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Model legislation as a measure of special interest influence:
the American Legislative Exchange Council and the Koch network

By: Jordan Ulloa

Presented to the Graduate Faculty of Claremont Graduate University in partial fulfillment
of the requirements for the degree of Master of Arts in Politics.

We certify that we have read this document and approve it as adequate in scope and
quality for the degree of Master of Arts:

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2020

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Abstract

The following work seeks to examine the relationship between special interests, political parties, and major donors who help to fund certain types of interest group coalitions. Specifically, the work will seek to further understand the relationship between the American Legislative Exchange Council (ALEC), the groups funders, their ideology and relationship to political parties, and the impact these factors have on policy at the state level. Using a sample of 171 model bills drafted by ALEC, we utilize preliminary natural language processing methods to identify key topics existant in model bills and compare those to a sample of all legislation passed in the state of California between 1989 and 1991. We find preliminary results that suggest further application of supervised machine learning to begin to identify language in model legislation that appears in state legislatures. The proposed methods can begin to help scholars further expand on the relationship between donors, political parties, and the larger policy diffusion network that helps to ensure model legislation passes for the benefit of the coalition that seeks its implementation.

“While the majority goes on about its great work without complaint, a noisy minority maintains an uproar of demands for special favors for special groups. There are pests who swarm through the lobbies of the Congress and the cocktail bars of Washington, representing these special groups as opposed to the basic interests of the Nation as a whole.”

-Franklin Delano Roosevelt, 32nd President of the United States in his State of The Union Address, January 11, 1944

Introduction

American politics is best defined by competition; one characteristic of any competition is that one party wins while the other invariably loses. Political parties being the vehicle of the competitive political landscape, are made up of individual citizens who share some combination of similar ideals, values, and policy goals. At the state and national level representation is characterized through single districts in which elections determine who will win and take on all the responsibilities of representing the constituency. This type of dynamic creates an environment that inherently supports just two national parties, with distinct differences on a variety of policy-based initiatives. The Democrats are typically associated with more liberal ideals (redistributive policies, equality of opportunity, social welfare, etc.) and Republicans with conservative ideals (economic freedom, smaller governmental influence, value for the private sector, and in more extreme cases a greater adherence to authoritative tendency). E.E.

Schattschneider, in his work *The Semisovereign People* offers a critique of pluralist theory,¹ noting that the “range of organized, identifiable, known groups is amazingly narrow; there is

¹ Theory associated with David Truman, advanced by Robert Dahl that posits that the American republican system of democracy can be best understood through the understanding of groups competing with each other for the advancement of their political goals, and that the competition drives democratization.

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nothing universal about it,” and the “system is skewed, loaded and unbalanced in favor of a fraction of a minority...the flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class tone” (E.E. Schattschneider, 1960).

States have the authority to introduce, pass, and implement legislation and policy independent of federal intervention so long that the legislation or policy in question is not in violation of the Constitution. Because of this, states are often referred to as “laboratories of democracy” (Associate Justice Louis Brandels in his dissent of *New State Ice Co. v. Liebman*, 1932), as states have the ability to experiment with policy to address unique problems that may have salience across the country. Prior scholastic work on policy diffusion at the state level has focused on how policy innovations are conceived, how they are then implemented, and the methods by which the policy spreads across the state. Much of the focus in literature has been on political actors and ways that unique state characteristics and behaviors drive diffusion. Recent journalism, as well as recent cutting-edge studies, have identified a rise in the influence of model legislation in policy making, which suggests that special interests may be exerting a considerable influence over policy origination, introduction and implementation (Kristin Garrett & Joshua Jansa, 2015). With this the notion that states are the driving force behind policy diffusion has been challenged in favor of a prominent role for interest groups. This is in direct opposition to the belief of Madison as outlined in *Federalist #10* (1787), in which he claimed that such a large and diverse polity would be a shield for factional influence over the republic.

The influence of pressure, or interest, groups is something that is well noted within the political science discipline. In John W. Kingdon’s work *Agendas, Alternatives, and Public*

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Policies, a multiple streams framework² is proposed that shows that special interest groups are just one of a variety of influences that help to shape policy agenda's. But in this scenario interest groups are just one piece of a much larger system of influence and agenda control, various other types of coalitions, actors, and activists are involved in the process with varying degrees of influence. More recently, scholars have suggested that interest groups affect policy diffusion by encouraging the flow of information between states (Steven J. Balla, 2001; Donald P. Haider-Markel, 2001). In a modern approach to policy diffusion scholasticism, Natasha Borges Sugiyama presents a conceptual framework for the study of social policy diffusion as well as a rationale for an integrated research design that draws on both qualitative and quantitative methodologies in order to uncover actors' policy narratives, showing that ideology and group affiliation drove policy decision-making at the municipal level in Brazil (2013).

Drawing on E.E. Schattschneider's assertions that elites are the driving force behind pluralist democracy in the United States, and advancing on prior work done on the American Legislative Exchange Council (ALEC), this paper will seek to understand how special interest groups utilize model legislation to advance the ideology of their funders. By looking specifically at publicly available information on organizations funded by Charles and David Koch—analyzing, defining, and characterizing themes—identifying bills that have been modeled by the organization ALEC (which the Koch's are chief funders of) and performing a preliminary text analysis on model legislation and bills passed in state legislatures, this paper will seek to examine and elaborate upon existing policy diffusion literature to begin to outline how ideology,

² See *Kingdon*, posits that an issue gets on the political agenda if the presence of a problem, solution and the political will are apparent; in order to realize the policy actors must facilitate an agenda that seeks to address the issue, which may be brought to attention and carried through passage with the help of interest groups.

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partisanship, and special interests work in concert to advance the values of the parties that influence them.

The paper will proceed as follows: in section one literature on political parties, models of policy diffusion, and rational choice implications regarding political resource allocation will be examined. Section two will outline a theoretical approach to understanding the Koch's ideology, by examining and defining key characteristics and aims of their foundations based on studies that have surfaced on model legislation and the foundations that have Koch associations. Section three will outline the methods used to analyze model legislation advanced by ALEC at their various seminars and legislative workshops. Section four will present a theoretical approach to identifying the presence of model legislation as it appears in state legislatures, specifically harnessing the power of machine learning and natural language processing as a means of topic identification and similarity analyses that can begin to identify when a model bill is presented.

Policy diffusion and partisanship

Literature on the connections between political parties and special interest groups currently lacks intensive scholastic examination with respect to the ideological influence of donors in respect to partisanship. Part of this could be due to thought associated with pluralist theory; both interest groups and parties can be thought of two distinctive, competing forms of political organizations (Mancur Olson, 1963; John W. Kingdon, 2003). Political parties exist to build broad coalitions encompassing a vast array of issues and policy positions, while interest groups attempt to mobilize specific, and less numerous, portions of the electorate around a focused set of issues. In thinking about the two entities, one could ascertain that political parties serve as the mechanism to check self-serving, narrowly defined special interests (Schattschneider, 1960). Yet there is still a belief, especially recently, that interest groups can

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and do cooperate with one party or another on a persistent basis (Gregory Koger, Seth Masket & Hans Noel, 2009). In the context of the modern conservative ideological movement, several different types of organizations have seen a surge in success; for example, the Tea Party saw electoral prospects realized in just two years of existence amid the conservative backlash to the election of president Barack Obama.

