (0.047)
<i>State-level variables:</i>				
Competition	0.078** (0.031)	0.207*** (0.071)	0.049 (0.030)	0.188*** (0.068)
Anti-conflict Law	-1.247*** (0.408)	-1.261** (0.547)	-1.183*** (0.373)	-0.910*** (0.325)
Lobby Reports	0.152*** (0.056)	0.249*** (0.078)	0.126*** (0.046)	0.228*** (0.067)
Competition*Anti-conflict	-	0.035 (0.040)	-	0.028 (0.027)
Competition*Reports	-	-0.026** (0.013)	-	-0.028** (0.012)
Tobacco Groups	0.168*** (0.029)	0.174*** (0.032)	-	-
Firm Registration	-0.247 (0.260)	0.272 (0.389)	0.649*** (0.249)	1.148*** (0.372)
Constant	-3.976*** (0.370)	-4.509*** (0.464)	-2.043*** (0.255)	-2.616*** (0.361)
ln(α)	1.604*** (0.046)	1.600*** (0.046)	-2.415*** (0.304)	-2.447*** (0.306)
<i>Zero-inflated logistic:</i>				
Tobacco Groups	-	-	-0.048*** (0.014)	-0.047*** (0.014)
Constant	-	-	1.351*** (0.117)	1.345*** (0.116)
Log pseudolikelihood	-4718.406	-4714.043	-4552.917	-4550.338
Observations	9,745	9,745	9,745	9,745

Note: state and period effects included in all models but not reported. Robust standard errors in parentheses. * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$, two-tailed tests.

Lobbyist Types and Compensation

Although we found consistent evidence for several of our hypotheses by examining the hiring of tobacco lobbyists across thousands of healthcare interests in all states, we conduct a second set of analyses to determine if any of the trends are due to subtle differences in the kinds of lobbyists that interests hire. Recall that Goldstein and Bearman (1996) found that all of the 450 lobbyists who represented tobacco interests in the states in 1994 each represented two or more clients. Since institutions such as private businesses are generally more likely to hire mutli-client lobbyists than are advocacy groups, it may be the case that healthcare institutions merely hired more multi-client lobbyists (and, by accident, more tobacco lobbyists) than non-economic healthcare groups (see Strickland 2020). Recall also that tobacco lobbyists have been found to be compensated well in comparison to other lobbyists (Givel and Glantz 2001). It may be the case that tobacco lobbyists refused to represent healthcare occupational and advocacy groups due to lower pay rates. Indeed, advocacy groups in general have been found to pay their lobbyists less compensation (Berry 1977; Strickland 2020). With a second set of analyses, we seek to determine if the trends we found earlier persist even when we control for the effects of numbers of multi-client advocates hired and compensation paid to all lobbyists. Our theory also suggests that healthcare interests hire fewer tobacco lobbyists, on average, than other interests due to greater risk of harm. (There is less risk of harm for non-healthcare interests to hire tobacco lobbyists.)

To conduct the second set of analyses, we expand a data set compiled by Strickland (2020) consisting of all the interest groups that registered to lobby in five states where exact compensation statistics were available for every lobbyist-client pairing. Unfortunately, although more than twenty states collect compensation totals from lobbyists, only five provide exact compensation broken down by client in formats that are readily accessible. (Such granular information is necessary for understanding how well clients pay different sets of lobbyists.) As examples: lobbyists in Alaska often report hourly rates but do not indicate how many hours they spent representing each client. In Indiana, clients often report compensation totals for

entire lobby firms and not for individual lobbyists. Compensation figures for lobbyists in Texas are reported in increments, so the exact figures are not available. Rather, in Kentucky, Maine, Maryland, Mississippi, and South Carolina, lobbyists are required to report the total pay received from each client every few months or year. Our data set consists of more than 3,500 interest groups that registered to lobby in these states in 2018.⁴ We appended to the original data set the numbers of tobacco and non-tobacco lobbyists hired by each interest, and the amounts of compensation paid to these different kinds of lobbyists. As we did for healthcare interests in all states, we also coded all the interests in the five states according to their sources of support. Interests were classified as institutions with no members, economic (occupational or labor-related) membership groups, and non-economic groups.

