

*Interest Group Lobbying on a Morality Policy Issue:  
The Case of Physician-Assisted Suicide in Michigan*

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Interest group lobbying on morality policy issues differs from lobbying on other kinds of issues. In this paper we use insights from the literature on morality policy politics to examine the lobbying of interest groups in Michigan on the issue of physician-assisted suicide (PAS). Morality policy politics is marked by the greater involvement of citizens groups. Citizens groups advocating policies that are publicly popular engage in disproportionate outside lobbying, but their capacity in this regard may be curtailed because of limited resources. Inside lobbying on morality policy issues focuses especially on getting various kinds of help from sympathetic legislators but does not try to change their opinions.

In recent decades moral issues such as abortion, the death penalty, gambling, gay rights, physician-assisted suicide (PAS), pornography, school prayer, and sex education have assumed greater prominence on public and governmental agendas (Mooney 2001). The question addressed in this paper is whether interest group lobbying differs on morality policy issues as opposed to other kinds of issues, and if so, in what ways?

We examine a noteworthy historical example of interest group lobbying on morality policy. In June 1990, in the State of Michigan, a retired pathologist named Jack Kevorkian assisted in the suicide of Janet Adkins, who suffered from Alzheimer's disease. The assisted suicide, conducted in the back end of Kevorkian's rusted Volkswagen van in a county park, was a sensational news story that instantly put the issue of PAS onto the public agenda. A conflict ensued in the state between Kevorkian (nicknamed "Dr. Death") and his lawyer, Geoffrey Fieger, and police and county prosecutors intent on stopping Kevorkian. A problem for the prosecutors was the absence of a law in Michigan prohibiting assisted suicide. The conflict quickly expanded to include the governor, state legislators, judges, a Catholic Archbishop, ministers, journalists, citizen supporters and opponents, nurses, doctors, and an array of interest groups. Among interest groups, the main supporter of Kevorkian was the Hemlock Society. The main opponents were Right to Life of Michigan and the Michigan State Medical Society (Betzold 1993;

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We thank the Richard J. Barber Fund for Interdisciplinary Legal Research at Wayne State University for its support of this project.

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*The American Review of Politics*, Vol. 24, Winter, 2003: 321-342  
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Persels 1993). Conflict occurred in a variety of arenas including the courts, the media, the state legislature, a special legislative commission, initiative campaigns, and the streets. It endured for more than eight years, with Kevorkian eventually assisting in more than 120 suicides. Prosecutors finally managed to convict Kevorkian of second degree murder in a case that involved voluntary euthanasia, with the judge in the case sending him to prison. The state legislature in July 1998 passed and the governor signed a bill that permanently banned assisted suicide. Michigan voters brought a final end to the conflict in November 1998 by rejecting Proposal B, an assisted suicide initiative, by a decisive margin (71.1 to 28.9 percent).

In the United States, only Oregon has legalized PAS. Thirty-seven states have statutory bans on assisted suicide, and in another nine states assisted suicide is criminalized under the common law. Three other states do not have statutory bans on assisted suicide and do not use the common law of crimes.

As a right to die policy innovation, PAS is far more controversial than others that preceded it, such as the living will that was designed to address the problems of comatose, incompetent patients (Glick 1992). A large increase in popular media attention to PAS occurred in the wake of Kevorkian's assisted suicide in 1990. This was followed by growth in the professional literature dealing with the topic, the opposite of the usual pattern, and the issue of PAS moved quickly onto the public and then onto governmental agendas (Glick and Hutchinson 2001). The actions of Kevorkian and his attorney, however, likely made it more difficult for the advocates of PAS to build and sustain public support for their cause. Advocates turned to the initiative process in those states where it existed (Clark 1997).

### **Morality Policy Politics**

The fundamental difference between morality policy and other types of policies is that morality policy involves basic values—those values that citizens believe are relevant to and should guide how people lead their lives. Policy with respect to terminally ill persons and their end of life choices, for example, is relevant to the values of personal autonomy, human dignity, and the sanctity of life. The politics of morality policy thus involves *conflict over basic values* with the different sides lobbying to get governmental policy makers to enact public policies that validate their basic values and repudiate those held by their opponents (Mooney 2001). Such politics, because it can result in clear winners and losers, is redistributive. In contrast, politics with respect to other types of policies, for example on government spending, taxation, and the regulation of business, usually does not involve basic values.

This difference between morality policy and other types of policies, we would argue, contributes to differences in lobbying. When conflict is over basic values, the perceived stakes of politics and the potential for conflict expansion are greater. The amount of lobbying is likely to increase as the different sides enlist the help of allies. For other types of policies, the perceived stakes and the potential for conflict expansion are usually less. For example, when businesses seek regulations that are favorable to their economic interests (e.g., quotas, tariffs, accelerated depreciation, tax write offs), an activity that economists call rent seeking, there may be no organized opposition and they may prefer to lobby quietly so as not to arouse opposition.

Second, there is little area for negotiation and compromise with respect to basic values. Arguments, no matter how well crafted, are unlikely to change the basic values that shape the opinions of participants in the debate. Lobbying, therefore, has other purposes. It signals the prevalence and intensity of interest group and constituency views. It encourages legislators who are supportive of the interest group to get involved on the issue, such as introducing a bill or supporting the group's position within committee hearings. If lobbying involves campaign contributions, these reward legislators for the previous help and support. In contrast, lobbying on other types of policy issues may cause legislators to change their opinions, especially when constituents care little about the issue and there is little direction on the issue from party leaders and other cue givers.