A central concern for political parties, and the candidates who represent them, is to win election. From a rational choice perspective,³ this is in line with theory; goals can only be met in the political arena if the party and its' actors obtain power. In the work *Kill it to save it: an autopsy of capitalism's triumph over democracy*, Corey Dolgon (2017) notes a strategy that he calls "kill it to save it," in which austerity is used to promote change based policies that largely benefit the private sector and corporate classes. Dolgon remarks regarding ALEC, "it [ALEC] was cofounded in 1973 from the shell of a nonprofit organization called the Conservative Caucus of State Legislators. Right-wing titans including Paul Weyrich (founder of the Heritage Foundation) and Lou Barnett (Political Director of Ronald Reagan's PAC) saw the possibility of creating what historian Rick Pearlstein (in *The Invisible Bridge: The fall of Nixon and rise of Reagan*, 2014) called a 'nonpolitical trojan horse' for conservative political activity" (2017). Recent scholarship on political parties finds increasing polarization over the last few decades but fails to address extant causes of the political divide. Some literature suggests that political elites are the drivers of such polarization, while ordinary voters remain static (Keith T. McCarty, Keith T. Poole, & Howard Rosenthal, 2006).

V.O Key's work on party politics separates the views of political parties into three distinct categories: "party in government," "party as an organization," and "party in the

³ See, Downs, *An Economic theory of Democracy*. Argument about parties and candidates motivations revolving around winning office to enact policy.

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electorate” (Key, 1969). A notable omission from Key’s typologies on parties is the individuals, or group of individuals that fund and staff campaigns (John Herbert Aldrich, 2007). These campaign staffers and activists are essential to success in the modern political landscape. Absent too is mention of interest groups, which contribute to the grassroots level activity during political campaigns. While pluralistic theory denotes special interests and political parties as competitors (Robert Alan Dahl, 1990), other scholars—like E.E. Schattschneider (1960)—promote parties as the shield against excessive special interest influence. In practice, many special interest groups tend to claim a nonpartisan status, and parties can also deny direct links to outside groups.

Activists, interest groups, and political parties pose a distinct difficulty for scholars of political science. Differentiation from the party in government model or the party as an organization model, due to the lack of centralized leadership and transparent decision-making processes, makes empirical analysis difficult to accomplish. While they may present difficulty, they can still act together while maintaining operational autonomy. Because of the lack of defining features in V.O. Key’s model of political parties, it is better to think of parties in the context of Anthony Downs’ rational choice theory positing that parties are “a team of men seeking to control the governing apparatus” (1957), or as E.E. Schattschneider (1960) termed it, “an organized effort to gain power.” Thinking of political parties as teams of political players lacks in the ability to define how the behaviors of these actors are determined due to the fact that the party is treated as a monolith as opposed to a set of individuals with differing agendas coming together in areas of agreement. A solution is to think of political parties in much the same way as a social network—or policy diffusion network—is characterized; in this sense the party is now broadly defined to include its candidates and officeholders; its formal apparatus;

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loyal donors, campaign workers, and activists; allied interest groups; and even friendly media outlets (Gregory Koger, Seth Masket, & Hans Noel, 2009).

In this network approach, the defining characteristic of a party is cooperation. Actors begin to play for the same team and join the party when they begin communicating with other members of the network, develop common strategies, and coordinate action to achieve shared goals (Gregory Koger, Seth Masket, & Hans Noel, 2009). Power in a network remains decentralized and may feature multiple actors or factions that simultaneously cooperate to beat the opposing party and compete to shape the future of the party, and in turn the political landscape. Some actors may exert more influence than others because they possess the resources to do so, in the capitalistic environment of America that resource is typically monetary in nature. Support for this notion is apparent in research on political parties by Mildred Schwartz (1990) found that Republican elites in the state of Illinois are best understood as an organization composed of formal and informal party leaders. Jonathan H. Berstein (1999) and Joseph W. Doherty (2005) find that political consultants form part of an extended party that is more loyal to the traditional party than to individual candidates. Marty Cohen, David Karol, Hans Noel, and John Zaller (2001), in their research on party donors, find that elite endorsers in each party have controlled presidential nominations since at least 1980. Taken together, the importance of informal party networks and understanding the dynamics in respect to the implementation of policy, the relationship between formal and informal policy/party networks, and examination of their operations is of a growing need in the field of political science.

ALEC is a national organization that “provides a constructive forum for state legislators and private sector leaders to discuss and exchange practical, state-level public policy issues” (ALEC mission statement as described by Lisa Graves, 2012). Their members, made up of state

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legislators and corporate representatives, meet in task forces on specific issue areas—i.e., the environment, energy regulation, etc.—and collaborate to write model legislation. Once the task force has written the model bill it must be approved by ALEC membership and their internal governing board, at which time the model moves from proposed model legislation to an approved “model policy” ready for dissemination to various state legislators who can introduce them in their respective congressional chambers (Molly Jackman, 2013). “By acting primarily on the state level, ALEC’s impact often remained under the radar for media criticism and public awareness...but for over three decades the group passed thousands of laws in states and counties across the country that turned public institutions and public funding into private profits” (Corey Dolgon, 2017). Steven J. Balla (2001) suggests policymakers’ membership in professional organizations influences states to adopt the organizations legislation, which begs the question, how successful is ALEC in influencing legislation? Interest groups act in a similar manner, especially those comprised of organizations representing professionals and their desired policy goals; studies on the subject have shown that interest group campaigns helped to pass urban wage laws and same sex marriage bans (Issac Martin, 2001; Donald P. Haider-Markel, 2001).

Current studies on the role of special interests and policy diffusion has proposed several mechanisms by which interest groups might influence the spread of information that impacts policy diffusion. Some scholars have focused on the ways that national organizations facilitate communications to state officials (Steven. J. Balla, 2001; Bradley Kile, 2005; Caroline J. Tolbert, Ramona S. McNeal, & Daniel A. Smith, 2003). Officials with shared membership in such organizations are more likely to share values, as well as ideas about policy and common experiences, so the question of the influence of these types of networks on the policy process remains critical in political science research. Bradley Kile (2005) also points out that an interest

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groups' in state presence, in accordance with the strength of connection between the groups national and state-level outfits, influence the exchange of information and spread of prescription drug policies. Given the extant literature on the subject, it is expected that interest groups play a role in the drafting of legislation.

