

Lobbying on Behalf of God:  
Religious Interest Groups and the  
No Child Left Behind Act of 2001

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In loving memory of Tore Meistad  
(1942-2002)

George, are you able to read and write on an adult level?  
It appears to me and many others that, sadly,  
you may be a functional illiterate.  
That is nothing to be ashamed of...  
Millions of Americans cannot read and  
write above fourth-grade level.  
No wonder you said "leave no child behind"  
- you knew what it felt like.

Michael Moore -  
Stupid White Men: ...and Other Sorry Excuses for the State of the Nation

## **ABSTRACT**

The purpose of this dissertation is to ascertain the role and effect religious interest groups have on the policy process in the United States. The study looks at the Association of Christian Schools International, the Union of Orthodox Jewish Congregations of America, and the United States Conference of Catholic Bishops and their attempts to influence the No Child Left Behind Act of 2001. Victor argues that the only way to measure interest group influence is to study the lobbying actions of a group on a given issue.

Lobbying efforts are usually referred to as inside or outside lobbying according to whether these activities occur inside or outside the legislative community. It has been argued that religious interest groups prefer the outside strategy in order to remain faithful to their religious beliefs.

The results are based on official data from Congress and the White House, and data from the three organisations. These data are supplemented by interviews with John Holmes, Nathan Diamant, and Rev. William Davis who were all heavily involved in the organisations' lobbying efforts.

The Association of Christian Schools International, the Union of Orthodox Jewish Congregations of America, and the United States Conference of Catholic Bishops were reasonably successful in their attempts to influence the No Child Left Behind Act of 2001. They used the inside strategy more than the outside strategy, but remained faithful. Religious interest groups are influential, and will continue to influence the legislative process in the United States in the future.

## ACKNOWLEDGEMENTS

I started writing this dissertation on religion and politics because of something my dad wrote to me in *Kristendommens historie: En innføring*, which was published just four months before he died. He wrote that he hoped the book could enhance my understanding of various political issues, and that is how it all started. My dad has been the inspiration of this dissertation. Thus, it is dedicated to him.

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Bergen, November 20, 2003

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## ABBREVIATIONS

ACSI:	Association of Christian Schools International
AYP:	Adequate Yearly Progress
BEST:	Better Education for Students and Teachers Act
CAPE:	Council for American Private Education
ESEA:	Elementary and Secondary Education Act of 1965
FEC:	Federal Election Commission
HR:	Legislative proposal in the U.S. House of Representatives
IDEA:	Individuals with Disabilities Education Act
IPA:	Institute for Public Affairs
IRS:	Internal Revenue Service
NCCB:	National Conference of Catholic Bishops
NEA:	National Education Association
NCLBA:	No Child Left Behind Act of 2001
OU:	Union of Orthodox Jewish Congregations of America
PAC:	Political Action Committee
S:	Legislative proposal in the U.S. Senate
USCC:	United States Catholic Conference
USCCB:	United States Conference of Catholic Bishops

106<sup>th</sup> Congress: 1999-2000

107<sup>th</sup> Congress: 2001-2002

108<sup>th</sup> Congress: 2003-2004

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## 1. Introduction

On January 8, 2002 President George W. Bush signed the *No Child Left Behind Act of 2001* (NCLBA) into law. This reform is considered to be the most ambitious and significant overhaul of the *Elementary and Secondary Education Act* (ESEA) since Lyndon B. Johnson signed the law in 1965 (Nather, 2001j:1561; McQueen, 2002:262; Milbank, 2002). The NCLBA was passed with an overwhelming majority in Congress, with the support of Republicans, Democrats, as well as Independents. As usual a large number of interest groups lobbied in the legislative process prior to the signing of the law.

The first amendment of the Constitution specifically states that “Congress shall make no law respecting an establishment of religion,<sup>1</sup> or prohibiting the free exercise thereof.”<sup>2</sup> However, there are several political issues where this separation is blurred. Some of the discussions and disputes around the NCLBA are examples of this. The influence of religious groups in the legislative process prior to President Bush signed the NCLBA into law is therefore an interesting subject to examine.

Three of the interest groups that lobbied the NCLBA were the religious organisations the *Association of Christian Schools International* (ACSI), the *Union of Orthodox Jewish Congregations of America* (OU) and the *United States Conference of Catholic Bishops* (USCCB). As vouchers and private school choice would enable parents to send their children to parochial schools, this was one of the issues the ACSI, the OU, and USCCB were most concerned about.

By investigating the ACSI, the OU, and the USCCB and their attempts to influence the NCLBA, I want to assess what role a religious group can play in the legislative process of a bill. In order to ascertain whether one of the organisations had greater influence on the NCLBA than the others, I will compare the organisations with respect to the goals they had and the choices they made in their attempts to influence the legislation in the direction they desired.

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<sup>1</sup> This part is often called the establishment clause.

<sup>2</sup> This part is often referred to as the free-exercise clause.

## 1.1. The Elementary and Secondary Education Act of 1965

Prior to President Lyndon B. Johnson's signing of the ESEA on April 11, 1965, there had been no federal education law in the United States. Several Presidents had tried to introduce education acts just to see them killed in Congress. John F. Kennedy was the last president to attempt to introduce a general aid-to-education bill in 1961 with Johnson as his Vice-President (Graham, 1987:162).

On January 12, 1965 President Johnson sent his education bill to Congress. The ESEA was simultaneously introduced by Carl Perkins (D - Kentucky) in the House of Representatives and by Wayne Morse (D - Oregon) in the Senate (Graham, 1987:162). The legislative process of the ESEA was short. In just 87 days President Johnson had managed to get an education law signed, with hardly any trouble at all. Eric Goldman writes that, "...the Congress had passed a billion-dollar law... in a breath-taking eighty-seven days. The House had approved it with no amendment that mattered; the Senate had voted it through literally without a comma changed" (1969:307).

There are several reasons why Johnson managed to get the ESEA passed, when his predecessors had failed. Three great political accommodations had already paved way for the ESEA (Graham, 1987:162-163). The Civil Rights Act of 1964 had dealt with the issue of school segregation. The second issue was concerning the separation of church and state. Because of the 1947 Supreme Court ruling *Everson v. Ewing Township*, the bus expenditures to parochial school students were now considered a student benefit and not a school benefit. That is, the federal money did not go to the parochial schools but to the individual students. The last issue continued the 'child-benefit theory' used in *Everson v. Ewing Township*. The primary purpose of the federal funds was to help poor people receive a better educational standard no matter whether they attended a public or private school (Graham, 1987:163).

Yet another aspect in addition to these political accommodations was interest group influence. Prior to the ESEA proposal the *United States Catholic Conference* (USCC) had opposed any legislation that did not include the private schools, while the *National Education Association* (NEA) had opposed any legislation that included aid to private schools. Thus, it was not until the NEA had a change of mind that the federal aid to education was introduced in the United

States. In the end the support of both the NEA and the USCC proved essential to pass the ESEA (Bowles, 1998:236-237).

## 1.2. The No Child Left Behind Act of 2001

The ESEA has been reauthorised every five or six years since the enactment of the law in 1965. The latest overhaul, the NCLBA, came later than expected. The previous reauthorisation was passed in 1994, and the ESEA should have been reauthorised in the 106<sup>th</sup> Congress (1999-2000). Several attempts were made. Four bills to reauthorize various sections of the ESEA were proposed in the House of Representatives and one bill was proposed in the Senate. However, due to ideological partisanship and lack of bipartisanship, the ESEA overhaul never got anywhere.

The balance of the Congress changed somewhat between the 106<sup>th</sup> Congress and the 107<sup>th</sup> Congress (2001-2002). In addition to this, a presidential candidate who claimed education was his highest domestic priority had been elected President. The NCLBA was President George W. Bush's education plan.<sup>3</sup> The NCLBA is the most extensive overhaul of the ESEA, but it is also the first reauthorisation to include a few major changes (Clymer with Alvarez, 2001). Hence, Bush had greater difficulties getting the act passed than Johnson had in 1965. Vouchers were one of Bush's major issues, but this was dropped early on due to the controversy it would cause.

In his presidential campaign, Bush wanted states to have 1) better performance for disadvantaged students, 2) fluency in English for students who speak other languages, 3) training and recruitment of qualified teachers, 4) school safety, and 5) school choice in return for federal money (Nather, 2001a:113).

These goals were maintained in Bush's communication to the House of Representatives, and when Congressman Boehner (R - Ohio) introduced *HR 1: The No Child Left Behind Act of 2001*, the school choice measure was retained. However, this was subsequently stripped from

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<sup>3</sup> Alex Nock claimed that President Bush included vouchers, testing and block grants and repackaged the Democratic proposals from the 106<sup>th</sup> Congress as his own. The heavily discussed *adequate yearly progress* (AYP) was originally a part of HR 2 in the 106<sup>th</sup> Congress (Nock, August 20, 2003).

HR 1 in the House Committee on Education and the Workforce with a 27-20 vote.<sup>4</sup> The aspect of private school vouchers was something President Bush and many Republicans wanted to include in the NCLBA.<sup>5</sup> To include private school vouchers could have the potential to wreck the bill because of the great differences in opinion between supporters and opponents. The Secretary of Education, Rod Paige said in a hearing January 10, 2001 that vouchers were not a priority for him (Nather, 2001a:113). Bush also sent signals quite early on that the vouchers were not so important that he would fight to death in order to keep the option in the NCLBA (Nather, 2001b:223).

*S1: Better Education for Students and Teachers Act (BEST)*<sup>6</sup> was introduced in the Senate on March 28 by Senator Jeffords (R - Vermont). Jeffords chose to exclude the most controversial parts of Bush's proposal in order for the measure to move quickly through the committee stage (Nather, 2001c:387). However, this meant that the controversies over these issues were saved to the discussions on the Senate floor. Amendments to include vouchers in the NCLBA were suggested in both chambers, but none were successful.

The NCLBA is an act full of compromises. 28 amendments were suggested in the House of Representatives,<sup>7</sup> while 150 amendments were suggested in the Senate.<sup>8</sup> The House and the Senate were not able to pass identical bills. Thus, a conference committee was appointed to merge the two acts into one. On December 13, the House of Representatives adopted the conference report by a 381-41 vote. On December 18, the Senate adopted the report with an 87-10 vote. On January 8, 2002, President Bush signed the NCLBA into law in Hamilton, Ohio, 350 days after he sent his plans to Congress.

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<sup>4</sup> *Parent Power* (2001(2):1).

<sup>5</sup> George W. Bush's campaign platform and initial plan included \$1,500 vouchers that parents could use in order to transfer their children from a failing public school to a private school (Nather, 2001b:223).

<sup>6</sup> BEST is the Senate version of the NCLBA. Due to simplicity, NCLBA will be used in reference to both HR 1 and S 1.

<sup>7</sup> Of the 28 amendments suggested, 23 were agreed to, and five were not agreed to.

<sup>8</sup> Of the 150 amendments suggested, 72 were agreed to, 67 were submitted, 7 were not agreed to, and 4 were withdrawn.

### 1.2.1. New Issues - New Trends?

The NCLBA brought state accountability, national testing, and school choice<sup>9</sup> as additions to the ESEA.<sup>10</sup> These issues are to an extent connected to each other. Still, the ACSI, the OU and the USCCB were more concerned about the school choice measure than the other issues introduced in the NCLBA. The NCLBA does not allow students to transfer to a private school if the public schools they are enrolled in fail to meet the AYP.<sup>11</sup> If a school fails to meet the criteria set by the state, it will lose federal money, and has to offer its students the option to transfer to a better performing public or charter school<sup>12</sup> within the district.

However, if a school fails to meet the standards for three consecutive years, the students can spend \$500-1000 of federal money to pay for supplemental services like private tutoring, after-school services and summer school programmes (Clymer with Alvarez, 2001).<sup>13</sup> If a school fails to meet the AYP for four consecutive years, the state can choose to 1) reopen the school as a public charter school, 2) replace the staff that is responsible for the school's failure to meet the AYP, 3) make a contract with an entity that has shown an effective record of running a school, 4) turn the operation of running the school over to the state educational agency, or 5) make another restructuring of the school governance that would imply fundamental reforms.<sup>14</sup>

The NCLBA might be the beginning of a new trend that Chubb and Moe recommended in 1990. They suggested a system of choice that would deal with the failing public schools. They did not necessarily see the need for private schools in this measure (Chubb and Moe, 1990:218). What they saw as important was that a school choice measure would provide a

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<sup>9</sup> Public school choice predated the NCLBA (*U.S. Department of Education Annual Performance Plan: FY 1999, 1998*; Nock, August 21, 2003).

<sup>10</sup> Some of these new issues had already been introduced in HR 2 in the 106<sup>th</sup> Congress (Nock, August 20, 2003). The greatest difference between HR 1 and the bills in the 106<sup>th</sup> Congress was the annual testing measure. Most of the other provisions were more or less the same as the Clinton Administration's proposals. However, some of the provisions were improved or modified (Nock, August 21, 2003).

<sup>11</sup> The states have to set a standard for what the students should learn each year. The students will be tested annually in reading, math and science. The results of these tests will measure the school's ability to meet the AYP.

<sup>12</sup> "Charter schools are public schools of choice that function outside the bureaucratic and political jurisdiction of the local school district, more akin to civic associations than to government agencies... As public schools they are not permitted to teach religion or convey religious values" (Viteritti, 2001:334-335).

<sup>13</sup> Private and religious schools are eligible to provide supplemental services such as tutoring that takes place after school and during weekends and vacations. However, funds for supplemental services cannot be used for religious worship and instruction (*No Child Left Behind Act: Participation of Private School Students and Teachers*, 2002:8; *Private Schools and the No Child Left Behind Act*, 2002:12).

<sup>14</sup> Public Law 107-110 (2002:61).

range of institutional possibilities, because the institution of the school often have proved to be the problem in failing schools (Chubb and Moe, 1990:2).

Raunch (1995) also used American public schools as an example where competition and a system of choice could be useful. He claimed that people with resources flee the dysfunctional and dangerous schools, leaving those with poorer resources behind. Raunch's reasons for this competition were due to the power of certain interest groups, and the fact that he looked upon competition within government as healthy (1995:177). He argued that public school interest groups and teachers' unions claim to have a monopoly on the taxpayers' money, and are thus never under pressure for reform. He wanted choice in education because he believed that,

“If you hand every parent - or, at the very least every low-income parent - a ticket applicable toward school tuition and say, ‘Take your tax money and go find the best school you can,’ you allow buyers of education to circumvent the interest groups which have overgrown every cranny of public education. You force entrenched providers to fight for their paychecks. Do that, and many of them will rise to the challenge and improve. While competition is not an educational panacea, there is every reason to think that it will make the schools better in both sectors, private and public, as all schools work to attract students” (Raunch, 1995:178).

The NCLBA introduced a system of choice in the American educational system.

Conservative and many religious groups complained and argued that the proposal was not good enough as private and parochial schools were not included. Still, private schools are now able to provide supplemental services. Thus, federal vouchers might be gained in the future.

### **1.3. The Voucher Controversy**

The 1925 Supreme Court decision *Pierce v. Society of Sisters* ensured American citizens the freedom to attend non-public schools (Levin, 1990:253). From that time on, parents have had a choice as to where they wanted their children to get their primary education. After the ESEA was signed in 1965, Title I has ensured money to disadvantaged children. In the last couple of decades there have been major discussions over what kind of choice parents are supposed to have, in addition to the controversy over vouchers.<sup>15</sup>

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<sup>15</sup> For an informational approach to various theories of choice as well as some of the problems of choice, see Levin 1990.



Just as the ESEA was used to impose desegregation plans in the South in the 1960s, many of the measures in the NCLBA were introduced in an attempt to close the achievement gap that still exists between white children and children with a minority background.<sup>16</sup> Most American children attend school with children with a similar racial background (Viteritti, 2001:328). Children with a minority background are more often than white children enrolled in failing inner-city schools. Federal desegregation plans have failed and minority children have often been the victims.

The inability of Congress to close the achievement gap is probably the reason why there is a great difference in opinion in concern to the voucher issue. The strongest support for vouchers is found among urban minority parents on low income (Viteritti, 2001:329). There are several dimensions to this issue, although the ethnic dimension often has been emphasised as minority children are more often eligible to participate in voucher programmes than majority children. Polls show that African Americans are more supportive of vouchers than white Americans. Younger people are more enthusiastic than older people, and conservatives and Republicans more so than liberals and Democrats (Hochschild and Scott, 1998:88). Minority parents support vouchers because they see this as a way for their children to get out of inner-city public schools with a poor academic record (Viteritti, 2001:329). White parents often live in suburban areas and are generally more affluent than parents of a minority background. Hence, they do not necessarily see the need for vouchers as this often is of no concern to them. A less talked about reason may be that they might think that having children

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<sup>16</sup> The term *minority group* refers to almost all non-white groups in the United States. This has been a problem when school performance has been compared because *minority groups* can be as different from each other as they are from the dominant group (Ogbu, 1978:21-22). Research has shown that minority group children who are least successful in school are usually non-immigrants, i.e. minority groups that did not come voluntarily in order to improve their social, economic or political status (Ogbu, 1991:3-4; 1994:372-373). Immigrant minorities do reasonably well in school regardless of their originating country (Ogbu, 1994:373). A different problem is that many minority children suffer from poverty as well as attending schools of poorer quality than the schools many of the middle-class majority group students attend. Yet another problem is that non-immigrant parents expect less of their children's scholastic achievements than immigrant parents. Hence, these students adjust their behaviour in school to the perceived reality of what is expected of them (Gibson, 1991:357, 365). Voluntary minorities seem to believe that education is the best way to achieve better opportunities in the United States. African Americans may also say that their children need a good education in order to achieve success. However, they do not really believe that they have the same chance as a white American with the same scholastic credentials (Ogbu, 1994:379-380). Thus, when people refer to the achievement gap between minority children and white children, people often think of African Americans and Hispanics, as Asians as another minority group usually performs well in school. I therefore assume that these involuntary minority groups were the children that were particularly thought of in the legislative process of the NCLBA.

on vouchers attend the same school as their own child might lower the school's quality and academic record.

The closing of the achievement gap was the reason why Cleveland, Florida, and Milwaukee introduced voucher programmes. The vouchers enable parents to use governmental funds to pay tuition for their children in private schools.<sup>17</sup> Many of those eligible to vouchers often use these in Catholic and other religious schools.<sup>18</sup> Hence, the main argument against vouchers is that vouchers violate the establishment clause. Viteritti argues that parents choose to use vouchers in Catholic schools because these schools generally are urban schools (2001:330). Parents would usually rather send their children to a local parochial school than having them take the bus to another public or charter school. There have been several court cases to establish whether or not vouchers violate the separation of church and state, and the various rulings have often been contradictory. However, in June 2002 the Supreme Court ruled 5-4 in *Zelman v. Simmons-Harris* that vouchers are not in violation with the Constitution.

#### **1.4. Previous Research**

Lobbyism and interest groups have been studied quite thoroughly for the past 40-50 years (see for instance Milbrath, 1960; Baumgartner and Leech, 1998; Berry, 1977, 1984; Wright, 1996; Cigler and Loomis (eds.), 1998; Kollman, 1998). The various scholars have concentrated on different aspects of this field. However, there are still a few stones left to turn. The aspect of religious interest groups and their attempts to influence the legislative process, has not been studied as much as many other aspects of this interesting field.

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<sup>17</sup> Milwaukee introduced the first voucher programme in the United States. This programme did not originally include religious schools (Hanauer, 2002:2). Cleveland introduced the first voucher programme that included religious schools (Hanauer 2002:2). Florida was the first state to introduce a statewide voucher programme (*Christian School Education*, 2000(3)).

<sup>18</sup> More than 99 percent of the children who participate in the voucher programme in Cleveland attend religious schools. This number has steadily increased from 1996-97 when 76.8 percent of the voucher students were enrolled in religious schools (Hanauer, 2002:5). The majority of the religious schools that participate in the voucher programme in Cleveland are Catholic. 46 religious schools participate, 37 of which are Catholic (Hanauer, 2002:1). Kusters and Mast argue that the tendency where religious schools are the main alternative to failing public schools in Cleveland is largely attributable to the fact that the voucher payments have been smaller than the cost of paying for a child's education in the public school system. Milwaukee has larger voucher payments, and also a greater variety of private school alternatives (Kusters and Mast, 2003:101).

When scholars have studied religious groups and legislative influence, this has often been done at a very general level. Hofrenning (1995a) conducted a large study on several groups and the various strategies and tactics these groups use in order to influence policies. Hertzke, 1988; Fowler and Hertzke, 1995; Fowler, Hertzke and Olson, 1999; Kohut et al., 2000; Smidt (ed.), 2001, and Jelen and Wilcox (eds.), 2002, have also done similar studies. Other scholars have studied one particular religious group and its political activity (Goldberg, 1996; Guth et al., 1997; Prendergast, 1999; Djupe and Sokhey, 2001; Jelen and Bendyna, 2001; Stenger, 2001; Djupe and Gilbert, 2002; Sætra, 2002).

Jennifer Nicoll Victor (2000, 2001a, 2001b, 2002a, 2002b) has developed a new theory of interest group influence because she thought the previous research on the topic lacked important aspects. This made the various theories unable to explain the full influence of interest groups (Victor, 2002b:5). She argues that by studying the policy process, one can determine how interest groups influence policy formation in Congress, which again will determine how interest groups influence Congress (Victor, 2001a:4). This makes her theory very interesting.<sup>19</sup>

There has not, to my knowledge, been a study where the case was how several religious groups attempted to influence one particular bill. By using Victor's theory I will make an effort to ascertain the role and effect of religious groups in a policy process in the United States. To study religious influence and the NCLBA is interesting because the act was mainly a public school bill. Religious groups were interested on behalf of private and parochial schools. Thus, these groups were marginal interest groups compared to other groups that lobbied this education reform. Hofrenning claims that religious interest groups lobby outside the legislative community more often than inside the legislative community (1995a:126). However, I will argue that it was rather the other way around when the ACSI, the OU, and the USCCB attempted to influence the NCLBA. The strategies and tactics these groups used involved political access to the legislative community.

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<sup>19</sup> Victor's doctoral dissertation *Convincing Congress: Understanding Interest Group Strategies in the U.S. Congress* can be found at <http://www.pitt.edu/~jnvictor/Diss/index.html> (October 30, 2003).

## 1.5. Structure of Dissertation

The relationship between religion and politics in the United States is discussed in chapter 2. This includes the impact of religion during the foundation of the republic, and an overview of the various religious traditions in the United States. The extent to which these groups participate in the political community is also included. Lastly, the impact of the candidates' religious faith and various religious issues in the campaigns are discussed.

Chapter 3 considers the targets of interest group lobbying, the various interest group theories, and particularly Jennifer Nicoll Victor's theory on interest group influence (2000, 2001a, 2001b, 2002a, 2002b). There are several arenas in which lobbying takes place, and the lobbyists are usually present where the issue they lobby is currently discussed. Because the United States is a federal state, lobbying can be found at every level of the political arena. However, I will only consider lobbying on the federal level because the NCLBA is a federal law. Another reason is that the religious interest groups in question primarily target the federal government while lobbying. The judiciary branch will only be considered briefly as this branch does not have any impact in the making of legislation.

Chapter 4 introduces and describes the three organisations of my study. In this chapter I develop four hypotheses: 1) The organisation with the largest group of people affiliated with the organisation is more likely to participate in the outside strategy, 2) The most conservative organisation politically is more likely to have greater insider access due to the Republican Party's control of the White House and Congress, 3) The organisation with better access to the official legislators is more likely to use the inside strategy than the organisation with poorer access to the legislative community, and 4) The organisation with the more narrow focus is more likely to be successful in its attempts to influence legislation than an organisation with a broader focus.

The analysis of religious influence on the NCLBA is discussed in chapter 5. The analysis is structured around Victor's theory of interest group influence. The theory is applied to the legislative process of the NCLBA and the strategic choices the ACSI, the OU and the USCCB made in their attempts to influence the act. In this chapter the hypotheses are tested, in addition to my seeking to answer the overall question on whether or not the ACSI, the OU and the USCCB had any influence on the legislative process of the NCLBA.

Chapter 6 concludes the dissertation and sums up the results, limitations and implications of the study.

## 2. Religion and Politics in the United States

Charlie: Do you mind if I ask you something about Red Mass I'm curious about?<sup>20</sup>

President Bartlet: ...And so how isn't [Red Mass] a constitutional issue? It is.

But sometimes you say big deal. It was the intention not to have a national religion, and not have anyone's religious view imposed on anyone else, and not to have the government encourage a national display of piety as a substitute for real action.

But sometimes you say big deal.

- The West Wing

Consider the following practices in a country where the Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Every morning millions of children recite the *Pledge of Allegiance* which includes the sentence "...One Nation under God." The Members of Congress start their day with the same *Pledge of Allegiance* and a prayer. The Supreme Court starts its sessions with "God bless this honourable court." "In God We Trust" is printed on every dollar bill. The President is sworn in on a Bible held by the Chief Justice, and the President usually ends his public speeches with "May God bless you all, and may God bless America."

By strictly separating church and state, the Founding Fathers gave the American people the religious freedom they lacked in Europe. The establishment clause and the free-exercise clause of the first amendment separate church and state. But one can argue that the United States is a country where the relationship between church and state is closer than in many other countries. Kohut et al. argue that even though the Constitution states that there should be a high wall separating church and state, no such thing exists in reality between religion and politics (2000:1). In the United States, religion and politics are intertwined.

### 2.1. The Religious Zeal

The relationship that exists between religion and politics in the United States was to an extent formed by the religious life of the first settlers. The Puritan revolution gave many an incentive to start their journey to the New World (Fowler, Hertzke and Olson, 1999:5). Many of the colonists thought of their journey to America as similar to God's covenant with

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<sup>20</sup> The Red Mass is celebrated at the opening of the judicial term each October. The Supreme Court convenes the first Monday in October. The Sunday prior to the opening of the term, the Supreme Court Justices attend a mass with the President, the Cabinet and the members of Congress.

Abraham (Wald, 1992:59). They brought a religious zeal they had not been able to pursue in Great Britain. The Puritans refused to accept any Roman Catholic elements in the British state church and wanted to cleanse the church from such elements (Meistad, 2000:423). This was a goal they were able to pursue in the New World.

### **2.1.1. The Influence of Puritan Thought**

When Tocqueville wrote about the American democracy, he argued that the destiny of the country was lying in the hands of the first Puritan people landing on the American shores (1966:345). Wald argues that the Puritan thought of covenant theology, the emphasis on original sin, and the concept of the chosen people have proved to be important in the American political life (1992:45).

#### **a) Covenant Theology**

The Puritans saw a covenant as an agreement where they would give up their autonomy in order to gain something of greater values, and that this agreement was sanctified by God (Wald, 1992:46). They understood the relationship between people and government as a mutual obligation. Thus, the covenant thought gave the colonists an incentive to demand independence from Great Britain. When King George III limited the colonists' rights as British citizens they no longer had loyalty to the King and the government who would violate God's law (Wald, 1992:47).

The idea of a mutual agreement between the rulers and the people was kept in the new American republic. The concept of government as a covenant gained support among the Puritans because of its resemblance to the Biblical covenant (Wald, 1992:46). This concept of a mutual agreement is what lies beneath the aspect of governments being accountable to the people who voted for them.

#### **b) Original Sin**

The Founding Fathers were heavily influenced by the Puritan doctrine and belief when they wrote the American Constitution (Wald, 1992:chp. 3). There was a lack of faith in the people due to the Puritan emphasis on original sin and deprivation. Unlike the Catholic Church which offered an escape from permanent damnation, the Puritan theology did not offer an

escape from the original sin, as only a few would enjoy God's grace (Wald, 1992:52). The Puritanical belief system led to a belief that "...because governments were the creations of fallible mortals, no governments could be expected to act with rectitude" (Wald, 1992:52-53). Thus, precautions against abuse had to be built into the political system because of the temptations of sin (Fowler, Hertzke and Olson, 1999:7). The Founding Fathers separated the powers in the American political system due to the fear of what might happen if the power was concentrated in a central government. The three governmental branches, the executive, the judiciary, and the legislative were all given leverage to use against the other branches. In addition to this, the states operated as safeguards.

