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Unrepresentative Representatives: Surrogate Advocacy and
Policymaking for the Unenfranchised

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Abstract

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By Kirsten Widner

Advocacy organizations provide important policy representation for the nearly one-third of the population of the U.S. that lacks the legal right to vote. The unique characteristics of the groups that are currently legally unable to vote – children, non-citizens, and people disenfranchised due to felony convictions or mental incapacity – render them unlikely to mobilize themselves. The existing literature on the mobilization and political participation of interest groups would not lead us to expect advocacy organizations representing these groups to exist and cannot adequately explain how these organizations overcome the unique challenges entailed in representing these groups in the public policymaking process. It argues that because of political disadvantages unenfranchised groups face, the advocacy organizations that represent them are more reliant on restrictive tax status and funding options than are organizations representing other types of groups. Further, these disadvantages and constraints shape the advocacy tactics organizations representing them use. Original survey and interview data are used to confirm expectations about how organizations representing the unenfranchised differ from those representing other groups and how organizations representing different unenfranchised groups differ from each other.

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Chapter 1 Introduction:

Policymaking and the Unenfranchised

In the spring of 2018, the administration of President Donald J. Trump adopted a “zero tolerance” policy regarding immigrants it alleged were crossing the Mexico-United States border illegally. Under this policy, those suspected of illegally crossing the border were to be prosecuted in federal court and kept in criminal detention while awaiting trial. However, because children cannot be held in federal criminal detention facilities, this policy meant that families who crossed the border together would be separated.¹ Throughout the spring, news images of crying children and stories of immigrant parents desperately trying to reunite with their children sparked national outrage. Polls showed that nearly two-thirds of Americans opposed family separation.² Eventually, President Trump issued an executive order that softened the policy somewhat; instead of being separated, families would be detained together.³

All three branches of the federal government had a hand in the evolution of the policy. The Trump administration was implementing immigration legislation that had been passed by Congress, though its approach was different than that of previous administrations. Congress could have overridden the administration’s approach, and, indeed, a number of leading Republican Senators proposed legislation to do just that.⁴

¹See, e.g., Chris Cillizza, *CNN*, “The Remarkable History of the Family Separation Crisis,” <https://www.cnn.com/2018/06/18/politics/donald-trump-immigration-policies-q-and-a/index.html>.

²See, e.g., Dhruvil Mehta, *FiveThirtyEight*, “Separating Families At The Border Is Really Unpopular,” <https://fivethirtyeight.com/features/separating-families-at-the-border-is-really-unpopular/>.

³Michael D. Shear, Abby Goodnough and Maggie Haberman, *New York Times*, “Trump Retreats on Separating Families, but Thousands May Remain Apart,” <https://www.nytimes.com/2018/06/20/us/politics/trump-immigration-children-executive-order.html>.

⁴S.3093, Keep Families Together and Enforce the Law Act, 115th Congress (2017-2018).

Advocacy organizations such as the ACLU, Catholic Charities, and the National Center for Youth Law brought lawsuits in federal courts challenging the policy. Judges were generally receptive to these organizations' arguments, ordering reunification of families and the revision of the policy.⁵ State governments also got involved. For example, the Attorneys General of 17 states filed a lawsuit seeking to block the policy.⁶ The policy was amended by the President with an executive order. The media also played an important role by disseminating the images and stories that fueled public reaction.

Among the many interesting aspects of this drama is the fact that all of the people whose interests were directly affected by the policy lack the right to vote for the members of the government responsible for determining it. New immigrants crossing the border are denied the right to vote because they are not citizens. Children are denied the right to vote because of their age. Additionally, if immigrants were convicted of crimes, in many states that could be an additional reason for denying them the vote. Lacking any direct means through which to influence the government, these nonvoters relied primarily on nonprofit advocacy organizations to promote their interests. In turn, those advocacy organizations relied on the media to help influence broader public opinion and on the courts to protect the rights of the disenfranchised.

Family separation was a particularly controversial policy, but it is not the only policy that primarily affects the interests of people without the right to vote. Many policy questions facing U.S. policymakers primarily or disproportionately affect the disenfranchised. Laws govern non-citizens' opportunities to work and determine their eligibility for public benefits. Education and school safety policies shape the daily lives of children. Criminal justice reform and policies such as the privatization of

⁵See, e.g., *Ms. L. v. U.S. Immigration and Customs Enforcement*, 310 F.Supp.3d 1133 (2018); Miriam Jordan, *New York Times*, "Family Separation at Border May Be Subject to Constitutional Challenge, Judge Rules," <https://www.nytimes.com/2018/06/06/us/family-separations-migrants-court.html>.

⁶*State of Washington v. Trump*, complaint available at: <https://www.documentcloud.org/documents/4560684-Complaint-for-Declaratory-and-Injunctive-Relief.html>.

prisons have a direct impact on people who may be disenfranchised due to felony convictions. In addition to policies with particular impacts on them, these groups are also subject to the same network of general laws that structure day-to-day life for everyone living in the U.S. However, they lack the primary mechanism that most of us have for influencing these laws and policies – the right to vote.

This lack of influence over policies affecting them is particularly striking when we consider the number of people who are legally unenfranchised in the U.S. Nearly one-third of people living in this country lack the legal right to vote. This includes the 22.4% of the population who are children under age 18,⁷ the 6% who are adult non-citizen residents,⁸ the 2.5% of the population who are currently disenfranchised due to felony convictions,⁹ and the 0.1% of the population who are people with severe intellectual disabilities who are barred from voting under state laws.¹⁰ In all, this comes to over 100 million people who live in the U.S. but lack the right to vote. This dissertation uses the term “unenfranchised” to refer to these groups. This word was chosen intentionally. The more common term, “disenfranchised” often carries a

⁷U.S. Census Bureau, QuickFacts, Population Estimates July 1, 2018, <https://www.census.gov/quickfacts/fact/table/US/PST045217>.

⁸The Pew Research Center reports that 25 million US residents, or approximately 7.8% of the population, are non-citizens. Gustavo Lopez, Kristen Bailik, and Jynnah Radford, *Pew Research Center*, “Key Findings about U.S. Immigrants,” September 2018, <http://www.pewresearch.org/fact-tank/2018/09/14/key-findings-about-u-s-immigrants/>. Assuming that the same percentage of that group is under 18 as in the general population, approximately 6% are non-citizen adults. Approximately 42% of this group are undocumented immigrants.

⁹The Sentencing Project, “State-by-State Data,” <https://www.sentencingproject.org/the-facts/#map?dataset-option=FDR>. Recent legal changes – most notably the passage of Florida’s Amendment 4, which restored the franchise to most of those in the state who have completed their sentences – may have reduced this number by a million or more, decreasing the proportion of people disenfranchised due to felonies to about 1.5% of the population. *See, e.g.*, Tim Mak, *N.P.R.*, “Over 1 Million Florida Felons Win Right To Vote With Amendment 4,” <https://www.npr.org/2018/11/07/665031366/over-a-million-florida-ex-felons-win-right-to-vote-with-amendment-4>. However, legislative interpretations of the Amendment leave the actual number of people who will be re-enfranchised in doubt.

¹⁰39 states have some kind of restriction on voting for people who have been adjudicated to be mentally incompetent. <http://www.bazelon.org/LinkClick.aspx?fileticket=7Cp83GrRVY0%3d&tabid=315>, pages 5-6. It is difficult to get an accurate count of this population. The .1% used here is the estimate used by Michael McDonald and Samuel Popkin in their 2001 article, “The Myth of the Vanishing Voter.”

normative connotation that the people to whom it refers should have the right to vote and that right has been withheld or taken away. While that connotation may fairly apply to many people without the right to vote in the U.S., there are some, for example very small children, for whom restrictions may be reasonable. This dissertation is not an argument to extend the franchise. It is instead a study of the political effects of the lack of the franchise on the ability to have representation in the policymaking process. Unenfranchised is used to reflect the objective legal status of being without the right to vote, without normative judgments about the rightness or wrongness of that legal status in a particular case.

Despite their large numbers and the frequency with which their interests are implicated by public policy decisions, political science has paid scant attention to the political representation of the unenfranchised. Existing literature on policy making tends to center on the motivations and incentives of elected officials. Maintaining of-fice through winning elections is often considered a central motivation (Arnold 1992). Thus, to the degree that this research considers constituents, it considers only voters. The literature that considers political representation more generally tends to look at the descriptive and substantive representation of traditionally marginalized but currently enfranchised groups, such as women and people of color (Mansbridge 1999, Dovi 2002, Weldon 2002). Another branch of the literature focuses on the mobilization and political participation of interest groups, but again, in this research the focus is on the organization of citizens who have an electoral connection to public officials (Truman 1951, Olson 1965, Grossmann 2012, Schlozman and Tierney 1986, Walker 1991).

The lack of scholarly attention to the unenfranchised is not a result of a lack of political activity on their behalf. Although it lagged slightly behind the first wave of the rights revolution (Epp 1998), since at least the 1970s people concerned about the needs and interests of unenfranchised groups have formed advocacy organizations,

such as the ACLU National Prison Project (established in 1972) and the Children’s Defense Fund (established in 1973), to advance those needs and interests before government. As the family separation example highlights, advocacy organizations like these continue to be a primary source of political action on behalf of the the unenfranchised. Yet existing scholarship on the mobilization and political participation of groups fails to consider organizations advocating on behalf of unenfranchised groups as “representative.” Rather, it considers such organizations to be engaged in issue advocacy (Grossmann 2012) or working for a collective good, such as a more just society (Schattschneider 1975, Berry 1977). Although these characterizations are not wholly incorrect, they obscure the fact that there are social groups who are directly affected by the policies these organizations pursue, and for whom there are few other avenues of political action. Moreover, it obscures the fact that these organizations and the policymakers who look to them for expertise view their work as representing the interests of those unenfranchised groups.

Of course, if advocacy organizations that represent unenfranchised people are essentially the same as advocacy organizations that represent other groups, the lack of attention to them in the literature may not matter. However, the characteristics of the groups who are currently legally unable to vote in the U.S. are likely to present unique challenges for the advocacy organizations that represent them in the policy making process. For example, because they cannot credibly threaten to vote out an elected official who ignores their interests, officials may be less willing to invest time in listening to their needs. Additionally, because many unenfranchised people are in the custody or care of others, their ability to assemble for protest or lobbying activities may be limited. Restrictions on their ability to work due to age, incarceration, or immigration status limits their ability to serve as professional advocates for their own interests, making them more reliant on people who are not currently a member of their group to advocate on their behalf. Further, many unenfranchised people are

severely limited in direct access to money for political contributions or membership fees to support advocacy organizations. As a result of these and other limitations that will be explored in greater detail in the next chapter, it is reasonable to suspect that advocacy organizations representing unenfranchised groups are more constrained in the organizational forms and advocacy tactics available to them than are organizations representing other social groups. These constraints may perpetuate unequal policy representation, to the continued disadvantage of the most marginalized Americans.

1.1 Plan for the Dissertation

This dissertation is a first step in the study of the political representation of the unenfranchised. It focuses on the role that nonprofit advocacy organizations play in elevating the interests and voices of unenfranchised people in the policy making process. In doing so, it examines the ways in which advocacy organizations representing the unenfranchised differ from those representing other social groups. The dissertation has two primary goals. The first goal is descriptive and exploratory. Because so little attention has been given to organizations representing people without the right to vote, we know very little about them. For example, the theoretical literature on mobilization and the emergence of interest groups provides little explanation for how advocacy organizations like these may arise. What are the origin stories of these organizations? Who are the people who commit themselves to working on behalf of the unenfranchised? Interview and survey data are used to provide preliminary answers to these questions.

The second goal is to examine how advocacy organizations working on behalf of the unenfranchised are different from those working on behalf of other social groups and from each other. This goal has three main sub-parts. First, there are reasons to believe that not all social groups have the same options when it comes to the estab-

ishment and support of nonprofits. Not all IRS non-profit tax statuses are equally available to all populations in need of representation, and the choice of tax status has implications for the advocacy options available to the organization. Additionally, many people who are unenfranchised are further constrained in their ability to use membership structures to fund work on their behalf. Reliance on philanthropic foundations and government funding can also limit advocacy options. This dissertation explores these differences. Second, it examines how the multiple, overlapping forms of political disadvantage affecting the unenfranchised shape the advocacy strategies used by the organizations that represent them. Third, it argues that the social construction of unenfranchised groups interacts with their lack of traditional political power to further structure the choices of the organizations working on their behalf make among different advocacy tactics. This is an original theoretical contribution to the understanding of policy advocacy. It unites two previously disparate strains of the literature – literature of the social construction of target populations in policy making and the literature on venue choice by advocacy organizations.

1.1.1 Data and Methods

To accomplish these goals, the dissertation uses a mixed methods approach, combining analysis of original survey data, existing large datasets of nonprofit tax filings, and in-depth interviews that give context and depth to the findings. Specifically, it uses an original survey of advocacy organizations I fielded in 2018. The survey includes general questions about the organization, such as about its staffing and funding sources, questions about the policy tactics the organization engages in and the frequency with which it uses each tactic, and questions about the organization’s process for making decisions about its public policy work. Nearly 600 advocacy organizations responded to the survey, and they represent a wide range of social groups, identified by profession, age, race or ethnicity, gender, socioeconomic status, legal status, or

personal experiences. Some of the respondents focus exclusively on federal policy, some on state policy, some on local policy, and some on a combination of these. There are respondents from nearly every state in the country as well as Washington D.C. The combination of organizations working in all of these different policymaking jurisdictions into one survey is a unique contribution to the study of interest groups. Most existing surveys of advocacy organizations look at either organizations working at the national level *or* those working at the state level.

Survey data sometimes raises concerns about bias in sampling or lack of candor by respondents. To assuage these concerns, the dissertation also uses data assembled by the National Center for Charitable Statistics (NCCS) from the public IRS form 990 tax filings of nonprofits.¹¹ It uses this data in two ways. First, it is matched with the survey data to verify self-reported information and obtain additional information on funding levels and sources, as well as legal filing status. Second, the NCCS data is used to compare how the organizations in the survey sample compare to the broader universe of nonprofit organizations.

Finally, I conducted in-depth interviews with top executives of 60 of the organizations that responded to the survey. These organizations interviewed span 20 states and the District of Columbia. Approximately 43% of the organizations interviewed focus primarily on federal policy making; the other 57% focus on state or local level policy making. A little over one-third of the organizations interviewed focus on the representation of unenfranchised groups. These interviews covered four main areas that supplement and support the survey data: general questions about the organization, questions about the groups on whose behalf the organization works, questions about the organization's policy activities, and questions about the political climate surrounding their work. Together, these quantitative and qualitative data sources

¹¹<https://nccs.urban.org/>

provide a strong foundation on which to begin to build an understanding of the political representation of the unenfranchised.

1.1.2 Chapter Outline

The dissertation proceeds as follows. **Chapter 2** situates the political representation of unenfranchised groups within the larger interest group literature. It examines how current explanations of interest group formation and behavior fail to adequately explain the existence and activities of advocacy organizations that work on behalf of people who do not have the legal right to vote. It outlines key tax regulations that affect the funding options available to nonprofit organizations and the advocacy restrictions these can entail. It then reviews what we know about the advocacy tactics available and how advocacy organization prioritize use of those tactics. Drawing on both this background as well as theories about the social construction of groups, it outlines theoretical expectations about how characteristics of unfranchised groups shape the legal structure, funding opportunities, and policy activities of the advocacy organizations that represent them.

Chapter 3 provides a more detailed overview of the survey and interview methodology. It also describes the NCCS data and its value in supplementing and enhancing the analysis that follows. It provides an overview of the key comparisons that will be made between different types of groups throughout the dissertation and the coding decisions made to classify organizations into those groups.

Chapter 4 analyzes the interviews to explore how advocacy organizations representing different types of groups come into being and the backgrounds and motivations of the people that lead them. It examines key differences between in the origin stories of different types of organizations and argues that existing theories of the mobilization of interest groups underestimate the role of expressive interests and shared values in the formation of groups. It finds evidence that these factors are particularly impor-

tant in the founding narratives of organizations that represent the unenfranchised. The chapter also presents analysis of survey data describing the demographic characteristics of members of organizational staff and their connections to the groups the organizations represent.

Chapter 5 uses the survey and NCCS tax data to test expectations about how characteristics of the group an organization represents shape the legal structure, staffing, and funding of the organization. This chapter provides evidence that advocacy organizations representing people without the right to vote are relatively more dependent than other types of organizations on restrictive tax statuses, philanthropic foundations, and government grants, all of which can entail restrictions on lobbying activities. It also shows that leaders of organizations representing the unenfranchised believe that they face greater barriers to advocacy because of their tax status and funding sources.

Chapter 6 begins by examining how frequently organizations representing different types of groups use different advocacy tactics. It then tests expectations about how the advocacy tactics an organization uses are shaped by the characteristics of the group it represents. Using the survey data, it provides evidence that advocacy organizations representing the unenfranchised people devote a higher percentage of their advocacy efforts to media and public education and to litigation than organizations representing other types of groups. It argues that the courts continue to be relatively more important venue for people who are disadvantaged in the traditional political process, particularly the unenfranchised.

Chapter 7 examines differences among unenfranchised groups. It tests expectations that social construction will interact with power to shape organizations' choice of advocacy tactics. It finds that organizations representing unenfranchised groups with positive social constructions, like children and the disabled, place a greater emphasis on advocacy through the media. Those representing unenfranchised groups

with negative social constructions, like people with felony convictions, place greater emphasis on litigation.

Finally, **chapter 8** concludes by summarizing the contributions of the dissertation and the directions it suggests for future research.

Chapter 2 Political Disadvantage and the Unenfranchised: Theory and Implications

I've never had a policymaker just say, "You know what? That's not important to me." I've never had that feeling, I've never heard that said, however, some you do get a little colder shoulder from than others. I mean, I don't think anyone's ever come out and said, "Children's issues are not big for me," because I don't think they can. But we've definitely had folks that did not attend things that are free, or...come to our reception and learn about us.

– Executive Director of a Child Advocacy Center in a southern state

One of the greatest challenges for any advocate seeking to change the policy status quo is getting policymakers to pay attention to their issues (Baumgartner et al. 2009). There are many more issues that people think need attention than there is time in a policymaker's schedule to attend to them. Any group can struggle to get its issues onto the policy agenda; this chapter argues that those struggles are exacerbated when the group seeking change is unenfranchised. Elected policymakers may care about both policy and reelection, but they are likely to prioritize issues they believe can further both goals (Mayhew 1974, Arnold 1992, Schneider and Ingram 1993). Why would they dedicate their limited time to working on behalf of a group that cannot reward them with their votes? As the quote above illustrates, even when an unenfranchised group is positively viewed and lacks active opposition, it can be difficult to convince policymakers that the group's issues are worth their time. The multiple, overlapping layers of political disadvantage faced by the unenfranchised

create unique challenges for advocacy organizations seeking policy change on their behalf.

This chapter defines key concepts and lays out the theoretical framework and expectations for the dissertation. It begins by describing the groups who are not legally eligible to vote in the U.S. It highlights the ways in which characteristics of these groups lead to greater political disadvantages than those experienced by other groups. It illustrates the ways those disadvantages can complicate their political representation. Next, it discusses the critical role advocacy organizations play in facilitating political representation for the unenfranchised. It proceeds to examine the existing literature on the formation of interest groups and explain why this literature is insufficient to understand the development of advocacy organizations that represent the unenfranchised. It then discusses the tensions inherent in political representation by advocacy organizations and why these are exacerbated in the case of organizations representing the unenfranchised. Next, it describes the common funding and legal structures available to nonprofits. It argues that organizations representing the unenfranchised are more limited in their choices among these options and that their most likely choices can act to constrain the advocacy options open to them. Then it builds on the existing literature on the choice of venues and advocacy tactics by interest groups by considering how the political disadvantages faced by the unfranchised shape the way groups representing them allocate their advocacy resources. Finally, the chapter lays out a theory of how the social construction of different unenfranchised groups interacts with political disadvantage to shape the ways in which advocacy organizations do their work. The chapter ends with a summary of the expectations derived from the theory about how advocacy organizations representing the unenfranchised will differ from those representing other groups in their organizational structure and their advocacy tactics.

2.1 Voting Limitations and Their Political Consequences

By far the largest group without the franchise is children under the age of 18. At the time of the 2010 Census, there were over 74 million children living in the U.S., making up 24% of the country's population. More recent estimates from the Census Bureau show a slight decline in the both the number of children and their percentage of the total population, but they are still nearly a quarter of the people living in the U.S.^[1] Adulthood has been one of the most consistent requirements for voting since the founding of the country. Carrying over British suffrage laws, all states adopted a minimum age of 21 for voting, and this requirement held for nearly two centuries (Keyssar 2009). It changed in 1971 with the ratification of the 26th Amendment to the Constitution, which prohibits age-based denial of the vote to citizens who are 18 or older. Since then, no state has set a lower voting age, though there are a handful of cities around that country that allow children to vote in municipal elections once they turn 16.^[2] Washington D.C. Council Members introduced legislation in 2018 to allow 16- and 17-year-olds living in the District to vote in all elections, but as of this writing the bill has been tabled.^[3]

The second largest group of people without the right to vote is non-citizens. According to the Pew Research Center's most recent estimates, as of 2015 there were 25 million non-citizen immigrants living in the U.S. This represents approximately 7.8% of the total population. Of this group, approximately 11.9 million were lawful

¹U.S. Census Bureau, QuickFacts, Population Estimates July 1, 2018, <https://www.census.gov/quickfacts/fact/table/US/PST045217>.

²Jason Axelrod, *American City and County*, "Cities Nationwide Push to Lower Voting Age to 16", <https://www.americancityandcounty.com/2018/09/10/cities-nationwide-push-to-lower-voting-age-to-16/>.

³Justin Wise, *The Hill*, "DC Council Suspends Action on Bill to Lower Voting Age to 16," <https://thehill.com/homenews/campaign/416590-dc-council-suspends-action-on-bill-to-lower-voting-age-to-16>.

permanent residents and 2.1 million were lawful temporary residents. The remaining 11 million were unauthorized immigrants.⁴ Using different data and methodology, the U.S. Department of Homeland Security’s Office of Immigration Statistics produced substantially higher estimates for 2014. They estimated the legally resident population to be 23.7 million, and the unauthorized immigrant population to be 12.1 million, for a total of 35.8 million or 11.2% of the total population.⁵ Neither estimate is broken out by age, so each includes some people who are disenfranchised due to both age and lack of citizenship.

The history of voting limitations based on citizenship has not been as consistent as that of those based on age. In the 1700s, many states had no formal citizenship requirement for voting. This began to change in the early 1800s, and by the mid-1820s citizenship was required to vote in most states. However, it did not stay this way. In the 1840s and 1850s, Midwestern and frontier states that needed workers and settlers expanded the franchise to include at least some non-citizens. Similar laws were passed in some Southern states after the Civil War to increase the number of eligible white voters. As the number of immigrants swelled and the countries from which they came multiplied, resistance to laws permitting them to vote grew. Between 1874 and 1926, all states that had permitted non-citizens to vote abolished the practice (Keyssar 2009). Today, the citizenship requirement for voting is as ubiquitous as the age requirement.

The next largest group is also the one for whom there is the most variation across states today – those disenfranchised due to criminal convictions. According to the Sentencing Project, in 2016 approximately 6.1 million people or nearly 2.5% of the

⁴Pew developed these estimates using 2015 augmented American Community Survey data. Gustavo Lopez, Kristen Bailik, and Jynnah Radford, *Pew Research Center*, “Key Findings about U.S. Immigrants,” September 2018, <http://www.pewresearch.org/fact-tank/2018/09/14/key-findings-about-u-s-immigrants/>.

⁵Bryan Baker, *U.S. Department of Homeland Security, Department of Immigration Statistics*, “Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2014,” July 2017, https://www.dhs.gov/sites/default/files/publications/Unauthorized%20Immigrant%20Population%20Estimates%20in%20the%20US%20January%202014_1.pdf.

population were disenfranchised due to felony convictions.⁶ However, this is also the only category of unenfranchised people which has been the subject of recent changes in the law. A national movement to restore the right to vote to people with felony convictions has had some notable successes recently. Two of the most impactful have been the passage of Florida’s Amendment 4 in November 2018,⁷ and an executive order issued in December 2019 by Kentucky’s newly elected governor, Andy Beshear, both of which restored the franchise to most of those who have completed their sentences.⁸ The exact number of people who have been reenfranchised by these changes is difficult to determine at this stage. Legislation and lawsuits in Florida have shaped the implementation of Amendment 4 in ways that render early estimates unreliable.⁹ However, it may be as many as a million or more. This would decrease the proportion of people disenfranchised due to felony convictions to about 1.5% of the U.S. population.

Disenfranchisement for felonies, like age-based voting restrictions, has its roots in the English and European law. Almost every state has or had at some time in the past a provision in its state constitution limiting the right to vote based on conviction for certain crimes or authorizing its legislature to pass laws to this effect (Keyssar 2009). There are two states – Maine and Vermont – where people with felonies are not subject to any disenfranchisement. With the adoption of the Florida Amendment and the Kentucky executive order, there is now only one state – Iowa – that permanently disenfranchise all people with any felony conviction unless the government grants an

⁶The Sentencing Project, “State-by-State Data,” <https://www.sentencingproject.org/the-facts/#map?dataset-option=FDR>.

⁷See, e.g., Tim Mak, *N.P.R.*, “Over 1 Million Florida Felons Win Right To Vote With Amendment 4,” <https://www.npr.org/2018/11/07/665031366/over-a-million-florida-ex-felons-win-right-to-vote-with-amendment-4>.

⁸Caroline Kelly, *CNN*, “Kentucky governor restores former felons’ voting rights,” <https://www.cnn.com/2019/12/12/politics/kentucky-governor-andy-beshear-restores-felon-voting-rights/index.html>.

⁹See, e.g., *Jones v. Governor of Florida*, 950 F.3d 795 (11th Cir. 2020).

individual pardon.¹⁰ In between the extremes, there is substantial variation across the states. In 17 states and the District of Columbia, people are disenfranchised during incarceration, but the right is automatically restored when the convicted person is released from prison. In another three states, the right is automatically restored after completion of incarceration and parole; people on probation may vote. Seventeen states require completion of the entire sentence, including incarceration, parole and probation. The remaining ten states have more complex schemes that include permanent disenfranchisement for some crimes and differing requirements for restoration of rights for others.¹¹ This complex patchwork of laws is further complicated by fines and fees. In many states, serving one's time in prison or on probation or parole is not enough. To have the right to vote restored, the person must have paid all related court fees, fines, and restitution. This requirement leaves many people who would otherwise qualify for the restoration of their rights ineligible to vote due to poverty.¹² This was the subject of legislation enacted by the Florida legislature after the passage of Amendment 4. In February, the 11th Circuit Court of Appeals held that the state could not constitutionally prevent people who were too poor to pay their fees and fines from regaining their right to vote.¹³

The smallest group consists of people disenfranchised due to mental incapacity. It is difficult to get an accurate count of this group. McDonald and Popkin (2001) estimate that they are approximately .1% of the U.S. population, which would be about 325,000 people. As with disenfranchisement for felony convictions, there is substantial variation between states on the precise circumstances under which a person's mental

¹⁰Note, however, that a future Kentucky governor could rescind the executive order, returning the state to this most restrictive category.

¹¹Brennan Center for Justice, "Criminal Disenfranchisement Laws Across the United States," December 2019, https://www.brennancenter.org/sites/default/files/2020-03/Criminal%20Disenfranchisement%20Laws%20Map%202012.18.19_0.pdf

¹²Danielle Lang and Thea Sebastian, *New York Times*, "Opinion: Too Poor to Vote," November 2018, <https://www.nytimes.com/2018/11/01/opinion/election-voting-rights-poverty.html>.

¹³*Jones v. Governor of Florida*, 950 F.3d 795 (11th Cir. 2020)

competence affects their voting rights. Thirty-seven states have constitutional provisions disenfranchising or authorizing the legislature to disenfranchise people with some level of mental impairment or disability. One state – New York – does not have a constitutional provision, but has enacted a statute disenfranchising those who have been found by a court to be mentally incompetent. Thus, 38 states have some provision making mental capacity a factor in voting rights. The language of these provisions varies widely. Nine states’ constitutions provide for the disenfranchisement of “idiots;” others use similarly outdated terms, such as “the insane,” Other states use more modern language of mental illness or mental incapacity. Most often the restriction is triggered by a court’s finding that someone is either incompetent to stand trial in a criminal proceeding or that they are not able to manage their own affairs and are in need of a guardian or conservator. Many states require the court to make a specific decision with regard to the person’s voting eligibility in a guardianship or conservatorship proceeding in order for the person to lose their voting rights (Hurme and Appelbaum 2007).

One thing to note about all of the legal statuses that prevent people from voting in the U.S. today is that they are fluid. Most people who lack the right to vote have the potential to gain it at some future point. Most children will age and eventually become voting-eligible adults. Non-citizens may become naturalized and through that process become eligible to vote. With the exception of those living in Iowa and those whose sentences will result in incarceration for life, most people who are disenfranchised as a result of a felony conviction can regain the right to vote once all or a part of their sentence is served. If mental incapacity is temporary, voting rights can be restored to people disenfranchised for this reason as well. Additionally, if a person with a felony conviction or mental incapacity moved to a different state, their voting eligibility could change. Thus, unlike restrictions that applied to groups that historically lacked the franchise but later gained it, like women and African

Americans, current voting restrictions are not constant. Instead, people can move in and out of the right to vote throughout their lives. This lack of permanence does not render these voting restrictions harmless however. They contribute to the already substantial political disadvantages faced by those they affect.

The reasons for disenfranchisement described in this section, and the groups affected by them, are different from each other in many ways, but the political disadvantages disenfranchised groups face often overlap. For example:

- **They all lack electoral power.** All four groups – children, non-citizens, and people disenfranchised due to felony convictions or mental incapacity – are unable to use the threat of punishment at the ballot box, at least in the short term, to get the attention of government officials. The inability to vote limits these groups' ability to use direct electoral accountability to encourage policymakers to pay attention to their interests.
- **Some of them lack physical liberty or freedom of movement.** People who are incarcerated are limited by the custody of the state, children are limited by the custody of their parents, and people with severe intellectual disabilities are limited by their dependence on caregivers. This limitation inhibits their ability to attend organizing meetings, protests, and public hearings to make their voices heard.
- **Some of them lack independent resources.** Children and people with severe intellectual disabilities may lack the ability to earn or control their own income. Similarly, people who are incarcerated often lack ready access to liquid assets and the ability to use their prison earnings outside of the facilities in which they are confined. This limitation inhibits their ability to contribute to candidates, organizations or activities that would advance their interests in policy-making fora.

- **Some of them lack the ability to legally work for pay in advocacy organizations.** People who are incarcerated generally lack or are extremely limited in their ability to work outside the prison setting. Children below the legal working age are prevented from holding jobs by child labor laws. Undocumented immigrants are not legally permitted to work in this country. Non-citizens in the U.S. on education visas are limited in their ability to work, and those on work visas are limited in their ability to change jobs. This limitation inhibits the ability of these groups to have a direct role in professional advocacy on their own behalf, requiring them to rely on the efforts of others.
- **Some of them lack cognitive and/or language ability.** Very young children and people with severe intellectual disabilities are often unable to recognize and articulate their own policy interests because of their developmental level (for children) or a temporary or permanent medical condition (in cases of mental incapacity). This limitation inhibits their ability to advocate for themselves. Some non-citizens are not fluent in English, which limits their ability to understand and participate in policy debates.
- **Some of them fear repressive state action if they advocate on their own behalf.** Undocumented immigrants may fear drawing attention to themselves through advocacy, because they seek to avoid deportation. People disenfranchised due to criminal system involvement may fear retaliation if they challenge the system that currently has or formerly had custody or supervision over them (Weaver and Lerman 2010). This limitation may inhibit their willingness to actively engage in efforts to promote their own policy interests.

Each of these disadvantages reduces the likelihood that members of disenfranchised populations will mobilize themselves or be directly involved in the leadership or professional staff of advocacy organizations. In their various combinations, they often

render people without the right to vote dependent on others for their political representation.

2.2 Advocacy Organizations as Representative Institutions

Scholars recognize that elected officials are not the only representatives that play an important role in our system of government (Salisbury 1992, Berry 1977, Saward 2006). Interest groups also provide a form of representation, albeit a less powerful one. As Salisbury (1992) notes, “there remains a profound difference between the governmental official who . . . represents some interest in a specific authoritative choice among policy alternatives and the nongovernmental representative who can never do more than advocate that interest” (49). Nevertheless, the advocacy that interest groups provide can make a significant impact in policy formation and selection (Berry 1999).

This dissertation focuses on a subset of the interest group community: advocacy organizations. Grossmann (2012, 24) defines “advocacy organizations” – “the subset of interest organizations that are intermediaries between public constituencies and governmental institutions.”. In particular, this dissertation focuses on those advocacy organizations whose public constituencies are discrete and identifiable social groups, whether those groups are based on occupation, age, legal status (for example refugee or prisoner), or other personal characteristic (for example gender, race, ethnicity, or sexual orientation). Its focus does not include corporations, trade associations whose members are businesses, or public interest organizations that focus on an issue area rather than the rights and interests of a discrete social group. For example, an organization that advocates for the protection of the environment generally would be outside of the focus on this study, but an organization that advocates for environ-

mental justice – the protection of marginalized groups from environmental harms – would fall within its focus.

Today’s policy makers interact with advocacy organizations representing the interests of a dizzying array of social groups, from small niche industry associations to large swaths of the population, such as the elderly. While critics sometimes denounce the influence of “special interests,” the participation of advocacy groups in the policy-making process is seen by most policymakers as inevitable and even necessary. As [Grossmann \(2012\)](#) argues:

Organized advocates and policy makers do not ignore the broad expectation that democracy requires listening to everyone. Because it is impossible to meet in practice, Americans have collectively institutionalized an advocacy system that largely substitutes for public representation and policy deliberation. (186)

In other words, advocacy organizations become recognized representatives of social groups in the policy-making process because they play a useful role in aggregating views of those groups for policymakers. They are intermediary representatives between the broader public and government officials ([Berry 1977](#)).

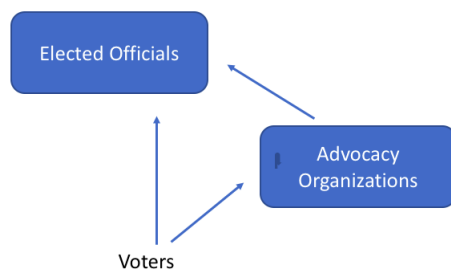


Figure 2.1: Paths to Representation for Voters

For most social groups, having such intermediaries is helpful but not essential. When they seek to influence the policy-making process, they have two paths to representation: one directly through an elected official, and one that goes through an

advocacy organization and then to the elected official. Figure 2.1 illustrates this dynamic. The intermediary role played by advocacy organizations is more important for the unenfranchised. As Figure 2.2 illustrates, if they wish to influence elected officials, they need representation by advocacy organizations or they need to rely on voters to take up their cause.

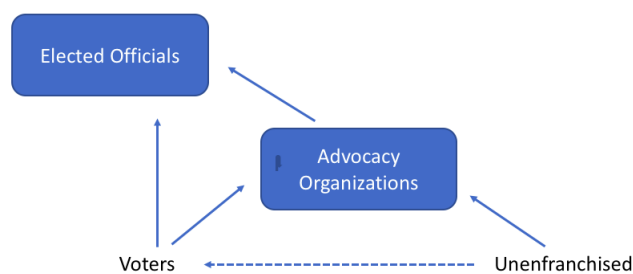


Figure 2.2: Paths to Representation for the Unenfranchised

The literature on interest groups has largely ignored the special case of unenfranchised groups. This neglect is particularly evident in two aspects of the literature. First, the theoretical literature on the origins of interest groups provides little basis for understanding the existence of such groups. Second, and at least partially because of the first, the literature has not addressed the unique tensions that arise in advocacy organizations' representation of the unenfranchised and how the characteristics of unenfranchised groups structure the funding, legal structure, and advocacy tactics of these organizations.

2.3 How the Interest Group Mobilization Literature Fails to Explain the Existence of Advocacy Organizations Representing the Unenfranchised

There are two primary approaches to understanding which groups develop interest group representation and become effective in influencing policy making, and they

differ in the factors that they think lead to effective group mobilization for policy advocacy. Scholars in the tradition of Truman (1951) argue that levels of mobilization can be explained by groups' differing "strategic social positions." Specifically, Truman argued that people are inherently social and will form groups if they interact frequently and share similar characteristics. New groups will form when there is a "disturbance" in societal equilibrium, such as changes in the economy, technology, or social relations. A group's ability to become an effective advocate for its interests turns on whether the group possesses particular internal characteristics (good organization, leadership, and sufficient resources) and social position (status and prestige, usefulness as a source of information, and relationship with government). More recently, Grossmann (2012, 170) updated this approach with his theory of "behavioral pluralism," arguing that "constituencies having the capacity, attention, and motivation to participate in public life develop substantially greater levels of organized representation" and that "[c]onstituencies that vote at higher rates are also better represented by advocacy organizations, whether they are large or small,"

The second approach uses public choice theory to explain group mobilization. Exemplified by the work of Olson (1965), this approach uses the premise of rational self-interest, rather than social position, to explain group mobilization. Olson notes that there are rational barriers to collective action, most notably incentives to free ride on the policy efforts of others. He posits that small groups with concentrated interests should be more effective in mobilizing to promote their policy goals than large groups with diffuse interests, because each member of the group has more to gain from successful advocacy and each member's contributions can be monitored by other members of the group. In Olson's view, large groups only mobilize when faced with coercion or selective incentives. Selective incentives are benefits only available to members of the group who participate in supporting its organized efforts. For example, members of the NRA receive the *American Rifleman* magazine and dis-

counts on travel and other products and services. Some scholars in this tradition, for example [Salisbury \(1992\)](#), focus on how such incentives may come to be offered. Salisbury views the growth of organized interest groups as an exchange between “entrepreneurs/organizers” who invest their efforts to create benefits that they then offer to “customers” for the price of membership in the group.

Both of these approaches to group mobilization share an underlying assumption that mobilization occurs to advance a group’s own interests. While it is true that the term “interests” is nebulous enough that it could encompass a group’s concern for the well-being of another social group, this is not the way these theories are usually presented. Rather, groups are generally discussed as working to promote their own economic or social standing. This is particularly true of the public choice theories. [Moe \(1988\)](#), for example, argues that Olson’s theory is most useful when applied to economic interests and is less applicable to religious, ideological, or social groups. Even without Moe’s qualification, when a group’s issue interest is the promotion of the well-being of another social group, the benefits to be gained would be indirect – the group benefits because they perceive that the others whom they care about benefit – and under Olson’s theory, indirect benefits seem unlikely to be compelling enough to overcome the incentive to free ride on others’ efforts. Thus, organization around those interests would not be expected.

A second assumption these approaches share is that all the individuals involved are capable, competent, autonomous actors. In other words, they conform to the ideal of the liberal subject first articulated by John Locke. As [Fineman \(2008\)](#) explains:

the liberal subject is a competent social actor capable of playing multiple and concurrent societal roles: the employee, the employer, the spouse, the parent, the consumer, the manufacturer, the citizen, the taxpayer, and so on. This liberal subject informs our economic, legal, and political principles. (10)

Feminist scholars like Fineman have raised a number of problems with the assumption that the political and legal subject conforms to the liberal ideal and have argued that we should re-conceptualize the subject to better reflect the range of human experience. This dissertation proposes that the people who are currently unenfranchised in the U.S. are emblematic of the types of groups that fall outside the liberal ideal, lacking, to varying degrees, the capacities and autonomy of the groups that scholars in the traditions of Truman and Olson considered. The political disadvantages they experience render direct mobilization unlikely and force them to depend on others to advance their interests.

2.3.1 The Role of Policy Entrepreneurs

In a critique of Truman and an extension of public choice theories, [Salisbury \(1992\)](#) put forth what he called “an exchange theory of interest groups.” Under this theory, advocacy organizations arise as an exchange between entrepreneurs and members. Entrepreneurs develop organizations that can offer benefits to members for the price of membership. The benefits are often material, but may also be solidarity benefits or expressive benefits. Drawing on [Clark and Wilson \(1961\)](#), Salisbury defines solidarity benefits as social benefits derived from group membership and identification and expressive benefits as benefits derived from the public expression of values. The achievement of material benefits can be costly, and thus would be exchanged for a higher membership cost. Salisbury argues that it is much easier for an entrepreneur to form an expressive group, but it is riskier as well. He says:

for most people, the act of joining an expressive group – contributing dues to the ACLU or signing a Viet Nam protest petition – is a marginal act. The benefits derived from the value expression are seldom of great intrinsic worth. Consequently, even if civil liberties remain equally endangered, a

slight change in the member's resources or social pressures may lead to his failure to renew his membership. (18)

Salisbury predicts that expressive groups will be numerous, because they will be cheap to form, but that they will be transient, disappearing as easily as they appear.

If, following Salisbury, we think of the satisfaction of promoting the interests of another social group as an expressive benefit rather than an indirect or diffuse interest, then we might expect that unenfranchised groups would obtain advocacy organization representation frequently, but that it would be fleeting. However, a quick look at the major organizations representing these groups casts doubt on this expectation. The Children's Defense Fund was established in 1973. The National Alliance on Mental Illness was established in 1977 and the National Immigration Law Center in 1979. The Sentencing Project was established in 1986. All are still active in public policy and all have revenues in the millions of dollars annually. Thus, although the establishment of these organizations lagged the "rights revolution" for other social groups by a decade or two (Epp 1998), they created organizations with staying power that is not well explained by Salisbury's theory.

Nevertheless, the role of policy entrepreneurs may be key to understanding how these organizations came to be. Berry's (1977) study of public interest groups more generally found that "[i]ndividual leaders, with great determination and zeal, are largely responsible for the formation of many of these groups" (26). Further, Young's (2010) case studies of organizations representing small business and environmental interests suggest that the personality and strategy choices of policy entrepreneurs have lasting impact on the shape of the organizations they found.

This study is not the first to note that existing interest group theories fail to adequately explain the origins of some types of organizations. Berry's (2003b) argues that existing theories ignore nonprofit charities. The purpose of his study is not to fill that gap. Rather he argues that there is so much variety in the advocacy universe

that a comprehensive theory of mobilization may be impossible. While he does not attempt to provide one, he does raise a few often overlooked elements of the origins of charitable nonprofits that are involved in advocacy. The first is that for most of them, advocacy is not why they were founded:

Nonprofits qualifying as public charities under 501c3 are almost always founded for some purpose other than advocacy in the policymaking process. Their mission is feeding the hungry, sheltering the homeless, raising money for the town library,...or a million other things. They have a mission and that mission is not politics. (24)

He does not explore how or why organizations form for these other purposes; he only observes that they do.

Second, he argues that government's role in regulating and even initiating some nonprofits is often overlooked. To the degree that advocacy organizations create a marketplace of ideas, it is a highly regulated marketplace. We will return to some of the ways government regulations impact the development and activities of nonprofits in the section below dealing with funding and tax status. With respect to initiation, Berry notes, "The government, when it believes that a sector is systematically underrepresented, has sometimes acted to promote and support its participation" (39). Examples of this include the Department of Labor's support for farm groups and the creation of the Legal Services Corporation to provide representation for the poor. He does not attempt to provide an account of the conditions under which this happens or its frequency.

In summary, the primary explanations offered in the literature for how interest groups mobilize do not adequately explain the development of advocacy organizations for unenfranchised groups. Existing theories predict that these groups would lack the social capital or concentrated interests necessary for successful mobilization, and that the expressive interests binding their supporters together would be unlikely to provide

a strong foundation on which to build an organization that could have lasting impact. However, hundreds of advocacy organizations across the country do exist to represent the interests of those without the right to vote, and many of those have been working on behalf of those interests for decades. Berry's study of nonprofits illustrates some possible alternative routes to the formation of organizations, but does not provide a theoretical account when and why these routes might be taken. Chapter 4 of this dissertation will use interviews with executives some of these organizations to trace how and why they came to be.

2.4 Advocacy Groups as Representatives of the Unfranchised and the Unique Challenges of that Representation

When the existing literature does discuss advocacy organizations working on behalf the unfranchised, it fails to recognize the representative nature of these organizations' work. While the literature has *generally* recognized the representative nature of interest groups, groups working on the behalf of the interests of others were *not* classified as representatives of social groups. For example, Schattschneider (1975) considered the American League to Abolish Capital Punishment to be seeking a public good – that of a more just society – rather than a group good, because its members were not personally facing the death penalty. Berry (1977) considers interest groups to be working in the public interest when they are not seeking material benefits for their own members. He gives the example of the Children's Foundation, which worked to alleviate child hunger, as a public interest group which works for material benefits for others, rather than for its own staff and sponsors.¹⁴ Similarly, Grossmann (2012)

¹⁴The Children's Foundation is also noted in his study as a group that was struggling to find a new funding model after initial foundation seed money. It does not appear to exist any longer.

categorized interest groups focused on criminal justice reform, immigrant rights, anti-child abuse, and child health as representing “issue perspectives” rather than “social groups.” Although these characterizations are not necessarily incorrect, they obscure the fact that there are also social groups who are directly affected by the policies these groups seek, and for whom there are few other avenues of political action. They also obscure that fact that policy makers look to these groups for information about those affected by policies. Finally, they ignore the way that the organizations themselves describe their work. For example, the Children’s Defense Fund (CDF) website describes their work this way: “CDF provides a strong, effective and independent voice for all the children of America who cannot vote, lobby or speak for themselves.”¹⁵ In their mission statement and other writings, they frame their constituency as children themselves, rather than as people who care for and about children. In other words, they hold themselves out as representatives for children.

Saward (2006) argues that representation is as much a function of claim-making by representatives as it is of selection by the represented. A political entrepreneur asserts a willingness and ability to represent a particular group, and this claim can be accepted or rejected by the group or other political actors. Montanaro (2012) argues that claims made by “self-appointed representatives” can play an important role in democratic policy making, particularly when those claims are made on behalf of those “whose interests are affected by policies but who are not situated within electoral constituencies that can determine those policies” (1094). Groups that lack the legal ability to vote would seem to fit within this conception. However, she posits that self-appointed representatives are democratically legitimate only insofar as the people affected by the policy making in which they engage are able to authorize their actions and hold them accountable. The mechanisms of authorization and accountability she

¹⁵<http://www.childrensdefense.org/about/>

envisions are money and membership – mechanisms that may be out of the reach of most of the unenfranchised.

Montanaro is not alone in asserting that much of the legitimacy of interest groups' policy representation comes from having the support of their members. However, [Salisbury \(1992\)](#) points out that claims of legitimacy based on membership may be unwarranted. Because many groups offer an array of benefits to attract and retain their members, membership may communicate more about members' support for these benefits than for the group's policy positions. For example, seniors may join or stay members of AARP for their insurance plans, discount programs, or magazine rather than for their advocacy positions ([Walker 1991](#)). Further, “[i]nterest groups to which no one belongs and which do not even provide for the possibility of membership are quite common among public interest groups” ([Salisbury 1992](#), 40). Approximately 30% of [Berry's \(1977\)](#) sample of public interest groups did not have either individual or group members. Similarly, over half of [Grossmann's \(2012\)](#) more recent sample lacks membership, and he notes that the number of non-membership groups is growing.¹⁶ Berry also found that public interest groups that are not membership organizations tended to be funded by private foundations. Thus, for a substantial portion of interest groups, including but not limited to those representing disenfranchised groups, neither money nor membership provide the represented with strong tools for holding their representatives accountable.

Principal-Agent Problems in Representation

Accountability in representation is often thought of as a principal-agent problem. “Reduced to its essence, representation is the making present of something or someone (principal) who is not literally present through an intermediary (agent)” ([Celis 2008](#),

¹⁶Examples of non-membership groups in [Grossmann's \(2012\)](#) dataset include think tanks like the Urban Institute and the Cato Institute, and advocacy organizations like Friends of the Earth, the Center for Democracy and Technology, the National Coalition for the Homeless, and the Family Research Council

74 (citing Pitkin 1967)). The relationship between principals and agents has been theorized by economists and political scientists as having the following key features, summarized by Miller (2005):

- **Agent impact.** The agent takes some sort of action that has an impact on or payoff for the principal. That impact is determined, at least in part, by the decisions, energy, and effort of the agent.
- **Information asymmetry.** The principal can observe the outcome, but not all of the actions of the agent or information available to agent. Monitoring can increase the principal's information, but it is costly.
- **Preference asymmetry.** Principals and agents are generally assumed to have different preferences, either in terms of how much effort should be expended, their risk tolerance, or their most desired outcome.

Common principal-agent problems include shirking, which occurs when an agent prefers not to expend costly effort to achieve the principal's goals and so takes shortcuts or neglects some responsibility, and moral hazard, which is the temptation for the agent to act in ways that diverge from the principal's preferences.

Applying these general concepts of principal-agent problems to advocacy organizations (the agents) for groups that are legally unable to vote (the principals), shirking does not seem to be a significant problem. As Berry (1977) notes, people who work in public interest organizations tend to be "zealous and devoted workers" (103) whose commitment to the issues their organizations take on ranges from "merely strong to fanatical" (100). They generally work long hours for little pay. These organizations tend to be more limited by resource constraints than by willingness to put forth the required effort.

There is a more real possibility of moral hazard arising from conflicts of interest between agents and principals. These conflicts may be a matter of differences

in policy preferences. Young (2010) suggests that most interest groups are founded by entrepreneurs who are as interested in their own goals as in the collective good the group is said to represent. Such goals may include advancing a personal policy agenda or obtaining the status or prestige that comes from providing group or policy leadership. Conflict may also arise from differences in the perception of the problems that need to be addressed. For example, Strolovitch (2008) found that advocacy organizations were likely to overestimate the extent of impact on their constituencies of policy positions favoring advantaged subgroups, and to underestimate the extent of impact of policy positions favoring disadvantaged subgroups. For example, an organization may overestimate the proportion of its constituency that is affected by higher education policies like affirmative action in college admissions, and underestimate the proportion that is affected by anti-poverty programs like Social Security and Medicaid. This tendency may be exacerbated when the leadership or staff of an organization comes from a different socioeconomic background than the average member of their constituency.

Yet another way conflicts may arise is from the necessities of organizational maintenance. Strolovitch notes that organizations may prefer “high-profile, politically salient, and winnable issues over more low-profile issues or issues that might not result in victories” because these provide reputational advantages (21). Advocacy organizations may believe that they have a better likelihood of gaining and maintaining support if they are viewed as “winners” even if the issues they are winning on are not as important to the people they represent as other, more difficult policies. Further, organizations may be reluctant to champion issues that are unpopular with their donors because they do not wish to risk future funding, even if those issues are important to the constituencies they represent. The latter circumstance may be particularly likely when the organization’s financial support comes primarily from sources

other than its constituency, as is likely to be the case for organizations representing the unenfranchised.

Much of the literature on principal-agent problems focuses on the strategies available to principals to minimize the effects of moral hazard. Here political models depart somewhat from economic models, which tend to focus on incentive structures as a core strategy (Miller 2005). Incentive structures attempt to align the interests of agents with principals by providing compensation that makes achievement of the principal's goal as attractive as achievement of the agent's other goals. Political models have traditionally focused more on accountability. For elected officials, accountability may take the form of removal from office for failure to be a faithful agent. For interest groups, accountability may mean the withdrawal of membership or other support. However, political representation, whether by elected officials or interest groups, is further complicated by the fact that the constituency of the representative is plural (Fenno 1978, Fearon 1999), and thus there may be different and conflicting interests among principals. This makes holding agents accountable even more challenging. Elections are an imperfect mechanism for accountability and are not always available even for elected officials – as, for example, in the case of a term-limited representative who is in their last permitted term and who thus cannot stand for reelection (Fearon 1999). Membership support is a similarly imperfect mechanism for accountability in the interest group context, because not all groups have “members” and even those that do rarely have formal structures through which members can select staff or influence their policy priorities (Strolovitch 2008, Berry 1977). At best, most members can only “vote with their feet” by leaving the organization.

Because of the serious limitations of accountability mechanisms, some scholars have argued that the best way for constituencies to control their representatives is through selection rather than accountability (Mansbridge 2009, Fearon 1999). Fearon (1999) argued that in most cases, voters would do better to select a “good type” of

representative – one who shares their preferences, has integrity that will overcome inducements to stray from those preferences, and is competent in selecting the optimal policies to advance those preferences. [Mansbridge \(2009\)](#) suggests that the key to using selection to ensure effective representation is to find representatives who are intrinsically motivated to pursue the objectives of the principal, so that they will do so even in the absence of sanctions or incentives. One way that groups can find intrinsically motivated good types is by picking someone like them as a representative. In the language [Pitkin \(1967\)](#) and other scholars, they can seek substantive representation through descriptive representation.

Descriptive and Substantive Representation

Principal-agent problems may be alleviated when representatives share relevant characteristics of the groups they represent. This is known in the literature as descriptive representation. Descriptive representation is one of the four dimensions of representation outlined by [Pitkin \(1967\)](#). It is most often used to refer to having elected officials who share the race or gender of their constituents, but can also refer to other characteristics such as background or education. The other dimensions of representation are formal, symbolic, and substantive. Formal representation refers to meeting any legal prerequisites of representation, such as being of age to run for office and winning an election. Symbolic representation refers to the feelings that the representative evokes in people they represent. This is often closely linked to descriptive representation; having a representative with whom you share a salient characteristic can induce feelings of pride or the belief that institutions are inclusive ([Griffin and Keane 2006](#)). Finally, substantive representation refers to representation that results in actions or policy outputs that serve the constituency’s interests. This is the dimension that speaks most to what the representative actually does.

Another way to think of the dimensions of representation is to think about what [Celis \(2008\)](#) calls “nonrepresentation, in the sense of being excluded from the formal,

descriptive/symbolic, or substantive dimensions of representation.” Nonrepresentation may happen in one of three ways. First, a constituency is not represented if they cannot participate in selecting or serving as a representative (formal representation). Second, a constituency is not represented if representatives do not or cannot share certain characteristics with them (descriptive/symbolic representation). Third, a constituency is not represented if the representative does not act in their interests or acts to harm their interests (substantive representation).

While descriptive representation does not automatically translate to substantive representation (Pitkin 1967), scholars have argued that it makes substantive representation more likely (Mansbridge 1999; 2009, Phillips 1995, Strolovitch 2008, Williams 2000). Strolovitch (2008) argues that the absence of descriptive representation can limit the issues that make it on to the policy agenda and perpetuate problematic paradigms or ways of looking at issues or groups. Celis (2008) argues that descriptive presence is particularly important because interests are not always clear ahead of time, but instead emerge during the policy making process. Thus, the “systematic presence” of a group is necessary during the process of generating policy alternatives to challenge ingrained ways of thinking about problems (80). Presence is important because a group may have experiences and perceptions in common with other group members that are not shared with other groups (Tamerius 2010). Dovi (2002) goes even further, suggesting that the intersectional identity of a descriptive representative also matters; group members who are affected by multiple forms of marginalization may be best able to see the nuances of how an issue affects the group as a whole.

Applying these concepts to the advocacy organization representation context shows how descriptive representation can help alleviate the moral hazard of the principal-agent relationship. When advocacy organizations for traditionally marginalized groups are led and staffed by people from the same traditionally marginalized groups, the leadership and staff are more likely to have similar experiences and policy preferences

that relate to their shared marginalization. There may still be differences in incentives – for example, interest group leaders may have additional incentives to preserve the organization or enhance their own political standing – but shared perspectives and policy preferences make it more likely that the organization will act in a representative fashion.

On the other hand, unenfranchised groups generally lack the ability to have any formal or descriptive representation in advocacy organizations because of the limitations outlined above. Specifically, limitations on their physical liberty, cognitive ability, and/or ability to hold paid employment render them ineligible for employment in professional advocacy organizations (formal representation), making descriptive representation also unavailable. Substantive representation is still possible, but the moral hazard problems of the principal-agent relationship may be more difficult to overcome.