ALEC and the Koch Connection, Inside Idealism

Koch Industries is one of the largest privately held companies in the United States, generating nearly \$120 billion in annual revenues.⁴ The Koch family is the second wealthiest family in the United States and funds a wide array of political activities across the nation.⁵ A recent article in a popular news publication spotlighted the Koch network—an organization of wealthy individuals committed to donating at least \$100,000 a year to conservative political causes—which is made up of “several hundred” donors (Matea Gold, 2014). The network meets twice a year at invite only summits to discuss and strategize its political goals for the nation. Maggie Severns (2019) of Politico, estimates that in the two years up to 2018 the network had spent “over \$400 million on policy and politics, and millions more on educational and philanthropic initiatives.” According the Center for Media and Democracy, corporations spend between \$7,000 and \$25,000 a year for membership in ALEC with an additional \$2,500-\$10,000 being required to sit on one of the many policy task forces (Lisa Graves, 2017). Of the members of ALEC, approximately 2,000 are state legislators while only around 300 are linked to corporations; notably, legislators only pay an annual fee of \$50 to become members. In fact, according to IRS filings, over a three-year span (2013-2016) ALEC had received \$21,615,465 in

⁴ Information for revenues on Koch Industries obtained through online resources at Investopedia.com

⁵ Information on wealthy families in America obtained from [Investopedia.com](https://www.investopedia.com)

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dues paid by corporations, foundations, and other sources, and just over \$250,000 in dues paid by state legislators, amounting to just more than 1 percent of its income (Lisa Graves, 2017).

The unique nature of ALEC makes it easier for business entities to hide the sum total of their contributions, so the tangible monetary influence that the Koch network utilizes is a more daunting task to undertake. The best estimation of the monetary force behind their political network is through tax disclosures and news reporting. Direct monetary contributions are not the only way that the Koch's contribute to ALEC, they also provide interns from the Koch foundation to work for the organization as well as providing research fellows associated with their network of think tanks, to contribute to discourse and outlining of policy in their legislative focus groups (Lisa Graves, 2015). This is problematic, as academics provide credibility to this operation, creating the appearance of a conflict of interest which presents the possibility of bias, leading to questions about the credibility of research being produced (Michael M. E. Johns, Mark Barnes, & Patrik S. Florencio, 2003).

The Koch foundation donates to multiple causes throughout the country, and they have sat on the board for multiple special interest organizations that fundraise and strategically allocate resources, defined as money in this sense, to advance their ideological and political goals. It is important to note that the contributions that both Charles and the late David Koch are not only found in their fiscal support of business friendly reforms aimed at expanding their personal interests, while this is one way to advance their agenda it should be noted that they also donate to causes less controversial—frequently giving to organizations promoting education for minority groups, as well as prison reform initiatives (Joseph P. Williams, 2016). A quick overview of the mission statements of these various organizations in their political network does give us an opportunity to understand the ideology of the two brothers, and their financial

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network. Table 1.1 shows several organizations the Koch’s fund and have links to controlling as well as some recent activities they’ve been involved in.⁶

<i>Organization</i>	<i>Political activities</i>	<i>Type of Organization/ Leadership</i>
Freedom Partners Chamber of Commerce- non-profit 501 c(6)	Over \$500 million in expenses from 2011-2015 ⁷ have donated to several right-wing special interest groups, acts as an intermediate for donors to remain anonymous in their contributions.	Financial distributor- Mark Holden Senior VP, Koch Industries
TC4 Trust- non-profit 501 c(4)	Over \$65 million in expenses since 2011 ⁴ Similar in scope to Freedom Partners	Financial distributor- Chairman unknown
Americans for Prosperity 501 c(4), associated with Americans for Prosperity Foundation(501 c(3))	Major force behind the tea party movement, claims to be present in 35 states and to have an “army of 3.2 million activists ⁸ , raises over \$140 million in the 2012 election cycle	Social Welfare Org., financial distributor- CEO former head of Freedom Partners Chamber of Commerce.
The CATO Institute	Founded in 1977 by Charles Koch, originally called the Charles Koch Foundation. Libertarian and Philosophical think tank.	501 c(3), nonprofit think tank— CEO is former executive at Barclays Intl.
American Legislative Exchange Council (ALEC)	Hosts nationwide conventions where breakout groups form model legislation in tandem with legislators and consultants from multiple business centered organizations	501 c(3)- non profit. CEO- Lisa B. Nelson former staff for Speaker Newt Gingrich.

Table 1.1 Small subset of organizations with Koch connections and they’re operative practices

⁶ Table information gathered from a variety of sources including the websites of the organizations themselves and news articles in Politico and the Washington Post as well as the Center for Media and Democracy.

⁷ Information gathered from tax filings analyzed by Ballotpedia and Opensecrets.org.

⁸ Nelson (2019)

In addition to the small sample listed in table 1.1, included below is a more comprehensive flow chart of resource allocation associated with the Koch network of donors seen in figure 1.1. The interesting thing about the network is its ability to remain relatively secretive while dealing in such large sums of money, a thing made capable by US tax code and IRS filing codes as well as court cases like *Buckley v. Valeo* (1976) and *Citizens United v. Federal Elections Commission* (2011) (Lisa Graves, 2015).⁹

As previously discussed, parties can act as networks to accomplish shared goals, win elections, and mobilize constituencies. It has also been demonstrated that special interests operate through network type systems in order to influence policy based on the preferences of their membership, implementing specific types of legislation, something John W. Kingdon calls the policy stream or multiple streams network (2003). We also know because of success in accomplishing stated policy positions, special interests must have the resources to allocate toward their stated position (Pieter Bouwen, 2004; Adam William Chalmers, 2011; Guy Peters 2002; Anthony Downs, 1957). Defining resources as money is best suited for this type of theoretical approach to influence, as monetary considerations are what benefit campaigns and special interests most in election cycles. Using these assumptions, the theory being presented is outlined by:

1. Using the definition of a political party as established, it is proposed that model legislation drafted by ALEC and proposed in subsequent state legislatures can be matched to key initiatives tied to the ideology of the Koch network—economic freedom, liberty, and values associated with conservative politics.