Morality policy issues are salient to citizens. Citizens either know or can learn what basic values are at stake. High salience means that it is easier for interest groups to enlist the help of citizens in their lobbying efforts. This is not generally true for other issues. Citizens may not understand them or, if they do, they may not discern that basic values are at stake.

A common classification of interest groups, based on membership, distinguishes between citizen groups, professional groups, and trade associations. Morality policy issues are likely to be more important to citizen groups than to interest groups from the other two categories. Citizen groups often are created to oppose or promote particular morality policies. Professional groups and trade associations, on the other hand, typically focus upon the economic concerns of their members.

Research has found that legislators pay careful attention to the opinions of their constituents on morality policy issues (Fairbanks 1977; Haider-Markel and Meier 1996; Mooney and Lee 1995, 2000). Legislators understand that constituents care about these issues and are paying attention. Although legislators tend to share the same values as the constituents who elected them to office, there is always a possibility that a situation will arise where as a matter of principle they must vote or take other legislative action

against the wishes of their constituents. To prevent such a situation from arising, there is an incentive for legislators to keep morality policy issues off of the governmental agenda, and it may require substantial lobbying to overcome this.

What impact do interest groups have on morality policy? In general, interest groups count for less than does public opinion. For example, a study of abortion policy found that state level opinion on abortion had the largest effect on policy, followed next by a state's general policy liberalism, and next by the relative strength of pro-choice and pro-life interest groups (Norrande and Wilcox 2001). Occasionally, however, interest groups are very important in determining morality policy and succeed in getting the policy they want even though only a minority of citizens supports it. An example is the National Rifle Association and its success in obtaining "shall issue" laws that permit citizens to carry a concealed hand gun, even though a majority of citizens favors stricter gun controls.

### **Inside versus Outside Lobbying**

Scholars distinguish between two strategies of influencing policy makers: inside lobbying and outside lobbying. Inside lobbying includes activities in which interest group leaders (or their representatives) try to influence policy makers directly through contacting them, furnishing them with information, or participating with them in various policy making venues. Gais and Walker (1991, 110) list legislative lobbying, administrative lobbying, litigating, and electioneering. Kollman (1998, 39) lists testifying at agency hearings, testifying at legislative hearings, contacting legislators personally, contacting agency personnel, participating in litigation, presenting research to government, and serving on advisory boards.

Outside lobbying includes activities in which interest group leaders (or their representatives) try to influence policy makers by attracting and demonstrating support for a cause. This is done by influencing public opinion and by stimulating group members and others to contact policy makers. Schlozman and Tierney (1986, 173) list talking with people from the press and media, inspiring letter writing or telegram campaigns, mounting grass roots lobbying efforts, having influential constituents contact their representatives, running ads in the media about the group's position on issues, and engaging in protests and demonstrations. Gais and Walker (1991, 110) list working with the mass media, protesting or demonstrating, providing speakers, and sponsoring lay conferences as outside activities. Kollman (1998, 35) lists talking with the press, mobilizing group members, organizing a letter writing campaign, presenting research to the press, holding press conferences, publicizing the voting records of candidates, endorsing candidates,

protesting, polling the public on policy issues, advertising policy issues, hiring public relations firms, and contributing personnel to campaigns.

Recently, Kollman (1998) has set out a theory of lobbying applicable to situations of conflict expansion to explain when interest groups resort to either inside or outside lobbying. The theory should be relevant to lobbying on morality policy, an arena of politics where interest groups often try to mobilize citizens. The theory takes the basic ideas of Schattschneider (1975) about conflict expansion and combines them with insights from game theory and rational voting. A group's incentive to engage in either inside or outside lobbying depends upon its position on the issue, the public's ideal position defined as that of the median voter, the policy status quo, and the stage of the policy making process.

When do interest groups use inside lobbying? Kollman argues that groups use inside lobbying to persuade legislators to enact policies that depart from the position of the median voter. When legislators enact unpopular policies, they risk retribution at the polls and electoral defeat. Accordingly, interest groups offer various inducements for legislators to take such a risk, such as assistance in election campaigns (e.g., endorsements, volunteers, money).

When do interest groups use outside lobbying? Kollman argues that interest groups use it as a form of costly signaling. Legislators know that an issue can affect votes when their constituents care deeply about it. They therefore value accurate information about how salient an issue is to their constituents. The information that they get from talking with interest group leaders and lobbyists, because of its low cost, may not be reliable. More reliable is the information that they get from observing the level of involvement of constituents on an issue. Outside lobbying, even though costly, increases that involvement.

Kollman argues that incentives for interest groups to outside lobby vary depending upon their ideal point (IG) upon a policy continuum in relationship to the median voter ( $y$ ) and the status quo policy ( $q$ ). The status quo policy may differ from that of the median voter because interest groups have lobbied to induce legislators to adopt a less popular policy. The public's loss of utility depends on the distance between  $y$  and  $q$  and the salience of the issue. Outside lobbying is used by interest groups who stand to benefit from increasing the salience of an issue because their position is closer to that of the median voter.

### **Hypotheses**

What are the implications of this literature for interest group lobbying on morality policy issues? A number of hypotheses are suggested.