### **c) The Chosen People**

The Puritan thought of being the chosen people still lingers in the United States today. This thought has made the American people think of the United States as a nation in missionary terms (Wald, 1992:45). The Puritans saw themselves as the chosen people with a calling to create a Christian Commonwealth (Coleman, 1996:26); "Like Israel, America plays a crucial role in God's redemptive plan for the human race" (Aldridge, 2000:144). By having these beliefs the American people look upon their own political system as superior to other political systems. This belief of being the chosen people was also used in some of the political rhetoric during the war against Iraq in 2003.

## **2.2. The Major Religious Traditions in the United States**

The United States is built on the values of the Judeo-Christian tradition. It is most common to divide the religious community into the six major religious traditions 1) evangelical Protestants, 2) mainline Protestants, 3) black Protestants, 4) Roman Catholics, 5) Jews, and 6) secular (nonreligious) people<sup>21</sup> (Kellstedt and Green, 1993:55; Kohut et al., 2000:17-19; Wielhouwer with Young: 2001:166; Smidt, 2001:103).

The Protestant community is the largest religious group in the United States. This religious community differs in many ways, and cannot all be treated the same. The evangelical Protestants tend to have a literal view on the Bible, emphasise a born-again experience, and a

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<sup>21</sup> This category often includes people of other religions than Christianity and Judaism.



have strong mission to bring others to Christ (Hofrenning, 2001:124). Southern Baptists, Pentecostals, and denominations influenced by sect movements are denominations considered to be evangelical. Black Protestants are evangelical in many respects, but are usually more liberal in their political views than other evangelical Protestants (Hofrenning, 2001:124). The mainline Protestants have a more historical-critical view of the Bible, usually infant baptism, and are not as aggressive as the evangelical Protestants in their mission to bring in new members (Hofrenning, 2001:124). Episcopalians, Congregationalists, Presbyterians, Methodists, Northern Baptists and Lutherans are denominations considered to be mainline Protestants.

Some of these religious traditions include groups which isolates themselves from the secular society.<sup>22</sup> However, the majority of the religious denominations attempt to influence and gain power through the political channels. Religious denominations have spoken out on several issues throughout the American history. There has been, and still is a problem concerning this. The various religious communities have a tendency to disagree on several issues. In the 19<sup>th</sup> century struggle over slavery, churches were found on both sides of the barricades.<sup>23</sup>

Bellah et al. argue that the public role of religion in the United States

“...compensates for the narrow spectrum of... political parties, which often act as congeries of interest groups that seek the centre for the sake of electoral victory. Frequently, issues that parties would not touch were raised first by religious groups and only after a long process of public debate and education taken seriously by the political parties” (1991:180-181).

If religious interest groups are to compensate for the lack of a multiparty system it is no wonder that the religious groups hardly ever speak with a single voice. How can it be expected of them when the political parties are not able to do so? In the same way as the political parties form coalitions, religious groups sometimes form ecumenical<sup>24</sup> coalitions in order to gain more influence on certain issues.

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<sup>22</sup> See discussion about church and sect in chapter 2.3.

<sup>23</sup> In 1845 both the American Baptist Church and the Methodist Church experienced a split into a northern and southern part due to a serious division over slavery (Archer et al., 2002:36, 41). The Methodist Church merged again later, but the Baptists are still divided along the same lines. During the fight for civil rights in the 1960s, the Southern Baptist Convention stood in opposition and was reluctant to give African Americans equal rights. However, during the 1990s the Southern Baptists started to discuss the role they have had in connection to race relations in the past and present (Archer et al., 2002:36).

<sup>24</sup> Ecumenism refers to the work that goes across the boarders of Christian denominations to highlight Christian unity. Religious coalitions in the political arena can at times also go across religious boarders.

## **2.3. Church and Sect**

Even though religion arguably can be seen in connection to the establishment of the American political system, some religious groups have resisted against participating in political life.

Ernst Troeltsch (1981) studied the social and political implications of religion and distinguished between two ideal-typical religious forms. These were termed church and sect according to their social and political consequences. The church is defined as a large organisation that dominates the masses. It accepts the secular society and tries to gain influence and power from within. The sect is generally a small dissenting group that strongly opposes the secular society.

The religious groups Troeltsch would have called sects are clearly in the minority in the United States. However, Weber who developed the church and sect dichotomy argued that the analysis was not a static description, but that successful sects were likely to evolve into churches (Aldridge, 2000:35). Niebuhr elaborated on Weber's idea and argued that the passage of time would inevitably change the movement in the direction of the church (Aldridge, 2000:35).<sup>25</sup> Thus, sects will eventually also get more involved in the political society.

### **2.3.1. New Religious Groups Enters the Political Arena**

Some religious groups that earlier could have been categorised as a sects have now changed more towards the church and have started to participate in the secular society. The evangelical Protestants have earlier resented taking part in the political life. For a long time they viewed politics as something distasteful. Participating in politics was an activity that meant they had to become involved in the world of sin that God wanted them to avoid (Fowler, Hertzke and Olson, 1999:40). Evangelical churches have often encouraged people to vote, but have refrained from advocacy when many other groups have turned to this influential strategy. However, this changed in the 1970s. The government had become too secular and too intrusive, which made the evangelical leaders feel the need to fight back (Fowler, Hertzke and Olson, 1999:40). Orthodox Jews have also until recently chosen not to participate in the political world to the same extent as their more liberal brothers and sisters.

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<sup>25</sup> Niebuhr talked about the evolvement from sect to denomination which is an organisation that, like Troeltsch's church, does not claim a monopoly of the truth (Repstad, September 22, 2003).

The Conservative and the Reform branches of Judaism have participated in political scene for many decades and have a reputation for being politically liberal.<sup>26</sup>

The Catholics have been involved in the American political scene for quite some time, but became increasingly more so after the Second Vatican Council. The Second Vatican Council was held from 1962 to 1965, and modernised the Roman Catholic Church in many aspects. The Catholic Church accepted for the first time Protestants as fellow Christians and not apostates, as well as embracing democracy and ordered liberty (Fowler, Hertzke and Olson, 1999:45-46). The American Catholic leaders had already begun to participate politically, but the Second Vatican Council increased the number of political participants and the role of the *National Conference of Catholic Bishops* (NCCB) (Fowler, Hertzke and Olson, 1999:46). The structure of the Catholic Church also changed somewhat and included more lay participation than it had done prior to the Second Vatican Council (Hofrenning, 1995a:163).

## **2.4. The Decreasing Divide Between Religion and Politics**

Kohut et al. argue that the divide between religion and politics has decreased over the past 30 years (2000:9-10). There are two possible reasons for this diminishing divide. The first is due to the changes that happened within religion and thereby increased its salience in politics. The theologically conservative churches started to support conservative politics at the same time as the mainline churches declined, and liberal politics gained increasing support from the nonreligious population (Kohut et al., 2000:9). The other possible reason is that changes in the political agenda increased the religious importance. The emergence of issues like for instance abortion and homosexuality has linked religion closer to politics. The relationship grew closer and more direct, and caused new religious groups to enter the political scene.

Specific instances made the evangelical Protestants enter the political arena in the 1970s. The 1962 and 1973 Supreme Court cases *Engel v. Vitale* (ruling school prayer unconstitutional), *Roe v. Wade* and *Doe v. Bolton* (abortion) made the evangelical Protestant community find enough reasons to start a political fight. The great social changes around issues like homosexual civil rights, women's equality and reproductive choice made the evangelical

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<sup>26</sup> Djupe and Sokhey write about a fourth movement within American Judaism: the Reconstructionist movement. This branch is an offspring of Conservatism (Djupe and Sokhey, 2001:2). The movement is quite new, and by far the smallest of the branches of Judaism.

community respond with a political awakening (Diamond, 1995:161). In addition to bringing new religious groups into the political arena, the changing political agenda also changed the previous party coalitions and influenced the elections as religious people increased and broadened their political participation due to the political involvement of religious institutions (Kohut et al., 2000:10).

Bellah et al. (1991:180-181) were cited earlier arguing that religious groups compensate for the lack of a multiparty system in the United States. Hofrenning argues that religious groups form one of the most powerful interest groups due to the large number of members these groups have (2001:121). The religious communities know this and many have set up advocating offices in Washington, D.C. The amount of religious denominations trying to influence the politics in Washington has expanded tremendously over the past 50 years (Fowler, Hertzke and Olson, 1999:55). These groups can be quite influential, but have more of a potential if they join other groups and form an ecumenical or religious coalition.

#### **2.4.1. The Separation of Church and State**

Wald argues that there is only a partial separation of church and state in the United States (1992:128). Civil religion can be argued to be one of the aspects that make the separation partial, as it refers to a unifying set of religious and national symbols (Coleman, 1996:24; Aldridge, 2000:143). Religion becomes public and the civil religion unites the religious and political spheres.

There are several examples of the lack of complete separatism of church and state, many of which have already been mentioned in the opening paragraph of this chapter. The presidential inauguration ceremony has been criticised for the religious motif through the Bible the President is sworn in on, and for the participation of clergy (Wald, 1992:129). The Bible used at the President's inauguration can in one way be defended, as the Bible the Presidents are sworn in on is the same Bible George Washington was sworn in on in 1789. Thus, it can be called a tradition and part of the civil religion (Aldridge, 2000:143).

“...One Nation Under God” in the *Pledge of Allegiance*, and the imprinted *In God We Trust* on the dollar bills are different because these were added in 1954 and 1957 respectively.<sup>27</sup> In fact, *In God We Trust* was declared the national motto of the United States when President Eisenhower signed Public Law 84-140 in 1956. If the God to which they refer is not identified, and no specific religion is mentioned, it seems like most Americans do not have problem with God being mentioned or the fact that the government promotes religious expression.<sup>28</sup>

An example of the differences in opinion concerning the separation of church and state, is a ruling made in June 2002 by the 9<sup>th</sup> Circuit Court of Appeals in San Francisco. The declared atheist Michael Newdow sued the Elk Grove School District because he objected to the fact that his daughter was required to recite the *Pledge of Allegiance*. He argued that his daughter's, as well as his own constitutional freedom of religion was violated in the sentence “...One Nation Under God.” He argued the sentence was unconstitutional because it endorsed monotheistic religions. The sentence was ruled unconstitutional in a 2-1 decision the 9<sup>th</sup> Circuit Court of Appeals.

The ruling was heavily criticised, and some based their criticism on the 1943 Supreme Court ruling, *West Virginia State Board of Education v. Barnette*, which states that anyone can refuse to participate in the *Pledge of Allegiance*. These people argued that Newdow ought to encourage his daughter to refrain from participating in the pledge rather than sue the Elk Grove School District. The court argued in the 2-1 decision that the *Pledge of Allegiance* endorses religion and monotheism, and thus violates the Constitution.

The day after the *Pledge of Allegiance* ruling, the Supreme Court ruled 5-4 that the Cleveland school choice programme did not violate the constitutional separation of church and state. This ruling states that federal money can be used to send children in failing public schools to private and parochial schools. These two decisions gave quite contradictory views as to how the separation of church and state ought to be enforced. Although most analysts were of the opinion that the *Pledge of Allegiance* ruling would be reversed if argued in front of the

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<sup>27</sup> *In God We Trust* has been printed on every American coin since 1938, but appeared for the first time on the two-cent coin in 1864 (<http://www.ustreas.gov/education/fact-sheets/currency/in-god-we-trust.html> (October 28, 2002).

<sup>28</sup> <http://www.cnn.com/2002/US/06/29/poll.pledge/index.html> (November 12, 2002).

Supreme Court, the American people were given two inconsistent messages on where to draw the line between church and state.<sup>29</sup>

The Supreme Court has often played an important role in matters concerning the relationship between religion and politics. The decisions have not always been an issue of the separation of church and state. There have also been rulings that have pulled religious groups into political activity. Examples of these are the 1973 rulings *Roe v. Wade* and *Doe v. Bolton*. The table below is an overview of important Supreme Court rulings in concern to religion and politics.

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<sup>29</sup> In August 2002 the Justice Department filed an appeal of the controversial ruling that ruled the sentence "...One Nation Under God" in the *Pledge of Allegiance* unconstitutional (<http://www.edition.cnn.com/2002/LAW/08/09/pledge.appeal/index.html> (July 30, 2003)). On February 28, 2003, the 9<sup>th</sup> Circuit Court of Appeals rejected the Bush Administration's request to reconsider its ruling (<http://www.evolvefish.com/Newdow/StandingUpheld.html> (July 30, 2003)). In April 2003 the Justice Department urged the U.S. Supreme Court to reaffirm that the American people have the right to voluntarily recite the *Pledge of Allegiance* (<http://edition.cnn.com/2003/LAW/04/30/justice.pledge/index.html> (July 30, 2003)). The Supreme Court announced on October 13, 2003, that they would hear the dispute over the *Pledge of Allegiance*. The oral argument of *Elk Grove Unified School District v. Newdow* will take place early in 2004, and the ruling is expected by July (Lane, 2003).

**Table 2.1: Overview of Important Supreme Court Decisions**

Year	Case	Issue
1925	<i>Pierce v. Society of Sisters</i>	Ruled that parents could send their children to a private school
1943	<i>West Virginia State Board of Education v. Barnette</i>	Ruled that no one could be required to salute the flag or recite the <i>Pledge of Allegiance</i>
1947	<i>Everson v. Ewing Township</i>	Ruled that money followed the child and not the institution, thus allowing private school students bus transportation with tax-raised funds
1962	<i>Engel v. Vitale</i>	Ruled that school prayer is unconstitutional
1973	<i>Roe v. Wade</i>	Ruled that women had a constitutional right to abortion <sup>30</sup>
1973	<i>Doe v. Bolton</i>	Ruled that women who wanted an abortion could not be denied a physician or doctor-patient privacy
1985	<i>Aguilar v. Felton</i>	Ruled that public school teachers could not provide supplementary instructional services to children in parochial schools on the school's campus
1993	<i>Zobrest v. Catalina Foothills School District</i>	Ruled that a publicly funded sign language interpreter could assist a disabled student in a Catholic school
1997	<i>Agostini v. Felton</i>	Reversed the <i>Aguilar</i> decision and ruled that public school teachers could provide supplementary instructional services in parochial schools
2002	<i>Zelman v. Simmons-Harris</i>	Ruled that vouchers are not in violation with the Constitution
<b>Upcoming decisions:</b>		
2004	<i>Elk Grove Unified School District v. Newdow</i>	Deciding whether or not "...One Nation Under God" in the <i>Pledge of Allegiance</i> is in violation with the Constitution. Ruling expected in July 2004

Source: Bacchi (1999), Davis (2002), Lane (2003), Luker (1996), *Parent Power* (2000(3)) and <http://www.supremecourtus.gov/>.

Certain tendencies can be detected in terms of the lack of complete separatism of church and state. *Everson v. Ewing Township*, *Zobrest v. Catalina Foothills School District*, and *Zelman v. Simmons-Harris* show a growing willingness to allow governmental funds in religious schools. Thus, the upcoming *Elk Grove Unified School District v. Newdow* is interesting as this decision could indicate what to expect in the future. If "...One Nation Under God" is ruled unconstitutional it would bring along implications that ought to make the Americans reconsider the separation of church and state as it is today. If the Supreme Court argues that the sentence does not violate the first amendment, it can be argued to contradict itself in that school prayer was ruled unconstitutional in *Engle v. Vitale*. In 1997 the Supreme Court reversed the *Aguilar v. Felton* ruling and ruled that having public school teachers could provide supplementary services in parochial schools on the school's campus. Thus, saying

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<sup>30</sup> Abortion was legal in about one third of the states prior to *Roe v. Wade* (Luker, 1996:185).

that this did not violate the establishment clause as they ruled 12 years earlier. Hence, the Supreme Court rulings can change as the court changes.

The separation of church and state is a problem in the way that there does not seem to be a clear view of what the separation entails. While George W. Bush in the 2000 presidential campaign said he wanted to lower the wall separating church and state (Benen, 2002), some religious groups work for a strict separation and for the protection of the constitutional freedom of religion. There are more than 1200 religious groups in the United States and more than 220 recognised religious denominations practice their faiths (Edwards and Lippucci, 1998:124). Thus, as long as people disagree on how to enforce the separation of church and state, and as long as there is no clear separation between religion and politics, religion will continue to play an important role in the political arena.

## **2.5. Religion in Elections**

“No non-Christian has ever been elected president of the United States” (Willis, 1990:16-17). It is also just three years ago that Joseph Lieberman was the first Jew on the national polling ticket of a major American party (Djupe and Sokhey, 2001:11; Archer et al., 2002:38). Willis claims that Michael Dukakis was the first secular presidential candidate, but that even Dukakis got more in touch with his religious side during the campaign (1990:17). The various presidential candidates use their religion differently in electoral campaigns, and this can influence the voting behaviour of the various religious groups.

### **2.5.1. Presidential Elections**

Religion was prominent in the 2000 presidential election which might indicate that it will be an integral part of the executive branch in years to come (Walz, 2001:191). More Americans are members of a religious denomination than any other voluntary group. Consequently candidates look upon religious support as a valuable asset (Wald, 1992:180). The candidates know the enormous potential that lies in the support of a religious group, and use their own faith and religion as a means to attract voters.

Several religious interest groups produce scorecards in the months prior to an election. These scorecards list issues that are important to the group that produces the card. Next to the



issues, the legislative votes of the various candidates are listed. In this way, the electorate can see how the various candidates voted on issues important to them and thereby decide whom to vote for in the upcoming election.

Smidt argues that a low interest in politics, low political knowledge and low attitudinal constraints<sup>31</sup> increase the importance of information campaigns (2001:102). Any piece of information may be influential when voters do not possess much information. Interest groups often take advantage of the fact that most Americans are not very interested in politics.<sup>32</sup> Jews tend to be more active politically than other religious groups, and the mainline Protestants have in general shown a greater interest in politics than the other Christian groups (Kellstedt and Noll, 1990:369; Wielhouwer with Young, 2001:170). However, the political interest among these groups is decreasing, a trend which also is evident in other religious groups (Wielhouwer with Young, 2001:169-170). This is one of the reasons why interest groups issue information campaigns, have voter registration rallies and distribute voter guides and scorecards prior to an election. The use of this kind of material can be of great influence when distributed to the less informed and undecided.<sup>33</sup>

Religious interest groups are no different from other interest groups in concern to this issue. As any other interest group, religious groups are interested in having candidates supportive of them elected into office. Voter guides are an important part of the *Christian Coalition's* election campaigns and they have often been accused of indirectly supporting Republican candidates.<sup>34</sup> The voter guides are usually handed out in church on the Sunday before the

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<sup>31</sup> "The notion of attitudinal constraint refers to the expectation that the position one adopts on a political issue should affect, or be related to, the position that one expresses on a second, but related, issue. More generally, attitudinal constraint refers to the expectation that an individual will exhibit some form of ideological consistency in expressing his or her positions on different issues. Attitudinal consistency is largely absent among [American] voters" (Smidt, 2001:101).

<sup>32</sup> The voter turnout in the United States is lower than most other Western democracies. However, Americans are relatively active in the electoral campaigns (Dalton, 2002:36, 54). Still, when the voter turnout is as low as about 50 percent (Dalton, 2002:36; Norris, 2002:45) one can argue that the political interest in the United States can be considered low.

<sup>33</sup> This kind of information is also important due to the multiple offices Americans elect officials to. There are weak party guidelines within American politics compared to other countries. They lack ideological coherence and the various candidates run their own programmes (Bowles, 1998:20). Low party identification will increase the need for voter information.

<sup>34</sup> The *Federal Election Commission* (FEC) filed in 1996 a lawsuit against the *Christian Coalition*. The FEC accused the *Christian Coalition* of having illegally aided Republican campaigns through voter guides and get-out-the-vote operations. The *Christian Coalition* was cleared of all counts but two. U.S. District Judge Joyce Green ruled that the *Christian Coalition* had assisted House Speaker Newt Gingrich (R - Georgia) and Senate candidate Oliver North (R - Virginia), and that the *Christian Coalition* was required to pay a fine because of this (<http://libertyalliance.org/confiden/fc990806.htm> (February 4, 2003)).

upcoming election. By doing this the voters will have positions of the candidates fresh in memory while voting, at the same time as it would be too late for the candidates to defend their position (Sætra, 2002:54-55). Even if religious groups claim to have a higher calling for their activities, they seem to use the same means of influence as the people they so often criticise.

### **2.5.2. The Presidential Candidate's Religious Faith**

It seems that in order to win the presidency, the candidate has to show some kind of religious belief. No candidate has ever won without doing so (Hofrenning, 1995a:179). The presidential candidate's faith is important in several matters. The candidate's faith may indicate the president's conduct in office in addition to showing the kind of policies s/he might pursue (Walz, 2001:192).

A candidate's religious faith can also be held against him or her. In the 1960 presidential election, the fact that John F. Kennedy was a Catholic became an issue.<sup>35</sup> People were concerned about Kennedy's Catholic faith, but he answered the fears of the people by saying: "I am not a Catholic candidate for President. I am the Democratic Party's candidate for President, who happens to be a Catholic" (Wielhouwer with Young, 2001:181). Kennedy spent some time countering the concerns of the people. He expressed a firm belief in the absolute separation of church and state, opposition to aid to parochial schools, and opposition to sending an ambassador to the Vatican State (Prendergast, 1999:140). Even though he opposed aid to parochial schools, an issue of great importance to many Catholics, they showed Kennedy great support and gave him about 80 percent of the Catholic vote (Prendergast, 1999:148). However, it is difficult to say whether or not Kennedy's Catholic religion was of any help in his quest to win the presidency (Prendergast, 1999:144).

The religion of the presidential candidate has usually been more important in the campaigns that followed corrupt administrations and times (Walz, 2001:194), as candidates who share their moral values seem to be more trustworthy (Willis, 1990:17). Due to the recent Watergate scandal, Jimmy Carter did very well in 1976, partly because of his strong religious faith. During the 2000 presidential campaign George W. Bush, Al Gore, and Joe Lieberman

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<sup>35</sup> However, the issue of Catholicism did not become the massive issue it was in 1928 when the Democrat Alfred Emmanuel Smith was the first Catholic presidential candidate on the ticket of a national major party.

were very open about the role religion had in their life (Conkle, 2002:253). This could be due to Clinton's ethical failures, which made personal character important in the following presidential campaign (Conkle, 2002:259).

### **2.5.3. Religious Issues in Electoral Campaigns**

Guth et al. write that the Protestant denominations often work along two different political agendas (1997:14). The mainline Protestants have held a social justice agenda, which includes welfare issues, environmental issues, civil and human rights, as well as liberal priorities on international issues (Guth et al., 1997:14-15). The evangelical Protestants are individualist and orthodox, and have promoted the moral reform agenda (Guth et al., 1997:14). The moral reform agenda is more concerned about sexuality, family matters and education issues. The agenda wants public policies that advance more traditional sexual habits, for instance prohibition of pornography and limitations on abortion (Guth et al., 1997:16).

There are also similar political dimensions in the Catholic Church. Jelen and Bendyna argue that the Catholic clergy worked along five political dimensions in the 2000 election (2001:5): 1) 'social justice,' that includes poverty, gender equality, race relations, capital punishment and domestic violence, 2) 'Christian Right,' that deals with issues like abortion, pornography, school prayer and school choice, 3) 'traditional conservatism,' that concerns substance abuse, national defence and gambling, 4) 'clerical priority for public health,' that includes gun laws and health care, and 5) 'foreign affairs,' that deals with immigration, religious persecution abroad, Israel and the Middle East. The core agenda for Jews is civil rights. However, the Orthodox tradition also has a concern for the societal morals (Djupe and Sokhey, 2001:6).<sup>36</sup>

School prayer and school choice are a couple of the educational issues that are heavily debated in electoral campaigns. These are also issues presidential candidates and the people in general have different opinions about. The voucher debate has split the religious community although 58 percent of the Catholics, 45 percent of the fundamentalist Protestants, 34 percent of mainline Protestants and 24 percent of the Jews support this measure (Parker,

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<sup>36</sup> Even though the religious traditions might have different names on their political agendas, they involve many of the same concerns. I will therefore use the terms 'social justice agenda' and 'moral reform agenda' for the sake of simplicity.

2000:60). George W. Bush campaigned on the voucher issue. He claimed that he would give parents greater options in his education reform which also would be a priority if elected president.<sup>37</sup>

School prayer, aid to parochial schools and school choice are issues which can make uneasy coalitions. Stanley and Niemi argue that Catholics and white, mostly Protestant southerners now constitute a significant part of the Republican Party (2001:11). Both the Christian right and the Catholics are happy about George W. Bush's support for school choice. However, because of this support, the Christian right "... could end up providing a substantial boost to Catholic schools, something the Protestant right is not happy about. Maintaining a coalition in which Protestant fundamentalists and Catholics are major parts will not be easy" (Stanley and Niemi, 2001:12). One of the issues that might split this fragile coalition is the fact that Catholics in general support school choice, but oppose school prayer (Jelen and Bendyna, 2001:5).

The Jews are also concerned with education. They have always been very concerned about church and state issues, and generally oppose school prayer. However, on the issue of school choice, it is not that easy to generalise the opinions of the Jewish community. In 1994 Senator Lieberman (D - Connecticut) introduced an initiative that would give federal money to parochial schools and other private schools. This initiative was unpopular in large parts of the Jewish community (Djupe and Sokhey, 2001:12). But the Orthodox Jews, and Lieberman among them, support the use of vouchers. Orthodox Jews have criticised the more liberal Jewish community saying they ought to support vouchers because of 'social justice.' The Orthodox Jews argue that education should not be forgotten in the Jewish commitment to 'social justice' where the role of personal wealth should be minimised in a person's ability to secure the basic needs of a dignified life. When the Jewish community support Medicaid, food stamps and government housing on grounds of this argument, the Orthodox Jews argue that the principle should be kept in terms of vouchers as well (Diament, 1998).

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<sup>37</sup> Bush did not specifically mention the word *voucher* in his campaign material. However, he did state that parents should be given options if their children were enrolled in failing schools (*Ending the Education Recession: Governor George W. Bush's Plan to Renew the Promise of America's Public Schools* (2000); *Real Plans for Real People: Blueprint for the Middle Class, Bush and Cheney* (2000)). In his blueprint for a nationwide education reform, Bush proposed that "If schools fail to make adequate yearly progress for three consecutive years, disadvantaged students may use Title I funds to transfer to a higher-performing public or private school, or receive supplemental educational services from a provider of choice" (House Document 107-43, 2001:3). The word *voucher* is not explicitly mentioned here either, but the use of Title I funds implies that vouchers will be used.

### 3. Lobbyism in the United States

There are numerous, strong and independent interest groups in the United States. An interest group can be defined as "...an organised body of individuals who share some goals and who try to influence public policy" (Berry, 1984:5). These groups can resemble political parties. However, as they never have to be elected by the voters, they cannot be held accountable (Bosso, Ports and Tolley, 2000:291). Furthermore, "... lobbying is a form of speech directly protected by the First Amendment to the Constitution, [and] any statute placing substantive limits on the right to lobby Congress would face a formidable constitutional challenge" (Jacobs and Handzo, 1989:1).<sup>38</sup>

#### 3.1. The Lobbying Targets

The legislative and executive branches are the primary targets for interest groups that attempt to influence federal legislation. The judiciary branch is not involved in the making of legislation, and not the main target for lobbying efforts. The judiciary branch most commonly experiences lobbying through *amicus curiae* or *friend of the court* briefs. These briefs are short summaries of relevant arguments, often submitted by the solicitor in general, individuals or interest groups (Edwards and Lippucci, 1998:543). There are two main reasons why organisations file *amicus curiae* briefs. Organisations may file *amicus curiae* briefs because they want the court to review a particular case. However, it is more common for organisations to file a brief in an attempt to influence the final opinion of the court (Wright, 1996:50). The cost of filing a brief is quite high, ranging from \$10,000 to \$15,000 in 1990 (Caldeira and Wright, 1990:800).<sup>39</sup> Thus, it is a very costly means of influence.

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<sup>38</sup> Interest groups can also serve an educational purpose. Their lobbying efforts, publications and the media attention a group brings to an issue may enhance the public's political knowledge (Berry, 1977:288). Thus, interest groups can increase the political participation.

