

## A conversation with Frank Baumgartner on 05/03/13

### Participants

- Frank Baumgartner — Richard J. Richardson Distinguished Professor of Political Science, University of North Carolina at Chapel Hill
- Holden Karnofsky — Co-Executive Director, GiveWell

**Note:** This set of notes was compiled by GiveWell and gives an overview of the major points made by Frank Baumgartner.

### Summary

GiveWell spoke with Frank Baumgartner to learn about potential philanthropic activities in the area of policy advocacy. We discussed the effectiveness of philanthropic involvement in advocacy, influencing public opinion as a mechanism for changing policy, and the relative promise of policy advocacy in specific areas.

### The effectiveness of philanthropic involvement in advocacy

For a given policy change, there are many actors who were involved, so it's difficult to discern the impact of one actor.

- Steven Teles at Johns Hopkins University wrote a good case study of the Federalist Society called *The Rise of the Conservative Legal Movement: The Battle for Control of the Law*. He argues that philanthropists drove a big movement in the legal community to push for conservative policies in a top-down way.
- I coauthored *The Decline of the Death Penalty and the Discovery of Innocence* (published in 2008). It's about the reframing of the death penalty away from abstract morality toward more pragmatic considerations such as the problems with the bureaucracy, the inefficiency of the process, its high expense, and the possibility of inadvertently executing innocent people. Most people support the death penalty in the abstract, but the United States is moving away from it in practice. I think that there's a group of philanthropists behind the movement that have had a huge impact.
- Another example to look at is the impact of the Ford Foundation on the Civil Rights movement. In the 1960's and 1970's the Ford Foundation was involved in a lot of urban politics issues and race issues. I haven't seen a systematic study of their success and failure, but I think they've had a lot of success.

I don't know of methodologically sophisticated or systematic efforts assessing philanthropists' rate of success at affecting policy change.

GiveWell: I know that Atlantic Philanthropies and the Robert Wood Johnson Foundation are thought to have played a role in the recent healthcare bill. I don't know of studies of that.

Neither do I.

GiveWell: Do you think it would be feasible for us to fund such a study?

I think a lot of people would be interested in evaluating the ability of philanthropists to create social change.

GiveWell: Why don't you think that anybody's done this?

I don't think any scholars have a list of what the philanthropic agenda items are. If you had a sample of the big philanthropies, it would be an interesting research project. There might be relatively simple ways of doing this – graduate students could do it as a part of their theses.

## **Case studies of policy change**

GiveWell: Has anybody looked at the return on investment of policy advocacy by corporations or nonprofits? For example, the impact of the Sierra Club?

Mark Smith wrote *American Business and Political Power: Public Opinion, Elections, and Democracy*, which studies success rate of the US Chamber of Commerce. He took the annual reports of the US Chamber of Commerce every year between WWII and 2005, listed their top 10 legislative priorities, and examined whether they won or lost each year, and found that they succeeded about 50% of the time. The Chamber of Commerce reflects consensus views of all US businesses, of variable sizes and industries. The things that they focused on tended to galvanize the labor movement and the Democratic movement against them. It's a very interesting research project.

I don't think that this has been done for any other group.

There's a lot of study of particular policy reforms and changes.

- Chris Basso wrote a review of the environmental interest groups called *Environment, Inc.: From Grassroots to Beltway*. He also wrote *Pesticides and Politics*, which discusses the work of the environmental movement on pesticide policy in the 1970's and 1980's.
- The current movement to restrict and eventually abolish the death penalty is an interesting example.

Maryland just abolished the death penalty, and it's the 6<sup>th</sup> state to do so in the past 6 years. Five of the 6 were abolished by vote of the legislature. No state had voted to abolish since 1972 until about 6 years ago in New Jersey. Now each year, one state abolishes. The shift is surprising. People are still very tough on crime, but the death penalty has been separated out from that.

There's a group called "Conservatives Against the Death Penalty," which is opposed to the death penalty because of its financial cost.

It's interesting that the reasons for people's views shifting are the death penalty's expense, its racial bias, and the fact that sometimes innocent people are executed, rather than a shift in people's position on the death penalty in the abstract.

- Something worth highlighting is the "Thurgood Marshall Myth." Because the Civil Rights movement was very prominent, and because of Thurgood Marshall's role in it, people believe that the court system is a good vehicle for helping marginalized populations. But the example is unrepresentative.

## Major shifts in public opinion and policy

In *Agendas and Instability in American Politics* we studied examples of major shifts in public opinion and policy - cases where it seemed least likely that a lobbying force would lose its influence.

- In the 1970's, the tobacco industry appeared to have insurmountable lobbying power on account of having money and employees, and generating a great deal of tax revenue for the government. Even the most powerful lobbying group can be defeated.
- In the 1950's, there was a push for more nuclear power which was supported by the US government. That switched in the 1960's, despite the fact that the lobbying power for nuclear power appeared to be insurmountable.

In the long run you can see these big changes. You can be in a period of equilibrium where political power is organized in a certain way, but when that starts to crack, the cracks have a way of building upon themselves and creating very dramatic but rare policy reversals.

It would be interesting to develop a model for assessing how likely it is that a given policy is on the cusp of change. Usually it's very salient, but occasionally it happens unexpectedly.

A possible way for a philanthropist to influence policy is by raising public consciousness of an issue. This can be done via

- Hosting conferences
- Commissioning influential papers

- Commissioning a synthesis of the relevant literature
- TV shows

GiveWell: You seem to be focusing on public opinion rather than on “grasstops” lobbying.