Surrogate Representation

Rather than descriptive representation, groups that are legally unable to vote must rely on what [Mansbridge](#) (2003) termed “surrogate representation.” In surrogate representation, the representative feels a strong affinity with a particular group due to the representative’s personal characteristics or interests. In Mansbridge’s original conception, surrogate representation could substitute for either formal or descriptive representation. For example, a Black legislator from one district could serve as a surrogate representative for Black citizens from other districts; in other words, the representative could provide descriptive and substantive representation for people whom she does not formally represent. In the context of this project, substitution for formal representation is less relevant; advocacy organizations generally claim to speak for all members of their constituency group, rather than a geographically defined subset of the group. Therefore, as used in this project, a surrogate advocate is

someone who is not currently a descriptive representative of a group, but who works to address issues affecting that group.

Although he does not expressly use the term “surrogate representation,” Burden’s (2007) research on how personal connections to policy issues impact representation noted several instances of non-descriptive surrogate advocacy. For example, he described members of Congress whose family members suffered from mental illness who became leaders in legislative efforts to address mental illness. Burden found that when an issue had “personal roots” for a member of Congress, that member tended to be more active in working to advance the issue, especially in the early steps of the legislative process. Similar research on surrogate representation by advocacy organizations is lacking, but we might expect that personal experiences or connections would drive activism in the advocacy organization context as well. As one example of this, Walker (1991) suggests that social service providers might play a key role in providing representation for those who cannot mobilize on their own behalf. It is unclear from his brief discussion, however, what he thinks motivates service providers to play such a role. It could be that their experiences working with these populations creates an interest in the issues they face – a motivation consistent with surrogate advocacy. It could also be that they are motivated to protect their own interest in providing services – a motivation that could lead to moral hazard due to conflicts of interests. These motivations are not mutually exclusive, and this points to one of the possible limitations of surrogate representation. Even when the surrogate’s concern for the population they represent is sincere, they may also be influenced by their own interests. As Fellmeth (2006, 32) points out in the context of child advocacy, service providers may tend to protect their own territory and give less attention to “prevention, competition, or alternatives that lessen resources or authority for those representing children’s interests.” For example, a provider of foster care homes and services may advocate for policies that enhance and reinforce the existing foster care

system, rather than for policies that prevent children from needing to come into foster care in the first place.

When surrogate representatives have more personal, rather than professional, relationships with their constituencies, other potential problems arise. A family member of a severely mentally disabled person experiences the disability differently than the person with the disability, and those differences may inform their policy preferences. A person who is a former member of a group – for example, a former foster child or a person who recently gained citizenship or legal working status – may remember their own experiences in the group, but those experiences may not match what is happening with people currently in the group. This is more likely the more time that has passed since the person left the group; policy and societal changes will gradually make the surrogate’s experience less generalizable to the current context. Moreover, former group members that move into advocacy may not be representative of the larger group. For example, in Sparks’s (2003) examination of the welfare policy debates leading to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, she found that most of the people with personal experience who participated in the public discourse on the bill were former welfare recipients who had “rejected and then conquered the system” (183). The circumstances of these “model mother” success stories was not necessarily typical of the experience of the general population of welfare recipients. Sparks found that the few current recipients who testified before Congress raised very different issues and challenged the dominant narratives about why people needed welfare and the kinds of policy changes could make a difference in ways that the former recipients did not.

For many unenfranchised people, a former member of the group may be the closest thing to descriptive representation available. This dissertation project does not take a normative position that such surrogate advocacy is bad; it simply notes that former membership in a group may not be as effective in alleviating principle-agent problems

as current descriptive representation. A local Georgia interest group exemplifies this tension. Georgia EmpowerMENT is an organization of current and former foster youth that advocates for changes to Georgia's foster care system.¹⁷ Due to the limitations of state custody and age, the paid staff and most of the active volunteer policy advocates who speak for the organization are adults who have aged out of the system. Many of them were in foster care in other states, and state policies can vary significantly. These sincere, well-meaning advocates tend to be most passionate about recent experiences they had in the system. Their priorities are centered around the needs of older youth – issues such as access to drivers' licenses, services for the transition out of foster care, and the needs of pregnant and parenting teens in care – while the needs of younger children are less well represented.¹⁸ The group is a great resource for policymakers and the representation they provide is as close to descriptive representation as may be available to foster children, but there are still limitations to the surrogate advocacy the adult representatives provide.

Descriptive and surrogate advocacy are not mutually exclusive; any advocacy organization may employ surrogate advocates. Reliance on surrogate advocacy likely exists on a continuum. Descriptive advocates may be expected to predominate in organizations representing groups with some minimum level of political efficacy. For example, LaPira, Marchetti and Thomas's (2019) study of the gender balance of different organizations' lobbying teams shows that the highest rates of women lobbyists were at organizations focused on women's rights; over 90% of lobbyists for NARAL Pro-Choice American and the Center for Reproductive Rights are women. Groups that face greater barriers to political participation, such as the example of women currently on welfare assistance, will rely more on surrogate advocates, though they may have some descriptive representation as well. Advocacy organizations represent-

¹⁷<http://georgiaempowerment.org/introduction-to-georgia-empowerment.html>

¹⁸<http://georgiaempowerment.org/empowerment-vision-and-priorities.html>

ing unenfranchised groups are expected to have very few, if any, current descriptive representatives; instead, surrogate representatives will predominate.

So far, this chapter has suggested that advocacy organizations that represent the unenfranchised may develop differently and be less descriptively representative than organizations that represent other groups. Chapter 4 uses interview and survey responses to evaluate these possibilities empirically. The next section argues that we should also expect these organizations to be different in other ways, such as how they are structured and how they go about their advocacy work.

2.5 How Funding Sources, Legal Context, and the Social Construction of Disenfranchised Groups Structure Advocacy Tactics

Previous studies of interest group funding and advocacy have not specifically addressed the unique challenges facing organizations that represent the interests of unenfranchised people. Rather, advocacy work has been studied using two primary approaches: large scale surveys of interest groups and their lobbyists, and case studies of particular issues or groups (Baumgartner and Leech 1998). The large scale surveys tend to place groups in broad categories containing a great variety of interests (Schlozman and Tierney 1986, Walker 1991). In these studies, advocacy organizations that represent the interests of the unenfranchised are classified as “citizens’ groups” (Schlozman and Tierney 1986, Kollman 1998) or “public interest organizations” (Berry 1977; 1978). The term “citizens’ groups” is used to refer to all groups that are focused on some identity or issue that is not primarily economic or professional in nature – this includes groups identified by age, gender, race, legal status, or a shared interest in an issue or activity, such as the saving the environment (Schlozman

and Tierney 1986, Walker 1991). Examples of citizens' groups include the NAACP, the AARP, and the World Wildlife Fund. Public interest groups are a subset of citizens' groups; "a public interest group is one that seeks a collective good, the achievement of which will not selectively and materially benefit the membership or activists of the organization" (Berry 1978, 385). Among the examples citizens' groups given above, only the World Wildlife Fund would cleanly fit the definition of a public interest group. Both the NAACP and the AARP would be expected to seek policies that benefit groups that make up a significant part of their membership or activists, people of color and the elderly, respectively. While broad categorizations make sense for studies providing a high-level look at the interest group landscape, they obscure important differences within the broad categories, such as how the layers of political disadvantage facing the unenfranchised may shape representation of their interests. Case studies looking at particular issues or interests, for example child abuse (Nelson 1986), civil rights (Vose 1959), or LGBT rights (Engel 2007), occasionally examine advocacy efforts on behalf of particular groups of unenfranchised people but do not offer a generalizable theory of how organizations approach advocacy on behalf of people who are excluded from the political community because they lack the right to vote.

This dissertation takes a first step towards addressing this theoretical gap. It expects to find differences between organizations' representing the unenfranchised and those representing other citizens' groups. However, it expects that these differences to be less dramatic than differences between organizations representing the unenfranchised and professional organizations. The ways these different categories of groups are classified for the comparisons in this study are more precisely specified in chapter 3.

2.5.1 The Funding and Legal Structure of Advocacy Organizations

If advocacy organizations that represent unenfranchised groups come into being in different ways than those representing other groups, then it is possible that they will be funded or structured differently than other advocacy organizations. These differences may, in turn, contribute to differences in how the organizations conduct their advocacy work. Groups that have a wider array of funding options have a wider degree of possible tax statuses available to them; this is important because the tax status an organization is incorporated under determines the types of political activity that organization is authorized to engage in. Reliance on philanthropic foundations and government funding can also limit advocacy options. There are reasons to believe that advocacy organizations representing the unenfranchised are more constrained with respect to funding and tax status options, and that these constraints perpetuate the political disadvantages these groups face. However, because of the dearth of previous research on these organizations, little is actually known about their funding and legal structure. This section addresses this problem using a two-step approach. First, it draws on previous research on advocacy organizations generally and the legal and tax rules that shape donations to and expenditures by such groups to derive expectations about how advocacy groups representing the unenfranchised may differ from other advocacy organizations in tax status and funding. Second, assuming those expectations are accurate it derives hypotheses about how those differences may in turn result in differences in the advocacy tactics employed by groups advocating for the disenfranchised.

Grossmann (2012) found that the number of citizens' groups that have a formal member structure has been declining over time. In his sample of advocacy organizations working at the national level, fewer than half were membership organizations.

Because unenfranchised groups generally lack the resources or capacity to join membership organizations, advocacy organizations advocating on their behalf are unlikely to fall in the minority with membership. As a result, we should expect a lower percentage of the organizations representing the unenfranchised to be membership organizations. We should also expect that the proportion of their revenue that comes from membership dues will be lower than for organizations representing other types of groups. [Berry \(1977\)](#) found that non-membership public interest groups tend to be supported primarily by philanthropic foundations. To the degree that organizations representing the unenfranchised are less likely than those representing other groups to be membership organizations, we should also expect them to be more dependent on funding from foundations. Of course, philanthropic donations are a common funding source across the the public interest community. The expectation here is not that unenfranchised groups will be the only groups relying on foundations but rather that *on average* a higher percentage of the operating budgets of advocacy organizations representing these groups will come from foundation funding than organizations representing other social groups.

Reliance on philanthropic foundations for funding is not simply a matter of where an organization's money comes from. It also has implications for the tax status of the organization. Foundations are a form of public charity under the I.R.S. tax code and are most likely to give to other public charities. Advocacy organizations are almost always nonprofit organizations – meaning that the organization does not have to pay taxes on its income – but not all nonprofit organizations are public charities. This designation is one of several tax statuses available when creating a nonprofit. Table 2.1 compares the four most common tax status options for nonprofit advocacy organizations under Internal Revenue Service Code Section 501(c). It describes the types of groups eligible for each status, whether donations made to the organization under

each status are tax deductible as charitable contributions or business expenses, and any restrictions on political activity associated with the choice of that classification.

IRS Section	Which Groups	Tax Deductible?	Political Activity
501(c)(3)	Religious, Educational, Charitable, Scientific, Literary, Testing for Public Safety, to Foster Sports Competition, or Prevention of Cruelty	Yes, as charitable contribution	Cannot devote substantial amount of effort to lobbying for legislation Cannot directly or indirectly engage in political campaigning for or against any candidate
501(c)(4)	Civic Leagues, Social Welfare Organizations, and Local Associations of Employees	No	Can lobby and engage in political campaigns so long as the organization exists primarily to promote social welfare
501(c)(5)	Labor, Agricultural, and Horticultural Organizations	Possibly, as business expenses	Not restricted
501(c)(6)	Business Leagues, Chambers of Commerce, Real Estate Boards, Etc.	Partially, as business expenses No deduction for the part of dues or contribution that funds political activities	May lobby for the enactment of laws to advance the common business interests of the organization's members No restrictions on other activities

Table 2.1: Common Tax Statuses for Nonprofit Advocacy Organizations

IRS Publication 557 (January 2018)

The 501(c)(3) status is the one for public charities. It is the only tax status for which contributions are tax deductible for donors as charitable contributions. It is also the status with the most severe restrictions on political activity. Organizations that are tax exempt under section 501(c)(3) of the Internal Revenue Code cannot devote a substantial amount of their activities to attempting to influence legislation. According to the IRS:

Legislation includes action by Congress, any state legislature, any local council, or similar governing body, with respect to acts, bills, resolutions, or similar items (such as legislative confirmation of appointive office), or by the public in referendum, ballot initiative, constitutional amendment, or similar procedure. It does not include actions by executive, judicial, or administrative bodies.¹⁹

The general test for whether attempts to influence legislation are substantial looks at both time and money spent on such efforts. The IRS offers an alternative expenditure test which allows small organizations (those with budgets under \$500,000), to spend up to 20% of their total tax-exempt budget on these efforts, with the al-

¹⁹<https://www.irs.gov/charities-non-profits/lobbying>

lowed proportion of expenditure decreasing as the size of the organization's budget increases.²⁰

The rationale for the lobbying restriction is that tax deductibility of charitable donations is a form government subsidy (Berry 2003b). The donation costs the giver less than it would if it were not deductible and the organization receives the benefit of that difference. The argument is that the government should not subsidize lobbying. Whatever one thinks of this argument, it is worth noting that charitable donations are not the only subsidy of this type. Membership dues for unions and professional association are often deductible as a business expense.²¹ Organizations receiving that type of subsidies are not subject to the same lobbying restrictions, undermining the rationale.

Private foundations are generally 501(c)(3) organizations themselves. Not only can foundations not use a substantial portion of their own resources to advance legislation, they are also prohibited by IRS rules from making tax-exempt grants to nonprofit organizations for lobbying. Although they can give to projects that also include lobbying, the foundation's grant cannot exceed the total cost of the non-lobbying aspects of the project.²² If the expectation that advocacy organizations representing disenfranchised groups will be more likely to be dependent on founda-

²⁰<https://www.irs.gov/charities-non-profits/measuring-lobbying-activity-expenditure-test>

²¹Recent changes in tax law have impacted the ability to deduct contributions to organizations incorporated under the other two most common tax statuses, 501(c)(5), which is most frequently used by labor unions – for example the American Federation of Teachers and the United Automobile Workers – and 501(c)(6), which is most frequently used by professional associations and business leagues – for example the American Bar Association and the Chamber of Commerce. Through 2017, businesses and the self-employed were able to deduct such fees as business expenses, and employees were able to deduct dues or fees that were not reimbursed by their employers. However, as a result of the Tax Cuts and Jobs Act (TCJA) passed in December, 2017, the deduction is no longer available to employees, at least until 2025. It is still available to the self employed and to businesses. This creates further distinctions. Dues for labor unions, which may be antagonistic to employers and which have primarily employee members, are now largely ineligible for deduction. On the other hand, professional associations that serve solo practitioners or professionals whose interests more generally aligned with their employers, such as doctors and lawyers, are still usually deductible as business expenses.

²²<https://www.irs.gov/charities-non-profits/charitable-organizations/specific-project-grants-lobbying-exception>

tion funding than organizations representing other groups is correct, we should also expect that they will be more likely than other organizations to be incorporated under IRS section 501(c)(3). Again, this expectation is on average. Lots of nonprofits are incorporated as 501(c)(3)s – the expectation here is that groups representing people without the right to vote are less likely than those representing other social groups to avail themselves of any other nonprofit tax status.

One way groups can get around the lobbying restriction if they are committed to doing more extensive legislative advocacy is to have a split organization: a 501(c)(3) organization for non-lobbying activities, the donations to which will be fully tax deductible, and an affiliated 501(c)(4), a status that allows lobbying but does *not* allow for tax deductible donations. As an example, the ACLU uses this type of split organization; most donations to ACLU are not tax deductible and can be used for any of their public policy work; you cannot make a tax deductible donation unless you specifically select that option, and the uses of these donations will be more limited.²³ Similarly, the AARP is a 501(c)(4) organization with an associated 501(c)(3). For this type of arrangement to be a viable alternative, organizations must have a broad base of supporters who are committed enough to their cause to forgo the tax deduction. Membership organizations are most likely to have such a base of supporters. If the expectations laid out above are correct and organizations representing the unenfranchised are least likely to be membership organizations and most likely to be reliant on foundation funding, then we should also expect that they will be least able to fund a split organization.

These expectations about funding and tax status have important implications for the work of advocacy organizations. An organization representing a group that is identified by its members' shared profession can incorporate as a 501(c)(6), its members may be able to deduct dues as a business expense, and there will be few

²³https://action.aclu.org/donate-aclu?ms=web_horiz_nav_hp

limitations on its public policy advocacy activities. In contrast, advocacy organizations that represent groups identified by other characteristics, such as age, sex, race, or legal status, can incorporate as either a 501(c)(3), a 501(c)(4), or a combination of the two. The 501(c)(4) would be more flexible in terms of the public policy advocacy that would be permissible, but use of this form depends on having sufficient sources of support that are willing to contribute to the organization without receiving a tax deduction. This perpetuates political inequalities. Those with the most resources – business people, professionals, and groups with easier access to funds – have the fewest restrictions on the political activities of the advocacy organizations that represent them. Marginalized groups, such as those without the right to vote, depend on philanthropic foundations and charitable donations, and have their advocacy work restricted as a result. These restrictions matter. [Leech \(2006\)](#) found that groups with 501(c)(3) status engaged in legislative advocacy significantly less than other types of interest group organizations. [Berry \(2003b\)](#) found that the restriction scared some nonprofits off of advocacy all together; many misconstrue the meaning of the restriction and read it as a ban on any kind of policy work.

It is important to note that restriction does not mean a complete lack of activity. Many organizations that have a 501(c)(3) status can and do engage in legislative advocacy ([Berry 1977](#)). Much of the activity that lobbyists do can be considered policy education rather than attempts to influence specific legislation. Sophisticated organizations that are committed to improving public policies that affect the people they represent can structure their activities to emphasize education and assistance that indirectly further policy goals, while keeping direct attempts to influence legislation below the required thresholds. However, many 501(c)(3) nonprofits are uninformed or misinformed about the legal details of the restriction and thus constrain their own activity more than the law requires ([Berry 2003b](#)). Further, those 501(c)(3) organizations that do embrace legislative advocacy have to be more careful than organizations

with other tax statuses or risk losing their ability to take tax deductible charitable donations. This risk is most substantial when controversial issues are at stake. For example, the Sierra Club lost its 501(c)(3) status in a contentious fight over the damming of rivers (Young 2010).

If the expectations that organizations representing the unenfranchised are more likely to be incorporated 501(c)(3)s and to be reliant on foundation funding are correct, evidence from Berry (2003b) and Leech (2006) suggests that we should expect differences in advocacy as well. Specifically, we should expect that advocacy organizations representing the unenfranchised will devote less of their policy activity to legislative lobbying than organizations representing other social groups. Again, this does not mean that we should not expect them to engage in *any* lobbying. Previous studies of interest groups have found that most of the activities associated with legislative advocacy are engaged in by almost all groups (Baumgartner and Leech 1998). Thus, we should expect to see differences in the frequency or prioritization of legislative advocacy rather than the whether it is used at all.

2.5.2 Prioritization of Other Advocacy Tactics

The previous section argued that funding sources and tax status shape and constrain the advocacy options available to organizations, they are not the only factors that matter. Interest group scholars who have investigated the work of advocacy organizations have identified some key differences in how different types of groups engage in the policy making process. The biggest differences have been found between professional or economic interests and citizens' groups. Early studies showed that organizations representing professional and economic interests have long been thought to favor "inside" strategies – building close relationships with lawmakers, providing expertise, and providing campaign contributions – while organizations representing citizens' groups tend to favor "outside" strategies – appealing to the general pub-

lic through the media and through grassroots actions and organizing (Walker 1991, Schlozman and Tierney 1986). More recent studies suggest that some convergence in tactics may have occurred over the years. Kollman (1998) found that inside strategies have become common for all types of groups, but that public interest groups and labor unions are still most likely to use outside strategies. Cameron et al. (2017) documented a shift in outside strategies as well, finding that the relatively recent trend has been for all types of groups to make heavy use of outside strategies.

Similar trends appear in studies of the use of litigation. Early studies of the civil rights and liberties cases advanced the “political disadvantage theory,” which posits that groups that are disadvantaged in the political process, for example because they are unpopular or because their voting rights are restricted, are likely to turn to the courts as a matter of necessity (Vose 1959, Cortner 1968). As Cortner (1968) argued, for groups lacking political power, “[i]f they are to succeed at all in the pursuit of their goals they are almost compelled to resort to litigation.” However, even the early scholars acknowledged that other groups also use litigation strategies. Subsequent studies have found that while citizens’ groups turn to the courts more frequently than business or professional groups, powerful groups also turn to the courts to reinforce policy gains achieved in the political branches (Olson 1990, Epstein 1991). Grossmann (2012) found that certain constituencies were more active in the courts than others, particularly unions, professional groups, and environmental groups, but all types of constituencies have at least some involvement in litigation.

Increasingly, the literature indicates that advocacy organizations representing all kinds of groups are engaged to some degree or another in both inside and outside strategies, and in advocacy across the spectrum of available policy making venues (Grossmann 2012). Groups are likely to work in venues that are already considering their interests (Holyoke, Brown and Henig 2012). Even if advocacy organizations do not expect a favorable reception in a particular policy venue, they should be expected

to invest some level of effort there if policymakers in that venue are considering issues that affect the groups they represent. This suggests that advocacy organizations are not so much choosing *which* tactics to use, but rather they are choosing how to *prioritize* their time among the many different tactics involved in their work. As strategic actors, advocacy organizations seeking to advance the interests of their constituencies should be expected to prioritize the advocacy tactics and venues that are most likely to be successful, while investing enough effort in other venues to defend against policies that might be harmful to their group. The literature suggests that, with respect to these prioritization decisions, we should expect to see differences between advocacy organizations representing groups based on their occupation or profession and those representing citizens' groups. But there is also reason to believe that we should also expect to see differences between advocacy organizations representing voters and those representing people who are unenfranchised.

Advocacy organizations representing the unenfranchised are a subset of citizens' groups, and citizens' groups are expected to prioritize outside strategies. Further, [Baumgartner et al. \(2009\)](#) found that those challenging the policy status quo are more likely to use outside strategies. They argued that the policy status quo reflects existing power dynamics in society, because the powerful have already gotten what they wanted in previous rounds of policymaking. Unenfranchised people's lack of traditional political power makes them more likely to be status quo challengers and thus more likely to use outside strategies. However, not all outside strategies are easily available to organizations representing the unenfranchised. For example, because of the limitations on many unenfranchised people's freedom of movement, to organize a protest or demonstration, advocacy organizations would need to convince others – voters – that participation was worthwhile. Thus, to use certain outside strategies like protests, advocacy organizations representing the unenfranchised first have to persuade members of the voting public to take up their cause. This means that we

should expect them to prioritize strategies that could convince the public that their issues are important and that they are on the right side of those issues. Convincing voters to support the cause is what Schattschneider (1975) called “expanding the conflict.” By increasing the number of people informed about and interested in the issue, conflict expansion puts pressure on elected officials. Elected officials often act to avoid anticipated punishment at the polls (Arnold 1992). Whether through polling numbers or direct contact from voters, evidence that the public is behind a groups’ position is a powerful tool for any advocacy organization, but it is a particularly critical for those representing the unenfranchised. For most groups, when the general public opposes their position, they can still point to their own votes as a more limited form of threat to policy makers’ reelection. For the unenfranchised, this tactic is not available to fall back on.

The media provides a particularly useful way engage public sympathy for a cause. The media can reach more voters more quickly and efficiently than an organization could through its own outreach efforts. Additionally, it can be a relatively cheap strategy if the issue is easy to understand and compelling. Reporters are always on the lookout for good stories. Issues affecting the unenfranchised are likely to make good stories; they often involve questions of justice or cultural values that can attract journalistic attention. For all of these reasons, advocacy organizations representing the unenfranchised are expected to place higher priority on the use of media and public education, compared with advocacy organizations representing other groups. Because business and professional groups have been found to use outside strategies less overall (Walker 1991, Kollman 1998), we should expect to see advocacy organizations representing the unenfranchised to be most distinct from those representing such groups. However, they should also use media more than other citizens’ groups.

Not every interest of the unenfranchised can be effectively addressed through appeals to the public. Some issues may be too technical or unpopular to make members

of the voting public useful allies. In such cases, advocacy organizations need to go directly to policymakers. Political disadvantage theory suggests that the courts are the preferred venue for direct policy advocacy for the powerless. Early studies of the civil rights and liberties cases provide the basis for political disadvantage theory, which posits that groups that are disadvantaged in the political process, for example because they are unpopular or because their voting rights are restricted, are likely to turn to the courts as a matter of necessity (Cortner 1968). Political disadvantage theory arose primarily from case studies, but there are a number of institutional features of courts that support its assertion that courts are more likely to be receptive to disadvantaged groups than other branches of government. First and foremost is the right of access. A fundamental feature of courts is that, so long as standing and procedural requirements are met, parties have the right to present evidence and arguments in support of their positions (Fuller and Winston 1978, Zemans 1983). In contrast, legislators and the executive may choose those from whom they wish to hear. They may prefer to grant hearings to those who are able to offer electoral support or campaign contributions or those who are politically favored. Further, the process by which courts receive and consider evidence is clear and understood in advance – it is less subject to outside forces (Horowitz 2010). Another reason the courts may be preferred by the disadvantaged is that judges are supposed to make decisions by reasoned application legal principles, rather than the will of the majority. Not only does this increase an unpopular group’s chances of success, it can also give judicial opinions a moral authority that may consolidate coalitions or move public opinion (Silverstein 2009). Finally, courts have expressly acknowledged their role in protecting the rights of “discrete and insular minorities.”²⁴ To the extent that courts take this role seriously, it increases disadvantaged groups chances of success.

²⁴*United States v. Carolene Products Company*, 304 U.S. 144 (1938).

Despite its grounding in historical cases and its connection to institutional characteristics of the courts, political disadvantage theory fell out of favor as scholars began to focus on the other actors that also seek policy from the courts (Olson 1990). Perhaps the biggest challenge came to the theory came from the work of Galanter (1974), who argued that litigation favors the advantaged rather than the disadvantaged, because repeat players like businesses and governments are able to come back to the court again and again until they get the policy they seek. In Galanter's view, disadvantaged group have fewer opportunities to come before the court and thus stand to gain less from litigation. A different sort of challenge came from scholars like Rosenberg (2008), who argued that courts are an ineffective way to make lasting policy change. However, these critiques do not necessarily mean that an advocacy organization representing politically disadvantaged groups should not turn to the courts. For prioritization of litigation as an advocacy strategy to make sense, it does not have to have a high chance of success. It merely needs to have a higher chance of success than other alternatives available to the group. For example, if an organization believes it has a 1% change of success in the courts and a 0.1% chance of success in the legislature, it is not irrational to turn to the courts rather than the legislature, even though the change of success is very low. Similarly, a group that turns to litigation may not do so because it believes it is the best way to make lasting social change. It may use litigation to put pressure on elected or appointed officials to pay attention to the group's issues. Alternately, it may believe that litigation offers the best immediate opportunity to achieve a positive policy pronouncement on which it can build its longer-term efforts.

Given the layers of political disadvantage facing the unenfranchised, if political disadvantage theory applies to anyone in modern policy making, it should apply to them. Thus, the next expectation is that advocacy organizations representing the unenfranchised will place higher priority on litigation, compared with advocacy or-

ganizations representing other groups. Remember that of the expectations about the prioritization of advocacy tactics concern the relative weight that advocacy organizations place on different advocacy tactics. They do not suggest that only advocacy organizations representing the unenfranchised appeal to the media or engage in litigation or that these are the *only* advocacy strategies such organizations should be expected to use. Rather, they reflect the expectation that advocacy organizations representing all types of groups will use all available strategies, but there will be differences in the amount of advocacy effort devoted to each, depending on the nature of their constituencies.

2.5.3 Social Construction's Impact on Prioritization of Advocacy Tactics

So far, the expectations laid out concern differences between organizations representing the unenfranchised and organizations representing other types of groups. Should we also expect differences among the different groups that are unenfranchised? While these groups share a number of political disadvantages, they are different in many ways. One notable way they differ is in their social construction.

While not conceived as a model for prioritization of tactics, [Schneider and Ingram's \(1993\)](#) theory of the social construction of target populations has implications for how advocacy organizations might approach prioritization of their work. The theory speaks most directly to the likely policy outcomes for different constituencies in the political branches of government. However, if we assume that the leaders and staff of advocacy organizations are rational and strategic in their actions, we should expect them to allocate their efforts to maximize their chances for successful policy development on behalf of their constituencies. Therefore, the outcomes they expect their constituencies to achieve in the political branches, based on their social construction as target populations, should inform how much they prioritize work in

those branches and how much they use alternative advocacy tactics. Further, social construction may shape *which* alternative tactics an organization favors.

A target population is the group toward whom a policy intervention is targeted. When Schneider and Ingram refer to the social construction of a target population, they mean, “(1) the recognition of the shared characteristics that distinguish a target population as socially meaningful, and (2) the attribution of specific, valence-oriented values, symbols, and images to the characteristics” (355). According to their theory, social constructions shape the definition of policy problems and also become embedded in the policy solutions themselves, with significant implications. By embedding a construction of a group into a policy, the government sends messages about “which citizens are deserving (and which are not), and what kinds of attitudes and participatory patterns are appropriate in a democratic society” (334). Schneider and Ingram propose that a negatively constructed group may receive messages through policy that “encourage withdrawal or passivity.”

Schneider and Ingram point to two key motivations of public officials in the creation of policy: reelection and effectiveness in solving public problems. Reelection concerns, most relevant to legislators, but also to the executive, affect the selection of target populations in two ways. First, public officials may be concerned about the reaction of the target population itself – concerns that are particularly relevant for groups with electoral power – and second, they may be concerned about whether the general public will approve or disapprove of the policy being directed toward the target. In Schneider and Ingram’s model, the positive or negative constructions of groups interact with their levels of power to create four types of target populations, which they label advantaged, contenders, dependents, and deviants.²⁵ Their typology, with examples of groups falling under each type, is displayed in Figure 2.3.

²⁵Deviant is used in the model and throughout this dissertation to connote public disapproval of groups, not as any reflection of their inherent value.

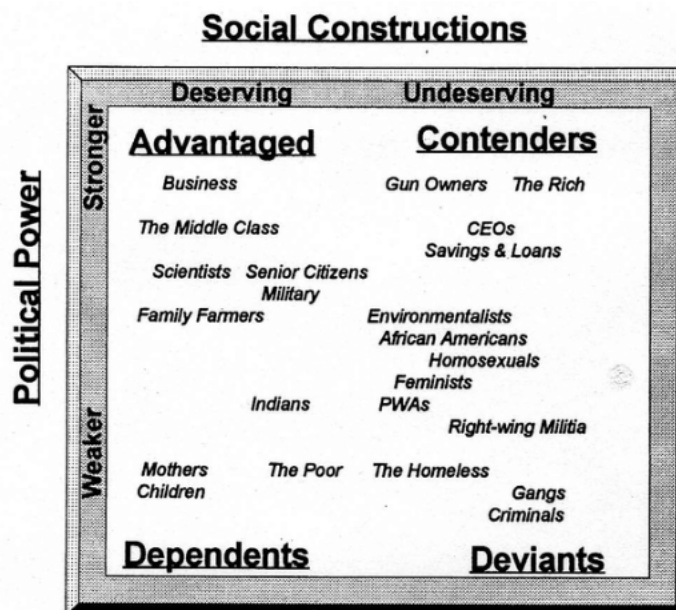


Figure 2.3: Schneider and Ingram's (1997) Typology of the Social Construction of Target Populations.

Note that all of the unenfranchised groups would fall in the lower two quadrants because they lack political power. They are split between left and right columns; children and the severely intellectually disabled are in the “dependent” quadrant, and people disenfranchised due to felonies are in the “deviant” quadrant. Although Schneider and Ingram did not include them in their examples, current political discourse suggests that non-citizens fall somewhere in the middle, with undocumented non-citizens being further to the right.

Schneider and Ingram posit that the categories of target populations will have the following effects on political policy decisions and different groups' feelings of efficacy in that process:

- **Advantaged groups** will exercise a lot of influence in the political process. They will tend to receive policy benefits even when another group might be more logically connected to the problem. They will receive a high proportion of benefits and a low proportion of burdens from policies and will tend to view the political process as fair.

- **Contenders** have less influence. Although they will receive benefits, policymakers will try to keep these benefits hidden. They will be given burdens, though these will be largely symbolic. They will tend to be cynical about the political process.
- **Dependents** have even less influence in the political process. They will tend to get fewer benefits than a neutral evaluation of a problem might suggest is appropriate, and the benefits they do receive may be largely symbolic. They will tend to view the policy process as uninterested in their problems, leaving them to depend on the generosity of others.
- **Deviants** have no influence in the political process. They will receive very few benefits and a disproportionate share of burdens. They will tend to view government as unpredictable and arbitrary.

The political process envisioned by this model is most equivalent to the legislative process; its policymakers are defining a problem and an appropriate solution and are worried about re-election. Courts have less flexibility in defining problems and solutions – the litigants and the applicable law play significant roles in shaping the options before them. Similarly, administrative agencies are constrained by their enabling statutes in ways that legislatures are not. In the federal system, at least, neither judges nor administrative staffers face re-election.

If we view [Schneider and Ingram's \(1993\)](#) model as speaking to what different groups can expect from the legislative process, then it would be reasonable to expect experienced advocacy organizations to respond to those expectations strategically, with several implications for how they approach their advocacy work. First, the model predicts that there will be legislative activity on behalf of all the groups. Because groups are generally expected to engage in venues that are already considering their interests ([Holyoke, Brown and Henig 2012](#)), it is likely that advocacy organizations

representing all groups will be involved in the legislative process to some degree. This is consistent with the nearly universal participation of advocacy organizations in legislative hearings found by previous studies (Schlozman and Tierney 1986, Nownes and Freeman 1998). However, because not all groups experience the same success in the legislature, some groups may value their work in that venue more than others. In particular, groups with power tend to receive benefits. The advantaged derive benefits and think the process is fair; contenders are more cynical but still likely to receive benefits. In contrast, those who lack power are expected to view the legislative process as indifferent (for dependents) or even hostile (for deviants) to their interests. Thus, we should see all groups engage in legislative advocacy, but groups with more power should prioritize legislative work more relative to groups with low power, such as non-voters.

Second, the model provides reason to expect different venue choice behavior *among* the different unenfranchised groups . Groups that lack power and have a negative construction (deviants) are not expected, under the model, to receive any benefits from legislation – only burdens. This suggests that it might not be a fruitful strategy for such groups to engage in a proactive legislative agenda; resources may be better spent elsewhere. Instead, these groups’ engagement in the legislature will be primarily reactive and of a defensive nature – trying to preserve the status quo or keep the worst out of new legislation. In contrast, legislators are expected under the model to want to give some benefits to those groups with more positive constructions (the dependents). Advocacy organizations representing these groups may wish to engage more actively in the legislative process in order to get the most out of those benefits.

For purposes of comparison, we may think of legislative involvement as a continuum, with different expectations for groups with different social constructions. Social groups with electoral power and positive constructions, such as the elderly or veterans would be expected under Schneider and Ingram’s model to have robust engagement

with the legislature and have expectations for positive results. Social groups with electoral power but less positive social constructions, would also be expected to have robust engagement, but less positive expectations. Social groups lacking electoral power but having positive constructions, such as children and the severely disabled, should be expected to engage less in legislative advocacy than the first two groups, but to still be attentive to opportunities in that policy making arena. Finally, groups lacking electoral power and having negative constructions should be expected to have the least engagement in legislative advocacy, and the lowest expectations for positive results.

Third, [Schneider and Ingram's \(1993\)](#) model suggests that for all those lacking electoral power, legislative opportunities are limited. Thus, consistent with the expectations of political disadvantage theory, all unenfranchised groups should be likely to turn to other policy making venues, particularly those that are open to anyone who meets the formal filing requirements, specifically the courts. These effects are expected to be strongest among organizations representing deviant groups, as the courts are expected to be their best option for positive policy development.

A target populations analysis also has implications for choices between inside and outside strategies. Because they are already positively viewed and legislative strategies tend to be fruitful for them, advantaged groups should favor inside lobbying over other outside lobbying. [Kollman \(1998\)](#) found that interest groups sometimes use outside lobbying to influence the popularity of a position or a constituency through education. He noted that this approach was most important for “groups without ready access to mainstream or powerful policymakers” (107). In other words, consistent with the expectations in the previous section, groups that lack power may seek to expand to conflict to influence policymakers indirectly by getting constituents on their side. However, [Baumgartner et al. \(2009\)](#), 127) noted, “Grassroots (media) efforts only effective at spurring legislative action if they succeed in getting people riled up.”

Further, raising the salience of an issue in this way “creates a less predictable context for advocates because the audience is bigger and more diverse“ (121). An unpopular group could run the risk of alerting the public to an issue that people feel strongly about but on which the public is on the other side of the issue. If going to the media means taking the risk of creating active opposition, not just support, it may not be an advantageous strategy. Thus, a media strategy should be more appealing to groups about which the public feels more positively. Thus, the final expectation is that positively constructed unenfranchised groups (dependents) should be most likely to prioritize media advocacy. To the extent that deviant groups use a media strategy, it may be more likely to be aimed at changing the overall perception of the group in the long term, rather than seeking a shorter term policy goal.

2.6 Summary and Conclusion

The unenfranchised make up almost a third of the U.S. population. People are denied the right to vote for a variety of reasons – age, lack of citizenship, criminal convictions, and mental incapacity. unenfranchised people share a number of overlapping political disadvantages that lead them to have to rely on advocacy organizations for representation in the policy process.

The existing literature cannot adequately account for how or why advocacy organizations form to represent unenfranchised populations. Chapter 4 will build greater understanding of this under-theorized area by using grounded theory to qualitatively analyze origin stories told in the interviews. It will also use survey and interview data to test the expectation that organizations representing the unenfranchised are less likely than other types of groups to be descriptively representative of their constituencies.

Although the literature does not explain the development of advocacy organizations representing the unenfranchised, it does suggest some structural features we should expect these advocacy organizations to share. Specifically, this chapter has argued that we should expect that advocacy organizations representing people who lack the right to vote will be more likely than advocacy organizations that represent other groups to depend on philanthropic foundations for funding and to be incorporated under IRS section 501(c)(3). These expectations will be tested in Chapter 5.

The funding and tax status expectations have implications for organization's selection of advocacy tactics as well. In particular, the limitation on lobbying that accompanies the 501(c)(3) tax status leads to the expectation that organizations representing the unenfranchised will place a lower priority on legislative advocacy than organizations representing other types of groups. Expectations about prioritization of other types of advocacy tactics were more difficult to tease out. Organizations representing the unenfranchised are not considered separately in the literature on interest groups' use of different advocacy tactics. Instead they are included with all other citizens' groups. However, this literature does give us some foundation on which to based expectations. In particular, this chapter used political disadvantage theory to argue that organizations representing the unenfranchised should be expected to place higher priority on litigation strategies than other groups. It also used the literature on outside lobbying as the basis for the expectation that organizations representing the unenfranchised will place higher priority on advocacy for the media than other groups. These expectations will be tested in Chapter 6.

Finally, while the groups that are unenfranchised share many political disadvantages, they are also different from each other in many ways. One of the most important differences is their social construction. This chapter argued that social construction also shapes how advocacy organizations prioritize advocacy tactics. It asserts that

organizations representing unenfranchised groups with negative social constructions should place a lower priority on legislative advocacy and a higher priority on litigation than other groups. Those representing unenfranchised groups with positive social construction should place the highest priority on advocacy through the media. These expectatons will be tested in Chapter 7.

Chapter 3 Data Sources

Chapter 2 laid out ways in which advocacy organizations that represent unenfranchised groups should be expected to be different from advocacy organizations representing other groups. Testing these expectations requires information on both advocacy organizations that focus primarily on the needs and interests of people without the right to vote, and those that focus on the needs and interests of groups of people that are connected by some other characteristic, such as occupation, gender, race/ethnicity, age, or other interests. An experiment would provide the clearest way to assess whether the nature of a group – particularly whether that group consists of people with the right to vote – *causes* differences in how advocacy organizations are structured, funded, and do their advocacy work. Such an experiment might involve randomly assigning policy entrepreneurs different types of groups to represent and watching how they develop advocacy organizations over time. However, conducting this kind of experiment would be impractical and likely unethical. Therefore, a different research design is necessary.

Existing studies of advocacy organizations have taken two main approaches. The most common approach by far has been to ask the organizations for information through surveys, interviews, or a combination of the two. This approach provides the foundation for seminal studies by [Schlozman and Tierney \(1986\)](#), [Berry \(2003b\)](#), [Walker \(1991\)](#), and [Strolovitch \(2008\)](#), as well as many others. The second approach is to use publicly available data sources, such as media coverage and congressional records, to analyze organizations' activities. This approach has been used by [Berry \(1999\)](#) and [Grossmann \(2012\)](#), among others. Both approaches have advantages and disadvantages. Surveys and interviews allow the researcher to gain insights about

activities and motivations that may not be directly observable. On the other hand, surveys and interviews are subject to response bias. Using publicly available data eliminates concerns about response bias but is limited by what is observable and what public sources choose to document.

Many of the questions central to this study are difficult to answer using observational data. For example, the advocacy hypotheses are not about whether or how much organizations work in a particular policymaking venue; they are about how advocacy organizations prioritize among the many advocacy tactics available to them. Observable data such as counts of how often an organization testifies before a committee cannot tell the full story of an organization's prioritization of legislative advocacy. Many common lobbying activities, such as meetings with individual legislators and their staff, often happen behind closed doors. Moreover, in some instances effective closed door meetings may eliminate or reduce the need for public testimony. Even if an observable measure were to provide an accurate reflection of an organization's use of a particular advocacy tactic, evaluating prioritization would require similar measures for every advocacy tactic the organization could be using. For this reason, this study follows the majority of the interest group literature by basing the majority of its analysis on an original survey of advocacy organizations and interviews with a subset of survey respondents. Creating my own survey allowed me to ask questions specifically designed to understand the type of group an organization represents and the ways in which they do their work. Conducting interviews allowed me to follow up on survey responses, providing a more nuanced view of how and why the organizations do what they do. To create a random sample of nonprofit organizations, I used data from the tax filings of all private charities and other not-for-profit organizations compiled by the National Center for Charitable Statistics (NCCS). This data is also used for comparisons between the survey sample and the full universe of nonprofits.

While it does not eliminate concerns about selection bias, using this data can at least help us to estimate the extent of that bias.

This chapter provides detailed information about the data sources that form the empirical basis for this study. It begins by clarifying the type of organizations on which the study focuses and the criteria used to determine whether a given organization fell within the scope of the study. It then describes the NCCS data. Next, it details the survey methodology and data. Then, it outlines how the primary comparison categories for the study – unenfranchised, other citizens’ groups, and professional organizations – are defined and determined in analyses based on the survey data. Finally, it describes the interview methodology and provides descriptive information about the organizations that were interviewed.

3.1 Criteria for Inclusion in the Study

As chapter 2 stated, this study focuses on nonprofit advocacy organizations that represent discrete populations in the U.S. policymaking process. Specifically, this study focuses on organizations that meet the following five criteria. The organization must:

1. Be registered with the I.R.S. as nonprofits;
2. Have revenues of at least \$50,000 a year;
3. Actively seek to influence public policy;
4. Focus on domestic rather than foreign policy; and
5. Represent the interests of one or more discrete social group(s)

Because this study is focused on the representation of groups of people rather than business, the first criterion excludes for-profit organizations. Most advocacy organizations that regularly represent discrete social groups in the U.S. are registered with

the I.R.S. Including this requirement excludes temporary or one-time advocacy efforts, keeping the focus on organizations that are committed enough to advocacy to go through the process of incorporation. The second criterion is important for two reasons. First, \$50,000 is the minimum revenue threshold for the requirement to file a tax form with the IRS; organizations that have lower revenues are not required to file. Some organizations with lower revenues chose to file anyway, but not all do. As a result, the NCCS dataset does not include the full population of organizations with lower revenue. To the degree that the NCCS data is used to compare survey respondents to the full population of nonprofits, including organizations below the revenue threshold could distort results. The second reason the \$50,000 threshold is important is that it provides a baseline indication of advocacy capacity. Organizations with lower revenues are unlikely to have the organizational resources to effectively participate in policy advocacy.

The third criterion requires that attempting to influence public policy be part of the organization's mission. Organizations that function primarily as service organizations but also do some policy advocacy are within the scope of this study. Organizations that only engage in service provision and do not engage in policy advocacy are not. Because the study focuses on the representation of the interests of people living in the U.S., the fourth criterion excludes organizations that focus exclusively on foreign policy. An organization that engages in some foreign policy advocacy in addition to its domestic policy work would be within the scope of the study. For example, a national organization that represents human trafficking victims and survivors participated in the survey and the interviews. This organization is primarily focused on policy affecting victims living in the U.S., but does also sometimes lobby the State Department regarding international trafficking issues. The final criterion is included to provide the ability to assess how the characteristics of the population an advocacy organization represents affects its characteristics and advocacy choices. Organizations

that claim to work on behalf of all Americans rather than a particular group within the population are excluded under this criterion. Similarly, organizations that focus on issues that are not specific to a particular social group are excluded.

3.2 NCCS Data

Every not-for-profit organization registered with the Internal Revenue Service that is not a church and has revenues of at least \$50,000 a year is required to file a tax form 990 each year. In exchange for the benefit of tax exemption, the government requires transparency of some financial information; therefore these filings are public. The NCCS compiled annual datasets with the key information from these tax filings from 1989 to 2015. These datasets represent the universe of nonprofit organizations meeting the revenue threshold for filing that were active in the U.S. in each of those years. NCCS produced three separate data files for each filing year – one for charitable organizations that hold a 501(c)(3) status, one for charitable foundations, and one for all other nonprofit entities. The first and third of these were used for all of the analyses in this dissertation. Foundations do sometimes engage in forms of advocacy, but they operate under a different set of incentives and constraints than the organizations that are the focus of this study. The NCCS datasets contain information such as each organization's name and location, its revenues, the size of its staff, and the amount that it pays to its officers and other employees. These datasets offer a glimpse into how large the nonprofit sector really is. Excluding foundations, in 2015 over 425,000 charitable organizations incorporated as 501(c)(3)s filed form 990s, as did almost 150,000 nonprofit organizations incorporated under some other IRS designation.

Of course, not all of these are advocacy organizations. Many of the 501(c)(3) charities focus all of their efforts on providing services rather than advocacy. Similarly, organizations falling under other IRS designations may focus on recreation, training,

or certification without any policy advocacy efforts. Therefore, the dataset needed to be filtered to meet the criteria for inclusion in the study. All organizations included in the NCCS datasets meet the first criterion. Filtering by revenue provides a dataset that meets the second criterion. Doing so reveals that almost 113,000 501(c)(3)s and almost 34,000 organizations under some other IRS designation filed form 990s in 2015 despite falling below the revenue threshold to be required to do so. Removing these organizations leaves over 430,000 total nonprofit organizations that met the first two criteria for this study in 2015.

In order to identify the organizations that meet the final three criteria, we need to know something about what the organizations do. The best tool for this is the National Taxonomy of Exempt Entities (NTEE) codes that the NCCS datasets include for each organization. The NTEE system is used by the IRS and NCCS to classify nonprofit organizations by their primary activities. Like any classification system, this one is imperfect,¹ but its standardization and use by both NCCS and the IRS makes it the best available option for finding organizations that fit within the study parameters. NTEE codes, a complete list of which can be found in Appendix A1, have both an alphabetical and numeric component. The alphabetical component indicates the broad subject matter with which the organization is concerned. For example, education-related organizations have NTEE codes beginning with B, and healthcare-related organizations have NTEE codes beginning with E. The numerical component identifies the specific focus of the organization within that broad subject matter. Some of the numeric components repeat in each subject matter area. For example, B01 denotes educational advocacy and alliance organizations, and E01 denotes healthcare advocacy and alliance organizations. Other numerical codes are specific

¹The categories are by necessity broad and do not capture the full nuance of the activities of the organizations they describe. Even where the categories fit cleanly, however, they are sometimes misapplied by NCCS or the IRS. For example, in looking up particular organizations, I found that the International Interior Design Association was listed under Q99 (International, Foreign Affairs National Security N.E.C.), and the American Academy of Orthotists and Prosthetists was listed under B20 (Elementary Secondary Schools).

to the sub-field within the broad subject matter area. For example, B24 signifies a focus on primary and elementary school education, and E65 signifies an organ or tissue bank.

Two of the numeric subsections that repeat within every broad subject matter area are likely to be linked to organizations relevant to this study. Subsection 01 always refers to Alliance and Advocacy organizations, which are defined as “organizations whose activities focus on influencing public policy.” While not all of these groups will be trying to influence public policy on behalf of a particular social group, organizations falling under this subsection will be highly likely to meet the third criterion for inclusion in this study – that they actively seek to influence public policy. Subsection 03 always refers to professional societies and associations, defined as learned societies, professional councils, and other organizations that bring together individuals or organizations with a common professional or vocational interest. Organizations falling under this subsection will be highly likely to meet the fifth criterion – representing one or more discrete social groups – though they may not all engage in public policy. Beyond these repeated subsections, there are a number of other specific NTEE codes that seem more likely than others, by their descriptions, to yield relevant organizations. To avoid missing codes that might be less obvious, I also collected the NTEE codes associated with all of the organizations identified by Grossmann (2012) as advocacy organizations active in national policymaking from 1995-2004 to see if there were clusters of codes that should be included. This led me to add several additional codes that I might not have otherwise considered relevant. For example, code S41, refers to chambers of commerce and business leagues. While at first blush this code looks like it refers to organizations representing businesses rather than people, as applied it often refers to associations of business people rather than their firms.

This process yielded a subset of 86 NTEE codes that are most likely to encompass advocacy organizations as defined in this study. When a code was likely to include

both advocacy organizations and other types of organizations, the code was included. For example, some organizations that provide human services, such as homeless shelters, also provide public education and advocacy for the homeless, so NTEE code P85, which encompasses Homeless Centers, was included. A list of the full 86 codes identified for this study can be found in Appendix A2. When the NCCS data for 2015 is subsetted to just the organizations reporting at least \$50,000 in revenue and falling in one of the 86 identified NTEE codes, we are left with 25,216 501(c)(3) organizations and 33,548 organizations under some other IRS designation – for a total universe of 60,764 possible advocacy organizations. Note that this includes organizations working at the federal, state, and local levels. Consideration of organizations working at all levels of the federal system is important for this project because many of the policies that affect unenfranchised people in the United States are enacted and implemented at the state level. For example, most people incarcerated in the U.S. have lost their right to vote, and most of them are held in state, as opposed to federal, institutions.² This subset of organizations was used for drawing the random sample of organizations to survey (see below), as well as for analyses that look at the full universe of advocacy organizations.

3.3 Original Survey of Advocacy Organizations

Much of the analysis for this dissertation relies on an original survey of advocacy organizations I fielded in 2018. The survey includes general questions about the organization, such as about its staffing and funding sources, questions about the policy tactics the organization engages in and the frequency with which it uses each tactic, and questions about the organization’s process for making decisions about

²According to the Prison Policy Initiative, in 2020 there are nearly 1.3 million people incarcerated in state prisons, compared to 226,000 people in federal prisons and jails. <https://www.prisonpolicy.org/reports/pie2020.html>.

its public policy work. The survey was administered online through Qualtrix. The full set of survey questions can be found in Appendix A3. The survey was sent to organizations identified in three ways: (1) random sampling from the NCCS subset; (2) presence in the Grossmann's (2012) data; and (3) snowball sampling based on recommendations from interview participants.

The random sample was drawn from the subset of the NCCS data described in the previous section. Organizations incorporated as 501(c)(3)s from the NTEE codes most likely to be associated with representation of unenfranchised groups were over-sampled to ensure that there would be enough of these organizations to make comparisons. Once the sample was generated, I searched the internet for each organization's website. I used the website in two ways. First, I looked at the organization's mission statement to verify that the organization met the survey criteria. In cases where it was unclear, I defaulted to inclusion. Second, I used the website to identify appropriate contact information for use in sending the survey. The vast majority of surveys were sent through email or through a contact form on the organization's website. Overall, surveys were sent to just over 3,900 randomly sampled organizations.

There are many more state-level organizations in the NCCS data than national organizations. To ensure that organizations working at the federal level were adequately represented in the survey, I used the list compiled by Grossmann (2012) of advocacy organizations active in national policy advocacy to supplement the random sample. Grossmann used a variety of sources, including the *Washington Representatives* directory, the *Encyclopedia of Associations*, *The Capital Source*, the *Government Affairs Yellow Book*, *Public Interest Profiles*, and the *Washington Information Directory* to identify the full population of advocacy organizations that actively represented social groups or issue perspectives in national politics from 1995 through 2004. Specifically, he attempted to identify "all organizations with a presence in the Washington area that aspire to represent a section of the public broader than their own institution,

staff, and membership” (187-188). This dataset contained over 1,600 advocacy organizations. I use only a subset of the data because not all of the organizations fit the definition used in this study. In particular, not all represent discrete social groups – many represent issue interests that could affect all Americans, such as environmental concerns or a desire for universal health care. I used the NCCS databases of nonprofit tax filings and the organization’s websites and mission statements to verify that the organizations met the criteria for inclusion in the study defined above. Several of the organizations in the Grossmann dataset came up in the random sample. In all, just over 600 additional organizations received the survey after being identified in this way.

The snowball sample is the smallest proportion of those sent the survey. When I conducted the in-depth interviews described below, I ended each conversation by asking the person I was speaking with if there were other organizations they knew through their advocacy work that they would recommend that I include in the project. Often, the interviewees would make introductions or allow me to use their names when I reached out to the organizations they recommended. Through the snowball method, I sent out approximately 250 additional surveys.

Overall, about 4,750 organizations received the survey. A total of 600 organizations answered enough of the survey to be used for at least some of parts of the analyses in this dissertation, a response rate of approximately 13%. This is a lower rate response rate than previous studies; [Berry \(2003a\)](#) noted that surveys of interest groups have generally had response rates ranging from 17% to 50%; his own had an impressive response rate of 64%. There are a couple of possible explanations for the low response rate for this survey. First, because of the inclusive approach used in vetting the survey sample, many organizations that received the survey may not have actually met the survey criteria. In fact, some of the organizations that received it reached out to say that they do not actually fit the survey parameters, either because

they did not represent a social group (33) or because they did not engage in any of the policy activities described in the survey (31). If 64 took the time to let me know they did not fit the parameters, there are likely many more that had the same reaction but did not reach out. Additionally, I learned in the course of talking to survey request recipients and interviewees that the number of research requests that organizations receive has increased substantially. Some organizations told me that they currently receive two or more survey requests a week and that it is hard for them to keep up with these requests or tell which are from serious researchers and which are not. Finally, several organizations that received the survey expressed that they were uncomfortable answering questions about their advocacy activities because of the advocacy limitations associated with their tax status; there were likely some organizations that did not notify me but were deterred from taking the survey because of the inclusion of these questions.

Because the selection of sample organizations was not fully random and because there may selection bias in the organizations that chose to respond, the organizations that responded to the survey differ from the universe of nonprofit advocacy organizations in at least three ways. First, the organizations are in the middle range of revenue compared to the full dataset of nonprofits. Table 3.1 compares the 2015 revenue of survey respondents to the NCCS subset of likely advocacy organizations. It shows that the mean and maximum revenue of the advocacy organizations in the NCCS subset are larger than those of the sample, but the median is much smaller.

	Mean Revenue	Median Revenue	Maximum Revenue
Survey respondents	\$2.9 million	\$897,986	\$83.5 million
NCCS subset	\$3.059 million	\$263,600	\$34.150 billion

Table 3.1: Comparison of Revenue Reported to the I.R.S. in 2015

The samples are more similar with respect to age. Organizations in the NCCS advocacy organization subset are tend to be slightly older than the those in the survey data, but the difference is not large enough to raise serious bias concerns. The mean

number of years since incorporating with the IRS is 37 in the NCCS subset and 33 in the survey data. The median is 34 for the NCCS subset and 29 for the survey data.

A second way in which the survey sample may differ from the full population of advocacy organizations is that the organizations that responded to the survey are mostly either liberal or neutral in political perspective. Very few organizations that define their mission or population in explicitly conservative terms responded; all the notable national conservative organizations to which I sent the survey either declined to participate or simply never responded. Third, the survey respondents are more highly weighted toward 501(c)(3)s than are the general population of advocacy organizations. In the subset of NCCS data from which my sample was drawn, less than half (41.5%) of advocacy organizations were 501(c)(3)s, and 58.5% had other forms. In contrast, in the survey sample approximately two-thirds are 501(c)(3)s, and about one-third have some other form. This is largely because the research design used an over-sample 501(c)(3) organizations in order to ensure that the final responses included an adequate number of advocacy organizations representing unenfranchised groups to yield sufficient power for analysis. These potential sources of bias should be kept in mind when considering the generalizability of the results presented here.