<sup>39</sup> Because of the immense cost of filing briefs before court, organisations often sign other organisations' briefs. The ACSI, the OU and the USCCB signed briefs saying that vouchers are not in violation with the Constitution's establishment clause in the process prior to the Supreme Court case *Zelman v. Simmons-Harris* (see for instance *Christian School Education* (2000(1)); *Washington Wire* (2001(5)); <http://www.usccb.org/education/fedasst/policyupdoct01.htm> (May 20, 2003)).

### 3.1.1. The Legislative Branch

The legislative branch is the most targeted governmental branch because of the lawmaking processes that take place in Congress. This is where laws are made, discussed, passed or killed.

Most inside lobbying is centred on Congress (Edwards and Lippucci, 1998:282). Still, a few of the outsider tactics also target Congress. When interest groups mobilise members and people affiliated with the group, they often urge them to contact their Congressmen to let them know what the constituents feel about an issue.

Interest groups are never just interested in new laws. The already existing laws are of great importance because interest groups often want to change these laws. There is a great amount of issues interest groups continue to lobby Congress on, long after the implementation of a law.<sup>40</sup> Interest groups may argue that existing laws should be abolished, preserved or more strictly enforced. They may also lobby in order to enact new laws, adopt new constitutional amendments, or lobby that the judges that are appointed need to be more conservative or liberal (Edwards and Lippucci, 1998:276).

Lobbyists often use different tactics when addressing the Congressmen according to whether they are elected to the House of Representatives or the Senate. The legislative process in the House of Representatives is more predictable than the legislative process in the Senate. This is due to the numerous rules and formalities that govern the House process. The Senate has fewer rules and is less predictable. But this often makes the Senators more open to personal influence (Edwards and Lippucci, 1998:282). However, it is often easier to gain access to the House members than the Senators due to the House members having fewer committee assignments and fewer constituents (Edwards and Lippucci, 1998:282). But the House members are allegedly less open for interest group influence than the Senators.

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<sup>40</sup> One example is abortion. Many interest groups have spent a lot of time and resources arguing the pros and cons after the Supreme Court decision *Roe v. Wade* in 1973. Anti-abortion groups had a victory November 5, 2003 when President Bush signed the Partial-Birth Abortion Ban Act of 2003. Two similar partial-birth abortion bills were introduced in 1995. Both bills were passed in both houses of Congress, but were vetoed by President Clinton. A few hours after President Bush signed the act, a Nebraska federal judge issued a restraining order against the law (Lunde, 2003; Milbank, 2003). Critics of the 2003 bill predict the act will be struck down by the Supreme Court, as the Supreme Court ruled similar state legislation unconstitutional three years ago (Dewar, 2003; Toner, 2003).

### **3.1.2. The Executive Branch**

Interest groups target the executive branch in an attempt to get new laws, changes in existing laws, but also when legislation is in Congress. This may be in attempt to have the executive lobby the legislative. Lobbyism can also be observed on several levels when a bill is on the implementation stage. Interest groups are often cooperating with the department in question on rules and regulation in order to make sure the bill is correctly implemented. The President is often the target prior to a legislative proposal and in the process after being sent a bill from Congress determining whether to sign or veto the bill.

Interest groups that attempt to influence federal legislation seldom concentrate on one branch of government. The branches are separated, but not isolated from each other. Thus, what a group achieves in Congress often depends on the group's achievements in the executive and judicial branch (Wright, 1996:38). In order to be successful in their lobbying efforts, interest groups usually have to work with all of the governmental branches. Because interest groups differ from political parties, they take advantage of this and use the strategic advantage of playing the institutions against each other (Wright, 1996:49).

### **3.1.3. The Legislative and the Executive as Lobbyists**

Congress is not only targeted by interest groups. The White House also lobbies Congress in order to get the legislative results they want.<sup>41</sup> This kind of lobbying usually occurs when Congress discuss a particular bill. However, Congress lobbies the President as well, because new policy proposals hardly ever come from Congress. Congress rather attempts to shape the policies that are proposed by the executive (Edwards and Lippucci, 1998:434).

The President may also participate in reverse lobbying. Reverse lobbying "...represents an attempt by the politician to mobilise and to utilise the interest group" (Heith, 2002:9). This means that the members of Congress, the White House or executive departments and agencies try to engage constituents and interest groups to mobilise members to support or oppose legislative proposals (Shaiko, 1998:256). Due to the fact that Congress and the White House control interest group access, they are able to lobby interest groups and make use of the power

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<sup>41</sup> The NCLBA is an example of a law where the White House lobbied Congress. President Bush wanted the bill passed and drove it through Congress (Nock, August 24, 2003).

they have. However, reverse lobbying is usually used during campaign fund-raising (Shaiko, 1998:256).

### 3.2. Interest Group Influence

Berry defines lobbying as when an interest group tries to influence policymakers (1984:6). This definition is echoed in many other definitions, but the activity of lobbying is what makes the definition difficult. The Federal Lobbying Disclosure Act of 1995<sup>42</sup> define lobbying activities as "...lobbying contact<sup>43</sup> and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordinating with lobbying activities of others."<sup>44</sup> This definition excludes lobbying tactics such as testimonies, lobbying through the media, providing information to an elected official that requested information and filings before court (Baumgartner and Leech, 1998:35). The Lobbying Disclosure Act of 1995 thereby excludes tactics that many would include as various lobbying efforts. Furthermore, the Department of Treasury and the *Internal Revenue Service* (IRS) also define lobbying tactics along these lines.<sup>45</sup>

The various lobbying strategies and tactics used are often categorised as direct or indirect efforts, or inside and outside lobbying according to whether the action takes place inside or outside the legislative community. When interest groups attempt to influence legislation, they engage in efforts involving the general public as well as direct communication with the policymakers. Interest groups involve citizens in an attempt to convince the legislators that the issue is something the public is concerned about. If an interest group chooses to engage in efforts involving the public, it is often termed as outside lobbying. If a group prefers to communicate directly with the legislators, it engages in inside lobbying. There are several tactics an interest group can engage in within the inside and outside strategies and these will be explored later in the chapter.

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<sup>42</sup> Certain technical corrections to the Federal Lobbying Disclosure Act of 1995 were made April 6, 1998. For corrections see Public Law 105-166: Lobbying Disclosure Technical Amendments Act of 1998.

<sup>43</sup> Lobbying contact is defined as "...any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official" (Public Law 104-65:2).

<sup>44</sup> Public Law 104-65 (1995:2).

<sup>45</sup> *Publication 557* (2001:43).



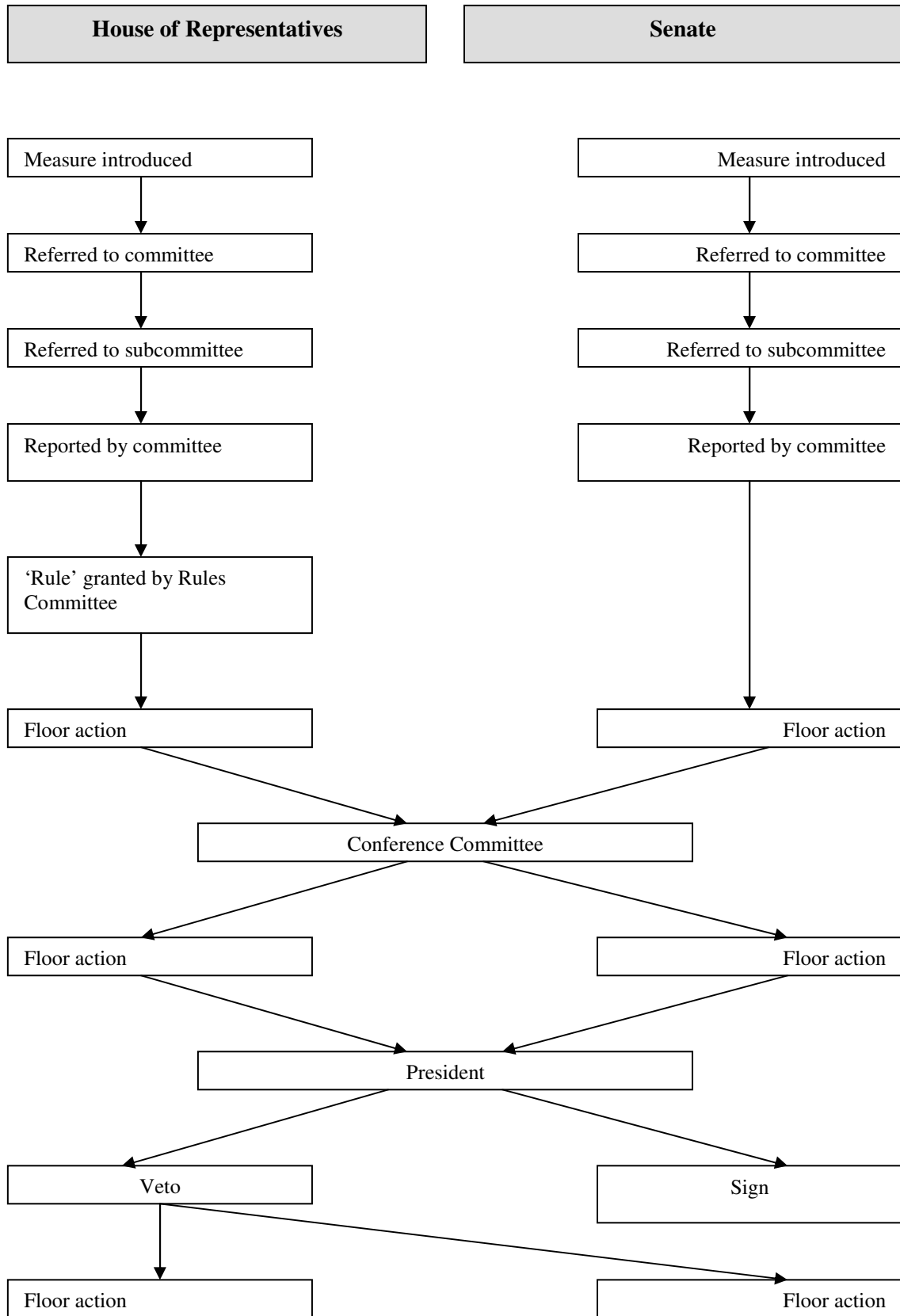
How to measure influence is a difficult aspect. Victor defines interest group influence as “... a change in the status of a bill as the result of interest group actions or potential actions” (2002b:11). That is, if we find a change in a bill after an interest group has attempted to lobby the legislators, this change can be looked upon as interest group influence. This introduces another problem. The progress of a bill and the strategic choice of an interest group is not only affected by the strategic context of the bill, but can also be affected by various domestic and international issues (Victor, 2002a:10).<sup>46</sup> How can one be sure of what the change in the status of a bill is the result of? The change in the status of the bill might just as well be due to another legislative issue, as it might be the result of the actions or potential actions of interest groups. Still, this definition of influence offers an indication of how to measure the potential influence of interest groups.

Interest groups attempt to influence a bill at every stage of the legislative process. However, most of the lobbying efforts occur when a bill is in committee (Wright, 1996:40). Figure 3.1 shows the *normal* legislative process of a bill in Congress.

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<sup>46</sup> The attack on New York September 11, 2001 changed the political agenda in many countries, but this was particularly clear in the United States.

Figure 3.1: The Legislative Process of a Bill<sup>47</sup>



<sup>47</sup> Figure 8.1: How a bill becomes law (Bailey, 1989:101).

### **3.3. Lobbying Strategies**

There is a difference between strategies and tactics in terms of lobbying. Berry defines strategies as "...broad plans of attack, or general approaches to lobbying. Tactics are the specific actions taken to advocate certain policy positions" (1977:212). There are two major strategies interest groups use when attempting to influence legislation; inside lobbying and outside lobbying. The terms refer to whether the attempted influence happens inside or outside the policymaking community. In other words, whether interest groups try to mobilise voters outside the policymaking community to contact their public officials inside the community (Kollman, 1998:3), or whether the interest group leaders have meetings with the elected officials.

#### **3.3.1. Outside Lobbyism**

Interest groups depend upon outside lobbying as a strategy whether they have access to official representatives or not. Outside lobbying involves the members of various interest groups. Not all interest groups have members in the literal sense of the word, as various organisations and businesses also are considered to be interest groups. If an interest group does not have members, the group is often able to contact individuals affiliated with the group when grassroots efforts are needed. Thus, individual members matter more to an interest group that focuses on outside lobbying than to a group that prefers inside lobbying. This is due to the direct contact between the organisations and the members when members are encouraged to participate in certain outsider tactics (Kollman, 1998:52).

Kollman argues that by using the outside strategy an interest group accomplishes two tasks: signalling and conflict expansion (1998:8). Signalling refers to the elite level and the aspects of public opinion that is communicated to the policymakers. Conflict expansion is on a lower level and considers how a group can change selected constituents' views on policy issues and hence influence public opinion (Kollman, 1998:8).

The most important part of signalling is to communicate the level of public salience of an issue. Kollman argues that how salient constituents feel an issue is, lays at the heart of interest group politics (1998:8-9). He goes on to claim that interest groups use outside lobbying because the policymakers are assumed not to know the salience of a particular issue in their districts (Kollman, 1998:62). The policymakers are always interested in knowing how

salient an issue is to his or her constituents, and interest groups are more than willing to inform them of it. This may lead the interest groups to saying an issue is more salient than it really is. Victor claims that interest groups will lie strategically if this will be to their advantage (2000:7). However, Wright argues that lobbyists will not deliberately distort the truth to their own advantage, although they may shade the truth once in a while (1996:4). Interest groups can rather gain credibility when trying to signal the correct level of public salience of an issue than attempting to distort it (Kollman, 1998:31).

To engage in political protests, write letters to members of Congress and administrative agencies, or to encourage members to contact their elected officials are a few examples of outsider tactics. Thus, an interest group needs the support of members or citizens affiliated with the organisation. The use of media is another outsider tactic. Interest groups can advertise in order to get their views across. Interest groups often use the media because of the enormous number of potential supporters they can reach.

Furthermore, the undecided policymakers are the most common targets of various outsider tactics (Kollman, 1998:23). Kollman found in his research that public interest groups<sup>48</sup> and labour unions use outside lobbying more than other interest groups (1998:52).

### **3.3.2. Inside Lobbyism**

Inside lobbying involves a much closer contact with the legislators. This means that interest groups must establish long-term relationships with the elected officials (Hofrenning, 1995a:123). Hofrenning argues that the various insider tactics primarily focus on the language of the bill and rules and regulations for the implementation of a law (2001:128). If an interest group testifies at a congressional hearing, the group engages in insider tactics. To provide a testimony at a congressional hearing is excluded from the definition of lobbying in the Federal Lobbying Disclosure Act of 1995. However, as most scholars term this as a lobbying effort, it will be looked upon as an act of lobbying in this dissertation.

Access is crucial for interest groups who engage in inside lobbying. Interest groups cannot use insider tactics without political access. Hofrenning argues that governmental access

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<sup>48</sup> Berry defines a public interest group as a group "...that seeks a collective good, the achievement of which will not selectively and materially benefit the membership or activists of the organisation" (1977:7).

“...can enable lobbyists to provide their own perspective and information to legislators, which can change the shape of legislation. This exchange is the insider lobbyist’s most important function; legislators rely on it as well. Because they have to vote on thousands of bills on a myriad of different subjects, legislators often need to turn to lobbyists for necessary, albeit biased, information to help them vote. Lobbyists are usually experts on the legislation for which they lobby; they usually know more than the legislators. They also may know enough about a legislator’s constituency to enable them to advise legislators how to explain their vote to their constituency” (1995a:125).

The extent to which a group has access can also determine how successful the group will be in its attempt to influence legislation. How to gain access is a matter that has been heavily discussed. Many scholars have attempted to discover what kind of influence campaign contributions have. However, there is no clear conclusion. Some argue that contributions buy access (Bailey, 1989:71), while others find that this is not the case (Wright, 1996:7; Mann, 2002:24). The White House can be quite influential considering how interest groups gain insider access. Ronald Reagan helped the Religious Right gain access, while excluding more liberal religious groups in his terms in the oval office (Fowler, Hertzke and Olson, 1999:44; Hofrenning, 2001:133). It has been argued that Democratic Presidents have given liberal religious groups such as Jews, Catholics and mainline Protestants greater access, while the more conservative groups like evangelical Protestants gain greater access during Republican administrations (Walz, 2001:195). However, if an interest group has access but is in no position to bring pressure upon those in power, it will not succeed in its attempts to influence legislation (Bailey, 1989:70).

When interest groups use insider tactics to draw attention to an issue, they usually deal with staff members more than the actual elected officials (Berry, 1977:215). Thus, interest groups have to convince a staff member in order to gain direct access to the legislator they want to talk to. Hence, most of the contact and communication between a legislator and interest groups happen through the legislative staff.

The tactics of the inside strategy are mostly concerning the legislative process. The most obvious tactic is to try to change the preferences of a legislator in order to have him or her vote in favour of the view preferred by the interest group. However, other tactics are also in use. Lobbyists often write bills (Milbrath, 1963:234 in Hrebenar, Burbank and Benedict, 1999:252). Interest groups often disagree with the original language of the bill, and lobby to change the language to the wording they would prefer. Another tactic is to lobby when a bill is in committee. This may be in an attempt to have the bill bypass the committee stage. The

interest group can also support the attachment of a legislative rule to a bill which will make it harder to reject the bill. Yet another insider tactic is to make sure the bill is correctly implemented.

### **3.3.3. Inside and Outside Lobbyism**

An interest group will most likely engage in both the inside and outside lobbying strategies. The public is usually mobilised through outsider tactics. Thus, interest group can through various networks convince a member of Congress that the group's goals align with that of the Congressman's constituents. However, the tactic considered to be the most effective is when an interest group official presents the group's view to a member of Congress in person (Berry, 1984:186).

Before an interest group can determine which lobbying strategy they wish to employ on a particular bill, they must consider the strategic context of that bill (Victor, 2002b:6-7). This means that interest groups do not necessarily use the same strategies and tactics every time they attempt to influence a legislative proposal. Outside lobbying efforts enhances the inside lobbying efforts of an interest group (Kollman, 1998:7). Even though the personal meetings with legislators have been considered a very effective tactic, they rarely make the elected official change his or her mind about policy issues (Kollman, 1998:6). Thus, interest groups usually use both inside and outside lobbying strategies when lobbying an issue.

### **3.4. A New Theory of Interest Group Influence**

Victor introduces a spatial model of interest group participation where she assumes that interest groups are strategic actors in the legislative game. The model describes how interest groups lobby, and the circumstances under which this takes place.

Victor argues that there are three main strategies an interest group must consider prior to their attempts to influence legislation. They must 1) determine whether or not they want to build a coalition with other groups, 2) decide on which stage in the process they want to lobby, and 3) determine what kind of tactics their lobbying efforts will consist of (Victor, 2001a:5).

Without having determined this, an attempt to influence legislation might not be as successful as it could have been with a prior decision on what to do in the various lobbying situations.

Victor argues that the potential influence of an interest group is the result of the strategic context of the bill and the strategies and tactics the group employ (2001b:2).

### **3.4.1. Three Categories of Strategies**

Victor categorises the strategies according to what effect the interest group wants the tactic to have on the members of Congress. She argues that

“First, interest groups engage in a variety of strategies that seek to change the preferences or beliefs of members of Congress. Second, interest groups may attempt to manipulate the dimensions of debate surrounding a particular issue. Third, groups may attempt to manipulate the legislative agenda, or docket, on which an issue appears” (Victor, 2001b:3; 2002a:3).<sup>49</sup>

#### **a) Attempts to Change the Members of Congress’ Preferences**

There are usually two kinds of preferences in every individual. Some of these preferences are unlikely to change while others are less stable. The core preferences involve a person’s fundamental normative and ontological beliefs (Sabatier, 1993:30; Hoppe and Grin, 1999:155) which shapes the way a person looks at the world (Victor, 2002a:4). These beliefs apply to all domains with no exception (Hoppe and Grin, 1999:155). The general preferences are potentially alterable because they derive from the core preferences as well as an individual’s interaction in the world. A person’s general preferences apply to specific domains (Hoppe and Grin, 1999:155). Thus a person’s behaviour is determined by the stable core preferences and the alterable general preferences (Victor, 2001b:5; 2002a:4).

A person’s views on policies and policy outcomes are part of his or her general preferences (Hoppe and Grin, 1999:155; Victor, 2001b:5; 2002a:4). When interest groups attempt to change the preferences and beliefs of the members of Congress, they try to change the member’s general preferences. Victor claims that interest groups will engage in lobbying strategies if they believe this will be effective and help them achieve the political outcome of their desire (2001b:4). There are several tactics that can be used in order to change the preferences of the members of Congress. Table 3.1 gives an overview of the effect the various tactics have on the three strategy categories.

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<sup>49</sup> A fourth category is included in Victor 2001b. This category considered how interest groups attempt to change the members of Congress’ expectations about what the other representatives will do regarding a bill. She does not explain why she dropped this category in 2002a, but I assume this happened in the process of further developing the theory.

**Table 3.1: Interest Group Tactics Placed in Strategy Categories**

X: first-order effect; O: second-order effect

Tactic	Changing Preferences	Altering Dimensions	Altering Docket
Made financial contributions to electoral campaigns	X	O	
Made public endorsements of candidates for office	X	O	
Contributed work or personnel to electoral campaigns	X	O	
Engaged in grassroots lobbying efforts for this issue		X	
Engaged in protests or demonstrations regarding this issue		X	
Talked with people from the press and media about this issue	O	X	
Ran advertisement in the media about your position on this issue	O	X	
Entered into coalitions with other organisations for lobbying efforts regarding this issue	O	X	
Publicised a candidate's voting records regarding this issue		X	
Encouraged citizens to contact their member of Congress (via US mail, telephone, e-mail or fax) regarding this issue	O	X	
Had influential constituents contact their member of Congress' office regarding this issue <sup>50</sup>	O	X	
Engaged in informal contacts with officials at conventions, lunch, etc. with regard to this issue	X	O	
Alerted members of Congress to the effects of this issue in their district	X	O	
Contacted government officials directly to present your point of view on this issue	X	O	
Specifically spoke with congressional leadership regarding this issue	O		X
Presented research results or technical information to members of Congress regarding this issue	X		
Consulted government officials on legislative strategy for bills concerning this issue			X
Provided testimony at a legislative hearing regarding this issue	X	O	
Helped to draft legislation for this issue			X

Source: Table 2.1 in Victor 2001b and table 2.1 in Victor 2002a<sup>51</sup>

This table reveals that the tactics with the first-order effect on changing the preferences do not necessarily include the issue in question. By making financial contributions, contributing work or personnel to electoral campaigns, or by publicly endorsing a candidate running for office, an interest group might be able to change the general preferences of a member of

<sup>50</sup> This tactic was not included in Victor 2002a.

<sup>51</sup> Other tactics were also included (see Victor, 2001b:11, 2002a:25).



Congress. The candidate the interest group is supporting will know the group probably wants something in return. But other than that, these tactics do not have any specific connection to the issue the interest group wants to change the candidate's preferences about. The other tactics used in order to change a Congressman's preferences are connected to a specific issue, but can both be formal and informal.

To provide a testimony at a legislative hearing regarding an issue is a frequently used tactic. Berry argues that this tactic is not considered to be very influential in concern to changing a person's preferences. He claims that interest groups are not naïve and think that their testimony will directly influence the legislators in the committee. Interest groups rather regard testimonies as a window dressing of the lobbying efforts conducted by the organisation. Hearings often bring quite a lot of publicity to an issue. Thus, to persuade committees to hold hearings in the first place has often been considered to bring more potential influence on public policy than the testimonies themselves (Berry, 1984:185). However, the hearings are important even though the groups might not see it as the most effective way to change a legislator's preferences. This is probably why Victor argues that the first-order effect of providing a testimony is on changing the preferences. This is also the reason why groups contact members of Congress personally to present their views on the issue. It might be helpful to present the legislator with research results and technical information as well as inform them about the effects the issue will have in the Congressman's district. Hence, use tactics that might prove to be more fruitful than just testifying before a committee or Congress.

## **b) Dimensional Manipulation**

Dimensional manipulation refers to the attempts interest groups make to alter the main issue or focus of a debate (Victor, 2002a:4). Dimensional manipulation is primarily an outside strategy as the manipulation often happens with the help of the public and/ or through the media. This strategy can in some ways be compared to what Kollman calls conflict expansion (1998:8). Interest groups can by engaging in grassroots activities effectively offer a new alternative or give a lesser-known alternative more attention, and thereby bring a different light into an ongoing debate.

The media is often heavily used in this strategy. When looking at table 3.1 one can see that the tactics usually involves the media or the public. Tactics involving the public, for instance a protest or a demonstration, can also be quite important to include the media on, as these tactics are "...designed to attract media attention to an issue" (Janda, Berry and Goldman, 1989:331). To talk to the press or the media is important as well. However, this has more potential influence if the article appears in one of the national elite newspapers like the *New York Times*, the *Washington Post*, or the *Wall Street Journal* than in any smaller and more local newspapers. An article in a local newspaper may be more valuable to the individual citizens than several articles in the national elite newspapers, but for the national debate and the Congressmen in general, the *New York Times*, the *Washington Post* and the *Wall Street Journal* are of great importance. To advertise in the media about the interest group's position on an issue is another, but very expensive tactic used in an attempt to alter the dimensions.

To include the public in the tactics of dimensional manipulation can make an interest group able to convince members of Congress that the group's position is the position they ought to take. By encouraging citizens to contact their Congressman's office, the members of Congress might get an overflow of telephones and mail supporting or opposing a certain issue. Kollman tells the story of 22 million postcards making their way to Congress after the passage of a tax-bill in 1982 (1998:33). Most interest groups do not have that many people affiliated with the organisation. Most groups often have a small membership base in each state or district (Kollman, 1998:37). Still, this tactic can be quite influential in convincing a member of Congress that the issue has high salience in his or her district.

To enter into a coalition with other organisations in various lobbying efforts is another way of dimensional manipulation. A coalition can concentrate the resources of several groups and thereby look more powerful and influential than one group is able to on its own.

### **c) Docket Manipulation**

Docket manipulation is in contrast to dimensional manipulation an example of the inside lobbying strategy. While using this strategy interest groups may attempt to change the language and content of the bill. They may also attempt to change the various rules the progress of the bill is governed by or under which it is considered (Victor, 2002a:6).

However, in order to successfully manipulate the docket, interest groups need to maintain a good relationship with the legislators (Victor, 2001b:8; 2002a:6). Without access and a good relationship with the legislators the interest groups will have limited opportunity to manipulate the docket. To provide language for a bill is one way to alter the docket. Another is to consult the government officials on the legislative strategy on an upcoming bill. To specifically speak with the congressional leadership about the issue can also manipulate the docket as this might influence the rules under which the bill is considered (Victor, 2002a:6)

The three categories of interest group strategies are not mutually exclusive and categorising the various tactics can at times be difficult. This can be particularly difficult as an interest group might engage in several strategies and tactics at the same time.

### **3.4.2. Strategic Context**

Victor identifies four elements of the strategic context. These affect the strategies the interest groups can choose to use and how successful the groups will be in their attempts to influence legislation. The table below gives an indication of what to expect in the various strategic contexts.