**Hypothesis 1:** *Citizens groups will engage in heavier lobbying on morality policy issues than other types of groups (i.e., professional groups, trade associations). As a corollary, the heavier lobbying of citizens groups will be due mainly to outside lobbying.*

**Hypothesis 2:** *Whenever the status-quo policy on morality policy departs from the position of the median voter, interest groups holding positions that are close to the status-quo policy will engage in disproportionate inside lobbying; those holding positions that are publicly popular (i.e., close to that of the median voter) will engage in disproportionate outside lobbying. As a corollary, interest groups that are smaller with fewer resources than their opponents and stand to benefit from conflict expansion will engage in disproportionate and relatively inexpensive forms of outside lobbying. This hypothesis is based upon Kollman's theory.*

**Hypothesis 3:** *Inside lobbying on morality policy issues has little or no effect in changing legislators' opinions. Rather, it affects the likelihood that legislators already favorable to the interest group's position will help it out, whatever this help might involve. Campaign contributions, if they are used, reward legislators for their previous help and support.*

### Sources of Data and Methods

The main data source for this study is personal interviews with members of a state legislative commission, the Michigan Commission on Death and Dying (MCDD), created to examine state policy with respect to assisted suicide and other end of life issues (MCDD 1994). Twenty-two groups constituting the Commission were each represented by a regular and an alternate member. We interviewed 31 members from 21 of the 22 groups.<sup>1</sup>

The MCDD was created by a statute (1993 PA 3) more than two and one-half years after Kevorkian's first assisted suicide. The statute was a compromise that enabled state legislators to buy time, move the conflict out of their chambers, and avoid taking an up or down vote on a highly controversial moral issue.<sup>2</sup> Its two major provisions were: (1) to create the Commission to make recommendations within 15 months to the state legislature concerning the voluntary self-termination of life; and (2) to enact a felony, punishable by imprisonment of not more than four years or by a fine of not more than \$2,000, for intentionally providing the physical means for or participating in an assisted suicide. This statutory crime was to expire six months after the Commission issued its final report. The status quo policy, for practical purposes, remained that of no law prohibiting assisted suicide.

The Commission's 22 groups comprised a large portion of the interest groups active on the PAS issue, including those that had testified earlier at legislative hearings and a few groups that requested to serve. Groups active on PAS that did not participate on the Commission, included a number of tiny disability, physician, and right to life groups. The Catholic Church and other religious organizations also did not participate on the Commission, although they became very active on the issue. In addition, MERCY (Movement Ensuring the Right to Choose for Yourself) and Merian's Friends<sup>3</sup>, two citizens' groups that ran initiative campaigns and had just formed or did not exist before the Commission first met.

We use the data from the personal interviews and other sources (e.g., Commission documents, voting records, campaign finance records) to test each of the four hypotheses for the case of lobbying in Michigan on the PAS issue. The personal interviews yielded information on the inside and outside lobbying activities of 21 of 22 interest groups participating on the Commission. We use both quantitative and qualitative methods to test the hypotheses.

We measure lobbying by making a count of the number of activities of different types that groups engaged in. A section of the interview schedule included a list of lobbying activities, and respondents were asked whether or not their group had engaged in each activity. Although this measure does not take into account the intensity of use of particular activities, it should correlate highly with overall lobbying effort. Supporting this inference is that the three interest groups widely regarded to be key participants in the conflict—Hemlock of Michigan, the Michigan State Medical Society, and Right to Life of Michigan—engaged in the largest number of activities of the 22 groups, 11, 10, and 13 respectively.

### **Overall Lobbying**

The personal interviews allow us to identify whether or not lobbying occurred with respect to eight inside lobbying activities and seven outside lobbying activities. Table 1 below shows the percentages of the 21 groups engaging in each of the different kinds of lobbying activities. With respect to inside lobbying, three activities tied (57 percent of the groups) for the most commonly occurring activity—contacting government officials directly to present your point of view, testifying at legislative hearings, and informal contacts with officials—at conventions, over lunch, and so on. The least common activity was making a financial contribution to an election campaign (19 percent). With respect to outside lobbying, the most common activity was talking with people from the press or media (76 percent). The least common activity was running advertisements in the media (5 percent).

**Table 1. Michigan Interest Groups' Engagement in Eight Inside and Seven Outside Lobbying Activities on PAS (Among 21 Interest Groups)**

Inside Lobbying	Percent
Contacted government officials directly to present your point of view	57
Testified at legislative hearings	57
Informal contacts with officials—at conventions, over lunch, and so on	57
Consulted with legislators, staff, or governmental officials to plan legislative strategy	48
Helped to draft model legislation	48
Helped to draft one of the bills before the Michigan legislature	43
Presented research results or technical information	38
Made a financial contribution to an election campaign	19
Outside Lobbying	Percent
Talked with people from the press or media	76
Inspired letter writing or telegram campaigns	33
Mounted grass roots lobbying efforts	29
Engaged in direct mail advertising	24
Had influential constituents contact their state representative	19
Engaged in protests or demonstrations	14
Ran advertisements in the media about your position on the issue	5

Data Source: Personal interviews with members of the Michigan Commission on Death and Dying.

### Hypothesis 1: Lobbying by Citizens Groups

Citizens groups will engage in heavier lobbying on morality policy issues than other types of groups (i.e., professional groups, trade associations). As a corollary, the heavier lobbying of citizens groups will be due mainly to outside lobbying. We test this hypothesis by conducting independent samples difference of means tests, comparing the mean number of lobbying activities engaged in by citizens groups with the mean number engaged in by other kinds of groups (professional groups and trade associations). Table 2 shows the results.

