

“IT HAPPENED BEHIND CLOSED DOORS”: LEGISLATIVE BUFFERING AS AN INFORMAL MECHANISM OF POLITICAL MEDIATION*

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The political mediation model explains movement policy outcomes ranging from complete failure to total success. However, the qualitative mechanisms through which political mediation occurs empirically remain understudied, especially as they relate to the content-specifying stages of the legislative process. Furthermore, while we know that political mediation is context dependent, key elements of what political context entails remain underspecified. This article addresses these gaps by tracing the influence of a coalition of social movement organizations (SMOs) seeking to simultaneously shape the content of two major climate bills in a progressive U.S. state where the climate movement enjoys a relatively favorable political context overall. Comparing the divergent trajectories and outcomes of the two bills illuminates the process of legislative buffering, which is conceptualized as an informal mechanism of political mediation. The comparative analysis also reveals situational elements of political context that can present additional hurdles movements must overcome to maximize their success.

In August 2008, climate activists in Massachusetts celebrated as the Speaker of the House proclaimed the legislative session that had just concluded to be “by far the greenest session in the history of the [Massachusetts] Legislature” (Ailworth 2008). That session, a coalition of environmental social movement organizations (SMOs) had secured the passage of not one, but two, landmark climate bills. The first, the Green Communities Act (GCA), was an omnibus clean energy bill that (among its many provisions) increased the state’s renewable portfolio standard (RPS)¹, expanded energy efficiency programs, and created financial incentives for municipalities to “go green” (Hibbard, Tierney, and Darling 2014). The second, the Global Warming Solutions Act (GWSA), set forth binding, statewide greenhouse gas (GHG) emissions reduction targets for the years 2020 and 2050. It also directed the state’s Department of Environmental Protection (DEP) to promulgate regulations to ensure that these targets would be met (Pavone 2015).

But unlike the GCA, whose impact, in the years following its enactment, met these SMOs’ high expectations for reducing the state’s carbon footprint while growing its economy (Hibbard, Tierney, and Darling 2014), the impact of the GWSA disappointed these very same SMOs. Years after the GWSA was signed into law, its most potent provision had gone unimplemented, the state was not on track to meet its near-term GHG emissions reduction target (Leon, Hamel, Forman, and Stori 2012; Pavone 2015), and a superior court could not find enough teeth in the statute to hold the DEP responsible for failing to promulgate the necessary regulations.² The SMOs grew increasingly concerned about whether or not the GWSA, in the words of one SMO policy advocate, “really had any teeth in it” (author’s interview). Eventually, one of the SMOs that had been on the front lines pushing for the GWSA’s enactment brought a high-profile lawsuit against the DEP, the state agency that was supposed to implement it (Ross-Brown 2016).

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What explains the divergent outcomes of these two climate bills, both of which became law in the same progressive U.S. state (Massachusetts), during the same summer, and with the help of the same SMOs' mobilization? Given that the legislature ultimately passed both bills, it would be tempting to assume that the answer to this puzzle lies solely in some variable related to the policy implementation process, which takes place in the executive branch. But while incomplete implementation of the GWSA may provide part of the explanation, I argue that a larger and more important source of the difference between the fates of the two policies lies in the dynamics of the legislative process itself. Examining these dynamics up close illuminates how SMOs lost their ability to influence the statutory content of the GWSA while maintaining their influence over the statutory content of the GCA, as the legislative language of both bills changed multiple times during the multi-stage legislative process. In the case of the GWSA, but not the GCA, the law that the SMOs were pushing for was quite different from the one they eventually got, even though their mobilization was a necessary condition for passing the bill at all.

Political mediation theory helps us understand why social movement mobilization often results in policy outcomes that are suboptimal from the movement's perspective. The theory holds that political context mediates the relationship between social movement mobilization, on the one hand, and policy outcomes, on the other, thus accounting for a variety of outcomes between total success and total failure (Amenta, Caren, and Olasky 2005; Amenta, Carruthers, and Zylan 1992; Amenta, Dunleavy, and Bernstein 1994). In this case, however, given that the political context was largely the same for both bills, it is necessary to further specify particular mechanisms of the political mediation process to understand how the outcomes of the two bills could have nevertheless turned out so differently from the perspective of their movement backers.

In this article, I argue that while political mediation theory explains both of these legislative outcomes, the mechanisms through which this mediation occurred were fundamentally distinct in the two cases. In the case of the GWSA, but not the GCA, certain powerful politicians engaged in what I call legislative buffering to limit SMO influence quietly, at the stage of the process when it would have mattered the most. Legislative buffering mechanisms present significant threats to the potential for SMO success in the legislative arena because they provide opportunities for powerful nonmovement actors to discreetly modify the language of SMO proposals about which they are unenthusiastic without requiring that they ever reject such proposals outright.

For powerful politicians who take issue with movement objectives, the appeal of legislative buffering mechanisms is that they can be used to limit SMO influence quietly, through covert and informal means. Consequently, powerful politicians who engage in legislative buffering avoid publicly alienating the SMOs whose support they deem to be valuable, which more often tends to be the case in political contexts that are otherwise relatively favorable to SMOs, where these politicians view SMOs as a constituency to be reckoned with (Amenta 2006). Such was the case in Massachusetts during the 2007-2008 legislative session. The reason that the threat of legislative buffering nonetheless exists in such otherwise favorable contexts is that there are inevitable gaps in the formal rules of the legislative process, which provide the space necessary for powerful politicians to strategically obscure their actions to water down movement-backed bills.