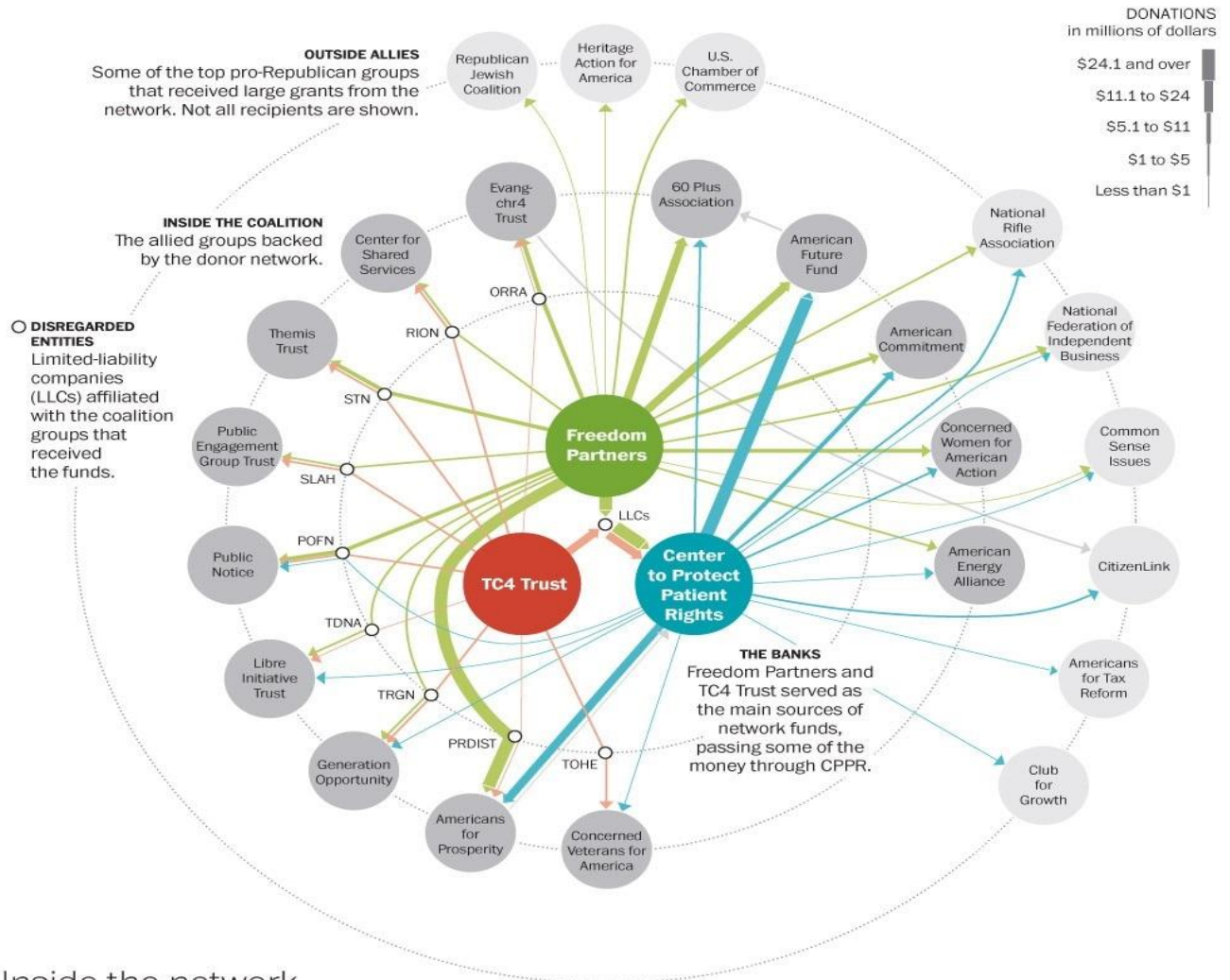
⁹ *Buckley v. Valeo* and *Citizens United v. FEC* equated money with speech and allowed unlimited sums of money to be spent in political advertising so long as a candidate is not mentioned, respectively.

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2. It is proposed that model legislation will be statistically discernable and signify higher similarity scores for those bills that are found to match models.
3. That these methods, while focusing on the Koch network and ALEC, can be expanded to include any organization or special interest that seeks to influence the policy agenda.
4. That the measured effect of model legislation on the state and local policy process, as outline in the first point, will have the same positive relationship with ideology and sought policy goals of the organization that originated the model.

Prior work by Molly Jackman (2013), as well as the flow chart below (Matea Gold, 2014) present possible proxies for ideology in the proposed model, allowing the theory to attempt to measure how elites influence policy to meet their ideological and political goals. Furthering Schattschneider's critiques of American democracy through pluralist applications may be justified if a threshold of legislative success in policy implementation is reached. It is important to note that the theory being presented does have limitations in its effectiveness, but that recent advancements in the field of Natural Language Processing (NLP) techniques have been shown to produce robust results which can lead scholarship toward an uncovering of the advancement of legislative goals associated with specific ideological themes and sentiments and is a growing method in political science (Kenneth Benoit, 2020).

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Inside the network

TC4 TRUST, a now-defunct Alexandria-based group, sent its funds to LLCs affiliated with the nonprofit groups in the network.

FREEDOM PARTNERS, an Arlington County-based group whose board includes current and former Koch Industries officials, now plays a role similar to that of TC4 Trust, funding many of the same groups.

CENTER TO PROTECT PATIENT RIGHTS served as an intermediary group, passing along millions from TC4 Trust and Freedom Partners to nonprofit groups in the network.

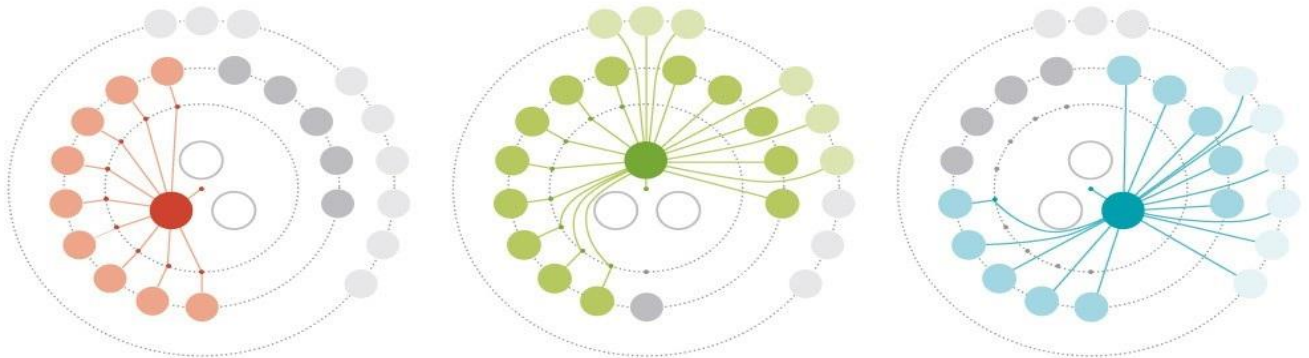
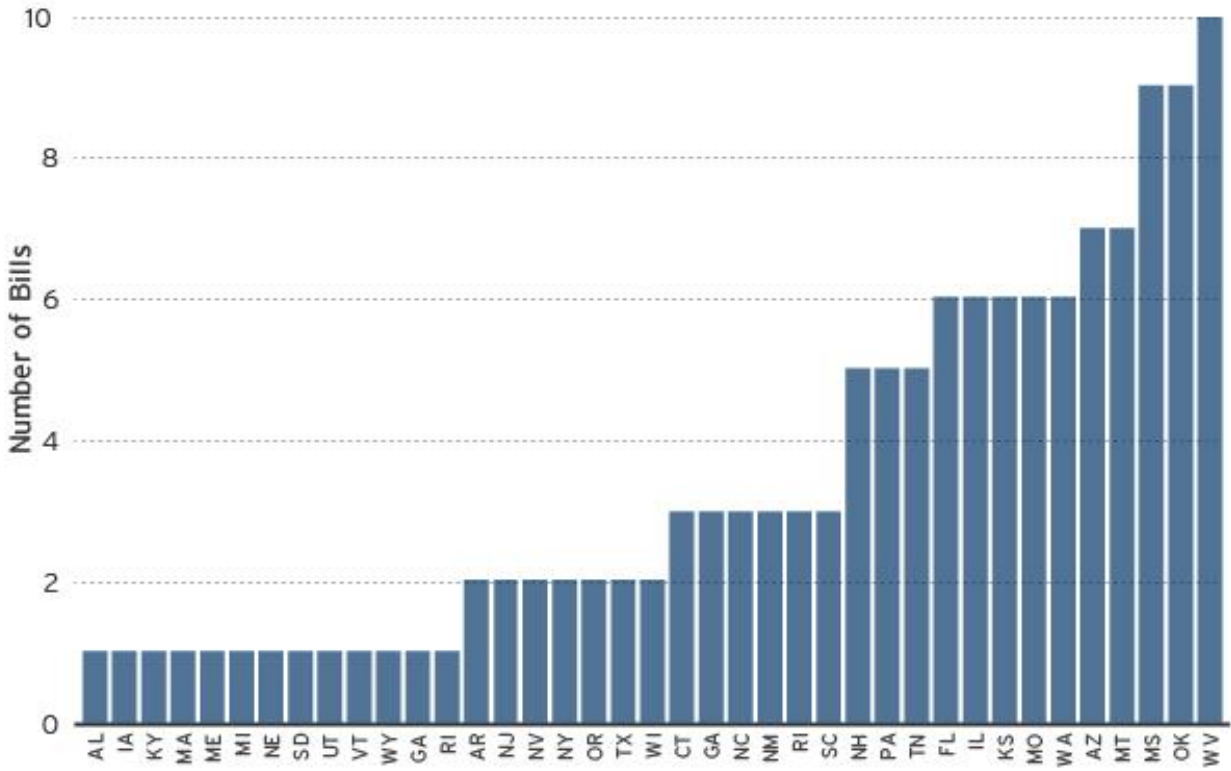


