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# Making a Difference: Human Service Interest Group Influence on Social Welfare Program Regulations

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*Social workers increasingly understand the importance of political action to affect legislative policy-making. This paper sheds light onto the unexplored subject of interest group influence on the executive branch, specifically on the writing of program regulations for social welfare programs. It describes groups active in the process and what they do in their quest for influence. It also presents a preliminary model of interest group influence on regulation writing. Results show that having greater access, articulating a liberal policy position, choosing a "better" strategy and devoting more resources to influence efforts are all significant predictors of a group's influence level during the Clinton Administration.*

## INTRODUCTION

Political advocacy and social work are inseparable. The National Association of Social Workers Code of Ethics makes this clear (National Association of Social Workers, 1996). A considerable body of literature exists regarding the importance of advocacy and the need for social workers to engage in the political process (for a few recent examples, see Domanski, 1998; Haynes and Mickelson, 1997; Hoefler, in press; Jansson, 1999; Richan, 1996). Most literature for social workers focuses on influencing law-making.

While considerable work on group influence has been conducted with regard to legislatures, much less work is available concerning group influence on the executive branch, especially

in the rulemaking process. This omission is curious because the importance of understanding how regulations are created is well-known. As Harris and Milkis state: "Regulatory politics—the struggle for control over the administrative levers of power and policy shaped within government agencies—is central to government activity in the United States" (Harris and Milkis, 1989: viii).

A few authors have focused specifically on the need to monitor and advocate program regulations (Albert, 1983; Bell and Bell, 1982; Haynes and Mickelson, 1997; Jansson, 1999). These authors point out the importance of executive branch decision-making but do not present empirical research concerning how it is similar to and different from legislative lobbying.

Although non-legislative policy-making is a very important aspect of group influence over policy, it is still a neglected area of research, especially in social welfare where changes in program rules can have dramatic impacts on individual recipients of aid and services (Berry, 1984; Brodtkin, 1986; Lipsky, 1984; West, 1985). As noted by Ripley and Franklin (1987) and Kerwin (1994), changing social welfare regulations without going through the legislative process first became an important way to alter policy during President Reagan's terms of office. Such efforts continue today at the federal level and exist at the state level, too.

Ultimately, a better understanding of the correlates of influence may help social workers perform their executive branch advocacy efforts more effectively, resulting in better programs for clients. The objectives of this research are thus to describe how human services interest groups try to influence social welfare policy regulations and to test a model of self-reported interest group effectiveness in influencing the content of social welfare regulations. We first describe the regulation-writing process, then review the literature on interest group effectiveness in influencing policy. The methods used in this study are next specified. After a discussion of the research results, implications for social work advocates are presented.

#### WHAT IS THE REGULATION WRITING PROCESS?

Regulations (also known as rules) are written as described in the Administrative Procedures Act of 1946. Kerwin (1994) has

described the process as consisting of eleven steps. For this paper, we condense these steps into three stages (see Figure 1). The first, “pre-publication”, stage sets the process in motion and ends with publication of the draft rule in the *Federal Register*. Decisions are made regarding the legislative authority for the rule, ideas are discussed for what might be in the rule and authorization is granted to proceed. Staff are assigned and the goal of the regulation is established. The draft rule is developed and is reviewed by both internal and external actors. While much of this stage is seemingly invisible, as with any project, the quality of the preparation has a strong impact on the quality of the results.

The second, “post-publication”, stage consists of public participation and taking action on the draft rule. At this stage, the agency decides how to manage public input such as choosing between requesting written comments and holding public hearings. After information is received, it must be read, analyzed and folded into the proposed rule, or refuted. There are many alternative courses of action, ranging from preparing the final rule with no changes from the draft rule, making minor or major

Figure 1  
*Steps and Stages of the Regulation-Writing Process*

<i>Kerwin's Steps</i>	<i>Hoefer's Stages</i>
1. Origin of rulemaking activity	1. Pre-publication
2. Origin of individual rulemaking	
3. Authorization to proceed with rulemaking	
4. Planning the rulemaking	
5. Developing the draft rule	
6. Internal review of the draft rule	
7. External review of the draft rule	
8. Revision and publication of a draft rule	
9. Public participation	2. Post-publication
10. Action on the draft rule	
11. Post-rulemaking activities	3. Post-adoption

Source: Adapted from Cornelius M. Kerwin (1994), *Rulemaking: How Government Agencies Write Law and Make Policy*, Washington, D.C.: Congressional Quarterly Press, pp. 76–77.

changes, abandoning the rulemaking effort and beginning over, to the most extreme case, deciding that no rulemaking will take place at all (Kerwin, 1994).