3.3.1 Measures of Who Organizations Represent

Survey respondents were asked to describe the group or groups they represent. Their responses alleviate the need to rely on NTEE codes to identify the type of constituency an organization represents. Respondents were also asked to estimate the percentage of their advocacy efforts that are specifically directed at advancing the interests of one or more unenfranchised group. Interestingly, many professional organizations that responded considered themselves to use at least some of their advocacy efforts to advance the interests of the unenfranchised. This is most true for professions that serve unenfranchised populations, like K-12 teachers and pediatricians, but it is

not restricted to these groups. The percentage responses are used as a continuous measure of representation of the unenfranchised in some analyses in this dissertation. It allows us to see how organizations' structural features and advocacy tactics change as the percentage of an organization's efforts devoted to the representation of the unenfranchised increase. Figure 3.1 shows the distribution of this variable.

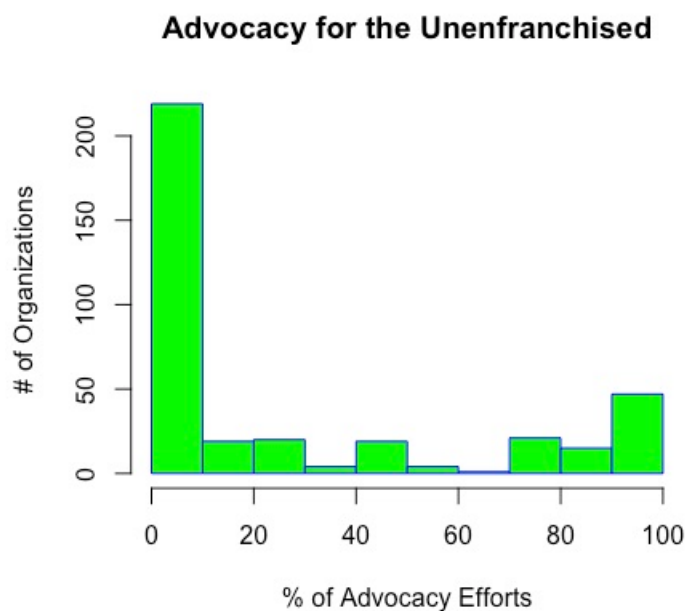


Figure 3.1: Distribution of Advocacy Efforts Organizations Report Devoting to Advocacy on Behalf of the Unenfranchised

Because of the advantages the tax code offers to professional organizations, it is helpful for this analysis to have mutually exclusive, rather than overlapping group measures. All organizations organized around a profession or occupation are coded as professional organizations. This category includes labor unions as well as professional organizations like bar associations, and it comprises approximately 46% of the survey responses. Organizations were coded as representing the unenfranchised if they reported that they spent 75% or more of their advocacy efforts working to advance the interests of one or more disenfranchised group *and* they were not coded as professional organization. The 75% threshold was chosen for two reasons. First, as Figure

1 illustrates, it falls at a natural break in the distribution of the percentage variable. Only 2 organizations gave responses that fell between 60 and 75%. Second, a qualitative examination of organizations' responses to this question in conjunction with the descriptions organizations gave of the groups they represent supports the conclusion that organizations over this thresholds are the ones whose core missions focus on the representation of the unenfranchised. This category includes organizations that focus on representing children and youth, immigrants and refugees, and the currently and formerly incarcerated, and comprises about 17% of the survey responses. The remaining 37% of organizations that responded were coded as other citizens' groups. They include organizations fighting for civil rights for LGBT people, women, and ethnic or racial groups, those working on behalf of people with particular medical conditions, such as HIV, and groups organized around some other identity characteristic or interest. Throughout this dissertation, analyses comparing these three groups rely on these definitions unless otherwise noted.

3.4 Interviews

The last question in the survey asked whether the respondent would be willing to participate in a follow-up interview. 240 respondents said yes. 60 organizations were selected from this group to maximize variation in the types of group represented and the policymaking jurisdiction in which those groups worked. The organizations span 21 states and the District of Columbia. Thanks to a grant from the Mellon Humanities PhD Interventions Project, I was able to travel to conduct nearly half (27) of the interviews in person. The remainder were conducted over the phone. All the individuals interviewed were high-level executives of their organizations. Most were the top executive officer, with titles like Executive Director, Chief Executive

Officer, and President. A few were the top policy person for the organization, and two were the top communications employees.

Group Type	# of Interviews	% Federal Focus	%State Focus
All	60	43%	57%
Unenfranchised	22	32%	68%
Other Citizens' Groups	24	62%	38%
Professional Organizations	14	71%	29%

Table 3.2: Organizations Interviewed

Table 3.2 shows the distribution of interviews by group type and by whether the organization works primarily in national or state level policymaking. Because there are relatively few organizations representing the unenfranchised working at the federal level compared to other groups, more interviews were conducted with state-focused organizations for this category than for the others. Professional organizations were less likely to agree to be interviewed, so the proportion of interviewees in this category is much smaller in its proportion in the survey data.

The interviews were semi-structured. They covered four main areas that supplement and support the survey data: general questions about the organization and its origins, questions about the groups on whose behalf the organization works, questions about the organization's policy activities, and questions about the political climate surrounding their work. The interview protocol can be found in Appendix A4.

3.5 Conclusion

Very little is known about the role advocacy organizations play in the political representation of the unenfranchised. This is due in large part to the tendency of interest group scholars to consider all non-economic interests together as "citizens groups." One of the unique contributions of this dissertation is the collection of original survey and interview data that allow us to investigate differences within this catch-all category. This original data, combined with the NCCS dataset, provides a

strong foundation upon which to begin to build an understanding of this understudied area.

Chapter 4 Origins and Employees of Advocacy Organizations

Existing political science theories do little to explain the existence of advocacy organizations representing the unenfranchised. Early interest group scholars like [Truman](#) (1951) believed that people would naturally form into groups around shared interests. Public choice theorists, most notably [Olson](#) (1965), argued that it was not so simple – groups would need to overcome significant collective action problems in order to advocate for their interests. The more diffuse the interest, the more difficult this would be. Both approaches assumed that people are inclined to organize around their own interests, but advocacy organizations representing the unenfranchised are rarely run by the people whose interests they represent. Why would a group form to represent and advocate for others?

In his examination of the origins of public interest organizations, [Berry](#) (1978) found that [Salisbury's](#) (1992) theory of the role of policy entrepreneurs offered the best explanation. [Berry](#) (1977, 26) noted that in the case of public interest organizations, “[i]ndividual leaders, with great determination and zeal, are largely responsible for the formation of many of these groups.” Another possible explanation that [Salisbury](#) (1992) suggested was that groups might often form around expressive interests – the desire to publicly express shared values, which could include the value of supporting vulnerable or unenfranchised groups. However, he asserts that such groups would be difficult to sustain. The advocacy organizations that responded to the survey and primarily represent the unenfranchised have been around for an average of nearly 30

years; they can hardly be said to be fleeting efforts.¹ How do these organizations come into being? Who are the people that dedicate themselves to the representation of others?

This chapter uses original survey and interview data to explore these questions. It begins by using grounded theory to categorize the origin stories of the 60 organizations that participated in the in-depth interviews (Bryant and Charmaz 2007).² It compares the stories of organizations representing the unenfranchised with those representing professional organizations and other citizens' groups. It then turns to the question of who works at the organizations, using the interviews and survey to understand what draws people to work at different types of organizations, the connections staff have to the populations their organizations represent, and how staff demographics differ among organizations representing different types of groups.

4.1 Origin Stories

Each interview began with a request for the interviewee to relate the story of the founding of the organization. A few of the interviewees were the actual founders of their organizations and thus had firsthand knowledge of the events. However, because the mean age of the advocacy organizations in the sample is 50 years old and the median is 39 years, most had changed leadership since their founding. Still, organizational leaders are used to telling their stories in funding or membership pitches. Almost all were able to provide detailed accounts.

All of the stories had unique elements, but they can be summarized into four main themes: (1) Group members organizing to address their own interests; (2) Service-

¹The mean age of an organization representing the unenfranchised in the survey sample is 29.28 years. The median is 23.

²Grounded theory is an inductive process for deriving theory from evidence. It begins with an open coding of themes that emerge in the evidence, in this case, the interview transcripts. Next, it reviews the themes to identify connections between categories. These connections are used to identify central ideas, which become the focus of the theoretical account.

oriented individuals organizing to address unmet needs of others; (3) Government-initiated efforts to address the needs of a particular population; and (4) Diffusion. Table 4.1 displays the distribution of these themes by type of organization. There is some overlap between these categories, and it was often difficult to discern which theme predominated. As a result, some organizations are coded to more than one theme. In the table, the first numbers represent the number of interviewed organizations that fell under that theme. The percentages in parentheses reflect the percent of organizations of that type the numbers represent. Because the same organizations could be coded into more than one theme, the percentages for a group type may add up to more than 100%.

	All	Unenfranchised	Other Citizens' Groups	Professional
Number of Interviews	60	22	24	14
Own Interests	26 (43%)	1 (5%)	11 (46%)	14 (100%)
Service Oriented	24 (40%)	17 (77%)	8 (33%)	0 (0%)
Government Initiated	8 (13%)	3 (14%)	5 (21%)	0 (0%)
Diffusion	11 (18%)	5 (23%)	5 (21%)	1 (7%)

Table 4.1: Advocacy Organization Origin Themes by Group Type

4.1.1 Groups Organizing to Address their Own Interests

The theme that is most consistent with the existing political science literature is that of groups organizing to address their own interests. This theme arose in 26 of the interviews overall. It was not consistently distributed across organization type. It arose in every interview with a professional association and nearly half of the other citizens groups, but only one of the organizations representing the unenfranchised. This theme could be consistent with either the [Truman \(1951\)](#) or [Olson \(1990\)](#) theoretical traditions, depending on the details of the stories. The interviews suggest that different group types are associated with each theory.

Professional Organizations and Collective Action Theories

Moe (1988) observed that Olson's (1965) theory was most likely to apply to economic interests. The interviews support this assertion. The origin stories for the professional associations were remarkably similar. Almost all involved professionals recognizing a need for collaboration or resources first. The professionals were willing to pay to have this need fulfilled, allowing membership organizations to form. These organizations provided services that Olson would categorize as selective incentives: training, conferences, publications, and networking opportunities that members felt were important to their professional development and success. Further, nonmembers could be excluded from these services, making membership valuable enough to overcome collective action problems. Creation of these selective incentives were generally the initial purpose of the organizations, with advocacy arising later in the organizations' development. The story of a national organization representing a healthcare-related profession is representative. The story has been edited to preserve the confidentiality of the organization.

This organization started in 1950, and obviously I wasn't here in 1950. The story that I got was it was [members of the profession] sitting around a kitchen table, actually out in [a western state], thinking that they needed an organization to represent them. That's how the organization started. It started off small, obviously. The vision was to have a professional association, a professional home for [members] where they could do continuing education, but later on in the evolution of the organization it was decided that advocacy needed to be one of the main kind of functions of this organization, advocating for the profession, advocating for public health in general. That's how [the organization] actually got moved from [its original location] to Washington, DC. It was an intentional move, and it was specific so we could be more active on the Hill and in public policy.

There were a few professional organizations that did incorporate advocacy from the beginning. These tended to be new professions that needed to develop recognition of – and through recognition, a market for – their specialty. An example of this is a state-level organization for mosquito control professionals:

Basically, it was started to promote mosquito control back then as something new....They really didn't know how to control the vast numbers of mosquitoes that were out there. It was started to promote mosquito control throughout the state and primarily help educate the people that belong to the association.

The customers for this service at the time were exclusively local governments, so the promotion of the profession was a form of policy advocacy. Note, however, the education for the membership – an important selective benefit – was also a component of the organization from the beginning. Overall then, Olson's (1965)'s theory seems to effectively explain the development and endurance of the professional associations that were interviewed.

Citizens' Groups and Group Affinity

While Olson's (1965) theory fits professional organizations well, it does not seem to explain the origins of other citizens' groups. Almost none of the other citizens' groups interviewed provide selective incentives to group members. One LGBT organization produces a magazine, a foster parents' organization provides resources and support to foster and adoptive parents, and many organizations send newsletters, but no sort of membership is required to receive these services. Yet many of these groups – 11 out of the 24 other citizens' groups interviewed – fall under the theme of organizing around their own interests. They were founded by members of the group to advance the groups' own interests. How did they overcome collective action problems?

The origin stories of other citizens' groups are more varied than those of the professional organizations. The most common origin theme among the other citizens' groups is one of different forms of community activism that were eventually institutionalized in a new organization. Often organizations grew out of other more limited collective action that had already occurred. For example, a national organization representing Native Americans formed after a successful grassroots advocacy effort by individual members of tribes. The participants sought to formalize their cooperation, so they founded the organization. A state-level LGBTQ organization started as a PAC to help community members donate to candidates supportive of their interests. They later formed a 501(c)(4) organization to expand into advocacy.

Others started because different advocacy organizations had been collaborating on an issue that needed more focused attention. An example of this is another state-level LGBTQ organization:

The founding of the organization...was really solidifying a series of organizations, community-based organizations, that had focused on building political strength within the LGBT community that, frankly, you could date its origins back into the mid-'80s. A lot of the same people, just in different formations. Probably at its most solid time in the late '80s and early '90s was the LGBT Rights chapter of the [local ACLU affiliate]....[Our organization] was formed specifically so that there could be a broader presence than just looking at political issues within the city ...or metro area, that we take a broader, state-wide approach, and the mechanism to be able to hire a lobbyist to work on LGBT issues down at the Capitol. There had been a couple of organizations that had lobbyists looking at HIV issues, and other social justice issues that had been, of course, looking at LGBT issues but that founders of the organization just felt at the time that there needed to be a more permanent, concentrated

focus that came from the LGBT community down at the Capitol, while also continuing to build political power, mostly through the endorsement process of candidates.

Similarly, a state-wide advocacy organization for domestic violence victims and survivors developed because local domestic violence service providers decided they needed a united voice for policy and funding at the state Capitol.

The only organization interviewed that represents an unenfranchised population and was coded as having been founded by members of that population is an organization for current and former foster children that focuses its advocacy on foster care system reform. But although it is coded under this theme, the founder was a former foster child who was an adult at the time of the founding. She was not an unenfranchised person when she started the organization, so the coding is a close call. This organization is all volunteer; it provides social activities and support but it does not charge for those benefits. Therefore, it most closely follows the pattern of the other citizens' groups. The organizational leader I spoke with told the origin story this way:

The founder had done a lot of advocacy in the foster care field. She had seen a lot of social workers that were doing advocacy on foster youth, and everyone doing advocacy on behalf of foster youth, but not actually those who experience the system themselves. And she said, "We're the experts here. We have a lot of the expertise. Why isn't anyone asking us?" Also, she saw the statistics of how many youth after they aged out of foster care were homeless or dying because of drug use or being disconnected or being incarcerated. And she was like, "We should have a larger voice and we should be connected with each other to help each other out because we don't have the system anymore. And just because you age out doesn't mean that all of your trauma has healed."

The founder connected with a foundation and was able to get funding to start the organization. They received enough to hire a small staff to organize, but funding ended after a few years and the organization is now run entirely by volunteers. Despite the lack of a paid staff, they remain active in policy and building connections between youth. Many volunteers contribute their efforts despite the work being “everyone’s second or third job.” This would seem to be a serious barrier to collective action and yet the organization persists. Part of the explanation may lie in the strength of the group identity.

In each of the cases under this theme involving the unenfranchised or other citizens’ groups, the organizations were founded by members of the group in need of advocacy. But unlike the origin stories of professional organizations, there is no mention of selective incentives in the founding narratives. Instead, the stories are more consistent with the theoretical account pioneered by Truman – groups recognize a shared identity and come together to advance their shared interests. Note, however, that these organizations were all based around particularly salient group identities. These identities fall into two main categories: (1) characteristics like gender, racial or ethnic identities, and sexual identity that are associated with traditional societal hierarchies and lead people who share those characteristics to believe that their fates are linked and they need to stick together (Dawson 1995, Gurin, Miller and Gurin 1980); and (2) shared experiences of trauma such as domestic violence, child abuse, or foster care. It may be that such high-salience shared experiences are important enough to individuals to allow them to overcome collective action problems that might otherwise undermine their ability to organize. These organizations tend to use the language of rights and justice. The same organizing tactics may not work for group identities less linked to such fundamental ideals.

4.1.2 Service-Oriented Individuals Organizing to Address Unmet Needs of Others

By far the theme that came up most frequently in the origin stories of advocacy organizations that represent the unenfranchised was that of service-oriented individuals organizing to address the unmet needs of others. This theme occurred in 17 of the 22 origin stories of unenfranchised organizations (77%), compared to 8 out of 24 (33%) of other citizens' groups and none of the professional organizations. We turn now to a closer look at these stories.

More than half of the organizations coded under this theme started as charitable organizations addressing a service need. Policy advocacy was not an initial focus. Four of these organizations had religious connections. One was a program to help people leaving prison (an unenfranchised group) re-enter society, founded by a group of community activists including some Catholic nuns. One was a religiously-based effort to rescue refugees leaving dangerous situations in their home countries (another unenfranchised group). The other two (other citizens' groups) were faith-based initiatives to serve people experiencing homelessness. For these four organizations, the motivation to provide service seems to have grown out of a religious conviction that helping others is a part of living one's faith.

However, not all of the organizations founded to provide direct services had a religious connection. Some were founded by lawyers to address unmet services needs. In some cases, a new area of law had developed. For example, when the federal government passed the Child Abuse Prevention and Treatment Act (CAPTA), states started building a more systematic response to child abuse. As states more actively intervened in families, lawyers recognized that children needed representation to protect their interests. They formed organizations to serve those needs. Other situations involved areas of the law that been in existence but which people needed help navi-

gating. An example of this is an organization that helps young people with criminal convictions. The founder described her organization's beginning this way:

What I was seeing when they were coming in to see me – I had a fellowship at [a legal services center] – was that they had a host of other issues, whether it was getting kicked out of public housing, or school suspension hearings, or custody, or visitation, and they had so many other legal issues that stemmed from having a criminal record. I was really only able to help them with employment because that was my project. So, the idea really spun out of that, thinking, well, why can't I help all young people with any of the legal barriers that stem from having a criminal record? So, all those things that they suffer from, instead of them having to go from organization to organization to organization to be able to try to get it in one place.

If one were thinking cynically, one could imagine that the legal services cases were situations of lawyers coming up with employment opportunities for themselves and finding a way to get paid for doing that work. But when you listen to the origin stories, this is not what you hear. In each of the cases of organizations developing around unmet service needs, what is most striking is the genuine concern that founders and subsequent organizational leaders express for the groups they serve. Moreover, some of the lawyer-founders left higher paying positions serving paying customers to start service organizations. For example, the founder of an organization that helps seniors with debt issues left a profitable bankruptcy practice to start his organization. He described his inspiration this way:

There's always a problem with bankruptcy, because you have a lot of old people come in...but Social Security, pensions, disability, all that money is protected by law. It can't be garnished. A lot of elderly people,

they didn't need to file bankruptcy. But if you sent them home, creditors would call and make their lives miserable....[T]hen in about 2005, bankruptcy laws changed and it became a lot more expensive for people. They couldn't afford to do it anymore....[The price] went up dramatically when the bankruptcy laws changed because they introduced mathematical calculations and became just a lot more complicated. So, that put it out of the price range for a lot of seniors. And then when the Great Recession hit in 2008, it became even worse. A lot of old people retired, were forced out of work, or they lost their retirement. It became really difficult. So, I came up with an idea. There's a law...it's called the Fair Debt Collections Practices Act. It governs collectors and what they can do. One of the provisions of the laws says if a person is represented by an attorney, collectors can no longer communicate with them. They have to leave them alone. And so, I said, "Maybe I can do something like that."

For all of the organizations that started out providing direct services, policy advocacy developed later. Through working with the people they were serving, organizations recognized systemic problems that needed policy solutions and entered into advocacy to address those problems. For most of these organizations, service remains their primary purpose. Policy work is intended to support their service work by creating better social conditions for those served.

Not all of the organizations coded under this theme provide direct services. For some, the unmet need that founders recognized was the need for representation in policymaking. These organizations were advocacy organizations from the beginning. Despite their different emphasis, these organizations use a similar language of service in describing their work. For example, a state-level advocacy organization focused on HIV and AIDS described its mission this way:

It is designed to mobilize communities...to build health equity and justice for people living with HIV, people vulnerable to HIV and also people experiencing other chronic health conditions. We're working so that one day we can have a day where there are no new HIV infections and all people have achieved health equity.

The mission is for people to be served – to get the health care, jobs, and other resources they need. The means to achieve that mission is community organizing and policy advocacy.

Why do these organizations exist? Returning to existing theories of interest group creation, the people who organize and sustain these groups could be seen fulfilling expressive interests – the desire to publicly express shared values. Those values sometimes stem from religious faith and sometimes reflect secular ideas of justice and community. [Salisbury \(1992\)](#) suggested that organizations based around expressive interests would arise frequently but would be difficult to sustain. The quantity and persistence of the organizations in this study that fall under this theme suggest that Salisbury underestimated the motivating power of these interests.

4.1.3 Government Initiated

The next most frequent theme is organizations that originated through the actions of people in government. This theme was evident in 3 unenfranchised organizations (14%) and 5 other citizens' groups (21%). It was not a theme for any professional organizations. Organizations have been initiated by both the federal and state governments. At the federal level, several of the organizations interviewed were started through funding from the Legal Services Corporation (LSC). This program of the war on poverty funded civil legal services for low-income Americans. Several organizations interviewed for this project were founded in response to the law creating the program and were originally funded by the LSC. None of the organizations in-

interviewed for this project still receive LSC funds because of changes to the program. Initially, the services organizations receiving LSC funding were broad in scope, but their ability to use the full range of advocacy tools was limited by Congress in the 1990s. Organizations that wanted to continue to provide a fuller range of advocacy services had to forgo LSC funding. One organization's leader described the changes this way:

The Newt Gingrich Congress in 1995 decided to restrict Legal Aid programs across the nation and also cut their budgets. The restrictions kind of narrowed the tool kit that attorneys funded through a program that got the Legal Services Corporation funding could do....[A]ttorneys in the Legal Services Corporation funded programs could no longer do class actions. They could no longer do prison condition suits. Couldn't represent undocumented workers and that kind of thing. The other thing that happened is other federal funding stream for entities like us completely disappeared. So we went from having a budget that was probably 85 percent of federal money and a few hundred thousand dollars down to almost zero. The silver lining in that cloud was that if you didn't get the Legal Services Corporation dollars, you also didn't get the restrictions.... [I]t didn't take too long to realize that we could rebuild as what we called an unrestricted Civil Legal Services entity.

Despite the later changes, the LSC program spurred the creation of several of the organizations serving the unenfranchised and other citizens' groups in this study.

Other organizations were formed as a result of state-level government action. An organization for veterans described its origins this way:

The organization started...through a legislative act to make it a 501(c) nonprofit to be able to take care of veterans' needs in the state.... One

reason is because the state agencies that were already in effect could not take donations from folks, so we're kind of the folks that can take ... When people want to donate money, they can't donate it to an agency, but they can donate it to a charity, so we act in that regard so that we can take donations and turn them around to help veterans.

In both the LSC and veterans cases, it was legislators who recognized the need for service or representation and provided funding and a legal structure for organizations to develop. Other origin stories involved government actors acting in less official ways. In one instance, a federal agency administrator recognized that there was a stakeholder group that was not represented before it that the agency needed to hear from. The administrator reached out to an activist and asked her to start an organization for that stakeholder group, and she did. In two other instances, local prosecutors needed help interviewing child abuse victims and getting them services. They worked – in both cases, which are in very different states, in conjunction with the Junior League – to get Child Advocacy Centers established in their jurisdictions. Child Advocacy Centers follow a national model for forensic interviews of child abuse victims. This model has been widely rolled out across all 50 states. Therefore, these cases are also included under the next theme, diffusion.

4.1.4 Diffusion

As with policies, ideas for advocacy organizations spread across the country. Eleven of the origin stories shared in the interviews involved diffusion. Five of these involved organizations representing the unenfranchised and five involved other citizens' groups. One involved a professional organization.

Diffusion manifested in the stories in three overlapping ways. First is in the form of a national movement. An example of this is a state-level organization that provides services and advocacy for friends and family members of homicide victims:

Our organization was started by...the mother of a boy who was kidnapped and found dead several months after he disappeared, and he was murdered. His case was never solved. She became, at the time, very focused on survivors' experiences, and this was... at the beginning of the Victims' Rights Movement that was taking root across the United States. But it was before there were any concrete crime victims' rights, and certainly before a constitutional amendment was passed. So she became very focused on that, and looked at finding ways to provide services to other survivors.

Social movements shape our ideas about the rights different groups have, and those ideas spread from state to state and from group to group. Several of the organizations interviewed expressly linked their organizations' founding to the civil rights movement. Two state-level organizations that advocate for people involved in the criminal justice system described their work as a continuation of the fight for the civil rights of people of color. One national advocacy organization for children was started by law school graduates who saw children's rights "as a continuation of the civil rights movement."

The second way diffusion manifested in the interviews was through the adoption of models of group representation that existed in other jurisdictions. The previous subsection discussed Child Advocacy Centers. This multi-disciplinary organizational model, which started in Alabama, brings together "law enforcement, criminal justice, child protective services, and medical and mental health workers onto one coordinated team."³ It has been a particularly successful case of organizational diffusion. The first center started in 1985, and there are now over 1,000 Child Advocacy Centers around the country. Most of them are stand-alone nonprofit organizations, though they are generally affiliated with each other through state and national organizations. Originally founded to provide services, many Child Advocacy Centers, including the

³National Children's Advocacy Center, History, <https://www.nationalcac.org/history/>.

two I interviewed, have expanded their focus to provide policy advocacy on behalf of child abuse victims. However, Child Advocacy Centers are not the only examples of this second type of diffusion. Another child advocacy organization got its start after founders “had gone to a conference and they had seen a presentation from the Children’s Defense folks, and were impressed, and really saw the need for an organization like that in the state....”

The third type of diffusion seen in the interviews is the adoption of a type of organization that has worked for another group. For example, an organization for a particular type of municipal employees was modeled off of organizations already serving other types of municipal employees. This was the only case of diffusion involving a professional organization in the interviews. Given the similarities between the between the services professional organizations offer, however, it seems possible that this third form of diffusion has happened with other professions as well.

4.1.5 Counter-mobilization

One interesting case that does not cleanly fit under any of the other themes is that of a liberal interfaith organization that was founded specifically to counter the efforts of other advocacy organizations. As the Executive Director put it:

Certain conservative leaders were beginning to organize what’s now understood as the evangelical religious right. Back then they were just looking for conservative activists who had certain religious underpinnings of what they were doing. A group of people on the left were concerned about this and sought to form an organization that would be the counter voice to the religious right, gathered a group of people who were known for their engagement with civil rights and anti-Vietnam war activism among the clergy, [and] formed an organization that was funded by a political organization.... It wasn’t more than a year before these members of the clergy

saw the value of this advocacy and became independent of any political influence. It has been independent since then.

Technically, this organization does not fall under any of the themes listed above. The organization in question was started by an outside organization, not by the clergy themselves. Nevertheless, group members eventually recognized the value of the organization, took over, and kept it going. The power of the idea – championing freedom of religion and the separation of church and state as consistent and reinforcing values – motivated members to stay involved. Counter-mobilization is not unique to this organization. It has happened in other contexts – for example in the case of STOP ERA (Mansbridge 2015). However, the fact that only one organization in the interviews was formed this way suggests that it is a relatively rare reason for creating a new organization. Moreover, as Mansbridge argued in relation to STOP ERA, counter-mobilization is not generally inconsistent with other themes such as organizing around a group’s own interests, at least as the group perceives those interests. The perception of a threat to a group’s interests likely sharpens the salience of those interests, allowing the group to overcome collective action problems and organize.

Taken together, the origin stories provide partial support for the theoretical traditions of Olson and Truman. However, they also highlight the role that expressive interests and the desire to act on shared values can play. The strength of those interests has been underestimated in the previous literature, and they play a particularly important role in explaining how advocacy organizations representing the unenfranchised come into being. As we will see in the next section, they also play an important role in why people chose to work in these organizations.

4.2 Organizational Leadership and Staff

4.2.1 The Appeal of the Job

But in this particular case, what drew me to this organization, I was looking for a place that actually had the expression of my political ideas, what I wanted to do about securing the full restoration of civil and human rights. And you know, and the thing that I tell people, the person who hired me paid me infinitely more than I thought I was worth at the time that she was hiring me, because I would have fought this fight for free.

– Executive Director of a state level organization representing incarcerated people and their children

All of the interview participants were high-level executives at their advocacy organizations at the time of their interviews. Most were the top officer and held the title of Executive Director, CEO, or President. A few were public policy directors, and two were communications directors. All are very intelligent, capable people who could have had success at any number of careers. Given that nonprofit organizations pay significantly less for comparable jobs than for-profit companies,⁴ why would these leaders choose these jobs?

Interviewees were asked what drew them to their organization, or, if they were the founder of the organization, what inspired them to want to work on behalf of a particular population. As with the origin stories, responses were coded into themes. Four main themes were apparent: (1) The leader had been involved with the organization in the past; (2) The job was a great fit for the leader's skill set; (3) The leader had a passion for the specific subject matter of the organization or for social justice

⁴US Bureau of Labor Statistics, Nonprofit pay and benefits: estimates from the National Compensation Survey, <https://www.bls.gov/opub/mlr/2016/article/nonprofit-pay-and-benefits.htm>.

more generally; and (4) The leader was looking for a position that allowed for a good work-life balance. Table 4.2 displays the distribution of these themes by type of organization. As with the themes around origin stories, a leader's reason for working in the organization could be coded under more than one theme, so the percentages (in parenthesis) by group type may total more than 100%.

	All	Unenfranchised	Other Citizens' Groups	Professional
Number of Interviews	60	22	24	14
Past Experience	16 (27%)	3 (14%)	4 (17%)	9 (64%)
Skill Fit	31 (52%)	9 (41%)	12 (50%)	10 (71%)
Passion	44 (73%)	20 (91%)	21 (88%)	3 (21%)
Balance	5 (8%)	3 (14%)	2 (8%)	0 (0%)

Table 4.2: Leaders Reasons for Working at the Organization by Group Type.

Past Experience with the Organization

Some leaders were drawn to their positions because of past experience with the organization. Three main types of past experience came up: (1) experience as a member, (2) experience as a volunteer, and (3) experience receiving services from the organization. There was also one leader of a citizens' group who had grown up in the organization; her mother had been one of the founders.

Experience as a member was most common for leaders of professional organizations. Sixty-four percent of the leaders of professional organizations interviewed came to their position this way. The story told by the leader of a state-level healthcare related professional organization is representative:

I am a [member of the profession]. I have a doctorate in [the field], and have been working in the field for about ... oh, boy, about 19 years at this point. I got involved with my regional professional organization in assisting with some tasks about nine years ago and really fell in love with the idea of what this professional organization was doing. And so, I had a

few different roles on the board. And then in March of 2017, I was elected in as president of the board.

In her organization's case, the president of the board is the leader of the organization; they are one of the professional organizations without a paid staff. For those professional organizations with staff, the trajectory is often similar, but an opportunity to step into the executive director position occurs, generally after service on the board. This path makes sense. Hiring authority for these positions rests with the board, and enthusiastic members of the organization who have competently held leadership positions and are known to board members would hold a natural advantage over unknown candidates.

Organizations representing the unenfranchised are rarely membership organizations, and none of the leaders of these organizations came to their roles through organizational membership. However, it was the story for one of the other citizens' groups. The leader of a state-level organization for foster parents had been a member of the organization and followed a path to leadership that was very similar to that of the leaders of professional organizations.

For organizations representing the unenfranchised and other citizen's group the more common past experience with the organization is as a volunteer. Volunteering helped leaders learn the organization's work and build relationships with staff and board members that lead to opportunities. The leader of one of the Child Advocacy Centers told the story of how she became involved this way:

I went to law school, was an attorney at a big law firm. I was miserable there. Working like 70, 80-hour weeks doing doc reviews in a conference room with no windows, and I just felt like I'm spending all this time to save one giant corporation from paying another giant corporation. I just didn't feel that there was much meaning to my life and I wasn't enjoying what I did, was doing....I wanted to do something more public

interest-y, but my whole resume was business litigation....When I was interviewing at public interest law firms, no one wanted to hire me. There were so many job applicants, and I just had irrelevant experience, so my mentor said I should come volunteer here...to build up something on my resume that shows I'm a decent person who cares about the world and not just big corporations. I came here, and I was blown away by the work that was being done, by the people doing it, and by the difference being made in these kids' lives....I just felt called to this work. I started as an interviewer, and then a multidisciplinary team coordinator....Then our executive director left and I stepped into the interim ED, and we had a new ED come and it didn't go so well, so I just said that I will do this job.

Overall, however, this path was rare. The Child Advocacy Center's executive director was the only leader of an organization representing the unenfranchised who came to her job this way, and there were only two leaders of other citizens' groups who followed this type of path.

The last category of previous experience with the organization is as a recipient of the organization's services. Two leaders, both of organizations representing the unenfranchised, first learned about their organizations as service recipients. One of these was a former foster child and one was a person who had been involved in the criminal justice system. The latter told his story this way:

I went to prison for some drug crimes, and when I got out I didn't know anything about [the organization], I didn't know anything about this work and I just knew that I wanted to get into the helping field. And so I came to [the organization] as a client, and then worked my way into school and worked my way through school, and applied for a job here eight years ago,

and did not get the job. And then applied for the job that I have now four years ago and got the job.

These types of experiences build a different kind of familiarity of with the work of the organization and builds an appreciation for its value.

Fit with Skill Set

Some leaders came to their roles because an acquaintance recruited them based on their backgrounds and skills. Others found the opportunity on their own and were attracted to it because it was a good fit for their skills. In the interviews, being recruited into the role was more common for leaders of organizations representing the unenfranchised and other citizens groups. Selecting the role because it fits skills they have or want to further develop was more common for leaders of professional organizations. This theme was the one that occurred most often for leaders of professional associations; it occurred in 71% of the stories told by those leaders. It often overlapped with the last theme, previous experience with the group.

The leader of a citizens' group working in a national health-related advocacy organization provides a good example of someone recruited into their position because of their skills:

I graduated from law school. I knew I didn't want to practice, so I figured Washington is sort of like Hollywood for lawyers. So, my husband and I got a U-Haul and came out here and I worked for a start-up association that did quality and regulatory work on Medicare Home Health but the board...was made up of all these CEOs of these publicly traded home health companies and so it gave me an insight into how literal billionaires think about business. So it was a very good learning experience. We also transitioned from a 501(c)(6) to a 501(c)(3) so I learned a lot about governance and the like. After a couple years, I [came to this organization

in a staff role but had conflict with the Executive director and left]. I went to do Alzheimer's work but then [the executive director] got sick and [t]he board asked me to come back and I came back and then she got sick again so we had an emergency succession.

An example of a leader applying for the job because of its fit with his skills comes for the director of a professional organization for members of a particular academic discipline:

I taught for many years, nonprofit management and I've also been involved in leadership positions in other associations. So I know something about association work. I'm currently president of another association, I was previously president of another association. I was also an editor of a journal for many years. So when I was contacted about this position, it seemed to fit many of the things I was interested in. Because I knew something about non-profit management, it has been enormously helpful, particularly in the first few years on this job, because we revised our by-laws, we put in place a new strategic plan, we worked with outside consultants....Obviously, other people could have come in and done the job without that kind of background, but I think it was particularly helpful...it was helpful to have that kind of background.

As this story illustrates, leaders who fall under this theme are often also interested in the issues or population that their organizations represent. However, sometimes the love for the subject matter comes after the job. The story of the leader of a state-level organization working on behalf of friends and family of homicide victims is an example of this:

I'd been traveling all over the country for about seven years, and really wanted to come home...And this just seemed like a good opportunity, and

I applied and was offered the position. Honestly, I wasn't so interested. I was really focused on social work initially, and was working at the beginning of my career in a group home for troubled youth, and was seeking some additional training in the community. And I saw training that was being offered on crisis intervention, so I went to that training. It was put on by the Victim Witness Program at the time, at the County Attorney's office, and I was really impressed with that program. I thought the services were not only needed but important in the community, and I became a volunteer....They offered me a job not too long after I started volunteering, and I just kind of worked my way up. So I don't have a personal victimization story like some providers do. It was really just a career decision.

Passion

The vast majority of leaders of organizations representing the unenfranchised and other citizens' group describe coming to their roles because of a passion for the issues. This theme came up in 91% of the stories of leaders of unenfranchised organizations and 88% of the those of other citizens' groups. Their passion comes from a wide variety of sources. This theme was less common in the stories of leaders of professional organizations. While most of those leaders like their profession and their work, very few – only 3 out of 14 interviewed – described it with the kind of passion seen in the stories of leaders of the other types of organizations. Those that did tended to represent professions that serve marginalized populations and whose organizations devote some of their advocacy efforts to working on behalf of those populations.

For leaders of organizations representing the unenfranchised or other citizens' groups, passion for the issue is sometimes connected to personal experience. The Executive Director of a state level organization representing incarcerated people and

their children explained how his personal experience connected him to the work this way:

I made a promise when I was leaving prison. There was a couple things happened right before I was released, because I had been sentenced to life, and when I was getting released, there was other people around me that probably ... I didn't think they would ever see freedom. And they asked me probably, maybe two or three times over the course of getting out, what was I going to do with my newfound freedom? And I didn't really understand the question, initially, and what I later understood the question to be is, what was I going to do with my privilege? Because I was going to be more privileged than the people I was leaving behind. And you know, and it took me at least a couple decades or more to answer that question. And another question, one of the promises that they extracted was a promise that I would get out, and come to the community as an asset instead of a liability....You know, I don't know if you ever made a promise that you had every intention of keeping, and you couldn't walk away from it? That was the one that I couldn't walk away from. Was that promise, because I knew that people were being abused in prison, because I was there with them.

And that promise I returned to the community as an asset instead of a liability. And so, one day the guy who extracted the promise, after doing I think 45 years, come over to my office. He got out, and we sitting at my desk....And then I told them, I said I can answer the question now. And he said "What?" I said "My answer to the question is what's was I going to do with that freedom? I'd probably fight the rest of my life for everybody else's freedom."

Similarly, the leader of a regionally-focused organization working to prevent child abuse described her journey from victim to advocate:

At the time I was working in the HR field and I am a survivor myself. I have gone through from 2 to 18 sexual abuse by my grandfather and physical abuse by my father. And so I had married my high school sweetheart, he'd been through all the counseling with me. We had our first daughter and it just hit me very, very hard. All the memories and things were coming back and the details and I was kind of realizing that we just don't talk about this so we need to do something differently. And so I had been talking and to anyone who would listen, I'd gone through a couple of groups....I knew I had to figure this out so I didn't continue the pattern. And so essentially the incest survivors group kind of opened my life up to the fact that people really did want to hear about inspiring stories and we really did need to turn around the way we did things. And so I started doing that for free. Driving around the state ...wherever there were all kinds of vigils and things and I'd just go around and speak. And then this job came open....And a friend called and said hey, there's this great job opening...which is probably about 35 miles away, not too terribly far, but far when I have two little ones and wasn't planning on going back to work for a while. And my husband said, "oh you most definitely are going to apply for that job." And the rest is pretty much history.

For others, a more general passion for social justice grew out of socialization experiences. For example, the director of a state-level LGBTQ organization described developing an inclination for advocacy after watching family members participate in unions:

My dad, my uncle, my grandfather were all members of unions. One of my earliest memories is really of the union that my dad belonged to going out on strike. This sense of people coming together to take care of each other, group dinners, everybody had to cut back, and so this kind of safety in numbers when you're financially stressed and strained, but then this concept of people coming together to push for a greater good and a greater collective good. I think that those stories, even though my folks were very conservative at the time, kind of stuck with me as a kid. Various forms of activism and advocacy actually are things that I've done my entire life.

For others, the passion comes from a religious source. The Executive Director of a regional service and advocacy organization for the homeless described his drive to do the work this way:

It was called Christian Social Ministry, once upon a time. But it's probably a function of the theological concepts that some people associate with social gospel, that we have whole responsibility for each other and in community, rather than a radical individualism....[T]hat's just how we're put together. So within that, it's the sense that God's hospitality can be extended and shared among other people. So the faith component is very important to me, obviously.

It is striking that these two quotes – one with secular origins and the other religious – use similar language to describe a common ethos of community and mutual support. These themes came up repeatedly in the interviews. However, the source of the desire to help was not always described in ways that were so personal or specific. A surprising number of interviewees – 6 out of 60 – had gone to law school because they “wanted vaguely to help people,” as the Executive Director of a state-level refugee advocacy organization put it. She continued:

And then beyond that I realized, okay, so you could help poor people. You could help people, like certain populations, like women or people with AIDS or children, or you could help certain issues like education or immigration. And I was kind of agnostic. I just knew that there were a lot of people that needed help and I wanted to help folks.

The Executive Director of a state-level child advocacy organization described a similar desire to use his law degree to do social justice work. When asked what made him want to do that, he said:

It makes me feel whole as a person. I think it's really what the law is all about is to bring due process of law and access to justice to people who don't have it. I had some exposure to large firm, corporate legal practice when I was in college and it didn't satisfy me.

These stories of passion are consistent with the language of rights and justice seen in the origin stories. They reinforce the finding of that section that values and ideals play a strong role in the organization, staffing, and maintenance of advocacy organizations for the unenfranchised and many other citizens' groups.

Work-Life Balance

The final theme in the stories of why leaders chose to work at their organizations was a belief that these organizations would provide a better work-life balance than other types of employment. This theme was the least frequent. It came up in five of the stories – three from leaders of organizations representing the unenfranchised and two from leaders of other citizens' groups. This theme did not appear in any of the stories from leaders of professional organizations.

The story of the director of a Child Advocacy Center highlights this theme:

I actually had been a NICU Nurse and Labor Delivery Nurse....And I started a family, and I had my last child when I was a Labor Delivery

Nurse. And at the time he was born deaf, which has later since worked out fine, he's 20 years old now. However, 20 years ago, I didn't know what that looked like for us, the first few months he was born. So I was gonna be a stay-at-home mom. So I had left the hospital, and the DA who was a female and involved in the Junior League – I was involved in the Junior League and we were friends, and she knew me and she thought this new Advocacy Center is opening up....And she knew that I might like this opportunity to kind of do something that contributed as well as have some flexibility to help with my newborn that might have special needs and I could bring him to work with me. Literally, the job came out of that. I could come to work, do this work and take him with me and figure out what he needed....so it just developed from that. So, then you find yourself completely committed to the issues surrounding child abuse and that, it drives itself.

Each of these stories involved women who needed more time to attend to their families and found organizations that would provide that. Notably, the organizations they lead all represent either children, women, or unpaid caregivers. They expected these organizations to understand their need for flexibility and they were right.

4.2.2 Employee Connections to Represented Populations

I think people's personal engagement with the issue that they work on matters. And that can take multiple forms, right? I mean, whether it is, in this case, an immigrant experience in their family, or whether it is simply a professional experience working on immigration that marked them, but I think there is a connection between people's direct knowledge of the issue and how they work on a policy side.... There is this understanding in the field ... Immigration in the field really matters for working on immigration

policy. I think that's true in other policy areas as well, having some direct experience in the field is often helpful to being able to think about policy. If you don't know the people involved, it's hard to actually know how policies affect those that are in the subset of the population that you're working with at some point.

– Executive Director of a national immigration policy organization

And the other thing that it brings is that most people that come in and work at the office, it's more than a job for them. They actually believe that they want to change something.

– Executive Director of a state-level organization representing incarcerated people and their children

As the quotes above illustrate, personal connections to an issue can increase staff's understanding of and commitment to the population an organization represents. The most direct connection – membership in the group represented – may be the most important. As chapter 2 argued, descriptive representation provides a possible solution to principal-agent problems between representatives and the represented when other controls are weak. This solution assumes a connection between descriptive representation and substantive representation – specifically, it assumes that if my representatives share a salient group identity with me they are more likely to advance my interests. To what degree are the employees of advocacy organizations descriptive representatives of the groups they serve? To what degree do they have other connections to the represented population that may aid their understanding of issues?

Survey respondents were asked to describe the group or groups their organizations represent. Following that response, they were asked:

Approximately what percentage of your organizations employees would identify themselves as:

- Current members of that group(s)
- Formerly having been part of that group(s)
- Having a personal connection other people who are part of that group(s)

Descriptive representation is most associated with representatives who are current members of ones' group. However, an interesting thing about the unenfranchised is that membership in an unenfranchised group is more transitory than membership in most of the social groups that advocacy organizations are formed to represent. For the most part, if someone is a woman, a member of a racial or ethnic group, or LGBT, that identity is considered immutable; it is unlikely to change. Professional affiliations are not immutable, but they do tend to be fairly stable. While members of a profession may switch jobs or retire, they tend to stay members of their profession for a long time. In contrast, among the unenfranchised, children will likely grow into voting adults, noncitizens may gain citizenship, and people with felony convictions may be released and regain their voting rights. Moreover, the limitations that prevent a child, a noncitizen without a work permit, or a person with a felony conviction from working in an advocacy organization may also pass. Thus, we should expect to see few descriptive representatives who are current members of an unenfranchised group, but we may see former group members among the ranks of employees. Indeed, this is what the survey data show.

Overall, 33% of the employees of advocacy organizations that responded to the survey are current members of the groups their organizations represent. However, only 16% of the employees of organizations representing unenfranchised are current members of those groups. Other citizens' groups have the highest percentage of current group members on staff at 40%; professional organizations have 35%. The differences between organizations representing the unenfranchised and both comparison groups are statistically significant, but the differences between other citizens' groups

and professional organizations are not. As expected, the picture reverses when we look at former group members. Approximately 23% of the employees of organizations representing the unenfranchised are former group members, compared to 13% for both other citizens' groups and professional organizations. Again, the difference between the unenfranchised and the other groups is significant. When we turn to the third category, employees who have a personal connection to other people who are a part of the group, organizations representing the unenfranchised also report the highest percentage at 56%, compared to 50% for other citizens' groups and 40% for professional organizations. On these connections, organizations representing the unenfranchised and other citizens' groups are statistically indistinguishable, but both are significantly different from professional organizations.

The responses indicate that survey participants did not view these categories as mutually exclusive. In their responses, employees could be a current or former member of a group and have personal connection to another group member. Also, confusingly, in some cases they seem to have counted some employees as both current and former group members. For this reason, I also analyzed a combined percentage that was capped at 100%. This represents employees who have at least one of the three types of connections to members of the represented group. In all types of organizations, well over half of the employees have such connections: 70% of employees overall, 71% for unenfranchised organizations, 77% for other citizens' groups, and 64% for professional organizations. On this measure, none of the differences between groups are statistically significant. Figure 4.1 illustrates the differences for each of the measures of connection to the represented population by type of group.

These results show that employees that work at advocacy organizations tend to be connected in some way to the groups their organizations represent. However, they don't tell us why that is. There are at least two possible explanations: (1) that organizations seek to hire from the populations they represent, or (2) that group

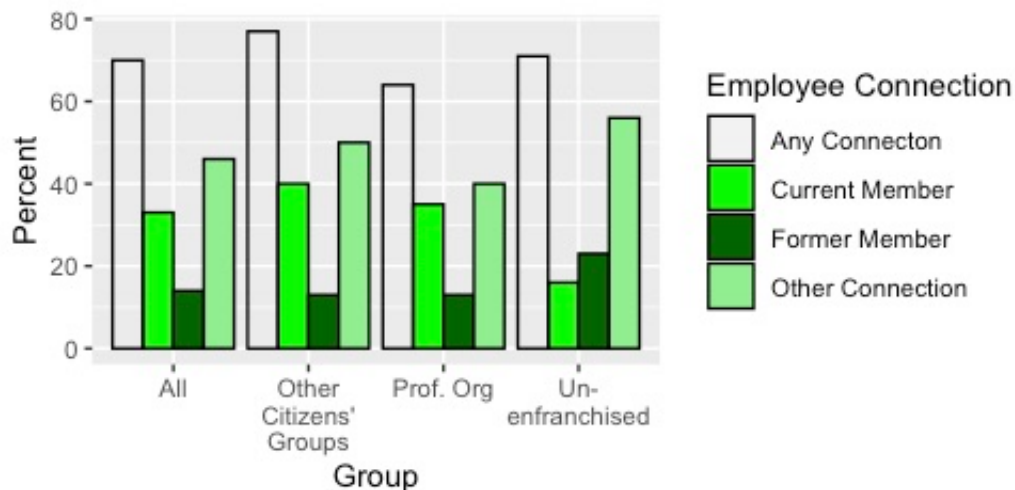


Figure 4.1: Employee Connections to the Group Represented

members seek out employment opportunities at these organizations because of their connections. While the survey data do not give us a way to adjudicate between these explanations, the interviews provide some insights. During my interviews, I asked the organization executives whose organizations have a paid staff whether membership in the group they represent was something they looked for in hiring and what if any benefits they thought having group members on staff brought to their organization.

The interviews suggest that the second explanation – that group members and people with other connections to the issue seek out the organization – is more common than organizations seeking to hire people with connections to the group. Only seven interviewees (12% of the interviewed organizations with paid staff) said that they prioritize current or former group membership in hiring. There are a number of reasons for this.

Generally, as employers the organizations are looking to fill jobs that require specific skill sets and that is the priority. As the Executive Director of a state-level organization representing low-income people put it:

In each hiring process, we're trying to find the best applicant for the job.

We do find that people who are coming from the community apply for

the jobs. I'm not sure that we would say, "Oh, let's take that person because they're from the community," over someone who appeared to bring more to the job in other ways....I mean, you have to picture a hiring process where you're picturing a job, you want to attract people, all kinds of people, to apply for that. But the goal is to fill the position with a capable person.

However, as the interviewee noted, people with a connection to the issue do sometimes apply for available positions. For some types of organizations this self-selection into the applicant pool happens at very high rates. As the Executive Director of a state-level organization for domestic violence victims and survivors responded when I asked how important it was to her to have people who have experienced domestic violence on staff:

I don't think it's important, but I think that people... Women that I know of who do this work usually come to this work because they've experienced either personally or somebody close to them has experienced violence and that they want to be a part of stopping it.

When I followed up to ask if she thought that personal experience made a difference in the work, she said she had never thought about it because:

I think that almost everybody that I've ever worked with has come with some kind of personal perpetrator of violence against them or somebody that has been very close to them. I'm hard pressed to think of a person that I've worked with that hasn't experienced it to some extent. Of course, some more than others.

Similarly, the Executive Director of a national faith-based organization noted that everyone on his staff comes from the population they represent. He says he does not recruit for that – rather employees choose the organization because of its mission:

I think they're drawn just like I was drawn to it. I think they're drawn to it. But again, the one word I use, and this can become... There's no mysticism to it. These people, everybody here is called. Nobody's here because they were punching a career resume....There are 30 places right now [the Deputy Director] can double his salary and go work. And if any of them called and he wanted to go, I'd support him in a minute. But he's called. He loves what... He's seen it. He's seen the good.... He loves who he serves.

Some organizations do report specifically hiring for experience in the group. The Executive Director for the state-level organization representing incarcerated people and their children said that it was “absolutely” important to him in hiring for the following reason:

What it brings to this particular organization that makes it unique is, you know most of the time you get charged with a crime, the only thing that you get to say before they actually chop your head off is guilty or not guilty. And what I think that it brings to the organization is the degree of expertise, based on experience.

Organizations that do not prioritize it recognized the advantages personal experience or connections could bring, but did not actively seek it out. A quote from the Executive Director of a state-level child advocacy organization that focuses on children in low-income families is representative. Describing two staff members who come from the same background as the children they represent, he said:

They are both very competent and highly qualified individuals that I am confident their life experiences have shaped who they are today. But in retrospect, I hired them because of who they are as individuals, not

because of the constituency that they came from. That's just kind of a bonus.

For some organizations, the idea of actively seeking out group members posed ethical issues. The Executive Director of a state-level advocacy organization that focuses on child sexual abuse did not want survivors to feel that their trauma experience had to define their lives or their careers. She explained:

We don't seek out people to work here who have a background particularly of sexual abuse, because I feel like if people want to work here, we'd like to approach them, but ... I don't want anyone to feel obligated to, because they've experienced certain types of abuse, that they then must always stay in this field. I don't know that that's kind of the message I want to be modeling for survivors, like they can go do anything they want.

We do have people that will, in their interviews or job, like when they seek out employment after you've mentioned it. To me, I think it's a signal of hope to these, to know that there's ... for these kids to see like, "Look, this person is just fine and is serving and caring." Like I said, it's just a plus, it's not something we specifically seek out.

The Executive Director of a state-level LGBTQ organization saw a different ethical dilemma in hiring for group membership: his organization advocates for nondiscrimination policies, and needs to be consistent with that in its own employment practices.

We have a nondiscrimination policy. So yeah, it's important for us on our board of directors that we have Republicans on a board, and we have [conservative religious people] on the board and we have straight people, we have queer people and trans people. People of color, you know that we have the whole spectrum as best we can....

I mean I think it would probably be atypical for a straight person to be the director of this organization, though I do know that there are straight directors of equality groups throughout the country. So if you have the skill set and you have the passion. Yeah, allies to me, allies are part of the LGBTQ experience, LGBTQ+ Allies and they're part ... Once you are committed to our cause you are on board.

Similarly, a regionally-focused organization working on behalf of people in contact with the criminal justice system takes a strong position against employers asking about criminal history in interviewing, and so would be reluctant to ask even if it would be a plus. However, they also face a structural constrain on hiring people with convictions – many of the correctional facilities in which they work limit access for people with criminal records. She explained:

Whatever record has to be minimal enough that it wouldn't prohibit them access to the correctional institutions. We do have to.... we don't ask that question when we're hiring. But we do... we ask, "Do you have a driver's license, because our job requires a lot of statewide travel?" And we ask the question, "Is there any reason that you might be denied entry to a correctional institution?" So far that's worked for us.

As a result, the organization only has one person with a conviction on a staff of nearly 30. However, they do employ nine people who have a family member who has been through the criminal justice system, providing a different kind of personal connection. Practical limitations on hiring from the population the organization represents, like this organization's need for staff who could access correctional facilities, come up in other ways as well. For example, the Executive Director of the regional service and advocacy organization for the homeless described the low number of former clients he has on staff:

Relatively few. Part of that is, I would say, 20% because there is a certain amount of expertise that is required. So we have a baseline of you have to have a bachelor's degree....We do have a number of graduates who are serving in other capacities.

Even when they do not hire for it explicitly, organization executives recognize the value of having people who belong to the group they represent on staff. As the executive director of an organization that advocates on behalf of people in unpaid caregiving roles put it:

I do have someone on staff now and I think it was beneficial in hiring her because she had, in addition to having the background that we needed for that role, she experiences caregiving. She has an adult daughter with a disability and so there's an authenticity that she can bring to the conversation that was largely missing...[M]any, many times I feel like the wonks will say, "Oh, we should do this," but they haven't really asked anybody in that situation so they get that piece wrong.

Organizations that provide services in addition to advocacy see an additional value in having employees that can provide a model of success for the communities they serve. This value came up in interviews with executives for organizations working with populations as varied as teenage girls from immigrant communities, people who are homeless, survivors of domestic violence and child abuse, and friends and family of homicide victims. The executive director for a state-level organization for the latter group put it this way, "One of the things that I've learned over the years in working with survivors is how much being of service to others helps in their own healing process. And also, how important it is for other survivors to see examples of survivors healing."

Professional organizations are less likely than organizations representing the unfranchised and other citizens' groups to put a high value on having current or former

members of the group on staff, in part because they can turn to their members for subject matter expertise. As the director of a state-level association of occupational therapists replied when asked if they had any occupational therapists on her staff, “We do not. And you’ll find many associations who don’t have that anyone from that profession, or trade on their team. Association management is a profession like anything else, and that’s what you utilize the volunteer expertise for.”