Table three reports the total number of interest groups active in each of the three categories separated by healthcare status. From the second column, we find that roughly 17 percent of all the groups in our five-state sample are healthcare interests. All but one of the different kinds of interests in our sample hired an average of two or more lobbyists in 2018: the lone exception is non-healthcare-related occupational interests. Numbers of tobacco lobbyists hired vary more across groups with only around 6.3 percent of healthcare advocacy groups hiring such lobbyists. (Only one such group hired more than one tobacco lobbyist.) There is also variance in numbers of multi-client lobbyists hired with advocacy groups making less use of these agents than other groups. With regard to compensation, advocacy groups also appear to pay their sets of lobbyists less. In general, all these trends suggest that subtle differences in the kinds of lobbyists groups may hire may explain partially the trends presented earlier.

In a second series of regression analyses, we estimate the number of tobacco lobbyists hired by each group while also controlling for additional group-level variables: numbers of multi-client lobbyists hired and total compensation paid to all lobbyists. Among the 3,537 observations, the numbers of tobacco lobbyists hired per group are overdispersed. To model

⁴Unfortunately, none of the six states with anti-conflict laws provide lobbyist compensation broken down by client. New Jersey provides totals paid to lobby firms but not individual lobbyists.

Table 3: Lobbyist Compensation in Five States, 2018

	Total Groups	Average Lobbyists	Average Tobacco	Average Multi-client	Avg. Total Compensation
Healthcare	593	2.577	0.263	2.084	41,015.72
Institutions	378	2.651	0.312	2.003	48,680.80
Occupational	135	2.585	0.244	2.296	30,958.96
Advocacy	80	2.213	0.063	1.475	21,768.97
Non-healthcare	2,944	2.076	0.309	1.956	31,758.26
Institutions	2,190	2.494	0.359	2.114	34,521.48
Occupational	379	1.971	0.179	1.509	34,613.97
Advocacy	375	2.373	0.149	1.480	21,117.87
All Groups	3,537	2.439	0.302	1.977	33,310.33

Note: Compensation presented in 2018 U.S. dollars.

such overdispersion, we estimate a series of negative-binomial regression models. Moreover, since all of the observations are from a single year and only five states, we do not estimate coefficients for various state-level variables such as competition for access, reporting requirements, or total tobacco groups. Rather, we include state effects in our models to capture differences in state context. All standard errors, as before, are robust to heteroscedasticity.

We first begin by examining the numbers of tobacco lobbyists hired only by the 593 healthcare groups active in the states. Our results are presented in table four. In the first model, we estimate a model to determine if the group-level differences we found in our first set of analyses also persist in the smaller sample. As before, healthcare interests were coded according to their types: institutions, economic-based membership groups, and other membership groups. We also control for the logged number of lobbyists hired by each group and, as mentioned, additional group-level variables. From the first model, we find that trends first presented in table two are also present in the smaller sample from only five states: healthcare advocacy groups hired 75 percent fewer tobacco lobbyists than

healthcare institutions. As before, there is no statistically discernible difference between the numbers of tobacco lobbyists hired by economic membership groups and those hired by institutions. Importantly, these results are also found in the second model where we hold constant lobbyist type and total pay amounts. The substantive difference in hiring between healthcare advocacy groups and institutions is practically unchanged.

In the third and fourth models, we examine hiring among all interests active in the five states. While also controlling for lobbyist types and total pay amounts, we examine whether healthcare interests generally hired fewer tobacco lobbyists than all other interests, and also if the different kinds of healthcare interests hired fewer tobacco lobbyists than non-healthcare interests. From the third model, we find that healthcare interests generally were no more or less likely to hire tobacco lobbyists than the other interests in our sample. The results from the fourth regression explain why: the effect is contained to healthcare advocacy groups, who hired about 76 percent fewer tobacco lobbyists than all other interests. Recall that only eighty of the 593 healthcare groups in our sample are advocacy groups, so trends in hiring among those groups were not sufficiently prevalent to produce a more comprehensive effect that could be detected for all healthcare interests. We note that the substantive trends presented in all four models remain unchanged even if we control for numbers of former legislators hired to lobby by each group. (Those results are not presented.)