As hypothesized, with respect to all kinds of lobbying activities, citizens groups engaged in more lobbying activities on average

$$(\bar{x}_1 - \bar{x}_2 = 8.00 - 4.85 = 3.15)$$

than did professional groups and trade associations. The difference was statistically significant. Also, as hypothesized, this overall difference was due mainly to outside lobbying. Citizens groups engaged in more outside lobbying activities on average



**Table 2. Number of Inside, Outside, and Total Lobbying Activities Engaged in by Citizens Groups in Comparison to Professional Groups and Trade Associations (independent samples difference of means t-test)**

	$\bar{x}_1, \bar{x}_2$	$s_{x_1}, s_{x_2}$	$\bar{x}_1 - \bar{x}_2$	t	df	Sig. (1-tail)
<b>All Activities</b> (15 possible activities)						
Citizens Groups (n=8)	8.00	3.34				
Professional Groups & Trade Associations (n=13)	4.85	3.63	3.15	2.81	19	.031
<b>Inside Lobbying</b> (8 possible activities)						
Citizens Groups	4.13	2.47				
Professional Groups & Trade Associations	3.38	2.75	.74	.62	19	.26
<b>Outside Lobbying</b> (7 possible activities)						
Citizens Groups	3.88	1.13				
Professional Groups & Trade Associations	1.46	1.05	2.41	4.89	14.14	.000+

Data Source: Personal interviews with members of the Michigan Commission on Death and Dying.

$(\bar{x}_1 - \bar{x}_2 = 3.88 - 1.46 = 2.41)$   
 than did professional groups and trade associations. With respect to inside lobbying, however, the difference  
 $(\bar{x}_1 - \bar{x}_2 = 4.13 - 3.38 = .74)$   
 was small and not statistically significant.

**Hypothesis 2: Inside vs. Outside Lobbying**

Whenever the status-quo policy on morality policy departs from the position of the median voter, interest groups holding positions that are close to the status quo policy will engage in disproportionate inside lobbying; those holding positions that are publicly popular (i.e., close to that of the median voter) will engage in disproportionate outside lobbying. To test this hypothesis, we first determined interest group positions on PAS based upon votes taken on the Commission and on official statements. We allowed for five possible positions on PAS, ranging from the most liberal position to the most conservative. The most liberal position was legalization of voluntary euthanasia, supported by eight groups that voted “yes” on the Model Statute Report. This report was a section of the Commission’s final report (MCDD 1994), crafted in the form of model legislation, that if enacted would have legalized physician participation in voluntary euthanasia. The next most

liberal position was legalization of PAS, but not voluntary euthanasia. There were no groups that held this position. The eight groups that supported voluntary euthanasia did not see an important distinction between it and PAS.<sup>4</sup> The next position was no law prohibiting PAS, the location of eight groups. These groups abstained on many Commission votes or otherwise indicated their neutrality on PAS. The next position was decriminalization or imposing only a fine for PAS. No group took this position. The most conservative position was enacting a law to make PAS a felony. This was the position of five groups that opposed the Model Statute Report and otherwise indicated support for criminalizing PAS.

Based on polling, the publicly popular position in Michigan (“the median voter”) was legalizing PAS.<sup>5</sup> The status quo policy was no law prohibiting PAS. For each group, we divided the number of inside lobbying activities by the total number of all lobbying activities, multiplying by 100 to obtain a percentage. We did the same for outside lobbying activities.

We look first at the percentage of all activities that were inside lobbying, shown in the upper half of Table 2. According to the hypothesis, groups that supported the status quo policy would be predicted to have the highest percentage for inside lobbying. A comparison of mean percentages, however, did not show this. The mean percentage for the eight groups that supported the status quo was 56.9, less than the mean percentage (64.4) for the groups that supported legalizing voluntary euthanasia and less than the mean percentage (59.4) for the four groups that favored making PAS a felony.

We look next at the percentage of all activities that were outside lobbying, shown in the lower half of Table 2. According to the hypothesis, groups close to the publicly popular position (legalizing PAS) would be predicted to have the highest percentage for outside lobbying. Comparing mean percentages, however, did not show this. The mean percentage for the eight groups that supported legalizing voluntary euthanasia (one position to the left of the median voter) was only 35.6; the mean percentage for the eight groups that supported the status quo policy (one position to the right of the median voter) was 43.1; the mean percentage for the four groups that favored making PAS a felony (three positions to the right of the median voter) was 40.6.

This test suggests that the positions of interest groups on PAS did not affect their lobbying strategies. There is another possibility, however. Although interest group positions on PAS may have affected their lobbying strategies, other factors may have obscured such effects. What factors?

One factor clearly is the type of interest group, whether a citizens group, professional group, or trade association. It seems likely that different types of interest groups acquire different styles of lobbying irrespective of strategic considerations with respect to any specific issue. These different styles likely arise from the demands of members to become active on an

issue. Opportunities to do this are afforded by activities associated with outside lobbying, not inside lobbying. The leaders of citizens groups will experience these demands most often; the leaders of professional groups and trade associations less often. Among groups on the Commission, citizens groups showed the highest use of outside lobbying at 52.1 percent, and the lowest use of inside lobbying at 47.9 percent. Trade associations showed the lowest preference for outside lobbying at 25.5 percent, and the highest preference for inside lobbying at 74.5 percent. Professional groups were intermediate (34% versus 66%). Conducting an analysis of variance, the differences in percentages across groups were statistically significant ( $F = 5.9$ ,  $\text{sig.} = .012$ ).

Another factor to consider is the interest group's resources. There may be sharp limits on what small groups with few resources can do. Still another factor is the unity of member opinion on an issue. Interest groups are unlikely to turn to outside lobbying if member opinion is sharply divided. Such lobbying will send mixed messages to legislators.

Unfortunately, we have data on only 21 groups. Using an analytic method such as multiple regression that allows for the estimation of the joint effects of several independent variables will not yield robust estimates of coefficients. We turn, therefore, to a detailed case study of the three interest groups that were especially active—Hemlock, the Medical Society, and Right to Life—to see how the positions of these groups and other factors affected lobbying strategies.