**Table 3.2: Summary of Expectations Related to the Strategic Context of Legislation and Group Strategy Approach**

Strategic Context of Issue or Bill	Interest Group Strategy Approach		
	Changing Preferences	Dimensional Manipulation	Docket Manipulation
<b>The Nature of the Issue</b>			
Issue is new or old	More likely to observe if issue is new	More likely to observe if issue is new	More likely to observe if issue is new
Bill is “major legislation”	Less likely to observe when bill is major	Likely to observe this, especially for opposition groups	Less likely to observe when bill is major
Salience of issue	More likely to observe if issue is less salient	More likely to observe if issue is more salient	More likely to observe if issue is more salient
<b>The Nature of Preferences</b>			
The distribution of preferences	More likely to observe if preferences are unfixed	More likely to observe if preferences are unfixed	More likely to observe if preferences are unfixed
Rank-and-file is unified/divided	More likely to observe when rank-and-file are heterogeneous	More likely to observe when rank-and-file are homogeneous	More likely to observe when rank-and-file are heterogeneous
Influential party leaders	More likely to observe if party leaders are weak/ quiet	Likely to observe under both strong and weak leadership	Likely to observe if group agrees with party stance
<b>Procedural Context</b>			
Special rules are restrictive or liberal	More likely to observe with non-restrictive rules	Likely to observe with restrictive rules, especially for opposition groups	More likely to observe with non-restrictive rules
Issue has been referred to multiple committees or not	More likely to observe if multiply referred	More likely to observe if multiply referred	More likely to observe if NOT multiply referred
Issue has bypassed committee	Unlikely to observe	Likely to observe	Unlikely to observe
Issue gets connected to other issues (pseudo-omnibus)	Unlikely to observe	Likely to observe if opponents find their issue in omnibus legislation	Yes, a priori and possible post-hoc-coordinated with party leadership
Current Stage of the Bill	Likely to observe when bill is in committee	Likely to observe when bill is on the floor	Can be observed at any stage
<b>Separation of Powers Context</b>			
President threatens to veto	No action if veto threat is credible. If bill is at override stage, this strategy will be observed	Slightly more likely to observe this strategy than others under threat of credible veto	No action if veto threat is credible. If bill is at override stage, this strategy will be observed

Source: Table 2.2 in Victor 2001b and table 2.2 in Victor 2002a

### **a) The Nature of the Issue**

The nature of the issue involves several important aspects. Whether an issue is new or has been previously addressed affects the interest group's abilities to influence legislation. The salience of an issue will also affect the choices and success of the group. Evidence has shown that issues with no previous attention are more likely to be influenced by interest groups.

Interest groups are also more likely to succeed when they attempt to change a Congressman's preferences if the issue is of low salience (Victor, 2002a:8-9). Interest groups are more likely to engage in dimensional manipulation rather than docket manipulation if an issue is considered to be of high salience.

The party leadership may earmark some bills as major legislation. These bills will be given special attention in Congress and are more likely to become a law (Victor, 2001b:16).

When a bill is considered to be major legislation, the opposing groups will be more active in their lobbying efforts than supporting groups. The groups are also more likely to engage in dimensional manipulation when attempting to influence major legislation because it is more difficult to change the preferences of the representatives and alter the docket in these situations (Victor, 2001b:17).

### **b) The Nature of the Preferences**

The nature of the preferences concerns the preferences of the Congressmen prior to the interest group's attempts to influence the legislation. Interest groups will have greater difficulties influencing the legislators if the members of Congress have preconceived notions of how the legislation should be.

The preferences of the rank-and-file and the party leaders are important when interest groups decide what strategy to use. If the rank-and-file of the majority party are heterogeneous, interest groups are likely to attempt to change the preferences of the Congressmen or alter the docket. If a party is divided on an issue, the party leaders are less likely to attempt to make the members choose the party line (Victor, 2002b:9). If the rank-and-file are homogeneous, the party leadership is likely to be stronger. Thus, making it more difficult for groups to change preferences or manipulate the docket. If party leaders are influential and an interest group is supporting the view of the party leadership, the group is likely to attempt docket manipulation.

### **c) The Procedural Context**

The procedural context involves the rules attached to a bill and how the bill works its way through the committee system. A bill is more likely to become a law as it acquires more and more special rules (Victor, 2001b:20; 2002a:9; 2002b:10). By attaching several special rules to a bill, the party leaders and the agenda setters make it harder for the interest groups to manipulate the bill (Victor, 2001b:20).

Most bills introduced in Congress never make it out of committee. In fact, only one in ten eventually becomes law (Loomis, 1996:156). The work in the committees is considered to be at the heart of the legislative process (Bailey, 1989:98). Because of the importance of the committees, interest groups are very observant of the process of a bill through the committee system.

### **d) The Separation of Powers**

The strategic context of the separation of powers is due to the ability one governmental branch has to block another. The two congressional houses can block bills sent from the other house, and the President can veto bills sent from Congress. The threat of any of these will affect a group's choice of strategy. An interest group's strategy will change if they anticipate a block from either of the governmental branches. If they see a presidential threat to veto a bill as credible, they are likely to refrain from strategic action (Victor, 2002a:10). This means that an interest group must consider all the governmental branches and their likely positions when choosing a strategy that will give them the desired effect.

Interest groups will make different choices according to whether a bill is completely new or a new proposal of an old issue. It is more difficult to influence an already existing law because of all the aspects that are implied with the law. But legislators will have greater difficulties in their attempts to pass and implement a new bill (Wright, 1996:47; Victor, 2001a:6-7). Thus, an interest group is more likely to attempt to influence a new issue than one that has previously been attended to (Victor, 2002b:8). If an interest group is interested in a reauthorisation of an already existing law, they often concentrate on the language and

formulation of the act. If the act gets passed, the groups use their influence to ensure that the law is implemented.

## 4. Religious Groups and the No Child Left Behind Act

About 70 percent of the American citizens belong to a church, synagogue, or another religious community. Even though religious lobbyists only constitute 1-5 percent of the total number of lobbyists in Washington (Hofrenning, 1995a:73, 2001:121; Baumgartner and Leech, 1998:109), they have the potential to be the most powerful interest group (Hofrenning, 2001:120-121). This is due to the great number of Americans belonging to a religious community. People do not join a religious group or denomination in order to express themselves politically (Hertzke, 1988:13), but rather to fulfil their spiritual needs. Lobbying is therefore a by-product for religious groups.

In order to lobby in Washington, interest groups are required to register with the Clerk of the House or the Secretary of the Senate. To be a registered lobbyist also involves reporting back to the same instances semi-annually. However, religious groups are considered to be non-profit organisations, and are eligible for the 501(c)(3) tax-exempt.<sup>52</sup> This tax-exempt limits the group's opportunity to lobby because they receive tax-deductible charitable donations. These groups do not have to register as lobbyists because they cannot spend more than 20 percent of their total budget on lobbying efforts (Hofrenning, 1995a:235). Thus, they are also exempted from the reporting requirement. Hrebear, Burbank and Benedict argue that the flaw of the 1995 Federal Lobbying Disclosure Act is that religious groups and other grassroots organisations are exempted from the reporting requirement (1999:262). The rules stating what a 501(c)(3) can and cannot do are vague, and the removal of an organisation's tax-exempt status is rare. The IRS is often weary to apply a penalty to 501(c)(3) organisations because these groups are likely to challenge the penalty in court in an attempt to avoid extinction (Goedert, 1989:146). If religious groups were not exempted from the reporting requirement in the Lobbying Disclosure Act of 1995, the rules for when to penalise the groups by removing the tax-exempt could be clearer.

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<sup>52</sup> If an organisation is eligible for the 501(c)(3) tax-exempt, it is exempted from paying federal income tax (*Publication 557*, 2001:15).



Research on national politics has shown that non-profit organisations are marginal participants compared to other interest groups (Berry, 2001:3).<sup>53</sup> However, religious interest groups have often been implied to have some influence on the American national politics, even if only to shape the political agenda.

#### **4.1. The Influence of Religious Interest Groups**

Some interest groups are naturally more successful in their attempts to influence issues of their concern than others. Fowler and Hertzke (1995:61-63) and Fowler, Hertzke and Olson (1999:61-64) suggest five factors that can contribute to the success of religious interest groups.

- 1) The group's historical traditions and theological beliefs will give an indication on whether or not the group actually enters the political arena. If the group participates in the political arena, this factor will give an indication on the structure of the group's political agenda.
  
- 2) The group's internal strength and unity is important as the support of the lay members is essential for a religious group to have political impact. The group does not only need the support of the members, more important, they need committed members. The lay people must for instance be willing to write an occasional letter to their Congressman. The group also needs an effective leadership. The leaders will have to do the strategic thinking, form alliances and coalitions, as well as having the energy and drive to make the members support them and maybe become even more committed. Resources and financial resources in particular, are important aspects of the internal strength and unity. The financial resources of religious groups are usually small compared to other interest groups. Still, these groups are often able to be reasonable effective politically (Fowler, Hertzke and Olson, 1999:63).
  
- 3) The group's strategic location involves the group's access. If a group has access to the elites in government, they have more potential to influence than a group that does not have access to these. To work with think tanks, law firms and foundations that know how to work their way around the political system in Washington, is also considered valuable access.

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<sup>53</sup> Non-profit groups are much involved in the formulation and implementation of various policies on the state and local level as many of these groups are heavily involved in providing social services, education and health programmes (Berry, 2001:3).

However, the best access of all is the potential access to the national elite press (Fowler and Hertzke, 1995:62; Fowler, Hertzke and Olson, 1999:63). The *New York Times*, the *Washington Post* and the *Wall Street Journal* are newspapers that can influence the political agenda. To appear on the front page in any of these can be of great influence in Washington (Wittenberg and Wittenberg, 1989:115).

4) Constraints and opposition concerns the access and power of other interest groups. How much access and power an oppositional group has matters to how effective a group can be in its attempts to influence legislation. Another thing is the scepticism towards religious activism. People are encouraged to be suspicious about the political involvement of churches due to the separation of church and state. A group's political achievements can be determined on how well the group overcomes the obstacles of suspicion. The chance of success is higher if the group is able to form a coalition with other religious groups.

5) Zeitgeist: Spirit of the Times concerns a group's ability to recognise the changes in society and adapt their strategies to improve their chances of an effective influence.

#### **4.1.1. The Strategic Choices of Religious Lobbyists**

Hofrenning claims that religious lobbyists will not play the political game as other lobbyists traditionally do (1995a:108). He has found that the most valuable resource for religious interest groups is their membership base, and not the group's financial resources. Hofrenning argues that religious groups use the outside strategy because this fits their organisational strengths and religious beliefs (2001:132). Unions and citizens' groups also seem to choose outsider tactics. Thus, Hofrenning suggest that this strategy is preferred by interest groups with poor finances (2001:132).

There are several reasons why religious lobbyists use the outside strategy more than secular lobbyists. One is that religious lobbyists often have more principles than other lobbyists. They are also less inclined to compromise on those principles because these principles often are founded on the lobbyist's religious beliefs. Another reason why religious groups prefer outsider tactics is that these groups tend to criticise Washington and the governmental branches more than their secular counterparts, thus maintaining their purity (Hofrenning, 2001:130).

Hertzke argues that religious interest groups are significant in the American political community. These groups represent the non-elite, and have great membership bases. Religious groups often argue issues that are of concern to many citizens, and which have previously been underrepresented (Hertzke, 1988:14). The religious lobbyists are few in number compared to the total lobbyist community in Washington. However, they have the potential backing of a much larger community than any other interest groups.

Hofrenning has earlier been referred to when arguing that religious groups prefer to use outsider tactics when attempting to influence legislation. Religious groups will have diminished legislative success as a consequence of rejecting the inside strategy. Hence, religious interest groups usually lose. Still, they maintain the outside strategy because they have a different definition of success. Rather than having a focus on winning or losing, these lobbyists concentrate on being faithful to their religion (Hofrenning, 2001:132).

Insider tactics are not ignored, even though outsider tactics are emphasised (Hofrenning, 1995b:38). Hofrenning claims that religious interest groups concentrate on generating pressure on government officials, and avoid legislative details (1995a:127). This means that the grassroots often are used to convince legislators of the saliency of a certain issue. Religious interest groups engage in most of the tactics listed in table 3.1. They cannot publicly endorse a candidate running for office because of the 501(c)(3) restrictions. However, religious groups sometimes bend this rule and may encourage members to political participation and to support a certain issue. Consequently they endorse candidates indirectly. Even though the 501(c)(3) organisations are not allowed to directly contribute money to candidates, they can do so indirectly by contributing to *Political Action Committees* (PACs). These tactics are mostly used in periods prior to an election, and are not used as much as many of the other tactics.

The various tactics that can be used more directly on specific issues are the means used most frequently by religious interest groups. Religious groups make use of their enormous membership potential in an effort to influence the legislators. One can because of this argue that the outside strategy is emphasised. But do they really reject insider tactics as much as Hofrenning suggests, and have limited success because of this? If we are to believe Hofrenning's argument, religious groups will mostly refrain from participating in docket

manipulation, and rather concentrate on changing the preferences and dimensional manipulation. These strategies involve inside access, but not to the same extent as docket manipulation.<sup>54</sup> By rejecting this strategy, religious groups will exclude themselves from the direct work of forming the legislation. Do the religious lobbyists really reject this tremendous opportunity to influence a society they criticise for, among other things, the absence of religious values? I will argue that the inside strategy is too important for religious groups to ignore, and that they make use of these tactics just as every other interest group that attempts to influence legislation.

Religious interest groups seem to have a much broader agenda and a clearer focus on issues than their secular counterparts (Hofrenning, 1995a:108). However, not every religious interest group has a multi-issue agenda. Research has shown that lobbyists with a narrow focus are often more successful than the lobbyists with a broader agenda (Hofrenning, 1995a:112). Can a more narrow focus help religious groups gain influence as they can concentrate their resources on a more limited agenda?

By using Victor's theory of interest group influence, I want to investigate the legislative influence of three religious groups. The organisational features of these groups are important in the research as they can determine what the religious groups choose to do, which again might explain various success experienced by the groups. Hofrenning writes that "Religious faith can provide standards by which to judge worldly powers. When worldly elites fail to uphold these standards, religious activists sound the call to battle" (1995a:100). The understanding of this call for battle is an interesting aspect, as well as the organisational features, because the group's interpretation of this call will affect the choices they make.

## **4.2. Choice of Organisations**

The choice of the Association of Christian Schools International, the Union of Orthodox Jewish Congregations of America, and the United States Conference of Catholic Bishops as cases to investigate religious interest group influence by was the result of several different circumstances. I was initially interested in comparing the differences in the lobbying efforts

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<sup>54</sup> Hofrenning argues that the inside activities are primarily focused around the language and implementation of legislation (2001:128). I will argue that attempts to change a person's preferences through direct contact cannot be done without insider access to the legislative community.

of Christian and Muslim groups. Due to this interest I tried to contact the American Muslim Council, the Council on American-Islamic Relations, and the Muslim Public Affairs Council. However, these groups never gave me any response. Thus, I started to search for a Jewish organisation that could be used in addition to Christian organisations. The Protestants, the Catholics, and the Jews are the three largest religious traditions represented in Washington (Hofrenning, 2001:123).<sup>55</sup> Thus, the sample of organisations in the study represents the spectre of the largest religious traditions in Washington.

I had a two-step process in order to find religious interest groups that I could study. I used the Internet and searched <http://www.yahoo.com> using the term “No Child Left Behind Act.” This term gave several thousand hits, and a few of these were education organisations. Because of my interest in the political influence of religious groups I tried the different links to private education organisations. This finally led me to the *Council for American Private Education* (CAPE). CAPE is an umbrella organisation that is supposed to provide a coherent voice for the private education community.<sup>56</sup> This organisation conducts quite a lot of lobbying. However, CAPE can only lobby on issues all the member organisations agree about. Because CAPE represents as various organisations as the American Montessori Society, the Toussaint Institute, and various religious organisations, it may experience difficulties while lobbying large education reforms such as the NCLBA. I wrote an e-mail to CAPE and asked whether they knew about any religious groups that had lobbied independently of them during the legislative process of the NCLBA. The answer I received directed me to the ACSI and the USCCB. I wrote an e-mail to the ACSI and the USCCB and asked for an interview when I came to Washington, D.C. a few weeks later. Both John Holmes from the ACSI and Rev. William Davis from the USCCB responded positively to this. In order to find a third organisation I searched the Internet again using the “No Child Left Behind Act.” One of the hits was a press statement from OU’s *Institute for Public Affairs* (IPA). I wrote an e-mail to the OU/ IPA requesting an interview. I never received an answer before I went to Washington, D.C. However, I got a positive response for an interview when I called the OU/ IPA after my arrival.

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<sup>55</sup> The Muslim community in Washington, D.C. is small, but growing (Hofrenning, 2001:123).

<sup>56</sup> <http://www.capenet.org/cape.html> (March 17, 2003).

### 4.2.1. Data

The dissertation is based on three different sources of information; 1) official data, 2) organisational data, and 3) interviews.

1) The official data is mostly information about the legislative process of the NCLBA found in the Library of Congress in Washington, D.C. and on <http://thomas.loc.gov/>. I have in addition to this gained quite a lot of information on the websites of the White House, the U.S. Department of Education, and various members of Congress.

2) Most of the organisational data was found on the organisations' websites. Some written information was also given to me during the interviews in Washington, D.C. The websites of the ACSI, the OU and the USCCB are structured quite similarly. However, none of the websites are particularly easy to navigate unless you know what to look for. The websites are essentially too big, and I ended up using very small fractions of the information published on these sites.<sup>57</sup>

3) The interviews supplement the official and organisational data. In October 2002, I interviewed John Holmes (ACSI), Nathan Diament (OU), and Rev. William Davis (USCCB) in Washington, D.C. I have in addition to this been in contact with John Lawrence (Democratic Staff Director for the House Committee on Education and the Workforce) and Alex Nock (Democratic Legislative Associate (Education) for the House Committee on the Education and the Workforce). The contact with Lawrence and Nock has been via e-mail, but I have also had a conversation with Nock on AOL Instant Messenger on August 21, 2003. The contact with Lawrence and Nock proved valuable as they represent the office where ACSI, the OU and the USCCB lobbied the House Democrats.

The role of the interviewees in the various organisations is quite similar. John Holmes is the Director for Government Affairs of the ACSI. He is the person that lobbies for the ACSI in Washington, and monitors issues of national concern. Holmes also holds workshops and seminars to inform parents about tax relief and how this can help them (October 1, 2002).

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<sup>57</sup> The sections of the websites I used most frequently was <http://www.acsi.org/web2002/services/legal/>, <http://www.ou.org/public/>, and <http://www.usccb.org/education/index.htm> (October 7, 2003).

Nathan Diament is the Director of Public Policy of the OU. He monitors the governmental branches, has meetings with officials, and writes amicus briefs. He is also in charge of the action alerts, the statements that are released, and the various programmes the IPA is in charge of.

Rev. William Davis is the Deputy Secretary for Schools of the USCCB, and works in the Division of Catholic Schools and Public Policy under the USCCB Department of Education. This division has four employees and is one of four divisions in the USCCB Department of Education.<sup>58</sup> Rev. Davis is one of the people who work with education public policy in the USCCB. The Division of Catholic Schools and Public Policy works in close cooperation with the lobbyist who has education issues as his or her responsibility. Their work is reviewed by the Committee on Education, which is the responsible committee. The Committee on Education also reviews and makes recommendations for approval by the Administrative Board.<sup>59</sup> John Holmes, Nathan Diament, and Rev. William Davis were all heavily involved in the public policy work their respective organisations conducts, and in the attempts to influence the NCLBA.

The interviews were conducted October 1-2, 2002 in the respective offices of the ACSI, the OU and the USCCB in Washington, D.C. The interviews were semi-structured. The same questions were asked, but there were differences in the information I received in these interviews. Hence, the follow-up questions were different in the three interviews. The respondents also answered quite differently in that Nathan Diament strictly answered what I asked, while John Holmes and Rev. William Davis answered quite extensively.

#### **4.2.2. Methodological Problems**

There are a few methodological problems with the data and method used in this dissertation. First of all, what I attempted to do was to study the results of the processes of lobbying, rather than the processes itself. It is a long way from the first initial proposal to a final result. Thus, interesting information may have escaped my attention because of my decision to study the result of the processes.

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<sup>58</sup> <http://www.usccb.org/education/staff.htm> (May 28, 2003).

<sup>59</sup> <http://www.usccb.org/education/committeed.htm> (May 28, 2003).

Another problem is that I did not choose the person I interviewed. I sent an e-mail to the organisation and was referred to a person by the organisation. This gives the impression that the organisations work as a united entity with one opinion. Still, the person referred to me represents the organisation. The answers given to me in the interviews were the choices the organisations finally made. However, it did not say anything about the discussions that took place prior to the decision of what strategy to use in their attempts to influence the NCLBA.

Yet another problem is that I was given more information about the organisation and copies of letters the organisation sent by the USCCB. It has also been easier to access information about this organisation which can make my conclusions attributable to measurement mistakes.<sup>60</sup> In addition to this I have found quite a lot of information on the various websites of the organisations. Still, what I have found there is dependent on what the organisation has decided to publish on their website, and how well I have managed to navigate through the website. This aspect may have affected the results as I may have overlooked important information that would indicate whether the ACSI, the OU, or the USCCB had greater political influence than any of the other organisations.

### **4.3. Introduction of Organisations**

By investigating the ACSI, the OU and the USCCB and their attempts to influence the legislative process of the NCLBA, I want to ascertain the role and effect a religious group can have in the legislative process in the United States.

These three organisations took an interest in the NCLBA because they are all concerned about education and the role private and parochial schools are given in the American educational system. The ACSI is the only organisation that actually runs schools. The OU and the USCCB are umbrella organisations that are connected to various schools run by denominations.<sup>61</sup> The NCLBA was more of a public school act than a private school act. However, due to President Bush's voucher proposal, one can assume that the organisations took a greater interest in this ESEA reauthorisation than in the earlier overhauls.

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<sup>60</sup> John Holmes and Rev. William Davis have always responded when I have sent e-mails with additional questions, but I have never received an answer from the OU.

<sup>61</sup> Catholic schools constitute the largest private school group in the United States (Davis, 1999; <http://www.ed.gov/offices/OIIA/NonPublic/statistics.html> (September 4, 2003)).



### **4.3.1. Association of Christian Schools International**

The ACSI was founded in 1978 as a merger of three Christian school associations. In the years following the merger several other Christian school organisations joined the ACSI. The headquarters of the ACSI were originally located in LaHabra, California, but moved to Colorado Springs, Colorado in 1994.<sup>62</sup> The ACSI has 18 regional offices worldwide, 13 of which are located in the United States and Canada. The remaining five regional offices are located in the Philippines, the Ukraine, Hungary, Guatemala and South Africa.<sup>63</sup>

The ACSI members are the 5400 private schools associated with the ACSI worldwide. 4000 of these schools are located in the United States (Holmes, October 1, 2002). The ACSI website offers individual memberships for school administrators, school board members and teachers. The benefits these groups receive can be compared to what one can get in a union. I will therefore argue that the schools are the primary members of the organisation.

Most of the ACSI members are evangelical Protestants who, according to John Holmes, would collectively take a Republican stand (October 1, 2002). However, as the schools represent as various opinions as Mennonites and Pentecostals, it is difficult to generalise to a preferred party. Still, they do tend to be lining up with the Republicans, especially on issues concerning abortion, pornography, and school choice (Holmes, October 1, 2002).

The ACSI is a non-profit organisation eligible for the 501(c)(3) tax-exempt. Thus, it is also exempted from the requirement of registering its lobbyists. One of ACSI's regional directors is registered as a lobbyist in Sacramento, California, but John Holmes is not a registered lobbyist in Congress. The reason for this decision is that the amount of federal lobbying work done by the ACSI is minimal, and amounts to two or three percent of the total budget (Holmes, October 1, 2002). The ACSI does about half of its legislative work targeting state governments and half targeting the federal government (Holmes, October 1, 2002).

The ACSI has a very small staff in Washington, D.C. consisting of three people. Due to the ACSI being an association of schools whose primary purpose is to run schools, this instantly limits the organisation's political interests and narrows the legislative agenda. The political

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<sup>62</sup> <http://www.acsi.org/acsi/common/aboutacsi.aspx?Tab=1> (March 17, 2003).

<sup>63</sup> <http://www.acsi.org/acsi/offices/> (March 17, 2003).

activity the organisation participates in is generally concerning private education and tax-proposals that would give parents with children enrolled in private schools a tax benefit. The ACSI is in this concern also very supportive of voucher programmes, and have students attending ACSI schools whose tuition is paid by vouchers in Cleveland, Florida, and Milwaukee.

The ACSI is a member of CAPE, and was part of a coalition while lobbying the NCLBA. CAPE has action alerts on their website. The ACSI pay for this service through membership dues, and chose not to have any action alerts on their own website during the legislative process of the NCLBA (Holmes, October 1, 2002).<sup>64</sup> Apart from being a member of CAPE, the ACSI did not hold any formal coalitions with other groups in their attempts to influence the NCLBA.

#### **4.3.2. Union of Orthodox Jewish Congregations of America**

The OU was founded in New York City in 1898, and is the umbrella organisation for nearly 1000 Orthodox synagogues in the United States (Diament, October 1, 2002). The organisation has served as a coordinating agency for the Orthodox Jewish congregations in Canada and in the United States since the foundation of the organisation. The various programmes and activities support hundreds of thousands of Orthodox Jews in their daily life in the United States, Canada, Europe and Israel.<sup>65</sup> The headquarters is located in New York City. However, the Washington office and the West Coast office in Los Angeles are also part of the national headquarters. In addition to these three offices, the OU has 16 regional offices, including one in Canada, and international offices in Israel and in the Ukraine.<sup>66</sup>

The members of the organisation are the synagogues the OU represent. Orthodox Jews are also given the opportunity to join the organisation as individuals. The OU offers eight different ways of becoming a member, according to how much money the supporter is

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<sup>64</sup> The ACSI issue the *ACSI National Notes* each month. Members are often encouraged to contact the members of Congress on certain legislative issues in this newsletter. I have not been able to get the *ACSI National Notes* from 2001, and cannot say for sure whether or not the ACSI members were encouraged to contact elected officials during the NCLBA.

<sup>65</sup> <http://www.ou.org/about/ou.htm> (March 17, 2003).

<sup>66</sup> <http://www.ou.org/orthodoxunion/offices.htm> (March 17, 2003).

interested in paying.<sup>67</sup> All individual members receive benefits like a subscription to the OU magazine *Jewish Action*, pocket calendars, and various discounts.<sup>68</sup> However, the benefits offered increase as the membership dues increase. I will argue that these supporters cannot be called members, but rather constitute the people who support the OU with private charitable gifts.

The political position of the OU depends on the issue. The OU are conservative in that they oppose abortion and stem cell research, and support school choice. But they are considered to be liberal on issues concerning the death penalty,<sup>69</sup> economic and social issues.

The OU is eligible for the 501(c)(3) tax-exempt. Nathan Diament claims that the OU does not lobby in the traditional or technical sense of the word and has chosen not to register as a lobbyist (October 1, 2002). However, when the OU lobby, they have chosen to concentrate their resources to influence federal legislation.

OU's office in Washington is the IPA. The IPA is the public policy arm of the OU, and is supposed to protect Jewish interests and freedoms in Washington. They are able to do so by providing elected officials with policy briefings, legislative advocacy, and by coordinating the Orthodox Jewish grassroots.<sup>70</sup> The IPA staff is small and consists of three people. The OU is a large organisation with several departments. They run, among other things, a very large kosher certification service, a community and synagogue service, and a large youth programme. Public policy work is a very small piece of what the organisation does (Diament, October 1, 2002). The legislative focus is quite broad due to the vast amount of issues concerning the organisation. Issues the OU will attempt to influence range from international issues<sup>71</sup> to educational<sup>72</sup> and economic issues. The OU is politically active on many arenas

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<sup>67</sup>The membership dues range from \$54-5000. If a supporter in addition to paying membership dues contribute more than \$1000 a year, his or her name will appear on the honour roll, which states the names of the contributors, categorised in groups according to the size of the contribution. Each category is given a name, for instance those who contribute \$1000-1799 are called *Union Associates*, those who contribute \$2500-4999 are called *Patrons*, and those who contribute \$50,000-99,999 can call themselves *Pillars of Torah* (<http://www.ou.org/join/honorroll.htm> (February 11, 2003)).

<sup>68</sup> <http://www.ou.org/join/default.htm> (February 4, 2003).

<sup>69</sup> The OU supports a temporary moratorium that should be used to implement reforms and restore confidence in how capital punishment is administered. However, they oppose the abolition of the death penalty (<http://www.ou.org/public/news/dpenalty03.htm> (May 28, 2003)).

<sup>70</sup> <http://www.ou.org/public/ipasum.htm> (January 17, 2003).

<sup>71</sup> The OU has a recognised non-governmental observer status at the United Nations (<http://www.ou.org/public/ipasum.htm> (January 17, 2003)).

and work especially with civil rights, pro-life activities, Israel, and welfare.<sup>73</sup> Church and state relations and education issues are the domestic issues the organisation is most concerned about (Diament, October 1, 2002).

The OU is a strong supporter of vouchers, and are in favour of vouchers in the same way they argue their support for Medicaid and welfare reforms. The OU support vouchers because it will help the less fortunate.<sup>74</sup> But the OU did not have any schools participating in the voucher programmes in Cleveland, Florida, or Milwaukee.