Other professional organizations thought it might be helpful but were limited by the normal pay scale for the profession they represent. The Executive Director for an association for lawyers with a particular legal specialty did not think that the wages he was able to offer would allow him to hire experienced lawyers:

We’re a small organization. And because we’re small and underfunded, our opportunities to hire people that have a long history of [practice in our area of law] is very limited. So what we try to do is find people who are interested in working for us for the low wages.

4.2.3 Demographic Differences

Descriptive representation and personal connections are not the only differences in staffing across the different types of advocacy organizations. Table 4.3 presents a number of other demographic differences. To begin with, staff size varies in surprising ways. Among survey respondents, organizations representing the unenfranchised have the largest staffs, with a mean of 35 full-time equivalent employees per organization. Other citizens’ groups are the second largest, with a mean of 30, and professional organizations are the smallest with 23.

Professional organizations rely heavily on volunteer committees to conduct their business. In fact, as noted above, some state-level professional organizations are entirely volunteer run. The president of a large state-level organization for behav-

ioral analysts that had been in existence for nearly 40 years described their staffing situation this way:

We actually do not really [have] any dedicated staff. We certainly hire out for some things like our graphic design. For this [upcoming training event], we hired a company for that. We do have a bookkeeper who works for a nominal fee, but that's not her primary job. So, we don't have any full-time or part-time dedicated staff to our organization. It's something that we are talking about and working toward. And whether that comes in the form of an executive director or just starting with some paid employees, like staffers, that is yet to be determined. But right now, it's occurring on an all volunteer basis. We've done a lot to grow the organization in the last two years, and strengthen it, so we're really looking to just have some folks that are dedicated to making that happen right now. And then, we're going to be able to branch out into some paid positions to, I think, better secure the future of the organization.

As chapter 5 will demonstrate, professional organizations are disproportionately likely to be membership organizations. Further, interviewees from this category noted that many of their members are able to use work time to engage in service to the organization. In effect, the members' employers are subsidizing the organizations efforts by paying employees while they perform organizational tasks. Even in the absence of such subsidization, however, members seem happy to volunteer. Organizations representing the unenfranchised are the least likely of the three types of groups to be membership organizations and as a result may lack volunteers and have to depend most on paid staff.

The employees of all the advocacy organizations that responded to the survey are overwhelmingly female. The overall mean percentage of organization staff that identify as women is 70% and the median is 72.5%. This may be a reflection of

	All	Unenfranchised	Other Citizens' Groups	Professional
Number of FTE employees	28	35	30	23
Women	69.96%	77.63%	71.31%	65.76%
Men	29.35%	21.95%	27.02%	34.11%
Nonbinary gender	0.69%	0.42%	1.67%	0.13%
People of color	20.5%	31.32%	23.77%	13.38%
College degree	67.75%	72.69%	67.31%	68.81%
Advanced/professional degree	31.10%	40.54%	31.70%	33.25%

Table 4.3: Mean Survey Responses on Employee Demographics by Type of Group

larger dynamics in the advocacy environment. Among lobbyists, women tend to work in-house rather than in contract lobbying positions, and the pay gap between men and women in lobbying jobs – which is generally quite large – is smallest in nonprofit organizations (LaPira, Marchetti and Thomas 2019). Among advocacy organizations in the survey sample, those representing the unenfranchised employ the largest percentage of women, at 78%; other citizens' groups are second with 71%. Professional organizations employ the smallest proportion of women, but women are still roughly two-thirds (66%) of their employees. All of these differences among groups are statistically significant.

As chapter 7 discusses in more detail, child advocacy organizations make up the largest proportion of organizations representing the unenfranchised, both in the full population and in the survey sample. Women have long been on the forefront of advocacy on behalf of children (Skocpol et al. 1993; Goss 2010), so perhaps the strong presence of women in organizations representing the unenfranchised should be unsurprising. Women's interest in advocacy work on behalf of children and the disabled may be linked to their roles as caregivers who directly observe needs that could be addressed by policy. The executive director of the organization representing unpaid caregivers observed that those working in patient advocacy are disproportionately women and speculated, "Part of it I think is gender issue that women are across all diseases doing more caring so they're doing more of that advocacy." If we look at the gender proportions by subgroups of the unenfranchised, we see that the highest rate

of women employees is in fact in organizations that focus on children, with women making up 82% of the employees of those organizations. Organizations representing non-citizens are a close second with 80% women. The lowest proportion of women employees among the unenfranchised is in groups representing people with felony convictions, at 56%. This also makes sense given the tendency of former members of represented groups to be on staff; men are disproportionately affected by felony convictions. However, these differences are only suggestive; because of the small size of many of the subgroups, none of the differences in the proportion of women employees among organizations representing the unenfranchised are statistically significant.

People of color are also most prominent in organizations representing the unenfranchised. These organizations report that 31% of their employees are people of color. Other citizens' groups have the second highest proportion at 24%, while professional organizations are overwhelmingly white, with only 13% of employees who are people of color. Among the unenfranchised, organizations representing non-citizens have the highest proportion of people of color on staff at 62.5%. Surprisingly, given racial inequality in the criminal justice system, organizations representing adults with felony convictions report the lowest proportion of people of color at 9.6%, though organizations that represent both children and adults in the juvenile and criminal justice systems report having 27% people of color on staff. Again, these results are largely suggestive because most of the differences among subgroups of the unenfranchised are not significant. The one exception is the difference between organizations representing non-citizens (62.5%) and those representing children (24.5%).

The staff of nonprofit advocacy organizations are highly educated; the mean percentage of employees with a college degree is 68% – more than double 33.4% of people in the U.S. workforce with a college degree – and the median is 84%. Organizations representing the unenfranchised have the highest rate of college-educated employees at 73%, but differences between the groups are not significant. The pattern for higher

degrees is similar. Survey respondents reported a mean of 31.1% of employees holding higher degrees or professional licenses, compared to 13.1% for U.S. adults generally. Organizations representing the unenfranchised reported the highest rate of such degrees at 40% but are not significantly different from other citizens' groups (32%) or professional organizations (33%).

4.3 Conclusion

The existence of organizations that work on behalf of a cause that is not directly tied to the founding group's economic or social interests is well known to political scientists. Berry, for example, has written extensively about the advocacy work of public interest organizations and nonprofits (Berry 2003b; 1999; 1977). Similarly, studies of lobbying have noted that some people come to advocacy work for different reasons. For example, Baumgartner et al. (2009, 184) observed:

Although many lobbyists are happy to work for whoever will pay for their services, there are many others who work out of *conviction*. This is especially true of lobbyists for citizen groups and labor unions, who are typically fueled by ideology and are passionate about the righteousness of the issues they work on.

(Emphasis in the original)

But while the existence of organizations and individual working for the interests of others and doing the work with a deep sense of conviction is acknowledged by the literature, it is notably absent from the leading theoretical accounts of how and why advocacy organizations come into existence in the first place.

The leading explanations of the organization of interests do find partial support in the interviews examined here. The public choice tradition argues that large groups are unlikely to effectively mobilize unless members are offered otherwise unavailable

benefits, which [Olson \(1965\)](#) called selected incentives. All of the professional organizations interviewed followed this pattern. As membership organizations, they offer benefits in the form of training, conferences, publications, and networking opportunities. Members join to access these benefits, and the organizations are also able to provide them with policy representation. For the professional organizations interviewed, policy was usually a secondary purpose of the organization. In the few cases where it was an initial goal of the organization, it was not the only goal.

The theoretical tradition that follows [Truman \(1951\)](#) focuses more on group identity and affinity. As society shifts and changes, new groups recognize their shared interests and come together to advance those interests. This account fits the stories of some citizens' groups, but it is most applicable to organizations formed around particularly salient group identities like gender, race, ethnicity, sexual orientation, or shared traumatic experiences. There is no evidence in the interviews or in the larger survey sample that more transitory or less socially relevant identities – for example “college student” or “cycling enthusiast” – would inspire the commitment necessary to overcome collective action problems.

Additionally, the stories here provide little support for [Salisbury's \(1992\)](#) argument about the importance of the role of policy entrepreneurs, or [Berry's \(2003b\)](#) observation that public interest organizations are overwhelmingly founded by zealous individuals. While there are a few stories of individual leaders driving the creation of an organization, this featured in only 9 out of 60 interviews (15%). Notably, it did not arise in any of stories of the founding of professional organizations. Instead, all of the origin stories of professional organizations and the vast majority of those of organizations representing the unenfranchised and other citizens' groups feature groups coming together to address an issue. The healthcare professionals around a kitchen table, the LGBTQ community activists formalizing their grassroots efforts, and the community activists and nuns coming together to create a service organiza-

tion to help people leaving prison re-enter society are much more representative of the stories here.

This chapter argues that a large number of organizational stories do not fall neatly under existing theories of interest group formation. In particular, the leading theoretical traditions fail to explain the development of organizations representing the unenfranchised. Evidence from the interviews in this study suggests factors such as initiation by government actors and diffusion across jurisdictions and groups play under-acknowledged roles in interest group formation; most importantly for the unenfranchised, so do values like justice and community. This chapter makes the case that existing political science theories underestimate the importance of expressive interests, shared values, and ideals in the formation of advocacy organizations.

Values and ideals also play an important role in attracting leaders to work for an organization. The vast majority of leaders of advocacy organizations representing the unenfranchised and other citizens' groups chose their jobs because of their passion for the issues affecting a particular population or for justice more generally. Personal connections also help the organizations attract staff. More often than not, a high percentage of an advocacy organization's staff have a personal connection to the group the organization represents. Organizations representing the unenfranchised have the fewest opportunities to hire current members of the groups they represent, but they are the most active in hiring former group members. They also attract large numbers of employees with other connections to the group. More generally, the unenfranchised are represented by a highly educated, largely female workforce that is more racially diverse than the staffs of other advocacy organizations.

Chapter 5 Legal Structure and Funding

The last chapter explored how advocacy organizations representing the unenfranchised come into being, who works in them, and why their leaders and employees choose to work in them rather than in other, potentially higher paying, organizations. We now turn to some of the earliest and most basic decisions these organizations make: the legal tax status under which to incorporate and the sources of funding to seek. These early decisions are critical, because they have implications for how organizations do their advocacy work. In other words, they help shape the ways and degree to which groups are represented in the policymaking process.

As discussed in chapter 2, an organization's tax status under the IRS code shapes three important aspects of its ongoing operations. First, the tax status determines whether and to what extent contributions to the organization are tax deductible for people who provide the organization with revenue. This in turn shapes the second aspect: the sources from which the organization is able to obtain funding. Third, different tax statuses come with different restrictions on advocacy activities, so they shape how the organization goes about its advocacy work. However, not all groups have the same options available to them, because not all IRS nonprofit tax statuses are equally available to all populations in need of representation.

The relationship between funding sources and tax status can run both ways; the availability of funding sources also shapes the tax status an organization selects. Funding sources such as membership dues may be readily available to some groups and not available to other groups. For example, people who live in poverty or who do not have independent access to resources may not be able to pay to become members of advocacy organizations, even though they may have an acute need for advocacy

that could improve public policies that affect their lives. These groups may need to rely on benefactors to fund organizations working on their behalf and may need to offer tax deductions as an incentive to contribute to their cause.

The differences in tax status and funding opportunities available to different groups replicate existing inequalities; they place the greatest constraints on organized advocacy on behalf of the groups that are the most marginalized. As chapter 2 argued, the intermediary role played by advocacy organizations in political representation is particularly important for unenfranchised groups like children and the incarcerated who lack a direct electoral connection to policymakers. However, these are also the groups that are least likely to have the independent resources to support advocacy organizations directly. Thus, the organizations that represent them have to be more reliant on charitable contributions and the 501(c)(3) tax status than organizations representing other groups.

This chapter proceeds as follows. It begins by briefly reviewing the most common options for nonprofit tax status under the Internal Revenue Service (IRS) Code and the restrictions placed on each. It then employs a subset of the National Center for Charitable Statistics (NCCS) database of tax filings from nonprofits in 2015 and the survey responses to describe how advocacy organizations are structured and funded and to test the expectations about group differences laid out in chapter 2. It concludes with an analysis of the degree to which organizations representing different types of groups feel that their advocacy is constrained by their tax status and funding sources.

5.1 IRS Tax Status Options

Advocacy organizations are almost always nonprofit organizations – meaning that the organization is exempt from most forms of taxation – but not all nonprofit organizations have the same tax status. Table 5.1 compares the four most common tax

status options for nonprofit advocacy organizations under Internal Revenue Service Code Section 501(c). It describes the types of groups eligible for each status, whether donations made to the organization under each status are tax deductible as charitable contributions or business expenses, and any restrictions on political activity associated with the choice of that classification.

IRS Section	Which Groups	Tax Deductible?	Political Activity
501(c)(3)	Religious, Educational, Charitable, Scientific, Literary, Testing for Public Safety, to Foster Sports Competition, or Prevention of Cruelty	Yes, as charitable contributions	Cannot devote substantial amount of effort to lobbying for legislation Cannot directly or indirectly engage in political campaigning for or against any candidate
501(c)(4)	Civic Leagues, Social Welfare Organizations, and Local Associations of Employees	No	Can lobby and engage in political campaigns so long as the organization exists primarily to promote social welfare
501(c)(5)	Labor, Agricultural, and Horticultural Organizations	Possibly, as business expenses	Not restricted
501(c)(6)	Business Leagues, Chambers of Commerce, Real Estate Boards, Etc.	Partially, as business expenses No deduction for the part of dues or contribution that funds political activities	May lobby for the enactment of laws to advance the common business interests of the organization's members No restrictions on other activities

Table 5.1: Common Tax Statuses for Nonprofit Advocacy Organizations

Source: IRS Publication 557 (January 2018)

Note that the only tax status for which contributions are tax deductible for donors as charitable contributions is IRS Section 501(c)(3). This is also the status with the most severe restrictions on political activity. Organizations that are tax exempt under section 501(c)(3) of the Internal Revenue Code cannot engage in any electoral advocacy and cannot devote a substantial proportion of their activities to attempting to influence legislation. Private philanthropic foundations are generally 501(c)(3) organizations themselves. Not only can foundations not use a substantial portion of their own resources to advance legislation, they are also prohibited by IRS rules from making tax-exempt grants to nonprofit organizations for lobbying. Although they can give to projects that also include lobbying, the foundation's total grant cannot exceed the total cost of the non-lobbying aspects of the project.¹ They are allowed to give to other types of organizations under narrow circumstances, but to protect their own tax status, foundations most frequently give to other 501(c)(3)

¹IRS, Specific Project Grants - Lobbying Exception, <https://www.irs.gov/charities-non-profits/charitable-organizations/specific-project-grants-lobbying-exception>

organizations.² As discussed in chapter 2, advocacy organizations representing the unenfranchised are expected to be more likely to be dependent on foundation funding than organizations representing other groups. As a result, we also expect that they will be more likely than other organizations to be incorporated under IRS section 501(c)(3). This expectation is on average. Many of nonprofits are incorporated as 501(c)(3)s – the expectation here is that organizations representing the unenfranchised are less likely than those representing other social groups to avail themselves of any other nonprofit tax status.

One way groups can get around the limitations associated with 501(c)(3) status if they are committed to legislative advocacy is to create a split organization: a 501(c)(3) organization for non-lobbying activities, the donations to which will be fully tax deductible, and an affiliated 501(c)(4), a status that allows lobbying but does *not* allow for tax deductible donations (Berry 1999). Many of the largest national advocacy organizations take this approach, including the ACLU, the AARP, and the NRA. Many organizations that take this path offer benefits to members who give to the 501(c)(4) in exchange for the loss of the tax deduction. These benefits are what Olson (1965) called “selective incentives” – private goods made available to people who contribute to a public good. However, some, like the ACLU, do not. Instead, they rely on their supporters passion for the issue rather than selective incentives.

5.1.1 The IRS Tax Status of Different Groups

NCCS data from 2015, the most recent year for which full data is available, provides one way to test the expectation that advocacy organizations representing the unenfranchised are more likely to be incorporated under IRS section 501(c)(3) than

²IRS, Grants to Noncharitable Organizations, <https://www.irs.gov/charities-non-profits/private-foundations/grants-to-noncharitable-organizations>.

are organizations representing other social groups.³ As described in chapter 3, the IRS and NCCS use the National Taxonomy of Exempt Entities (NTEE) system to classify nonprofit organizations. These codes indicate the primary purpose of the organization. The codes are helpful in separating organizations that are likely to advocate on behalf of a discrete social group from other types of nonprofit organizations. The 86 NTEE codes that are most likely to encompass the population of advocacy organizations are used for this analysis.

The 86 NTEE codes were then divided into three categories:

- **Professional Organizations.** This category includes those NTEE codes most likely to encompass organizations whose constituencies are defined around shared professional or work affiliations. This category includes large, national associations such as the American Medical Association and small local associations like the Philadelphia Association of Paralegals. Labor unions like the United Steel Workers and the Communication Workers of America are also included in this category; the umbrella organizations and their locals are generally separate legal entities, but all are considered professional organizations for this analysis.
- **Unenfranchised Organizations.** This category includes those codes mostly likely to encompass organizations representing children, non-citizens, people with felony convictions, and people with severe mental disabilities. If the code was likely to cover large numbers of organizations representing both unenfranchised and voter populations, the code was included in this category. For example, NTEE code P84, which encompasses Ethnic and Immigrant Centers, is coded under Unenfranchised Organizations. This category includes organizations like the Children's Aid Society, and the Refugee and Immigrant Center for Education and Legal Services (RAICES).

³Urban Institute, National Center for Charitable Statistics. (2018). Core File for Public Charities and Other Exempt Organizations for 2015. Available from: <https://nccs-data.urban.org>. See chapter 3 for a description of this data.

- **Other Citizens’ Groups.** This category includes all codes that are likely to encompass organizations representing distinct social groups that did not fall in the first two categories. For example, NTEE code R24, described as Women’s Rights, and R25, described as Seniors’ Rights, are coded as Other Citizens’ Groups. Organizations in this category include the NAACP, the National Organization for Women, and state and local Legal Aid Societies.

For each NTEE code included in the analysis, I generated a count of the number of organizations that had an IRS 501(c)(3) status and a separate count of those that have some other IRS tax status. I then calculated the percentages of all the organizations in each of the three categories – Professional, Unenfranchised, and Other Citizens’ Groups – for these tax status counts. The results are displayed in Table 5.2. The detailed coding and counts are provided in Appendix A5.

Organization Type	Organizations	% that are 501(c)(3)s	% with Other Tax Status
All Organizations	60,764	41.5%	58.5%
Professional Orgs	28,285	13.90%	86.10%
Unenfranchised	8,208	95.74%	4.26%
Other Citizens’ Groups	24,271	55.32%	44.68%

Table 5.2: Tax Status by Constituency Type, from Advocacy Organization Subset of 2015 NCCS Data

Less than half (41.5%) of all nonprofit advocacy organizations in the analysis are incorporated under the tax status that is most restrictive of advocacy activity, IRS 501(c)(3), but the use of this status is not consistent across constituencies. Professional organizations rarely adopt this status – 86.1% of them are instead incorporated under some other status more permissive of advocacy activity. In stark contrast, very few organizations representing the unenfranchised – just 4% – have adopted anything other than a 501(c)(3) status. Other citizens’ groups are more evenly split, with 55% incorporated as 501(c)(3)s, and the rest incorporated under less restrictive statuses. This provides strong support for the hypothesis that advocacy organizations representing the unenfranchised are most likely to be incorporated under section 501(c)(3).

However, reliance on NTEE codes is imperfect. The categories are by necessity broad and do not capture the full nuance of the activities of the organizations they describe. Even where the categories fit cleanly, they are sometimes misapplied by NCCS or the IRS. For example, I found the International Interior Design Association listed under Q99 (International, Foreign Affairs National Security N.E.C.), and the American Academy of Orthotists and Prosthetists listed under B20 (Elementary Secondary Schools). With respect to organizations representing the unenfranchised, organizations that work on behalf of those with felony convictions were hardest to isolate using NTEE codes – some are coded as civil rights organizations (R20) or legal services (I80), categories for which the vast majority of organizations are other citizens' groups and which are coded accordingly in this analysis. Therefore, analysis based on these categories is only a starting point for understanding differences in tax status.

Data from the survey provides an alternate way to test expectations. With the survey data, we do not need to rely on NTEE codes. Two survey questions give us a way of identifying the group or groups an organization represents. First, respondents were asked in an open-ended question to describe the groups on whose behalf they advocate. Second, they were asked the following question to more precisely identify the level of representation they provide for the unenfranchised:

Approximately what percentage of your organizations policy efforts are directly targeted at promoting or defending the interests, rights, or benefits of people who lack the legal right to vote, such as children, non-citizens, or people disenfranchised due to felony convictions or mental incapacity?

For the comparisons that follow, organizations are coded as unenfranchised if their answer to this question was 75% or higher, and if they are not professional organizations.

Respondents were also asked to provide their organizations' Employer Identification Number (EIN), which is their tax identification number. The EINs were used to merge the survey data with the NCCS tax data, including the tax status. If an organization provided more than one EIN, I used the organization's website to determine the one for which the respondent was most likely answering, but also coded the organization as a having multiple EINs (see below).⁴ The tax status breakdown among survey participants is quite different from that in the NCCS analysis. As Table 5.3 shows, the survey sample is more heavily tilted toward 501(c)(3) organizations than is the fuller population of nonprofits. Approximately 66% of the survey organizations are 501(c)(3)s, compared to 41.5% of the NCCS sample. This is due, at least in part, to sampling decisions – 501(c)(3) organizations were over-sampled to ensure sufficient responses from organizations representing the unenfranchised for analysis. However, the general patterns hold. Professional organizations are far less likely than other types of groups to be 501(c)(3)s – only 33% of the professional organizations in the survey sample have this status. In contrast, every organization representing the unenfranchised is a 501(c)(3).⁵

Organization Type	Total Organizations	% that are 501(c)(3)s	% with Other Tax Status	% Split Organizations
All Organizations	591	65.99%	34.01%	8.63%
Professional Orgs	277	33.21%	66.79%	13.12%
Unenfranchised	98	100%	0%	0%
Other Citizens' Groups	196	93.67%	6.63%	6.93%

Table 5.3: Tax Status by Constituency Type, from Survey Sample

⁴Websites sometimes provide this information directly, by disclosing their tax filings and other organizational details. When such cues were not available, I used the EIN that was issued earliest, as this was likely the original organization. If they were issued concurrently, I used the EIN associated with the highest revenue.

⁵A note on organization totals in Table 5.3: 591 of the survey organizations provided at least one EIN that could be matched with the NCCS data to determine tax status. Not all of these organization provided enough information about the groups they represent to be categorized by organization type. Thus, the group type totals add up to 20 fewer organizations than the total of all organizations.

With respect to 501(c)(3) status, other citizens' groups look more like the unenfranchised in the survey sample than they do in the NCCS analysis. However, as previously noted, one way an organization can work around a restrictive tax status is to create a split organization: a 501(c)(3) that can accept charitable contributions and another entity under a status that has fewer advocacy restrictions. Other citizens' groups are expected to have a broader base of support and therefore to be more likely than organizations representing the unenfranchised to avail themselves of a split organization. Unfortunately, the NCCS data is not very helpful in discerning which organizations have taken this path. A 990 tax form is required from each legal entity with a separate EIN, but organizations are not required to report whether they are connected to another legal entity. Further complicating matters is the fact that not all related organizations share common or similar names. For example, when the National Organization for Women (NOW), which is a 501(c)(4), first split by creating a separate 501(c)(3) to focus on legal advocacy, the 501(c)(3) was called the NOW Legal Defense Fund. However, in 2004, the 501(c)(3) changed its name to Legal Momentum. A person who looked at the NCCS data alone would not be able to tell that these organizations were connected. Further, attempting to connect organizations that did share a name in the NCCS sample is impractical; organizations may share names for many reasons other than having a split organization. For example, they may share names because they are part of a federated structure, such as with unions, they may share names because of standard naming conventions, such as with Child Advocacy Centers, or they may share a name by accident or coincidence. Therefore, for purposes of the analysis in Table 5.2, each legal entity with its own EIN is counted as a separate organization, even though some may be connected to others as split organizations.

The survey did not directly ask about split organizations, but, as noted above, it did request that respondents provide their organizations' EINs. Some organizations

provided multiple numbers, indicating that they have more than one legal entity. For organizations that provided only one EIN, I searched the NCCS for additional entities that shared a similar name and then investigated possible connections. My search would not have uncovered a situation like that of NOW and Legal Momentum, so it is likely an undercount of split organizations. However, there is no obvious reason that organizations representing the unenfranchised would be more likely than those representing other types of groups to use a different name when creating a split organization, so the analysis is still informative. Not all organizations with more than one EIN were split organizations. Sometimes, organizations provided two EINs that shared the same tax status. Often these were multiple organizations that shared the same leadership. An organization was only coded as a split organization if it had a 501(c)(3) and an separate EIN with a different tax status. Approximately 13% of the organizations in the sample had multiple EINs, but only 8.6% were split organizations. Notably, none of the split organizations represented unenfranchised groups. In contrast, 7% of other citizens' groups had a split organization. A look at the survey data reveals that the vast majority of the other citizens' groups in the sample that have a split organization represent the LGBTQ community. This community is an example of a group that despite a legacy of social stigma has a large number wealthy members who are able to support organizations irrespective of whether contributions are tax deductible. The differences between the tax statuses and rate of split organizations for organizations representing the unenfranchised and those representing other citizens' groups are modest in size but they are statistically significant.⁶ There is overlap between the tax status and split organization measures. When they are combined and overlap is eliminated, 9% of other citizens' groups that

⁶Unless otherwise noted, all tests of significance between groups are conducted using pairwise Wilcoxon tests. This nonparametric test was used instead of the more common ANOVA analysis because most survey responses were not normally distributed.

responded to the survey avail themselves of less restrictive tax statuses either in part or in full.

Perhaps the most surprising finding in the analysis of tax statuses is that the group of survey respondents with the highest rate of split organizations is professional organizations, at 13%. Instead of organizations that are split between 501(c)(3)s and 501(c)(4)s, these organizations are splitting between 501(c)(3)s and one of the occupationally focused statuses – 501(c)(5) or 501(c)(6). These organizations are taking advantage of tax deductible charitable contributions for education and other non-advocacy activities, while utilizing a less restricted status for other work.

5.2 How Advocacy Organizations Are Funded

Differences in tax status are expected to influence – and to be influenced by – the funding sources available to an organization. We now turn to a comparison of funding by group type. To begin, Table 5.4 compares the mean revenue for organizations in both the NCCS and survey samples. The most surprising thing in this comparison is that the mean revenue for unenfranchised organizations in the NCCS sample is higher than either other citizens’ groups or professional organizations, and the difference is statistically significant. Given the constraints these organizations face, this is quite surprising. The largest organizations in the sample are professional organizations. For example, of the ten organizations with the highest revenue, all but one are professional organizations and the exception falls under other citizens’ groups. However, 37% of the organizations coded as unenfranchised are in the top quartile of revenue for the sample. A closer look at the data suggests that many of these high revenue unenfranchised organizations are regional centers for the developmentally disabled that primarily provide services to people with disabilities. This suggests that the imprecision in the NTEE codes and the decision to include service organi-

zation that might also do advocacy could be skewing the means. If the NTEE code covering regional centers, P82 (Developmentally Disabled Centers), is excluded from the analysis, the mean revenue for the unenfranchised drops to \$2,442,256, which is lower than professional organizations, though still higher than other citizens' groups. The mean revenue from the organizations in the survey sample is more in line with expectations – the mean for professional organizations is highest, followed by citizens' groups. The unenfranchised have the lowest mean, but the differences are not statistically significant.

Sample	Overall	Unenfranchised	Citizens' Groups	Professional
NCCS Sample	2,425,000	4,147,648	1,788,901	2,470,147
Survey Sample	3,471,378	2,543,418	3,141,854	4,114,490

Table 5.4: Mean Revenue by Group Type

However, the hypotheses from chapter 2 do not focus on total revenue, but instead on sources of revenue. Unfortunately, the NCCS data is not helpful for testing these expectations. The 990 forms from which the NCCS data is collected provides the revenue information required by the IRS, but the categories the IRS requests do not line up with how we usually think about nonprofit funding. They separate income sources like rent, sale of assets, and royalties, but do not separate funds received from philanthropic foundations or membership dues. Thus, the NCCS data do not provide an opportunity to test the expectation that advocacy organizations representing the unenfranchised are the most likely to be dependent on foundation funding. For this, we turn to the survey data. The survey question most relevant to understanding the funding sources advocacy organizations rely on is as follows:

What are the sources of your organization's income? (Rough estimates are fine – no need to consult your organizations records for a precise answer.)

- % Individual donors

- % Membership dues
- % Federal government
- % State or Local government
- % Foundations
- % Corporate contributions
- % Income from services provided to clients or others
- % Fundraising events
- % Other (please specify)

Several survey respondents skipped this question or gave answers that did not add up to 100%. Those responses were dropped from this analysis, leaving a sample of 587 organizations.⁷ Of those, only 553 provided enough information to code them by organization type. There does not appear to be bias in the type of organization dropped from this analysis; the percentage of organizations in each of the comparison categories is consistent with that in the full sample. Table 5.5 shows the mean answers for each funding source. The most striking thing about this table is that there is no dominate funding source. All but 2 of the funding sources have a median of 0, meaning that over half the respondents did not report any funding from that source. For all but two of the sources, at least one respondent reported receiving all of their funding from that single source. The largest funding source overall is membership dues, providing an mean of 26.63% of all respondents' revenue. Corporate contributions have the lowest mean at 5.92%; no organization said they receive more than 75% of their revenue from that source. Of interest to our expectations, on average, overall organizations in the sample receive only 11.09% of their revenues from philanthropic foundations.

⁷Responses that totaled close to 100% – those between 90 and 110% – were not dropped. These were presumed to be math errors and the percentages were adjusted proportionally to total 100.

Funding Source	Overall	Unenfranchised	Citizens' Groups	Professional
Individual donors	12.21	15.03	25.11	3.26
Membership dues	26.63	3.05	5.96	50.15
Federal government	7.28	12.01	12.58	2.50
State or Local government	10.75	22.50	17.73	1.64
Foundations	11.09	25.11	15.67	3.06
Corporate contributions	5.92	3.73	6.96	5.80
Income from services	10.73	6.24	7.11	15.05
Fundraising events	6.70	9.32	9.16	3.46
Other	9.66	3.83	4.25	15.49

Table 5.5: Mean Revenue by Funding Source and Group Type

When we look at differences between the groups, we see some striking differences. As expected, professional organizations are most reliant on membership dues for funding. The average professional organization derives about half of its revenue from members. In contrast, citizens' groups get only about 6% of their revenue from membership dues and organizations representing the unenfranchised get half that much – just 3%. On the other hand, the single largest revenue source for the unenfranchised is philanthropic foundations, as we expected. Citizens' groups get the largest share of their funding from individual donors. Both the unenfranchised and other citizens' groups draw substantial government funding, with higher percentages of funds coming from state or local governments. This simple comparison of means is supportive of our expectation that organizations representing the unenfranchised will be more reliant on foundation funding than other types of organizations, and that this is because the unenfranchised are less likely to contribute as members or individual supporters.

OLS models demonstrate the strength of these findings. The most direct outcome of interest is the percentage of the organization's funding that comes from foundation funding; survey responses give us a continuous measure from 0 to 100. Membership dues are used as a second dependent variable to test the mechanism – the inability to rely on membership dues as a funding stream – that is hypothesized to drive advo-

cacy organizations that represent the unenfranchised to rely on foundation funding. The independent variable for the first set of models in Table 5.6 is the percentage of advocacy efforts organizations say they focus on the rights or interests of the unenfranchised. This provides a continuous variable running from 0 to 100, with higher numbers indicating that more of the organization's efforts are dedicated to advancing the interests of the unenfranchised. The expectation is that as this variable increases – indicating that the organization spends a higher percentage of its time advocating for the unenfranchised – the percentage of their funding that comes from foundations will increase, and the percentage that comes from membership dues will decrease.

No control variables were included in the models presented in this chapter because standard organizational controls are both post-treatment and post-outcome. The most common controls used in studies of interest groups are controls for group resources. Revenues are used by some scholars, but staff size is more common. The choice of group to represent is generally the first decision an organization makes; organizations do not fundraise or hire staff before making this choice. Including post-treatment control variables can lead to spurious correlations between outcomes and key variables of interest (Acharya, Blackwell and Sen 2016, 514). The risk of spurious correlation is exacerbated here by the fact that organizational resources are a direct result of the fundraising sources being examined here. Because group characteristics are anticipated to drive funding dynamics, resources are not expected to be independent of the variables of interest. However, because there is variation in resources among the organizations of each type in the survey sample, models with each type of resource control were run as robustness checks. The results for these models can be found in Appendix A6. The results are substantially the same as those presented below.

Table 5.6 presents the results of OLS regressions using the percentage of efforts on behalf of the unenfranchised as the independent variable. The coefficients for the %

	<i>Dependent variable:</i>	
	% Foundations	% Membership Dues
	(1)	(2)
% Unenfranchised	0.195*** (0.024)	-0.276*** (0.039)
Constant	6.500*** (1.043)	33.800*** (1.738)
Observations	551	550
R ²	0.111	0.082
Adjusted R ²	0.110	0.081
Residual Std. Error	20.069 (df = 549)	33.427 (df = 548)
F Statistic	68.868*** (df = 1; 549)	49.159*** (df = 1; 548)

Note: *p<0.1; **p<0.05; ***p<0.01

Table 5.6: Effect of Percent of Effort on Behalf of Unenfranchised on Funding Sources

unenfranchised variable is expected to be positive in models 1 and negative in model 2. Figures 5.1 and 5.2 illustrate the results. They show strong support for expectations. As the percentage of efforts an organization spends working on behalf of the unenfranchised increases, the percentage of its revenue from foundation funding increases and the percentage from membership dues decreases. However, the continuous model does not differentiate between professional organizations and citizens' groups. A professional organization may devote substantial efforts to representing the unenfranchised. For example, teachers unions may view it as part of their missions to advocate for their students, and immigration attorneys may view it as part of their mission to advocate for their clients. The models in Table 5.7 test differences using categorical dummy variables instead of the continuous variable. The excluded category is unenfranchised.

Figure 5.3 illustrates the results. Both professional organizations and other citizens' groups derive lower percentages of funding from foundations than organizations representing the unenfranchised. The effect for professional organizations is larger,

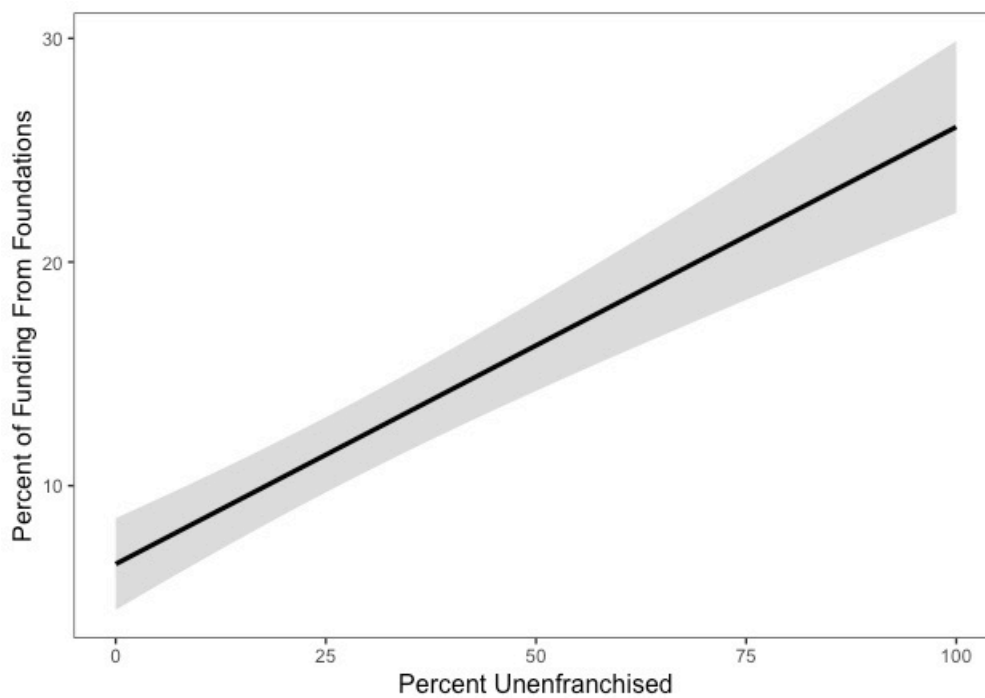


Figure 5.1: Relationship Between Foundation Funding and Representation of the Unenfranchised

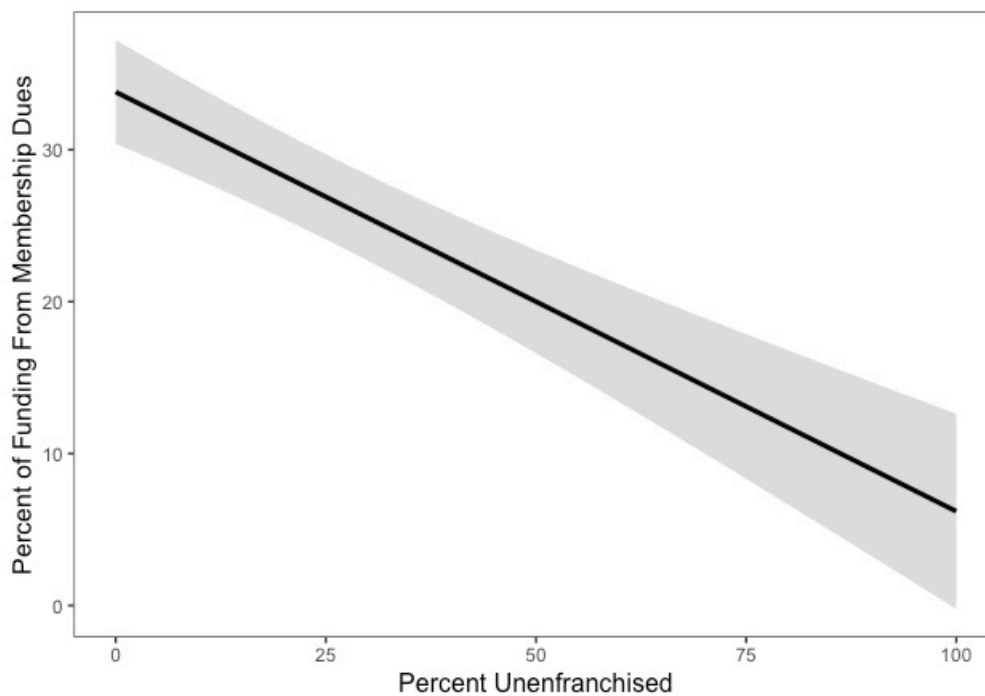


Figure 5.2: Relationship Between Revenue from Membership Dues and Representation of the Unenfranchised

	<i>Dependent variable:</i>	
	% Foundations	% Membership Dues
	(1)	(2)
Other Citizens' Groups	-9.443*** (2.408)	2.914 (3.326)
Professional Orgs	-22.052*** (2.288)	47.106*** (3.161)
Constant	25.112*** (1.966)	3.049 (2.720)
Observations	553	552
R ²	0.165	0.425
Adjusted R ²	0.162	0.422
Residual Std. Error	19.163 (df = 550)	26.373 (df = 549)
F Statistic	54.376*** (df = 2; 550)	202.494*** (df = 2; 549)

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 5.7: Effect of Constituency Type on Funding Sources

but both are significant. With regard to membership dues, professional organizations derive a much larger percentage of their revenue – more than 40% more – from this source. The coefficient for other citizens' groups is in the right direction but is not significant.

While there were no specific hypotheses about government funding, the data indicate that governments, particularly state governments, provide an important funding stream for advocacy organizations representing the unenfranchised. In OLS models, the continuous independent variable for percentage of advocacy effort devoted to the interests of the unenfranchised has a positive and significant relationship with the percentage of an organizations' revenues that come from federal funding, state funding, and these two sources of revenue combined. These results are presented in Table 5.8.

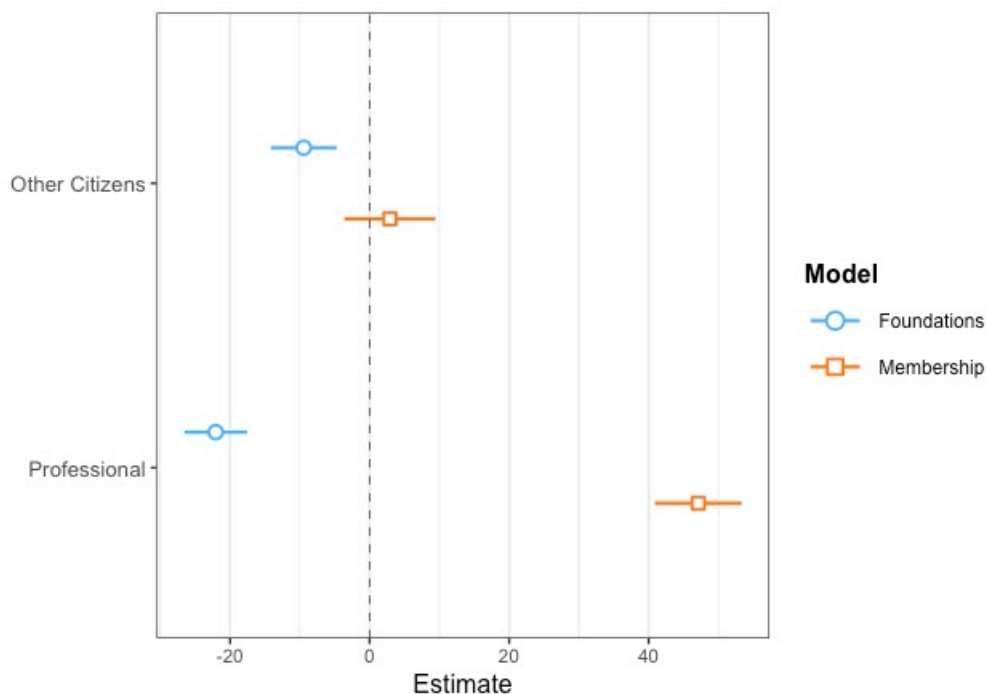


Figure 5.3: Differences in Funding Percentages by Organization Type. The excluded category is unenfranchised.

	<i>Dependent variable:</i>		
	% Federal Funds	% State Funds	% All Government Funds
	(1)	(2)	(3)
% Unenfranchised	0.042* (0.023)	0.125*** (0.027)	0.166*** (0.036)
Constant	6.547*** (1.027)	7.643*** (1.196)	14.135*** (1.616)
Observations	551	551	549
R ²	0.006	0.038	0.036
Adjusted R ²	0.004	0.036	0.035

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 5.8: Effect of Percent of Effort on Behalf of Unenfranchised on Government Funding

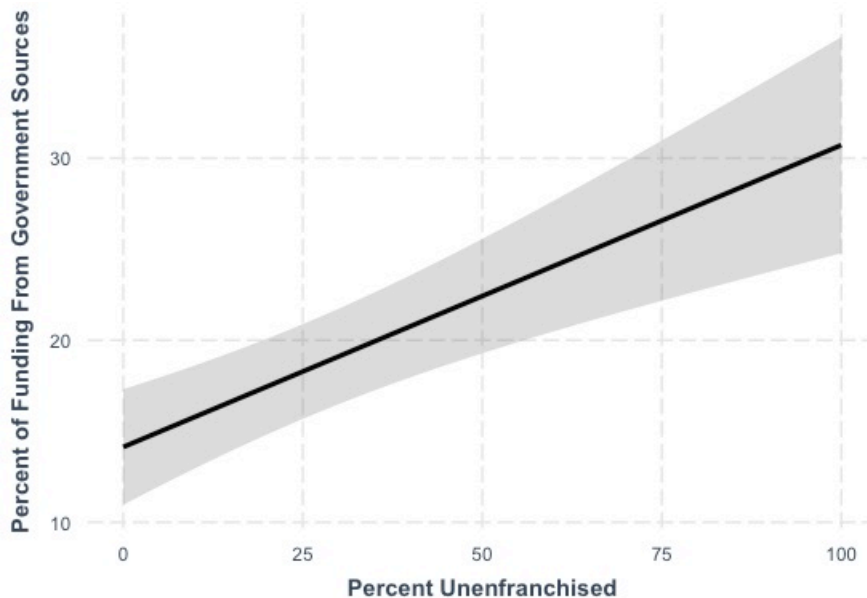


Figure 5.4: Relationship Between Government Funding and Representation of the Unfranchised.

Figure 5.4 illustrates the relationship between percentage of advocacy on behalf of the unfranchised and the percentage of revenue that comes from all government funding sources. The slope is not as dramatic as that for foundation funding, but it does indicate a significant correlation. The patterns are less clear in the categorical models displayed in Table 5.9. They suggest other citizens' groups receive as much or more federal funding as organizations representing the unfranchised, but significantly less state funding. Professional organizations receive significantly less government funding of all categories than both organizations representing the unfranchised and other citizens groups.

5.3 Perceptions of Constraints Imposed by Tax Status and Funding Sources

So far, this chapter has presented evidence that organizations representing the unfranchised are more likely to rely on a tax status – 501(c)(3) – that restricts

	<i>Dependent variable:</i>		
	% Federal Funds	% State Funds	% All Government Funds
	(1)	(2)	(3)
Other Citizens' Groups	0.571 (2.412)	-4.768* (2.706)	-4.494 (3.572)
Professional Orgs	-9.514*** (2.289)	-20.860*** (2.572)	-30.402*** (3.393)
Constant	12.011*** (1.968)	22.500*** (2.206)	34.558*** (2.914)
Observations	553	553	551
R ²	0.063	0.148	0.191
Adjusted R ²	0.059	0.145	0.189

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 5.9: Effect of Constituency Type on Government Funding

lobbying and receive more of their funding from philanthropic foundations, which may also limit advocacy. These differences are important if they impact the representation organizations provide. As previously noted, 501(c)(3) organizations face restrictions on their advocacy that other nonprofit forms do not. Restriction does not mean a complete lack of activity. It is important to note that many organizations that have a 501(c)(3) status can and do engage in legislative advocacy (Berry 1977; 1999). Much of the activity that lobbyists do can be considered policy education rather than attempts to influence specific legislation. Sophisticated organizations that are committed to improving public policies that affect the people they represent can structure their activities to emphasize education and assistance that indirectly further policy goals, while keeping direct attempts to influence legislation below the required thresholds. However, many 501(c)(3) nonprofits are uninformed or misinformed about the legal details of the restriction and thus constrain their own activity more than the law requires (Berry 1999). Further, those 501(c)(3) organizations that do embrace

legislative advocacy have to be more careful than organizations with other tax statuses or risk losing their ability to take tax deductible charitable donations. Tax status can be used by political opponents to try to stop advocacy they do not like. For example, the NRA – which is incorporated as under section 501(c)(4) – has repeatedly reported concerns about the activities of 501(c)(3) organizations that support gun control in order to undermine their advocacy, financial support, or both (Goss 2010). Similarly, the Sierra Club lost its 501(c)(3) status because policymakers who were unhappy after contentious fight over the damming of rivers complained to the IRS (Young 2010). It now operates primarily as a 501(c)(4) organization.

Do advocacy organizations representing the unenfranchised feel more constrained in their advocacy than those representing other social groups? Another survey item can help answer this question. Respondents were asked to rank, on a scale of 1 to 5, the extent to which different factors are barriers to their organization’s involvement in the policy making process. Two of these factors were: “tax law or IRS regulations,” and “organization receives foundation funds.” Higher numbers reflect a higher perceived barrier. Table 5.10 shows the results for OLS regressions using the continuous independent variable. Model 1 in Table 5.10 looks at the simple correlation between percentage of effort for the unenfranchised and the degree to which organizations perceive their tax status to be a barrier to advocacy. Figure 5.5 illustrates the effect. Model 2 adds a control variable for whether or not the responding organization has a 501(c)(3) status. Model 2 demonstrates that it is one particular tax status – 501(c)(3) – makes organizations feel constrained. The fact that organizations that dedicate more of their efforts to the rights and interest of the unenfranchised are more likely to be 501(c)(3)s is the mechanism through which they feel more constrained in their advocacy.

Model 3 in Table 5.10 shows the simple correlation between percentage of effort for the unenfranchised and the degree to which organizations perceive funding re-

	<i>Dependent variable:</i>			
	Tax Status as Barrier		Foundation Funding as Barrier	
	(1)	(2)	(3)	(4)
% Unenfranchised	0.005*** (0.002)	0.003 (0.002)	0.008*** (0.001)	0.005*** (0.001)
501(c)(3) Org		0.489*** (0.140)		
% Foundation Funding				0.013*** (0.002)
Constant	2.041*** (0.076)	1.801*** (0.108)	1.471*** (0.061)	1.386*** (0.061)
Observations	464	445	461	457
R ²	0.017	0.043	0.067	0.131
Adjusted R ²	0.015	0.039	0.065	0.127

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 5.10: Effect of Percentage of Advocacy Effort for Unenfranchised on Perception of Barriers to Advocacy

ceived from foundations to be a barrier to advocacy. Figure 5.6 illustrates the effect. Model 4 adds a control for the percentage of funding an organization receives from foundations. The expectation would be that this control would have a similar effect to the 501(c)(3) control and cancel out the independent effect of the organization's constituency. However, this is not what we find. The percentage of advocacy efforts an organization devotes to the unenfranchised has a significant effect on their perception that foundation funding is a barrier to advocacy above and beyond the effect of their greater reliance on that funding. Note, however, that while the perception of barriers increases, even when an organization is 100% focused on the representation of disenfranchised people, tax status and foundation funding are only considered moderate barriers to advocacy – less than 3 on a 5 point scale for both.

Table 5.11 and Figure 5.7 use the categorical variables to compare group differences. Both professional organizations and other citizens' groups worry significantly less about foundation funding as a barrier to advocacy than do organizations representing the unenfranchised. For tax status, both coefficients suggest less concern but the differences are only significant for the professional organizations. Once again in these models, controlling for 501(c)(3) status eliminates any difference between groups in perception of tax status as a barrier to advocacy. Controlling for percentage of foundation funding reduces the magnitude of the differences, but some difference remains.

Organizations were also asked to rate the degree to which they believed receipt of government funding was a barrier to their advocacy. Here, expectations are less clear. There are some government grants that expressly limit advocacy activities. For example, as Chapter 4 discussed, organizations that receive Legal Services Corporation funding from the federal government are barred from bringing class actions, lobbying for specific changes to the law, and representing prisoners and non-citizens. On the other hand, a number of organizations noted in their interviews that receipt of

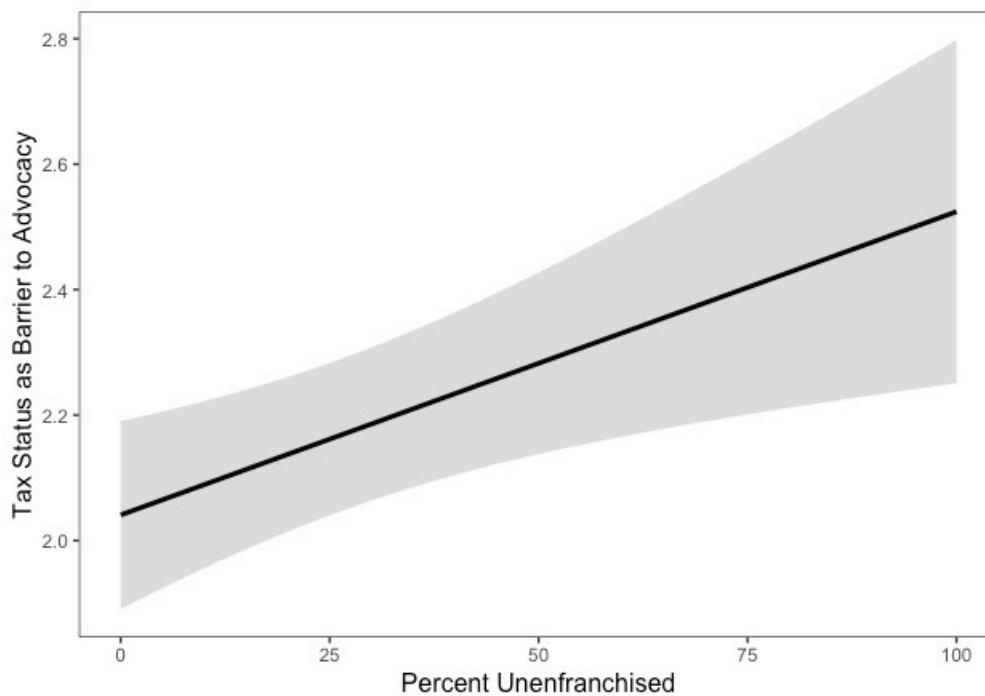


Figure 5.5: Relationship Between Representation of the Unenfranchised and the Perception that Tax Status is a Barrier to Advocacy

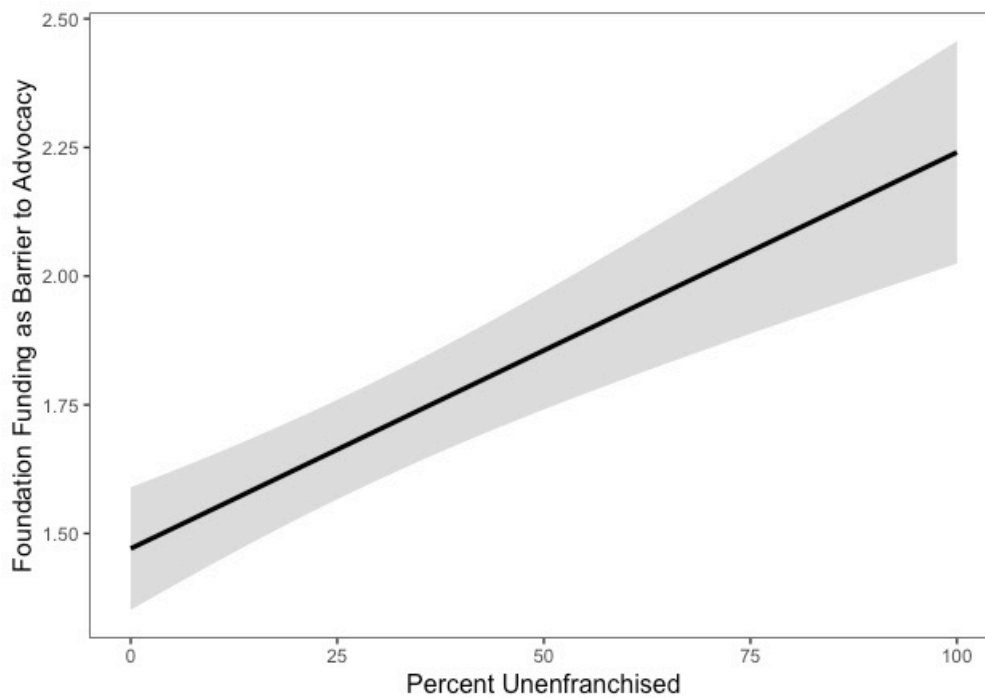


Figure 5.6: Relationship Between Representation of the Unenfranchised and the Perception that Foundation Funding is a Barrier to Advocacy

	<i>Dependent variable:</i>			
	Tax Status as Barrier		Foundation Funding as Barrier	
	(1)	(2)	(3)	(4)
Other Citizens'	-0.235 (0.182)	-0.205 (0.183)	-0.340** (0.141)	-0.245* (0.141)
Professional Orgs	-0.458*** (0.173)	-0.037 (0.209)	-0.852*** (0.134)	-0.612*** (0.143)
501(c)(3) Org		0.625*** (0.173)		
% Foundation Funding				0.011*** (0.002)
Constant	2.476*** (0.148)	1.869*** (0.228)	2.193*** (0.114)	1.922*** (0.128)
Observations	464	453	459	455
R ²	0.016	0.044	0.095	0.137
Adjusted R ²	0.012	0.037	0.091	0.132

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 5.11: Effect of Constituency Type on Perception of Barriers to Advocacy

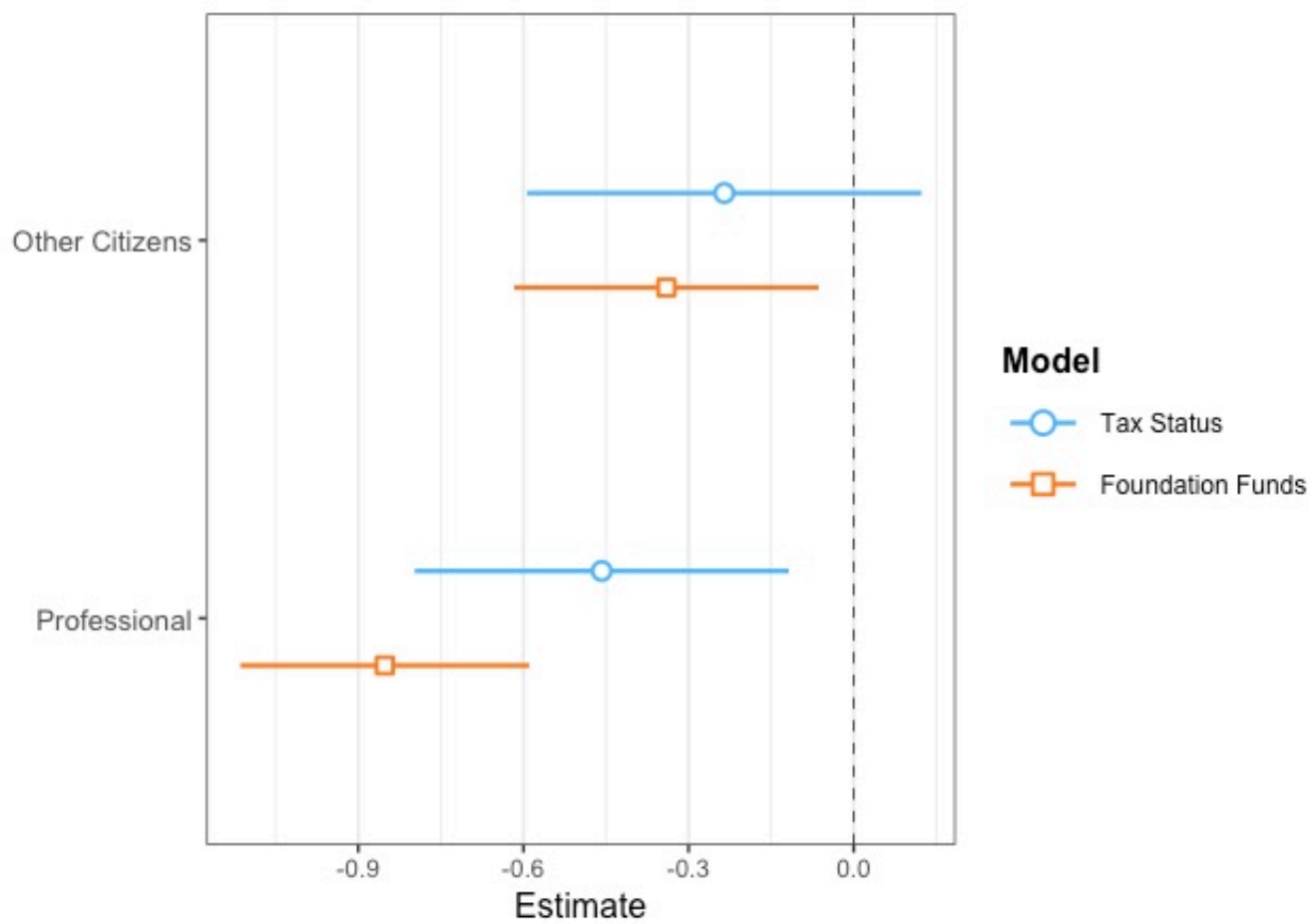


Figure 5.7: Effect of Constituency Type on Perceptions of Barriers to Advocacy

government funding inspired some of their advocacy. Two organizations representing the unenfranchised that received state funds stated that their most common advocacy activity was lobbying for the continuation of those funding streams. Further, as [Berry \(2003b\)](#) noted, governments will sometimes offer organizations funding to participate in administrative policymaking. Thus, government funding may be either a barrier or an incentive to advocacy, depending on the circumstances.