Discussion

In this study, we proposed that interest groups consider the potential for harm whenever choosing lobbyists. Following McMunigal (2001), we argued that risk and harm are not equivalent in that some lobbyists who represent seemingly adversarial interests may not cause harm to their clients' interests. Rather, groups consider and balance the risks and benefits of hiring particular kinds of lobbyists. By turning to both scholarly and popular accounts, we identified several factors that may have revealed different levels of risk acceptance

Table 4: Tobacco Lobbyists Hired in Five States, 2018

	Model 1: Negative Binomial	Model 2: Negative Binomial	Model 3: Negative Binomial	Model 4: Negative Binomial
Occupational Group	-0.025 (0.261)	-0.070 (0.275)	-	-
Advocacy Group	-1.363** (0.553)	-1.358** (0.553)	-	-
Healthcare Group	-	-	-0.187 (0.125)	-
Health Institution	-	-	-	-0.092 (0.144)
Health Occupational	-	-	-	-0.121 (0.246)
Health Advocacy	-	-	-	-1.347** (0.574)
ln(Lobbyists)	1.086*** (0.164)	0.626** (0.308)	0.418*** (0.127)	0.426*** (0.126)
Multi-client Lobbyists	-	0.177* (0.091)	0.265*** (0.040)	0.261*** (0.040)
Total Compensation	-	-0.594 (1.862)	1.745 (1.111)	1.585 (1.102)
Constant	-2.035*** (0.308)	-2.097*** (0.311)	-2.352*** (0.117)	-2.340*** (0.116)
ln(α)	1.105*** (0.181)	1.111*** (0.178)	1.116*** (0.066)	1.105*** (0.067)
Log pseudolikelihood	-320.858	-319.833	-2057.932	-2054.738
Observations	593	593	3,537	3,537

Note: state effects included in all models but not reported. Robust standard errors in parentheses. * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$, two-tailed tests.

by interest groups. These factors were related to groups' sources of support and their institutional and legal environments. Upon assembling a large data set of healthcare interests and the numbers of tobacco lobbyists they each hired, we found evidence that non-economic membership groups were less accepting of risk than other groups, that inter-group competition for access spurred groups to accept more risk, but that lobby laws such as anti-conflict laws and reporting requirements had countervailing effects. Although the implementation of anti-conflict laws resulted in healthcare interests hiring fewer tobacco lobbyists, additional reporting requirements resulted in more such lobbyists being hired. A second, smaller data set revealed that differences in group support continued to explain differences in tobacco lobbyist hire rates even when lobbyist types and compensation amounts were held constant. Our findings generally suggest that groups are choosy regarding the kinds of lobbyists they hire and consider the risk of harm to their interests.

Our findings contribute to scholars' knowledge of how interest groups hire lobbyists. Although a substantial amount of research suggests that organized interests have limited means for preventing shirking or various risks of harm (see Drutman 2015), our findings suggest that groups preemptively hire lobbyists whom they think provide a proper balance between risk and effectiveness. In other words, groups are not powerless to prevent shirking. Our findings join a growing list of studies that suggest that groups behave strategically whenever choosing which advocates to hire, and that group resources and context matter for such hiring trends (see Strickland and Stauffer 2022; Strickland and Crosson 2023).