Figure 1, The Koch Network explained.¹⁰ as seen in the Washington Post- Credit: Matea. Gold

¹⁰ Image and information on the network flow of resources, provided by Matea Gold (2014).

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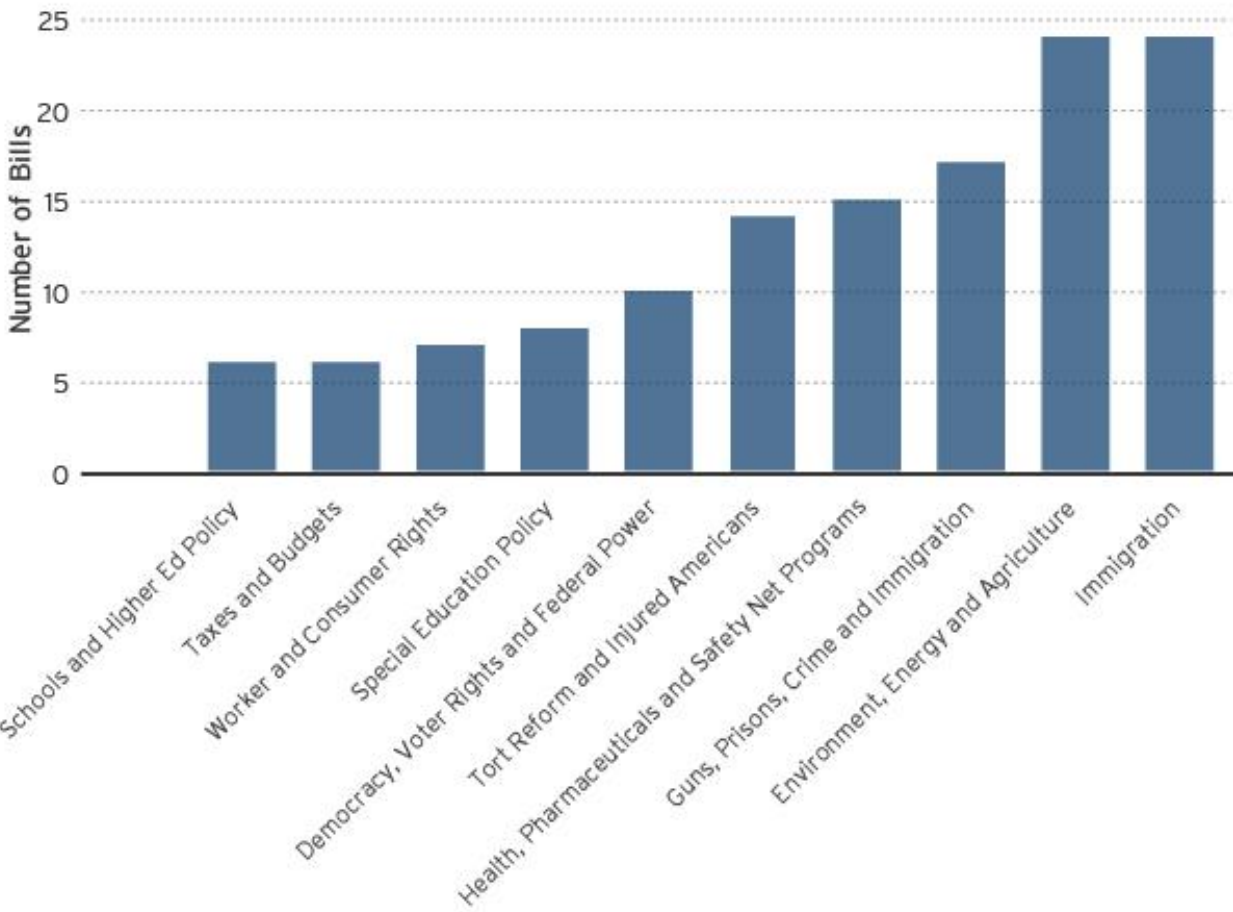
ALEC Model Bills Introduced in U.S. States



2011-2013 Frequency distribution of ALEC model bills by state (Molly Jackman, 2013)

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Subject of ALEC Model Bills Introduced in U.S. States



Topic of introduced model legislation frequency (Molly Jackman, 2013)

ALEC Model Bill	# of States Introduced	Description
No Sanctuary Cities for Illegal Immigrants Act	23	Closely resembles Arizona’s SB1070 law in that it mandates local law enforcement of federal immigration law, and allows private citizens to sue their local government if they feel the law is not being fully enforced. In addition, it further criminalizes the employment of illegal immigrants, and creates a crime of “trespassing” on state land without immigration status, and a crime of having an illegal immigrant in one’s vehicle, among other provisions.
The Disclosure of Hydraulic Fracturing Fluid Composition Act	10	Requires the disclosure of fluid used in the production of natural gas through hydraulic fracturing. It would also allow operators not to disclose any materials that are considered a “trade secret” or present incidentally in the hydraulic fluid, and would limit the ability of individuals to challenge a the operator’s claim to trade secret protection.

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Castle Doctrine Act	9	Also commonly referred to as “Stand Your Ground” legislation, this act authorizes the deadly use of force against an intruder in a residence or vehicle. It declares that a person has a right to stand his or her ground under reasonable fear of great bodily harm. It also reduces the grounds under which law enforcement may investigate the use of deadly force under these circumstances.
ALEC State Withdrawal from Regional Climate Change Initiative	9	Declares the lack of benefit to reducing carbon emissions in the state that would adopt it, and would provide that state reasonable cover to withdraw from a regional climate initiative.
Consistency of Firearm Regulation	9	Prohibits local jurisdictions from independently enacting restrictions on the possession of firearms. This bill would also preempt the right of local jurisdictions to bring certain civil actions against firearms or ammunition manufacturers, trade associations, and dealers.