***Hemlock of Michigan.*** Hemlock favored the legalization of voluntary euthanasia. Since its position was close to that of the median voter, with public opinion polls in Michigan showing that a majority supported PAS, it could benefit from increasing the salience of public opinion over a wide range of policy alternatives, and would be expected to engage in disproportionate outside lobbying. Outside lobbying by increasing the salience of PAS could generate increased public dissatisfaction with the policy status quo along with heightened public demands for enactment of a more liberal policy—closer to that of the median voter. Indeed, among all of the groups on the Commission, Hemlock stood to benefit the most from conflict expansion. Legalizing PAS in Michigan would be a key victory in the group's efforts to expand end of life choices.

Hemlock did register high levels of outside lobbying, engaging in four of seven activities. These activities, however, were relatively inexpensive (talking with people from the press and media, mounting a grassroots lobbying efforts, having influential constituents contact their state representative, and engaging in protests and demonstrations). It did not engage in three activities that are relatively expensive (inspiring a letter writing or telegram campaign, running advertisements in the media, engaging in direct mail

advertising). The likely reason is that it was a tiny group statewide, numbering only about 400, and had very little money for those outside lobbying activities that are costly.

Surprisingly, Hemlock also used inside lobbying. Its chairwoman, who served briefly on the Commission, was the group's chief lobbyist in Lansing. She developed a friendship with Kevorkian and worked closely with him to identify and screen patients and to arrange assisted suicides.<sup>6</sup> Although she was able to meet with and speak with legislators, her close association with Kevorkian reduced the effectiveness of her inside lobbying. The reason was that Kevorkian and his attorney regularly acted and spoke in ways that insulted and angered the governor, prosecutors, judges, legislators and other public officials in the state. Lobbyists from small citizens groups like Hemlock can obtain access to state legislators relatively easily, even if they cannot exercise much influence.

Hemlock's efforts at conflict expansion along with the efforts of other citizen activists in Michigan led to two attempts to put a PAS initiative before voters. When an interest group turns to the initiative process it often reflects a judgment that lobbying the legislature has been or will be futile. The first effort, led by MERCY, failed to collect the necessary 250,000 signatures. The second effort led by a group named Merian's Friends, succeeded in putting Proposal B on the November 1998 ballot. After spending much of its money to obtain signatures to put the proposal on the ballot, however, Merian's Friends had only \$75,000 for the actual campaign.

***The Michigan State Medical Society (MSMS).*** The MSMS, although it later adopted the position of the American Medical Association opposing PAS, was for several years positioned close to the policy status quo (MCDD 1994).

What lobbying strategy did the MSMS pursue? In theory, the MSMS had an incentive to outside lobby on policy alternatives that were publicly unpopular either because they were extremely liberal or extremely conservative. An example of the former would be involuntary euthanasia, an action that legally is a homicide, and thus was not debated. An example of the latter would be making assisted suicide a felony subject to severe fines and imprisonment, an alternative that eventually became law in Michigan.

The MSMS engaged in very little outside lobbying, engaging in only three of seven activities. Overall, outside lobbying activities comprised only 30 percent of its lobbying activities, below the mean of 39.8 percent. A danger in pursuing outside lobbying for the MSMS was that its own members, like the public, were divided over the PAS issue (Bachman et al. 1994). Its members would have sent conflicting messages to their legislators. Thus, it did not use outside lobbying to oppose bills that would make PAS a felony, but rather used inside lobbying to shape their content.

The MSMS's major effort was inside lobbying (7 of 8 activities). It worked directly with state legislators to insure that the language of any bill making PAS a felony contained provisions that protected physicians from potential criminal liability for prescribing medications that inadvertently hastened death. The leaders had confidence that inside lobbying alone could prevent or mitigate the potential adverse effects upon physicians of any law, whether it legalized or banned PAS, which departed very far from its own position.

Initially, the MSMS used inside lobbying to prevent changes to the policy status quo. It worked to strip Kevorkian of his medical license, hoping that this would stop him. If this had worked, the PAS issue might have disappeared. The MSMS also held a series of forums on PAS and related issues that were attended by representatives of interest groups. In this way it tried to shape and even dominate the unfolding policy debate.

***Right to Life of Michigan.*** Right to Life, a large anti-abortion group (120,000+ member families), wanted a permanent law creating a felony of assisted suicide. It equated assisted suicide with "legalized killing," and thus wanted harsh criminal penalties. Thus, this interest group's position was far to the right of the median voter and even to the right of the policy status quo. At that location, it had an incentive to outside lobby only on policy alternatives at the extreme left.

Right to Life was the most active of all groups on the Commission, engaging in all eight inside lobbying activities and five of seven outside lobbying activities. While high levels of inside lobbying were expected, high levels of outside lobbying were not. We turn first to the group's inside lobbying.

A permanent law creating a felony of assisted suicide would be publicly unpopular. Right to Life's early efforts used inside lobbying to achieve this goal, but were unsuccessful because the Democrats held a majority in the House. The Judiciary Committee in the House was chaired by a liberal who favored PAS. Kevorkian's assistance in several suicides in November of 1993, however, provoked House members to vote in favor of a discharge petition that moved a bill out of the Judiciary Committee and onto the floor of the House. This resulted in the enactment of the law described above—the first of its kind in Michigan—that created a felony of assisted suicide; however, the law was set to expire six months after the Commission set up to study the PAS issue had completed its final report.