The final, post-adoption, stage takes place after the adoption of the final rule. Actions that take place here include interpretations by staff of vague or unclear portions of the rule, corrections, responding to petitions for reconsideration of the rule and preparing for litigation.

This research examines the whole range of interest group activities that try to influence the regulation writing process, at whatever stage they occur.

### LITERATURE REVIEW

Because of cutbacks in government funding for human services, many nonprofit service providers and advocacy groups experienced difficulty in surviving the 1980s and 1990s. Some studies noted that changes in program regulations were one approach used to effect change. Expansive rules were rescinded or ignored. New rules were made to reduce government's responsibility and to reduce expenditures (Brodkin, 1990; Lipsky, 1984). These changes were accomplished by:

... strengthening the authority of the OMB to screen regulations promulgated by the regular bureaucracy, carefully selecting personnel who would support the administration's program to staff agency and department positions, (and) devolving regulatory authority to the states" (Harris and Milkis, 1989:99).

#### What Makes a Group Influential?

Much has been written in the political science literature on the determinants of interest group influence at the national level, primarily on Congress. This research is, however, divided in its conclusions. Several authors contend that interest groups have little effect (Bauer, Pool and Dexter, 1967; Meier and Lohuizen, 1978; Milbrath, 1963; Wilson, 1973). Others believe that, under some conditions, interest groups are likely to be effective (Austen-Smith and Wright, 1994; Greenwald, 1977; Herring, 1929; Knocke and Wood, 1981; Whiteley and Winyard 1983; Ziegler, 1964).

Research that *has* found that interest groups can make a difference have identified a number of factors internal and external

to the organization that are associated with success. Variables internal to groups are the:

1. degree of access to decision-makers (Greenwald, 1977; Culhane and Hacker, 1988),
2. organization's policy positions (Greenwald, 1977; Ziegler, 1964),
3. type of strategy used by the group (Gais and Walker, 1991).
4. amount of other organizational resources (especially funding) (Bauer, Pool and Dexter, 1967; Greenwald, 1977; Herring, 1929; Knocke and Wood, 1981),
5. amount of information a group can offer decision-makers (Austen-Smith and Wright, 1994; Meier and Lohuizen, 1978; Milbrath, 1963; Whiteley and Winyard, 1983),
6. type of group members (Greenwald, 1977; Walker, 1983; Ziegler, 1964), and
7. size and dispersal of the membership (Greenwald, 1977; Herring, 1929; Milbrath, 1963),

Variables external to the group which are associated with success are the

8. type of issue (Greenwald, 1977),
9. the predispositions of the decision-makers (Bauer, Pool and Dexter, 1964; Culhane and Hacker, 1988; Herring, 1929; Whiteley and Winyard, 1983) and
10. the place of the group in the interorganizational system (Greenwald, 1977; Knocke and Wood, 1981; Ziegler, 1964).

All of these writings focus on the legislative branch. As noted before, little research has been conducted on interest group effectiveness in impacting the executive branch. One excellent exception is Berry (1984). In looking at the Food Stamp program, Berry indicates that one group, the Food Research and Action Council (FRAC), was successful in affecting policy within the executive branch because of its "exceptional understanding of how the program worked" (Berry, 1984: 93). FRAC also turned to court decisions at a time when "public opinion and media coverage became less favorable" (Berry, 1984: 90). Furlong (1992) tested many of the variables associated in the literature with successful

legislative lobbying to determine their relevance to rulemaking. They were either not significant or not consistently significant across the several ways he used to measure influence. His study, however, has several methodological problems, including a very low response rate (8%).