OLS models in Table 5.12 indicate a relationship between the percentage of efforts an advocacy organization dedicates to the unenfranchised and the degree to which it perceives government funding as a barrier to advocacy. Figure 5.8 illustrates the effect, which is similar in size to that for tax status. Controlling for the percentage of an organization's funding that comes from the government almost entirely eliminates the effect. Categorical models find no significant difference between organizations representing the unenfranchised and other citizens' groups in perception of this barrier.

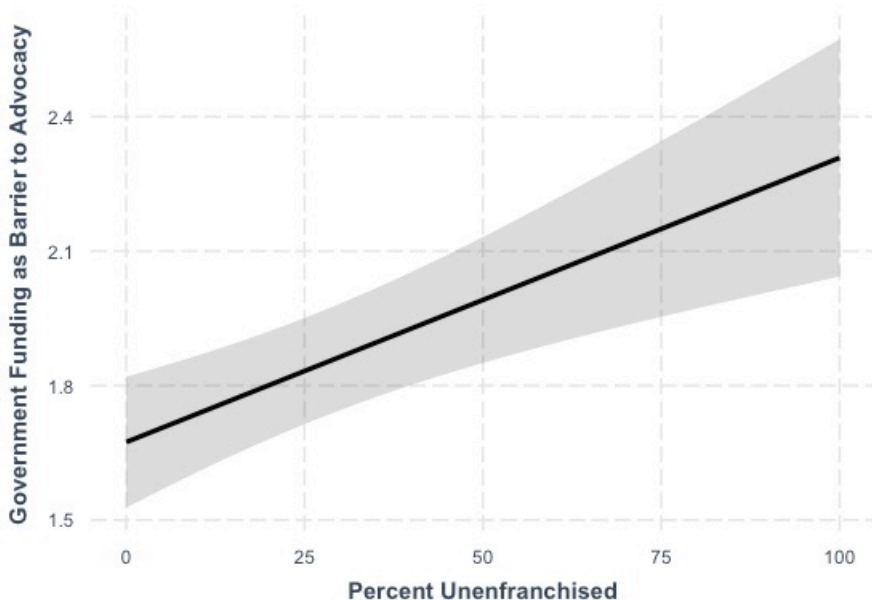


Figure 5.8: Relationship Between Representation of the Unenfranchised and the Perception that Foundation Funding is a Barrier to Advocacy

	<i>Dependent variable:</i>			
	Government Funding as Barrier to Advocacy			
	(1)	(2)	(3)	(4)
% Unenfranchised	0.006*** (0.002)	0.002* (0.001)		
% Government Funding		0.022*** (0.002)		0.021*** (0.002)
Other Citizens' Groups			-0.258 (0.171)	-0.149 (0.151)
Professional Orgs			-0.942*** (0.162)	-0.228 (0.155)
Constant	1.674*** (0.074)	1.357*** (0.067)	2.386*** (0.138)	1.591*** (0.139)
Observations	463	460	461	458
R ²	0.031	0.310	0.091	0.308
Adjusted R ²	0.029	0.307	0.087	0.304

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 5.12: Effect of Constituency on Perception that Government Funding is a Barrier to Advocacy

5.4 Discussion

This chapter suggests that the identity of the group an organization forms to represent drives some of the first critical decisions the organization makes, including the section of the IRS code to incorporate under and the sources of funding to seek. Some social groups have far more options available to them than others. For example, an organization seeking to represent lawyers can elect to form a 501(c)(3) and collect charitable contributions and grants from foundations, or they can form a 501(c)(6) and charge membership dues that will be tax deductible as business expenses. Or, as was the case with many of the split organizations in our survey sample, they can do both and have the best of all worlds – charitable contributions for activities that qualify, and few restrictions on the types of advocacy activities they conduct under another tax status. Other social groups have fewer options. An organization seeking to represent incarcerated people is likely to have to incorporate a 501(c)(3) and rely on charitable contributions and foundation grants to support its work because its constituency lacks the resources to support it directly. The analysis above provides support for these intuitive expectations, but it only begins to address the more important questions: So what?

Analysis of organization's perceptions of barriers to advocacy provides a first reason to believe we should care about these differences. Different options lead to different tax statuses and funding sources, which lead organizations representing some types of groups to feel more constrained in their ability to advocate on behalf of their constituents. For the most part, organizations dedicating more of their advocacy effort to the unenfranchised perceived greater barriers to their ability to advocate for their constituencies because they are more likely to hold a 501(c)(3) tax status and receive funds from sources that entail greater restrictions. However, their greater reliance on foundation funding does not fully explain their perception of foundation

funding as a barrier to their advocacy. Organizations representing the unenfranchised feel more constrained by their foundation funding than other types of groups receiving similar amounts of foundation funds. The survey data does not provide any way to determine why this might be, and this specific issue was not presented in the interviews. Still, two explanations seem possible. One is that there is something different about the foundations that give to organizations that represented the unenfranchised; perhaps grants made by them are more restrictive than those made by foundations that support other types of groups. Another is that organizations representing the unenfranchised are less sophisticated about the restrictions they face. The interview analysis in Chapter 4 suggested that advocacy organizations representing the unenfranchised are more likely to start as direct service organizations. [Berry \(2003a\)](#) found that charitable nonprofits, particularly those that provided direct services, were likely to underestimate the extent of advocacy in which they were permitted to engage. They may also be cautious out of concern about the effects loss of funding could have on their ability to serve their constituencies.

The interviews do provide some insights into another problem facing organizations that rely on foundation funding. In addition to the difficulty it creates for funding advocacy work, organizations relying on foundations are at risk of loss of funding due to the changing priorities of foundations. Sometimes priorities change as a result of changing leadership. The policy director for advocacy organization representing child sex trafficking victims and survivors told me that when family foundations hand off their leadership to the next generation of the family, there can be shifts in priorities:

They are strongly personalistic....They are strongly led by an individual within that foundation. And it's usually the matriarch of the family foundation who still has very strong fingers in their deeds. And that's been great for us. But we've also recognized that time stops for nobody so we've been making great efforts to engage the second generation or the

third generation of those foundations to bring them along in their interest on this issue too. And it's been challenging, because we didn't do that early on so they kind of developed interests in other areas. We were like, "Wait, wait, wait, here we are."

Shifts in priorities can also happen because of changes in the social and political environment. The executive director of an advocacy organization representing people in the criminal justice system described foundations' response to the election of President Donald Trump:

So many foundations have lost their minds....I feel like people in the foundation world are very Democratic, very left leaning. They never in a million years saw Trump winning, and it hit them like a ton of bricks. And so immediately they went into this self-examination, navel-gazing period of like, we didn't see this coming, we've been doing something wrong so let's shake up everything. I can't tell you how many funders who funded us for years talked to me within two to four months of the election saying, "We're really reevaluating our priorities, and we just don't know what we're going to do next."

It really troubled me because...it always came with a question of like, "What's the impact of this election on you?" My answer was always, there's very little impact, other than the fact that the persistent problem is the disproportionate impact of the criminal justice system on people of color and the poor, and now those folks are just going to be more vulnerable, so you need to keep funding us. That was the first maybe four to six months after the election....What I'm seeing now is all these emergency rapid response pots of money that are becoming available for various things, whatever the flavor of the day is, whatever the crisis of the day is, and I don't mean to demean the crisis of the day. They're serious,

but there's just so many right now. I mean, really, every month, there is a new thing....

Sudden shifts in the priorities of foundations can leave the organizations that depend on them most scrambling to either replace revenue streams or to adapt their programs to reflect funders' new priorities. For the executive director just quoted, the choice was to aggressively seek other funding sources. She said, "It...has elevated the need for us to establish more individual donor support, because that loyalty is much more reliable than it is with foundations that can twist in the wind."

This chapter provides clear evidence that the type of constituency an organization represents has implications for how the organization is legally incorporated and funded. Some groups are more constrained than others. The survey results presented here suggest that these differences matter. Groups structured around a profession or occupation are less likely to feel that their tax status or funding limits their advocacy, making them freer to act in the interests of individuals who may already enjoy substantial social advantages. The analysis also suggests that organizations perceive higher barriers to advocacy when more of the population they serve is unfranchised. These findings have normative importance. They suggest that the IRS rules governing nonprofits may perpetuate existing inequalities, amplifying the voices of the privileged and dampening those of the most marginalized. The next chapter will examine whether and how this translates into differences in actual advocacy activities.

Chapter 6 Frequency and Prioritization of Advocacy Tactics

Chapter 5 examined how differences in the types of groups that advocacy organizations represent can lead to differences in the sources of funding available to them and the IRS classifications they organize themselves under. That chapter demonstrated that organizations representing the unenfranchised are more likely to report feeling that their funding sources and tax status constrain their ability to engage in advocacy. Chapter 5 left unanswered the question of whether those feelings of constraint actually lead to differences in how these organizations engage in advocacy. That is the question to which we now turn.

Structural constraints, like funding and tax status, are not the only factors that may shape organizations' choice of advocacy tactics. The unique characteristics of the groups who are unenfranchised in the U.S. result in multiple, overlapping political disadvantages that may also shape the advocacy tactics used by organizations that represent them. It is likely that funding sources, tax status, and political disadvantages combine in complicated ways to shape how organizations representing the unenfranchised do their work.

Chapter 2 argued that there would be differences between organizations representing different types of groups, but that these differences would be a matter of priority, rather than differences in whether a given advocacy tactic is used on behalf of a group at all. Increasingly, the interest group literature suggests that organizations representing all types of groups use all types of advocacy tactics (Grossmann 2012, Cameron et al. 2017). Organizations representing the unenfranchised, like other groups, are

likely to be active in any policy venue in which their interests are being considered (Holyoke 2003). However, as strategic actors, they are expected to prioritize venues in which they are most likely to be successful. Chapter 2 laid out three expectations about this prioritization that will be tested in this chapter. First, organizations representing the unenfranchised are expected to prioritize legislative advocacy less than organizations representing other types of groups. This is both because of the restrictions related their tax status and funding that were discussed in the last chapter and because of the relative difficulty they may have in getting the attention of legislators with whom these groups lack an electoral connection. Second, organizations representing the unenfranchised are expected to prioritize advocacy through the media more highly than organizations representing other types of groups. This is because winning voters' support for their issues can increase their likelihood of success in the electoral branches. Third, organizations representing the unenfranchised are expected to prioritize litigation as a policy strategy more than organizations representing other types of groups. This is because the unique institutional features of courts make them more accessible than other venues to groups that are political disadvantaged.

This chapter begins by exploring whether there are any differences in overall commitment to advocacy between organizations representing the unenfranchised and those representing other types of groups. It uses responses to a survey question about responsibility for advocacy within the organization as a way to assess this commitment. It then uses two sets of survey responses to test whether and how advocacy organizations representing the unenfranchised differ from organizations representing other groups in their use and prioritization of a range of common advocacy tactics. First, it uses frequency ratings that organizations that responded to the survey gave to different advocacy activities. These ratings provide insight into which types of advocacy are most and least frequent across all survey respondents and also highlight some key differences between organizations representing the unenfranchised and those

representing other types of groups. Second, it uses responses to a question about how organizations divide their time between different types of advocacy tactics to test expectations about differences in the priority organizations representing the unenfranchised place on legislative advocacy, media advocacy, and litigation compared with organizations representing other types of groups.

6.1 Staff Responsible for Public Policy

One indication of an organization's level of commitment to and capacity to engage in policy advocacy is whether it has given someone responsibility for policy work. In the survey, participants were asked, "Does your organization have one or more persons who have responsibility for government relations or public policy work?" Overall, 60% of survey respondents said yes. Organizations representing the unenfranchised answered yes at the same rate as the overall average (60%). The rate for other citizen's groups was slightly lower, at 57%, and the rate for professional organizations was slightly higher, at 66%. However, none of the differences between groups are significant.

Respondents were also asked:

If yes, which of these best describes that person or persons? (Please check all that apply.)

- Executive Director
- Staff member
- Board member
- Board committee
- Volunteer
- Contract lobbyist or other outside professional on retainer

- Other (please specify)

While 359 respondents answered yes to the first question, only 331 answered the follow-up question. Of these, both the mean and median organization selected two positions from the list. Approximately 44% of organizations selected just one of these positions as having policy responsibility. Organizations representing the unenfranchised were least likely to only select one position, at 39%. Professional organizations selected 1 only slightly more, at 40%. Other citizens' groups were most likely to choose only one of these positions, at 51.89%. Once again, none of these differences are significant.

Out of the organizations that have someone responsible for policy, those organizations that give policy responsibility to a volunteer and not to anyone else are arguably making the least commitment to advocacy. While volunteers may be competent and committed policy advocates, they do not represent an allocation of organizational resources to advocacy. Only three organizations that answered the follow-up question –less than 1% – have only a volunteer in a policy role. None of these are organizations representing the unenfranchised; one is an other citizens' group, and the other two are professional organizations.

Professional organizations are the most likely to retain a contract lobbyist or policy professional. Of the professional organizations that completed the follow-up question, 38.6% reported paying an outside person to be responsible for policy work. For 7% of professional organizations who responded, a contract lobbyist or policy professional was the only person with policy responsibility. In contrast, 29% of organizations representing the unenfranchised who answered this question had a contract lobbyist or policy professional on their team, but that person was the only one with policy responsibility for only 3.7% of these organizations. Other citizens' groups were least likely to use outside policy professionals. Only 13% of the other citizens' groups who answered this question reported using an outside person, and

only 1.9% use exclusively outside policy contractors. For the vast majority (83%) of organizations that have one or more people responsible for policy, at least one of these people is a member of the paid organizational leadership or staff. This percentage is highest for organizations representing the unenfranchised (91%) and lowest for professional organizations (78%), but none of the differences among groups are significant.

6.2 Frequency of Use of Different Advocacy Tactics

In the survey, participants were asked how frequently their organizations engaged in 33 different advocacy activities. They were asked to rate the frequency with which they engaged in each activity on a scale from 0 to 4, and were told that 0 meant “never,” 1 meant “rarely,” and 4 meant “very frequently.” These activities ranged from relatively apolitical activities like engaging in research to overtly political activities like participating in efforts to get particular people elected or appointed to public office. Broad areas of focus were divided into specific activities. For example, legislative advocacy was broken into four activities: testifying in legislative hearings, helping policymakers to draft legislation, lobbying for or against specific bills, and encouraging supporters to call or email their legislators about particular issues. Similarly, litigation was separated into six activities: representing individual clients in state court, representing individual clients in federal court, bringing class action lawsuits in state court, bringing class action lawsuits in federal court, filing amicus briefs in state court, and filing amicus briefs in federal court.¹

Some respondents refused to answer the frequency questions because they were worried about saying something that might suggest they had run afoul of the restrictions on advocacy imposed on IRS Section 501(c)(3) charitable organizations

¹The full list of activities can be found in the survey text, which is included as Appendix A3.

discussed previously.² Other organizations responded, but listed 0 for every activity, indicating that they never engage in any of the listed advocacy activities.³ Both organizations that did not provide any frequency ratings and organizations that answered 0 for all activities were dropped from this analysis. Removing those observations left 511 advocacy organizations. Of those, 91 (or just under 18%) are organizations that primarily represent the unenfranchised. There are also 243 professional organizations (making up about 48% of the organizations in this analysis) and 177 other citizens' groups (which are about 35% of this sample).⁴

6.2.1 Total Activities Engaged In

One indicator of policy engagement is the total number of advocacy tactics used by an organization. A simple count variable was created that reflects the total number of advocacy activities an organization rated with a frequency of 1 or higher; in other words, the number of activities in which they engage at any level. Because organizations that do not engage in any advocacy activities are excluded from the analysis, this variable ranges from 1 to 33. The distribution of this variable is shown in Figure 6.1. The overall mean for the variable is 18.63, and the median is 20. The mean for each of the three comparison groups hovers right around the overall mean,

²Some of these organizations made a note of this concern somewhere in their survey response. Others replied to the email invitation to participate in the survey and shared their reasons for skipping policy-related questions.

³This is likely because of the inclusive approach used in sampling. As described in chapter 3, the sampling frame built from the NCCS data included the organizations most likely to be advocacy organizations, but NTEE categories that could include both organizations that engage in policy advocacy and those that do not were kept in the frame. Websites and mission statements of organizations that came up in the random sample were consulted in an attempt to determine whether the organization does engage in advocacy. Again, where it was unclear, the default rule was to send the organization the survey. It is likely that the organizations that responded with all zeroes are organizations that do not, in fact, engage in advocacy.

⁴While the organizations that were dropped may be particularly sensitive to the constraints of their tax status, they do not disproportionately come from any one of these categories. Only 9% of unenfranchised organizations were dropped, compared to 11% of other citizens' groups and 13% of professional organizations. Thus, I do not have reason to suspect that the dropped observations are skewing the analysis that follows. Moreover, the findings from chapter 5 regarding organizations' feelings that their tax status is a barrier to advocacy activities still hold if these same groups are dropped from that analysis.

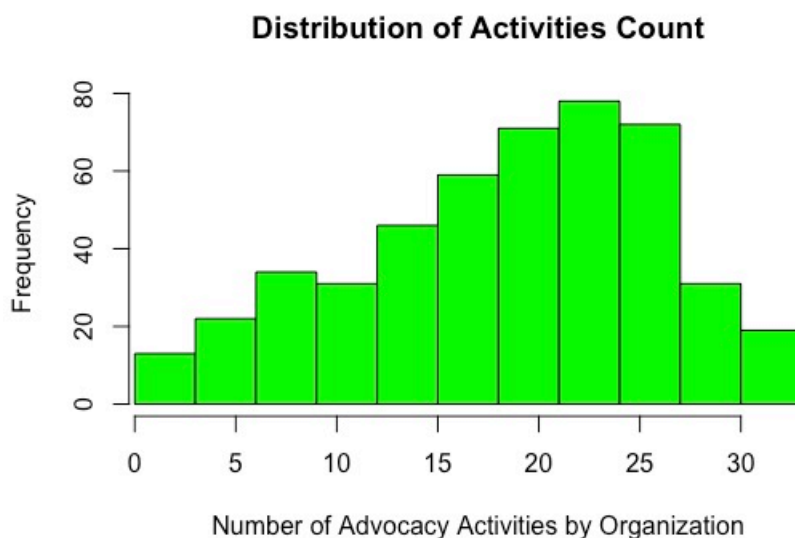


Figure 6.1: Distribution of Count Variable for the Number of Different Advocacy Activities Participated In

with organizations representing the unenfranchised at 19.89, other citizens' groups at 18.66, and professional organizations at 19.07. As would be expected because of the similarity of the means, differences between the groups are not significant. This similarity in the number of advocacy tactics used by organizations representing different types of groups is consistent with expectations. The theory outlined in chapter 2 relates to differences in the priority different types of groups place on different tactics, not on whether they use those tactics at all.

If it is not the constituency an advocacy organization represents, what explains the variation in the number of advocacy tactics organizations use? One explanation could be differences in resources. At least three different types of resources might matter: revenue, staff size, or whether the organization has one or more people responsible for policy. Wealthier organizations may be able to afford to use a greater range of tactics. Larger staffs mean that there are more people available to carry out different types of advocacy work. Having someone who is responsible for advocacy may allow an organization to identify opportunities to use different tactics. Another

explanation could be an organization's tax status. Because 501(c)(3) organizations are not permitted to engage in electoral advocacy and are restricted in the amount of lobbying they can do, perhaps these organizations engage in fewer total advocacy tactics. Table 6.1 shows the results of OLS models testing the effects of each of these possibilities on the activities count. The revenue measure is the organizations' total gross revenue from their 2015 990 tax filings, measured in thousands of dollars. The staff size variable comes from survey responses from organizations to a question asking the number of full-time or full-time equivalent employees the organization has. The Policy Person variable is a dichotomous indicator of whether the organization has one or more people responsible for public policy work (see above). The 501(c)(3) variable is a dichotomous variable derived from the tax status reported on organizations' 990 tax filings.

In individual models, each of these explanations finds support. All of the resource measures increase the the number of advocacy activities organizations engage in, and 501(c)(3) status decreases it. However, while all the resource measures are positive and significant in their respective models, the effects of revenue and total staff size are substantively very small. Using model 1, moving from the first quartile to the third quartile for revenue – an increase of over \$2.5 million a year – would only lead to 0.5 more advocacy activities. Moving from the first quartile to the third quartile for staff size has even less of an effect, adding just 0.14 more activities. Having a person who has responsibility for public policy has the most meaningful effect. Model 3 shows organizations that have assigned policy responsibility to someone engage in 8.5 more types of advocacy activities than organizations that have not. In model 4, being incorporated as a 501(c)(3) decreases the number of activities an organization engages in by about two. This effect is particularly interesting in light of the fact that all of the organizations representing the unenfranchised in the sample are 501(c)(3)s, and yet, on average, they engage in the same number of advocacy

<i>Dependent variable:</i>					
Number of Advocacy Activities					
	(1)	(2)	(3)	(4)	(5)
Revenue	0.0002*** (0.00004)				0.00004 (0.00004)
Staff Size		0.008** (0.003)			0.004 (0.003)
Policy Person			8.598*** (0.581)		8.048*** (0.617)
501(c)(3)				-2.158*** (0.722)	-0.456 (0.623)
Constant	18.384*** (0.374)	18.574*** (0.353)	13.497*** (0.458)	20.329*** (0.586)	13.949*** (0.679)
Observations	454	473	476	454	452
R ²	0.025	0.013	0.316	0.019	0.309
Adjusted R ²	0.023	0.011	0.314	0.017	0.303

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 6.1: Effect of Resources and Tax Status on the Number of Advocacy Tactics an Organization Uses

activities as other types of groups. However, the effect of being a 501(c)(3) goes away when all of these factors are combined into the same model. Only having a policy person retains its significance.⁵ Thus, the most likely explanation for variation in the count is the simplest – the more an organization is committed to advocacy, as indicated by assigning one or more people responsibility for public policy, the more advocacy activities it participates in.

6.2.2 Frequency by Type of Activity

The count variable only tells us how many types of advocacy activities an organization engages in; it does not tell us how much they engage in those activities. For that, we turn to the individual frequency ratings. Overall, the two activities that organizations reported engaging in most frequently were sending newsletters or email updates about their activities to members and supporters (an average frequency rating of 3.03 out of 4) and working in coalitions to achieve common goals (an average of 2.76). Only three other activities achieved an average frequency rating of 2 or higher for the sample: meeting with policymakers about their organizations' work (a mean of 2.4), commenting on policy-relevant stories on social media (a mean of 2.23), and responding to requests for information from government officials (a mean of 2). The six items with the lowest frequency ratings are the six litigation activities. Class actions are the least frequent activities overall, with mean ratings of 0.15 for state courts and 0.17 in federal courts. Next lowest is representation of individual clients, with mean ratings of 0.2 in federal court and 0.33 in state court. Amicus briefs are filed slightly more often, with mean frequency ratings of 0.43 in state courts and 0.44 in federal courts. The quasi-judicial advocacy of representing clients in administrative hearings is also in the bottom 10 activities, with a mean frequency rating of 0.55. Rounding out the bottom 10 activities are publicizing elected officials' voting records

⁵Correlation tests were run to ensure that there is not multicollinearity in the combined model. None of the explanatory variables in Table 1, not even revenue and staff, are correlated.

(0.48), organizing protests (0.49), and working toward the election or appointment of particular public officials (0.60).

While these differences in overall frequency ratings are interesting, they are not necessarily apples-to-apples comparisons. Some activities, such as working for the election or appointment of an official, may come up only sporadically, for example around elections or at the beginning of a new presidential or gubernatorial term. Some may be annual events, like certain organizations' release of legislative scorecards publicizing political officials' voting records for the year. Others, like representing clients in individual cases or talking to the news media are activities where opportunities may arise more often. Thus, frequency ratings are less informative across activities than they may be for comparing the same activity for organizations representing different types of groups.

6.2.3 Differences on Restricted Activities

If concerns relating to foundation funding and tax status are driving differences between types of groups, we should see the greatest differences between groups on the types of activities that are expressly restricted for organizations with a 501(c)(3) tax status: electoral activities and lobbying. Recall that under the IRS Code, “all section 501(c)(3) organizations are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office.”⁶ Thus, the more likely the advocacy organizations representing a particular type of group are to be organized under section 501(c)(3), the less frequently we should expect those organizations to say they engage in this activity. However, because the wording of the activity in the survey also included working towards the *appointment* of public officials – which is

⁶IRS, The Restriction of Political Campaign Intervention by Section 501(c)(3) Tax-Exempt Organizations, *available at*: <https://www.irs.gov/charities-non-profits/charitable-organizations/the-restriction-of-political-campaign-intervention-by-section-501c3-tax-exempt-organizations>.

not a prohibited activity for any type of organization – it would not be surprising if even 501(c)(3) organizations reported some engagement on this item. Overall, the responses, summarized in Table 6.2, are consistent with what we would expect. Organizations representing the unenfranchised, which, as shown in chapter 5, are much more likely than those representing other types of groups to be 501(c)(3)s, reported the lowest frequency of this activity. The mean frequency rating for unenfranchised groups was 0.18, compared to 0.43 for other citizens’ groups and 0.87 for professional organizations. Differences in means in Tables 6.2, 6.3, 6.4, and 6.5 were tested using the Kruskal-Wallis test.⁷ In pairwise Wilcoxon tests, professional organizations are significantly different from both the unenfranchised and other citizens’ groups, but the differences between the unenfranchised and other citizens’ groups do not reach traditional levels of significance. Because professional organizations are the least likely to have 501(c)(3) status, this supports the view that tax status is playing a role in frequency differences on this activity.

Activity	Unenfranchised	Citizens’ Groups	Professional	p-value
Electoral & Appointment Advocacy	0.18	0.43	0.87	<0.001***
Publicizing Voting Records	0.28	0.45	0.58	0.019*
Lobbying Specific Bills	1.60	1.27	1.84	<0.001***
Helping Draft Legislation	1.62	1.30	1.70	0.012*
Legislative Testimony	1.64	1.20	1.52	0.013*
Encouraging Supporter Contact	1.72*	1.67*	2.03*	0.015*

Table 6.2: Comparison of Average Frequency Rating of Electoral, Appointment, and Legislative Activities by Group Type for Full Sample

Another activity that can have electoral implications is publicizing elected officials’ voting records. Because voting records are public information, merely publicizing how representatives voted is not prohibited by the 501(c)(3) rules. However, often this information is presented in the form of “scorecards,” which express the degree to which an official voted in line with the organizations’ positions. If the scorecard would have the effect of favoring or promoting one candidate over another, it would

⁷This nonparametric test, rather than ANOVA, was used because the responses are not normally distributed. Significance levels are denoted as follows: *** = $p < 0.001$, ** = $p < 0.01$, * = $p < 0.05$.

be a prohibited electoral activity. Thus, we would expect organizations with 501(c)(3) status to be less likely to engage in this activity. That is consistent with what we see in the frequency data. Unenfranchised groups gave this item an average frequency rating of just 0.28, which is less than half the average rating for professional organizations (0.58). Other citizens' groups fall in between with 0.45. The differences between professional organizations and the unenfranchised are significant, but other citizens' groups are not statistically distinguishable from either group.

To further investigate the degree to which the differences in electoral activities are driven by tax status, the data was subsetting to only organizations that fall under IRS Code section 501(c)(3). This subset contains a total of 328 organizations, of which 89 (27%) represent primarily the unenfranchised, 78 (24%) are professional organizations, and 161 (49%) are other citizens' groups. As summarized in Table 6.3, the average frequency rating for electoral and appointment activity in this subset drops to 0.23 (from 0.48 for the full sample) and differences in means between the group types no longer reach traditional levels of statistical significance. Similarly, the average frequency rating for publicizing voting records falls from 0.48 in the full sample to 0.29 in the subset and all the groups become statistically indistinguishable. Thus, it seems that differences in tax status explain most of the differences in the frequency of restricted electoral activities across group types.

Although 501(c)(3) organizations are completely banned from participating in electoral advocacy, this is not the only restricted activity. Under the IRS code, "no organization may qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation (commonly known as lobbying). A 501(c)(3) organization may engage in some lobbying, but too much lobbying activity risks loss of tax-exempt status."⁸ Thus, returning to the full sample, we might also expect to see differences between the types of groups with respect to legislative advocacy.

⁸IRS, Charities and Nonprofits, Lobbying, available at: <https://www.irs.gov/charities-non-profits/lobbying>.

However, as Table 6.2 shows, while there are differences, they are not in the expected direction. Organizations representing the unenfranchised, on average, report engaging in all forms of legislative activities included in the survey more frequently than other citizens' groups. While professional organizations generally have the highest average frequency rating on these activities, the unenfranchised report the highest frequency of legislative testimony. The differences between professional organizations and other citizens groups are significant for all legislative activities, but differences between the unenfranchised and other citizens' groups are only significant with respect to legislative testimony. There are no statistically significant differences between the unenfranchised and professional organizations on any of the legislative activities. This is a puzzling result.

If we look at the subset of 501(c)(3) organizations in Table 6.3, those representing the unenfranchised are the most active on every legislative activity, and, with the exception of encouraging supporters to contact their legislators, these differences are large and significant.

Activity	Unenfranchised	Citizens' Groups	Professional	p-value
Electoral & Appointment Advocacy	0.18	0.31	0.13	0.233
Publicizing Voting Records	0.27	0.34	0.22	0.410
Lobbying Specific Bills	1.58	1.17	1.06	0.023*
Helping Draft Legislation	1.61	1.22	1.12	0.043*
Legislative Testimony	1.63	1.14	1.06	0.007**
Encouraging Supporter Contact	1.69	1.60	1.58	0.828

Table 6.3: Comparison of Average Frequency Rating of Electoral, Appointment, and Legislative Activities by Group Type for Only 501(c)(3) Organizations.

Comparing Table 6.2 to Table 6.3, we see that professional organizations that operate under IRS section 501(c)(3) engage far less frequently in restricted activities than the full sample of professional organizations. Frequency ratings for professional organizations on these activities drop by an average of 0.6 when we move from the full sample to the 501(c)(3) subset. Average ratings for organizations representing the unenfranchised remain the same. For other citizens' groups, the drop is only slightly

more apparent – moving from the full sample to only the 501(c)(3) organizations leads to an average drop in frequency ratings on these activities of only 0.05 for other citizens' groups.

The analysis so far suggests that IRS restrictions play a roll in shaping the frequency with which different types of organizations engage in different advocacy activities, but they do not tell the full story. While tax status seems to explain differences on electoral and appointment activity, it cannot explain the relatively high levels of legislative activity engaged in by organizations representing the unenfranchised. We now turn to the role that the characteristics of the population that an organization represents may play in these differences.

6.2.4 Differences on Other Activities

Chapter 2 identified two types of advocacy activities that organizations representing the unenfranchised are expected to place relatively greater emphasis on as a result of the political disadvantages they face. First, because the unenfranchised lack a direct electoral connection to policymakers, they need to convince voters to take up their cause in the elected branches. Public education through the media provides an efficient way to build voter support and is more readily available to organizations representing the unenfranchised than other outside lobbying activities. Second, the factors that have long led politically disadvantaged groups to favor the courts are particularly pronounced for the unenfranchised, and thus I expect that organizations representing them will prioritize litigation.

There are three activities in the frequency rating section of the survey that are relevant to the first expectation. Participants were asked how frequently they (1) release research reports to the media, public, or policymakers, (2) comment to the news media on or about policy-relevant stories, and (3) comment on social media on or about policy-relevant stories. As Table 6.4 reports, organizations representing

the unenfranchised do not have the lowest mean rating for any of these items, but they are not clear leaders in frequency either. The only activity on which differences between the groups are statistically significant is releasing research reports, and on this activity professional organizations have the highest mean rating at 1.79; the unenfranchised are second highest at 1.71. The differences between the unenfranchised and professional organizations are not significant on this activity, but differences between both these types of organizations and other citizens' groups are significant.

Activity	Unenfranchised	Citizens' Groups	Professional	p-value
Releasing Research Reports	1.71	1.38	1.79	<0.001***
Commenting to News Media	2.05	2.05	1.85	0.115
Commenting on Social Media	2.27	2.29	2.16	0.574
Individual Cases, State	0.72	0.46	0.19	<0.001***
Individual Cases, Federal	0.34	0.22	0.13	0.041*
Class Actions, State	0.17	0.15	0.14	0.929
Class Actions, Federal	0.21	0.19	0.15	0.979
Amicus Briefs, State	0.51	0.35	0.45	0.278
Amicus Briefs, Federal	0.48	0.36	0.48	0.172

Table 6.4: Comparison of Average Frequency Rating of Media and Litigation Activities by Group Type for Full Sample

The results for the litigation activities are more consistent with expectations. For all six of the litigation activities, the frequency ratings for the unenfranchised are higher than the overall average, and for five of the six activities are the highest of all groups. However, tests of the differences in means show that only the differences for individual representation in state and federal courts are statistically significant, and the pairwise comparisons between the unenfranchised and other citizens' groups are not significant even on these individual representation activities.

Because differences on media activities and litigation are hypothesized to be driven by political disadvantages and not by funding or tax status, we should not expect frequency differences between the full sample and the subset of only 501(c)(3) organizations, and in fact the results are very similar. The frequency averages for both unenfranchised and other citizens' groups on these activities are virtually identical

between the full sample and the subset. A couple of the frequency ratings for the professional organizations drop somewhat when we move from the full sample to the subset. Most notably, several of the litigation activities drop by about half, with state amicus briefs going from 0.45 to 0.23, individual representation in state court going from 0.19 to 0.09, and individual representation in federal cases going from 0.13 to 0.06.

6.2.5 Other Interesting Differences

Table 6.5 presents the average frequency ratings for the remaining activities presented to survey respondents. Although no particular hypotheses address these items, there are some interesting differences that are worth noting. With regard to lobbying the executive branch, professional organizations lobby the White House significantly more frequently than both the unenfranchised and other citizens' groups. However, the unenfranchised have the highest average ratings for lobbying governors and mayors, though differences on these ratings do not quite reach traditional levels of significance.

In terms of administrative agency advocacy, professional organizations generally reported the highest frequency ratings. Professional organizations comment on agency rules most, help draft agency rules most, and encourage their members or supporters to comment on rules most. In pairwise comparisons, these differences are always significant as to other citizens' groups. They are only significant with respect to the unenfranchised on encouraging member or supporter comments. Organizations representing the unenfranchised reported the second highest frequency ratings on those rule-related activities, but also had the highest ratings on two other agency advocacy activities: they attend agency meetings the most frequently, though this difference is only significant compared to other citizens' groups, and they represent individuals in administrative hearings most frequently, though this difference is only significant

Activity	Unenfranchised	Citizens' Groups	Professional	p-value
Lobbying the White House	0.47	0.53	0.77	0.005**
Lobbying the Governor	1.40	1.23	1.02	0.087
Lobbying the Mayor	0.97	0.87	0.73	0.070
Attending Agency Meetings	2.19	1.80	2.00	0.045*
Commenting on Agency Rules	1.80	1.56	2.05	0.002**
Helping Draft Agency Rules	1.47	1.33	1.70	0.017*
Encouraging Supporter Comments	1.55	1.37	1.89	<0.001***
Individual Cases, Agency Hearings	0.84	0.60	0.41	0.002**
Organizing Protests	0.54	0.58	0.40	0.010*
Participating in Protests	0.74	0.80	0.53	0.007**
Working in Coalitions	3.04	2.89	2.55	<0.001***
Sending Newsletters or Updates	2.73	3.28	2.85	<0.001***
Serving on Boards/Commissions	1.60	1.30	1.45	0.169
Training Public Officials	1.79	1.31	1.68	0.004**
Discussing Grants or Contracts	2.02	1.66	1.03	<0.001***
Meeting re: Organization's Work	2.62	2.25	2.43	0.051
Responding to Info Requests	2.16	1.91	2.01	0.278
Conducting Research	1.89	1.77	2.19	0.001**

Table 6.5: Comparison of Average Frequency Rating of Other Advocacy Activities by Group Type for Full Sample

compared to professional groups. Other citizens' groups have the lowest level of activity on every administrative agency-related advocacy activity except representation in hearings and these differences are always significant with respect to at least one of the other types of organizations.

Protests and demonstrations are infrequent activities for all types of organizations, but as would be expected from the literature on outside lobbying, citizens' groups engage in this activity the most frequently and professional organizations engage in it the least. All types of organizations report participating in protests or demonstrations more often than organizing them. Professional organizations' frequency on these activities is significantly lower than both the unenfranchised and other citizens' groups, but the unenfranchised and other citizens' groups are statistically indistinguishable. This is somewhat surprising given the limitations on many unenfranchised people's freedom of movement; we would expect that events that require getting people to turn out would be more difficult for them to organize. Perhaps part of the

reason they are not as inactive in this area as we might expect lies in the tendency of organizations representing the unenfranchised to work in coalitions. While all types of groups frequently work in coalitions to achieve their goals, advocacy organizations representing the unenfranchised report the highest frequency rate for this activity, and this difference is significant at the $p < .001$ level. With a mean rating of 3.04, coalition work was the activity that organizations representing the unenfranchised reported engaging in most frequently. This is the second highest mean rating any group gave to any activity – it is topped only by the frequency with which professional organizations send newsletters or updates to their members. Working in coalitions with other groups may make it easier for organizations representing the unenfranchised to get people to events like protests or demonstrations.

As noted above, professional organizations send newsletters or updates significantly more frequently, which makes sense given that they are significantly more likely to be membership organizations. Updates may be a form of membership benefit, or they may be a way to show members the organization is working on their behalf. Organizations representing the unenfranchised are much less likely than other types of groups to be membership organizations and they have the lowest average frequency rating for updates and newsletters. However, they still do this activity quite frequently, with a mean rating of 2.73.

Responses on several activities show that organizations representing the unenfranchised work quite closely with government officials, at least compared to other types of groups. They have the highest mean frequency ratings for serving on boards and commissions, providing training and technical assistance to public officials, talking to government officials about obtaining grants or contracts, and responding to requests for information from government officials. Differences on all of these activities except the board and commission service and the responses to information requests are significant. This suggests that despite their lack of electoral connection, organizations

representing the unenfranchised build strong relationships with government officials and become trusted sources of information.

On the final item that survey respondents rated, conducting policy-relevant research, organizations representing the unenfranchised are not distinctive. Their average frequency rating was in between the professional organizations and other citizens' groups. Professional associations report doing research most frequently, and differences between them and both the unenfranchised and other citizens' groups are significant.

Perhaps the most surprising finding from the frequency ratings is that organizations representing primarily the unenfranchised had the highest average rating on over half (19 out of 33) of the activities survey respondents rated. They had the lowest rating on only 4 activities. Although not all of these differences in ratings are statistically significant, this pattern that suggests that despite the political disadvantages facing their constituencies, organizations representing the unenfranchised are just as active as – if not more active than – organizations representing other types of groups across a wide range of advocacy activities. The constraints they face do not seem to prevent them from using the full range of advocacy tactics available to them.

6.3 Prioritization of Advocacy Tactics

The analysis of frequency ratings suggests that there is variation in how often different types of organizations engage in different advocacy activities. However, the frequency measures do not provide a clear way to understand how organizations prioritize their efforts. For example, an organization with ample resources may be able to engage in all activities at a high level of frequency. Conversely, an organization with few resources may not engage in any activity very frequently. To better understand the value organizations place on particular activities, we need to understand the trade-

offs they make in allocating their efforts across different activities. For this purposes, we turn to a survey question which asked organizations about how they divide their time *among* different advocacy activities.

Specifically, to understand differences in how organizations prioritize advocacy approaches, this section uses responses to the following survey question:

Regarding your public policy activities, how does your organization divide its time among the following activities (in approximate percentages of effort):

- Creating and disseminating research
- Media and public education
- Demonstrations and protests
- Legislative advocacy
- Advocacy to government agencies
- Advocacy directed to the President, Governor(s) and/or Mayors
- Litigation and amicus briefs
- Influencing elections or appointments
- Other

Because responses were supposed to add up to 100%, this question provides a means to evaluate relative prioritization of different advocacy strategies. Unfortunately, approximately a third of respondents either did not complete this question, or their answers did not add up to 100%. The results presented here are based on the subset of 370 respondents whose responses added up correctly or were close enough to be easily correctable.⁹

⁹I viewed the response as a math error if it added up to between 90 and 110, but not 100. For these responses, I proportionally adjusted all percentages provided so that they totaled 100%.

Table 6.6 shows the median and mean percentages for each activity for the sample. Overall, the most highly prioritized activities were media and public education, with a mean of 26.68%, and legislative advocacy, with a mean of 23.72%. The two least prioritized activities were demonstrations and protests, with a mean of 2.04%, and litigation and amicus briefs, with a mean of 2.99. For five of the nine activities, the median is 0, which means that over half of survey participants did not assign that activity any priority at all. On the other hand, for all but 2 of the activities, at least one participant said they devoted all of their advocacy effort to the activity. The percentages assigned to legislative advocacy, media and public education, and litigation and amicus briefs provide the key outcomes of interest for testing the expectations that advocacy organizations representing the unenfranchised will prioritize legislative advocacy less and media advocacy and litigation more than other citizens' groups or professional organizations.

Activity	Median	Mean	Maximum
Creating and disseminating research	10	15.57	100
Media and public education	20	26.68	100
Demonstrations and protests	0	2.04	50
Legislative advocacy	20	23.72	100
Advocacy to government agencies	10	16.04	100
Advocacy directed to an Executive	0	4.41	50
Litigation and amicus briefs	0	2.99	100
Influencing elections or appointments	0	3.58	100
Other	0	5.76	100

Table 6.6: Percentage of Advocacy Efforts Survey Participants Reported Spending on Each Advocacy Activity.

To isolate the effects of group type on the prioritization of advocacy tactics, I use nonparametric matching to compare organizations that focus their advocacy on the needs and interests of the unenfranchised with other organizations. Although previous

Dropping organizations that could not be corrected disproportionately eliminated other citizens' groups. Other citizens' groups make up 37% of the full population of survey respondents and 31% of the subset of organizations with answers to this question totally 100%. To verify that subsetting to these responses does not skew the results, I also ran the analyses on the full set of responses, including those that do not add up to 100%. The results were substantially similar.

studies have controlled for organizational features such as revenue or staff size, I do not match on these criteria for two reasons. First, although resources may be helpful in understanding *total* effort devoted to an advocacy tactic, they do not necessarily help us to understand *relative* effort, which is the focus of this analysis. For example, while litigation is often thought to be expensive, so is legislative lobbying. It is not clear how resources would affect our expectations about which of these an organization would prioritize.¹⁰ Organizations with more resources should be expected to make greater use of all tactics, but not proportionally more use of any one tactic. The second reason for not matching on revenue or staff size is that they are post-treatment and endogenous. For matching purposes, we consider the decision about type of group the organization will represent as the treatment, and it is generally the first decision made in the formation of an organization. An advocacy organization does not hire staff or fund raise before knowing its purpose. Further, the choice of constituency shapes the staff who are hired and, as shown in chapter 5, the potential sources of funding available to the organization, making these factors endogenous. Matching on these types of post-treatment variables could therefore lead to “spurious correlations between the treatment and the outcome” (Acharya, Blackwell and Sen 2016, 514).

In contrast to revenue and staff, it is likely that founders of advocacy organizations select which group to represent and the policymaking jurisdiction in which to represent that group more or less simultaneously. Follow-up interviews I did with a subset of survey respondents support this view. For example, the founder of one children’s rights organization said that the idea for the organization came when someone complained to him that there was no organization advocating for children in his area. A national advocacy organization reported that her organization was founded after

¹⁰Additionally, many interviewees told me that they use pro bono counsel for amicus briefs, which was the most common litigation activity, making this activity relatively inexpensive for them. It is possible that litigation is expensive for organizations that use in-house or paid counsel and cheaper for organizations that use pro bono counsel, making the effects of resources conditional on staffing decisions that are not measured in my data.

an official from an administrative agency suggested that there would be value for the agency in having advocacy on behalf of people affected by the agency's policies. Similar accounts appear in the origin stories of many of the organizations; the organizations were founded to respond to a perceived need for advocacy for a particular group at a particular level or jurisdiction of government.

Unlike revenue or staffing, differences in the advocacy environments of different policymaking jurisdictions could have direct effects on how the organizations working in those jurisdictions prioritize their advocacy tactics. For example, organizations I interviewed in Oregon have to spend time contending with ballot initiatives that are not an issue in other states – any percentage of their efforts devoted to initiatives will necessarily reduce the percentage given to at least one other activity. Other elements of the political environment could also have an effect – how receptive a particular governor, legislature, or court is to advocacy may impact how much an organization prioritizes advocacy in that venue. For this reason, organizations were matched on policy jurisdiction.¹¹

On the survey, organizations were asked, “If influencing state-level policy is important to your organizations mission and activities, on which state or states does your organization focus?” The organization was matched on all states it specifically listed.¹² Organizations could also be matched as working at the federal level.¹³ Nineteen organizations were dropped because they did not answer the question and the jurisdictions on which they focus could not be clearly determined from available information. Each organization was matched on at least one jurisdiction; the highest number of jurisdictions any one organization was matched on was 18. In the analyses

¹¹Time could also matter, as turnover among public officials could shape the advocacy environment. However, because all surveys were completed over a one-year period, matching on time is unnecessary.

¹²The District of Columbia and Puerto Rico were treated as states for matching purposes.

¹³Some national organizations responded that they were active in all states. These organizations were only matched at the federal level, as their overall prioritization of advocacy tactics is unlikely to be tailored to specific state policy environments.

that follow, treated and control units were matched using exact matching via the MatchIt package in R (Ho et al. 2011). Linear least squares models were then run on the matched, weighted data using the Zelig package (Imai, King and Lau 2008).¹⁴ Zelig uses simulation to generate expected values based on these models. Results are presented here using Zelig graphs comparing the expected values of interest for treatment and control groups. The y-axis on all of the graphs represents the proportion of the simulations in which the expected value returned was at a given level on the x-axis.

Treatment was coded in four ways. The first two, Treatments A and B, are used to test the general hypotheses that advocacy organizations representing the unenfranchised prioritize legislative advocacy less highly and media and litigation advocacy tactics more highly compared to all other groups. The second two, Treatments C and D are used to see if estimations vary depending on the comparison group. Specifically they match advocacy organizations representing the unenfranchised only to other citizens' groups (Treatment C) and only to professional groups (Treatment D).

For Treatment A, an organization is coded as treated if the respondent said that they spent 90% or more of their advocacy efforts working to advance the rights and interests of the unenfranchised. This compares those organizations that spend most of their advocacy efforts on the unenfranchised to all other organizations. Note that this treatment includes both citizens' groups and professional groups that focus 90% of their efforts on the unenfranchised. Because the existing literature expects professional organization to favor different tactics, I also test Treatment B. Organizations are coded as treated under Treatment B if respondents said they spent 75% or more of their advocacy efforts on the rights and interests of the unenfranchised *and* they

¹⁴Kosuke Imai, Gary King, and Olivia Lau. 2007. Zelig: Everyone's Statistical Software, <http://GKing.harvard.edu/zelig>.

are not a professional organization.¹⁵ The control group for Treatment B is all other organizations, including other citizens' groups and all professional organizations.

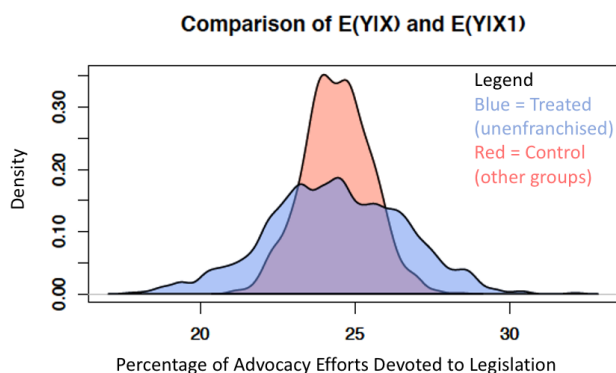


Figure 6.2: Expected Values for Percent of Advocacy Effort Spent on Legislative Advocacy When Treatment Group Is **Treatment A** and Control Group is All Other Organizations.

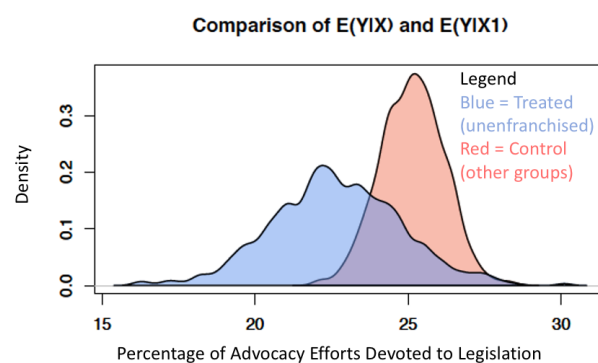


Figure 6.3: Expected Values for Percent of Advocacy Effort Spent on Legislative Advocacy When Treatment Group Is **Treatment B** and Control Group is All Other Organizations.

For both treatments, we expect the treated groups to spend a lower percentage of their advocacy efforts on legislative advocacy and a higher percentage of their advocacy efforts on media and litigation than the control groups. The results for legislative advocacy are not consistent with expectations; the results for media advocacy and litigation are generally supportive. Figure 6.2 shows that organizations coded under Treatment A – any group spending 90% or more of its advocacy efforts on the unenfranchised – engages in legislative advocacy at nearly identical rates to all other organizations. Figure 6.3 shows that Treatment B is a little more distinctive. When all professional organizations are removed from the treatment group, organizations representing the unenfranchised are expected to spend about three percentage points less of their policy efforts on legislative advocacy than other groups, but the differences are not significant.

¹⁵This is the same definition of an organization representing primarily the unenfranchised used in the frequency analysis above and in other analyses throughout the dissertation.

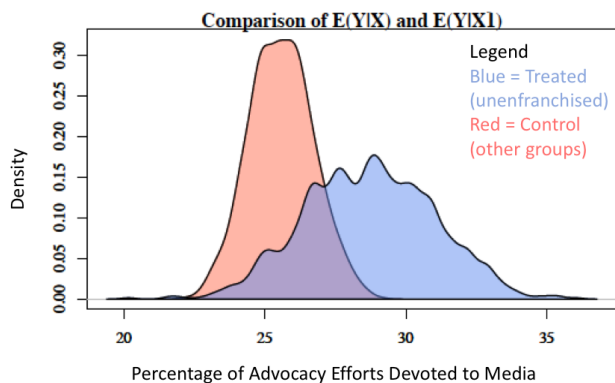


Figure 6.4: Expected Values for Percent of Advocacy Effort Spent on Media and Public Education When Treatment Group Is **Treatment A** and Control Group is All Other Organizations

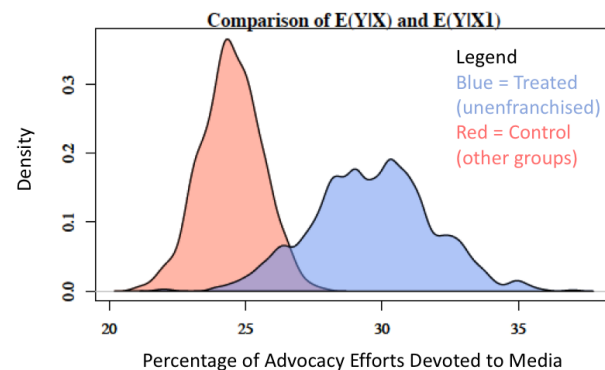


Figure 6.5: Expected Values for Percent of Advocacy Effort Spent on Media and Public Education When Treatment Group Is **Treatment B** and Control Group is All Other Organizations

Figures 6.4 and 6.5 show some overlap in the range of simulated expected values for percentage of advocacy effort spent on media, but they suggest that organizations representing the unenfranchised spend about five percentage points more of their advocacy effort on media tactics than organizations representing other groups. In other words, they dedicate 25% more of their total advocacy effort to media than organizations representing other groups. Figures 6.6 and 6.7 show strong support for the litigation hypothesis. There is virtually no overlap between treatment and control groups' expected percentage of time dedicated to litigation. The analysis suggests that advocacy organizations representing the unenfranchised spend six percentage points or 400% more of their advocacy effort on litigation than do other groups.