More important, however, are our findings' implications for representation and policy. Although healthcare interests may accept risk and hire tobacco lobbyists whom they think can deliver access and influence, there is no reliable means of measuring actual harm since lobbyists may misconstrue policy losses as victories (Drutman 2015; Holyoke 2016). There is no evidence that any of the groups mentioned by Gray and Lowery (1996a) and Kersh (2000) that were victims of predatory lobbyists, ever knew or understood the true costs (including harms) of being represented by their chosen agents. This suggests that, although interest

groups are truly unable to judge the benefits and costs of their agents but nevertheless try, the costs of (mis)representation are potentially great. The informational asymmetries that allow lobbyists to dissemble and misconstrue positions may cost groups dearly, and give lawmakers inaccurate impressions of groups' preferences.

Therefore, our findings' implications for policy are meaningful for improving the representation of interest groups. If institutions or laws may be reformed to result in more lateral access and fewer risky hires, then lawmakers may gain greater confidence in the abilities of lobbyists to convey group preferences accurately. Although numbers of organized interests competing for access and influence have increased precipitously across the United States, numbers of legislators have not and access is now more difficult than ever to achieve. This has only benefited long-time lobbyists with established relationships or reputations. Unfortunately still, recent reforms of assembly sizes have tended to favor shriking the institutions (see Strickland 2022 for examples). Based on our findings, then, the enactment of anti-conflict laws holds the most promise for enhancing the quality of representation that lobbyists provide. Such laws are now in effect in only seven states, but the ongoing growth of conflicts and multi-client advocacy in general suggest that these laws are needed more today than ever. Although advocacy groups are less likely to hire conflicted and multi-client agents, the potential for harm remains for all.

We hope that others may build upon our findings. As indicated, it remains unclear just how often lobbyists abuse the interests of their clients, including those that represent health-care and tobacco interests simultaneously. Although scholars have some understanding of the benefits of coalitions between diverse or seemingly adversarial interests (see Hula 1999; Holyoke 2009), there remains limited understanding of the costs of such interests sharing lobbyists. It may also be the case that conflicts between other sets of clients may emerge: including those between healthcare and alcohol interests, or dental and sugar interests. The emergence and influence of cannabis interests also presents new opportunities to study conflicts in state politics and among lobbyists.

Works Cited

- Ainsworth, Scott. 1997. "The Role of Legislators in the Determination of Interest Group Influence." *Legislative Studies Quarterly* 22, no. 4: 517-33.
- Bernstein, Felice. 1991. "Conflict of Interest Rules for Lobbyists." *Georgetown Journal of Legal Ethics* 4, no. 3: 671-86.
- Berry, Jeffrey M. 1977. *Lobbying for the People: The Political Behavior of Public Interest Groups*. Princeton: Princeton University Press.
- Bevan, Shaun. 2013. "Continuing the Collective Action Dilemma: The Survival of Voluntary Associations in the United States." *Political Research Quarterly* 66, no. 3: 545-55.
- Chari, Raj, John Hogan, Gary Murphy, and Michele Crepaz. 2019. *Regulating lobbying: A global comparison*. Manchester: Manchester University Press.
- Clark, Peter B. and James Q. Wilson. 1961. "Incentive Systems: A Theory of Organizations." *Administrative Science Quarterly* 6, no. 2: 129-66.
- Cook, Constance Ewing. 1984. "Participation in Public Interest Groups: Membership Motivations." *American Politics Quarterly* 12, no. 4: 409-30.
- Crepaz, Michele. 2020. "To inform, strategise, collaborate, or compete: what use do lobbyists make of lobby registers?" *European Political Science Review* 12, no. 3: 347-69.
- Directory of Registered Lobbyists and Lobbyists Legislation*. 1975. Chicago: Marquis Academic Media.
- Drutman, Lee. 2015. *The Business of America is Lobbying: How Corporations Became More Politicized and Politics Became More Corporate*. Oxford: Oxford University Press.
- Gehrke, Robert. 2009. "Lobbyists told to pick one: Intermountain Healthcare or tobacco companies." *Salt Lake Tribune*, July 29. https://archive.sltrib.com/story.php?ref=/news/ci_12941250 (accessed July 1, 2023).
- Gerber, Elisabeth R. 1999. *The Populist Paradox: Interest Group Influence and the Promise of Direct Legislation*. Princeton: Princeton University Press.
- Givel, Michael S. and Stanton Glantz. 2001. "Tobacco Lobby Political Influence on US State Legislatures in the 1990s." *Tobacco Control* 10: 124-34.