The OU did not participate in any formal coalitions with other groups while attempting to influence the NCLBA. However, the OU did share information and discuss ideas with the USCCB during the legislative process.

The OU has action alerts on their OU/ IPA website.<sup>75</sup> People can join the OU IPA Action Network and the OU IPA InfoNet. As a member of either of these, the member will receive an e-mail when the OU feels action is needed. The OU IPA Action Network and the OU IPA InfoNet differ in that the IPA Action Network is designed to coordinate the grassroots for an immediate response when vital legislation is at a crucial stage in the legislative process.<sup>76</sup> It calls for a rapid response when the IPA Action Network members' elected official is a swing vote. The member must on average make one to three calls to his or her Congressman a year.

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<sup>72</sup> Education was an issue of primary concern when the OU was founded in 1898. Dr. Mendes, who was president of the OU from the foundation until 1913, "...waged an untiring campaign against the flagrant imposition of Christianizing teachings on the Jewish children who... all attended public schools... He carried the campaign to the public arena as Jews had never dared to do before. His public statements were reported frequently in leading daily newspapers" (Burnstein, 1998:

<http://www.ou.org/orthodoxunion/unionstory/chapter7.htm> (September 5, 2003)).

<sup>73</sup> The OU/ IPA have sent a statement to the elected officials to inform them of the issues that were of primary concern to the Orthodox Jewish community. These issues were Foreign Aid, The Peace Process, International Terrorism, Israeli MIA's and POW's, Jerusalem, Arms Proliferation, Jews in the Former Soviet Union, Assault Weapons, School Prayer, Education, Religious Freedom, Affirmative Action, Hate Groups, Lobbying Disclosure, Immigration, and Term Limitations (<http://www.ou.org/public/statements/2002/community02.htm> (May 28, 2003)).

<sup>74</sup> The Jewish community cannot be generalised in concern to this and many other political issues. The OU and other Orthodox groups are more conservative than other Jewish groups. Thus, they often have different views on issues like school choice and abortion.

<sup>75</sup> Not every action alert has a direct link from the OU.org front page to the brief of suggested action. For instance on April 7, 2003 the OU.org front page encouraged people to take action on Anti-Terror Aid to Israel and on the U.S. Middle East Peace Initiative. Whereas the IPA page encouraged people to contact their Congressmen on the same U.S. Middle East Peace Initiative and one alert for encouraging the Congressmen to support the suggestion that the reauthorisation of the *Individuals with Disabilities Education Act* (IDEA) also would serve parentally-placed private school students.

<sup>76</sup> <http://www.ou.org/public/action2.html> (February 6, 2003).

The IPA Action Network is an issue-focused fact sheet, while the IPA InfoNet features multi-issue analysis. The IPA InfoNet offers subscribers updates on legislation and policy and provides substantive analysis on a variety of issues. The InfoNet will also issue action alerts that will tell the member how, when and why s/he ought to lobby their elected officials.<sup>77</sup> The IPA InfoNet subscribers can expect 20-25 alerts a year. When joining the IPA Action Network, the IPA InfoNet, or both, the member can choose focus topics such as civil rights, foreign policy, economic, education, environment, Israel and world Jewry, and women's issues. The choice the member makes will decide what alerts the member will receive.

### **4.3.3. United States Conference of Catholic Bishops**

In 1917 the Catholic bishops in the United States established the *National Catholic War Council*. In 1919 the bishops were urged to join Pope Benedict XV in his work for peace and social justice. The bishops changed the name of the organisation to the *National Catholic Welfare Council* and established standing committees on education and social action. In 1922 the name of the organisation changed again to the *National Catholic Welfare Conference*. The name change reflected that the organisation would be consultative in nature.<sup>78</sup> This model was kept until 1966 when the NCCB and the USCC were established after the Second Vatican Council. The NCCB dealt specifically with church issues, while the USCC was the legislative arm and dealt with public policy (Davis, October 2, 2002). On July 1, 2001 the NCCB and the USCC merged into the USCCB. The headquarters of the USCCB are in Washington, D.C., but the organisation also has an Office of Film and Broadcasting in New York City and a branch office of Migration and Refugee Services in Miami.<sup>79</sup>

The members of the USCCB are the approximately 400 active and retired Catholic Bishops in the United States.<sup>80</sup> However, because the Roman Catholic bishops in the United States are the constituent unit, there are naturally an immense amount of Catholic groups affiliated with the organisation. In a letter to William Goodling (R - Pennsylvania) submitting requested comments for the upcoming reauthorisation of the ESEA, Rev. William Davis wrote that he submitted comments on behalf of the Catholic bishops and the general Catholic school

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<sup>77</sup> <http://www.ou.org/public/action2.html> (February 6, 2003).

<sup>78</sup> *3211 Fourth Street N.E.: Headquarters NCCB/USCC* (1995:1).

<sup>79</sup> <http://www.usccb.org/whoweare.htm> (March 18, 2003).

<sup>80</sup> 305 of these are active (<http://www.usccb.org/state.htm> (January 28, 2003)).

community (Davis, February 12, 1999).<sup>81</sup> 2,697,029 children are enrolled in Catholic elementary and secondary schools in the United States.<sup>82</sup> This means that the USCCB represents quite a few people in addition to the bishops while lobbying on the reauthorisations of the ESEA and the IDEA.<sup>83</sup>

The USCCB's political position is similar to that of the OU. The political stand they would take depends on the issue. They are pro-life in every aspect, which gives the organisation a conservative view on abortion, stem cell research and euthanasia, while having a liberal view on capital punishment. The USCCB can also be considered liberal on issues concerning Medicare, welfare reforms, and other economic issues. The USCC refused to self-identify their political position in Hofrenning's survey of religious interest groups in Washington, (1995a:83). However, Hofrenning termed the organisation as a liberal religious lobbyist when the political distinctions were based on issue positions (1995a:85). The probable reason why the USCC did not want to self-identify their political position is due to the Catholic community being large and diverse. Catholics are Republicans, Democrats and Independents who are all called to protect human life, and to help the poor and vulnerable.<sup>84</sup> As the USCCB represent such a diverse group of people, the organisation has chosen not identify a certain political position. Catholics are rather encouraged to look beyond party politics and mere self-interest, analyse campaign rhetoric critically, and choose political leaders according to principle.<sup>85</sup>

The USCCB is eligible for the 501(c)(3) tax-exempt. Even though the organisation does not have to register its lobbyists, the USCCB have chosen to do so. The five lobbyists have divided the legislative issues between them, and the USCCB has one lobbyist who works exclusively with education issues, including child nutrition.<sup>86</sup> The USCCB does not do any legislative work on the state level, but lobbies exclusively on the federal level.<sup>87</sup>

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<sup>81</sup> A similar phrase was used in the opening phrase of a letter to the House and State Conferees considering the NCLBA in July 2001 (Davis, July 20, 2001).

<sup>82</sup> <http://www.usccb.org/comm/statisti.htm> (April 28, 2003).

<sup>83</sup> In addition to the children enrolled in Catholic Schools, 4,399,283 children who are enrolled in public schools receive a Catholic religious education (<http://www.usccb.org/comm/statisti.htm> (April 28, 2003)).

<sup>84</sup> *Faithful Citizenship: Civic Responsibility for a New Millennium* (1999:6).

<sup>85</sup> This is emphasised in *Everyday Christianity: To Hunger and Thirst for Justice* (1998), *Living the Gospel of Life: A Challenge to American Catholics* (1998) and in *Faithful Citizenship: Civic Responsibility for a New Millennium* (1999).

<sup>86</sup> <http://www.usccb.org/ogl/whoware.htm> (March 19, 2003).

<sup>87</sup> The various State Catholic Conferences lobby the local and state governments. For instance, on Dick Armey's HR 5033: District of Columbia Student Opportunity Scholarship Act of 2002, the USCCB would support the

The USCCB has a large staff in Washington, D.C. Over 350 lay people and priests serve the bishops in their work in the American capital. The USCCB is also the only organisation of the three in question that has lobbying national government and influencing public policy as one of the organisation's main objectives. The USCCB is a large organisation with several departments and programmes. Thus, the legislative focus will be broad. The USCCB have been politically active for a long time, and an introduction of federal aid to education has been one of the issues they have worked for. However, until the mid-1930s, Catholics opposed federal aid to education because they feared that federal control would destruct the Catholic schools (Ravitch, 1983:27). During the 1940s Catholic schools participated in the New Deal's National Youth Administration, the federal lunch programme, and the GI Bill.<sup>88</sup> The Catholics benefited from these programmes and were willing to support federal aid to education as long as children in non-public schools were included. Rev. William Davis commented that,

“We [the USCCB] have been very active in public policy issues in education back into the 1950s. And we were very active in the creation of the Elementary and Secondary Education Act in 1965. Prior to that there really was no educational programme available to private schools in this country. And ... at that time... we had enough influence so that whenever there was a proposal put forward to provide federal funding to programmes, if it didn't include us we would oppose it. And it wasn't until 1965 that that changed... So the Elementary and Secondary Education Act, with our support, then became part of education history, and it has been that way since” (October 2, 2002).

The USCCB support voucher programmes and Catholic schools have increased their student body due to their participation in the voucher programmes in Cleveland, Florida, and Milwaukee. The Catholic schools did to a certain degree start the voucher controversy. Many inner-city children use vouchers to attend Catholic schools. This has made some people question the constitutionality of vouchers, as it could be argued that vouchers are in violation with the establishment clause.<sup>89</sup>

The USCCB is a member of CAPE and participated in a coalition during the legislative process of the NCLBA through the organisation's membership in CAPE. In addition to this

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position of the Archdiocese of Washington due to the fact that the legislation dealt with the District of Columbia exclusively (*107<sup>th</sup> Congress Second Session Interim 2002 Legislative Report*, 2002:30).

<sup>88</sup> The GI Bill of Rights offered people who had served in the armed forces federal money to continue their education (Ravitch, 1983:12).

<sup>89</sup> 37 of the 49 schools that participate in the Cleveland voucher programme are Catholic. Only three of the participating schools are non-religious (Hanauer, 2001:1, 3).

there were informal meetings with the OU where information and ideas were exchanged and discussed.

The USCCB has action alerts on their website. The various departments also have electronic list-serves where they contact people when action is needed. The USCCB Department of Education have an electronic list-serve that alerts Catholic schools, superintendents, people in the Catholic Conferences in the various states, the Federal Assistance Advisory Committee and parents (Davis, October 2, 2002).

#### **4.4. Organisational features**

Due to the differing organisational features of the ACSI, the OU and the USCCB, one can expect the organisations to have made different decisions in their choice of legislative strategy and lobbying tactics. These choices may have been a determining factor in the potential success of the organisations' attempts to influence the NCLBA. The table below gives a summary of the organisational features of the ACSI, the OU and the USCCB.



**Table 4.1: Summary of the Organisational Features of the ACSI, the OU and the USCCB**

Organisational Features	ACSI	OU	USCCB
Year of foundation	1978	1898	1917/ 1966 <sup>90</sup>
Location of headquarters	Colorado Springs	New York City	Washington, D.C.
Members	Schools	Synagogues	Catholic bishops
Total budget a year	\$16-20,000,000	\$15,000,000	\$128,213,175
Eligible for the 501(c)(3) tax-exempt	Yes	Yes	Yes
Number of staff in Washington, D.C.	3	3	350
Main target of lobbying	State and federal	Federal	Federal
Registered as lobbyists with Congress	No	No	Yes
Legislative focus of the organisation	Narrow legislative agenda	Broad legislative agenda	Broad legislative agenda
Political position;			
Moral dimension	Conservative	Conservative/ Liberal	Conservative/ Liberal
Economic and social dimension	Conservative	Liberal	Liberal
Political activity	Politically active on issues concerning private education, especially tax-proposals that give private school parents a tax benefit	Politically active on issues concerning civil rights, church-state relations, pro-life, Israel, education, economy, and welfare	Politically active on issues concerning civil rights, pro-life, welfare, immigration, and education
Schools participating in voucher programmes	Yes	No	Yes
Action alerts and lists of people to contact when action is needed	Yes, through CAPE and the <i>ACSI National Notes</i>	Yes	Yes
Participation in coalitions during the legislative process of the NCLBA	Member of CAPE	Shared information and discussed ideas with the USCCB, but no formal coalition	Member of CAPE, shared information and discussed ideas with the OU

Source: <http://www.acsi.org/acsi/>, <http://www.ou.org/>, <http://www.usccb.org/>, *For a time such as this...: Annual Report 2000-2001* (2001:6), <http://www.usccb.org/finance/0627-07.pdf> (September 4, 2003), and interviews.

#### 4.4.1. Group Size

There are several ways to measure the size of an organisation. One way is to look at the annual budget, while another is to look at the actual number of members. If the budget were to measure the size of the organisation, the USCCB would without a doubt be termed as the largest organisation, and the OU would be the smallest. If the actual members were to measure the size of the organisation, the USCCB would definitely be the smallest

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<sup>90</sup> 1917 is the founding year of what later evolved into what the USCCB is today. 1966 is the founding year of the NCCB and the USCC, that later merged into the USCCB in 2001.

organisation due to the fact that the 400 active and retired bishops constitute the members of the USCCB. In terms of members, the ACSI would be the largest organisation with 5400 member schools, while the OU would be the second largest organisation with over 1000 synagogues as members.

However, Kollman has been argued that organisations that have large groups of people affiliated with the organisation often use the outside strategy to a greater extent than groups with fewer members and affiliates (1998:52). Thus, the size of a group will be determined according to the number of people that is affiliated with the organisation.

H1: The organisation with the largest group of people affiliated with the organisation is more likely to participate in the outside strategy.

#### **4.4.2. Political Position**

In order to measure the political position of an organisation one can look at the position the organisation takes on a variety of issues. In this dissertation the political position of the organisations are measured according to where the groups position themselves along a moral dimension, and an economic and social dimension. It has been argued that Christian conservative groups had greater access to the White House during the Reagan Administration (Fowler, Hertzke and Olson, 1999:44; Hofrenning, 2001:133). Thus, it can be argued that a more conservative group would have greater access to the insider community when the Republican Party controls the White House and Congress.

However, there are some limitations to this hypothesis in that it does not have to be a linear relationship between how conservative an organisation is and the political access the organisation has. As some groups are extremely conservative, it is more likely that there is a curvilinear relationship between the political position of the group and the group's access to the elected officials. Thus, a curvilinear relationship between political access and political position is likely to give the more moderate groups greater political access than groups with more extreme views.

Even though one can question whether or not it is correct to say that the more conservative a group is, the greater political access it will have, I have chosen to do so in order to see

whether or not more liberal groups are excluded from the legislative community under Republican administrations.

H2: The most conservative organisation politically is more likely to have greater insider access due to the Republican Party's control of the White House and Congress.<sup>91</sup>

#### **4.4.3. Political Access**

To measure political access is a difficult task. One could measure political access according to whom the organisations chose to speak to. There are a few problems concerning this. To collect data about every person the ACSI, the OU and the USCCB spoke to during the legislative process of the NCLBA is a vast task. Chances are that the organisations have forgotten some of the people they spoke to. If they were to remember everyone they spoke to, there is the problem of having to determine which organisation that had greater access if they spoke to people in different branches. To lobby the White House shows that the group has access, but Congress is the branch that will eventually pass the act. Does a group that lobbies the White House have greater insider access than a group that lobbies the top Congressmen dealing with the bill in question?

Another way to measure political access is to do so according to the religious representation in Congress. However, by using the religious affiliation of the members of Congress as a means to measure political access, one must assume that the Congressmen are more likely to meet with people and organisations with the same religious background than with other people and groups. This is an assumption that could be discussed. Some might be cautious to meet with too many people from the same religious community just because other people may argue that these representatives favour some groups in comparison to others. In this matter there is also the question of whether or not the religious background of the members of Congress represents the religious affiliation of the nation as a whole. Some groups will be

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<sup>91</sup> Senator James Jeffords left the Republican Party and became an Independent during the legislative process of the NCLBA (effective June 6, 2001). Jeffords left the Republican Party due to his disagreements with Bush and other Republicans on education (Nather, 2001h:1256). As Senator Jeffords became an Independent who caucused with the Democrats, the evenly divided Senate changed to a Democratic majority.

overrepresented, while other groups will not be represented by as many elected officials as they ought to if one were to consider the religious representation of the American citizens.

If one were to consider political access according to whether the religious group is over- or underrepresented in Congress, the OU would have greater political access than the ACSI and the USCCB.<sup>92</sup> Seeing that the Baptists are the only evangelical group listed in the table, the evangelical Protestants were grossly underrepresented in the 107<sup>th</sup> Congress. Thus, the ACSI has the least amount of access if one were to measure by over- and underrepresentation.

However, if one were to consider the religious affiliation of the members of Congress as a measurement of political access,<sup>93</sup> the USCCB would have the greatest amount of political access. The OU would have the least amount of access to the legislators in the House of Representatives, and the ACSI would have the least amount of access in the Senate.<sup>94</sup>

H3: The organisation with better access to official legislators is more likely to use the inside strategy than the organisations with poorer access to the legislative community.

#### **4.4.4. Scope of Interest**

The amount of issues the organisation cares about will be reflected in their scope of interest, and determine whether their political agenda will be broad or narrow. But there is also an issue about the way a group's political agenda is organised. The ACSI has definitely the more narrow agenda as education is the only item on the agenda. The OU and the USCCB have a much broader range of issues that they are concerned about. The difference between these two organisations is that the USCCB has divided the organisation into various departments that deal with the issues on their political agenda, thus enabling people to specialise on certain issues. The OU has a broad scope of interest as well. However, they only have a few people working with public policy, which means that these people must have extensive knowledge on a greater amount of issues than the more specialised people in the USCCB.

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<sup>92</sup> Table 5.5 deals with the over- and underrepresentation of religious groups in the 107<sup>th</sup> Congress.

<sup>93</sup> I have chosen to look at the various Protestant denominations as smaller groups, and not as one large Protestant family.

<sup>94</sup> The difference in the Senate is one Senator. Due to the fact that there were more Baptists than Jews overall in the 107<sup>th</sup> Congress, the OU is considered to have the least amount political access when classified in table 4.2.

H4: The organisation with the more narrow focus is more likely to be successful in its attempts to influence legislation than an organisation with a broader focus.

#### 4.4.5. Classification and Summary

The hypotheses set certain criteria. The ACSI, the OU and the USCCB are classified according to these criteria. This classification is summarised in table 4.2, which ranks the organisations according to the score they received on the four hypotheses.

**Table 4.2: Classification of the ACSI, the OU and the USCCB according to the Hypotheses**

	Group Size	Political Position	Political Access	Scope of Interest
1	USCCB	ACSI	USCCB	ACSI
2	OU	OU	ACSI	USCCB
3	ACSI	USCCB	OU	OU

This table could be used to determine which of the groups that would be more successful in their attempts to influence the NCLBA. However, this does not mean that one can instantly say that the ACSI was more successful in their attempts to influence the NCLBA, even though they scored highest on the scope of interest hypothesis. Multiple qualities can be the key to success. So even though the OU did not get the highest score according to any of the criteria, they might still be more influential than the other groups overall. The dimensions are not necessarily equally important. It can also be problematic to rank qualitative qualities compared to ranking the organisations according to qualities that are quantifiable. The rank the organisations received on political position and scope of interest may be attributable to mistakes as these are the results of my subjective evaluations.

## 5. Religious Influence on the No Child Left Behind Act

The ACSI, the OU, and the USCCB did all attempt to influence the NCLBA. In order to assess whether or not these organisations were effective in their attempts, the choices they made and the strategies they used must be compared. Baumgartner and Leech (1998) argue that "...most studies of interest group influence in Congress fail to derive convincing conclusions because they do not account for the strategic context of issues" (cited in Victor, 2001b:13). Victor claims, in accordance with this argument, that the only way to explain the strategic context of an issue is to investigate interest groups and the activities and strategic choices these groups make on that particular issue (2001b:14).

The analysis is structured around Jennifer Nicoll Victor's theory of interest group influence. The legislative process of the NCLBA is first discussed through Victor's four stages of the strategic context of the bill. The bill is further discussed in consideration to the various strategic choices the ACSI, the OU and the USCCB made during the process. The expectations and the four hypotheses will be discussed and answered, before the aspect of religious influence will be considered.

### 5.1. The Strategic Context of the Bill

Victor's criterion for interest group influence is to identify whether or not there has been a change in the status of a bill, i.e. whether or not the bill has changed in the legislative process as a result of interest group activity.<sup>95</sup> In order to be successful the group must make a choice as to how they will attempt to influence the legislation. Victor argues that the strategic context of a bill will affect the choices an interest group makes (2001b; 2002a). Thus, an interest group must decide what to do according to the bill's movement through Congress,<sup>96</sup> but also according to the balance of Congress and the strength of the congressional leadership.

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<sup>95</sup> It can be difficult to determine whether or not the change in the status of the bill is due to interest group activity, as the interest rate also might change the status of a bill (Victor, 2002a:10).

<sup>96</sup> The lobbying efforts of a group will differ in accordance to which branch of government the group target their lobbying towards (Victor, 2001b:12).

### 5.1.1. The Nature of the Issue

Because the NCLBA was a reauthorisation of the already existing ESEA, the nature of the issue was predetermined in the sense that it was an omnibus bill.<sup>97</sup> The legislation was old, major, but also something the American citizens were interested in. New issues were introduced and these new measures caused some controversy.

The expectations related to the strategic context of the legislation and the group's strategy approach are summarised in table 3.2. According to table 3.2, it is more likely to observe attempts to change the Congressmen's preferences, dimensional manipulation, and docket manipulation if the issue is new. Still, in the process of the NCLBA becoming a law, all these strategic approaches took place, even though the issue was old and had previously been attended to. The reason for this lobbying was the interest groups' opportunity to redefine the law and attach new issues to the ESEA.

The NCLBA was considered to be major legislation. Education was an issue both major presidential candidates talked a lot about during the 2000 campaign. Both George W. Bush and Al Gore used the campaign to promote their education platforms.<sup>98</sup> It was also an issue Congress thought to be major. Not just because Bush made it his top domestic priority after winning the presidency, but also because they had not been able to get the ESEA overhaul through the 106<sup>th</sup> Congress.<sup>99</sup> In fact, the numbers HR 1 and S 1 were reserved in anticipation of the education proposal (Nather, 2001b:223), which indicated that the bill was important. The ESEA reauthorisation was not only an issue the Republicans thought to be major because of President Bush's commitment to education, this was also an issue the Democrats felt strongly about. On January 31, 2001 George Miller (D - California) introduced the Democratic proposal to amend the ESEA in the House of Representatives, almost two months prior to John Boehner's formal introduction of the NCLBA. Senator Jeffords<sup>100</sup> introduced

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<sup>97</sup> An omnibus bill is a very comprehensive bill that deals with many things, and conveys many issues.

<sup>98</sup> <http://edition.cnn.com/2000/ALLPOLITICS/stories/09/11/education.special/> (August 11, 2003).

<sup>99</sup> It was the first time since the ESEA was signed into law that Congress was unable to reauthorize the act (Nather, 2001a:112).

<sup>100</sup> James Jeffords left the Republican Party for a status as an Independent who caucused with the Democratic Party during the legislative process of the NCLBA.

the Senate version of the Bush proposal on March 28. However, Senator Joseph Lieberman had already introduced a Democratic proposal February 13, 2001.<sup>101</sup>

When looking at table 3.2 one discovers that dimensional manipulation is the strategy that is more likely to be chosen when the legislation is considered to be major. However, opposition groups use this strategy more often than supporting groups. This was particularly visible when the voucher measure was discussed. The original version of the NCLBA included federal vouchers. The NEA, and many other public school associations and teachers' unions argued that if the NCLBA would include vouchers, money would be taken from public schools and thereby make the financial situation for public schools even worse.

When a piece of legislation is considered to be major, attempts to change the preferences of the elected officials and docket manipulation are less likely to be observed. Still, these strategic approaches were used, although docket manipulation was probably used more than that of changing a representative's preferences.

Education was an issue that had high salience not only among the legislators in Washington, but also among the American citizens. However, the people who were most in need of this ESEA overhaul were the people who were most likely not to know that the issue was in Congress. The NCLBA was a general education bill, but it included proposals that would help poor children and children with a minority background more than it would help the children who live in fairly affluent suburban areas.<sup>102</sup> Parents are usually very concerned about the education their children receive. Thus, education was considered to be an issue of high salience. It has often been argued that only a war and a bad economy can dominate an election. The 2000 election did not have one issue that dominated the campaign, but there were rather several issues that shared the stage.<sup>103</sup> Even though there was an absence of one dominating issue, 20 percent of the people asked thought of education as the number one

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<sup>101</sup> The Democratic proposals were introduced in order to shape the legislation and to propose some Democratic ideas, instead of only having to consider the Republican Bush Administration's education proposal (Nock, August 24, 2003).

<sup>102</sup> The major provision of the ESEA is Title I. Title I provides federal money to improve the education for children with parents of low income (Kosters and Mast, 2003:1), and this has the goal since the enactment of the law in 1965. Most of the new major changes in NCLBA were an attempt to improve Title I, and to further improve the education of poor children and close the achievement gap.

<sup>103</sup> [http://abcnews.go.com/sections/politics/DailyNews/trackingpoll\\_001101.html](http://abcnews.go.com/sections/politics/DailyNews/trackingpoll_001101.html) (August 22, 2003).



issue of their vote.<sup>104</sup> Hence, education can be said to have had high salience among the American voters during the 2000 presidential election.

Dimensional manipulation and docket manipulation are likely to be observed when an issue is of fairly high salience. Both strategies were quite heavily used during the legislative process of the NCLBA.

### 5.1.2. The Nature of the Preferences

The preconceived notions of the elected officials determine to an extent the nature of the preferences, and to what extent interest groups will use the various strategy approaches. The distribution of preferences in connection to the NCLBA is not easy to determine. In some cases it may seem like most members of Congress had prefixed notions and preferences they were not willing to change. Chairman of the House Committee of Education and the Workforce, John Boehner, was told early on that House Democrats would not support a bill that included vouchers, the Straight A's pilot programme,<sup>105</sup> or charitable choice (Nather, 2001e:918). Both Republicans and Democrats had to back down on several issues in order to get the legislation passed. Some of the issues seemed to divide the members of Congress to such an extent that it could potentially wreck the bill. However, these issues were compromised in the committees, during the floor debates, and in the conference committee. Thus, the elected officials' preferences were not completely fixed.<sup>106</sup>

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<sup>104</sup> Education was the issue most people overall put as their number one issue in their vote. 15 percent of the men put education as their highest priority (taxes 21 percent, economy 20 percent). 24 percent of both women and Democrats chose education as their main issue, while 19 percent of Independents (economy 19 percent), and 16 percent of the Republicans (taxes 29 percent), did the same ([http://abcnews.go.com/sections/politics/DailyNews/trackingpoll\\_001101.html](http://abcnews.go.com/sections/politics/DailyNews/trackingpoll_001101.html) (August 22, 2003)).

<sup>105</sup> The Straight A's Demonstration Programme allows the seven states that participates to use federal funds from formula-driven programmes like Title I for any educational purpose in a disadvantaged school, just as long as better academic results are achieved (Nather, 2001d:873). The Straight A's Demonstration Programme was included in S 1 as a Democratic compromise with the Bush Administration in exchange for leaving federal vouchers out of the overhaul (Nather, 2001e:918). HR 1 did not include Straight A's because the Bush Administration asked Jim DeMint (R - South Carolina) not to offer a Straight A's amendment as this could jeopardise the Democratic support in the House of Representatives (Nather, 2001h:1257).

<sup>106</sup> There was also an issue of political leverage. Approximately 40 Republicans opposed the NCLBA in the House of Representatives. Hence, the House Democrats were given more leverage than the Senate Democrats, as House Republicans needed about 30 Democrats in order to pass the bill (Nock, August 24, 2003). In the end more Democrats voted in agreement with the NCLBA conference report than Republicans in the House of Representatives.

The rank-and-file in both parties had dividing preferences when they considered the NCLBA. Many Democrats disagreed with many Republicans, but there was also a problem of many Democrats thinking that the Democratic leadership did not go far enough in order to get what they wanted. There were also a few Republicans who thought the Republican leadership had given up too much too soon (Nather, 2001f:1010). This opinion was shared by many conservative groups, and among them the ACSI (Holmes, October 1, 2002).