The next two treatments allow us to isolate the difference between organizations representing the unenfranchised and the two other types of organizations separately. For Treatment C, the treatment group is coded the same way as for Treatment B, but the control group consists only of other citizens' groups. Professional organizations are completely excluded from this analysis. For Treatment D, the treatment group is the same, but control group is only professional organizations; other citizens' groups are excluded from Treatment D analyses.

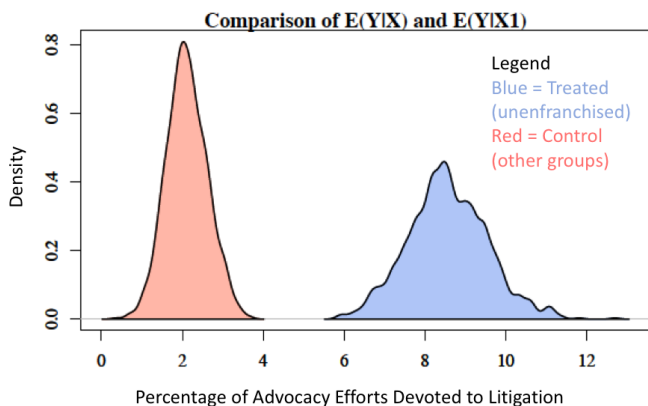


Figure 6.6: Expected Values for Percent of Advocacy Effort Spent on Litigation When Treatment Group Is **Treatment A** and Control Group is All Other Organizations

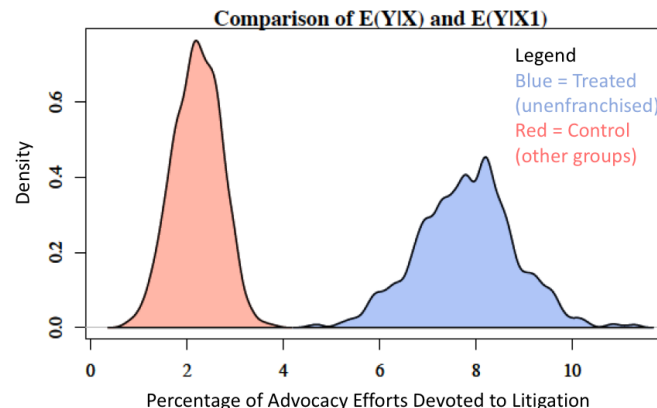


Figure 6.7: Expected Values for Percent of Advocacy Effort Spent on Litigation When Treatment Group Is **Treatment B** and Control Group is All Other Organizations

The first plot in Figure 6.8 shows that organizations representing the unenfranchised organizations representing the unenfranchised are indistinguishable from other citizens' groups in their prioritization of legislative advocacy. However, they do devote about 5 percentage points less effort to legislative advocacy than professional organizations, and the difference is significant. This provides conditional support for the legislative hypothesis. It is only supported when the comparison group is professional organizations.

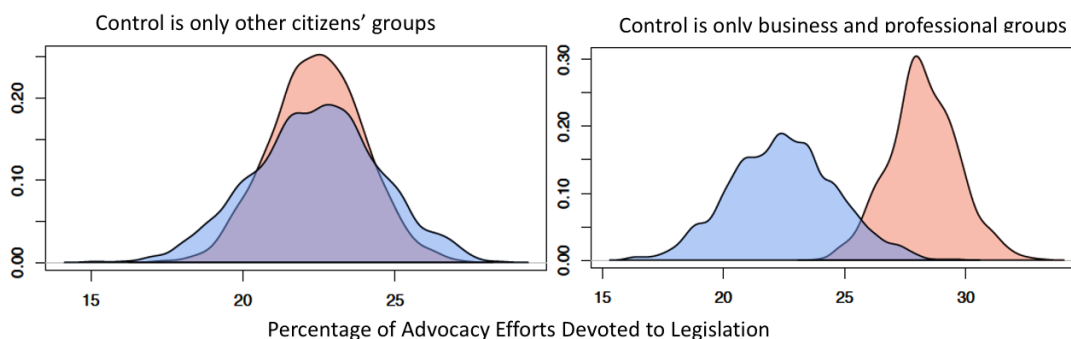


Figure 6.8: Expected Values for Percent of Advocacy Effort Spent on Legislative Advocacy When Treatment Groups Is **Treatment C and D**. The Control Group on the Left Is Only Other Citizens' Groups and the Control Group on the Right is Only Professional Organizations

Similarly, a comparison of the two plots in Figures 6.9 confirms the expectation from the literature on outside lobbying that professional organizations will spend less of their effort on media advocacy. The differences between the unenfranchised and professional organizations are larger and clearer than those between the unenfranchised and other citizens' groups.

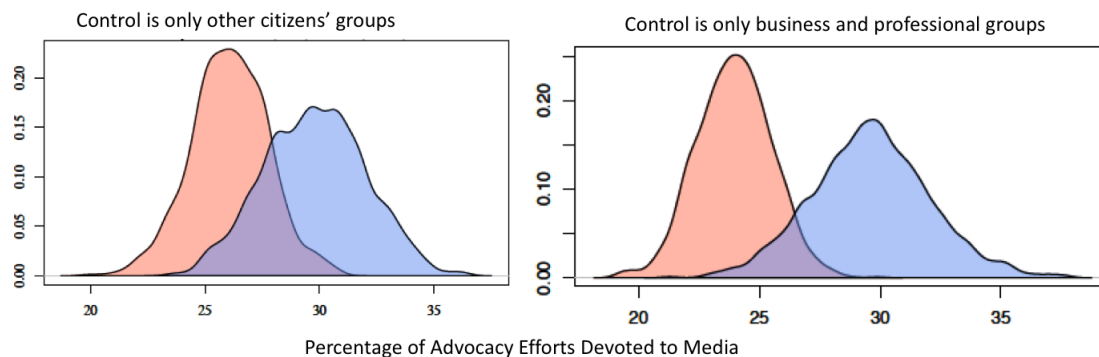


Figure 6.9: Expected Values for Percent of Advocacy Effort Spent on Media and Public Education Advocacy When Treatment Groups Is **Treatment C and D**. The Control Group on the Left Is Only Other Citizens' Groups and the Control Group on the Right is Only Professional Organizations

Figure 6.10 presents the comparison for litigation. It shows that advocacy organizations representing the unenfranchised dedicate more of their advocacy effort to litigation than both other citizens' groups and professional organizations; the difference is slightly greater for professional organizations. There is very little overlap in the expected values between the treatment and control groups, providing substantial evidence that organizations representing the unenfranchised prioritize litigation more than either other type of group.

The analysis so far provides some support for expectations about different groups prioritization of legislative advocacy, media and public education, and litigation. Legislative expectations are only supported with respect to differences between organizations representing the unenfranchised and professional organizations. Similarly, support for expectations that advocacy organizations representing the unenfranchised prioritize media tactics more than other groups is strongest when the comparison

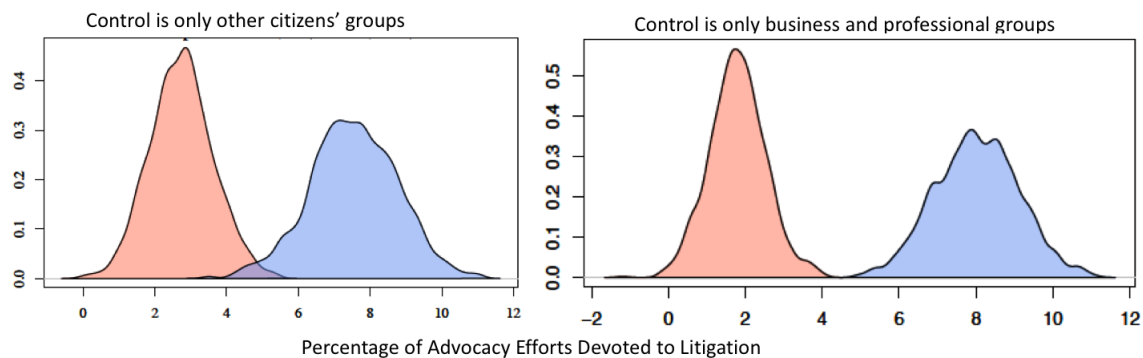


Figure 6.10: Expected Values for Percent of Advocacy Effort Spent on Litigation When Treatment Groups Is **Treatment C and D**. The Control Group on the Left Is Only Other Citizens' Groups and the Control Group on the Right is Only Professional Organizations

group is professional organizations, however the comparison the unenfranchised and all other groups is also significant under Treatment B. The litigation expectations receive strong support regardless of how the treatment and control groups are defined.

However, because the matching design employed matched some of the same organizations multiple times and some organizations were matched in multiple jurisdictions, there may be concern that a small number of organizations could be inflating the results. To ensure that this is not the case, I estimated unmatched OLS models as a robustness check. For the first models, I use the percentage of advocacy efforts that the organization reported dedicating to the needs and interests of the unenfranchised as a continuous independent variable. The outcomes of interest in the OLS models are the same as in the matching design; it is percent of advocacy efforts devoted to legislation (model 1) media (model 2) and litigation (model 3). Table 6.7 shows the results of the OLS regressions. These models and those in Table 6.8 were run without controls for the reasons described above. However, models with controls were run as a robustness check and can be found in Appendix A7. The controls dampen the magnitude of the coefficients for all but the litigation models, but the direction and significance of the findings are consistent with what is reported here.

	<i>Dependent variable:</i>		
	Legislative	Media	Litigation
	(1)	(2)	(3)
% Unenfranchised	-0.020 (0.032)	0.041 (0.036)	0.040*** (0.012)
Constant	24.753*** (1.491)	25.805*** (1.662)	1.686*** (0.581)
Observations	367	367	367
R ²	0.001	0.003	0.028
Adjusted R ²	-0.002	0.001	0.025
Residual Std. Error (df = 365)	22.858	25.574	8.923
F Statistic (df = 1; 365)	0.383	1.279	10.387***

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 6.7: Effect of % Effort on Behalf of the Unenfranchised on Advocacy Strategies

Figures 6.11, 6.12 and 6.13 illustrate the results of OLS regressions. The slope of each figure is in the expected direction. However, support for the legislative and media hypotheses is not as clear as the strong support for the litigation hypothesis. These models confirm that the findings from the matching models are consistent with the trends in the underlying data.

The continuous independent variable used in the regressions in Table 6.7 does not distinguish between professional and other citizens' groups, so they do not allow us to evaluate the group specific comparisons tested with Treatments C and D in the matching models. As a robustness check for these analyses, the models in Table 6.8 use mutually exclusive categorical variables. Unenfranchised is the excluded comparison category, and its coding is consistent with Treatments B, C, and D in the matching analysis and in other analyses throughout this dissertation. Table 6.8 and Figure 6.14 show the results of the categorical analysis. Consistent with the matching analysis, we see that differences between organizations representing the unenfranchised and professional organizations are generally consistent with expecta-

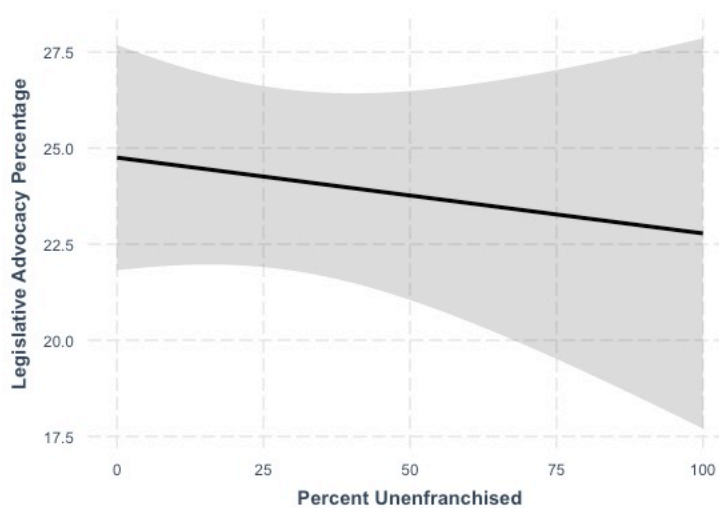


Figure 6.11: Effect of the Percentage of Effort Dedicated to Advocacy for the Unenfranchised on the Percentage of Advocacy Time Spent on Legislative Advocacy

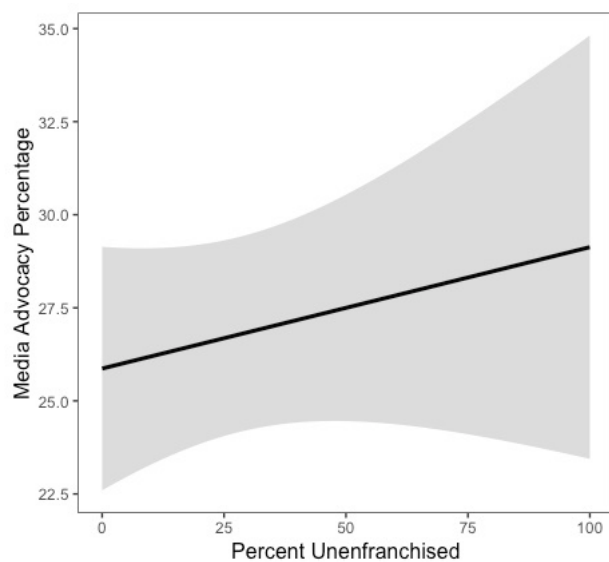


Figure 6.12: Effect of the Percentage of Effort Dedicated to Advocacy for the Unenfranchised on the Percentage of Advocacy Time Spent on Media

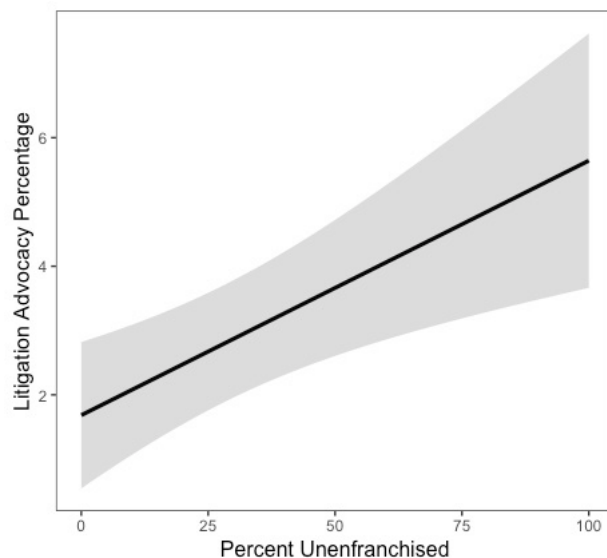


Figure 6.13: Effect of the Percentage of Effort Dedicated to Advocacy for the Unenfranchised on the Percentage of Advocacy Time Spent on Litigation

tions. However, advocacy organizations for the unenfranchised and other citizens' are less distinct. The coefficients for the other citizens' groups variable is not significant in any of the models in Table 8. Moreover, coefficient for other citizens' groups for legislative advocacy is negative when it is expected to be positive. The coefficients for media and litigation are in the correct direction for other citizens' groups, but lack significance. This is a weaker result than we see in the matching analysis, which suggests a difference. This may indicate that controlling for jurisdiction is important; variation in the media and litigation environments of different policy jurisdictions could be affecting advocacy prioritization decisions.

6.4 Discussion and Conclusion

Chapter 1 described how the advocacy organizations that stepped up to fight the Trump Administration's family separation policy have made effective use of both litigation and media tactics. They sued and obtained court orders that led to reunification of many migrant families, and they continue to sue to improve conditions in

	<i>Dependent variable:</i>		
	Legislative	Media	Litigation
	(1)	(2)	(3)
Other Citizens' Groups	-0.819 (3.438)	-1.093 (3.881)	-1.895 (1.572)
Professional Orgs	5.666* (3.171)	-10.193*** (3.589)	-3.507** (1.451)
Constant	21.129*** (2.701)	32.176*** (3.071)	5.435*** (1.239)
Observations	368	368	368
R ²	0.019	0.035	0.017
Adjusted R ²	0.013	0.029	0.011
Residual Std. Error (df = 365)	22.600	25.327	10.291
F Statistic (df = 2; 365)	3.459**	6.521***	3.086**

Note: *p<0.1; **p<0.05; ***p<0.01

Table 6.8: Effect of Organization Type on Advocacy Strategies

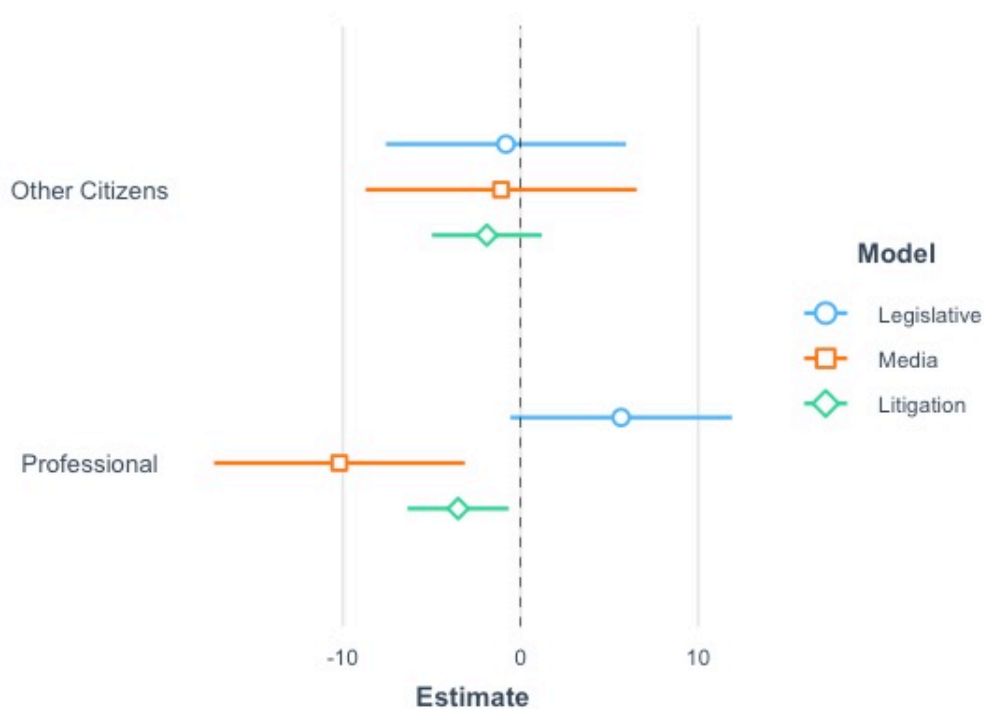


Figure 6.14: Effect of the Type of Constituency on the Percentage of Advocacy Time Spent on Legislation, Media and Litigation

detention facilities. They publicized the worst abuses of the policy through social and traditional media, and the President changed course, at least temporarily, in response to the public outrage brought on by that publicity. Chapter 2 theorized that litigation and media tactics are important avenues of influence for all advocacy organizations representing the unenfranchised. As strategic actors, these organizations should be expected to prioritize these tactics. The analysis presented in this chapter suggests that they do.

The most clear result from the analyses presenting here relates to litigation. Across a range of model specifications and operationalizations, organizations that represent the unenfranchised spend a larger percentage of their advocacy efforts on litigation than other groups. This suggests that the political disadvantage theory, which has largely fallen by the wayside in the judicial politics literature, has continuing relevance. Advocacy organizations that represent the unenfranchised – groups that are politically disadvantaged in multiple, overlapping ways – are the advocacy organizations that turn to the court most frequently, both in terms of absolute frequency, as shown in the first half of this chapter, and as a proportion of their overall advocacy efforts.

Advocacy organizations representing the unenfranchised prioritize media tactics more than business and professional groups but are less clearly distinct from other citizens' groups on this tactic. Among the survey respondents, organizations representing the unenfranchised reported devoting slightly more of their time on average to media tactics than other citizens' groups, but differences are not statistically significant. The matching analysis suggests that the difference is larger when policy jurisdiction is considered, but more research is needed to know if this finding could be reproduced outside of the survey sample.

Perhaps the most surprising findings of this chapter relate to legislative advocacy. Every advocacy organization representing primarily the unenfranchised that

responded to the survey holds a 501(c) tax status, which entails restrictions on lobbying. In spite of this, these organizations report engaging in all of the legislative-related advocacy activities as frequently as, and in some instances more frequently than, other groups. While they prioritize legislative advocacy less highly than professional organizations, they seem to put as much of their advocacy efforts into it as other citizens' groups that represent voting populations. If these organizations view their constituencies lack of electoral power as a detriment in the legislative arena, it does not stop them from engaging.

This chapter provides evidence that despite the political disadvantages their constituencies face, organizations representing the unenfranchised use as wide a range of advocacy tactics as organizations representing other groups. They play active roles across a wide range of policy making venues. This chapter found evidence of some systematic differences in prioritization of advocacy tactics between organizations representing the unenfranchised and those representing other social groups, particularly with respect to media advocacy and litigation. However, readers might wonder whether, because the survey that provides the empirical basis for this analysis was fielded in 2018, these results are skewed by the particular circumstances of the Trump Administration. Actions like the family separation policy seem to uniquely target the unenfranchised in ways that might affect the way that advocacy organizations represent them. Although actions targeting the unenfranchised have received a great deal of media attention – perhaps because of the prioritization of media advocacy by the organizations representing them – the Trump Administration has adopted disruptive policies that have affected a wide range of groups. For example, policies protecting consumers, transgender people, and sexual assault victims have been rolled back. The interviews support this view – representatives of all types of groups indicated that all the rules seem to have changed under President Trump. Agencies that were once reliable partners are no longer as reliable, and issues that might have seen an easy

path through Congress in earlier times now face gridlock. To the extent that this has shifted prioritization of advocacy tactics, it is not clear that it has shifted it more for the unenfranchised than for other groups. Moreover, the political disadvantages that drive the theoretical expectation that the advocacy organizations will prioritize media and litigation tactics are not specific to the current environment.

Chapter 7 Differences Among the Unenfranchised

The empirical analysis in chapters 5 and 6 focused on differences between the organizations representing the unenfranchised and those representing other types of groups – in particular, professional organizations and other citizens groups. Do the differences *among* the unenfranchised also affect how advocacy organizations that represent them are structured and financed, and how they go about advocating for their interests? This chapter examines these questions.

While all unenfranchised people lack traditional political power, there are also differences among them that may affect the advocacy organizations working on their behalf. Some unenfranchised groups, such as non-citizens with work permits, may have greater access to funds to use to support organizations working on their behalf than others, such as children or people who are incarcerated. This could impact the funding and tax status options available to organizations representing them. Additionally, some unenfranchised groups, like children, are generally thought of positively and have strong connections to voters through family relationships. Others, like people convicted of felonies, tend to be perceived more negatively and are less connected to their communities. Chapter 2 argued that social construction interacts with political disadvantages to shape how advocacy organizations prioritize among available advocacy tactics.

The chapter begins by describing the prevalence of advocacy organizations across different groups of unenfranchised people. It then examines whether there are any differences in tax status and funding sources among organizations representing the

unenfranchised. Next, it uses the survey data to test expectations about how the differing social constructions might lead to differences in advocacy strategies. It finds that social construction – specifically how positively viewed or “deserving” a group is perceived to be – does not matter much for structural decisions like tax status or funding, but does affect the advocacy strategies that organizations prioritize.

7.1 The Prevalence, Tax Structure, and Funding of Advocacy Organizations Representing Different Unenfranchised Groups

The groups that are currently unenfranchised in the U.S. differ in size. As discussed in chapter 2, Children are by far the largest group. They are 24% of the overall US population and about 70% of the unenfranchised people in the country. Non-citizens are the next largest group, at about 7.8% of the population and about 23% of the unenfranchised. These are followed by people who are disenfranchised due to felony convictions, at 2.5% of the population and 7% of the unenfranchised, and the mentally incapacitated, at 0.1% of the population and 0.2% of the unenfranchised. Because these groups vary so widely in size, it follows that they should not have the same number of advocacy organizations representing them. The NCCS data provides a way to estimate the number of advocacy organizations representing each group. The NTEE codes that were used to differentiate between organizations that represent the unenfranchised and those that represent other groups in Chapter 5 are further subdivided here to differentiate between the different groups who are unenfranchised. Table 7.1 summarizes the breakdown.¹

¹A listing of the NTEE codes sorted into each category and the totals or organizations for each NTEE code is included as Appendix A8.

	Children	Non-citizens	Felony Convictions	Mental Incapacity
% of US Population	24%	7.8%	2.5%	0.1%
% of Unenfranchised	69.77%	22.67%	7.27%	0.2%
Total Advocacy Organizations	4,093	1,326	641	2,306
% of Unenfranchised Organizations	48.92%	15.85%	7.66%	27.56%

Table 7.1: Population and Nonprofit Advocacy Organization Representation of Different Unenfranchised Groups

The proportion of advocacy organizations representing each group roughly follows the group size; the main exception is with respect to those disenfranchised due to mental incapacity. The disproportionate share of the latter among the advocacy groups in this analysis is an artifact of the imprecision of the NTEE codes for this purpose. To encompass the mentally incapacitated, the analysis includes all advocacy organizations representing people who are disabled. However not all disabled people are unenfranchised. Further, many disabled people also fall into other unenfranchised groups. For example, many organizations for the disabled do substantial work on behalf of disabled children. Thus, the number of organizations representing people disenfranchised due to mental incapacity is overstated when relying on this measure. Unfortunately, for the full universe of nonprofit advocacy organizations, it is the best measure we have.

The organizations in the survey data can be categorized more precisely, but their distribution may be skewed by response bias. As a lawyer and an advocate, I worked on behalf of children, and I developed a reputation and relationships within the child advocacy community that may have made organizations representing children more likely to respond to the survey. Additionally, the survey was fielded during the height of advocacy organizations' response to the Trump administration's family separation policy. Several immigrants' rights organizations responded to my survey request to say that they would normally participate but were not able to at the time given the demands that were being placed on their resources. Thus, it may be the case

that children’s organizations are over-represented and non-citizens’ organizations are under-represented in the survey sample.

Two survey questions provide the basis for deciding which group an organization represents; both have been used in previous chapters. One asks what percentage of the organization’s advocacy efforts are dedicated to advancing the rights or interests of the unenfranchised. This question is used here to determine whether the organization is primarily focused on the representation of an unenfranchised group. The other was an open-ended question that asked the respondent to describe the population or populations the organization represents. This is used here to determine the unenfranchised group or groups for which the organization works. Eighty-nine survey respondents that were not professional organizations reported dedicating at least 75% of their advocacy effort to the unenfranchised *and* gave a detailed response to the open-ended question that could be used to classify them by type of unenfranchised group. These groups comprise 15% of the survey respondents. Table 7.2 details the breakdown of these organizations across different groups of the unenfranchised.

	Children	Non-citizens	Felony Convictions	Mental Incapacity	Children & Felons	Children & Disabled
# of Orgs	60	8	7	2	10	2
% of Orgs	67%	9%	8%	2%	11%	2%

Table 7.2: Survey Respondents by Type of Unenfranchised Group

The survey results make clear that the categories of unenfranchised groups are overlapping. For example, many organizations represent both children and adults with disabilities. Similarly, organizations that do criminal justice work often focus on both adults and children in the criminal justice system. Thus, to ensure categories are mutually exclusive, presentation of the survey data adds these two overlapping categories. However, the number of organizations in many of the categories is extremely small. For this reason, the analysis of differences between group types that

follows is preliminary. More data will need to be collected to more rigorously test what if any differences exist.

7.1.1 Differences in Tax Status

In chapter 2, no expectations were laid out regarding differences among unenfranchised groups with respect to tax status; all unenfranchised groups were expected to be heavily dependent on the 501(c)(3) status. However, the logic could be applied among unenfranchised groups as well. The unenfranchised were expected to be different from professional organizations and other citizens' groups because unenfranchised people are less likely to have access to funds to support advocacy organizations on their own. Therefore, they have to rely on philanthropic support more than other groups, and philanthropic foundations are much more likely to give to 501(c)(3) organizations. Using this logic, we should expect that non-citizens would be least dependent on 501(c)(3) status because they are the unenfranchised group that is most likely to have access to funds. Many non-citizens are able to work legally in this country, and some of those who are not able to legally work are still able to find employment. Among the unenfranchised, non-citizens are most likely to have income – and control over that income – to donate to organizations or causes. The NCCS data supports this expectation. Table 7.3 shows that although all unenfranchised groups are overwhelmingly likely to be represented by 501(c)(3) organizations, the percentage of advocacy organizations that are organized under IRS Code Section 501(c)(3) is the lowest for those representing non-citizens. However, the difference is very small – non-citizens are less than 1% less likely to be represented by 501(c)(3) organizations than the next lowest group (children) and less than 5% less likely than the group that is most reliant on 501(c)(3) status (people with felony convictions). We are not able to test for differences using the survey sample, because there is no

variation on tax status among organizations representing the unenfranchised. All of the subgroups of the survey organizations are 100% 501(c)(3)s.

	Children	Non-citizens	Felony Convictions	Mental Incapacity	Children & Felons	Children & Disabled
NCCS Survey	93.62% 100%	92.91% 100%	96.26% 100%	98.22% 100%	NA 100%	NA 100%

Table 7.3: Percentage of Advocacy Organizations Incorporated Under I.R.S. Section 501(c)(3) by Type of Unenfranchised Group

With respect to funding, expectations should follow the same pattern as 501(c)(3) status. As described above, non-citizens are presumed to have the best access to income and so should be the least dependent on foundation funding compared to other unenfranchised groups. Further, non-citizens' income might make them more likely to be able to afford to join organizations that advance their interests. Naturalized citizens who formerly benefited from an organization's work or who have family members who are still non-citizens may also support the organization. Thus, a greater proportion of those organizations' revenue should be expected to come from membership dues. Because the NCCS data does not breakout revenue from foundations, survey data is used to evaluate these expectations. Table 7.4 summarizes the percent of funding different unenfranchised groups receive from foundations and membership dues. The mean percentages of funding from foundations and membership in the survey data do not follow expectations. Advocacy organizations representing non-citizens reported one of the highest proportions of funding from foundations among survey respondents and one of the lowest proportions of funding from membership dues. However, none of the differences between these groups are significant.

	Children	Non-citizens	Felony Convictions	Mental Incapacity	Children & Felons	Children & Disabled
% Foundation	24.8%	31.2%	24.6%	12.5%	37.3	0
% Membership	4%	0%	0%	5%	0%	20%

Table 7.4: Funding Sources by Type of Unenfranchised Group from Survey Data

The most likely explanation for why the survey organizations' funding differs from expectations is that there are simply too few organizations of most types to effectively differentiate between them. There are only eight organizations representing non-citizens in this sample and, given the extraordinary political circumstances of the time, they may not be representative. Indeed, the organizations in this category that responded tend to be focused on a single state or locality; different patterns might appear if responses included more regional or national organizations.

7.2 Differences in Advocacy Tactics by Type of Group

Chapter 2 used Schneider and Ingram's (1997) model of the social construction of target populations to make predictions about the ways social construction might interact with power to shape how advocacy organizations representing different social groups prioritize different advocacy tactics. It argued that organizations act strategically in allocating their advocacy efforts among different policymaking venues, and the characteristics of the groups they represent are part of what drives their choices. It suggested that the organization's assessment of the dimensions of the Schneider and Ingram (1997) model – power and social construction – should help predict those choices. Specifically, chapter 2 theorized that groups with low political power – including but not limited to the unenfranchised – would be less likely to prioritize legislative advocacy and more likely to prioritize advocacy through the media and the courts. These expectations found some support in the empirical analysis in chapter 6. The legislative expectation found the weakest support. Differences were found between the unenfranchised and professional organizations, but organizations representing the unenfranchised and other citizens' groups were nearly identical. There was more support for the media hypothesis, and strong support for the litigation hypothesis.

With respect to the second dimension of Schneider and Ingram's model, chapter 2 argued that social construction would also matter. It focused on how different combinations of social construction and power would affect the prioritization of the same three advocacy tactics: legislative advocacy, media and public education, and litigation. With respect to legislation, people with power are generally expected to be successful in legislative arenas. As Schneider and Ingram theorized, Congress may attempt to hide the benefits it gives to powerful but unpopular groups, but it still gives them benefits. However, even for powerful and popular groups, benefits still require advocacy. (Baumgartner and Leech 1998) found that attention is scarce in Congress and the status quo tends to prevail. Getting attention for a preferred policy change takes work. Thus, powerful groups should be expected to prioritize legislative advocacy, regardless of their social construction. Groups with less power should be expected to engage in legislative advocacy, but not to make it as great a priority. Without power, getting legislators' scarce attention is even more difficult. Unpopular groups with low power – whom (Schneider and Ingram 1993) termed deviants – are expected to prioritize legislative advocacy the least, because they are least likely to get a positive outcome from elected officials.


Groups that are positively constructed but have low power should be more likely to advocate through the media. Cultivating public support can help them achieve their policy goals because it can increase policymakers' electoral incentives to take up their issues. Voters are most likely to be moved to support groups they believe are deserving of beneficial policy. However, advantaged groups – those that are both powerful and positively constructed – have the least need for the media. Schneider and Ingram argued that such groups expect the legislature to be receptive to their interests. Working for additional public support may be helpful, but it is less necessary. For groups that are negatively constructed, seeking public support is fraught with danger; in taking their issues to the public, they run the risk of engaging voters on the wrong

side of their issue. For contenders – those with high-power and negative constructions – these risks are unnecessary; they can use their power to get what they want behind the scenes. However, some negatively constructed groups, particularly those with low power, may engage with the media as part of a long-term strategy to shift public perception of their group or their issues. An example of this is criminal justice reform. Baumgartner et al. (2009) used this issue as an example of how difficult it can be to shift the framing of an issue over the course of one or two legislative sessions. They noted that this did not prevent groups like those seeking criminal justice reform from trying to move perceptions over the long-term. Baumgartner and his colleagues conducted their study from 1999-2002. During that time, the work of criminal justice reform advocates seemed like a long-shot; tough on crime narratives were still pervasive. More recently, however, the patient work of advocates for people in the criminal justice system has begun to bear fruit. More people have come to recognize the racial injustices of the system as people have told their stories over time.

Finally, groups that are negatively constructed and low in power are expected to prioritize the courts because they cannot expect venues that are accountable to the public to pay attention to their issues. The multiple layers of disadvantage that come from being unenfranchised and having a negative social construction make political disadvantage theory most applicable to such groups. Groups with low power but positive constructions – the dependents – will also place greater priority on the courts than groups with high power, but they have a greater array of options available to them than deviant groups. Figure 7.1 summarizes the expectations for how groups with different combinations of power and social construction will prioritize these three venues. As a reminder, under Schneider and Ingram's (1993) model:

- Advantaged = High power + positive construction;
- Contender = High power + negative construction;

- Dependent = Low power and positive construction; and
- Deviant = Low power and negative construction



	Legislative Advocacy	Media Advocacy	Litigation
Higher Priority	Advantaged	Dependents	Deviants
	Contenders	Deviants	Dependents
	Dependents	Advantaged	Contenders
Lower Priority	Deviants	Contenders	Advantaged

Figure 7.1: Expectations for Prioritization of Advocacy Tactics by [Schneider and Ingram \(1993\)](#) Group Type

7.2.1 Analysis

The analysis begins by looking at all survey respondents – those representing the unfranchised and those representing other groups – on the two dimensions of power and social construction. This approach provides greater analytical leverage because it maximizes the number of responses included in the analysis. It is also reflective of the reality that the unfranchised are not the only groups that lack power. While they may be the most politically disadvantaged, there are many other groups that technically have the right to vote but face their own political obstacles.

If organizations are acting strategically, their perceptions are what informs their choices. They should act based on how they think others perceive the group they represent. I am unaware of any previous organizational surveys that have attempted to measure participants' perceptions of the social construction and power of the groups their organizations represent. Therefore, unlike other areas of interest, there were not previously validated questions from which to draw in constructing this part of the survey. Two survey questions attempted to get participants to assess their groups'

construction and power. After being asked to describe the group or groups the organization represents, participants were asked:

- On a scale of 1 to 5, where 1 is “extremely negatively,” 3 is “neutral” and 5 is “extremely positively,” how do you think that group(s) is viewed by the general public?
- On a scale of 1 to 5, where 1 is “extremely weak,” 3 is “neutral” and 5 is “extremely strong,” how do you think that group(s) political voice/influence is viewed by the general public?

The first of these questions was intended to assess how the respondent thought of the social construction of the group. For example, a response of 5, indicating that the public thought very positively of the group, could be used as an indicator that the group is highly deserving of positive policy outcomes. Similarly, the second question was intended to assess how the respondent thought about the group’s political power. A response of 5, indicating that the public thought of the group as extremely influential, could be used as an indicator that the group is highly powerful.

Pre-testing of these questions on a small group of nonprofit executives suggested that the questions were understood and provided useful answers. However, the full survey results undermine confidence in validity and reliability of these questions. With respect to validity, many of the answers are counterintuitive. For example, multiple organizations that represent doctors rated them a 1 on the social construction question, indicating that the public views them extremely negatively, and a 1 or a 2 on the power question, indicating that they have very little political influence. Similarly, multiple organizations representing firefighters also rated them a 1 on social construction and a 1 on power. Both doctors and firefighters are groups that we might expect to have more positive constructions, and doctors have certainly exercised substantial political power in the past, for example in lobbying around healthcare

policy (Laugesen and Rice 2003). At the other end of the spectrum, an organization that described the group it represents as “economically and socially disadvantaged prisoners and youth who serve time in the youth justice system” rated that group a 5 on both social construction and power, indicating that they are viewed very positively and have a lot of political influence. These counterintuitive ratings suggest that at least some of the respondents did not understand these questions the way they were intended.

With respect to reliability, we would expect respondents whose organizations represent a common group to provide roughly comparable assessments of those groups’ social construction and power. This is not what we find. For example, many survey respondents’ organizations represent children generally, or abused and neglected children in particular. There was not clear clustering of responses. Instead, they ranged from 1 - 4 on the social construction question and from 1 - 5 on the power question. There are also many organizations that represent people with disabilities, and there is a similar lack of clustering on the responses for them. Ratings ranged from 1-5 on the social construction question, and from 2 to 5 on the power question. These are not groups on which we would expect to see a lot of difference in social construction or power across different jurisdictions, yet the responses are all over the place. There is similar variety of responses on other types of groups, suggesting that these questions did not produce reliable results.

	Children	Non-citizens	Felony Convictions	Mental Incapacity	Children & Felons	Children & Disabled
Construction	2.47	3.29	4.57	3	2.89	3.5
Power	3.51	3.5	4.57	3	3.22	3

Table 7.5: Survey Respondents Mean Ratings of Their Unenfranchised Constituents Social Construction and Power on a 1-5 Scale.

A comparison of the average ratings provided by survey respondents for different unenfranchised groups illustrates these concerns. Table 7.5 displays the means. They are hard to reconcile with experience and expectations. Although criminal justice

reform advocates have done an admirable job reframing the issue and bringing sympathy to people in the criminal justice system, it is hard to believe that the public perception of people with felony conviction has swung so far as to put them at the highest end of the social construction scale. Similarly, although there have been some stunning successes in state-level efforts to restore the right to vote for some people with felony convictions, it is hard to believe people with felony convictions are now among the most powerful groups. Note that the overall mean power rating assigned by survey respondents to their groups was 3.14, and the mean for all voting groups was 3.06. All but two unenfranchised groups have a mean power rating above the overall mean, and the two groups that are not have the approximately the same mean as voting groups. These results seem at odds with the political disadvantages the unenfranchised are known to face.

It is possible that survey participants simply did not understand the questions. Another possible explanation for the unexpected responses is that advocates do not know how to assess the social construction of the groups they represent. The interviews provide some support for this view. Nearly half of the organization executives interviewed said that the group they represent is not well understood by the public. The executive director of a professional association for lawyers put it most bluntly. When asked what the public thinks of the group his organization represents, he said simply, "They don't." While professional organizations were more likely to consider their groups invisible to the general public, many organizations representing the unenfranchised or other citizens' groups seemed to feel that groups were generally not on people's minds. The executive director of a state-level organizations the represents abused and neglected children said that when she goes to speak to community groups, people shock her with how little they know about child abuse:

I'm constantly amazed that I meet people that have no idea this really happens. Our numbers for [the county] tend to gravitate around 300

victims a year on average, sometimes higher, sometimes lower. And when I go and say that in any kind of public forum or group that is not...involved in child abuse issues, they're just floored. They think we might see two or three kids a year.

When organizations believe the groups they represent are not considered by the public, it may be difficult for them to assess how people would think about the group if they did consider them.

While lack of salience or knowledge about the group among the public may help explain the social construction ratings, it does not explain the power ratings. Again, it's possible that the question was simply unclear. Another possible explanation is that organizations may conflate the influence of the group they represent with the influence the organization has acquired by virtue of being effective in their work. When the executive director of a national advocacy organization representing children in the juvenile justice and foster care systems was asked about the public perception and power of that group, she responded from an organizational perspective:

When [our organization] says something, people take it as valid. We don't get a lot of pushback....I think we've been careful how we use our voice and the gravitas with which we speak. Whether we're speaking generally about some issue in the child welfare or justice systems and how it impacts youth or we're speaking about a particular subset of youth, I think it's well-received by a wide segment of the population.

Whatever the reasons, the social construction and power assessments from the survey are unlikely to be effective predictors of organization's prioritization of advocacy tactics.² This raises an important theoretical question. If organizations cannot accurately assess the social construction and power of their constituencies, can we expect

²Models were run using these rankings and are included in Appendix A9 for the curious.

that their actions will be consistent with the Schneider and Ingram (1993) model? We can, if we shift how we think about the mechanism. Rather than expecting that advocacy organizations are accurately assessing their group's placement on the dimensions of the model and choosing their advocacy tactics accordingly, organizations could instead be thought to be responding rationally to how their groups are treated in different policymaking venues. Advocacy organizations are generally repeat players; they work on policy year after year. They may learn what works through these interactions and adjust their behavior accordingly without a complete understanding of *why* some tactics are more effective for them than others. Policymakers may be more likely to know where the public stands, because they hear directly from people who are on both sides of a given policy issue. If policymakers are more accurate in their assessments, the better measurement would be what the public actually thinks, rather than what advocacy organizations think the public thinks.

Data gathered by Kreitzer and Smith (N.d.) provide a way to tap into public perceptions. Using MTurk, Kreitzer and Smith crowd-sourced rankings of the power and deservingness of over 70 social groups. While not all groups represented by advocacy organizations in the survey data were included, reasonable extrapolation was possible by analogy. For example, tax professionals were analogized to attorneys, firefighters were analogized to police, and Asian Americans were analogized to African Americans and Latinos.³ Like with the survey responses, there was high variance for the rankings of some of the groups in Kreitzer and Smith's data; often these reflected partisan differences in opinions of groups. However, because their scale was larger (1-100 rather than 1-5), the mean ratings still provide a source of differentiation between groups. For this reason and because the respondents ranked very few groups as both high power and high deservingness (their measure for social construction) in

³While Asian Americans have a different perception and history with discrimination in the U.S. than African Americans, I believe this coding is reasonable given the coding strategy that was adopted. Both groups are coding as high on the dichotomous deservingness measure, and low on the dichotomous power measure.

absolute terms, values were assigned in a relative sense. Groups above the median ranking for power are coded as high power, and groups above the median ranking for deservingness are coded as positively constructed. This is a conservative approach that, if it biases results should depress the chance of finding an effect, rather than enhancing it. Figure 7.2 provides some example of how groups were coded. Appendix A10 provides the full list of groups Kreitzer and Smith included in their study with the rankings they received. It also provides more details on the groups that were coded by analogy.

		High	Deservingness	Low
Power	High	<p>Advantaged</p> <p>Veterans Teachers Small Businesspeople Doctors Police</p>		<p>Contenders</p> <p>Wall Street Brokers Media Labor Unions Attorneys CEO / Bankers / Big Business</p>
	Low	<p>Dependents</p> <p>Unemployed people Disabled people Children Poor Families Immigrants</p>		<p>Deviants</p> <p>Criminals / ex-felons Muslims Opioid addicts DREAMERS / Undocumented Non-Citizens</p>

Figure 7.2: Examples of Survey Group Coding

The models in Table 6 include three dummy variables coded as 1 if the advocacy organization primary represents a group coded into that category, and 0 otherwise:

- Contender: groups coded as high power and low deservingness;
- Dependent: groups coded as low power and high deservingness; and
- Deviant: groups coded as low power and low deservingness.

Organizations representing advantaged groups – those coded as high power and high deservingness – are the excluded category. In this and all the analyses that follow in this chapter, the outcomes of interest are derived from the survey question that asked respondents to indicate how they divide up their advocacy activity among tactics by percentages. As with the prioritization analysis in chapter 6, the analyses are run on the subset of organizations whose answers added up to approximately 100%.

	<i>Dependent variable:</i>		
	Media (1)	Litigation (2)	Legislative (3)
Contender	-10.876** (4.891)	0.390 (1.822)	4.491 (4.491)
Dependent	5.500* (2.923)	2.873*** (1.089)	-1.771 (2.680)
Deviant	-3.378 (6.091)	4.114* (2.268)	-5.767 (5.593)
Constant	25.220*** (2.161)	1.360* (0.805)	25.977*** (1.984)
Observations	342	342	343
R ²	0.038	0.026	0.009
Adjusted R ²	0.029	0.017	0.0002
Residual Std. Error	24.824 (df = 338)	9.245 (df = 338)	22.793 (df = 339)
F Statistic	4.429*** (df = 3; 338)	2.974** (df = 3; 338)	1.025 (df = 3; 339)

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 7.6: Effect of Group Type on Prioritization of Advocacy Tactics

The results presented in Table 7.6 and illustrated by Figure 7.3 are generally consistent with expectations, although not all the findings are significant. We expect that dependents – those with low power but high deservingness – would prioritize media advocacy more than other groups. This is because the public is likely to be sympathetic to their issues, so education through the media is most likely to motivate

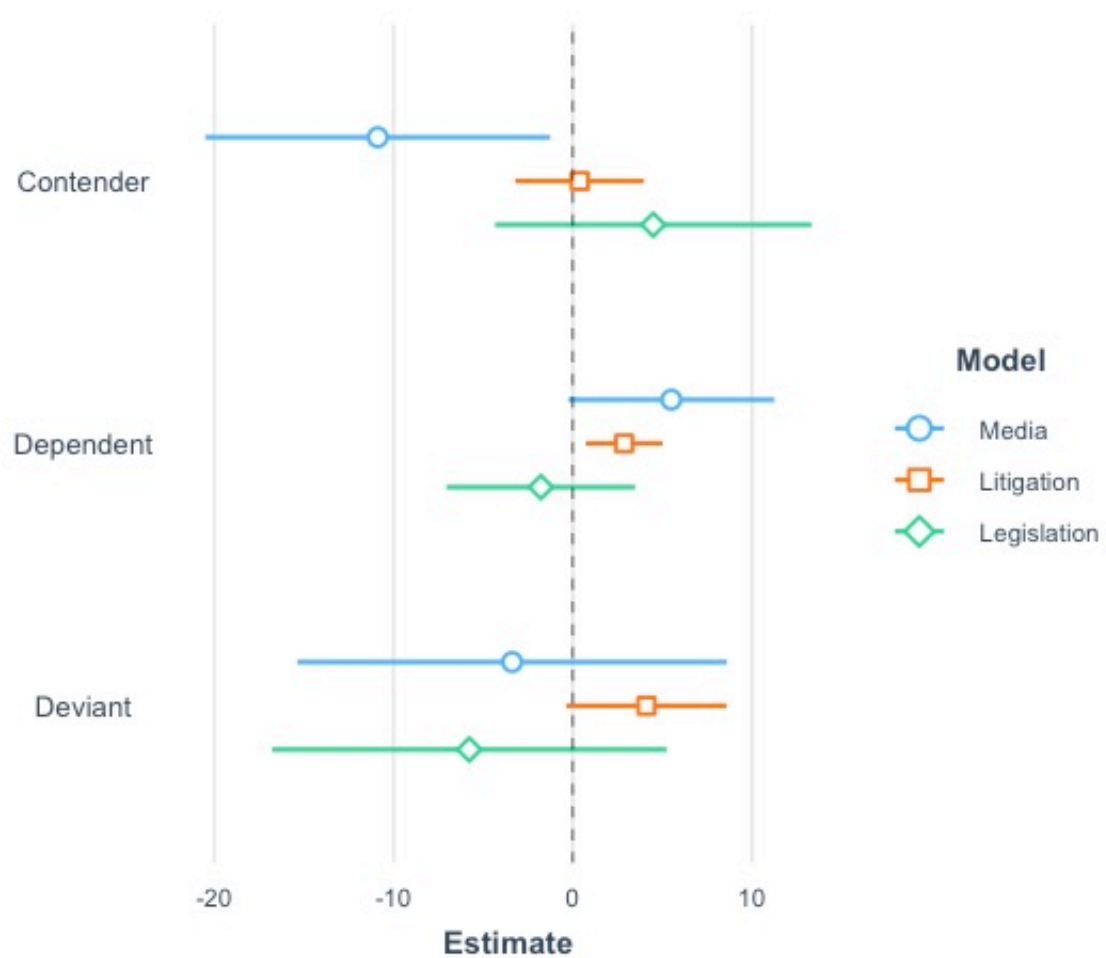


Figure 7.3: Effect of Group Type on Prioritization of Advocacy Tactics

more powerful supporters to action. Model 1 finds that dependents devote about 5% more of their advocacy efforts to media than advantaged groups, and about 16% more than contenders. The relative prioritization of media by deviants and the advantaged is not quite as expected – deviants were expected to place a lower priority on this tactic than dependents, but a higher priority than the advantaged, but the difference is not significant.

Moving to litigation, the expectation was that deviant groups would put the highest priority on the courts, because they are least likely to find support in the electoral branches. Again, this is what we find. Deviant groups spend about 4% more of their advocacy efforts on litigation than advantaged groups. Consistent with political disadvantage theory, dependents – the other group with low power – place the second highest priority on the courts. Finally, we would expect advantaged groups to place the highest priority on legislative advocacy, because they are powerful and positively constructed. Here the coefficients for the less powerful groups are in the expected direction, but are not statistically significant.

So far, these analyses based on the [Schneider and Ingram \(1997\)](#) model have separated those with low power from those with high power, but not all low power groups in this analysis are unenfranchised. What do differences in prioritization of these tactics look like when we look only at unenfranchised groups? Within the [Kreitzer and Smith \(N.d.\)](#) data, Children have the highest rating among the unenfranchised for deservingness, although they are followed closely by people with disabilities, the most applicable category for those with mental incapacity. Criminals, prisoners, and ex-felons – the categories in the Kreitzer and Smith data most relevant to people with felony convictions – all have low deservingness ratings. Somewhat surprisingly, DREAMERS fall a little below the median for deservingness. As these youth are generally thought to be the most sympathetic of undocumented non-citizens, we can assume that all undocumented people would be low on this dimension. Other non-

citizens were not included in the crowd-sourced data, but we might imagine that non-citizens in the U.S. under a legal status might be more positively construed than undocumented non-citizens. For the combined categories, children and people with disabilities both have high ratings so it is straightforward to consider this group to have high deservingness. Children and people with felony convictions are more challenging; children and criminals are at opposite extremes of the deservingness scale. However, most of the children in the justice system are teenagers, and teenagers fall right at the median of the scale. Given the comparatively low ranking of teenagers and the fact that most organizations in this category emphasize the justice system involvement of the people they represent, these groups have been coded as low deservingness.

Table 7.7 shows how these groups compare with respect to advocacy. It provides the mean percentage of advocacy effort that the different unenfranchised groups spend on the three key tactics of media, litigation, and legislative advocacy.

	Children	Non-citizens	Felony Convictions	Mental Incapacity	Children & Felons	Children & Disabled
Deservingness	High	Low	Low	High	Low	High
% Media	34.3%	38.8%	7%	40%	16.7	27
% Litigation	3.08%	24.5%	10%	0%	5.8%	13.3%
% Legislative	23.2%	3.75%	22%	32.5%	26.5%	23.3%

Table 7.7: Percent of Advocacy Effort by Type of Unenfranchised Group (from survey data)

With respect to media, we have partial confirmation of expectations. Those involved with the criminal justice system, including both adults with felony convictions and adults and children in the system, report the lowest percentages of media advocacy. While none of the differences between groups' media efforts are significant, the difference between people with felony convictions and children comes the closest, with a p-value of 0.16. With respect to litigation, as might be expected, the most positively construed group, children, have the lowest average proportion of effort dedicated to

this activity. This is important because it suggests that the largest group of the unenfranchised – children – are not solely driving the litigation results we saw in chapter 6. Instead, the more positively constructed groups – children and the disabled, have a lower mean proportion of advocacy effort dedicated to litigation than other groups, though organizations that represent *both* children and the disabled rank more highly. Again, however, none of the differences are statistically significant. The groups spend a uniformly high percentage of their efforts on legislative advocacy, with the exception of non-citizens. That the four non-citizen focused advocacy organizations in the subset for this analysis dedicated such a low percentage of their effort to legislative advocacy is interesting, but once again is not significant. More information is needed to understand whether this difference is generalizable.

Unlike the analysis in chapter 6, so far this analysis of the prioritization of advocacy tactics does not control for policymaking jurisdiction. Policymaking jurisdictions may differ in the ease of access to different policymaking venues and may provide a wider or narrower range of activities between which organizations must prioritize their time. Therefore, for an additional test of differences between unenfranchised groups, we turn again to matching analysis where the matching is based on policymaking jurisdiction.⁴ Due to the small number of organizations in the survey sample representing most of the different unenfranchised groups, this analysis collapses across unenfranchised groups with high deservingness and those with low deservingness rather than analyzing group by group. Specifically, the coding of treatment and control is similar to that in chapter 6, but the dimension of deservingness is added. Four treatments are tested:

- For **Dependent1**, treated organizations are those which spend 90% or more of their advocacy efforts working for the unenfranchised *and* that are coded as representing groups with high deservingness using the [Kreitzer and Smith \(N.d.\)](#)

⁴The matching methodology used here is the same as that used in chapter 6.

ratings. This treatment applies to approximately 14% of the observations in the matching data.

- For **Deviant1**, treated organizations are those which spend 90% or more of their advocacy efforts working for the unenfranchised *and* that are coded as representing groups with low deservingness. This treatment applies to only 1.6% of the observations in the matching data.
- For **Dependent2**, treated organizations are those which spend 75% or more unenfranchised *and* which are not professional organizations *and* which are coded as representing groups with high deservingness. This treatment applies to approximately 15% of the observations in the matching data.
- For **Deviant2**, treated organizations are those which spend 75% or more unenfranchised *and* which are not professional organizations *and* which are coded as representing groups with low deservingness. This treatment applies to approximately 2% of the observations in the matching data.

For all of these treatments, the comparison group (or control) is all other organizations, including professional organizations and other citizens' groups. When dependent unenfranchised groups are the treatment, deviant unenfranchised groups are included in the control group and vice versa. The direction of differences between treatment and control is expected to be the same for dependents and deviants – higher than other groups for media and litigation, and lower for legislative advocacy. However, the magnitude of the difference is expected to be different. Dependents should have higher expected values for media, and deviants should have higher expected values for litigation. Deviants should have lower expected values for legislative advocacy.

Figures 7.4 through 7.7 show the expected values for the percent of advocacy efforts spent on media and public education for each of the treatments. Figures 7.4

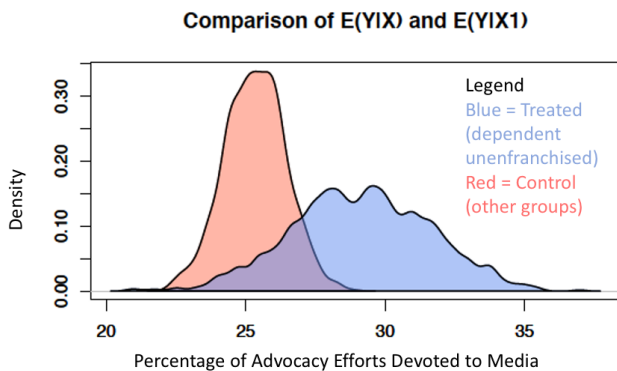


Figure 7.4: Expected Values for Percent of Advocacy Effort Spent on Media and Public Education When Treatment Group Is **Dependent1** and Control Group Is All Other Organizations.