*Findings from the above table are provided from research done by the Brookings Institute by Molly Jackman (2013)

Enacting State		ALEC bill	Sponsor	Known ALEC Tie?	Description
Alabama	2011 H.B. 56	No Sanctuary Cities for Illegal Immigrants Act	Rep. Micky Hammon (R)	–	See Table 1.
Arizona	2011 S.B. 1546	Eminent Domain Authority for Federal Lands Act	Senator Al Melvin (R)	Yes	Increases the state government’s ability to appropriate federal lands (such as wilderness areas or national parks)
Arizona	2012 H.B. 2503	Regular Compliance Congruity with Liability Act	Rep. Kimberly Yee (R)	Yes	Increases protection for corporations in product liability suits, and adopts a presumption in favor of the corporate defendant when it can show compliance with governmental standards.
Kansas	2011 S.B. 9	Discovery of Electronically Stored Information and Limitations on Waiver of Attorney-Client Privilege	Judiciary Committee	–	Limits the ability to produce electronically-stored information during discovery.
North Carolina	2011 H.B. 542	Regulatory Compliance Congruity With Liability Act	Rep. Johnathan Rhyne (R)	Yes	Increases protection for corporations in product liability suits, and adopts a presumption in favor of the corporate defendant when it can show compliance with governmental standards.

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North Carolina	2011 H.B. 650	Consistency of Firearms Regulation Act	Rep. Mark Hilton (R)	–	See Table 1.
Oklahoma	2011 S.B. 704	Class Actions Improvement Act	Senator Rob Johnson (R)	Yes	Limits individual’s ability to bring class action suits against large companies by specifying that class action suits cannot seek any monetary relief, and restrict the ability to bring a class action suit with plaintiffs from multiple states.
Oklahoma	2011 H.B. 1439	Castle Doctrine Act	Rep. Steve Vaughan (R)	Yes	See Table 1.
Pennsylvania	2011 H.B. 40	Castle Doctrine Act	Rep. Scott Perry (R)	–	See Table 1.
Tennessee	2011 H.B. 1030	Virtual Public Schools Act	Rep. Harry Brooks (R)	Yes	Requires “virtual” or online schools be recognized as public schools and given equal resources as other public schools in the state.
Texas	2011 H.B. 3328	The Disclosure of Hydraulic Fracturing Fluid Composition Act	Rep. James Keffer (R)	Yes	See Table 1.

*Findings from the above table are provided from research done for the Brookings Institute by Molly Jackman (2013)

As we can see, using the results of another study with a larger data set and less comprehensive text analysis, there is still a measured significance to the influence that ALEC has through its policy diffusion, and party network. From data provided by ALEC, only one member of their legislative advisory council belongs to the Democratic party, well over 30 belong to the Republican party (Leadership-American Legislative Exchange Council, 2019). This fits with the policy network model described earlier, as parties exist to coalesce around shared goals. In order to fully recognize the party as a network model, it would be useful to include data on these members and their fundraising sources. To truly conceive of the party as a network, we must fully understand how the network operates and through whom it operates. Although research has

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recently given insight into members of ALEC from state legislatures, the organization does a good job of keeping that information out of the public eye. Without a running list of legislators to work with, it can be hard to connect special interests to political parties; but that does not mean that scholars should not try to accomplish the task. This can be done with a focus on actors' affiliations, behaviors, and ideology in respect to the issue attention of the actor and the principal they are serving.

Several watchdog groups, as well as journalists have attempted to piece together the ALEC network in order to illuminate on the policy influence the organization has. Just as the Koch network utilizes 501 c(4) organizations to keep donors private, ALEC attempts to obscure its influence by keeping much of its information secretive. If we are just looking for traits that tie the two together, then this work would begin to make a good case. Alas, further empiricism is required, and can be done with attention to meticulous and elusive data¹¹. Additionally, the Koch network keeps itself out of the media spotlight, and keeps its political persuasions relatively private; the best idea one could get from them is from the groups they have known ties to, the few interviews available to the public and any public facing speeches given by the two brothers that do not do much to offer insight into their political agenda.

The second hypothesis advanced, regarding the language of ALEC bills, is best explained by the findings borrowed from Molly Jackman (2013). The topic language of the bills proposed by ALEC, and shown in a frequency distribution, shows that the largest group introduced had to do with immigration. Specifically, this was a large count because of the presence of model legislation increasing restrictions on illegal immigrants, included in the analysis here as AZ SB 1070. While the counts for the environment, energy and agriculture come next, further

¹¹ Ujifusa (2013) reported on a local state legislator tied to ALEC who was pushing for educational reform.

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investigation shows that most of the modeled legislation pertains to loosening environmental restrictions and wiping away regulation on the energy sector, major benefits for the Koch oil empire (Molly Jackman, 2013). Interestingly, prison reform is a something that the Koch network and ALEC feel sympathetic about, but they too tend to stray a bit to the conservative spectrum in their adherence to private prison's and greater individual gun rights, including the model bill of the castle doctrine which is also known as "stand your ground." Overall, an examination of the data shows that the ALEC bills proposed and enacted have a definite conservative undertone.

A particular study that outlines an even more comprehensive approach to text analysis that could help advance our understanding of interest groups, model legislation, and influence in policy diffusion networks is the Legislative Influence Detector, created by a team of scholars from various universities throughout the country (Matthew Burgess, Eugenia Giraudy, Julian Katz-Samuels, Joe Walsh, Derek Willis, Lauren Haynes, & Rayid Ghani, 2016). The modeled application utilizes the Smith-Waterman local alignment algorithm to extract parallel passages of text between the query and each of the documents returned from a search module, alignments are then scored by their probability of being substantive text via a classification module created by the researchers (2016). Using the new tool, the researchers were able to create a corpus of 550,000 bills and 200,000 resolutions from all 50 states between the years 2007-2015, they then scraped over 2,400 pieces of model legislation from ALEC, the American Legislative and Issue Campaign Exchange (ALICE, the liberal counter to ALEC), the State Innovation Exchange, the Council of State Governments and the Uniform Law Commission (2016). The most important finding, and one that is missing from this analysis, is the inclusion of special interests from both the liberal and conservative ideological locus having a similar passage rate.

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The influence of a specific family and their network of donors have been outlined in this research suggest that while the population of bills introduced by liberal groups is vastly smaller, the passage rate is similar (both come ~ 9%). These findings help to fill the gap left in this work, but still leaves a few lingering questions. Specifically, the tie to political parties through a network of interconnected political behavior, yet the model could serve to advance the notion given the proper theoretical application. Combining a policy diffusion model with the work done by the LID team would have remarkable considerations on the understanding of political networks, how political parties work with special interests, and subsequently how the influence of those with greater resources shapes the political environment. Building on this particular strategy and maintaining the data in a universally coherent manner, for both purposes of replication and further analysis, will add to the already robust findings in the field of special interests, state and local policy, and the larger field of political science. Seeking to do this, a methodological approach to further investigation of these topics is outlined.