Right to Life used electioneering, a form of inside lobbying (Gais and Walker 1991). It helped to recruit candidates and it endorsed candidates known to support the right to life agenda, and it supplied them with campaign volunteers. Right to Life and other conservative groups in Michigan can create problems in elections for legislators who are not pro-life,

especially Republicans. Due to partisan imbalances within districts in Michigan, only about a dozen House districts and a handful of Senate districts are competitive, and incumbents standing for reelection have little to fear in the general election. The relevant constituency for reelection is thus the small number of mostly party identifiers who show up and vote in the primary election, so that incumbents' main worry is that a strong candidate will run against them in a primary election. Those Republican incumbents who do not support the right to life agenda can face a strong challenger.<sup>7</sup>

Why did Right to Life engage in significant outside lobbying even when it held a publicly unpopular position? The reason is that outside lobbying enabled group members to get involved in the conflict. It was targeted at legislators, prosecutors, and judges and its aim was to signal that there were many Michigan citizens who were intensely opposed to PAS. Members were urged to contact legislators. Members attended all of the public settings where the issue was debated including four public hearings on PAS held at different locations throughout the state and several of Kevorkian's numerous courtroom hearings and trials. Citizens groups use outside lobbying on morality policy issues to signal to public officials the intensity of member opinions, even if those opinions are held by only a minority of the public. Since opinions on morality policy issues involve basic values, public officials have little reason to doubt the intensity of those opinions.

Right to Life's leaders judged that public support for PAS was a "mile wide and an inch deep."<sup>8</sup> Should a PAS initiative reach the ballot, they could defeat it through "public education" efforts involving a grass roots campaign and television advertising. Until then, public opinion could be ignored.

On this point, its leaders were correct. In 1998 Right to Life along with more than 30 other groups formed Citizens for Compassionate Care to oppose Proposal B. The group held all of the normal advantages held by the opposition in initiative elections, where voters tend to favor the status quo if they have any doubts (Donovan et al. 1998). In addition to these advantages, the group raised and spent more than \$5 million on negative television advertisements. As a result of the one-sided campaign, public support for Proposal B faded, and it was soundly defeated.

In summary, for these three groups, positions on PAS did affect lobbying strategies. There is some support for Kollman's theory, but there were clearly other factors that affected lobbying strategies. Right to Life used outside lobbying to satisfy the demands of members who wanted to become active on PAS. There were limits to what Hemlock could do with so few resources. In the Medical Society member opinion was divided and outside lobbying would have sent mixed signals to legislators.

### **Hypothesis 3: The Purposes of Inside Lobbying**

Inside lobbying on morality policy issues has little or no effect in changing legislators' opinions. Rather, it affects the likelihood that legislators already favorable to the interest group's position will help it out, whatever this help might involve. Campaign contributions, if they are used, reward legislators for their previous help and support. Michigan legislators delayed taking action on PAS. Attuned to the views of their constituents on PAS, there was no "safe" vote. On the one side, public opinion polls showed that a majority of citizens favored PAS. On the other side, there was vocal opposition to PAS by the Catholic Church (registered Catholics comprise 23 percent of the state's population) and by Right to Life.

After Kevorkian's first assisted suicide in June 1990, state legislators did little, presumably hoping that Kevorkian and his issue would go away. Since Michigan did not have a law banning assisted suicide, prosecutors lacked an effective tool to charge and convict him. After 18 months, with the state legislature having done little, Kevorkian resumed the assisted suicides. At that point, there was great pressure on the state legislature to do something.<sup>9</sup>

A number of Michigan legislators were in a position to either help or hinder the different sides in the conflict. The judiciary committees of both houses had jurisdiction over aid in dying legislation, and their members became targets of intense lobbying. During the 1991-92 session when the Democrats held a majority in the Michigan House, the committee chair was sympathetic to Hemlock's cause and held hearings on aid in dying legislation. None of the committee's bills, however, were reported out, and if they had been reported out, they would likely have been defeated.

Lobbying by Right to Life of sympathetic legislators was aimed at getting a law enacted that would prohibit PAS and would stop Kevorkian. Its lobbying eventually succeeded in getting a discharge petition needed to move a bill out of the Judiciary Committee so that the legislature could pass a bill banning assisted suicide. The law that was enacted, however, provided only for a temporary ban, lasting only until a Commission was formed, met, and issued a final report.

Legislators saw the creation of a Commission as a way to get Kevorkian's issue out of their chambers and avoid (or at least postpone) taking action on it. Legislators were reluctant to take decisive action by enacting a permanent ban on assisted suicide because public opinion was favorable to PAS. Legislators did not overcome this "reluctance" until 1998 and not until after the courts had provided them with "guidance" on PAS. In 1994 the Michigan Supreme Court ruled that although there was no statutory ban on assisted suicide in Michigan there did exist a common law felony of assisted

suicide.<sup>10</sup> This supplied a tool for local prosecutors, but it did not settle the larger legal question. In 1997 the Supreme Court of the United States ruled in two cases that there was no federal constitutional right to assisted suicide.<sup>11</sup>

Over the years, despite intense lobbying, only a handful of legislators became advocates for one or the other side in the conflict. Most legislators avoided the conflict, even though many of them had their own strong views. On rare occasions, they expressed these views publicly. For example, when the Senate voted on Senate Bill 200, legislation that established a permanent ban on assisted suicide, the Senate journal (December 4, 1997) recorded 12 pages of protest by legislators who supported PAS or who were angry that the legislature did not give citizens the opportunity to vote on the issue.

Legislators' votes on morality policy issues should reflect closely their own views and presumably those of the constituents that elected them to office. We do not expect that inside lobbying on PAS would change legislators' basic values, their views on PAS, or how they would vote on PAS.

The Michigan legislature never voted on PAS. It did, however, vote on bills to ban assisted suicide. We analyzed roll call votes on the last of these bills, Senate Bill 200, mentioned above. Since the bill was voted on twice by the Michigan House, the first time on March 12, 1998, and the second time on July 2, 1998, we can determine if any House members, subjected to lobbying for a three and one-half month period, changed their votes.