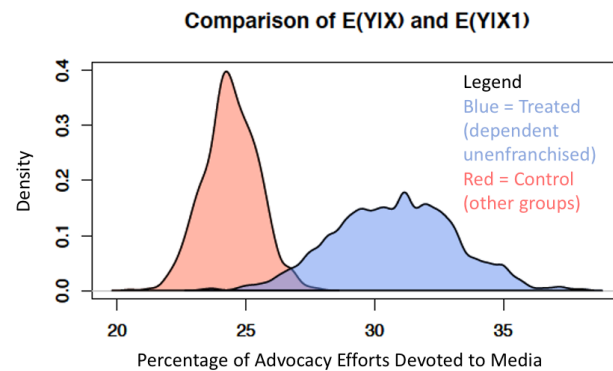


Figure 7.5: Expected Values for Percent of Advocacy Effort Spent on Media and Public Education When Treatment Group Is **Dependent2** and Control Group Is All Other Organizations.

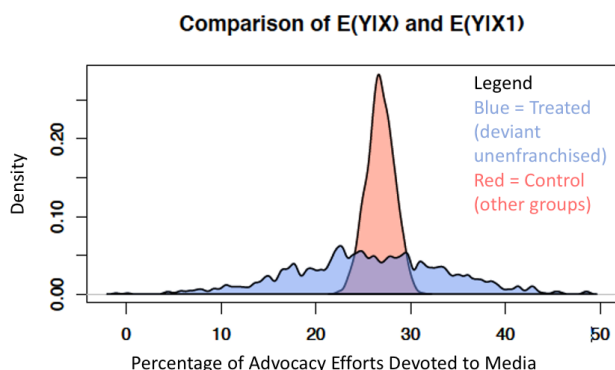


Figure 7.6: Expected Values for Percent of Advocacy Effort Spent on Media and Public Education When Treatment Group Is **Deviant1** and Control Group Is All Other Organizations.

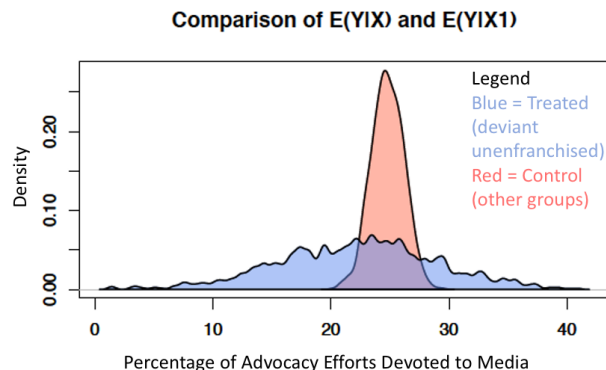


Figure 7.7: Expected Values for Percent of Advocacy Effort Spent on Media and Public Education When Treatment Group Is **Deviant2** and Control Group Is All Other Organizations.

is in the expected direction, but results are not significant. Figure 7.5, for which treatment includes organization that dedicate 75% or more of their advocacy efforts to the unenfranchised with high deservingness, but only if they are *not* professional organizations, does show a significant result. In this treatment model, organizations representing dependent unenfranchised groups spend 6 percentage points more of their advocacy effort – about 25% more effort – on media and public education than

the control group. In contrast, Figures 7.6 and 7.7 display the expected values for when the treatment group is unenfranchised with a negative construction. Here, we see that there is no clear difference between treatment and control, and, in fact, the results in Figure 7.7 suggest that negatively constructed unenfranchised groups may even engage in less media advocacy than all other organizations.

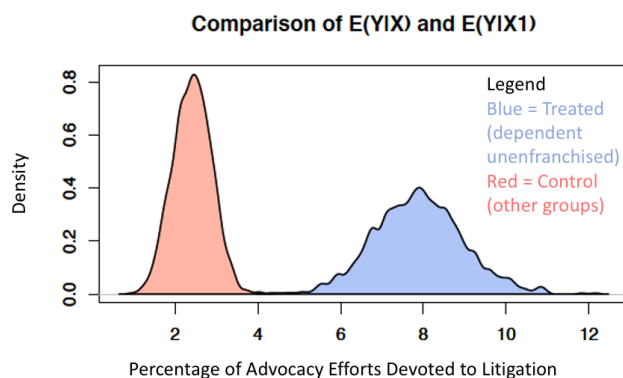


Figure 7.8: Expected Values for Percent of Advocacy Effort Spent on Litigation When Treatment Group Is **Dependent1** and Control Group Is All Other Organizations.

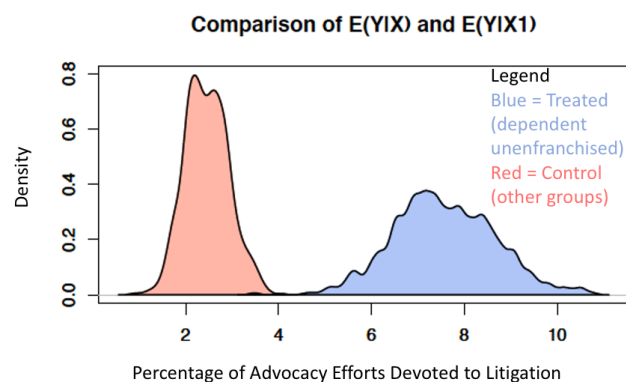


Figure 7.9: Expected Values for Percent of Advocacy Effort Spent on Litigation When Treatment Group Is **Dependent2** and Control Group Is All Other Organizations.

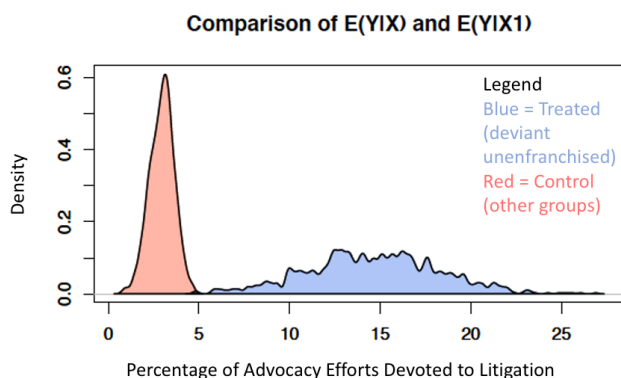


Figure 7.10: Expected Values for Percent of Advocacy Effort Spent on Litigation When Treatment Group Is **Deviant1** and Control Group Is All Other Organizations.

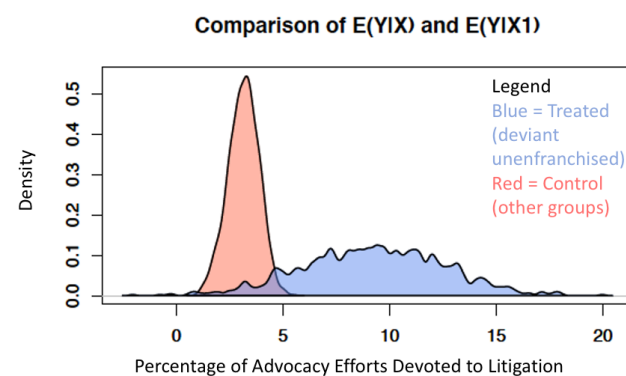


Figure 7.11: Expected Values for Percent of Advocacy Effort Spent on Litigation When Treatment Group Is **Deviant2** and Control Group Is All Other Organizations.

Figures 7.8 through 7.11 show the results for litigation. Here we see that organizations representing both dependent and deviant unenfranchised groups devote significantly more of their advocacy efforts to litigation than other groups, the expected percentage for deviant groups is much higher. While the control groups range from 2-4% of advocacy efforts spend on litigation, organizations representing the dependent unenfranchised spend 7-8%, and those representing the deviant unenfranchised spend 10-15% of their efforts litigating. Note that the range of expected values for organizations representing deviant unenfranchised groups is quite wide because of the limited number of organizations in the sample that fall into this category. However, the differences are significant and striking.

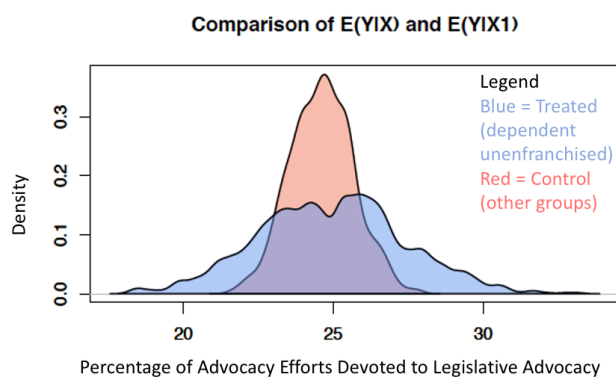


Figure 7.12: Expected Values for Percent of Advocacy Effort Spent on Legislative Advocacy When Treatment Group Is **Dependent1** and Control Group Is All Other Organizations.

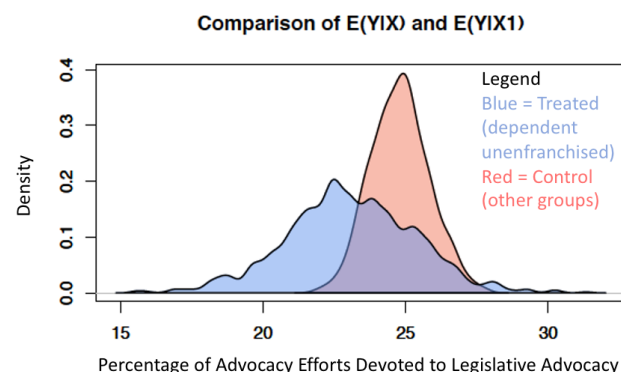


Figure 7.13: Expected Values for Percent of Advocacy Effort Spent on Legislative Advocacy When Treatment Group Is **Dependent2** and Control Group Is All Other Organizations.

Figures 7.12 through 7.14 show the results for legislative advocacy. As expected, dependent groups more closely resemble the control groups than deviants. The models that include both professional organizations and citizens' groups that dedicate at least 90% of their advocacy efforts to the unenfranchised (Figures 7.12 and 7.14) show no differences between treatment and control. The model for the **Dependent2** treatment suggests a difference, but it is not statistically significant. The model for

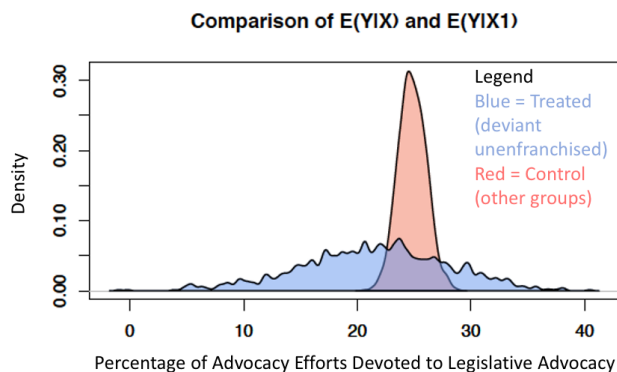


Figure 7.14: Expected Values for Percent of Advocacy Effort Spent on Legislative Advocacy When Treatment Group Is **Deviant1** and Control Group is All Other Organizations.

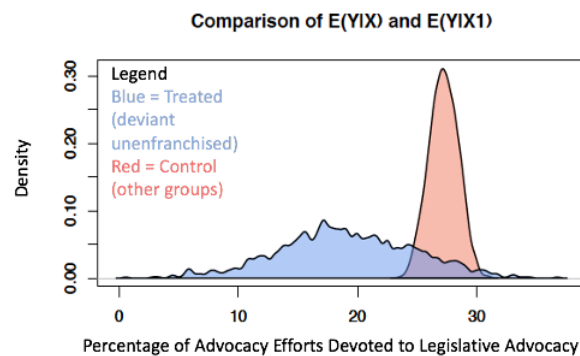


Figure 7.15: Expected Values for Percent of Advocacy Effort Spent on Legislative Advocacy When Treatment Group Is **Deviant2** and Control Group is All Other Organizations.

Deviant2 does give a significant result, and it is substantively quite large. Organizations representing deviant unenfranchised groups spend almost nine percentage points less of their advocacy efforts (30% less!) on legislative advocacy than those representing other groups. Additionally, the estimated percent of efforts dedicated to legislative advocacy by the deviant groups in Figure 7.15 is five percentage points less than that of dependent groups in the corresponding treatment in Figure 7.13.

Chapter 6 found that differences between professional organizations and other citizens groups explained some of the differences between the unenfranchised and control groups with respect to media and legislative advocacy, but not with respect to litigation. We now turn to a final set of matching models to see how the composition of the comparison group affects the results reported so far. Figures 7.16 through 7.21 show the results when the comparison is only other citizens' groups. Because the treatment groups are subdivided between organizations representing dependent and deviant unenfranchised groups, there are substantially fewer exact matches in these models. This problem is particularly prominent with respect to the organizations representing the deviant unenfranchised groups – only 122 of the 275 citizen group control observations (under 45%) could be matched. Thus, these results should be

interpreted with caution. Still, these models show the same general patterns as the last analysis.

Figures 7.16 and 7.17 allow us to compare organizations representing dependent and deviant unenfranchised groups with other citizens' organizations with respect to the percent of effort spent on media and public education. As in Figure 5, in which the control group is all other organizations, the expected value for advocacy time that organizations representing dependent unenfranchised groups spend on media and public education peaks around 31%. Other citizens' groups peak around 27% (compared to 24% for all organizations in Figure 5). Thus the results are consistent, though the difference between treatment and control falls below traditional levels of significance ($p = 0.16$). As is the case when the comparison is all organizations, organizations representing deviant (negatively constructed) unenfranchised groups are indistinguishable from other citizens' groups on media advocacy (Figure 7.17). The peak expected value for organizations representing deviant unenfranchised groups is about 21% – a full 10 percentage points lower than that for organizations representing dependent unenfranchised groups.

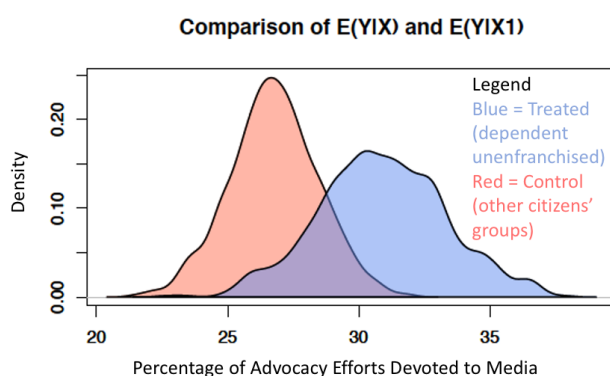


Figure 7.16: Expected Values for Percent of Advocacy Effort Spent on Media and Public Education When Treatment Group Is **Dependent2** and Control Group Is All Other Citizens' Groups, Including Deviant Unenfranchised Groups.

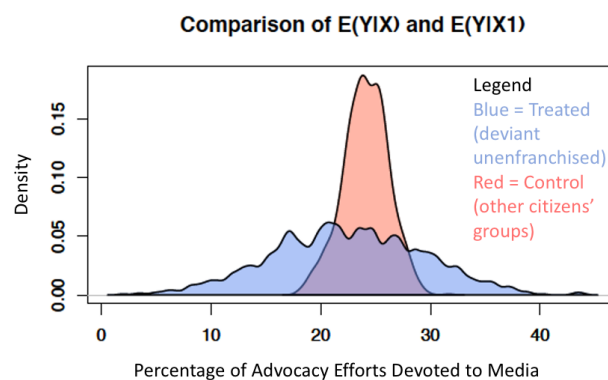


Figure 7.17: Expected Values for Percent of Advocacy Effort Spent on Media and Public Education When Treatment Group Is **Deviant2** and Control Group Is All Other Citizens' Groups, Including Dependent Unenfranchised Groups.

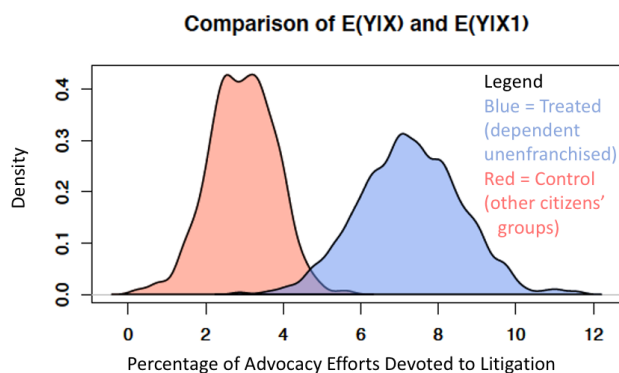


Figure 7.18: Expected Values for Percent of Advocacy Effort Spent on Litigation When Treatment Group Is **Dependent2** and Control Group Is All Other Citizens' Groups, Including Deviant Unenfranchised Groups.

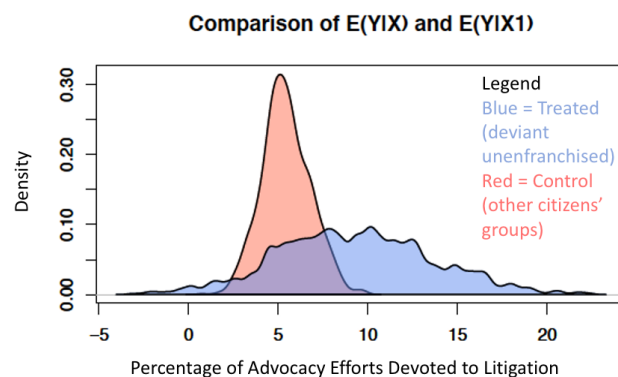


Figure 7.19: Expected Values for Percent of Advocacy Effort Spent on Litigation When Treatment Group Is **Deviant2** and Control Group Is All Other Citizens' Groups, Including Dependent Unenfranchised Groups.

With respect to litigation, the comparison in Figure 7.18 between organizations representing dependent unenfranchised groups and other citizens' groups is nearly identical to the model in Figure 7.9, in which the control was all organizations. In both models, organizations representing dependent unenfranchised groups are expected to spend about 7% of their advocacy efforts on litigation, compared to 2-3% for all organizations and 3-4% for other citizens' groups only. The results in Figure 7.19, which compares organizations representing deviant unenfranchised groups to all other citizens' groups are less precise than those in Figure 7.11, which compares them to all other groups, but they are substantively consistent. In both, the expected percentage of advocacy efforts organizations representing deviant unenfranchised groups spend on litigation is approximately 10%, compared to 4% for all other groups and 6% for other citizens' groups. Note that the higher value for other citizens' groups here may be driven in part by the inclusion of groups representing the dependent unenfranchised in a smaller control group. The difference between the treatment groups in Figures 7.16 and 7.17 supports the expectation; organizations representing deviant unenfranchised groups spend 3 percentage points, or 43% more

of their advocacy efforts on litigation than those representing dependent unenfranchised groups. Litigation is an important strategy for both, but it is prioritized most highly for those who are not viewed as positively by the public.

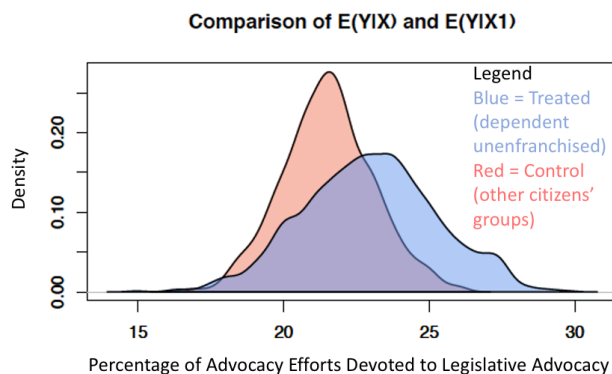


Figure 7.20: Expected Values for Percent of Advocacy Effort Spent on Legislative Advocacy When Treatment Group Is **Dependent2** and Control Group Is All Other Citizens' Groups, Including Deviant Unenfranchised groups.

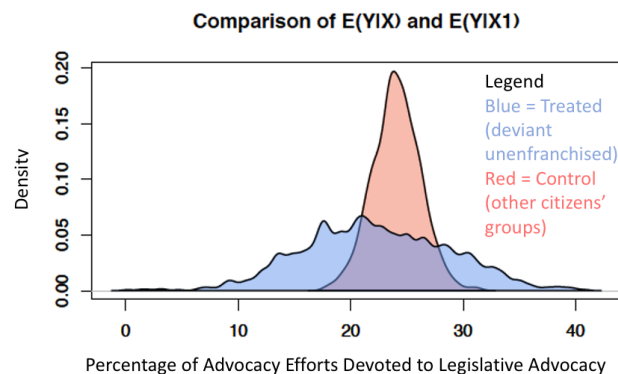


Figure 7.21: Expected Values for Percent of Advocacy Effort Spent on Legislative Advocacy When Treatment Group Is **Deviant2** and Control Group Is All Other Citizens' Groups, Including Dependent Unenfranchised Groups.

Figures 7.20 and 7.21 compare the prioritization of legislative advocacy when the control is only other citizens' groups. Dependent unenfranchised groups are actually estimated to slightly more legislative advocacy than other citizens' groups, though the difference is far from significant. Deviant groups are estimated to do slightly less, but again the differences are not significant. The difference between the estimates for dependent and deviant groups in these models differ by about 3 percentage points in the expected direction.

7.3 Discussion and Conclusion

The groups that lack the right to vote in the US are different from one another. Children are the largest group of unenfranchised people, and they are the most positively viewed by the public. People disenfranchised due to felony convictions are

a much smaller group, and they are much more negatively viewed. This chapter demonstrates that these differences translate into differences in the representation of these groups by advocacy organizations. Differences in tax status and funding are slight – all unenfranchised groups are disproportionately dependent on 501(c)(3) tax status and foundation funding, compared to other types of groups. However, differences in advocacy tactics are evident. Groups that are more positively constructed, like children and the disabled, place higher priority on media advocacy. Groups that are more negatively constructed, like people with felony convictions, spend a greater proportion of their efforts going to the courts for their policy needs. Negatively constructed unenfranchised groups spend a lower percentage of their efforts on legislative advocacy than groups with more positive constructions.

Further, the dynamics of prioritization of media and legislative advocacy differ from those in the prioritization of litigation. Positively constructed unenfranchised groups prioritize media more than all other groups, while negatively constructed groups are no different from other citizens' groups in use of this tactic. Similarly, negatively constructed groups expend a lower percentage of effort on legislative advocacy than all other groups, while positively constructed unenfranchised groups are much more similar to other organizations on this tactic. In contrast, all unenfranchised groups prioritize litigation more than all other groups, but within unenfranchised groups, those with negative social constructions prioritize it the most.

This chapter's analysis shows that social construction matters in addition to power dynamics in understanding how advocacy organizations approach their advocacy work. Negative social construction provides an extra layer of political disadvantage for some unenfranchised groups, making direct appeals to elected officials and indirect appeals through the public less likely to succeed. These challenges result in resort to the courts – a venue that is least accountable to the public and most accessible to any with standing to assert a claim.

Chapter 8 The Political Representation of the Unenfranchised Revisited

In the 1950s, parents of children with disabilities in Minnesota founded the Arc – originally called the Association for Retarded Children – to develop and provide services to children with intellectual disabilities. At a time when children with intellectual disabilities were routinely committed to institutions that provided little possibility for a full life, the Arc worked to develop services that would allow children to stay in their families and their communities. As their knowledge of what worked grew, the organization began to advocate for government support for effective services. In the 1960s, the organization opened an office in Washington D.C. to enhance its ability to engage in advocacy. It was active in advocacy for Medicare and Medicaid, and for Supplemental Security Income for people with disabilities.^[1] In the early 1970s, litigation became one of its advocacy strategies. The Pennsylvania chapter, in conjunction with the Public Interest Law Center, sued the state over a law that allowed public schools to refuse to admit many intellectually disabled children. They won; a U.S. District Court Judge held the law unconstitutional and required the state to provide a free education to disabled children.^[2] Other cases followed across the country and helped build pressure on Congress to take action. In 1975, Congress passed the Education for All Handicapped Children Act (Public Law 94-142), which provided guidance and funding to states in their efforts to provide inclusive education to children with disabilities.

¹The Arc, History, <https://thearc.org/about-us/history/>.

²P.A.R.C. v. Commonwealth of Pennsylvania, 334 F. Supp. 279 (E.D. PA 1972).

In 1996, the MacArthur Foundation provided funding to found the Adolescent Development and Juvenile Justice (ADJJ) Research Network. The goal of the project was to work toward “a more rational, fair, effective juvenile justice that recognized developmental differences between adolescents and adults.”³ Advocates from this group came together with leading opponents of the death penalty to form what became the Juvenile Death Penalty Initiative. Members began by working the media; they wrote op-eds and essays, released research and policy statements, and built a coalition. A number of leading national child advocacy organizations were involved. Their efforts were supported entirely by foundation funding from the MacArthur Foundation, the Annie E. Casey Foundation, and the Joyce Foundation. The group adopted an impact litigation strategy that eventually led to the landmark case of *Roper v. Simmons*, in which the U.S. Supreme Court held that the execution of people convicted of crimes committed while they were under 18 years of age is unconstitutional under the Eighth Amendment.⁴ Over 50 leading advocacy organizations, including the Juvenile Law Center, the Children’s Defense Fund, the Child Welfare League of America, and the National Association of Counsel for Children, submitted a joint amicus brief in the case. These organizations have built on their victory, achieving a subsequent Supreme Court ruling that children cannot be sentenced to life without the possibility of parole.⁵

In 2018, advocacy organizations representing non-citizens, children, and non-citizen children from all over the U.S. worked individually and in collaboration with broader advocacy organizations like the ACLU to challenge the Trump Administration’s family separation policy. They worked the media to publicize the cruelty and injustice of the policy, and sued to force the government to change its practices. They

³Juvenile Law Center, *Roper v. Simmons Ten Years Later: Recollections and Reflections on the Abolition of the Juvenile Death Penalty*, <https://jlc.org/news/roper-v-simmons-ten-years-later-recollections-and-reflections-abolition-juvenile-death-penalty>.

⁴543 U.S. 551 (2005).

⁵*Miller v. Alabama*, 132 S. Ct. 2455 (2012).

won a number of meaningful victories. In *Ms. L. v. Immigration and Customs Enforcement*, the United States District Court for the Southern District of California issued a preliminary injunction against further family separations and ordered the Department of Homeland Security to reunite all children and parents who had already been separated. Another lawsuit resulted in a settlement that allowed many asylum seekers who had been traumatized by separation a chance to reapply and to stay in the country while their claims were pending.⁶ Courts have also weighed in on the conditions of detention for migrants and their children, ruling, for example, that the government is required to provide detained children adequate food, water, hygiene products, and sleeping accommodations.⁷ Although these legal actions have not completely eliminated the practice of family separation,⁸ they have played an important role in shifting public policy relating to migrant families.

Desmond Meade had been incarcerated for felony drug and weapons possession convictions. After he was released from prison, he went to law school and earned his degree. He became interested in voting rights after his wife ran for Florida's state legislature, and he was unable to vote for her. He came to lead the Florida Rights Restoration Coalition which spearheaded the ballot initiative known as Amendment 4.⁹ The amendment, which passed with 65% of the vote, restored the voting rights of most Floridians with felony convictions once their full sentences are completed.

These are just a few examples of significant policy changes benefiting the unenfranchised, achieved, in large part, through the work of nonprofit advocacy organizations. These achievements are striking for a number of reasons. First, making any change to the policy status quo is difficult; most such efforts fail (Baumgartner et al. 2009).

⁶<https://www.washingtonpost.com/news/morning-mix/wp/2018/09/13/settlement-reached-in-family-separation-cases-more-than-1000-rejected-asylum-seekers-to-get-sec>

⁷*Flores v. Barr*, 934 F.3d 910, (9th Cir. 2019).

⁸<https://www.nytimes.com/2019/07/30/us/migrant-family-separations.html>.

⁹Stacey Abrams, *Time Magazine*, "100 Most Influential People: Desmond Meade," <https://time.com/collection/100-most-influential-people-2019/5567673/desmond-meade/>.

Second, the policy status quo reflects existing power dynamics in society. Many of the policy frameworks that affect the unenfranchised, such as the criminal justice system and the immigration system, have roots in slavery, racism, and exclusion that have proven difficult to overcome (Alexander 2020, Law 2015). Third, and most importantly for this study, the unenfranchised face multiple, overlapping forms of political disadvantage that constrain the advocacy organizations that represent them. However, despite all of these challenges, there is a vibrant, active, and effective network of organizations representing the unenfranchised in public policymaking.

8.1 Major Findings and Contributions

This dissertation is the first in-depth study of the political representation of the nearly one-third of people living in the U.S. who lack the right to vote. Specifically, it examines the particular role advocacy organizations play in that representation. As chapter 2 argued, the intermediate role in representation played by advocacy organization is important for all social groups, but is particularly important for the unenfranchised, who lack a direct electoral connection with policymakers. Figure 8.1, which builds on the paths to representation presented in chapter 2, illustrates these dynamics. Voters have two pathways to representation: one directly through their elected representatives, and one indirectly through advocacy organizations representing group interests. Unenfranchised people have only indirect pathways to representation. They can either convince voters to take up their cause or rely on advocacy organizations to promote their interests. Advocacy organizations representing all types of groups use a mix of tactics in their representation, including the three highlighted throughout this dissertation: advocating directly to public officials, using the media to build public support for their positions among voters, and litigating to obtain policy change through the courts.

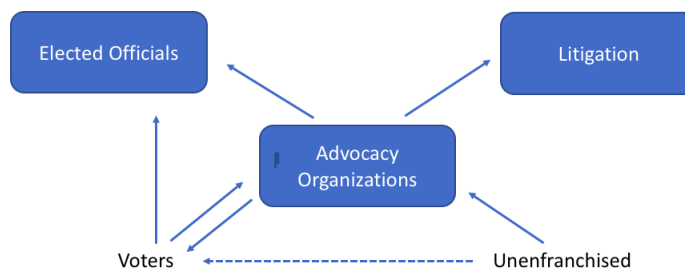


Figure 8.1: Paths to Representation

The first contribution this dissertation makes is a theoretical one. Chapter 2 weaves together previous scholarship on representation and interest groups to present an original theoretical account of how advocacy organizations representing the unenfranchised differ from those representing other types of groups. This dissertation's most novel theoretical contribution is its application of [Schneider and Ingram's \(1993\)](#) model of the social construction of target populations to the question of how advocacy organizations prioritize the different advocacy tactics available to them. It argues that the power and social construction of the group an organization represents interact to shape the opportunity structure for policy change. Strategic organizations are expected to be active in all policymaking venues that consider their interests, but to prioritize those where they have the greatest chance of success. The chapter theorizes that organizations representing the unenfranchised will prioritize media and litigation tactics more and legislative advocacy less than organizations representing other types of groups because of their lack of power.

It then asserts that within those tactics there will be differences between positively and negatively constructed groups. Those that represent positively constructed unenfranchised groups will put the greatest emphasis on advocacy through the media. Their positive construction makes it more likely that if the public learns of their issues, they will gain support that will help them succeed in gaining positive attention from elected policymakers. Organizations representing negatively constructed unen-

franchised groups will expect the least success in the legislative branch and so will devote a lower percentage of their effort to legislative advocacy than all other types of groups. Instead, they will place a higher priority on litigation relative to other groups. The unique institutional features of the courts allow these groups an opportunity to be heard that they may not receive in other venues.

The second contribution, described in chapter 3, is a data contribution. The original survey conducted for this project is one of the first to sample advocacy organizations representing social groups in local, state, and federal policymaking. The responses provide a rich resource for understanding the funding, staffing, advocacy work, and decision making of organizations representing a wide variety of groups. The in-depth interviews with 60 of the survey respondents add detail and context that deepen our understanding of the responses in the survey.

The third contribution is a descriptive one. The existing political science literature does not provide a clear theoretical expectation for why people – most often people who are not themselves unenfranchised – would mobilize to advocate for the interests of unenfranchised groups. Chapter 4 used origin stories told by the leaders of advocacy organizations to explore how organizations representing the unenfranchised come to be and how their origins differ from those of organizations representing other types of groups. It finds professional organizations most closely match the mobilization story told by [Olson \(1965\)](#) and others. These organizations form to provide services like training, conferences, publications and networking that members need. These selective incentives allow them to overcome collective action problems and participate in policy advocacy on behalf of the group. Other citizens' groups more closely follow the mobilization story pioneered by [Truman \(1951\)](#). Groups sharing salient identity characteristics come together because they recognize shared interests. A sense of linked fate or a perceived threat to their shared interests motivate them to overcome collective action problems, even in the absence of selective incentives ([Dawson 1995](#)).

Organizations representing the unenfranchised rarely follow either of these paths. Instead, these organizations tend to form around expressive interests – the desire to act on shared values. Many organizations representing the unenfranchised began as direct service providers rather than as advocacy organizations. They grew into policy work as they began to recognize systemic problems affecting the groups they serve.

Chapter 4 also provided some interesting insights into the leaders and staff of nonprofit advocacy organizations. It confirmed the expectation that organizations representing the unenfranchised would be least likely to have current members of the group on staff. Only 16% of the employees of organizations representing unenfranchised are current members of those groups, compared to 40% for other citizensgroups and 35% for professional organizations. Organizations representing the unenfranchised do have significant numbers of former groups members (23%) and people with other connections to the group (56%) on staff. However, the relative paucity of current descriptive representatives on these staff may negatively impact substantive representation, as argued in chapter 2. With respect to the demographic characteristics of staff, chapter 4 found that overall nonprofit advocacy organizations are overwhelmingly staffed by women; women make up 70% of the staff of the organizations who responded to the survey. The rate is even higher for organizations representing unenfranchised groups (78%). The staffs of organizations representing the unenfranchised are distinctive in other ways as well. They have the highest percentages of people of color (31%), college graduates (72%) and holders of higher degrees (41%) of all the comparison groups.

The final contributions are the empirical findings. Every expectation of the theory laid out in chapter 2 found at least some empirical support in chapters 5, 6, and 7. Chapter 5 confirmed that organizations representing the unenfranchised are most likely to be incorporated under the most restrictive IRS tax status, 501(c)(3). The differences in the larger universe of nonprofit advocacy organizations provided by NCCS

tax filing datasets are striking. While approximately 42% of all nonprofit advocacy organizations are 501(c)(3)s, 96% of those representing the unenfranchised are. This is a much greater percentage than the next highest rate; other citizens groups are only 55% 501(c)(3)s. The rates are more similar in the survey sample, in part due to intentional oversampling of 501(c)(3)s. However, the general patterns still hold. Chapter 5 also confirmed that organizations representing the unenfranchised derive a higher percentage of their revenues from foundations and government funding sources than other groups, and receive almost no revenue from membership dues. Finally, it found that organizations representing the unenfranchised perceive the restrictions attached to their tax status and funding sources to be greater barriers to advocacy than those perceived by other groups.

Chapter 6 examined the differences in the use of advocacy tactics between groups representing the unenfranchised and those representing other types of groups. Overall, it found that organizations representing the unenfranchised are just as committed to and active in advocacy as other types of groups. With respect to the specific expectations about prioritization, it found partial confirmation of the legislative and media advocacy hypotheses and strong support for the litigation hypothesis. Differences in legislative advocacy were slight and only significant when compared with professional organizations. Media differences were slightly larger, but statistical significance depended on the particular model. Differences on litigation, however were strong and significant across a range of specifications. Organizations representing the unenfranchised dedicate about four times as much of their advocacy efforts to litigation as organizations representing other types of groups.

Chapter 7 examined how social construction affects prioritization of advocacy tactics and found support for all expectations. Groups that are powerful and positively constructed prioritize legislative advocacy the most, and those that have low power and negative constructions – like people disenfranchised due to felony convictions –

prioritize it the least. Organizations whose constituencies have lower power and positive constructions – like children and the disabled – prioritize media advocacy the most, and groups with high power and negative constructions prioritize it the least. While all groups with low power – including all unenfranchised groups – prioritize litigation more than other groups, those organizations representing unenfranchised groups with negative constructions devote the highest percentage of their advocacy efforts to the courts.

Together these findings enhance our understanding of policy advocacy. They demonstrate the value of taking a more fine-grained approach to the study of interest groups that takes into account social construction and political power. Further, the litigation findings suggest that political disadvantage theory, which has largely fallen by the wayside in the study of judicial policymaking, has continued relevance for understanding which groups are most likely to turn to the courts for policy and why.

8.2 Directions for Future Research

The results presented here are only a first step in understanding the political representation of the unenfranchised. There is much more to be learned. This section outlines ways in which I would like to further develop this project and some future projects that could build on this work.

The interviews conducted for this project are a wealth of information. This dissertation has only scratched the surface of the insights they can add. Future incarnations of this project will benefit from a deeper qualitative analysis of the interviews and the richness and context that will bring. One area that is explored in both the survey and the interviews that was not included in this dissertation is organizational decision making and the opportunities for members of the groups organizations represent to have a role in the selection of issues for which the organization advocates. Voice is an

important component of representation, and I look forward to adding this component to future iterations of the project.

Because of the important role that foundations play in supporting organizations representing the unenfranchised, a natural next step would be to learn more about these foundations. The literature on politics and philanthropy is experiencing exciting growth. A more in-depth study on the role of foundations in the representation of the unenfranchised would be a valuable addition to that literature.

Other future projects will move from what advocacy organizations do to the effects they have. While this chapter began with anecdotal evidence of major policy successes, future research can more systematically study the effectiveness of organizations representing the unenfranchised. Do the political disadvantages of unenfranchised groups undermine the ability of the organizations representing them to achieve lasting policy change? Which policymakers become champions for unenfranchised groups' issues and why? Are the assumptions that have been made in this project about the venues in which organizations are most likely to be successful true in practice? For example, do these organizations have a relatively higher success rate in courts than in legislatures? I am excited to explore these and other related questions.

8.3 Implications and Conclusion

We see it as very important that we're not just litigators. We're not just public policy. We're not just strategic communicators. We don't just run a child advocacy or a youth advocacy program, but we do all of those things. They're more powerful in combination and they're more powerful because the other exists.

– Executive Director of a National Advocacy Organization Representing
Children and Youth

Overall, the results of this study are encouraging. The unenfranchised face many political disadvantages, but the advocacy organizations working on their behalf are numerous, committed, and sophisticated. Despite their reliance on restrictive tax status and funding sources, they are as likely as organizations representing other types of groups to have a dedicated policy person on staff and use as many advocacy tactics and with similar or even greater frequency. They have had notable successes in changing policy to address the needs and interests of the unenfranchised.

However, this study has raised significant normative concerns regarding the role and representation of the unenfranchised in a democracy. “Universal suffrage” is not universal. Nearly a third of the country’s population cannot participate in selecting the people who make the policies that structure their rights and opportunities. U.S. tax laws favor already advantaged groups. The rationale that the government should not subsidize lobbying efforts is applied unequally, to charitable but not to professional groups. Is the role that government plays in regulating the advocacy marketplace appropriate? How much more effective could advocacy on behalf of the most marginalized citizens be without current constraints? These are important normative questions for the country and our discipline.

Appendix A Appendix

A.1 Full List of NTEE Codes

NATIONAL TAXONOMY OF EXEMPT ENTITIES - CORE CODES (NTEE-CC) CLASSIFICATION SYSTEM (rev. May 2005)

A ARTS, CULTURE & HUMANITIES

- A01 Alliances & Advocacy
- A02 Management & Technical Assistance
- A03 Professional Societies & Associations
- A05 Research Institutes & Public Policy Analysis
- A11 Single Organization Support
- A12 Fund Raising & Fund Distribution
- A19 Support NEC
- A20 Arts & Culture**
- A23 Cultural & Ethnic Awareness
- A24 Folk Arts
- A25 Arts Education
- A26 Arts & Humanities Councils & Agencies
- A27 Community Celebrations
- A30 Media & Communications**
- A31 Film & Video
- A32 Television
- A33 Printing & Publishing
- A34 Radio
- A40 Visual Arts**
- A50 Museums**
- A51 Art Museums
- A52 Children's Museums
- A54 History Museums
- A56 Natural History & Natural Science Museums
- A57 Science & Technology Museums
- A60 Performing Arts**
- A61 Performing Arts Centers
- A62 Dance
- A63 Ballet
- A65 Theater
- A68 Music
- A69 Symphony Orchestras
- A6A Opera
- A6B Singing & Choral Groups
- A6C Bands & Ensembles
- A6E Performing Arts Schools
- A70 Humanities**
- A80 Historical Organizations**
- A82 Historical Societies & Historic Preservation
- A84 Commemorative Events
- A90 Arts Services**
- A99 Arts, Culture & Humanities NEC**

B EDUCATION

- B01 Alliances & Advocacy
- B02 Management & Technical Assistance
- B03 Professional Societies & Associations
- B05 Research Institutes & Public Policy Analysis
- B11 Single Organization Support
- B12 Fund Raising & Fund Distribution
- B19 Support NEC
- B20 Elementary & Secondary Schools**
- B21 Preschools
- B24 Primary & Elementary Schools
- B25 Secondary & High Schools
- B28 Special Education
- B29 Charter Schools
- B30 Vocational & Technical Schools**
- B40 Higher Education**
- B41 Two-Year Colleges
- B42 Undergraduate Colleges
- B43 Universities
- B50 Graduate & Professional Schools**
- B60 Adult Education**
- B70 Libraries**
- B80 Student Services**
- B82 Scholarships & Student Financial Aid
- B83 Student Sororities & Fraternities
- B84 Alumni Associations
- B90 Educational Services**
- B92 Remedial Reading & Encouragement
- B94 Parent & Teacher Groups

B99 Education NEC

C ENVIRONMENT

- C01 Alliances & Advocacy
- C02 Management & Technical Assistance
- C03 Professional Societies & Associations
- C05 Research Institutes & Public Policy Analysis
- C11 Single Organization Support
- C12 Fund Raising & Fund Distribution
- C19 Support NEC
- C20 Pollution Abatement & Control**
- C27 Recycling
- C30 Natural Resources Conservation & Protection**
- C32 Water Resources, Wetlands Conservation & Management
- C34 Land Resources Conservation
- C35 Energy Resources Conservation & Development
- C36 Forest Conservation
- C40 Botanical, Horticultural & Landscape Services**
- C41 Botanical Gardens & Arboreta
- C42 Garden Clubs
- C50 Environmental Beautification**
- C60 Environmental Education**
- C99 Environment NEC**

D ANIMAL-RELATED

- D01 Alliances & Advocacy
- D02 Management & Technical Assistance
- D03 Professional Societies & Associations
- D05 Research Institutes & Public Policy Analysis
- D11 Single Organization Support
- D12 Fund Raising & Fund Distribution
- D19 Support NEC
- D20 Animal Protection & Welfare**
- D30 Wildlife Preservation & Protection**
- D31 Protection of Endangered Species
- D32 Bird Sanctuaries
- D33 Fisheries Resources
- D34 Wildlife Sanctuaries
- D40 Veterinary Services**
- D50 Zoos & Aquariums**
- D60 Animal Services NEC**
- D61 Animal Training
- D99 Animal-Related NEC**

E HEALTH CARE

- E01 Alliances & Advocacy
- E02 Management & Technical Assistance
- E03 Professional Societies & Associations
- E05 Research Institutes & Public Policy Analysis
- E11 Single Organization Support
- E12 Fund Raising & Fund Distribution
- E19 Support NEC
- E20 Hospitals**
- E21 Community Health Systems
- E22 General Hospitals
- E24 Specialty Hospitals
- E30 Ambulatory & Primary Health Care**
- E31 Group Health Practices
- E32 Community Clinics
- E40 Reproductive Health Care**
- E42 Family Planning
- E50 Rehabilitative Care**
- E60 Health Support**
- E61 Blood Banks
- E62 Emergency Medical Services & Transport
- E65 Organ & Tissue Banks
- E70 Public Health**
- E80 Health (General & Financing)**

E86 Patient & Family Support

E90 Nursing

- E91 Nursing Facilities
- E92 Home Health Care

E99 Health Care NEC

F MENTAL HEALTH & CRISIS INTERVENTION

- F01 Alliances & Advocacy
- F02 Management & Technical Assistance
- F03 Professional Societies & Associations
- F05 Research Institutes & Public Policy Analysis
- F11 Single Organization Support
- F12 Fund Raising & Fund Distribution
- F19 Support NEC

F20 Substance Abuse Dependency, Prevention & Treatment

- F21 Substance Abuse Prevention
- F22 Substance Abuse Treatment

F30 Mental Health Treatment

- F31 Psychiatric Hospitals
- F32 Community Mental Health Centers
- F33 Residential Mental Health Treatment

F40 Hot Lines & Crisis Intervention

- F42 Sexual Assault Services

F50 Addictive Disorders NEC

- F52 Smoking Addiction
- F53 Eating Disorders & Addictions
- F54 Gambling Addiction

F60 Counseling

F70 Mental Health Disorders

F80 Mental Health Associations

F99 Mental Health & Crisis Intervention NEC

G DISEASES, DISORDERS & MEDICAL DISCIPLINES

- G01 Alliances & Advocacy
- G02 Management & Technical Assistance
- G03 Professional Societies & Associations
- G05 Research Institutes & Public Policy Analysis
- G11 Single Organization Support
- G12 Fund Raising & Fund Distribution
- G19 Support NEC
- G20 Birth Defects & Genetic Diseases**
- G25 Down Syndrome
- G30 Cancer**
- G32 Breast Cancer
- G40 Diseases of Specific Organs**
- G41 Eye Diseases, Blindness & Vision Impairments
- G42 Ear & Throat Diseases
- G43 Heart & Circulatory System Diseases & Disorders
- G44 Kidney Diseases
- G45 Lung Diseases
- G48 Brain Disorders
- G50 Nerve, Muscle & Bone Diseases**
- G51 Arthritis
- G54 Epilepsy
- G60 Allergy-Related Diseases**
- G61 Asthma
- G70 Digestive Diseases & Disorders**
- G80 Specifically Named Diseases**
- G81 AIDS
- G83 Alzheimer's Disease
- G84 Autism
- G90 Medical Disciplines**
- G92 Biomedicine & Bioengineering
- G94 Geriatrics
- G96 Neurology & Neuroscience
- G98 Pediatrics
- G9B Surgical Specialties

G99 Diseases, Disorders & Medical Disciplines NEC

H MEDICAL RESEARCH

- H01 Alliances & Advocacy
- H02 Management & Technical Assistance
- H03 Professional Societies & Associations
- H05 Research Institutes & Public Policy Analysis
- H11 Single Organization Support
- H12 Fund Raising & Fund Distribution
- H19 Support NEC

H20 Birth Defects & Genetic Diseases Research

- H25 Down Syndrome Research

H30 Cancer Research

- H32 Breast Cancer Research

H40 Diseases of Specific Organ Research

- H41 Eye Diseases, Blindness & Vision Impairments Research

- H42 Ear & Throat Diseases Research

- H43 Heart & Circulatory System Diseases & Disorders Research

- H44 Kidney Diseases Research

- H45 Lung Diseases Research

- H48 Brain Disorders Research

H50 Nerve, Muscle & Bone Diseases Research

- H51 Arthritis Research

- H54 Epilepsy Research

H60 ALLERGY-RELATED DISEASES RESEARCH

- H61 Asthma Research

H70 Digestive Diseases & Disorders Research

H80 Specifically Named Diseases Research

- H81 AIDS Research

- H83 Alzheimer's Disease Research

- H84 Autism Research

H90 Medical Disciplines Research

- H92 Biomedicine & Bioengineering Research

- H94 Geriatrics Research

- H96 Neurology & Neuroscience Research

- H98 Pediatrics Research

- H9B Surgical Specialties Research

H99 Medical Research NEC

I CRIME & LEGAL-RELATED

- I01 Alliances & Advocacy
- I02 Management & Technical Assistance
- I03 Professional Societies & Associations
- I05 Research Institutes & Public Policy Analysis
- I11 Single Organization Support
- I12 Fund Raising & Fund Distribution
- I19 Support NEC

I20 Crime Prevention

- I21 Youth Violence Prevention

- I23 Drunk Driving-Related

I30 Correctional Facilities

- I31 Half-Way Houses for Offenders & Ex-Offenders

I40 Rehabilitation Services for Offenders

- I43 Inmate Support

- I44 Prison Alternatives

I50 Administration of Justice

- I51 Dispute Resolution & Mediation

I60 Law Enforcement

I70 Protection Against Abuse

- I71 Spouse Abuse Prevention

- I72 Child Abuse Prevention

- I73 Sexual Abuse Prevention

I80 Legal Services

- I83 Public Interest Law

I99 Crime & Legal-Related NEC

J EMPLOYMENT

- J01 Alliances & Advocacy
- J02 Management & Technical Assistance
- J03 Professional Societies & Associations
- J05 Research Institutes & Public Policy Analysis
- J11 Single Organization Support
- J12 Fund Raising & Fund Distribution
- J19 Support NEC

J20 Employment Preparation & Procurement

- J21 Vocational Counseling

- J22 Job Training

J30 Vocational Rehabilitation

- J32 Goodwill Industries

- J33 Sheltered Employment

J40 Labor Unions

J99 Employment NEC

K FOOD, AGRICULTURE & NUTRITION

- K01 Alliances & Advocacy
- K02 Management & Technical Assistance
- K03 Professional Societies & Associations
- K05 Research Institutes & Public Policy Analysis
- K11 Single Organization Support
- K12 Fund Raising & Fund Distribution
- K19 Support NEC

K20 Agricultural Programs

- K25 Farmland Preservation

- K26 Animal Husbandry

- K28 Farm Bureaus & Granges

K30 Food Programs

- K31 Food Banks & Pantries

- K34 Congregate Meals

- K35 Soup Kitchens

- K36 Meals on Wheels

K40 Nutrition

K50 Home Economics

K99 Food, Agriculture & Nutrition NEC

L HOUSING & SHELTER

- L01 Alliances & Advocacy
- L02 Management & Technical Assistance
- L03 Professional Societies & Associations
- L05 Research Institutes & Public Policy Analysis
- L11 Single Organization Support
- L12 Fund Raising & Fund Distribution
- L19 Support NEC

L20 Housing Development, Construction & Management

- L21 Low-Income & Subsidized Rental Housing

- L22 Senior Citizens' Housing & Retirement Communities

- L24 Independent Housing for People with Disabilities

- L25 Housing Rehabilitation

L30 Housing Search Assistance

L40 Temporary Housing

- L41 Homeless Shelters

L50 Homeowners & Tenants Associations

L80 Housing Support

- L81 Home Improvement & Repairs

- L82 Housing Expense Reduction Support

L99 Housing & Shelter NEC

M PUBLIC SAFETY, DISASTER PREPAREDNESS & RELIEF

- M01 Alliances & Advocacy
- M02 Management & Technical Assistance
- M03 Professional Societies & Associations
- M05 Research Institutes & Public Policy Analysis
- M11 Single Organization Support
- M12 Fund Raising & Fund Distribution

M19 Support NEC

M20 Disaster Preparedness & Relief Services

M23 Search & Rescue Squads
M24 Fire Prevention

M40 Safety Education

M41 First Aid
M42 Automotive Safety

M60 Public Safety Benevolent Associations

M99 Public Safety, Disaster Preparedness & Relief NEC

N RECREATION & SPORTS

N01 Alliances & Advocacy
N02 Management & Technical Assistance
N03 Professional Societies & Associations
N05 Research Institutes & Public Policy Analysis
N11 Single Organization Support
N12 Fund Raising & Fund Distribution
N19 Support NEC

N20 Camps

N30 Physical Fitness & Community Recreational Facilities

N31 Community Recreational Centers
N32 Parks & Playgrounds

N40 Sports Associations & Training Facilities

N50 Recreational Clubs

N52 Fairs

N60 Amateur Sports

N61 Fishing & Hunting
N62 Basketball
N63 Baseball & Softball
N64 Soccer
N65 Football
N66 Racquet Sports
N67 Swimming & Other Water Recreation
N68 Winter Sports
N69 Equestrian
N6A Golf

N70 Amateur Sports Competitions

N71 Olympics
N72 Special Olympics

N80 Professional Athletic Leagues

N99 Recreation & Sports NEC

O YOUTH DEVELOPMENT

O01 Alliances & Advocacy
O02 Management & Technical Assistance
O03 Professional Societies & Associations
O05 Research Institutes & Public Policy Analysis
O11 Single Organization Support
O12 Fund Raising & Fund Distribution
O19 Support NEC

O20 Youth Centers & Clubs

O21 Boys Clubs
O22 Girls Clubs
O23 Boys & Girls Clubs

O30 Adult & Child Matching Programs

O31 Big Brothers & Big Sisters

O40 Scouting Organizations

O41 Boy Scouts of America
O42 Girl Scouts of the U.S.A.
O43 Camp Fire

O50 Youth Development Programs

O51 Youth Community Service Clubs
O52 Youth Development - Agricultural
O53 Youth Development - Business
O54 Youth Development - Citizenship
O55 Youth Development - Religious Leadership

O99 Youth Development NEC

P HUMAN SERVICES

P01 Alliances & Advocacy
P02 Management & Technical Assistance
P03 Professional Societies & Associations
P05 Research Institutes & Public Policy Analysis
P11 Single Organization Support
P12 Fund Raising & Fund Distribution
P19 Support NEC

P20 Human Services

P21 American Red Cross
P22 Urban League
P24 Salvation Army
P26 Volunteers of America
P27 Young Men's or Women's Associations
P28 Neighborhood Centers
P29 Thrift Shops

P30 Children & Youth Services

P31 Adoption
P32 Foster Care
P33 Child Day Care

P40 Family Services

P42 Single Parent Agencies
P43 Family Violence Shelters
P44 In-Home Assistance
P45 Family Services for Adolescent Parents
P46 Family Counseling
P47 Pregnancy Centers

P50 Personal Social Services

P51 Financial Counseling
P52 Transportation Assistance
P58 Gift Distribution

P60 Emergency Assistance

P61 Travelers' Aid
P62 Victims' Services

P70 Residential Care & Adult Day Programs

P71 Adult Day Care
P73 Group Homes
P74 Hospices
P75 Supportive Housing for Older Adults

P80 Centers to Support the Independence of Specific Populations

P81 Senior Centers
P82 Developmentally Disabled Centers
P84 Ethnic & Immigrant Centers
P85 Homeless Centers
P86 Blind & Visually Impaired Centers
P87 Deaf & Hearing Impaired Centers
P88 LGBT Centers

P99 Human Services NEC

Q INTERNATIONAL, FOREIGN AFFAIRS & NATIONAL SECURITY

Q01 Alliances & Advocacy
Q02 Management & Technical Assistance
Q03 Professional Societies & Associations
Q05 Research Institutes & Public Policy Analysis
Q11 Single Organization Support
Q12 Fund Raising & Fund Distribution
Q19 Support NEC

Q20 Promotion of International Understanding

Q21 International Cultural Exchange
Q22 International Academic Exchange
Q23 International Exchange NEC

Q30 International Development

Q31 International Agricultural Development
Q32 International Economic Development
Q33 International Relief
Q35 Democracy & Civil Society Development

Q40 International Peace & Security

Q41 Arms Control & Peace
Q42 United Nations Associations
Q43 National Security

Q50 International Affairs, Foreign Policy & Globalization

Q51 International Economic & Trade Policy

Q70 International Human Rights

Q71 International Migration & Refugee Issues

Q99 International, Foreign Affairs & National Security NEC

R CIVIL RIGHTS, SOCIAL ACTION & ADVOCACY

R01 Alliances & Advocacy
R02 Management & Technical Assistance
R03 Professional Societies & Associations
R05 Research Institutes & Public Policy Analysis
R11 Single Organization Support
R12 Fund Raising & Fund Distribution
R19 Support NEC

R20 Civil Rights

R22 Minority Rights
R23 Disabled Persons' Rights
R24 Women's Rights
R25 Seniors' Rights
R26 Lesbian and Gay Rights
R28 Children's Rights

R30 Intergroup & Race Relations

R40 Voter Education & Registration

R60 Civil Liberties

R61 Reproductive Rights
R62 Right to Life
R63 Censorship, Freedom of Speech & Press
R67 Right to Die & Euthanasia

R99 Civil Rights, Social Action & Advocacy NEC

S COMMUNITY IMPROVEMENT & CAPACITY BUILDING

S01 Alliances & Advocacy
S02 Management & Technical Assistance
S03 Professional Societies & Associations
S05 Research Institutes & Public Policy Analysis
S11 Single Organization Support
S12 Fund Raising & Fund Distribution
S19 Support NEC

S20 Community & Neighborhood Development

S21 Community Coalitions
S22 Neighborhood & Block Associations

S30 Economic Development

S31 Urban & Community Economic Development
S32 Rural Economic Development

S40 Business & Industry

S41 Chambers of Commerce & Business Leagues
S43 Small Business Development
S46 Boards of Trade
S47 Real Estate Associations

S50 Nonprofit Management

S80 Community Service Clubs

S81 Women's Service Clubs
S82 Men's Service Clubs

S99 Community Improvement & Capacity Building NEC

T PHILANTHROPY, VOLUNTARISM & GRANTMAKING FOUNDATIONS

T01 Alliances & Advocacy
T02 Management & Technical Assistance
T03 Professional Societies & Associations
T05 Research Institutes & Public Policy Analysis
T11 Single Organization Support
T12 Fund Raising & Fund Distribution
T19 Support NEC

T20 Private Grantmaking Foundations

T21 Corporate Foundations

T22 Private Independent Foundations

T23 Private Operating Foundations

T30 Public Foundations

T31 Community Foundations

T40 Voluntarism Promotion

T50 Philanthropy, Charity & Voluntarism Promotion

T70 Federated Giving Programs

T90 Named Trusts NEC

T99 Philanthropy, Voluntarism & Grantmaking Foundations NEC

U SCIENCE & TECHNOLOGY

U01 Alliances & Advocacy
U02 Management & Technical Assistance
U03 Professional Societies & Associations
U05 Research Institutes & Public Policy Analysis
U11 Single Organization Support
U12 Fund Raising & Fund Distribution
U19 Support NEC

U20 General Science

U21 Marine Science & Oceanography

U30 Physical & Earth Sciences

U31 Astronomy
U33 Chemistry & Chemical Engineering
U34 Mathematics
U36 Geology

U40 Engineering & Technology

U41 Computer Science

U42 Engineering

U50 Biological & Life Sciences

U99 Science & Technology NEC

V SOCIAL SCIENCE

V01 Alliances & Advocacy
V02 Management & Technical Assistance
V03 Professional Societies & Associations
V05 Research Institutes & Public Policy Analysis
V11 Single Organization Support
V12 Fund Raising & Fund Distribution
V19 Support NEC

V20 Social Science

V21 Anthropology & Sociology
V22 Economics
V23 Behavioral Science
V24 Political Science
V25 Population Studies
V26 Law & Jurisprudence

V30 Interdisciplinary Research

V31 Black Studies
V32 Women's Studies
V33 Ethnic Studies
V34 Urban Studies
V35 International Studies
V36 Gerontology
V37 Labor Studies

V99 Social Science NEC

W PUBLIC & SOCIETAL BENEFIT

W01 Alliances & Advocacy
W02 Management & Technical Assistance
W03 Professional Societies & Associations
W05 Research Institutes & Public Policy Analysis
W11 Single Organization Support
W12 Fund Raising & Fund Distribution
W19 Support NEC

W20 Government & Public Administration

W22 Public Finance, Taxation & Monetary Policy
W24 Citizen Participation

W30 Military & Veterans' Organizations

W40 Public Transportation Systems

W50 Telecommunications

W60 Financial Institutions

W61 Credit Unions

W70 Leadership Development

W80 Public Utilities

W90 Consumer Protection

W99 Public & Societal Benefit NEC

X RELIGION-RELATED

X01 Alliances & Advocacy
X02 Management & Technical Assistance
X03 Professional Societies & Associations
X05 Research Institutes & Public Policy Analysis
X11 Single Organization Support
X12 Fund Raising & Fund Distribution
X19 Support NEC

X20 Christianity

X21 Protestant
X22 Roman Catholic

X30 Judaism

X40 Islam

X50 Buddhism

X70 Hinduism

X80 Religious Media & Communications

X81 Religious Film & Video
X82 Religious Television
X83 Religious Printing & Publishing
X84 Religious Radio

X90 Interfaith Coalitions

X99 Religion-Related NEC

Y MUTUAL & MEMBERSHIP BENEFIT

Y01 Alliances & Advocacy
Y02 Management & Technical Assistance
Y03 Professional Societies & Associations
Y05 Research Institutes & Public Policy Analysis
Y11 Single Organization Support
Y12 Fund Raising & Fund Distribution
Y19 Support NEC

Y20 Insurance Providers

Y22 Local Benevolent Life Insurance Associations, Mutual Irrigation & Telephone Companies & Like Organizations
Y23 Mutual Insurance Companies & Associations
Y24 Supplemental Unemployment Compensation
Y25 State-Sponsored Worker's Compensation
Y26 Reinsurance Organizations

Y30 Pension & Retirement Funds

Y33 Teachers Retirement Fund Associations
Y34 Employee Funded Pension Trusts
Y35 Multi-Employer Pension Plans

Y40 Fraternal Societies

Y41 Fraternal Beneficiary Societies
Y42 Domestic Fraternal Societies
Y43 Voluntary Employees Beneficiary Associations (Non-Government)
Y44 Voluntary Employees Beneficiary Associations (Government)

Y50 Cemeteries

Y99 Mutual & Membership Benefit NEC

Z UNKNOWN

Z99 Unknown

NEC = Not Elsewhere Classified

The National Taxonomy of Exempt Entities – Core Codes (NTEE-CC) is the industry-wide standard for nonprofit organizational classification.