- Goldstein, Adam O. and Nathan S. Bearman. 1996. "State Tobacco Lobbyists and Organizations in the United States: Crossed Lines." *American Journal of Public Health* 86, no. 8: 1137-42.
- Gray, Virginia, and David Lowery. 1995. "The Population Ecology of Gucci Gulch, or the Natural Regulation of Interest Group Numbers in the American States." *American Political Science Review* 39, no. 1: 1-29.
- . 1996a. "The World of Contract Lobbying." *Comparative State Politics* 17: 31-40.
- . 1996b. "A Niche Theory of Interest Representation." *Journal of Politics* 58, no. 1: 91-111.
- . 2001. "The Institutionalization of State Communities of Organized Interests." *Political Research Quarterly* 54, no. 2: 265-84.
- Gray, Virginia, David Lowery, and Jennifer Benz. 2013. *Interest Groups and Health Care Reform across the United States*. Washington: Georgetown University Press.
- Hall, Richard L. and Alan V. Deardorff. 2006. "Lobbying as Legislative Subsidy." *American Political Science Review* 100, no. 1: 69-84.
- Holyoke, Thomas T. 2009. "Interest group competition and coalition formation." *American Journal of Political Science* 53, no. 2: 360-75.
- . 2016. *The Ethical Lobbyist: Reforming Washington's Influence Industry*. Washington: Georgetown University Press.
- . 2022. "Strategic Lobbying and the Pressure to Compromise Member Interests." *Political Research Quarterly* 75, no. 4: 1255-70.
- Hula, Kevin. 1999. *Lobbying Together: Interest Group Coalitions in Legislative Politics*. Washington: Georgetown University Press.
- Ingersoll, Archie. 2017. "ND, MN health lobbyists also count Big Tobacco as client." *Inforum.com*, March 4. <https://www.inforum.com/newsmd/nd-mn-health-lobbyists-also-count-big-tobacco-as-client/> (accessed June 30, 2023).
- Kattelman, Kyle. 2015. "Legislative Professionalism and Group Concentration: The ESA Model Revisited." *Interest Groups and Advocacy* 4(2): 165-84.
- Kersh, Rogan. 2000. "State Utonomy and Civil Society: The Lobbyist Connection." *Critical Review* 14, no. 2-3: 237-58.
- Lait, Matt. 1989. "Smokers Breathing Fire at Sponsor of City Ban." *Washington Post*, June 18 <https://www.washingtonpost.com/archive/politics/1989/06/18/smokers-breathing-fire-at-sponsor-of-city-ban/a96aa93e-d9a6-4618-bb30-bad3df111111/> (accessed June 30, 2023).