## METHODOLOGY

The information reported in this paper comes from a mailed survey of Washington-based interest groups active in social welfare policy, broadly defined. These groups were identified through the *Washington Information Directory* (Congressional Quarterly, 1993) as being interested in issues related to social welfare. In order to be included in the survey population, a group needed to be listed in the *Directory* as being active in monitoring and trying to affect the content of regulations promulgated by the executive branch as well as trying to affect legislation. A phone contact was made to determine if the *Directory* information was correct and to ask for the name of the person most connected with influencing the executive branch.

The survey was pre-tested on a small group of organizations and personal interviews were conducted with ten organizations' executive directors or lobbyists before finalizing the instrument.

A typical mail survey process was used: an initial mailing to all groups, a postcard "Thank you" /reminder ten days later, and a second full mailing to all non-respondents two weeks later. Because of the importance of each group's response, we also sent a "third and final" mailing to non-respondents six weeks later. Of the 295 groups initially sent surveys, usable responses were received from 127, for a response rate of 43%.

## RESULTS

The first part of this section looks at the data gathered on the variables noted in the literature review as being important correlates of interest group success, focusing on variables internal to the groups. The instrument used did not measure variables external to the group. We then test a model of human service interest group influence on regulation-writing using this information.

*Degree of Access*

Two questions were asked regarding the degree of access a group has with relevant executive branch agencies. The first question asked if government agencies consulted with the group for its policy positions. Nearly three-fourths (72%) of the 126 responding groups said yes. These groups can be considered privileged in that their access is high and is initiated by the government agency.

A less dichotomous way of looking at access was achieved by asking respondents to rank the importance to their group of learning about upcoming changes in regulations from agency personnel. The more important this approach is, the better access the group has. Three-fifths of groups (60%) feel this is a very important or most important way they have to gain information. One-fifth (21%) believe it is unimportant or not very important. and 4% do not receive information in this way. The remaining 15% view it as somewhat important.

*Policy Positions*

The groups in this data set generally desire more federal government services in the areas of health, housing, human services and civil rights (see Table 1, Part A). There is less desire for additional federal regulation in these areas, although between about one-half and two-thirds of the groups believe that more or much more regulation would be good (see Table 1, Part B). These results in the areas of health, housing, human services and civil rights contrast dramatically with organizations' views on defense policy, where there is a strong desire for fewer defense services and regulations. In aggregate, then, these groups could be labeled as "liberal" although there are a few groups espousing more conservative positions.

An additional way to look at a group's policy position vis-à-vis the bureaucracy is to determine if the government agency with which the group most often interacts is "in accord with" the group's position. Group leaders were asked to respond to a statement that "Agency officials oppose our policy position." One-fourth (26%) stated that they agreed or strongly agreed with the statement. Nearly half (47%) disagreed or strongly disagreed with



Table 1

*Policy Positions of Groups*

Part A: Regarding Federal <i>Services</i> (percent stating agreement with policy option)					
	Health (n = 85)	Housing (n = 82)	Human Services (n = 92)	Civil Rights (n = 84)	Defense (n = 62)
Desire More or Many More Federal Services	93%	85%	84%	73%	2%
Desire Somewhat Less or Much Less Federal Services	2%	5%	8%	4%	89%
Part B: Regarding Federal <i>Regulation</i> (percent stating agreement with policy option)					
	Health (n = 71)	Housing (n = 65)	Human Services (n = 69)	Civil Rights (n = 68)	Defense (n = 38)
Desire More or Much More Federal Regulation	62%	45%	49%	55%	24%
Desire Somewhat Less or Much Less Federal Regulation	21%	34%	22%	19%	47%

Note: The scale for this question had the following options: Much More, Somewhat More, Present Level, Somewhat Less, Much Less. Respondents could also indicate that their group had no position on the issue. Only groups with a position on the issue are included in the percentages.

the statement. The remaining groups were neutral. In general then, most groups find that "their" government agency does not reject their views, although a significant minority must seemingly work to overcome some or considerable skepticism regarding their ideas.