The congressional leadership and maybe the committee leadership in particular, must be considered to have been strong during the legislative process of the NCLBA. John Boehner and George Miller in the House Committee on Education and the Workforce, and Edward Kennedy (D - Massachusetts) and Judd Gregg (R - New Hampshire) in the Senate Committee on Health, Education, Labour and Pensions should all have their share of glory for the reauthorisation. They convinced the members of Congress to stay put and refrain from reintroducing elements the compromised proposals left out due to the ideological controversy it would cause (Nather, 2001i:1315). They also had numerous meetings as the top conferees. Although there is a weak sense of ideological coherence in the American political parties, the legislators will consider the desire of the party leaders before they decide whether or not to comply with the requests of lobbyists (Victor, 2000:21). This was clearly done during the legislative process of the NCLBA.

### **5.1.3. The Procedural Context**

It has been argued that party leaders and agenda setters will apply more and more special rules to a bill as they become more and more intent on getting a bill passed (Sinclair, 2000:223). The NCLBA was a bill both the Republican and Democratic Party leaders became quite intent on passing. This was due to the fact that the proposals never made it anywhere when the overhaul was up for consideration in the 106<sup>th</sup> Congress.<sup>107</sup> Because of this it was important for the leaders of both parties to show that they were able to exercise bipartisanship.

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<sup>107</sup> Four bills reauthorising various sections of the ESEA were suggested in the House of Representatives (HR 2, HR 1995, HR 2300, HR 4141), while the Senate proposed to reauthorise the ESEA through one omnibus bill (S 2) (*Parent Power*, 2000(2):2). HR 2, HR 1995 and HR 2300 were all passed in the House of Representatives, but died in the Senate Committee of Health, Education, Labour and Pensions. HR 4141 was prepared for the floor and placed on the Union Calendar but with no further action. S 2 was considered by the Senate, but was never voted on.

The NCLBA was referred to the House Committee on Education and the Workforce, the House Committee on the Judiciary, and to the U.S. Senate Committee of Health, Education, Labour, and Pensions. The NCLBA did not bypass the committee stage, but rather evolved in the committees.

The NCLBA was an omnibus bill to reauthorize the ESEA. Some issues were tried connected to the NCLBA. The most important of these issues was that of fully funding the IDEA through the ESEA. This was, in addition to the voucher measure, one of the most controversial issues of the overhaul. It was also the last dispute to be resolved in the conference committee. Senate Democrats attempted to attach a plan that would guarantee the states federal aid to special education with no annual review by the congressional appropriators, thus making federal aid to special education a mandatory spending item (McQueen, 2001:2905). The White House and House Republicans opposed this and wanted to wait until the IDEA got its own congressional review when the NCLBA was passed. Senator Tom Harkin (D - Iowa) and Senator Chuck Hagel (R - Nebraska) suggested an amendment that would fully fund the IDEA through progressive annual increases.<sup>108</sup> The amendment was agreed to unanimously in the Senate but was not included in the conference report. The lack of the Harkin-Hagel amendment in the final version of the NCLBA was one of the reasons why Senator Jeffords, who introduced the bill in the Senate, chose to vote against the reauthorization of the ESEA.<sup>109</sup>

#### **5.1.4. The Separation of Powers**

None of the governmental branches attempted to block any of the other branches during the legislative process of the NCLBA.<sup>110</sup> Because the NCLBA was President Bush's education proposal, there was no threat of a presidential veto. However, Bob Schaffer (R-Colorado) said in May that he would recommend President Bush to veto HR 1 if the compromises kept on (Nather, 2001g:1080).

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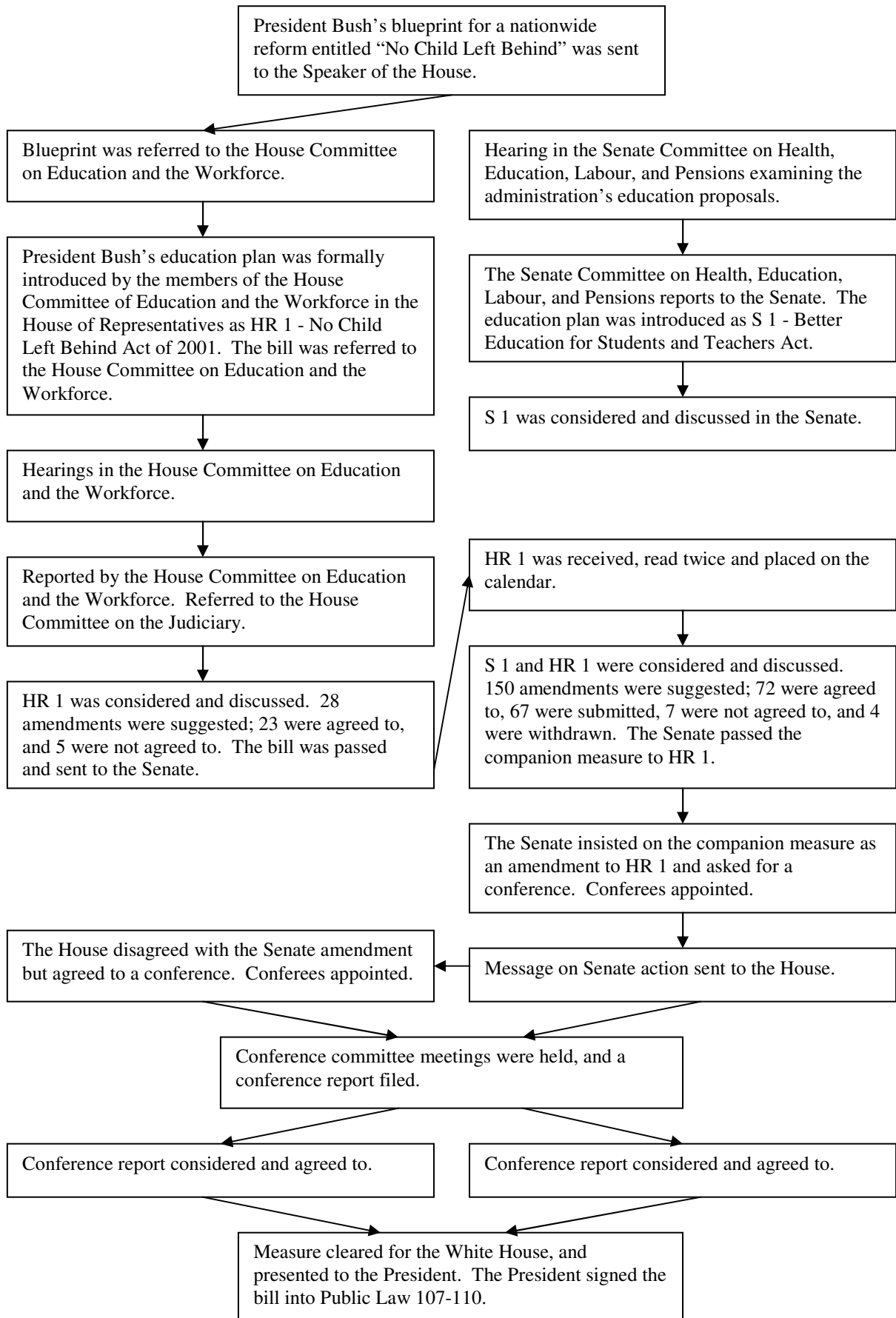
<sup>108</sup> <http://jeffords.senate.gov/~jeffords/press/01/12/12182001education.html> (May 21, 2003).

<sup>109</sup> <http://jeffords.senate.gov/~jeffords/press/01/12/12182001education.html> (May 21, 2003). The conference report was agreed to 381-41 in the House of Representatives and 87-10 in the Senate.

<sup>110</sup> The judicial branch does not attempt to block the other governmental branches during the legislative process of a bill. However, the legislative and the executive attempt to block each other quite frequently.

The figure below shows the legislative process of the NCLBA. This figure can be compared to figure 3.1 which indicate the normal progress a bill. Figure 5.1 does not include any of the work done on the reauthorisation prior to the 107<sup>th</sup> Congress, nor the Democratic education proposals in the 107<sup>th</sup> Congress.

**Figure 5.1: The Legislative Process of the No Child Left Behind Act of 2001**



## 5.2. Do Religious Interest Groups Have Any Influence?

For several years scholars have discussed the potential influence of interest groups without having arrived at any clear conclusion. In the last few decade religious interest groups have been studied more thoroughly in order to see if these groups have any influence in the political arena. One of the objects of this dissertation was to establish whether or not the ACSI, the OU and the USCCB had any influence on the NCLBA. In order to obtain the goal of determining this, the objects and goals of these organisations must be compared.

The ACSI had one major goal when attempting to influence the NCLBA. They wanted federal vouchers, and they wanted private and parochial schools included in this. Apart from that, they kept reminding the legislators that measures that for instance would increase the quality of teachers should also be made available for teachers in private schools, thus enforcing equitable participation (Holmes, October 1, 2002).

The OU also worked for vouchers to be included in the NCLBA, but not to the same extent as the ACSI. The OU thought of the voucher issue as an issue they wanted to voice their opinion about. When asked why, Nathan Diament said:

“To put it this way, as long as Congress remains as narrowly divided as it is, it’s not going to happen at the federal level... it’s a question as to how you look at the political landscape. And there’s no way, just look at the Senate. Until you have 60 Senators who want that kind of thing to go through, it’s not going to go through. And now I don’t think you have 45 senators that think this is important” (October 1, 2002).

The way the OU saw the political landscape determined that fighting for vouchers was a no-winning fight. Hence, the OU chose a different main goal than what the ACSI had set for its attempted influence. Victor argues that interest groups make choices in terms of their lobbying activities that are strategically wise and in accordance with the congressional situation (2002a:24). The cost of lobbying makes them choose not to waste resources on something they know will get killed. Hence, it is no surprise that the OU choose to concentrate on other issues than federal vouchers. The strategically wise choice to make was not to spend much time and resources on something that would not happen. Because of the congressional split on vouchers, the OU chose to concentrate on the fact that equitable participation for parochial schools remained in place (Diament, October 1, 2002). One of the major concerns was that specific language would be used to for instance rule out non-public schoolteachers of teacher training programmes. However, this did not happen because these

measures did not become the heated political fight they could have become (Diament, October 1, 2002).

The USCCB had several goals in their attempts to influence the NCLBA. The major part was that they wanted the ability to consult and be involved all through the process. They also tried to get Congress to re-introduce the educational choice option and expand the ability for private schools to participate in the programmes. In addition to this, the USCCB wanted the law to clearly state the responsibilities of the public schools in delivering the services, and a formal sign-off document that said that these things took place (Davis, October 2, 2002).

The goals of the ACSI, the OU, and the USCCB were similar in that they all wanted federal vouchers, but different in that the OU and the USCCB made the strategic choice of not concentrating too much on this fact. Apart from this, these religious groups worked for many of the same things while lobbying the NCLBA. All made strategically wise choices, and none lobbied Democrats on the voucher issue. Alex Nock commented that the voucher measure was not an issue they would lobby him on because of the sharply drawn lines on the issue. They even told him in their first meeting that they would not talk to about it (Nock, August 21, 2003). The ACSI, OU and the USCCB would also lobby differently according to whom they would talk to, whether that person was a Republican or a Democrat;

“For instance - on the bypass language (adding quality) - typically they approached Republicans by saying that this would allow private schools to get better services at taxpayer expense - essentially the private school stealing a better deal from the public school. When they lobbied me - they talked about the unfairness of private school children being given subpar services. Children vs. the institution. Subtle - but completely different reasons for doing something...” (Nock, August 21, 2003).

### **5.3. Outside Lobbying**

The main goal of this dissertation was to study whether or not religious interest groups had any influence on the NCLBA. By choosing different strategies and tactics these groups could have varying success in their attempted influence.

There are several outsider tactics an interest group can engage in. The clue to these tactics is to influence the public opinion. This strategy is used more often than not by groups with a large number of members and affiliates due to the involvement of the grassroots. However,

there are also other outsider tactics, such as talking to the press and running an advertisement in the media that does not involve the grassroots.

Victor writes that the size of the membership base is more important to an interest group that practices the outside strategy than to an interest group that prefers insider tactics (2001b:13; 2002a:12). Thus, H1 assumes that the larger group of people an organisation is affiliated with, the more likely it is to engage in the outside strategy.

24.5 percent of the American population is Catholic,<sup>111</sup> which makes the Catholic Church the largest religious body and single denominational family in the United States (Reichley, 1986:31).<sup>112</sup> In addition to this, there are numerous school children who are not Catholic, but who attend Catholic schools that would be affiliated to the USCCB through the school s/he attends. 34.2 percent of the American population could be said to belong to a Protestant denomination.<sup>113</sup> However, the ACSI are evangelical Protestants. This means that the ACSI does not represent a larger part of the population than the USCCB. Only 1.3 percent of the American population identify themselves as Jews.<sup>114</sup> On various Gallup polls 2-3 percent have answered that they are Jewish.<sup>115</sup> Still, Orthodox Jews only constitute about 2,000,000 of the 15,000,000 American Jews.<sup>116</sup> Because of this the USCCB ought to have used the outside strategy more than the ACSI and the OU. One could also assume that the ACSI would use this strategy to a greater extent than the OU when the number of people connected to the evangelical Protestants is considered in contrast to the number of Orthodox Jews in the United States.

### 5.3.1. Grassroots Lobbying

None of the ACSI, the OU, or the USCCB made much use of outsider tactics while attempting to influence the NCLBA. None of the organisations participated in protests or

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<sup>111</sup> <http://www.usccb.org/comm/statisti.htm> (May 12, 2003).

<sup>112</sup> [http://www.adherents.com/rel\\_USA.html#bodies](http://www.adherents.com/rel_USA.html#bodies) and [http://www.adherents.com/rel\\_USA.html#families](http://www.adherents.com/rel_USA.html#families) (May 20, 2003). The numbers are based on self-identification.

<sup>113</sup> [http://www.adherents.com/rel\\_USA.html#families](http://www.adherents.com/rel_USA.html#families) (August 11, 2003). The numbers are based on self-identification.

<sup>114</sup> [http://www.adherents.com/rel\\_USA.html#families](http://www.adherents.com/rel_USA.html#families) (August 11, 2003). The numbers are based on self-identification.

<sup>115</sup> [http://www.adherents.com/rel\\_USA.html#gallup](http://www.adherents.com/rel_USA.html#gallup) (August 11, 2003).

<sup>116</sup> [http://www.adherents.com/adh\\_branches.html#Judaism](http://www.adherents.com/adh_branches.html#Judaism) (August 11, 2003).



demonstrations, and none attempted to engage the grassroots very much in the legislative process.

Even though these groups did not engage in outsider tactics to the extent that one could expect, the USCCB differed from the other groups in that they were "... one of the more aggressive groups in terms of lobbying on their positions - they don't lobby in an inappropriate fashion, but are aggressive. They often bring in constituents or other well connected folks in an attempt to gain support" (Nock, August 24, 2003).<sup>117</sup> Neither the ACSI nor the OU contacted influential members or constituents and encouraged them to contact their member of Congress' office regarding the issue. However, both the OU and the USCCB encouraged people affiliated with the organisations to contact their individual members of Congress to persuade them to take the position of the organisation (Diament, October 1, 2002; Davis, October 2, 2002). This encouragement was done through electronic list-serves and action alerts.<sup>118</sup>

The ACSI did not engage members and other affiliates in any sort grassroots activity during the legislative process of the NCLBA (Holmes, October 1, 2002).<sup>119</sup> The most interesting aspect for the ACSI in the NCLBA was the organisation's potential participation in a federal voucher programme. Because this aspect was dropped early on, and the fact that there was no real prospect of it being successfully reintroduced, the ACSI chose not to encourage people to do anything they were not likely to benefit from. The ACSI has used the grassroots in attempts to influence other legislative proposals, but seeing that the organisation felt the NCLBA proposal fell short of what they wanted, they saw no need to engage people in any grassroots activities. The cost of action was too high for the ACSI to want to bother their members and affiliates with action alerts.

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<sup>117</sup> The reason why the USCCB is aggressive in their lobbying is that part of their strategy is to maximise their membership. Thus, if a member of Congress is wavering something the USCCB want, they might bring in the cardinal or another clerical person in order to influence the member to take the USCCB position (Nock, August 25, 2003).

<sup>118</sup> In an action alert from the OU on May 8, 2001, people were encouraged to contact their elected officials to state their support for vouchers, even if the legislator clearly opposed the measure (<http://www.ou.org/public/actionalerts/2001/esea050801.htm> (January 15, 2003)).

<sup>119</sup> The ACSI might have encouraged people to take action indirectly through CAPE. People may also have chosen to do so independently of the ACSI through the information on how to contact the members of Congress that is written on the ACSI website and in various ACSI publications.

### 5.3.2. Lobbying Through the Media

None of the organisations used the media much while lobbying either. Both the ACSI and the OU talked to the press about the proposal, but the USCCB chose not to do so. The ACSI spoke to the *Policy Review* and the *National Review* (Holmes, October 1, 2002). The OU spoke mostly to the Jewish newspapers about the NCLBA (Diament, October 1, 2002). However, the OU sent letters quite frequently to the national elite newspapers on other issues in this period. Rev. William Davis said he does not talk to the press or the media if he can help it, and he did not do so about the NCLBA (October 2, 2002). However, the USCCB Department of Education has a section called the Catholic School Advocacy Resources that lists several ways citizens can participate in getting an issue on the agenda. One of the listed resources is how to use talk radio in order to get attention to an issue.<sup>120</sup> So even though Rev. Davis prefers not to talk to the media, Catholics are encouraged to use the media in an advocacy effort for the Catholic school community.

In order to use the media as a means of lobbyism the groups' news coverage is important, in particular if this is published in the large elite newspapers. The four newspapers *Christian Science Monitor*, *New York Times*, *USA Today*, and *Washington Post* were searched for articles with the names of these groups from January 1, 2001- January 9, 2002.<sup>121</sup> The only press coverage the ACSI received in these newspapers during this time span was one article in the *Washington Post*. However, this article did not cover the organisation's views on the NCLBA. The OU<sup>122</sup> received more coverage than the ACSI as the organisation's name featured in six articles in the *New York Times* and five articles in the *Washington Post*. Most of these articles were on the faith-based initiative. Thus, the OU received no coverage on their views on the NCLBA. The USCCB<sup>123</sup> was the organisation that received the most press coverage in the time span in question. The USCCB featured in one article in the *Christian Science Monitor*, 44 articles in the *New York Times*, seven articles in the *USA Today*, and 39 in the *Washington Post*. Still, none of these articles were concerning the NCLBA.<sup>124</sup>

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<sup>120</sup> <http://www.usccb.org/education/parentasn/airwaves.htm> (August 22, 2003).

<sup>121</sup> The *Wall Street Journal* should have been searched as this is one of the most important American newspapers. However, the newspaper will not allow non-subscribers search their online archives. Hence, I have not been able to search this newspaper for articles.

<sup>122</sup> The two search terms *Union of Orthodox Jewish Congregations of America* and *Orthodox Union* were used.

<sup>123</sup> The following three search terms were used: *United States Conference of Catholic Bishops*, *National Conference of Catholic Bishops*, and *United States Catholic Conference*.

<sup>124</sup> One article in the *Washington Post* (January 26, 2001) was about President Bush's visit to a D.C. school to promote his educational proposal. The same day President Bush dined with Archbishop Theodore E. McCarrick. But as the Bush's blueprint was sent to the House of Representatives just three days earlier and the article did not

The lack of news coverage can be due to the organisations' policies on statements to the press. The ACSI did on occasion issue press releases, but it did not add up to many (Holmes, October 1, 2002).<sup>125</sup> The OU/ IPA issued 75 statements to the press during 2001.<sup>126</sup> Ten of these were concerning the NCLBA and three were about other educational issues like various court decisions on vouchers. The OU even made use of a Capitol Hill news conference in order to state their opinions about the overhaul.<sup>127</sup> The USCCB issued 203 statements to the press during 2001, none of which considered the Catholic views on the NCLBA.

None of the organisations chose to run any ads about the issue while the issue was discussed in Congress. This may be due to the immense cost of advertising, and the small amount of gain that would come as a response to the advertisement.<sup>128</sup>

### 5.3.3. Coalitions and Campaigns

Both the ACSI and the USCCB are members of CAPE, which also lobbied the NCLBA. CAPE has a rule of not lobbying on anything not every member organisation agrees on. This meant that there were issues the ACSI and the USCCB wanted to work for but that CAPE could not lobby on because of this vow. This made the ACSI and the USCCB choose to also lobby independently of this coalition. The OU is not a member of CAPE, and did not participate in any formal coalitions during the legislative process of the NCLBA. However, the OU and the USCCB had meetings where they exchanged information and shared ideas about the NCLBA (Diament, October 1, 2002).

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say anything about the Catholic views, the article cannot be termed as news coverage of the USCCB's views of the NCLBA.

<sup>125</sup> I have not been able to find a link to the issued press releases on the ACSI website, and can only refer to what Holmes said October 1, 2002.

<sup>126</sup> The OU issue statements to the press as well. However, in all of 2001 they only issued one press release, and it did not concern the NCLBA (<http://www.ou.org/oupr/2001/> (October 14, 2003)).

<sup>127</sup> <http://www.ou.org/public/statements/2001/nate13.htm> (January 16, 2003).

<sup>128</sup> When there was a danger of war in Iraq, over 100 religious leaders from the group *Religious Leaders for Sensible Priorities*, who represents about 30 million Christians, Jews, and Muslims, issued an advertisement in the *New York Times* encouraging President Bush not to go to war against Iraq (Kristiansen, 2002). The Methodist bishops also encouraged Bush, as a Methodist, to refrain from an attack. More often than not these advertisements cost more than the advertiser will gain. Thus, advertisements are often used as a means of attracting attention to an issue, and have clearly a greater effect on dimensional manipulation than on changing someone's preferences.

The ACSI, the OU, and the USCCB are not allowed to make any direct financial contributions to electoral campaigns or publicly endorse any candidates due to the 501(c)(3) tax-exempt. Still, the organisations can contribute to campaigns through PACs. However, it does not seem like these organisations did so.

The ACSI does not contribute to any PACs and has no PACs affiliated with the organisation. John Holmes said he could only guess what the people associated with the ACSI would contribute money to. However, they might possibly contribute money to the *Parents Advancing Christian Education PAC*<sup>129</sup> run by the *American Association of Christian Schools*. This group is basically comprised of fundamentalist Baptists which run about 800 to 1000 schools in the United States. The people affiliated with the ACSI are a broadly constructed group and might include that type of Baptists. Other people might contribute to the *Government is Not God PAC*,<sup>130</sup> which is the PAC of Rev. William Murray's *Religious Freedom Coalition* (Holmes, May 26, 2003).

The USCCB does not contribute to any PACs, and there are no PACs affiliated with the USCCB either. Rev. Davis said that none of the people affiliated with the USCCB could contribute money to a PAC in their official role in the USCCB. But he could not say whether or not people would do so as a private citizen (Davis, May 27, 2003). A USCC representative noted in Hofrenning's research that the USCC saw it was theologically and pastorally inappropriate to contribute money to campaigns in order to gain influence at a later stage (1995a:118). Thus, one can assume that the USCCB refrains from contributing to any PACs as an organisation.<sup>131</sup>

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<sup>129</sup> I have not been able to find this PAC in neither FEC's register of PACs, nor at [opensecrets.org](http://www.opensecrets.org). I have written to the *American Association of Christian Schools* and inquired about the name of their PAC, but have not received an answer.

<sup>130</sup> The *Government is Not God PAC* is a small PAC, which essentially contributes to Republican candidates. The *Government is Not God PAC* contributed \$9,500 to federal candidates in 2000 (<http://www.opensecrets.org/pacs/lookup2.asp?strid=C00297531&cycle=2000> (May 27, 2003)), and \$21,400 to federal candidates in 2002 (<http://www.opensecrets.org/pacs/lookup2.asp?strID=C00297531&cycle=2002> (May 27, 2003)). Ric Keller (R - Florida), who received \$200, was the only candidate who received money from the *Government is Not God PAC* in 2000, who was a member of the House Committee on Education and the Workforce. Senator Lindsey Graham (R - South Carolina), who received \$500, and John W. Warner (R - Virginia), who received \$1,000 were the only candidates who received money in 2002 that were members of the Senate Committee on Health, Education, Labour and Pensions.

<sup>131</sup> I have not been able to discover whether or not the OU has any PACs affiliated with the organisation. The OU has not responded when I have written and asked about this, and I have not been able to find any religious PACs at [opensecrets.org](http://www.opensecrets.org). Seeing that both the ACSI and the USCCB do not have any PACs affiliated with the organisations, and can only guess what their members and employees do as private citizens, I have chosen to assume that the OU is the same.

Even though 501(c)(3) organisations are not allowed to publicly endorse candidates, this is sometimes done indirectly through the publication of a member's voting records.<sup>132</sup> Neither the OU nor the USCCB publicised any voting records in connection to the NCLBA. The ACSI did not do this directly either. However, the ACSI knew that organisations in favour of them, such as the *Family Research Council*, the *Christian Coalition*, and the *Traditional Values of Coalition* would do so (Holmes, October 1, 2002).

John Holmes commented in the interview that Bush's faith-based proposal was only one of the reasons why they liked President Bush so much. Another thing was that Bush wanted to give religious agencies greater room in the public sphere (Holmes, October 1, 2002). The ACSI was also quite critical of the Democratic Party in concern to the NCLBA and to Senator Kennedy in particular, and can in that way be argued to indirectly endorse Republicans.<sup>133</sup>

The OU has a programme called the *Senator Joseph Lieberman Scholars*, which gives students in the last year of high school and the two first years of college the opportunity to monitor issues in Congress and attend seminars. Even though this is no direct public endorsement of Lieberman, the Senator is indirectly endorsed through the programme being named after him, and the very positive things said about him on the OU website.<sup>134</sup> Thus, one can assume that the organisation is strongly in favour of him.

In the summer 2000 edition of *Parent Power* people were encouraged to get involved in election activities. *Parent Power* established that even though the church and schools cannot participate in campaign activities or endorse candidates openly, there are other ways the Catholic community can be involved in election activities.<sup>135</sup> In fact, they quote *Faithful Citizenship: Civic Responsibility for a New Millennium*, which argues that "In the Catholic tradition, responsible citizenship is a virtue; participation in the political process is a moral obligation. Every believer is called to faithful citizenship, to become an informed, active, and

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<sup>132</sup> This is legal and looked upon as voter education.

<sup>133</sup> The criticism of the Democrats and Kennedy in particular was in concern to their unyielding objection to vouchers.

<sup>134</sup> The OU talk about Senator Lieberman in terms of being "...a thoughtful, effective legislator...an observant Jew... the highest ranking Orthodox elected official in the United States... a close affiliate and friend of the Orthodox Union... an outstanding role model for our youth" (<http://www.ou.org/NCSY/projects/lieb00.htm> (May 7, 2003)).

<sup>135</sup> *Parent Power* (2000(3):8).

responsible participant in the political process” (1999:5). Hence, it is a virtue and moral obligation for any Catholic to be politically active. This can also help a community that collectively cannot participate in any election because of the 501(c)(3) tax-exempt.<sup>136</sup>

The members of the ACSI are encouraged to be active in the legislative process of issues that affect Christian schools and religious liberty.<sup>137</sup> The ACSI also hold a National Youth Leadership Conference. The purpose of IMPACT 2000 was to get the students acquainted with the political processes, but also to challenge students to become actively involved in community leadership.<sup>138</sup> The Legal/ Legislative Committee of the ACSI board travels to Washington, D.C. each year for an increased and thorough orientation and awareness of issues impacting education.<sup>139</sup> The ACSI also publish the *ACSI National Notes* and *Legal/ Legislative Update* which frequently encourages members to take action and informs them of tips and legal ways of conducting advocacy, in addition to tips on how to track legislation.<sup>140</sup> After the ACSI had lost the fight for vouchers in the NCLBA, they looked upon the upcoming 2002 midterm elections as a forum where the next battle for vouchers could take place. Thus, members were encouraged to have a voter registration table at meetings attended by parents as well as to encourage people to vote on Election Day.<sup>141</sup> The ACSI also has a link to the contact information of the various members of Congress on their website. In addition to this they have a three page long web file on how to contact the elected officials and personal behaviour on these occasions.<sup>142</sup> In the various ACSI publications, they encourage grassroots participation and stress that the involvement of members makes a difference.<sup>143</sup>

The OU wants Orthodox Jews in government and communal service and thereby provides specialised training programmes, scholarships and apprenticeship programmes in an attempt

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<sup>136</sup> In the winter 2001 edition of *Parent Power* people were given tips on how to establish and build a positive relationship with new and returning elected officials. One of the tips was to invite the elected official to a Catholic school. However, this was to showcase the school community, and did not in any way endorse the invited legislator. The greatest benefit of these meetings was that the legislators would gain firsthand information about the achievements and contributions provided by the Catholic schools (*Parent Power*, 2001(1):3).