- Long, J. Scott. 1997. *Regression Models for Categorical and Limited Dependent Variables*. Thousand Oaks, CA: Sage Publications.
- Lowery, David and Virginia Gray. 2007. "Understanding Interest System Diversity: Health Interest Communities in the American States." *Business and Politics* 9, no. 2: 1-38.
- Lowery, David, Virginia Gray, and John Cluverius. 2015. "Temporal Change in the Density of State Interest Communities: 1980 to 2007." *State Politics and Policy Quarterly* 15, no. 2: 263-86.
- Lowery, David and Kathleen Marchetti. 2012. "You Don't Know Jack: Principals, Agents and Lobbying." *Interest Groups and Advocacy* 1, no. 2: 139-70.
- Lyden, Grace. 2015. "One lobbyist representing both health care and tobacco interests in face of cigarette tax bill." *GrandForksHerald.com*, February 11. <https://www.grandforksherald.com/newsmd/one-lobbyist-representing-both-health-care-and-tobacco/> (accessed June 30, 2023).
- McMunigal, Kevin. 2001. "Conflict of Interest as Risk Analysis" in *Conflict of Interest in the Professions*, pp.61-72. Eds. Michael Davis and Andrew Stark. Oxford: Oxford University Press.
- Mummolo, Jonathan and Erik Peterson. 2018. "Improving the Interpretation of Fixed Effects Regression Results." *Political Science Research and Methods* 6, no. 4: 829-35.
- Newmark, Adam. 2005. "Measuring State Legislative Lobbying Regulation, 1990–2003." *State Politics and Policy Quarterly* 5, no. 2: 182-91.
- . 2017. "Lobbying Regulation in the States Revisited: What are we Trying to Measure, and How do we Measure it?" *Interest Groups and Advocacy* 6: 215-30.
- Pallarito, Karen. 1993. "Healthcare lobbying; Can lobbyists represent tobacco and health?" *Modern Healthcare*.
- Powell, Lynda W. 2012. *The Influence of Campaign Contributions in State Legislatures: The Effects of Institutions and Politics*. Ann Arbor: University of Michigan Press.
- Olson, Mancur. 1965. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge: Harvard University Press.
- Reitman, Jerry I. and Judith Bettelheim, editors. 1973. *Directory of Registered Federal and State Lobbyists*. Orange, NJ: Academic Media.
- Rosenson, Beth. 2005. *The Shadowlands of Conduct: Ethics and State Politics*. Washington: Georgetown University Press.

- Rosenthal, Alan. 1993. *The Third House: Lobbyists and Lobbying in the States*. Washington: CQ Press.
- Rotman, Beth, Gabrielle Ballweg, and Nichelle Gray. 2022. “Exposing Current Tobacco Industry Lobbying, Contributions, Meals, and Gifts.” *Tobacco Induced Diseases* 20.
- Schlozman, Kay Lehman and John T. Tierney. 1986. *Organized Interests and American Democracy*. New York: Harper & Row.
- Squire, Peverill and Keith E. Hamm. 2005. *101 Chambers: Congress, State Legislatures, and the Future of Legislative Studies*. Columbus: Ohio State University Press.
- Stiles, Matt. 2010. “Under Law, Lobbyist Conflicts Stay Private.” *TexasTribune.org*, December 31. <https://www.texastribune.org/2010/12/31/under-law-lobbyist-conflicts-s> (accessed June 30, 2023).
- Strickland, James M. 2020. “Bifurcated Lobbying in America: Group Benefits and Lobbyist Selection.” *Interest Groups and Advocacy* 9: 131-58.
- . 2021. “A Quiet Revolution in State Lobbying: Government Growth and Interest Populations.” *Political Research Quarterly* 74, no. 4: 1181-1196.
- . 2022. “Legislature Size and Interest Mobilization: The Effects of Institutional Change.” *American Politics Research* 50, no. 4: 511-24.
- Strickland, James and Jesse Crosson. 2023. “K Street on Main: Legislative Turnover and Multi-client Lobbying.” *Political Science Research and Methods*. <https://doi.org/10.1017/psrm.2022.7>.
- Thompson, James D. 1967. *Organizations in Action: Social Science Bases of Administrative Theory*. New York: McGraw-Hill.
- Walker, Jack L. 1983. “The Origins and Maintenance of Interest Groups in America.” *American Political Science Review* 77, no. 2: 390-406.
- Wahba, Phil. 2015. “CVS Health leaving U.S. Chamber of Commerce over smoking spat.” *Fortune.com*, July 8. <https://fortune.com/2015/07/08/cvs-chamber-cigarettes/> (accessed July 1, 2023).
- Wilson, Robert, ed. 1990. *American Lobbyists Directory: A Guide to the More Than 65,000 Registered Federal and State Lobbyists and the Businesses, Organizations, and Other Concerns They Represent*. Detroit: Gale Research.
- Wright, John R. 1996. *Interest Groups and Congress: Lobbying, Contributions and Influence*. Boston: Allyn and Bacon.