*Strategy*

There are many tactics that interest groups can choose to influence regulation writing. Table 2 lists thirteen specific tactics, the percent of groups that indicate that each tactic was an "important" or "one of the most important" tactics used to achieve influence, and the percent of groups that never use the tactic.

Table 2

*Efforts Made to Influence the Executive Branch's Regulations about Human Services Programs, (n = 127) (Strategy in parentheses)*

<i>Tactic</i>	<i>Important or most important</i>	<i>Do not use</i>
Build coalition with other groups (Coalition-building)	65%	11%
Bring current regulations to attention of Congress (Pre-publication)	60	8
Bring current regulations to attention of executive branch (Pre-publication)	57	9
Provide information to other groups about the regulation (Coalition-building)	55	9
Take desired changes in proposed regulations to Congress (Post-publication)	52	11
Take desired changes in proposed regulations to agency personnel (Post-publication)	52	11
Participate in public hearings about proposed regulations (Post-publication)	45	11
Offer drafts of desired regulations prior to publication of draft regulations in the Federal Register (Pre-publication)	30	28
Take desired changes in proposed regulations to the White House (Post-publication)	26	17
Use press to affect <i>elite opinion</i> about regulations (Press)	25	26
Use press to affect <i>public opinion</i> about regulations (Press)	24	25
Take desired changes in proposed regulations to OMB (Post-publication)	17	30
Take adopted regulations to court (Post-adoption)	6	63

Note: The scale for this question had the following options: Most Important, Important, Somewhat Important, Slightly Important, Unimportant, and Not Used.

These tactics have also been classified according to when they are usually used in the regulation-writing process. This leads to identifying three intervention strategies: before the publication of the proposed rule in the *Federal Register* (pre-publication), after publication but before adoption (post-publication); and after adoption (post-adoption). Some tactics cannot be categorized in this way, as they can be used at any time in the process. Two different groups of tactics appear, the "coalition-building" and the "press influence" approaches. The strategy each tactic is associated with is also indicated in Table 2.

The data indicate that the "coalition-building" strategy is considered the most effective way to influence regulation writing. On a scale from 1 to 6, with a higher number indicating more importance is attached to the strategy, the mean score is 4.5. The second most effective strategy is pre-publication, with a mean of 4.3. This indicates that being proactive by bringing current regulations to the attention of both Congress and the bureaucracy to encourage action to change them (elements of a pre-publication strategy) are also seen as being among the most effective ways to be influential. The post-publication strategy, with a mean of 3.7, is in the middle ranks of effectiveness. The second strategy that could take place at any time is press influence. It is in the lower-middle ranks of effectiveness, with a mean of 3.1. Taking regulations to court (the only tactic in the post-adoption strategy) is seen as an effective tactic by very few groups (mean is 1.81).

#### *Resources and Information to Provide to Decision-makers*

According to popular perception and newspaper accounts, interest groups with vast amounts of cash buy the votes of members of Congress. While the academic literature often finds that this is not true, it is reasonable that some level of resources is very important to groups. Money and staff are necessary to achieve an organization's purposes. The survey asked each group to provide its budget, but the non-response rate is so high on this question that there is no sense in citing these data. Instead, we turn to the use of staff size as a proxy variable for level of resources. Staff, of course, cost money, and staff are used to gather and disseminate information, so it is defensible to relate staff size with organizational resources.

The vast majority (97%) of the 124 responding groups have staff. The median number of Staff FTEs is 11, with a range between 0 and 2000. Over half (59%) of the groups reported increasing their staff size compared to five years previous to the survey.

Because the level of staff effort in affecting policy may be an important element in how successful a group is, we asked respondents to estimate how much staff time was used to influence the executive branch. The median group reported that 20% of staff time is spent on such activity, although there was a range from 1% to 100%. The best measure of group resources devoted to advocacy is hypothesized to be a combination of the number of organization staff and the amount of time they spend in influence efforts. Thus, a new variable, staff advocacy effort, was computed by multiplying the number of staff by the percent of time spent on policy-work. Using this measure allows us to compare organizational efforts better across groups. This variable ranges from 0 to 173.25 staff FTEs allocated to policy work by responding groups. The median value is 2.8 FTEs.