Proposed Methodology

Utilizing statistical analysis software R¹², analysis of model legislation using NLP techniques can help to identify similar legislative initiatives that have made their way into state legislature. Data collected from The Center for Media and Democracy's ALEC Exposed online database provides text from released model legislation that has appeared on ALEC's internal web servers (Lisa Graves, 2013). The methodological approach has been utilized Kasper Welbers, Wouter Van Atteveldt, and Kenneth Benoit (2017) and includes summarizing text statistics, as well as elements of unsupervised machine learning—Naïve Bayes modeling with

¹² Statistical programming software packages include

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topic and sentiment classification in concert with term document frequencies. Words in a document are analyzed and input as a corpus of terms per document, from there the common punctuation, stop words,¹³ and frequently occurring words are stripped as well. This was done following recent work which notes that lexical “network(s) consist of units and relations, or nodes and edges. The units are references and their relations are similarities. In order to observe the latent similarity structures in the data, the number of co-occurrences must be normalized” (Peter M. Kristensen, 2012). Once the data is normalized, and each document is assigned as its own data object, the process of tokenizing words breaks documents farther down into the root stem of the word (Luigi Curini, Robert. J. Franzese, & Kenneth Benoit, 2020).

In order to perform a natural language analysis, text mining techniques must be implemented, this is an increasingly useful methodology, especially for the field of policy and legislative analysis, as well as the fields of rhetorical and ideological analysis (Luigi Curini, Robert. J. Franzese, & Kenneth Benoit, 2020). Natural language processing tools allow scholars to utilize and quantify the use of language, thus allowing a mixed methods approach to semantic and vernacular analysis, with varying levels of human input from the totally hands off approach of unsupervised machine learning to the more endogenous approach that encompasses literary analysis and requires more human applications. Kristin N. Garrett and Steven Joshua M. Jansa (2015) use a similar method in analyzing policy diffusion networks. The statistical package, *Quanteda*, as described by its publishers “has extensive functions for applying dictionary analysis, exploring texts using keywords-in-context, computing document and feature similarities, and discovering multi-word expressions through collocation scoring” (Kenneth.

¹³ Stop words include dictionary terms that are common use in the English language, words such as “the,” “a,” “or,” etc. for a full list of words the R package “Stopwords” with the setting “English” has a term list available that was utilized here.

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Benoit, Kohei Watanabe, Haiyan Wang, Paul Nulty, Adam Obeng, Stefan Müller, & Akitaka Matsuo, 2018). Using a method called term frequency-inverse document frequency (tf-idf), statistical results can be understood based on how important a single word is to a document in a corpus documents. As the tf-idf value increases proportionally to the number of times a word appears in the document and is offset by the number of documents in the corpus that contain the same word, which helps to adjust for words that appear more frequently in a document as related to the same word or feature in the document set. The equation for calculation of the tf-idf can be found below:

$$tf - idf_{t,d} = tf_{t,d} \times idf_t \quad (1)$$

A high score is reached by a high term frequency (in the given document) and a low inverse document frequency of the term in the whole set of documents; the weights tend to filter out more common terms because of this inverse relationship. The ratio inside of an idf's log function is always greater than or equal to one, inversely this means that the value of idf (and tf-idf) is greater than or equal to zero. As a term appears more and more in a document, the ratios inside this logarithm approach 1, bringing the idf and tf-idf closer to zero.

In order to prepare the documents for analysis, preprocessing of the corpus must be accomplished. The method to be utilized follows Kenneth Benoit's succinct outline in *The Sage Handbook of Research Methods in Political Science and International Relations* (p. 498-561, 2020). In order to demonstrate some of the power of preprocessing text, a sample of ALEC models (n=171) and bills from the 1989-1990 and 1991-1992 legislative sessions in the state of California were analyzed. Figure two shows the result of a word cloud on a corpus of model bills

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from ALECEXposed’s database of model bills pertaining to employment, business and civil rights legislation.¹⁴

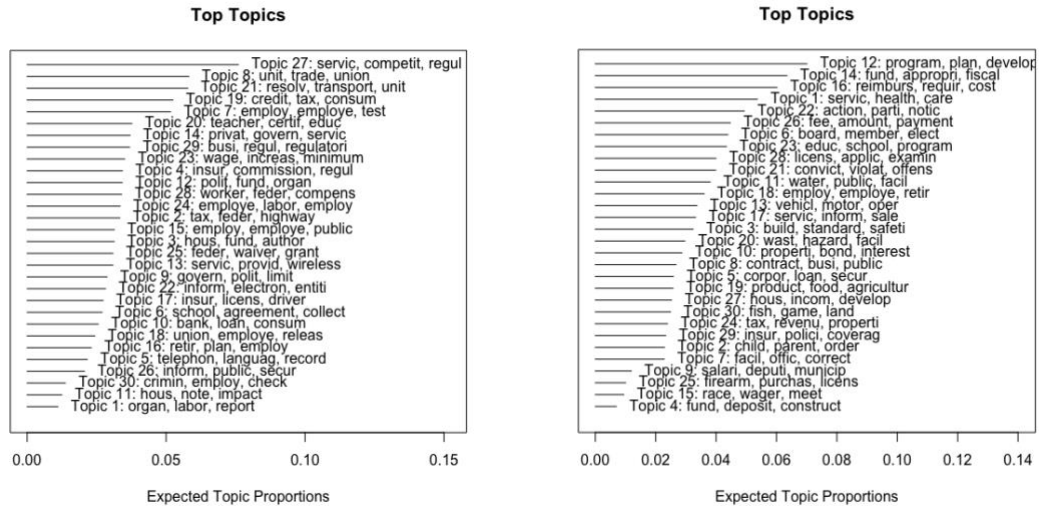


Figure 2-WordCloud common terms ALEC model bills

Examination of the word cloud above shows a cursory approach of recognizing NLP techniques that can be utilized to capture words and phrases that suggest sentiment or thematic similarities in relation to model bills. The weight of the word is tied to the size of the word in the graphic, so words like “employee,” “business,” and “compensation” are recognizably more voluminous in the models. Because the bills were taken from a specific, predetermined set of models regarding business and consumer rights, it can be discerned from the word cloud that those types of policies are outlined by the presence of, and given weighted distribution, specific words. This can be further expanded through a more complete analysis to include a larger sample

¹⁴ Data set for the ALECEXposed website found online at https://www.alecexposed.org/wiki/Bills_Affecting_Worker_and_Consumer_Rights_and_More

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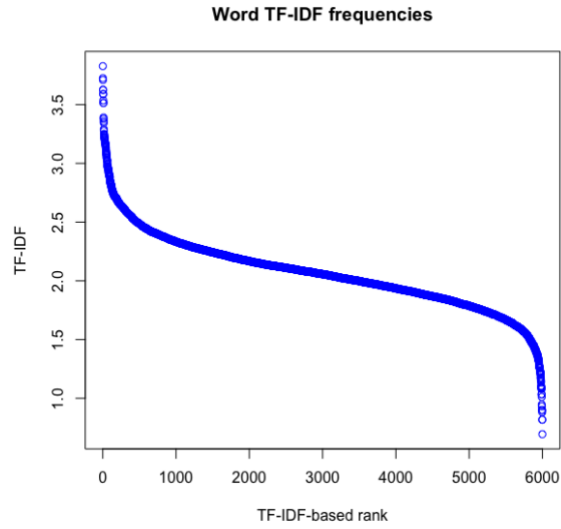
Top Topics from ALEC Model Legislation (LEFT) and California Bills 1989-1991(RIGHT)

The top topics for each corpus illuminates another indication of NLP methods in respect to understanding the appearance of model legislation in state houses. Allowing researchers to identify and isolate topics appearing in models can also lead to a more academic understanding of the thematic associations in model legislation and those that appear in the state legislature. Topic modeling can, in theory, begin to identify underlying thematic coherence within the frameworks of model bills and special interests that have put resources into drafting them. In accordance with the proposed theory, this type of analysis can help researchers and scholars link individuals, organizations, political parties, and even political actors to legislative activity and influences with greater ease. Growing public databases of legislative information are becoming more and more readily available for public use due to the growing presence of technology in governmental and individuals' affairs. As more legislatures make their past and current legislative actions available to the public, the amount of data that is at the disposal of scholars and researchers' will also grow. This growing knowledge base can serve to expand upon existing and newly conceived methodological approaches of analysis.