In order to change the direction of public policies, it’s often important to reframe the discussion around them. For example, the framing of smoking as a public health problem (due to second hand smoke) was instrumental in changing laws around smoking.

GiveWell: Something that we’ve thought about is that it might be possible for a philanthropist to affect a change in a small and ignored policy, simply by presenting the other side of an argument to congressmen.

There are definitely potential opportunities of this type. The US government budget is \$3.7 trillion per year, and some of the money is unnecessarily wasted. For example, during WWII, the military used a lot of blimps, and so the government instituted a policy of funding a helium reserve, and this policy persisted until very recently, even though there was no longer a need for it.

Sometimes good policies are not enacted even though their benefits far exceed their costs, because the beneficiaries aren’t organized enough to lobby for them. For example, in our 2009 book on lobbying, we studied an effort to create a federal mandate for all newborns to be tested for hearing, so that parents would know whether or not their child was deaf. The policy only cost \$8/infant, but the savings came to various social groups such as parents, schools, and various social service agencies who eventually would pay the cost of a mis-diagnosis for a learning disability, but the cost would have been paid directly by Medicare, Medicaid, or insurance groups. So there was a mismatch between who would pay, and who would benefit. A stronger policy advocate could have helped there.

## Specific policy issues

Every policy issue has some lobbyists, because every policy affects somebody. Even when the intended beneficiaries of a policy don’t have a political voice, those who might be employed or laid off often have a voice. But some policy advocacy areas are less crowded than others.

GiveWell: We’d like to know about how crowded some specific areas of policy are, and whether they might represent promising focal points for a philanthropist:

- **Holistic immigration liberalization**

I don’t know of much work that’s being done promoting this. Even though people can associate with the perspective that immigrants work hard and have a lot to offer America, the perspective hasn’t been voiced very much in discussion of policy. So maybe there’s an opportunity to change the discourse in that direction.

- **Increasing quotas of work visas and coming to bilateral immigration agreements with trusted countries**

All that I've seen of this type is a push from software companies to be able to get visas for foreign software engineers. There's not much organized rhetoric on this issue.

- **Environmental issues and animal welfare**

These issues are very crowded.

- **Gay marriage**

There's enough momentum behind legalizing gay marriage so that it will likely happen based on the current momentum that we can already see.

- **Campaign finance reform**

It's difficult to implement policies that restrict campaign contributions to fund advertisements, because in the United States, ads are often defended as falling under the constitutional protection of free speech. On the other hand, ads for tobacco were prohibited, so it could be possible.

Rather than pushing for legal changes, it may be more effective to promote cultural norms of candidates' drawing donations from a diverse range of citizens. This could help level the playing field.

- **Monetary policy**

This is a very crowded and controversial area, because of ideological polarization on macroeconomic issues.

- **Foreign aid**

There seems to be very little advocacy for more foreign aid, or more effective foreign aid.

- **Criminal justice reform** is an important issue. There's been discussion of the need for law enforcement officials to push for more sound policies – there's polarization between prosecution and defense, and law enforcement officials have extra credibility on account of their official status.

- **Voter promotion and suppression** is an important issue that's pretty crowded.

Some important advocacy issues that are being neglected are:

- **Sexual violence at universities:** There's a problem of universities not adequately addressing sexual violence amongst their students. They don't want to be perceived as harboring sexual violence, and so have a tendency to ignore or suppress information about it. Though universities have police forces, which do work to protect victims against sexual violence, the police forces report to universities, and penalties for rape are often less severe than they would be if they were handled by government police.
- **Child welfare:** Government policy toward small children is not very favorable. William Gormley discusses this in his book *Voices for Children: Rhetoric and Public Policy*.
- **Various issues affecting unpopular subpopulations:** There is an issue of advocacy groups dissociating themselves from the least popular or mobilized members of their constituencies, and this resulting in these members not being represented by advocacy groups. (Ironically, many of the un-mobilized sectors, even of groups seeking to represent the poor and the weak, are the most needy sub-sets of those organizations. Dara Strolovitch's book, *Affirmative Advocacy*, gives a powerful account of these biases.)

In particular, illegal immigrants and criminals don't have many advocates, even amongst groups that one would most expect to advocate for them. Groups that support African Americans and Latinos focus on emphasizing the best representatives of their groups, and don't support the African Americans and Latinos who are suffering from a bad prison system, because they don't want to be associated with criminals.

- **University funding (as a mechanism for attracting talent to the US):** There's been little advocacy for funding for universities that comes from the perspective that high quality universities in the US draw a lot of international talent to the US. Raising awareness of this phenomenon could be a promising philanthropic activity.

## Books to read about policy change in general

GiveWell: We found the book *Lobbying and Policy Change: Who Wins, Who Loses, and Why* that you coauthored to be very helpful in becoming oriented with respect to how lobbying and policy change works. Are there other similar books that you would recommend?

- *Lobbying and Policymaking* by Kenneth Godwin, Scott Ainsworth and Erik Godwin. This book is framed as a response to our book. One thing that they included that we didn't is material on government contractors lobbying in order to get contracts.

- *The Unheavenly Chorus: Unequal Political Voice and the Broken Promise of American Democracy* by Kay Lehman Schlozman, Sidney Verba and Henry E. Brady.
- *Outside Lobbying: Public Opinion and Interest Group Strategies* by Ken Kollman.

### **People for GiveWell to talk to**

- William Gormley at Georgetown Public Policy Institute
- Jeffrey M. Berry at Tufts University