#### *Type of Group Members and Size and Dispersal of Membership*

Previous research noted that the type of member a group has and the number and dispersal of the group's membership could be important in determining how influential a group is. Our research indicates that not all "groups" have members. Among our respondents, only 74% were membership organizations. For the membership organizations, there are three different patterns of membership. Organizations have members who are organizations or their representatives (37%), individuals (27%), or a mix of organizations and individuals (36%). The median number of organizational members is 4,500; the median number of individual members is 4,000.

#### *The Dependent Variable: Interest Group Effectiveness*

Before explicating the model to be tested, it is important to discuss the dependent variable, self-reported interest group effectiveness. There are a number of problems with using any self-reported measure, but there are reasons to accept such a measure as well. First, there is little reason to suspect that respondents would knowingly bias their answers to an academic survey; thus,

they are used as expert witnesses as to their group's success rate. Second, at least one study has shown that self-reported effectiveness was highly correlated with an objective measure of effectiveness (Hoefer, 1994). Finally, as no well-established measure of the concept exists, it is acceptable to work with a measure that has face validity in a research project that is primarily exploratory in nature.

Groups feel successful in half of their efforts, on average, when trying to affect regulations. The median is 50% success, with a range from 0% to 100%. The standard deviation is 23.9.

#### *Developing and Testing a Model of Interest Group Effectiveness*

Because the literature on the determinants of affecting the executive branch is relatively sparse, the model tested here is also fairly basic and related to the variables considered important in influencing Congress. It should thus be understood as a first step in gaining a better understanding of the influence process operating in the executive branch.

We use one variable to represent each of the factors found in the literature review and discussed above, with two exceptions. Because of the large number of non-membership organizations in the sample, we excluded all information on membership size and dispersal. In addition, staff advocacy effort is being used a proxy variable for both level of organizational resources and amount of information a group can provide to decision-makers.

When an option was present to choose between different variables representing the same concept, each variable was tried in the model. The final choice was made by selecting the variable that most increased the model's fit. The final model hypothesizes that a greater level of self-reported effectiveness is due to greater access (measured by receiving information from agencies regarding changes in regulations), policy positions not opposed by the agencies (measured by the extent of opposition by the agency), a strategy emphasizing early intervention, and higher levels of staff time devoted to advocacy efforts.

The results of testing this model using Ordinary Least Squares regression are shown in Table 3. Although there were a total of 124 respondents, only 70 groups completed all the questions used to measure the variables used in the equation. This attrition is unavoidable, but does reduce the representativeness of the results.

Table 3

*Results of OLS Regression on Model of Interest Group Influence on Social Welfare Regulations (standard error in parentheses) (n = 70)*

<i>Independent Variable</i>	<i>Unstandardized Coefficients</i>	<i>Standardized Coefficients</i>	<i>t-score</i>	<i>p-value</i>
Keep abreast of changes through agency personnel (ACCESS)	3.87 (1.79)	.22	2.17	.03
Group policy position not opposed by agency (POLICY POSITION)	3.95 (1.73)	.22	2.29	.03
Use of pre-publication strategy (STRATEGY)	5.35 (2.02)	.27	2.64	.01
Staff advocacy effort (RESOURCES)	.19 (.09)	.20	2.15	.04
Constant	14.08 (11.53)		2.22	.23
R-Square	.27			
F Score	8.32			.00

All four variables are significant in the expected direction in explaining the dependent variable. Effective groups use a “pre-publication” strategy for influencing the content of regulations, keep up with regulatory changes via agency personnel, generally have policy positions not opposed by the agency and spend more time trying to influence the executive branch.

Because the equation’s  $r^2$  is only .27, a considerable portion of the variance in the dependent variable is unexplained. These results do, however, indicate that we have taken a few steps on the correct path in understanding what separates groups that are effective in influencing federal regulations from those that are not.

#### DISCUSSION AND IMPLICATIONS FOR SOCIAL WORK

This research sheds light onto the unexplored subject of interest group influence on the executive branch, specifically on the writing of program regulations for social welfare programs.