The vote in the Michigan House on March 12 had 66 voting "yes," 40 voting "no." Among Republicans who voted, 42 voted "yes" and only 8 voted "no." Among Democrats, the vote was more closely divided with 24 voting "yes" and 32 voting "no." On July 2, 1998, the House had a second opportunity to vote on Senate Bill 200. Only four House members (4.1%) casting votes at both time points changed their votes. Three of these members changed their votes to "no" on the July 2 vote because the legislation that returned from the Senate did not include a provision to give Michigan citizens the opportunity to vote on PAS in the 1998 general election. Thus, very few votes in the House changed over a three and one-half month period.

Were campaign contributions used to influence legislators' views on PAS? This did not appear to be the case. Among interest groups participating on the Commission, only four contributed to legislators' election campaigns, and only a single group—Right to Life—used contributions extensively. We conducted a detailed study of these contributions.

The contributions of Right to Life rewarded a sizeable fraction of PAS supporters. They were not used to change the views of opponents. Table 4 shows the relationship between contributions from Right to Life and the vote in both chambers of the legislature on Senate Bill 200. The contributions



**Table 3. Percentage of Inside and Outside Lobbying Activities for Interest Groups Holding Different Position on the Issue of PAS**

Group Positions on PAS in Relationship to the Policy Status Quo			
	Legalize Voluntary Euthanasia (2 positions to left of median voter)	No Law Prohibiting PAS (status quo policy)	Felony of Assisted Suicide (2 positions to right of median voter)
Percentage of Activities that were Inside Lobbying (standard deviation)	64.4% (13.2)	56.9% (21.0)	59.4% (18.0)
Number of groups	8	8	5
Group Positions on PAS in Relationship to Location of Median Voter			
	Legalize Voluntary Euthanasia (1 position to left of median voter)	No Law Prohibiting PAS (1 position to right of median voter)	Felony of Assisted Suicide (3 positions to right of median voter)
Percentage of Activities that were Outside Lobbying (standard deviation)	35.6% (13.2)	43.1% (21.0)	40.6% (18.0)
Number of groups	8	8	5
Data Source: Personal interviews with members of the Michigan Commission on Death and Dying.			

include both money and direct in-kind support (personnel, production of campaign materials, etc.). We determined contributions for the 1998 election cycle (primary and general election), so most of the contributions, especially for the Senate, occurred after the vote on Senate Bill 200.

Looking first at contributions to Michigan House members, among the 100 voting on Senate Bill 200, Right to Life contributed to 45 (35 Republicans, 10 Democrats). All 35 contributions to Republicans went to those who voted “yes” on Senate Bill 200. Nine of 10 contributions to Democrats went to those who voted “yes” on Senate Bill 200. The single contribution that went to a Democrat who voted “no” on Senate Bill 200 went to the Speaker. With the exception of the Speaker, Right to Life did not give a contribution to any House member voting “no” on Senate Bill 200. It should be noted, however, that Right to Life “missed” contributing to 4 Republicans and 11 Democrats who voted “yes” on Senate Bill 200.<sup>12</sup> Overall, it gave to 44 of 59 or 74.6 percent of those who voted “yes.” It gave to 1 of 41 or 2.4 percent of those who voted “no.”

**Table 4. The Relationship between Vote by Michigan Legislators on Senate Bill 200 and Contributions from Right to Life**

		Vote on Senate Bill 200 ("yes" is vote in favor of law banning assisted suicide)		
		No	Yes	Total
<b>Michigan House (July 2, 1998)</b>				
Republican	Received contributions	0	35	35
Legislators	Did not receive contributions	8	4	12
	Total	8	39	47
Democratic	Received contributions	1	9	10
Legislators	Did not receive contributions	32	11	43
	Total	33	20	53
<b>Michigan Senate (December 4, 1997)</b>				
Republican	Received contributions	0	16	16
Legislators	Did not receive contributions	0	3	3
	Total	0	19	19
Democratic	Received contributions	0	5	5
Legislators	Did not receive contributions	7	4	11
	Total	7	9	16

Sources of campaign contribution data: State of Michigan web site, Secretary of State. Source of roll call vote data: State of Michigan web site, House *Journal of the House* [March 12, 1998 & July 2, 1998] and Senate, *Journal of the Senate* [December 4, 1997].

Looking next at contributions to members of the Michigan Senate, among the 35 who voted on Senate Bill 200, Right to Life contributed to 21, or 60 percent. All 19 Republicans voted "yes," and Right to Life gave to 16 of them. It gave to five of the nine Democrats who voted "yes." The group did not give to a single Senator who voted "no."

Campaign contributions presumably do not change legislators' views on morality policy. In such a situation, small contributions given to known supporters can be viewed as a "thank you" note. In contrast, when labor and business groups lobby on controversial economic issues, legislators' basic values are not involved, and they are subject to cross-pressures with constituents, interest groups, party, and the executive jockeying for influence. There is a chance that legislators will "betray" interest groups that have supported them, and the response of interest groups may be to withhold or reduce contributions (Engel and Jackson 1998).

### Summary

Interest group lobbying on morality policy for the case of Michigan and PAS had distinctive features. Most noteworthy was the high degree of involvement of citizens groups and their disproportionate use of outside lobbying. Most of this disproportionate use may be due to the members of citizens groups and the demands that they place upon their leaders. They likely prefer outside lobbying which is more visible and which affords opportunities to participate. The members of professional groups and trade associations, on the other hand, are seldom interested in opportunities to participate, and therefore are comfortable with leaders who rely mainly upon inside lobbying.