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Since we seek to understand whether ALEC model legislation has appeared in state legislatures, it would be useful to train software on language as it appears in the model legislation so an algorithm can begin to detect the presence of similar language in state legislatures (Kenneth. Benoit, Kohei Watanabe, Haiyan Wang, Paul Nulty, Adam Obeng, Stefan Müller, & Akitaka Matsuo, 2018). The use of such a technique to analyze special interest influence in legislative language is further seen by the isolation of the top forty terms and their respective frequencies in the total corpus of model and state legislative bills. A cursory inspection of the terms that appear in the full corpus of documents encompasses both sets of data, and further appeals to some major policy arenas that the Koch network has sought to influence, which was previously established by Molly Jackman (2013), and by Lisa Graves (2012, 2013, 2015). A plot of TF-IDF frequencies is also supplied, which verifies that TF-IDF scores and the weight of words associated with the scores follows the theoretical approach Kenneth Benoit established, which is to say that the weight of the TF-IDF score increases as the rank decreases, thus controlling for both endogenous and exogenous document effects (2020). These methods are utilized frequently by companies like Google and Microsoft's BING to power search engines, and by other companies to detect plagiarism in academia (Juan Ramos, 2005).

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TF-IDF ranks as a function of

TF-IDF scores ALEC models

and California legislation

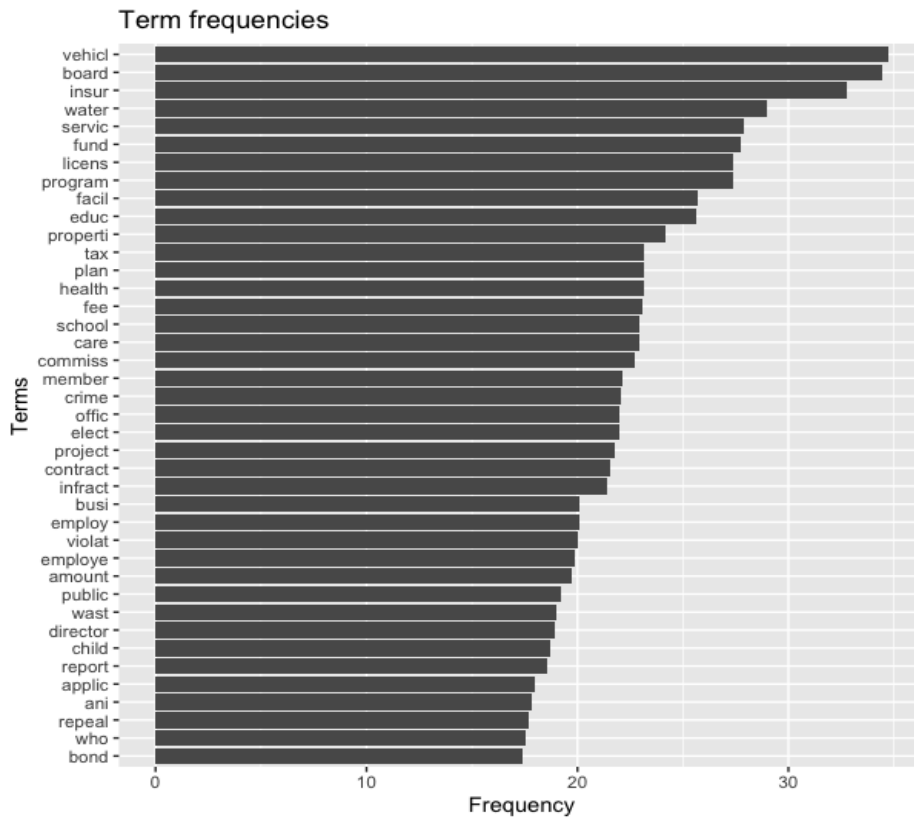


Figure 6- Most frequent terms from California bills 1989-1991 and ALEC model sample

Conclusion

Utilizing data on legislative member affiliations of both major parties at the state and national level could help to fill a rather large hole in the literature on special interest groups and political parties, as well as serve as a warning from E.E. Schattschneider's assertion that elites tend to benefit most from the current American pluralist model. This work provides evidence for investigation into the political party as a network approach to the study of American political institutions and democracy, including more of an association than has previously been accepted by scholars of the multiple streams approach. It has long been theorized that parties share more than a competitive relationship with special interests (E.E. Schattschneider, 1960; David Knoke, 1990; Joseph A. Schlesinger, 1966), but there has been a gap in the ability of empirical studies to provide data that utilizes a mixed methods approach to further advance current theory from a quantitative standpoint. While this work does not seek to fill that gap, it does offer some preliminary evidence that this gap can, and is being, filled with new robust methodologies. Special interests association with elites, what the specific actors ideology is, how operations are administered, how vast resources influence effectiveness, and importantly the implications all of that information and analysis on the lives of everyday American citizens is all of concern to the larger theory outlined. Demonstrably, natural language processing methods can help to outline topics of congressional legislation and model legislation, as well as serve as a tool to match models to their real-world counterparts, allowing more transparency and understanding of the American political and legislative process as well as illuminating the political actors incentives for influencing such policy.

It should be noted that while bills from California are from two sessions, ALEC model bills were not coded by date; thus, a deeper analysis may find more model legislation

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implementation should a wider range of models become available for analytical purposes. A limitation must also be taken into account, only one network of influence is examined in depth in this work, that of the Koch network and their subsequent influence across the country. There very well could be a counterweight on the liberal spectrum that stands in opposition to the conservative ideological preferences of the Koch family and their donor group. In order to fully understand a party network of policy diffusion a full analysis of multiple policy streams and donor groups should be accomplished along with information and controls for sponsorships by outside groups as well as legislators, one could even begin to incorporate political speeches given by members of the policy diffusion network to attempt to account for speech that reflects ideological preference. Further, Molly Jackman's (2013) study was used as a proxy for conservatism and views aligned with the Koch network, it would be more beneficial to include more tangible data that outlines the stances of the Koch family and their network of donors.

Advancement in scholastic methodology, including concepts of machine learning and text analysis, has opened up a whole new avenue for scholars of political science; one in which legislation, rhetoric, and various forms of language, words, and speech can be understood and examined in both qualitative and quantitative ways. These applications strengthen the use and applicability of established theoretical models of democracy as well as new approaches to extant scholarship on political institutions, special interests, and political actors. This can be advantageous for scholars of American democracy, media, communication, and rhetoric. The nature of this method of analysis opens the door to many exciting and innovative approaches to understanding the political world and illuminates a new path for American political theorists.

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