It presents a model of interest group influence on regulation writing. Results show that having greater access, having the "correct" views, choosing a "better" strategy and devoting more resources to influence efforts are all significant predictors of a group's influence level during the Clinton Administration. That a measure of each of the literature-derived variables of access, strategy, policy and resources is significantly related to higher group effectiveness is instructive. These findings indicate that there is considerable hope for persons wishing to affect federal social programs' regulations if they understand the pathways and barriers to effective action.

One of the most interesting findings is that using a pre-publication strategy is very important in being effective. Because of the strength of the group leaders' responses to coalition-building tactics, we expected that building linkages with other groups and sharing information between groups would have been significantly correlated with effective action. However, when that variable was used in the equation, the results were non-significant. We believe the reason for this is that groups build coalitions and share information throughout the process. Many groups "jump on the bandwagon" in later stages of the process, once the rules are essentially completed. We would expect, though we did not test this hypothesis yet, that groups that build a coalition and share information before publication of a rule will be the most effective.

Additionally, the data indicate that being in contact with an agency is not enough, even if its staff ask for a group's input. This request may come too late in the process to be influential in shaping the terms of the debate. It is when agency personnel keep a group abreast of issues that this contact is helpful.

These results have important implications for social work advocacy practice. The use of pre-publication tactics is shown to increase the likelihood of success. This makes sense because many of the crucial decisions concerning scope and content of regulations are made during the writing stage (Kerwin, 1994). After considerable effort is expended in preparing the draft rule it is difficult to alter its course greatly. Thus, to influence the process most efficaciously, social workers should develop ongoing relationships with agency personnel that lead to exchanges of

information, rather than waiting to make contact after publication in the *Federal Register*.

Another implication for social workers is to be prepared with ideas about how to change current or proposed regulations. Being proactive is seen as an element leading to success. This requires developing networks within the executive branch and reaching out to the persons writing the regulations to discover the issues that they see as likely to be controversial or problematic.

In the American system, there are multiple pathways in policy-making, and, in some cases, different agencies within the Federal bureaucracy may be assigned the job of writing the regulations that govern the implementation of a law. The implication of knowing that human service interest groups have more success with "friendly" agencies and personnel is to try to have the regulation-writing task assigned to an agency and person with which one has a good relationship.

We must also understand the connection between what makes an agency "friendly" and social work lobbying groups' policy positions. The reason that a liberal policy position may be helpful in being effective in influencing the executive branch is due to the policy positions of the President in office. The opposite was true during the more conservative administrations of Presidents Reagan and Bush. One interest group representative for gay, lesbian and transgendered individuals indicated that his group had had no access to the regulation-writing civil servants during the Bush years in the White House. Social workers should therefore increasingly realize the importance of national electoral politics on what sometimes is seen as an obscure and unimportant element of the policy process, the writing of regulations.

A final implication is that success in influencing social program regulations requires resources, and the more the better. Money is translated into staff and other key resources for making a difference. Social workers, if they are to create a more effective voice for themselves and their clients, must thus be willing to devote their funds to supporting the organizations that represent them in the halls of power.

This current study leads to interesting and useful conclusions. Yet more work remains to be done in this area that is of great importance to the study of social welfare policy. Two



areas of improvement are most important. First, a more objective definition of interest group influence should be used. One such approach is to compare proposed and final regulations with interest group comments to see which groups' positions are more often adopted (Furlong 1992; Hoefler, 1991). The second area of improvement needed is to examine in more depth how best to influence regulation-writers during the pre-publication stage. This would include understanding the ways that other executive branch agencies and personnel intervene in the rule-making process. These are important actors whose impact has not been well studied. Given the increasing importance of interest groups at the state level (Hoefler, in press), it would also be useful to study the impact of human services interest groups at the state level.

### CONCLUSION

Because of the importance of using rule-making authority to impact human services programs, it is as vital to study how influence is gained in the regulation-writing phase of a program as it is in the legislative phase. While there are a few authors who have discussed the importance of the topic, little empirical research has been reported in social work literature. Building on the beginning steps studied here will increase the ability of social workers to protect and improve the lives of the least well-off in our country.

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