Although interest group positions on PAS in relation to public opinion and the status quo policy do seem to affect choices between outside and inside lobbying, such effects are difficult to discern because lobbying on morality policy also reflects other considerations. Groups that lack resources will be limited to engaging in only less costly forms of outside lobbying. Professional groups and trade associations may be unwilling to risk outside lobbying in situations where member opinion is divided.

Conflict expansion is a familiar feature of politics on controversial moral policy issues. The weaker side when public opinion is favorable has a strong incentive to expand the conflict and attract allies to its cause. In Michigan, the proponents of PAS were the weaker side, but had public opinion on their side. They tried to expand the conflict, relying heavily on outside lobbying. They succeeded in getting the state legislature to hold hearings on legislation. They succeeded in delaying a vote by the state legislature to enact a permanent ban on assisted suicide. They failed, however, to get the state legislature to vote on PAS or to get the state legislature to put the issue of PAS before the voters. The stronger side when public opinion is unfavorable has a strong incentive to limit the conflict. The opponents of PAS lobbied to get the state legislature to pass a bill that would permanently ban assisted suicide, thereby stopping Kevorkian and bringing an end to the issue. Their initial efforts, however, succeeded only in enacting a temporary ban on assisted suicide.

In general, legislators prefer to avoid taking action on controversial moral policy issues. Much interest group lobbying on morality policy thus involves efforts to get legislators to either put issues onto the agenda and take action on them or to keep issues off of the agenda. Legislators know that controversial morality policy issues are of high salience to their constituents and that, regardless of what they do, some constituents will be unhappy. In Michigan, state legislators tried to avoid angering both sides by appearing to take action (hold hearings, enact a temporary ban, establish a

Commission) but not making a difficult decision (enacting PAS or enacting a permanent ban on assisted suicide). Through delay, legislators hoped that Kevorkian and his issue would disappear or perhaps that a court decision would resolve the issue for them or provide guidance on what to do.

Legislators hold basic values just like other people and those values undoubtedly affect how they feel about controversial moral policy issues. It may be difficult for party leaders to enforce “party discipline” on such issues. In the Michigan House, Democratic legislators split their vote (20 “yes,” 33 “no”) on Senate Bill 200 to enact a permanent ban on assisted suicide, a large majority (39 “yes,” “8” no) of Republican legislators voted “yes.” In the Michigan Senate, Democrats split their vote (9 “yes,” 7 “no”), but Republicans were united (19 “yes,” 0 “no”).

Interest group lobbying in Michigan likely had little or no impact in changing the views of legislators on PAS. Over a three month period, although subject to lobbying from both sides, only four members of the Michigan House changed their votes on Senate Bill 200, and for three members the changed votes can be explained by change in the content of the legislation that removed a provision for a voter referendum on PAS. The campaign contributions of Right to Life did not go to its opponents; they were targeted at known supporters, just as if the contributions were a thank you note to legislators for their continuing support.

Interest group lobbying on morality policy is different in some respects from lobbying on other types of policy issues. It is more likely to involve citizens groups that prefer outside lobbying. The side with public opinion on its side has an advantage in turning to outside lobbying. Lobbying of all types is not designed to change legislators’ opinions but rather to enlist the help of those who are sympathetic, with campaign contributions rewarding legislators for their help and continuing support.

## NOTES

<sup>1</sup>American Association of Retired Persons, American Civil Liberties Union of Michigan, Citizens for Better Care, Health Care Association of Michigan, Hemlock of Michigan, Michigan Association for Retarded Citizens, Michigan Association of Osteopathic Physicians & Surgeons, Michigan Association of Suicidology, Michigan Council on Independent Living, Michigan Head Injury Survivor’s Council, Michigan Hospice Organization, Michigan Hospital Association, Michigan Nonprofit Homes Association, Michigan Nurses Association, Michigan Psychiatric Society, Michigan Psychological Association, Michigan Senior Advocates Council, Michigan State Medical Society, National Association of Social Workers Michigan Division, Right to Life of Michigan, State Bar of Michigan, Prosecuting Attorneys Association of Michigan.

<sup>2</sup>Interview with chair of House Judiciary subcommittee.

<sup>3</sup>This citizens group was formed to honor Merian Frederick of Ann Arbor, Jack Kevorkian's 19th assisted suicide, who died October 22, 1993.

<sup>4</sup>Typically, a distinction is made between voluntary euthanasia and PAS. With voluntary euthanasia, the physician takes the action (e.g., lethal injection) that is the immediate and direct cause of the patient's death. With PAS, it is the patient that takes such an action (e.g., swallowing a lethal prescription).

<sup>5</sup>Many newspaper sponsored public opinion polls were conducted over the years in Michigan on the issue of PAS. The exact percentages supporting PAS varied, presumably because of factors such as question wording, the date the question was asked, and sampling error. Support for PAS was generally about 60%. For a poll conducted during the period the Commission was meeting, see: *Detroit News and Free Press*, January 30, 1994:F1.

<sup>6</sup>See "Death and the Matron," *Esquire*, April 1, 1997, p. 80.

<sup>7</sup>Confidential interviews with several Republican legislators.

<sup>8</sup>Interview with Commission member from Right to Life of Michigan.

<sup>9</sup>Interview with chair of House Judiciary subcommittee.

<sup>10</sup>*People v. Kevorkian*, 517 N.W.2d 714 (Mich. 1994).

<sup>11</sup>*Vacco v. Quill*, 521 U.S. 793 (1997); *Washington v. Glucksberg*, 521 U.S. 702 (1997).

<sup>12</sup>A possible explanation is that some House members voting "no" on Senate Bill 200 were nevertheless "pro-choice" on the issue of abortion. Unfortunately, the 1997-1998 session did not include votes on abortion related issues.

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