<sup>137</sup> <http://www.acsi.org/acsi/services/legal/> (August 21, 2003).

<sup>138</sup> *For such a time as this... Annual Report 2000-2001* (2001:14).

<sup>139</sup> *For such a time as this... Annual Report 2000-2001* (2001:17).

<sup>140</sup> See for instance the *ACSI National Notes* (2002).

<sup>141</sup> “While it is illegal for a non-profit organisation to lobby for or against candidates, it can lobby on behalf of an issue. Voter registration efforts and voter encouragement are permissible” (*Legal/Legislative Update*, 2002:2).

<sup>142</sup> [http://www.acsi.org/webfiles/webitems/000991\\_Contacting%20Your%20Elected%20Officials.doc](http://www.acsi.org/webfiles/webitems/000991_Contacting%20Your%20Elected%20Officials.doc) (July 30, 2003).

<sup>143</sup> *Legal/Legislative Update* (2002:2).

to achieve this.<sup>144</sup> The IPA sponsors the National Leadership Mission,<sup>145</sup> a Conference on Law and Public Policy, and the IPA Summer Internship Program which place college students in key governmental offices.<sup>146</sup> The OU invites their members to become active participants in their programmes, and encourage them to act on action alerts and encourage their youth to apply for participation in the Senator Joseph Lieberman Scholars. The OU argue that the Action Network strengthens the advocacy efforts of the IPA immeasurably, and emphasises that every voice makes a difference.<sup>147</sup>

The USCCB organise Congressional Advocacy Days each year, and has done so for the past 18 years.<sup>148</sup> The USCCB Department of Education has a separate section on their webpage filled with tips on legislative advocacy,<sup>149</sup> in addition to the various advocacy tips in publications like *Parent Power*.<sup>150</sup> The USCCB has also encouraged Catholics to participate in politics, and are not reluctant to involve their affiliates in any kind of grassroots activity. They rather see Catholic involvement in advocacy and public life as responsible citizenship<sup>151</sup> as “Every voice matters in the public forum. Every vote counts.”<sup>152</sup>

The table below shows a summary of the outsider tactics the ACSI, the OU and the USCCB used while lobbying the NCLBA.

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<sup>144</sup> <http://www.ou.org/about/ou.htm> (January 28, 2003).

<sup>145</sup> During the 2001 National Leadership Mission the 100 participants spent the morning meeting with House members and staffers, had lunch with several Senators, before they proceeded to the White House for closed-door briefings on Mideast policy, education policy and the faith-based initiative (*Washington Wire*, 2001(4):1).

<sup>146</sup> <http://www.ou.org/public/ipasum.htm> (January 17, 2003).

<sup>147</sup> <http://www.ou.org/public/action2.html> (August 25, 2003).

<sup>148</sup> The main reason for this annual legislative conference is that the USCCB wants to expand their lobbying efforts and increase their impact on political issues (<http://www.usccb.org/education/fedasst/conference.htm> (August 20, 2003)).

<sup>149</sup> <http://www.usccb.org/education/fedasst/interests.htm#advocacy> (August 25, 2003).

<sup>150</sup> If affiliates are not already on the USCCB Department of Education’s electronic list-serve, they are encouraged to subscribe to this service (*Parent Power*, 2001(2):8).

<sup>151</sup> *Everyday Christianity: To Hunger and Thirst for Justice* (1998:4).

<sup>152</sup> *Living the Gospel of Life: A Challenge to American Catholics* (1998:11).

**Table 5.1: Summary of Outsider Tactics used by the ACSI, the OU, and the USCCB**

Tactic	ACSI	OU	USCCB
Made financial contributions to electoral campaigns	No	No	No
Publicly endorsed candidates running for office	No	No	No
Engaged in grassroots lobbying efforts on the issue	No	No	No
Engaged in protests or demonstrations on the issue	No	No	No
Talked to the press or media about the issue	Yes	Yes	No
Ran ads in the media about your position on the issue	No	No	No
Entered into coalition with other groups or organisations for lobbying efforts regarding the issue	Yes, CAPE	Not formally	Yes, CAPE
Publicised a candidate’s voting records regarding the issue	Not directly	No	No
Encouraged citizens to contact their Congressman	No	Yes	Yes
Had influential constituents contact their Congressman’s office regarding the issue	No	No	Yes

#### **5.3.4. Does Group Size Determine Choice of Strategy?**

None of the organisations used the outside strategy much in their attempts to influence the NCLBA. Both the ACSI and the OU used two outsider tactics while the USCCB used one additional tactic. However, only four different tactics were used overall; they 1) talked to the press or media about the issue, 2) entered into a coalition with other groups, 3) encouraged citizens to contact their Congressman, and 4) had influential constituents contact their member of Congress’ office regarding the issue. The tactics are considered to have first-order effects and second-order effects according to the effect the tactic will have on the strategy. One can assume that the effect of the tactics is considered before an interest group makes a decision of using a certain tactic in an attempt to influence a legislative proposal. Table 3.1 summarises the effect the tactics have on the different strategies. The table also shows that the outsider tactics that were used by these groups had the same effect on changing preferences, dimensional manipulation and docket manipulation. This means that none of the tactics used were more influential on one strategy than the others.

The USCCB used one more outsider tactic than the other groups in their attempts to influence the NCLBA, and can arguably be said to have used the outside strategy more than the ACSI and the OU. They chose to use influential constituents and other well connected people in an attempt to gain support. To use this tactic also makes them seem more aggressive in the way they lobby their positions.



Both the OU and the USCCB encouraged the people affiliated with them to contact their Congressman and persuade them to take the position of the OU and the USCCB.<sup>153</sup> The act of encouraging members and affiliates can arguably be considered to have a stronger effect on the grassroots than that of talking to the press and entering into a coalition with other organisations. Thus, even though the two tactics the ACSI engaged in had the same effect as the tactics the OU and the USCCB used, the tactics the ACSI used had less of an effect on the grassroots.

The USCCB used the outside strategy to a greater extent than the ACSI and the OU. Thus, H1 is supported. Even though the USCCB used an additional outsider tactic compared to the ACSI and the OU, they did not use this strategy to such an extent that could be expected.

It has been argued that the outside strategy is favoured by resource-poor groups (Hofrenning, 2001:132). One could therefore assume that these religious groups would use the outsider tactics to a greater extent than what they did. However, there are reasons why the outside strategy was not used as much as one could expect in respect to the large number of people affiliated with the ACSI, the OU and the USCCB. For the first part, the NCLBA was a reauthorisation of the ESEA. The limited use of the outside strategy might have been an intentional choice because of the limited ability the organisations had to change the already existing law. These organisations knew that it would be more valuable to use the inside strategy in the legislative process of the NCLBA, and that there would not be any great changes in this overhaul compared to the previous ones. Hence, the bill itself might be the reason why they did not use the outside strategy to a greater extent than they did.

A trade association lobbyist told Kollman during his research that:

“Politicians use grass-roots contacts as a sort of a hyper-concentrated version of what people are thinking back home. A lot of members of Congress are nervous, and they know that anyone who’s going to pick up the phone, or take the time to write a letter, is not only going to be a knowledgeable voter, and an active voter, but an active person who’s going to go out and change people’s minds” (1998:155).

Hence, it is no surprise that groups like the ACSI, the OU and the USCCB encourage their members to be active politically.<sup>154</sup> It is more surprising that the ACSI chose not to use this

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<sup>153</sup> The ACSI did so indirectly through CAPE.

<sup>154</sup> The members are encouraged to participate politically, but the organisations often state the efforts they are encouraging members to participate in are legal in terms of the 501(c)(3) tax-exempt.

important resource during the legislative process of the NCLBA. Thus, the status of the bill, and the strategic context of the issue may have made these groups choose to concentrate on the inside strategy rather than the outside strategy.

The USCCB used the outside strategy more than the ACSI and OU. It can, in addition, be argued that the OU and the USCCB used the outside strategy more than the ACSI due to the ACSI's lack of encouraging members to contact their elected officials. The reason why the OU and the USCCB engaged the grassroots to a greater extent than the ACSI could be that these organisations are umbrella organisations in comparison to the ACSI. The ACSI represents no particular Protestant denomination or tradition. Their member schools can for the most part be considered evangelical. However, there are differences in the various evangelical denominations that run these schools. The ACSI also had a more narrow range of issues they worked for while attempting to influence the NCLBA. Their main goal was federal vouchers which fell through early on. They were very disappointed because of this and withdrew in a sense. They kept monitoring the issue and came back into the process towards passage time (Holmes, October 1, 2002). The result being that they did not see the need for citizen involvement to the same extent as the OU and the USCCB.

## **5.4. Inside Lobbying**

Inside lobbying has been considered to be most effective in terms of influencing legislation. However, Hofrenning argues that religious interest groups do not use this strategy to the same extent as other interest groups, because religious groups prefer to use the various outsider tactics (1995a; 2001). The ACSI, the OU, and the USCCB did not use the outside strategy to the extent one could expect during the legislative process of the NCLBA if Hofrenning's argument is true. They rather chose to use insider tactics.

### **5.4.1. The Political Position of the Organisation**

H2 considered the political position of the organisations and argued that the more conservative the organisation was, the more likely it was to have greater insider access due to the Republican control of the White House and 107<sup>th</sup> Congress.<sup>155</sup>

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<sup>155</sup> The balance of the Senate changed during the discussions of the NCLBA. However, this did not happen until June when HR 1 and S 1 were practically passed in both chambers.

It is not always easy to determine the political position the ACSI, the OU and the USCCB take on certain issues. This is especially difficult in terms of the ACSI which represent a much more heterogeneous and diverse group than the other two organisations. Another aspect is that the ACSI does not clearly state their political position on most issues. Even though all of the members are evangelical, they may have very different political opinions as both Mennonites and Baptists are categorised as evangelical Protestants. In order to get a clear view of the political positions of these groups the issues are divided along a moral and a social and economic dimension.

The ACSI, the OU and the USCCB would respond similarly on issues on the moral dimension, such as abortion, pornography and school choice. However, the OU and the USCCB oppose school prayer. On the social and economic agenda the ACSI is likely to be more conservative than the OU and the USCCB. This is due to the fact that evangelical Protestants are more likely to identify themselves as Republicans, and have a more conservative political agenda. The OU is considered liberal on many issues on the social justice agenda, but not to the extent of the USCCB. The Catholic bishops have promoted a *consistent ethic of life* which combines the moral reform agenda and the social justice agenda. This ethic does not only include issues like abortion and capital punishment, but also issues related to the quality and dignity of human life (Pearl, 2001). Hence, the political position of the USCCB is a combination of a conservative moral reform agenda and a liberal social justice agenda.

As the ACSI does not represent one evangelical denomination, they are not likely to speak on behalf of the group on other issues than those concerning education. If they speak out on other issues, they may have to moderate themselves according the various opinions of the groups represented through their member schools. Even though the ACSI is considered to be more conservative politically than the OU and the USCCB, they are not likely to position themselves as far to the right as for instance the Southern Baptists would while speaking on behalf of the Southern Baptist Convention. Although the ACSI can be termed as the most conservative organisation politically, they are likely to position themselves right of centre (Holmes, October 1, 2002). This does not make the political distance from the OU and the USCCB as great as it could have been if the ACSI had represented a homogenous group. The

groups are all likely to be positioned close to the centre, with the USCCB probably a bit further to the left than the OU.

#### **5.4.2. Does Political Position Determine Access?**

H2 terms that the ACSI ought to have greater access to the legislative community in the 107<sup>th</sup> Congress due to the organisation's political position. The ACSI, the OU, and the USCCB can all be argued to be conservative politically. However, the OU and the USCCB have a liberal position on many political issues as well. These organisations tend to be conservative on moral issues, while having a liberal view on social and economic issues. The ACSI can be considered conservative along both the moral, and the social and economic dimension.

The ACSI, the OU, and the USCCB seemed to talk to a lot of the same legislators during the process of the NCLBA becoming a law. However, the ACSI seemed to concentrate on meetings with Vice-President Cheney's office and the U.S. Department of Education. The OU talked mostly to Senators Gregg and Kennedy who were the ranking members of the Senate Committee on Health, Education, Labour and Pensions, as well as Congressman Tom Delay (R - Texas)<sup>156</sup> and the U.S. Department of Education (Diament, October 1, 2002).<sup>157</sup> The USCCB were in contact with Education Secretary Paige, as well as Gregg and Kennedy, and the ranking members of the House Committee of Education and the Workforce, Boehner and Miller.<sup>158</sup> The OU and the USCCB kept in touch with the members of the conference committee, saying which parts of the two proposals they wanted to retain in the final version of the NCLBA.

The ACSI, the OU and the USCCB also lobbied the Democratic staff on the House Committee on Education and the Workforce (Nock, August 20, 2003). The lobbying efforts that targeted the Democratic staff were often different from the efforts that targeted

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<sup>156</sup> When House majority leader Dick Armey (R - Texas) retired after the 107<sup>th</sup> Congress, Tom DeLay was elected House majority leader in the 108<sup>th</sup> Congress (2003-2004).

<sup>157</sup> The OU/ IPA thanked the offices of House Education Committee Chairman Boehner, Senators Judd Gregg, Tim Hutchinson (R - Arkansas) and Joe Lieberman, in addition to the White House's Sandy Kress (senior advisor to President Bush on Education) and Nina Rees (education advisor to the Bush presidential campaign, senior education analyst at the Heritage Foundation, and the deputy assistant to the Vice-President on domestic policy) for their cooperation in a press statement on December 18, 2001 (<http://www.ou.org/public/statements/2001/nate48.htm> (January 29, 2003)).

<sup>158</sup> The various organisations have most likely talked to other Congressmen as well, but the congressional leadership were the only ones mentioned by name. The organisations are also likely to have talked more to a Congressman's staff than to the legislator in person.

Republicans and the Bush Administration. Thus, the issue these groups lobbied the Democratic staff on was mainly on getting equitable access for private school children. In addition to this, the USCCB worked with the Democratic staff on the language of the bill. The Democrats' unyielding opposition to vouchers made the ACSI, the OU and the USCCB lobby this issue elsewhere.

When the vouchers disappeared from the NCLBA, the ACSI clearly voiced their opinion about this. "We were yelling and screaming... I don't know this for sure... but it seemed like I was out of favour and I didn't get invited to a lot of the meetings all of a sudden" (Holmes, October 1, 2002). The ACSI may have been excluded from meetings due to ACSI's opinion of the Republicans having given up too much too soon to the Democrats. The OU and the USCCB expressed their disappointment when the vouchers were removed, but did not dwell on it as the ACSI did. If there is any truth in Holmes' assumption that he was excluded from meetings, this can be due to their great emphasis on the voucher issue in the NCLBA. The OU and the USCCB chose not to emphasise vouchers as much as the ACSI due to the balance in Congress.

In order to determine access, I have chosen to look at the religious composition in Congress. This does not necessarily give a correct view of political access, but can be an indicator of this. The table below shows an overview of the religious affiliation of the members of Congress in the 107<sup>th</sup> Congress.

**Table 5.2: Religious Affiliation of the Members of Congress in the 107<sup>th</sup> Congress**

Religious Affiliation	House of Representatives			Senate		
	Democrats	Republicans	Total	Democrats	Republicans	Total
Catholic	76	49	125	14	10	24
Jewish	24	2	27 <sup>159</sup>	9	1	10
Protestant <sup>160</sup>						
Baptist	33	30	64 <sup>161</sup>	2	7	9
Episcopalian	7	23	30	3	7	10
Methodist	16	34	50	10	6	16
Presbyterian	15	23	38	3	7	10
All other	40	60	100	9	12	21
Total <sup>162</sup>	211 <sup>163</sup>	221	434 <sup>164</sup>	50	50	100

Source: Table 1-14 and table 1-15 in Ornstein, Mann and Malbin (2002:49-52).

If religious affiliation in Congress determines political access, the USCCB ought to have greater access to the elected officials than the ACSI and the OU.<sup>165</sup> The ACSI did not have greater access than the OU and the USCCB, even though the ACSI was the most conservative organisation politically. Thus, H2 cannot be supported.

### 5.4.3. The Use of Insider Access as a Means of Lobbying

H3 stated that the organisation with better access to the legislators was more likely to use inside lobbying than the other organisations.

The ACSI, the OU, and the USCCB used various insider tactics in their attempts to influence the NCLBA. Neither the ACSI nor the OU alerted the members of Congress about the effects the legislation would have in their constituency specifically. However, the USCCB did so due to the fact that they had prominent constituents contact their elected officials. The ACSI and the OU alerted the Congressmen more generally, something the USCCB also did. They

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<sup>159</sup> This number includes Bernard Sanders (I - Vermont).

<sup>160</sup> The religious information in table 1-14 and 1-15 in Ornstein, Mann and Malbin (2002:49-52) does not list all religious denominations. The Protestant representatives are divided into Baptists, Episcopalians, Methodists and Presbyterians. The Baptists are the only evangelical Protestants, while Episcopalians, Methodists and Presbyterians are all considered to be mainline Protestants. Thus, other evangelical denominations may have been put in the all other category.

<sup>161</sup> This includes Virgil H. Goode, Jr. (I - Virginia).

<sup>162</sup> The total number of representatives includes representatives with an Independent status.

<sup>163</sup> This number only adds up to 211, but the total in table 1-14 in Ornstein, Mann and Malbin (2002:50) is 212.

<sup>164</sup> The total number in table 1-14 in Ornstein, Mann and Malbin (2002:50) is 435. However, the numbers only add up to 434. There were 212 Democrats in the House of Representatives in the 107<sup>th</sup> Congress (Ornstein, Mann and Malbin (2002:58), and seeing that the total number of Democrats in the table is 211, the missing person in the total number of representatives is the missing Democrat.

<sup>165</sup> The Protestants are not considered as one large group, but as smaller denominational groups.

often presented research and technical information to the members of Congress at the same time as when they alerted the legislators about issues of their concern.

Although Berry has argued that hearings are not very useful in terms of influencing legislators, they are considered useful for organisations as the invited interest groups are allowed to voice their opinions in an official setting (1984:185). The USCCB was the only group of the three that was invited to testify at any of the NCLBA hearings.<sup>166</sup> The USCCB testified in addition twice.<sup>167</sup> The USCCB had experts from the field testify once on *Title I: Improving the Academic Achievement of the Disadvantaged*, and once on what was at that point Title VI, which is now *Title V: Promoting Informed Parental Choice and Innovative Programs* (Davis, October 2, 2002; July 10, 2003). The USCCB was the natural entity to invite because the USCCB have a much greater presence and is typically the leader of their joint efforts (Nock, August 20, 2003).

The USCCB was also the only organisation to suggest changes to the language in the act, some of which were accepted. Thus, the USCCB helped draft the legislation. For the most part they paid attention to the private school parts of the bill, but the USCCB provided language in various sections throughout the bill (Davis, October 2, 2002).

One of the things the USCCB started lobbying for when the overhaul was discussed in the 106<sup>th</sup> Congress was to get the word *quality* into the bypass-section of *section 1120: Participation of Children Enrolled in Private Schools*. This section considers the Secretary of Education's opportunity to bypass school organisations that are unable or unwilling to provide the services expected of them. Before the organisations can be bypassed "...the Secretary shall - (3) in making the determination of this subsection, consider one or more factors, including the quality, size, scope, and location of the program and the opportunity of eligible

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<sup>166</sup> There are normally four or five witnesses in a hearing. Three or four of these are usually picked by the majority, normally leaving one witness to be picked by the minority (Nock, August 20, 2003).

<sup>167</sup> The OU testified twice on Bush's faith-based initiative; first to the Senate Committee on the Judiciary (June 6, 2001), and secondly to the House Committee on Ways and Means (June 14, 2001). The faith-based initiative would allow federal money to religious groups in exchange for the delivery of certain services, for instance drug rehabs, day-care centres, and shelters. The initiative was discussed at the same time as the NCLBA, and both the ACSI and the OU lobbied this initiative. The USCCB probably attempted to influence this legislation as well, but the same lobbyist that lobbied the NCLBA did not lobby the faith-based initiative. The faith-based initiative died in the lame-duck session following the midterm-elections in November 2002. The CARE Act of 2003 is a similar proposal that was introduced in the Senate January 30, 2003.

children to participate.”<sup>168</sup> Rev. Davis commented that most of the language in this part was language the U.S. Department of Education wanted, but that the USCCB were happy as long as the word *quality* was included (October 2, 2002). Another language aspect the USCCB spent months lobbying on, was to include the words *entity* and *other entity* in *section 9501: Participation by Private School Children and Teachers*.<sup>169</sup> This section of the law includes examples of various forms of agencies and consortiums as providers of services. By adding the word *entity* to the NCLBA, the law opened up for almost anything to participate in the providing of services. The reason for the immense work done by the USCCB to include these words was that they wanted to give colleges and universities the opportunity to get involved (Davis, October 2, 2002).

All of the organisations contacted government officials directly to present their point of view on the NCLBA, and all spoke with the congressional leadership.<sup>170</sup> Even though they all were in contact with elected officials in an attempt to influence these members’ point of view, none of the organisations tried directly to change the preferences of any of the members of Congress. They tried to influence the legislators, but Nathan Diament of the OU commented that to directly try to change someone’s preferences would be too harsh a word for the influence they attempted to gain (October 1, 2002).

Informal contact with legislators has often been talked about as one of the more negative aspects of lobbying. Although this might be emphasised by some groups, it does not necessarily have to mean much, or make the occasion memorable. John Holmes did not think he had taken anyone out to lunch during the legislative process of the NCLBA. Nathan Diament thought he probably had done so, but could not say so with certainty.<sup>171</sup>

The OU felt that they had greater success in their attempts to influence HR 1 than S 1. Thus, when the NCLBA was in the conference committee the OU worked with the conferees to ensure that the measures that were secured in the House version of the bill would be retained

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<sup>168</sup> Public Law 107-110 (2002:87).

<sup>169</sup> The words *entity* and *other entity* are now used throughout the NCLBA.

<sup>170</sup> The ACSI did not specifically mention the congressional leadership, but as the Republicans controlled both the House and the Senate at the time these meetings took place, the ACSI were in contact with the congressional leadership in the Senate through Vice-President Cheney. They were also in contact with the Democratic staff for the House Committee on Education and the Workforce (Nock, August 20, 2003), so I assume they were in contact with the congressional leadership in the House of Representatives as well.

<sup>171</sup> Rev. William Davis was not asked this question.



in the final bill.<sup>172</sup> After President Bush had signed the NCLBA into law the OU turned to the executive branch to work with them in the development of the regulations that would implement the NCLBA. They did in addition to this also start preparing for the next major federal education issue - the IDEA.<sup>173</sup>

The USCCB was the only organisation to write to all the members in the conference committee to let them know where the USCCB thought the Senate should recede to the House and vice versa. In this letter the USCCB enclosed attachments that showed language from HR1 that was not included in S 1, but that the USCCB wanted the conferees to retain in the Conference Report as they felt that the language would provide a stronger protection for private school children and teachers in terms of equitable participation. However, they also stated that none of the suggestions would affect public school children negatively (Davis, July 20, 2001). The letter asked the Senate to recede to the House more often than the other way around. This was due to the fact that the Democrats controlled the Senate and were not in favour of all the things the USCCB wanted. In order to strengthen the request for support local Catholic school superintendents, directors of the various State Catholic Conferences and parent advocacy organisations contacted the members of the conference committee during the August recess in an attempt to influence the members to take the Catholic position.<sup>174</sup>

However, lobbying does not stop when a bill is signed or vetoed. It is rather an ongoing process. The OU and the USCCB have continued to work with the NCLBA after it was passed and signed by President Bush. They worked with the U.S. Department of Education on regulations and guidance, in order to make sure that the overhaul would be implemented correctly with the aspects many religious groups fought for. The table below shows a summary of the tactics used inside the legislative community during the legislative process of the NCLBA.

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<sup>172</sup> *Washington Wire* (2001(4):1) and *Washington Wire* (2001(5):1).

<sup>173</sup> *Washington Wire* (2002(1):1).

<sup>174</sup> *Parent Power* (2001(3):2).

**Table 5.3: Summary of Insider Tactics used by the ACSI, the OU, and the USCCB**

Tactic	ACSI	OU	USCCB
Engaged in informal contacts with officials at conventions, lunch etc. with regard to the issue	Did not think so	Probably	Not asked
Alerted members of Congress of the effects the legislation would have in their congressional district	No, alerted them more generally	No, alerted them more generally	Yes
Contacted government officials directly to present your point of view on this issue	Yes	Yes	Yes
Specifically spoke with the congressional leadership regarding this issue	Yes	Yes	Yes
Presented research or technical information to members of Congress regarding the issue	Yes	Yes	Yes
Tried directly to change the preferences to any of the members of Congress	No	No	No
Consulted government officials on legislative strategy for bills concerning the issue	No	No	No
Provided a testimony at a legislative hearing regarding the issue	No	No	Yes, twice
Helped draft legislation on this issue	No	No	Yes

#### **5.4.4. Does Access Determine Choice of Strategy?**

H3 stated that the organisation that had better access was more likely to use the inside strategy than the organisations with poorer access to the legislative community. Hence, the USCCB ought to use insider tactics to a greater extent than the ACSI and the OU.

The ACSI, the OU, and the USCCB had access to the legislators, and all used insider tactics to varying degrees. All of the groups presented research and technical information to legislators, as well as contacting these officials directly to let them know what the organisation’s opinion was on the issue. They all spoke specifically with the congressional leadership as well. But apart from that, the USCCB used insider tactics more than the ACSI and the OU. The USCCB alerted some members of Congress of the effects the legislative would have in their particular districts. They had experts from the field testify at two separate committee hearings and helped draft the legislation, i.e. they used tactics which can be quite useful in an attempt to influence legislation.

There are several reasons why the USCCB used the inside strategy more than the ACSI and the OU. First of all, the USCCB had greater resources while lobbying this issue. The USCCB did not necessarily have greater financial resources than the ACSI and the OU, but

they had greater human resources. The USCCB had the same number of people working on the ESEA overhaul as the ACSI and the OU had to work on all the legislative issues they were interested in. Another reason for the USCCB's extensive use of insider tactics can be that

“...as far as private schools go, we're probably the ones who are most interested in getting us into federal legislation. Now, Nathan Diament is probably the closest one to us. The Jewish, especially the Orthodox Jewish schools probably would have a very similar agenda to ours... Then you have the Association of Christian Schools International, which is the John Holmes group that you met. They're different... To a great extent, they don't want the government mixing in their work. So the less the government does, the better. That's sort of an oversimplification of the approaches but... We're the ones who have worked very hard to get the federal government to assist us in these programmes. We're much more interested in what happens to them” (Davis, October 2, 2002).

The USCCB took a greater interest in the NCLBA than the other organisations, and was also more inclined to use insider tactics than the ACSI and the OU. The OU was also concerned about the NCLBA, but took a greater interest in the faith-based initiative that would include, among other things, day-care centres and schools. The OU had more to gain from the faith-based initiative in other matters as well and probably considered it to be a more important matter. John Holmes said that the President's tax relief bill<sup>175</sup> helped the ACSI schools and parents more than the NCLBA (October 1, 2002). Both John Holmes and Nathan Diament commented that the private schools were given a role around the edges and margins in the NCLBA (October 1, 2002). Holmes said the ACSI also made more of an effort to influence HR 5193: Back to School Tax Relief Act of 2002, than they had made during the NCLBA.

“See, when you get to like that HR 5193, we took letters to every office in Congress that we could find, OK? No Child Left Behind we never did anything like that. Because HR 5193 immediately helps poor families, who we want to help and give them hope, whether they are in a public school or a private school. No Child Left Behind was basically a public school bill, and we confess that. We're not anti-public schools” (Holmes, October 1, 2002).