For more information, please contact:
The National Center for Charitable Statistics @
The Center on Nonprofits and Philanthropy
The Urban Institute
Website: www.nccs.urban.org
Email: NCCS@ui.urban.org

A.2 List of NTEE Codes Most Likely to Be Advocacy Organizations

NTEE Code	Description
A01	Arts Culture and Humanities Alliances and Advocacy
A03	Arts Culture and Humanities Professional Societies and Associations
A23	Cultural and Ethnic Awareness
B01	Education Alliances and Advocacy
B03	Education Professional Societies and Associations
C01	Environment Alliances and Advocacy
C03	Environment Professional Societies and Associations
D01	Animal-Related Alliances and Advocacy
D03	Animal-Related Professional Societies and Associations
E01	Health Care Alliances and Advocacy
E03	Health Care Professional Societies and Associations
E70	Public Health
F01	Mental Health and Crisis Intervention Alliances and Advocacy
F03	Mental Health and Crisis Intervention Professional Societies and Associations
G01	Diseases, Disorders and Medical Disciplines Alliances and Advocacy
G03	Diseases, Disorders and Medical Disciplines Professional Societies and Associations
G90	Medical Disciplines
H01	Medical Research Alliances and Advocacy
H03	Medical Research Professional Societies and Associations
I01	Crime and Legal-Related Alliances and Advocacy
I03	Crime and Legal-Related Professional Societies and Associations
I20	Crime Prevention
I21	Youth Violence Prevention
I40	Rehabilitation Services for Offenders
I43	Inmate Support
I44	Prison Alternatives
I70	Protection Against Abuse
I71	Spouse Abuse Prevention
I72	Child Abuse Prevention
I73	Sexual Abuse Prevention
I80	Legal Services
I83	Public Interest Law
J01	Employment Alliances and Advocacy
J03	Employment Professional Societies and Associations
J40	Labor Unions
K01	Food, Agriculture and Nutrition Alliances and Advocacy
K03	Food, Agriculture and Nutrition Professional Societies and Associations
L01	Housing and Shelter Alliances and Advocacy
L03	Housing and Shelter Professional Societies and Associations
M01	Public Safety, Disaster Preparedness and Relief Alliances and Advocacy
M03	Public Safety, Disaster Preparedness and Relief Professional Societies and Associations
N01	Recreation and Sports Alliances and Advocacy
N03	Recreation and Sports Professional Societies and Associations
O01	Youth Development Alliances and Advocacy
O03	Youth Development Professional Societies and Associations
O05	Youth Development Research Institutes and Public Policy Analysis
P01	Human Services Alliances and Advocacy
P03	Human Services Professional Societies and Associations
P30	Children and Youth Services

NTEE Code	Description
P80	Centers to Support the Independence of Specific Populations
P81	Senior Centers
P82	Developmentally Disabled Centers
P84	Ethnic & Immigrant Centers
P85	Homeless Centers
P86	Blind & Visually Impaired Centers
P87	Deaf & Hearing Impaired Centers
P88	LGBT Centers
Q01	International, Foreign Affairs and National Security Alliances and Advocacy
Q03	International, Foreign Affairs and National Security Professional Societies and Associations
R01	Civil Rights, Social Action, and Advocacy Alliances and Advocacy
R03	Civil Rights, Social Action, and Advocacy Professional Societies and Associations
R05	Civil Rights, Social Action, and Advocacy Research Institutes and Public Policy Analysis
R20	Civil Rights
R22	Minority Rights
R23	Disabled Persons' Rights
R24	Women's Rights
R25	Senior's Rights
R26	Lesbian and Gay Rights
R28	Children's Rights
S01	Community Improvement and Capacity Building Alliances and Advocacy
S03	Community Improvement and Capacity Building Professional Societies and Associations
S41	Chambers of Commerce and Business Leagues
T01	Philanthropy, Voluntarism, and Grantmaking Foundations Alliances and Advocacy
T03	Philanthropy, Voluntarism, and Grantmaking Foundations Professional Societies and Associations
U01	Science and Technology Alliances and Advocacy
U03	Science and Technology Professional Societies and Associations
V01	Social Science Alliances and Advocacy
V03	Social Science Professional Societies and Associations
W01	Public and Societal Benefit Alliances and Advocacy
W03	Public and Societal Benefit Professional Societies and Associations
W05	Public and Societal Benefit Research Institutes and Public Policy Analysis
W30	Military and Veterans' Organizations
X01	Religion-Related Alliances and Advocacy
X03	Religion-Related Professional Societies and Associations
Y01	Mutual and Membership Benefit Alliances and Advocacy
Y03	Mutual and Membership Benefit Professional Societies and Associations

A.3 Survey Questions

Nonprofit Organizations and Representation

Thank you for taking the time to help us learn more about how nonprofit organizations help social groups to define and serve their interests.

Part I: General questions about your organization

1. What is your organization's Employer Identification Number(s) (EIN(s))?

2. What year was your organization founded? _____

3. How many full-time or full-time equivalent paid employees does your organization have?

3a. Approximately what percentage of those employees would identify themselves as:

_____% Men

_____% Women

_____% Other/non-binary gender

_____% People of color

_____% College educated

_____% Holders of advanced degrees or professional licenses

4. Does your organization have a membership?

Yes

No

4a. If yes, who comprises the membership? (Please check all that apply.)

Individuals

Estimated number of individual members _____

Other nonprofits

Estimated number of all organizations that are members _____

Government agencies

Corporations or business trade associations

Other: _____

4b. If yes, how does an individual or organization become a member of your organization? (Please check all that apply.)

- Applying and being approved
- Paying dues or making a financial contribution
- Attending meetings
- Other: _____

5. Does your organization seek to promote or defend the interests, rights, or benefits of a particular group (or groups) of people?

- Yes
- No

5a. If yes, how would you name/describe that group(s)?

5b. Approximately what percentage your organization's employees would identify themselves as:

- ____% Current members of that group(s)
- ____% Formerly having been part of that group(s)
- ____% Having a personal connection other people who are part of that group(s)

5c. On a scale of 1 to 5, where 1 is "extremely negatively," 3 is "neutral" and 5 is "extremely positively," how do you think that group(s) is viewed by the general public? _____

5d. On a scale of 1 to 5, where 1 is "extremely weak," 3 is "neutral" and 5 is "extremely strong," how do you think that group(s) political voice/influence is viewed by the general public? _____

6. What are the sources of your organization's income? (Rough estimates are fine – no need to consult your organization's records for a precise answer.)

Percent

- ____% Individual donors
- ____% Membership dues
- ____% Federal Government
- ____% State or Local Government
- ____% Foundations
- ____% Corporate contributions
- ____% Income from services provided to clients or others
- ____% Fundraising events
- ____% Other: _____

Part II: Questions about the types of work your organization does

7. On a scale of 1 to 5, where 1 is “not important” and 5 is “extremely important,” how important is influencing *national* public policy as a part of your organization’s mission and activities?

1 2 3 4 5

8. On a scale of 1 to 5, where 1 is “not important” and 5 is “very important,” how important is influencing *state-level* public policy as a part of your organization’s mission and activities?

1 2 3 4 5

8a. If influencing state-level policy is important to your organization’s mission and activities, on which state or states does your organization focus?

9. On a scale of 1 to 5, where 1 is “not important” and 5 is “very important,” how important is influencing *local or municipal-level* public policy as a part of your organization’s mission and activities?

1 2 3 4 5

10. Does your organization have one or more persons who have responsibility for government relations or public policy work?

- Yes
- No

10a. If yes, which of these best describes that person or persons? (Please check all that apply.)

- Executive Director
- Staff member
- Board member
- Board committee
- Volunteer
- Contract lobbyist or other outside professional on retainer
- Other: _____

11. If yours is a membership organization, which of the following statements best describes your organization:

- In general, the policy issues this organization attempts to influence affect its members directly.
- In general, the policy issues this organization attempts to influence mainly affect people other than its members.
- This organization does not attempt to influence policy issues.
- Not applicable - this organization does not have membership.

12. Approximately what percentage of your organization’s policy efforts are directly targeted at promoting or defending the interests, rights, or benefits of people who lack the legal right to vote, such as children, non-citizens, or people disenfranchised due to felony convictions or mental incapacity? _____

13. Please use the scale on the right to indicate how frequently your organization engages in the following activities. In this scale, 0 means “never,” 1 means “rarely,” and 4 is “very frequently.”

	Never	Rarely	2	Frequently	
	0	1	2	3	4
Conducting research	0	1	2	3	4
Releasing research reports to the media, public, or policymakers	0	1	2	3	4
Commenting to the news media on or about policy-relevant stories	0	1	2	3	4
Commenting on social media on or about policy-relevant stories	0	1	2	3	4
Sending newsletters or email updates on your activities to your members or supporters	0	1	2	3	4
Conducting trainings for or providing technical assistance to public officials	0	1	2	3	4
Organizing public demonstrations, marches, protests, boycotts, strikes, or pickets	0	1	2	3	4
Participating in public demonstrations, marches, or protests organized by others	0	1	2	3	4
Entering into coalitions or working with other organizations	0	1	2	3	4
Discussing obtaining grants or contracts with government officials	0	1	2	3	4
Meeting with government officials about your organization’s work	0	1	2	3	4
Responding to requests for information from government officials	0	1	2	3	4

Testifying before legislative committees	0	1	2	3	4
Working with legislators to formulate legislation	0	1	2	3	4
Lobbying legislators for or against a proposed bill	0	1	2	3	4
Encouraging supporters to write or call legislators about particular issues	0	1	2	3	4
Lobbying the White House about specific policies	0	1	2	3	4
Lobbying the Governor's office about specific policies	0	1	2	3	4
Lobbying the Mayor's office about specific policies	0	1	2	3	4
Attending government agency meetings	0	1	2	3	4
Providing written or oral comments on proposed government agency regulations, rules or guidelines	0	1	2	3	4
Working with government agencies to draft, enforce, or administer regulations, rules or guidelines	0	1	2	3	4
Encouraging supporters to provide comments on proposed administrative agency policies	0	1	2	3	4
Representing individual clients in cases in administrative hearings or proceedings	0	1	2	3	
Representing individual clients in cases in state courts	0	1	2	3	4
Representing individual clients in cases in federal courts	0	1	2	3	4
Bringing class action lawsuits in state courts	0	1	2	3	4
Bringing class action lawsuits in federal courts	0	1	2	3	4
Submitting amicus curiae briefs in cases brought by other groups or individuals in state courts	0	1	2	3	4

Submitting amicus curiae briefs in cases brought by other groups or individuals in federal courts	0	1	2	3	4
Serving on governmental advisory boards or commissions	0	1	2	3	4
Publicizing political officials' voting records	0	1	2	3	4
Working to appoint or elect public officials	0	1	2	3	4

14. Regarding your public policy activities, how does your organization divide its time among the following activities (in approximate percentages of effort):

- ____% Creating and disseminating research
 - ____% Media and public education
 - ____% Demonstrations and protests
 - ____% Legislative advocacy
 - ____% Advocacy to government agencies
 - ____% Advocacy directed to the President, Governor(s) and/or Mayors
 - ____% Litigation and amicus briefs
 - ____% Influencing elections or appointments
 - ____% Other: _____
- 100% Total

15. Thinking generally about those in government that your organization deals with, please select the description below that typically describes those officials' attitudes.

- Very interested in what we have to say.
- Usually interested in what we have to say.
- Sometimes interested in what we have to say.
- Not really interested in what we have to say.

16. Thinking generally about those in government that your organization deals with, please select the description below that typically describes those officials' attitudes.

- Very interested in actively working with us to achieve a common goal.
- Usually interested in actively working with us to achieve a common goal.
- Sometimes interested in actively working with us to achieve a common goal.
- Not really interested in actively working with us to achieve a common goal.

Part III: Questions about your decision-making process

In Part II, you were asked some questions about your organization’s activities related to public policy-making. This section focuses on how your organization makes decisions about whether and how to be active regarding public policy-making.

17. To what extent, if any, do you feel that the following factors are barriers to your organization’s involvement in the policy-making process? In the scale below, 0 represents no barrier, 1 represents a low barrier, and 4 represents a high barrier.

	No Barrier	Low			High
Tax law or IRS regulations	0	1	2	3	4
Organization receives government funds	0	1	2	3	4
Organization receives foundation funds	0	1	2	3	4
Staff (or volunteer) skills	0	1	2	3	4
Organization’s limited financial resources	0	1	2	3	4
Policymakers’ attitudes toward the group(s) whose interests your organization seeks to promote or defend	0	1	2	3	4
Other: _____	0	1	2	3	4

18. When your organization is active regarding public policymaking, what factors motivate your organization to become involved in the policy-making process? In the scale below, 0 represents no influence on your organization’s motivation at all, 1 represents a low influence on motivation, and 4 represents a high influence on motivation.

	No Influence	Low			High
Opportunities to obtain government funds	0	1	2	3	4
Protecting government programs that serve our clients, constituents, or community	0	1	2	3	4
Promoting government policies that support our mission	0	1	2	3	4
Raising public awareness of important issues	0	1	2	3	4
Defending nonprofits’ advocacy rights	0	1	2	3	4
Other: _____	0	1	2	3	4

19. How much influence do the following actors have on the decisions your organization makes about whether to engage in public policy activity on a particular issue?

	No Influence	Low			High
Executive Director	0	1	2	3	4
Chair of the Board of Directors	0	1	2	3	4
Board of Directors or Board committee	0	1	2	3	4
Professional staff	0	1	2	3	4
Important funders or donors	0	1	2	3	4
Members of the organization (if any)	0	1	2	3	4
Individuals who would be directly affected by a policy	0	1	2	3	4
Coalition or advocacy partners	0	1	2	3	4
Other: _____	0	1	2	3	4

20. How much influence do the following actors have on how the organization prioritizes the different public policy issues the organization advocates on or about?

	No Influence	Low			High
Executive Director	0	1	2	3	4
Chair of the Board of Directors	0	1	2	3	4
Board of Directors or Board committee	0	1	2	3	4
Professional staff	0	1	2	3	4
Important funders or donors	0	1	2	3	4
Members of the organization (if any)	0	1	2	3	4
Individuals who would be directly affected by a policy	0	1	2	3	4
Coalition or advocacy partners	0	1	2	3	4
Other: _____	0	1	2	3	4

Part IV: Final Details

21. What is your title?

- Executive Director / President
- Board member
- Volunteer (other than Board)
- Staff member (please specify position) _____
- Other (please specify) _____

22. Would you be willing to participate in a short (one hour or less) follow-up interview in person or by phone?

- Yes
- No

22a. If yes, please confirm your name and the best way to contact you for scheduling the interview:

Name: _____

Organization: _____

Email (if preferred): _____

Phone (if preferred): _____

Thank you for taking the time to complete this survey!

A.4 Interview Protocol

The following framework was used to conduct semi-structure interviews.

Thank you so much for taking the time to meet with me. I know that you are very busy and I appreciate your time.

First, a few preliminary matters:

- Informed consent
- Permission to record the conversation
- Verify that interviewee has at least 60 minutes available for the interview

The interview will cover four areas: general questions about the organization, questions about the groups on whose behalf you work, questions about your policy activities, and questions about the political climate surrounding your work.

General Questions:

- Can you tell me the origin story of this organization? How and why did it get started?
- What attracted you to working for this organization?

Questions about Groups Represented:

- On whose behalf does this organization generally consider itself to be working?
- Are there particular subgroups of that broader constituency that you focus on?
- (If necessary):
 - How do you determine which subgroups to focus on?
 - How do you describe those subgroups in talking about your work?
- Do you use the same framing with policymakers, supporters, and the press?

- How does the public view your group?
- How do public policy makers view your group?
- (If necessary):
 - Do people associated with different political parties view the group differently?
- In general, how interested are policy makers in the issues affecting the group on whose behalf you work?
- Does this vary by the type of policy maker?
- Do members of your staff share the characteristics or experiences of the group, and if so in what ways?
 - If appropriate, follow up with: Are those characteristics or experiences important to you when you are hiring new staff?
- How does your organization communicate with the group you represent?

Questions about Policy Work:

- How important is public policy work to the organizations mission?
- How does the organization decide on which specific policy issues you will be active, which of those issues to prioritize, and how much of the organizations energy and resources you will devote to each one?
- How do you determine which issues are important to or affect the group on whose behalf you work?
- (If necessary):

- To what degree are members of the group on whose behalf you work involved in policy decision making?
- How do you identify group members to participate in policy decision making?
- How often do you get involved with issues that are already being considered by policy makers, and how often do you try to get new issues on their policy agenda?
- How often does your organization work defensively, as opposed to seeking a positive agenda?
- How do you balance your time between federal, state, and local policy work?
- Can you give me 2-3 examples of policy issues your organization has been active on in the past few years?
- In general, what factors influence which policy venues your organization decides to target in pursuing its policy goals? That is, how do you decide whether to focus on legislative, court, executive, or administrative agency policy makers?
- What role do grassroots strategies or efforts to persuade members of the public to share your policy positions play in your organizations work?
- In general, do you find your advocacy efforts to be more effective in some policy venues than in others? If so, why do you think that is?
- In the past five years, for which specific issues have you focused your efforts on:
 - Congress or the state legislature?
 - Courts?

- The president or governor?
 - Administrative agencies?
 - The media?
 - The general public?
- In general, how do you decide what tactics to use to pursue policy goals?
 - What differences, if any, are there between the strategies you use when addressing issues you've initiated versus issues in which you are in a defensive or reactive posture?
 - How often do you work in coalitions?
 - (If necessary):
 - How helpful do you find coalition work to be? Why?
 - When you work in coalitions, how do you divide up the tasks between coalition members?
 - Do different coalition members specialize in different policy venues?
 - How do you define “success” when it comes to policy advocacy?

Questions about Political Climate

- In general, how much conflict is there in the policy areas in which your organization is involved?
- How much does a change of the political party in control of the executive branch affect the ways in which you pursue policy?
- (If necessary):
 - Has the Trump presidency brought about any changes in your policy focus?

- How much does a change of the political party in control of the legislative branch affect the ways in which you pursue policy?
- Have there been any general changes or trends in the political climate over time, and if so, how has the organization adapted?
- What policy issues have you been most active over the 12 months?

Wrapping Up Those are all the questions I have for the interview. Before I go, I have three other quick requests:

- First, would it be ok to follow up with you by phone or email with short questions if there are issues needing clarification as I conduct my analysis?
- Second, is there anyone else in the organization who might have additional insights on any of the issues weve discussed and who might have time to talk?
- Finally, do you have any colleagues at other organizations who you might be willing to refer me to?

A.5 NTEE Codes by Organization Type

NTEE Code	Description	501c3s	Other 501cs	Total Orgs	c3 Percent	co Percent	Unenfranchi	Other Citizens	Professional
B01	Education Alliances and Advocacy	371	161	532	69.74%	30.26%	1	0	0
I01	Crime and Legal-Related Alliances and Advocacy	21	16	37	56.76%	43.24%	1	0	0
I21	Youth Violence Prevention	305	4	309	98.71%	1.29%	1	0	0
I40	Rehabilitation Services for Offenders	245	3	248	98.79%	1.21%	1	0	0
I43	Inmate Support	257	3	260	98.85%	1.15%	1	0	0
I44	Prison Alternatives	94	2	96	97.92%	2.08%	1	0	0
I70	Protection Against Abuse	192	5	197	97.46%	2.54%	1	0	0
I72	Child Abuse Prevention	644	6	650	99.08%	0.92%	1	0	0
I73	Sexual Abuse Prevention	109	3	112	97.32%	2.68%	1	0	0
O01	Youth Development Alliances and Advocacy	93	11	104	89.42%	10.58%	1	0	0
O05	Youth Development Research Institutes and Public Policy Analysis	8	0	8	100.00%	0.00%	1	0	0
P30	Children and Youth Services	1,851	6	1857	99.68%	0.32%	1	0	0
P82	Developmentally Disabled Centers	2,177	36	2213	98.37%	1.63%	1	0	0
P84	Ethnic & Immigrant Centers	1,232	94	1326	92.91%	7.09%	1	0	0
R28	Children's Rights	259	0	259	100.00%	0.00%	1	0	0
A01	Arts Culture and Humanities Alliances and Advocacy	71	54	125	56.80%	43.20%	0	1	0
A23	Cultural and Ethnic Awareness	2,200	570	2770	79.42%	20.58%	0	1	0
C01	Environment Alliances and Advocacy	127	67	194	65.46%	34.54%	0	1	0
D01	Animal-Related Alliances and Advocacy	21	8	29	72.41%	27.59%	0	1	0
E01	Health Care Alliances and Advocacy	84	38	122	68.85%	31.15%	0	1	0
E70	Public Health	1,016	78	1094	92.87%	7.13%	0	1	0
F01	Mental Health and Crisis Intervention Alliances and Advocacy	90	3	93	96.77%	3.23%	0	1	0
G01	Diseases, Disorders and Medical Disciplines Alliances and Advocacy	24	3	27	88.89%	11.11%	0	1	0
G90	Medical Disciplines	343	899	1242	27.62%	72.38%	0	1	0
H01	Medical Research Alliances and Advocacy	4	20	24	16.67%	83.33%	0	1	0
I20	Crime Prevention	281	28	309	90.94%	9.06%	0	1	0
I71	Spouse Abuse Prevention	158	2	160	98.75%	1.25%	0	1	0
I80	Legal Services	828	68	896	92.41%	7.59%	0	1	0
I83	Public Interest Law	107	3	110	97.27%	2.73%	0	1	0
K01	Food, Agriculture and Nutrition Alliances and Advocacy	26	15	41	63.41%	36.59%	0	1	0
L01	Housing and Shelter Alliances and Advocacy	10	19	29	34.48%	65.52%	0	1	0
M01	Public Safety, Disaster Preparedness and Relief Alliances and Advocacy	3	3	6	50.00%	50.00%	0	1	0
N01	Recreation and Sports Alliances and Advocacy	35	34	69	50.72%	49.28%	0	1	0
P01	Human Services Alliances and Advocacy	72	13	85	84.71%	15.29%	0	1	0
P80	Centers to Support the Independence of Specific Populations	2,361	21	2382	99.12%	0.88%	0	1	0
P81	Senior Centers	2,576	76	2652	97.13%	2.87%	0	1	0
P85	Homeless Centers	364	1	365	99.73%	0.27%	0	1	0
P86	Blind & Visually Impaired Centers	138	1	139	99.28%	0.72%	0	1	0
P87	Deaf & Hearing Impaired Centers	107	8	115	93.04%	6.96%	0	1	0
P88	LGBT Centers	25	0	25	100.00%	0.00%	0	1	0
Q01	International, Foreign Affairs and National Security Alliances and Advocacy	21	2	23	91.30%	8.70%	0	1	0
R01	Civil Rights, Social Action, and Advocacy Alliances and Advocacy	27	89	116	23.28%	76.72%	0	1	0
R05	Civil Rights, Social Action, and Advocacy Research Institutes and Public Policy Analysis	21	10	31	67.74%	32.26%	0	1	0
R20	Civil Rights	250	57	307	81.43%	18.57%	0	1	0
R22	Minority Rights	90	11	101	89.11%	10.89%	0	1	0
R23	Disabled Persons' Rights	88	5	93	94.62%	5.38%	0	1	0
R24	Women's Rights	232	82	314	73.89%	26.11%	0	1	0
R25	Senior's Rights	15	7	22	68.18%	31.82%	0	1	0
R26	Lesbian and Gay Rights	138	21	159	86.79%	13.21%	0	1	0

NTEE Code	Description	501c3s	Other 501cs	Total Orgs	c3 Percent	co Percent	Unenfranchi	Other Citizens	Professional
S01	Community Improvement and Capacity Building Alliances and Advocacy	38	1013	1051	3.62%	96.38%	0	1	0
T01	Philanthropy, Voluntarism, and Grantmaking Foundations Alliances and Advocacy	13	7	20	65.00%	35.00%	0	1	0
U01	Science and Technology Alliances and Advocacy	3	13	16	18.75%	81.25%	0	1	0
V01	Social Science Alliances and Advocacy	0	1	1	0.00%	100.00%	0	1	0
W01	Public and Societal Benefit Alliances and Advocacy	33	75	108	30.56%	69.44%	0	1	0
W05	Public and Societal Benefit Research Institutes and Public Policy Analysis	145	23	168	86.31%	13.69%	0	1	0
W30	Military and Veterans' Organizations	1219	7394	8613	14.15%	85.85%	0	1	0
X01	Religion-Related Alliances and Advocacy	22	3	25	88.00%	12.00%	0	1	0
A03	Arts Culture and Humanities Professional Societies and Associations	149	160	309	48.22%	51.78%	0	0	1
B03	Education Professional Societies and Associations	1,079	1829	2908	37.10%	62.90%	0	0	1
C03	Environment Professional Societies and Associations	123	260	383	32.11%	67.89%	0	0	1
D03	Animal-Related Professional Societies and Associations	59	120	179	32.96%	67.04%	0	0	1
E03	Health Care Professional Societies and Associations	215	320	535	40.19%	59.81%	0	0	1
F03	Mental Health and Crisis Intervention Professional Societies and Associations	111	112	223	49.78%	50.22%	0	0	1
G03	Diseases, Disorders and Medical Disciplines Professional Societies and Associations	48	15	63	76.19%	23.81%	0	0	1
H03	Medical Research Professional Societies and Associations	25	4	29	86.21%	13.79%	0	0	1
I03	Crime and Legal-Related Professional Societies and Associations	176	846	1022	17.22%	82.78%	0	0	1
J01	Employment Alliances and Advocacy	15	118	133	11.28%	88.72%	0	0	1
J03	Employment Professional Societies and Associations	29	46	75	38.67%	61.33%	0	0	1
J40	Labor Unions	492	9329	9821	5.01%	94.99%	0	0	1
K03	Food, Agriculture and Nutrition Professional Societies and Associations	24	84	108	22.22%	77.78%	0	0	1
L03	Housing and Shelter Professional Societies and Associations	27	255	282	9.57%	90.43%	0	0	1
M03	Public Safety, Disaster Preparedness and Relief Professional Societies and Associations	17	9	26	65.38%	34.62%	0	0	1
N03	Recreation and Sports Professional Societies and Associations	44	102	146	30.14%	69.86%	0	0	1
O03	Youth Development Professional Societies and Associations	7	0	7	100.00%	0.00%	0	0	1
P03	Human Services Professional Societies and Associations	50	45	95	52.63%	47.37%	0	0	1
Q03	International, Foreign Affairs and National Security Professional Societies and Associati	7	5	12	58.33%	41.67%	0	0	1
R03	Civil Rights, Social Action, and Advocacy Professional Societies and Associations	6	6	12	50.00%	50.00%	0	0	1
S03	Community Improvement and Capacity Building Professional Societies and Associations	94	1153	1247	7.54%	92.46%	0	0	1
S41	Chambers of Commerce and Business Leagues	805	9212	10017	8.04%	91.96%	0	0	1
T03	Philanthropy, Voluntarism, and Grantmaking Foundations Professional Societies and As	63	62	125	50.40%	49.60%	0	0	1
U03	Science and Technology Professional Societies and Associations	92	31	123	74.80%	25.20%	0	0	1
V03	Social Science Professional Societies and Associations	51	5	56	91.07%	8.93%	0	0	1
W03	Public and Societal Benefit Professional Societies and Associations	63	155	218	28.90%	71.10%	0	0	1
X03	Religion-Related Professional Societies and Associations	51	3	54	94.44%	5.56%	0	0	1
Y01	Mutual and Membership Benefit Alliances and Advocacy	1	13	14	7.14%	92.86%	0	0	1
Y03	Mutual and Membership Benefit Professional Societies and Associations	9	54	63	14.29%	85.71%	0	0	1
	Totals	25216	35548	60764	41.50%	58.50%	15	42	29

A.6 Chapter 5 OLS Models with Controls

This appendix presents the funding and barriers to advocacy models from Chapter 5 with controls for the organization's revenue and staff size. The revenue controls are the organizations' total gross revenue from their 2015 990 tax filings in 1000s. The staff size controls are from survey responses by organizations to a question asking the number of full-time or full-time equivalent employees the organization has. Both controls reflect organizational resources, so they are run in separate models. Staff size is the more common control for resources in the literature.

The substantive results of these models are the same as those presented in chapter 5. Table A.1 uses the continuous variable for the percent of its advocacy efforts an organization dedicated to advocating for the unenfranchised. The percentage of revenue an organization receives from foundations increases at the percentage of effort expended on behalf of the unenfranchised increases. The reverse is true for the percentage of revenue from membership dues. The effect sizes are approximately the same as those in the main models. Both staff size and revenue have a small effect in the foundations models, with better-resourced organizations being slightly less dependent on foundation funding. Neither variable has an effect on the percent revenue derived from membership dues.

Similarly, when the controls are included in the categorical models in Table A.2, results remain consistent with those presented in the chapter. None of the resource controls are significant in the categorical models. As in chapter 5, the excluded category is unenfranchised.

The next three tables, A3, A4, and A5, reproduce the OLS analyses on barriers to advocacy with the alternative controls for organizational resources. As with the funding models, the models here provide substantially similar results to those without controls in Chapter 5.

	<i>Dependent variable:</i>			
	PercFoundations	PercMemDues	PercFoundations	PercMemDues
	(1)	(2)	(3)	(4)
% Unenfranchised	0.194*** (0.024)	-0.282*** (0.040)	0.199*** (0.024)	-0.277*** (0.039)
Revenue	-0.0002* (0.0001)	0.00001 (0.0002)		
Staff Size			-0.022** (0.011)	0.006 (0.015)
Constant	6.930*** (1.123)	33.771*** (1.896)	6.980*** (1.072)	33.722*** (1.783)
Observations	526	525	547	546
R ²	0.120	0.087	0.118	0.083
Adjusted R ²	0.117	0.083	0.114	0.080

Note: *p<0.1; **p<0.05; ***p<0.01
 Table A.1: Effect of Representation of the Unenfranchised on Funding Sources

	<i>Dependent variable:</i>			
	Foundations	Membership	Foundations	Membership
	(1)	(2)	(3)	(4)
Other Citizens' Groups	-9.507*** (2.427)	3.050 (3.370)	-9.513*** (2.413)	2.978 (3.340)
Professional Orgs	-21.701*** (2.311)	47.127*** (3.210)	-22.193*** (2.289)	47.151*** (3.171)
Revenue	-0.0001 (0.0001)	-0.0001 (0.0001)		
Staff Size			-0.017 (0.011)	0.006 (0.012)
Constant	25.241*** (1.996)	3.487 (2.775)	25.637*** (1.992)	2.882 (2.749)
Observations	539	538	551	550
R ²	0.165	0.423	0.170	0.424
Adjusted R ²	0.161	0.419	0.165	0.420

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A.2: Effect of Constituency Type on Funding Sources

<i>Dependent variable:</i>				
Tax Status as Barrier to Advocacy				
	(1)	(2)	(3)	(4)
% Unenfranchised	0.005*** (0.002)	0.005*** (0.002)		
Other Citizens' Groups			-0.254 (0.185)	-0.236 (0.182)
Professional Orgs			-0.456*** (0.176)	-0.465*** (0.173)
Revenue	-0.00001 (0.00001)		-0.00000 (0.00001)	
Staff Size		-0.001 (0.001)		-0.001 (0.001)
Constant	2.082*** (0.085)	2.069*** (0.078)	2.504*** (0.151)	2.504*** (0.149)
Observations	445	462	453	463
R ²	0.018	0.023	0.016	0.021
Adjusted R ²	0.013	0.019	0.010	0.014

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A.3: Effect of Constituency on Perception that Tax Status is a Barrier to Advocacy

	<i>Dependent variable:</i>			
	Foundation Funding as Barrier to Advocacy			
	(1)	(2)	(3)	(4)
% Unenfranchised	0.007*** (0.001)	0.008*** (0.001)		
Other Citizens' Groups			-0.327** (0.143)	-0.341** (0.141)
Professional Orgs			-0.839*** (0.136)	-0.852*** (0.134)
Revenue	-0.00001 (0.00001)		-0.00001 (0.00001)	
Staff Size		-0.00004 (0.0005)		0.00004 (0.0005)
Constant	1.505*** (0.067)	1.472*** (0.062)	2.198*** (0.117)	2.192*** (0.115)
Observations	443	459	449	458
R ²	0.067	0.067	0.096	0.095
Adjusted R ²	0.062	0.063	0.090	0.089

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A.4: Effect of Constituency on Perception that Foundation Funding is a Barrier to Advocacy

	<i>Dependent variable:</i>			
	Government Funding as Barrier to Advocacy			
	(1)	(2)	(3)	(4)
% Unenfranchised	0.006*** (0.002)	0.006*** (0.002)		
Other Citizens' Groups			-0.253 (0.172)	-0.249 (0.171)
Professional Orgs			-0.943*** (0.164)	-0.937*** (0.162)
Revenue	0.00001 (0.00001)		0.00001 (0.00001)	
Staff Size		0.001 (0.001)		0.001 (0.001)
Constant	1.664*** (0.082)	1.664*** (0.076)	2.346*** (0.141)	2.366*** (0.139)
Observations	445	461	451	460
R ²	0.033	0.033	0.092	0.094
Adjusted R ²	0.028	0.029	0.086	0.088

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A.5: Effect of Constituency on Perception that Government Funding is a Barrier to Advocacy

A.7 Chapter 6 OLS Models with Controls

This appendix presents the OLS models from Chapter 6 testing the effect of the representation of the unenfranchised on prioritization of advocacy tactics with controls for the organization's revenue and staff size. Table A6 presents the results for prioritization of legislative advocacy, Table A7 presents the results for prioritization of media and public education, and Table A8 presents the results for prioritization of litigation. The revenue controls are the organizations' total gross revenue from their 2015 990 tax filings in 1000s. The staff size controls are from survey responses by organizations to a question asking the number of full-time or full-time equivalent employees the organization has. Both controls reflect organizational resources, so they are run in separate models. Staff size is the more common control for resources in the literature. The controls dampen the magnitude of the coefficients for all but the litigation models, but the direction and significance of the findings are consistent with what is reported in Chapter 6.

	<i>Dependent variable:</i>			
	% Legislative Advocacy			
	(1)	(2)	(3)	(4)
% Unenfranchised	-0.009 (0.030)	-0.012 (0.029)		
Other Citizens' Groups			-1.761 (3.197)	-1.871 (3.164)
Professional Orgs			2.991 (2.963)	3.718 (2.929)
Revenue	0.0002 (0.0001)		0.0002 (0.0001)	
Staff Size		0.011 (0.010)		0.012 (0.010)
Policy Person	20.829*** (2.663)	21.166*** (2.611)	20.793*** (2.592)	20.964*** (2.529)
Constant	7.527*** (2.508)	8.000*** (2.471)	6.302** (3.059)	6.251** (3.046)
Observations	353	366	358	367
R ²	0.164	0.157	0.181	0.179
Adjusted R ²	0.157	0.150	0.172	0.170

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A.6: Effect of Organization Constituency on Prioritization of Legislative Advocacy

	<i>Dependent variable:</i>			
	% Media Advocacy			
	(1)	(2)	(3)	(4)
% Unenfranchised	0.039 (0.037)	0.038 (0.036)		
Other Citizens' Groups			-0.548 (3.922)	-0.458 (3.870)
Professional Orgs			-9.563*** (3.646)	-9.824*** (3.593)
Revenue	-0.0003* (0.0002)		-0.0003* (0.0002)	
Staff Size		-0.014 (0.012)		-0.016 (0.012)
Policy Person	-7.367** (3.250)	-8.144*** (3.143)	-5.134 (3.158)	-5.920* (3.071)
Constant	32.700*** (3.062)	32.647*** (2.977)	36.640*** (3.746)	36.859*** (3.719)
Observations	353	366	358	367
R ²	0.031	0.026	0.054	0.051
Adjusted R ²	0.023	0.018	0.044	0.040

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A.7: Effect of Organization Constituency on Prioritization of Media Advocacy

	<i>Dependent variable:</i>			
	% Litigation			
	(1)	(2)	(3)	(4)
% Unenfranchised	0.042*** (0.013)	0.040*** (0.013)		
Other Citizens' Groups			-1.934 (1.612)	-1.814 (1.582)
Professional Orgs			-3.459** (1.495)	-3.431** (1.465)
Revenue	0.00002 (0.0001)		0.00002 (0.0001)	
Staff Size		-0.001 (0.004)		-0.001 (0.005)
Policy Person	-0.124 (1.154)	-0.091 (1.110)	-0.955 (1.302)	-0.851 (1.259)
Constant	1.720 (1.087)	1.779* (1.051)	6.107*** (1.540)	6.051*** (1.520)
Observations	353	366	358	367
R ²	0.029	0.028	0.018	0.018
Adjusted R ²	0.021	0.020	0.007	0.007

Note: *p<0.1; **p<0.05; ***p<0.01

Table A.8: Effect of Organization Constituency on Prioritization of Litigation

A.8 NTEE Codes by Unenfranchised Group

NTEE Code	Description	501c3s	Other 501cs	Total Orgs	c3 Percent	co Percent	Children	NonCitizens	Felons	Disabled
B01	Education Alliances and Advocacy	371	161	532	69.74%	30.26%	1	0	0	0
I21	Youth Violence Prevention	305	4	309	98.71%	1.29%	1	0	0	0
I70	Protection Against Abuse	192	5	197	97.46%	2.54%	1	0	0	0
I72	Child Abuse Prevention	644	6	650	99.08%	0.92%	1	0	0	0
I73	Sexual Abuse Prevention	109	68	177	61.58%	38.42%	1	0	0	0
O01	Youth Development Alliances and Advocacy	93	11	104	89.42%	10.58%	1	0	0	0
O05	Youth Development Research Institutes and Public Policy Analysis	8	0	8	100.00%	0.00%	1	0	0	0
P30	Children and Youth Services	1,851	6	1857	99.68%	0.32%	1	0	0	0
R28	Children's Rights	259	0	259	100.00%	0.00%	1	0	0	0
P84	Ethnic & Immigrant Centers	1,232	94	1326	92.91%	7.09%	0	1	0	0
I01	Crime and Legal-Related Alliances and Advocacy	21	16	37	56.76%	43.24%	0	0	1	0
I40	Rehabilitation Services for Offenders	245	3	248	98.79%	1.21%	0	0	1	0
I43	Inmate Support	257	3	260	98.85%	1.15%	0	0	1	0
I44	Prison Alternatives	94	2	96	97.92%	2.08%	0	0	1	0
P82	Developmentally Disabled Centers	2,177	36	2213	98.37%	1.63%	0	0	0	1
R23	Disabled Persons' Rights	88	5	93	94.62%	5.38%	0	0	0	1
Totals:		7946	420	8366	94.98%	5.02%				

A.9 Social Construction Analysis Using Survey Respondent Ratings

As chapter 6 explained, the survey questions related to the dimensions of the Schneider and Ingram (1993) model have reliability and validity problems. Rather than dismissing the responses outright, Table A9, below, presents OLS models using them to examine 3 outcomes of interest: the percentages of advocacy effort dedicated to media, litigation, and legislation. Models 1 and 2 find no relationship between the respondents' social construction and power ratings and the percentage of advocacy effort an organization spends on media or litigation. It does show a significant relationship between these ratings and legislative advocacy, but the relationship is in the opposite direction we would expect. Schneider and Ingram's model would suggest that the advantaged – those with the most positive social construction and the most power – should expect positive policy responses from their elected officials. However, the results in Table 5 indicate that the more positively an organization said the group it represents is perceived by the public and the more power they say the group has, the lower the percentage of their advocacy efforts they devote to legislative advocacy. The models also include an interaction term, the model suggests that the effect of power is conditional on social construction. In the media and litigation models, the interaction is not significant. In the legislative model, the interaction between the power and social construction offsets the the negative effects of each somewhat, such that at the highest social construction rating, more powerful groups do prioritize legislative advocacy more, as expected. This interaction is illustrated in Figure A1.

Because of the problems with the validity and reliability of the survey questions, we should be cautious in evaluating these results.

	<i>Dependent variable:</i>		
	Media (1)	Litigation (2)	Legislative (3)
Social Construction	0.705 (3.394)	-1.297 (1.152)	-9.434*** (3.040)
Power	4.285 (2.635)	-0.694 (0.886)	-7.058*** (2.339)
Construction x Power	-0.806 (0.944)	0.510 (0.319)	2.236*** (0.842)
Constant	18.446** (8.095)	3.884 (2.719)	52.036*** (7.182)
Observations	328	328	329
R ²	0.014	0.022	0.048
Adjusted R ²	0.005	0.013	0.039
Residual Std. Error	24.966 (df = 324)	8.442 (df = 324)	22.312 (df = 325)
F Statistic	1.568 (df = 3; 324)	2.433* (df = 3; 324)	5.474*** (df = 3; 325)

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A.9: Effect of Respondents' Social Construction and Power Ratings on Prioritization of Advocacy

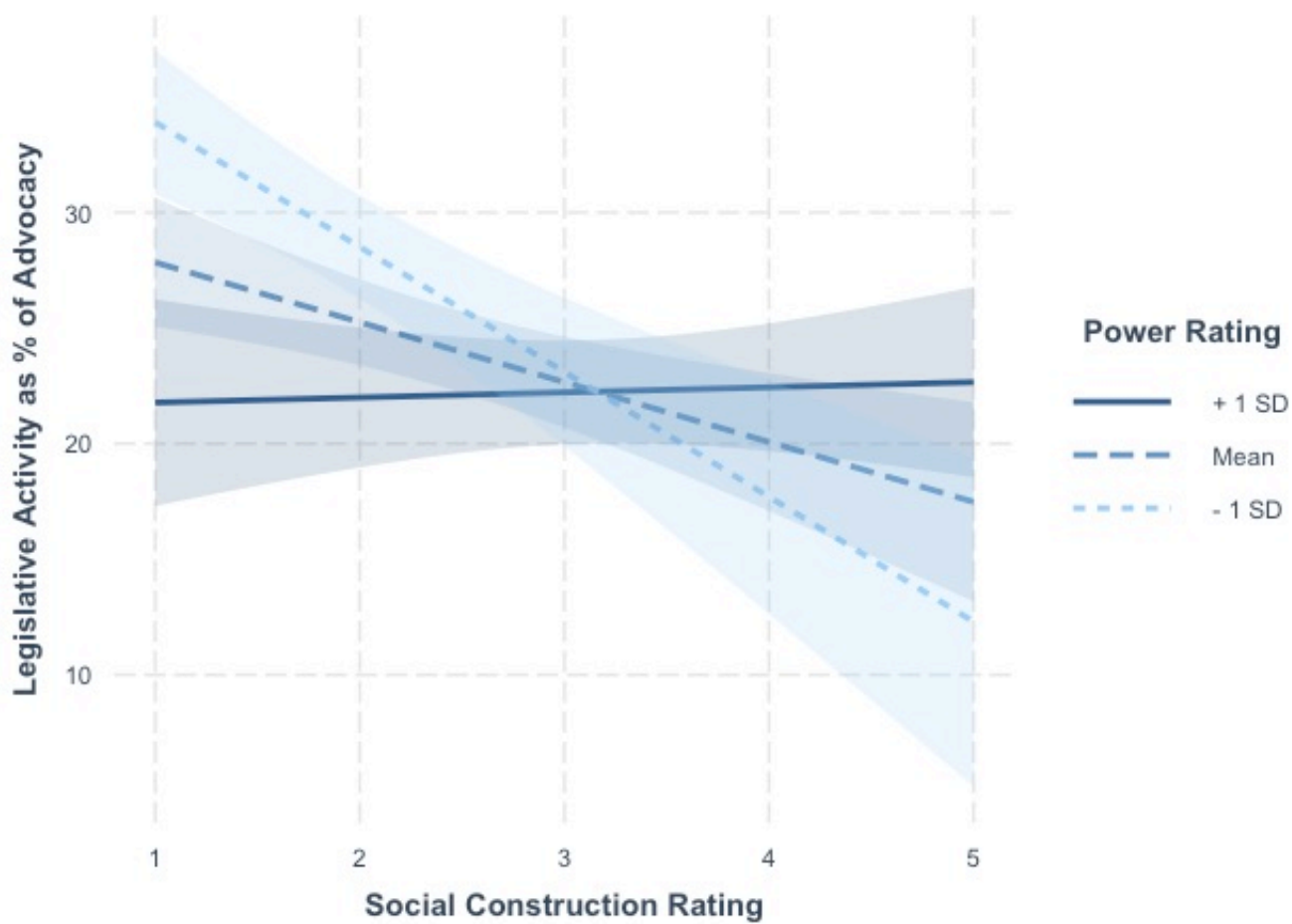


Figure A.1: Effect of Respondents' Social Construction and Power Ratings on Prioritization of Legislative Advocacy

A.10 Krietzer and Smith Social Construction Ratings

Group	HighPower	HighDeserv	In_KS	Power Rank	Power Estimate	Deserving Rank	Deserving Estimate	AnalogyGroup
Abortion Providers	0	0	1	59	31.81	72	45.46	
Bicyclists	0	0	0					
Black Lives Matter	0	0	1	65	34.3	73	45.94	
Criminals	0	0	1	15	15.44	5	17.7	
Democratic women	0	0	0					Feminists
DREAMERS	0	0	1	43	25.81	62	51.23	
Ex-felons	0	0	1	4	11.87	34	31.22	
Feminists	0	0	1	57	37.93	65	50.17	
Marijuana Smokers	0	0	1	24	24.38	58	38.91	
Muslim Men	0	0	1	37	25.91	68	47.64	
Muslims	0	0	1	32	25.35	70	49.48	
Opiod Addict	0	0	1	3	10.53	61	33.42	
People of Arab descent	0	0	0					Muslims
Prisoners	0	0	1	2	8.65	20	25.19	
Sex Offender	0	0	1	5	10.79	2	9.55	
Smokers	0	0	1	23	24.19	49	32.69	
Terrorists	0	0	1	73	30.62	1	5.84	
Undocumented Noncitizens	0	0	1	14	13.64	69	35.45	
Vegans	0	0	1	39	27.4	60	47.08	
Welfare Cheats	0	0	1	22	17.29	4	12.27	
African Americans	0	1	1	47	35.87	47	61.51	
Artists	0	1	0					Teachers, doctors
Asian Americans	0	1	0					African Americans, native americans
Black Professionals	0	1	0					African Americans + Scientists + Studer
Children	0	1	1	13	12.56	28	76.6	
College Students	0	1	1	33	31.25	23	62.35	
Disabled	0	1	1	20	19.06	26	75.04	
Elderly	0	1	1	64	33.66	8	76.33	
Farmers	0	1	1	38	37.09	13	69.19	
Foresters	0	1	0					Farmers
Foster and adoptive families	0	1	0					Poor families, children
Gay Men	0	1	1	48	33.4	59	56.7	
Homeless	0	1	1	1	7.37	64	63.47	
Immigrants	0	1	0					Latinos
Latinos	0	1	1	36	31.96	46	57.94	
Lesbians	0	1	1	51	31.41	63	56.54	
Mentally Handicapped	0	1	1	7	11.32	37	73.78	
Native Americans	0	1	1	25	22.55	42	67.26	
People with a variety of diseases	0	1	0					Disabled
Poor Families	0	1	1	6	14.14	27	69.42	
Students	0	1	1	26	28.03	18	64.33	
Teenagers	0	1	1	10	16.64	41	55.05	
Transgender	0	1	1	35	23.74	71	55.95	
Unemployed	0	1	1	8	14.96	54	58.41	
Uninsured	0	1	1	9	15.92	66	57.65	
Welfare Mothers	0	1	1	16	16.83	67	58.28	
Young Black Men	0	1	1	29	25.04	53	58.35	
Youth in the criminal justice system	0	1	0					Young black men, prisioners, teenagers
Accountants and tax practitioners	1	0	0					Attorneys
Aircraft owners and pilots	1	0	0					Rich people
Apartment owners	1	0	0					Rich people, Big corporations
Attorneys	1	0	1	40	67.08	50	37.77	
Auto Industry	1	0	1	49	64.44	30	35.2	
Big Banks	1	0	1	17	85.22	25	23.24	
Big Corporations	1	0	1	11	86.52	31	25.01	
CEOs	1	0	1	19	82.36	44	29.64	
Certified Public accountants	1	0	0					Attorneys
Congress	1	0	1	18	84.26	32	27.75	
Directors of Corporate Boards	1	0	0					CEOs
For-profit Colleges	1	0	1	68	54.93	33	28.1	
Gun Manufactureres	1	0	1	67	64.32	35	27.18	
Hackers	1	0	1	71	43.69	11	20.59	
Insurance Companies	1	0	1	34	74.63	19	25.02	
Labor Unions	1	0	1	61	57.16	57	48.01	
Lobbyists	1	0	0					
Media	1	0	1	31	74.76	24	28.47	
Millenials	1	0	1	41	38.4	40	52.65	
Nonprofit Leadership	1	0	0					CEOs
Nursing Home Administrators	1	0	0					
Pharmaceutical Companies	1	0	1	27	80.24	21	24.82	
Polluting Industries	1	0	1	70	61.07	3	12.05	

Group	HighPower	HighDeserv	In_KS	Power		Deserving		AnalogyGroup
				Power Rank	Estimate	Rank	Estimate	
Rich People	1	0	1	12	84.3	51	32.53	
Super PACS	1	0	1	72	72.52	10	19.67	
Tea Party	1	0	1	69	45.65	43	29.7	
Wall Street Brokers	1	0	1	30	76.55	29	25.25	
White Men	1	0	1	60	68.36	45	53.94	
African American Mayors	1	1	0					African Americans, federal employees
Air Traffic Controllers	1	1	0					
Assistant United States Attorneys	1	1	0					Attorneys, federal employees
Chiropractors	1	1	0					Doctors
Christians	1	1	0					
Churches	1	1	0					
Dentists	1	1	0					Doctors
Doctors	1	1	1	52	61.19	48	61.32	
Environment	1	1	1	54	41.37	56	60.92	
Federal Employees	1	1	0					
Firefighters	1	1	0					Police
Home Owners	1	1	1	42	43.94	16	62.53	
Job Creators	1	1	1	58	61.17	39	62.36	
Mainstream religious groups	1	1	0					
Middle Class	1	1	1	21	44.14	7	67.44	
Military	1	1	1	63	65.35	55	64.1	
Mothers	1	1	1	62	41.77	9	74.56	
Nurses	1	1	0					Doctors
Occupational groups in middle-class pr	1	1	0					Middle class
Police	1	1	1	44	64.51	52	59.92	
Primary Care Physicians	1	1	1	56	54.27	38	61.03	
Professors, college administrators, etc.	1	1	0					Teachers and scientists
Providers of services for the disabled	1	1	0					
Real Estate Agents	1	1	0					Small business
Scientists	1	1	1	46	53.26	36	66.57	
Small Business	1	1	1	28	39.43	17	68.02	
Soldiers	1	1	1	66	44.95	15	74.32	
State and Local Government Officials /	1	1	0					
Taxpayers	1	1	1	53	41.96	14	71.6	
Teachers	1	1	1	50	40.35	12	74.45	
Veterans	1	1	1	55	38.78	6	79.01	
White Women	1	1	1	45	49.98	22	62.48	
Women in corrections	1	1	0					Police, white women

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