The ACSI did not think HR 5193 would go anywhere, but wanted a vote on it so that organisations like the *Family Research Council*, the *Christian Coalition*, and *Traditional Values Coalition* could use the vote on their scorecards.<sup>176</sup>

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<sup>175</sup> The tax relief bill he is referring to is Public Law 107-16: Economic Growth and Tax Relief Reconciliation Act of 2001.

<sup>176</sup> HR 5193 died in committee and was never voted on. The OU did not make the same choice in concern to the HR 5193 as the ACSI. The OU chose not to lobby on HR 5193 “...in particular. There are a number of education tax benefit proposals that have been developed and introduced in Congress over the past years. We've been involved in general terms with developing some of the proposals, with of course having them be as wide and beneficial to a wide a range of people and communities as possible. The particular bill you mention falls way short of that” (Diament, October 1, 2002).

One can question whether the USCCB’s great use of insider tactics compared to the ACSI and the OU was a question of access. It has already been established that the USCCB had greater political access if determined by the religious composition of the 107<sup>th</sup> Congress. However, it is also a question of whether or not the religious composition of Congress mirrors the religious affiliation of the nation as a whole. The tables below show the religious affiliation in the United States in 2001, and the religious over- or underrepresentation in the 107<sup>th</sup> Congress.

**Table 5.4: Religious Affiliation in the United States, 2001**

<b>Religious Affiliation</b>	<b>Total Number</b>	<b>Percent</b>
Catholic	50,873,000	24.5%
Baptist (Evangelical Protestant)	33,830,000	16.3%
Non-Religious/ Secular	27,539,000	13.2%
Methodist/ Wesleyan (Mainline Protestant)	14,150,000	6.8%
Lutheran (Mainline Protestant)	9,580,000	4.6%
Presbyterian (Mainline Protestant)	5,596,000	2.7%
Pentecostal/ Charismatic (Evangelical Protestant)	4,407,000	2.1%
Episcopalian/ Anglican (Mainline Protestant)	3,451,000	1.7%
Jewish	2,831,000	1.3%
Mormon (Latter-Day Saints)	2,697,000	1.3%
Jehovah’s Witness	1,331,000	0.6%
Islam	1,104,000	0.5%
Buddhism	1,082,000	0.5%
Hinduism	766,000	0.4%

Source: [http://www.adherents.com/rel\\_USA.html#religions](http://www.adherents.com/rel_USA.html#religions) (September 25, 2003).<sup>177</sup>

The Baptists are by far the largest Protestant denomination in the United States. Wilcox and Bartkowski argue that white conservative Protestants make up about 20 percent of the American population (2000:32), which should indicate that there should be a larger group of evangelical Protestants than mainline Protestants among the members of Congress.

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<sup>177</sup> The numbers are based on self-identification. As the not every group is listed in the table, the percentage does not add up to 100.

**Table 5.5: Religious Over- or Underrepresentation in the 107<sup>th</sup> Congress**

Affiliation	House of Representatives			Senate		
	Total number	Percent	+/- <sup>178</sup>	Total number	Percent	+/-
Catholic	125	28.7%	+4.2	24	24%	-0.5
Jewish	27	6.2%	+4.9	10	10%	+8.7
Protestant <sup>179</sup>						
Baptist	64	14.7%	-1.6	9	9%	-7.3
Episcopalian	30	6.9%	+5.2	10	10%	+8.3
Methodist	50	11.5%	+4.7	16	16%	+9.2
Presbyterian	38	8.7%	+5.9	10	10%	+7.3
All other	100	23%		21	21%	
Total	434 <sup>180</sup>	99.7%		100	100%	

Source: Table 1-14 and table 1-15 in Ornstein, Mann and Malbin (2002:49-52)

Evangelical Protestants are grossly underrepresented in Congress. The Jews have in fact greater political access in the Senate than the Baptists, and they only comprise 1.3 percent of the entire population. The Jews have in addition to the mainline Protestants, the largest overrepresentation in Congress compared to the national religious affiliation. However, even though the Jews are overrepresented in Congress, there were a greater number of evangelical Protestants compared to Jews among the legislators in the 107<sup>th</sup> Congress.

The Catholic members of Congress were twice as many as the Baptists, which gave the USCCB greater political access than the ACSI and the OU. The USCCB did also engage in the insider game to larger extent than the other two organisations. Hence, H3 is supported.

## 5.5. Scope of Interest

H4 stated that the organisation with the more narrow legislative focus or scope of interest was more likely to be successful in its attempts to influence legislation. This hypothesis raises the question of how an organisation defines success. Something that might seem like a success from the outside may not be considered successful on the inside of an organisation. The degree of influence a group may see as successful varies according to the goals set by the organisation. Hofrenning argues that religious interest groups hold a different definition of

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<sup>178</sup> These numbers are found by subtracting the percentage of the representatives from the national percentage.

<sup>179</sup> Protestants overall were overrepresented in the 107<sup>th</sup> Congress (+7.6 in the House of Representatives and +10.8 in the Senate), even though the evangelical Protestants were grossly underrepresented.

<sup>180</sup> The total number in table 1-14 in Ornstein, Mann and Malbin (2002:50) is 435. However, the numbers only add up to 434. The missing representative is a Democrat in the House of Representatives (see footnotes 163 and 164).

success, because these groups choose to be religiously faithful instead of thinking about winning and losing (2001:132).

The ACSI is the organisation that initially seems to have the narrowest legislative focus of the three organisations. This is the only organisation to have one primary function, i.e. to run schools. Both the OU and the USCCB have an enormous range of issues they work with and lobby for. However, the USCCB have, in contrast to the OU, various departments that work with these different questions. The USCCB Department of Education works exclusively with educational issues. The USCCB even have a lobbyist that solely works with education public policy including child nutrition. So even though the USCCB has a vast amount of issues that is of concern to them, these issues are divided among the various departments, which again can lead to specialisation in certain aspects of public policy. This was visible in the organisations' attempts to influence President Bush's faith-based initiative. Both the ACSI and the OU lobbied this initiative, while the USCCB Department of Education was not the department that dealt with the faith-based initiative in the USCCB. The USCCB had in this sense a much more narrow legislative focus than the OU due to the fact that the IPA had to deal with all the policy issues the organisation is concerned about, while the USCCB had the opportunity to specialise its staff on certain issues. Still, while looking at the organisations overall, the ACSI had a scope of interest which was more narrow than that of the OU and the USCCB.

### **5.5.1. Does Legislative Focus Determine Success?**

H4 said the organisation with the more narrow focus would be more likely to succeed in its attempts to influence legislation. The ACSI had a much more narrow legislative focus than the OU and the USCCB in that they are in general only concerned with education policies. However, the USCCB can be argued to have quite a narrow focus as well due to the organisation's ability to specialise its staff to influence certain policies. Still, due to the fact that the USCCB are concerned with issues that go well beyond education, I will argue that the ACSI is the organisation that according H4 ought to be more successful in their attempts to influence the NCLBA.

When the goals of the organisations are considered, one discovers that the USCCB had set more goals for their lobbying efforts than the ACSI and the OU. However, the USCCB was also the organisation that worked hardest in their attempts to influence the NCLBA.

The ACSI failed in their attempt to obtain federal vouchers, which was the main goal in their efforts to influence the ESEA overhaul. When the vouchers fell through, and the ACSI had given up hope to reintroduce the measure, they wanted to make sure that the teachers and students in private schools were included in the other ESEA programmes. The ACSI failed to see, or rather refused to see that the balance of the Congress would not let the NCLBA include federal vouchers. When they realised this, they withdrew somewhat and monitored the process from the side for a little while, and came back into the process towards the passing of the bill (Holmes, October 1, 2002). When their lobbying efforts were turned to ensuring equitable access for private school children and public school children, the ACSI were quite successful as these programmes remained open to them. However, because of the major emphasis this organisation set on including vouchers in the ESEA, it can be argued to be the least successful group in terms of influencing the NCLBA.

Nathan Diament was not sure whether he could say the OU had particularly succeeded in their attempts to influence the act. However, he ascertained that the doors for private and parochial schools to participate in several of the programmes remained open. The OU were not particularly satisfied with the NCLBA “...but given the political landscape it would have been unrealistic to expect it much better” (Diament, October 1, 2002). Still, in a press statement December 12, 2001 the OU/ IPA applauded the product of the conference committee and urged a quick enactment and signature from the President.<sup>181</sup> The OU felt that there was a lot more work to be done in order to bring complete educational opportunity, equality and liberty to all American school children, but that the NCLBA was an excellent beginning.<sup>182</sup>

When Rev. Davis was asked whether he thought the USCCB had been successful in their attempts to influence the NCLBA or not, he answered:

“Ah, you know, for the most part yes. We’re relatively happy. I mean it’s not a perfect law, but nothing is. The things that we wanted, we spent a good bit of effort passing, you know, passing that kind of information around. So yes I would say we did as well as

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<sup>181</sup> <http://www.ou.org/public/statements/2001/nate46.htm> (January 29, 2003).

<sup>182</sup> <http://www.ou.org/public/statements/2001/nate46.htm> (January 29, 2003) and <http://www.ou.org/public/statements/2001/nate48.htm> (January 29, 2003).

could be expected. There were some things we might have wanted, the choice amendment that flipped, but you know you can't get everything" (October 2, 2002).

The USCCB also expressed their satisfaction with the law in *Parent Power*. The NCLBA increased the opportunity of the Catholic school community to benefit from the ESEA programmes through higher funding levels, the strengthened language regarding consultation between representatives from private and public schools, as well as some new programmes were made accessible to the private schools.<sup>183</sup>

Even though the ACSI had the narrowest legislative focus of the three organisations, it cannot be considered more successful in their attempted influence. The USCCB was rather the group that was the most successful. Hence, H4 cannot be supported.

## 5.6. Religious Influence

Religious interest groups are able to influence legislation. They may not be as influential as many secular interest groups, but this can often be due to the lack of trying. With the exception of federal vouchers, and the inclusion of private and parochial schools in the choice section, the goals pursued by the three organisations were more or less obtained. It is hard to say whether the ACSI, the OU, or the USCCB would have been more successful in their attempts to influence the NCLBA if they had pursued insider tactics to a larger extent than they did. However, it is doubtful that the ESEA overhaul would be very different because it was based on old legislation. There were limited opportunities to change the law, and the changes that could be made were easier influenced inside the legislative community. Another aspect is the bargaining that occurred between Democrats and Republicans. Many conservative Republicans worked for the same issues as the ACSI, the OU, and the USCCB fought for, which also made the work of the religious groups easier as they did not have to convince these politicians about the issues. Lawrence argued that

"Because vouchers... were not included in the final version of the bill, Republican Conservatives refused to support the final bill. We [the House Democrats] had anticipated this opposition which gave Democrats great bargaining power because we knew the Republicans would need a large number of Democratic votes to pass the bill (their high priority because President Bush had made education such a significant issue). Ultimately few religious groups actually opposed the bill but more than 40 Republicans did" (August 16, 2003).

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<sup>183</sup> *Parent Power* (2002(1):3).



In comparison to many conservative Republicans, the religious groups were relatively pleased with what they had achieved and supported the final bill.

Why was the inside strategy preferred by the ACSI, the OU, and the USCCB during the legislative process of the NCLBA? Hofrenning predicted in 2001 that religious interest groups would continue to be active participants in the political process. He argued that even though these groups would use some insider tactics, they would continue to emphasise the outside strategy and the mobilisation of grassroots support (Hofrenning, 2001:136). The ACSI, the OU and the USCCB should, according to Hofrenning's prediction, have emphasised the outside strategy, a strategy that was more or less ignored in their attempts to influence the NCLBA.

There are several reasons to the preference of the inside strategy while attempting to influence the ESEA reauthorisation. One major factor was that the NCLBA was a new initiative to old legislation. It is in generally easier to influence legislation on a new issue than an old issue. Hence, it is also more difficult to influence already existing legislation. However, insider tactics are arguably more useful while attempting to influence existing legislation.

The ACSI, the OU, and the USCCB had each a number of goals they pursued while the ESEA was reauthorised. These goals were easier obtained through insider tactics because it involved meetings with the officials working with the legislation. To reject these tactics would also mean a likely rejection of influence. It does not matter how much grassroots pressure an interest group is able to mobilise if the group leaders are unable to gain and maintain elite access (Fowler and Hertzke, 1995:58). The ACSI, the OU, and the USCCB had access and goals they wanted to reach. The inside strategy was preferred in an attempt to reach these goals.

Hofrenning argues that religious interest groups will remain true to their faith rather than pursue success (2001:136). This means that the same groups will reject insider tactics. One can argue that the ACSI, the OU, and the USCCB remained true to their faith while lobbying the NCLBA. These groups used the inside strategy, but remained faithful. The use of insider tactics can be explained from the point of view of the religious justification of why the groups wanted the things they worked for. Even though federal vouchers disappeared early on in the game, the OU and the USCCB chose not to have this as a main goal. However, the reason for

wanting federal vouchers was based on the principle of helping others. John Holmes said that helping children was a driving force in ACSI's work (October 1, 2002). The OU criticise other Jewish groups for not supporting vouchers because these groups see vouchers as a violation of the establishment clause, while the OU look upon vouchers as a way to help children and families who are less fortunate.<sup>184</sup> The USCCB used a similar argument in favour of vouchers. However, their political statements are founded in the New Testament and Jesus' call "...to love our neighbours by feeding the hungry, clothing the naked, caring for the sick and afflicted, and comforting the victims of injustice."<sup>185</sup> The goals of the ACSI, the OU, and the USCCB were more easily obtained through insider tactics, and due to the organisations' reasons for these goals, they stayed faithful even though they used the inside strategy more than the outside strategy.

Religious groups that choose to get involved in politics and advocacy will not reject the inside strategy. These groups may not have lobbyists as professional as secular interest groups. However, these groups are getting more and more professional as time passes and they adjust with the times. Without a stable and professional workforce in Washington, chances are that these groups will lose access, which again will make the groups less likely to succeed in their attempts to influence legislation in the future. Thus, I argue that religious interest groups will maintain a lobbying staff which will ensure them influence in the future.

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<sup>184</sup> See for instance <http://www.ou.org/public/statements/bg/schoice.htm> (November 28, 2002) or <http://www.ou.org/public/statements/2002/nate16.htm> (February 27, 2003).

<sup>185</sup> *Faithful Citizenship: Civic Responsibility for a New Millennium* (1999:4). The Bible text this refers to is Matthew 25:31-46.

## 6. Conclusion

The purpose of this dissertation was to determine whether religious groups had any influence in the American political arena. By using Victor's theory on interest group influence, I compared the ACSI, the OU and the USCCB and their strategic choices in terms of lobbying the NCLBA.

Victor argues that an interest group has been influential when the change in the status of a bill is the result of interest group action (2001b:2). Considering the choices the ACSI, the OU and the USCCB made in concern to the NCLBA, I have argued that they had influence in the legislative process of the NCLBA. However, this influence may not have been to the degree they might have wished for. The ACSI, the OU and the USCCB attempted to influence the NCLBA on several aspects. But the measure they might have hoped more for was not included in the final bill.

The ACSI, the OU, and the USCCB all wanted a choice amendment that would include private and parochial schools. This did not happen, largely due to the balance in Congress, and the fact that strong interest groups opposed this. Victor argues that largely opposing groups use dimensional manipulation (2001b:17). This was visible during the discussion over federal vouchers and school choice. Teachers unions and other public education interest groups argued that the use of vouchers only would drain the public schools for money, as well as being in violation with the establishment clause. 99 percent of the students in Cleveland who are eligible for vouchers have used the money to attend religious schools (Hanauer, 2002; Samber, 2002).<sup>186</sup> Thus, it was no surprise that opposing interest groups used this argument in their attempts to kill the choice measure that originally was in President Bush's blueprint, and HR 1.

Even though federal vouchers were important to the ACSI, the OU, and the USCCB, the ACSI was the group that worked hardest to get this measure included in the NCLBA. Both the OU and the USCCB did not see this as their main goal as the cost of action was too high. These groups saw other issues as more important even though these groups also were in

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<sup>186</sup> This can, as mentioned in the introduction, be due to the fact that voucher payments in Cleveland are smaller than voucher payments in Milwaukee where there is a wider range of private school alternatives (Kosters and Mast, 2003:101).

favour of a school choice amendment. However, the political situation made them not linger too much on this subject.

Both Chubb and Moe (1990) and Raunch (1995) have suggested that competition and school choice could help the American educational system. They did not say that the competitors necessarily had to be private, but rather argued that the public schools needed to fight for their students. The final version of the NCLBA included school choice, but private and parochial schools were not included in this measure. Still, the public schools are now forced to reform in order to stay afloat. Unless the schools meet the AYP, they might lose students who choose to transfer to a better-performing school. The schools might also be closed altogether and reopened as a charter school. Because charter schools are public schools that are exempted from many rules and regulations, these schools are able to compete with other public schools on the same level as private and parochial schools. Hence, the American elementary and secondary education might improve due to the competition between public school institutions.

However, there is still a question of implementation. The previous reauthorisations of the ESEA have not been implemented across the country before the next overhaul has been signed with new alterations. Still, it might change this time. All of the 50 states in addition to the District of Columbia, and Puerto Rico submitted their state accountability plans on time, and on June 10, 2003, all were approved.<sup>187</sup> Stronger accountability for results was considered to be the most important principle of the four key principles introduced in the NCLBA. This means that the states that already have an accountability system must improve or develop a stronger accountability system than the one already in place in order for the students to maintain high standards. The states also need to provide highly qualified teachers in an effort to get the wanted results as all students must be proficient by the school year 2013-14.<sup>188</sup>

The ESEA is up for a new reauthorisation in 2007-2008.<sup>189</sup> Thus, the NCLBA goal plan stretches far longer than the NCLBA does. Hence, a lot must change as the ESEA is going to be up for two overhauls prior to the year the students are supposed to be proficient. The

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<sup>187</sup> <http://www.whitehouse.gov/news/releases/2003/06/print/20030610-4.html> (August 20, 2003).

<sup>188</sup> <http://www.ed.gov/PressReleases/06-2003/06092003.html> (June 10, 2003).

<sup>189</sup> The conference committee decided to reauthorize the ESEA for six years (Nather, 2001k:1926).

purpose of the NCLBA is to close the achievement gap, and thus leave no child behind. But the effectiveness of the law will depend on the implementation of the new requirements. Kusters and Mast write that the limited improvement of Title I after the 1994 ESEA reauthorisation can be attributed to the partial implementation of the overhaul (2003:100). State governments have often been reluctant to implement federal policy, and quite a few states have failed to implement the 1994 reauthorisation of the ESEA (Taylor and Piche, 2002). In fact, only 11 states were in compliance with the 1994 education law by January 2001.<sup>190</sup> One can question whether children still will be left behind because state governments are incapable or unwilling to implement the NCLBA before new rules and regulations will come in the next reauthorisation of the ESEA.<sup>191</sup> However, even though it might seem difficult to implement the NCLBA, there are several political offices and interest groups that will work in order for the law to be implemented as it is supposed to. The long lead time for achieving the goals of the NCLBA can be problematic, but there have been indications that the federal government have given the implementation of the NCLBA a high priority (Kusters and Mast, 2003:100).

The NCLBA is looked upon as the most comprehensive reauthorisation of the ESEA since the law was signed in 1965. Thus, one can expect that the legislators that will discuss the next overhauls might continue along the same path as the legislators in the 107<sup>th</sup> Congress. Still, in order for the future members of Congress to maintain the same goals, the American educational system must show some progress according to the plans stated in the NCLBA.

Parker has argued that

“The high visibility and saliency of problems in education and simultaneous lack of agreement over solution creates an insidious cycle of failure. High public anxiety encourages political leaders to promote education as an answer for social problems without any clear notion of how to accomplish such aims. These ambitious promises lead to conflict, unfulfilled expectations, and, ultimately, disillusionment. Though the public continues to value education, many people have lost confidence in a system that has promised so much more than it could achieve” (1998:277-278).

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<sup>190</sup> <http://www.whitehouse.gov/news/releases/2003/06/print/20030610-4.html> (August 20, 2003).

<sup>191</sup> The Bush Administration has been criticised for not providing adequate funding for the NCLBA. Many Democratic elected officials and particularly George Miller, who is the ranking Democrat in the House Committee on Education and the Workforce, has criticised this. Reg Weaver, President of the NEA told *USA Today* July 22, 2003, that “The NEA looks forward to joining states and localities in challenging provisions that force districts to spend billions of dollars to implement these underfunded mandates” (<http://www.nea.org/columns/rw030806.html> (August 26, 2003)). Thus, unless the Bush Administration provides efficient funding, this might slow down the implementation process as well.

If the public does not see any improvements in the educational system, it will lose faith in the system and demand a different approach from the politicians. Hence, if the NCLBA is going to reach the goals set in the bill, the states must show some results fast.

### **6.1. Results of study**

The NCLBA was almost five years in the making if one were to count the time the Clinton Administration spent on developing the proposals that were repackaged by President Bush. Bush's initial plan was to have the NCLBA on his desk ready for signing sometime during the summer of 2001 (Nather, 2001c:387). This did not happen and the terrorist attacks on the United States on September 11, 2001, delayed the legislative process even further, as the reauthorisation of the ESEA was no longer Bush's top domestic priority (Nather, 2001b:2220). Various interest groups spent a lot of time lobbying these proposals over the years prior to the NCLBA was signed into law January 8, 2002.

The ACSI, the OU and the USCCB did all attempt to influence the NCLBA, and they all succeeded to an extent.<sup>192</sup> These groups used tactics from both the inside strategy and the outside strategy. However, it seems like the inside strategy was preferred in terms of how many tactics the groups used. The NCLBA was the reauthorisation of already existing legislation, and this can be one of the main reasons why the inside strategy was preferred.

H1 assumed that the organisation to have the largest group of people affiliated with it would be more likely to use the outside strategy than the other groups. H1 was supported in the study. The USCCB used outsider tactics to a greater extent than the ACSI and the OU. They involved the grassroots more than the other groups and were also more aggressive in the way they lobbied (Nock, August 24, 2003).

H2 stated that the more conservative the organisation was politically, the greater access it would have to the elected officials due to the Republican control in Congress and the White House. The ACSI was the most conservative organisation politically, but the ACSI did not have greater access to the legislative community than the OU and the USCCB. The USCCB

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<sup>192</sup> Secular organisations like the NEA, Chief State School Officers, Council of Great City Schools and American Federation of Teachers spent significantly more resources than the ACSI, the OU and the USCCB while lobbying the NCLBA (Nock, August 21, 2003; August 24, 2003).

had greater political access than the ACSI and the OU based on the religious affiliation of the members of the 107<sup>th</sup> Congress. Thus, H2 was not supported.

H3 stated that the organisation with greater political access would be more inclined to use the inside strategy than the groups with poorer access to the elected officials. The USCCB used the inside strategy more than the ACSI and the OU. They also worked harder in their attempts to influence the act and had greater human resources than the ACSI and the OU. Thus, the ACSI and the OU chose to lobby on different issues they considered just as important as the NCLBA. The USCCB was also the group that was most interested in getting included in the federal education programmes and would therefore spend more resources lobbying this. The USCCB had greater political access than the ACSI and OU. They also engaged in insider tactics to a greater extent than the ACSI and the OU. Thus, H3 was supported.

H4 assumed that the organisation with the more narrow focus would be more successful in its attempts to influence legislation than an organisation with a broader legislative focus. According to H4, the ACSI ought to be most successful in their attempts to influence the NCLBA. However, the USCCB spent more time and resources lobbying the NCLBA than the other groups. The USCCB also used a larger spectre of tactics, and was more successful in its attempts to influence the NCLBA because of this. Thus, H4 could not be supported.

Even though only two of the hypotheses were supported in this study, the study showed that the ACSI, the OU and the USCCB had some influence on the NCLBA. Although they used the inside strategy to a greater extent than the outside strategy, they remained faithful to their religious beliefs all through the process. The ACSI were not as successful in their attempts to influence the NCLBA, as the OU and the USCCB. This was due to the major emphasis the ACSI had on vouchers. The OU and the USCCB made a different strategic choice in concern to this issue due to the congressional balance, and concentrated on influencing other issues. The USCCB was the group that took the greatest interest in the act. They spent a lot of time trying to get the measures they wanted, and were also more successful according to the goals the organisation set for itself.

Victor argues that interest group influence is the result of the strategic context of the bill and the tactics the interest group engages in (2001b:2). Thus, interest groups influence can be

measured if there has been a change in the status of the bill as a result of interest groups actions or potential actions (2002b:11). However, it is difficult to measure influence in this way. One can never be sure of that the interest group actions were the reason for the change in the status of the bill. Domestic and international issues may also affect the strategic context of the bill (Victor, 2002a:10). Another aspect is that the change in the status of the bill may be the result of any interest group action, and not necessarily the group whose influence it is intended to measure. Hence, it is not really possible to measure the influence of one specific interest group. The study showed that the ACSI, the OU and the USCCB were reasonably successful in their attempts to influence the NCLBA. However, this was based on what these groups were able to achieve in concern to the goals they set for their lobbyism. Thus, it is an evaluation of the organisations' goals, lobbying efforts and achievements.

Fowler and Hertzke argue that religious groups have had modest influence in periods (1995:80). They may have influence on certain policies, but religious groups usually lose (Hofrenning, 2001:132). The issues mentioned are often the big issues such as abortion and school prayer, issues that are unrealistic to win. They might have small victories like the Partial-Birth Abortion Ban Act of 2003, but it is doubtful that the right to abortion will be completely removed. Religious interest groups have been argued to shape the political agenda and influenced the nature of the debate more than of having actual influence on legislation (Hofrenning, 2001:136).

I have argued that the ACSI, the OU and the USCCB did influence the NCLBA, and that religious interest groups will continue to influence the legislative process in the United States in the future. These groups lost the fight for vouchers in the NCLBA, but were reasonably successful and achieved other goals, such as equitable participation and various language specifications. It seems that most previous research has concentrated on the big religious issues. This study looked at the legislative influence on and the reauthorisation of the ESEA. Many religious interest groups consider school choice as a major issue in concern to education. It is also one of the big issues religious interest groups may have a chance of winning. However, they are not there yet, and this made the OU and the USCCB do the strategic choice of concentrating on other issues in their attempts to influence the NCLBA. This choice made them seem more successful than the ACSI who had vouchers and private school choice as their major goal.



The result of my study differs somewhat to the previous research on religious interest groups. This may be due to the fact that the NCLBA was the bill in question. The issues these groups wanted were not as controversial as issues like abortion and school prayer. Thus, religious interest groups had a greater chance of succeeding in their attempts to influence the legislative proposal. Another factor may be that I looked at three separate groups and their attempts to influence one particular bill. This may give an impression of greater influence than if I had studied the groups' attempts to influence all of the legislative proposals in the 107<sup>th</sup> Congress.

## **6.2. Limitations and Implications of the Study**

There is a high degree of validity in this study. The data is relevant to the problem statement, and it gives a good impression of what I attempted to measure. The study could have been done again, and I assume I would get the same answers. Although, if the study was to be done again, a few changes in particularly the interview setting would have improved the study.

The study can to a certain degree be generalised in terms of religious influence on federal legislation. However, the problem is that various interest groups use different strategies. Hofrenning has argued that religious interest groups differ in their way of playing the political game compared to other interest groups (1995a:108). This means that one can only generalise this study when discussing religious groups and their attempts to influence legislation. Another aspect that must be considered is the fact that this study looked at a piece of legislation that was mainly a public school bill, and thereby only partially interesting for religious groups. The faith-based initiative that President Bush and the 107<sup>th</sup> and 108<sup>th</sup> Congress worked with later was probably more interesting to a greater number of religious groups, as this bill would affect them more than the NCLBA did. A last aspect is that the NCLBA was a reauthorisation of an already existing law. There was a limited opportunity for major changes in the first place. However, the conclusions of the study can be generalised if considering the factors stated above.

The ACSI, the OU and the USCCB concentrated on lobbying the NCLBA on private school matters, and proved to have some influence. The study implies that religious groups have some effect in the legislative process of a bill in the United States. Religious groups have

## Conclusion

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great membership bases that back them and this makes them hard to ignore. Thus, religious interest groups will continue to influence the legislative process in the United States.

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