Although legislative buffering threats are not always avoidable, certain conditions make these threats less likely to materialize. These conditions, which are likely interrelated, are: (1) when SMOs enter into policy coalitions with more powerful actors, with resources and policy interests that are typically distinct from SMOs'; (2) when SMOs are pushing a bill that is being sponsored by a powerful party leader instead of a rank-and-file legislator closely identified with the movement; and (3) when SMOs are pushing a bill that yields material benefits to constituencies beyond their own. By being aware of these conditions, and doing what they can to bring them about, SMOs can mitigate legislative buffering threats.

For example, as I will show was true in the case of the GCA but not the GWSA, SMOs can enter into transparent negotiations with more powerful political actors to the mutual benefit of themselves and those other, more powerful actors. Those more powerful actors can include other interest groups, often with superior financial resources, and politicians themselves, who reap the reputational benefit of claiming credit for the result of the collaborative process: a bill embraced

by a broad coalition of actors beyond just SMOs. While mitigating buffering threats through negotiation and compromise can limit the extent of SMOs' unilateral control over a bill's content, and increase the risk of cooptation, SMOs can remain highly influential in favorable political contexts when they take this approach. Ultimately, they can secure for their constituency a more predictable and favorable policy outcome.

THE POLITICAL MEDIATION MODEL AND SOCIAL MOVEMENT INFLUENCE

The literature on the policy consequences of social movements has increasingly sought to complicate what movement "success" really means in the legislative arena, where outcomes are often seen as less-than-ideal from a movement perspective (Amenta, Caren, Chiarello, and Su 2010; Burstein and Linton 2002; Giugni 1998, 2007; Olzak and Soule 2009; Soule and King 2006). The political mediation model, in particular, has provided social movement scholars with a valuable and durable theoretical framework for making sense of the policy shortcomings of movements, even when movement mobilization and organization are high, and other types of political opportunities are present (Amenta et al. 1992; Amenta et al. 1994; Amenta et al. 2005).

Early work in political mediation theory developed a more sophisticated conceptualization of social movement policy outcomes than scholars had been working with previously. Amenta, Carruthers, and Zylan (1992) conceptualized multiple levels of success and partial success, where optimal success (e.g., the outcome of the GCA) included both recognition of the movement by the state and policies that delivered material benefits to the movement's constituency. Beneath that, they argued, were various degrees of partial success (e.g., the outcome of the GWSA), in which either state recognition or material benefits were achieved, but not both, and in some cases, neither. They conceptualized cases in which state recognition, but not material benefits, were achieved as "cooptation," and cases in which material benefits were achieved without state recognition as "concessions" (Amenta et al. 1992).

Subsequent scholarship applied the political mediation model to a range of empirical analyses and expanded the relevant elements of "political context" to include not only the openness of the polity and political parties (Amenta et al. 1992), but also bureaucracies and the competitiveness of elections (Amenta et al. 1994). In more recent years, the political mediation model has been expanded even further, with an increasing emphasis placed on the calculus of nonmovement actors as they determine whether and how to respond to movement challengers. Nonmovement actors have become recognized as a key mediator between movement mobilization and outcomes (Amenta et al. 2005; Amenta 2006; Andrews and Gaby 2015), and the legislative buffering processes developed in this article represent an arsenal of tools that these actors have at their disposal to influence this relationship.

The varying inclination that powerful politicians may have to take advantage of legislative buffering processes represents just one important aspect of the political context that mediates this relationship between movement mobilization and policy outcomes. Scholars have identified other elements of political context that make a significant difference as well, ranging from the partisan context to the credibility of the movement's claims making. But one important characteristic of powerful politicians' elective use of legislative buffering is that it can vary independently of the net effect of these other elements (Amenta et al. 2010).

Table 1 shows how four of the five specific conditions articulated by Amenta, Caren, Chiarello, and Su (2010: 299) were unequivocally met in the case of both the GCA and the GWSA. The fifth condition, however, was equivocally met, since, even though SMOs were highly engaged in electoral and campaign finance strategies (Massachusetts Office of Campaign and Political Finance 2016), their leverage was minimized due to the tendency for Democrats not to face competitive primaries (Massachusetts Office of the Secretary of the Commonwealth, Elections Division 2002, 2004, 2006, 2008).

Table 1. Conditions That Maximize Social Movement Policy Impact

Conditions^a	Massachusetts (MA) Political Context for Climate Movement, 2007-2008 Legislative Session
1. Favorable partisan context	U.S. states' adoption of climate policy is positively correlated with percentage of Democratic politicians (Coley and Hess 2012; Fowler and Breen 2013; Vasseur 2014). MA had highest percentage of Democratic legislators of any state in the country (88%) and a Democratic governor in office (Book of States 2015).
2. Movement's issue is already on the agenda	Legislative leadership and governor are largely responsible for agenda-setting in state government (Anzia and Jackman 2013; Rosenthal 2009). These politicians decided early on that climate policy was to be a top priority for the 2007-2008 legislative session (author's interviews; Ebbert 2008).
3. High challenger organization and mobilization	Environmental SMOs had high organizational and professional capacity, mobilizing resources through a wide range of activities including canvassing, letter writing, phone calls, direct lobbying, etc. According to Sierra Club data, MA consistently ranks in the top quintile of all fifty states in terms of number of Sierra Club members per 1,000 people in the state's population.
4. Credible claims-making directed at elites and the general public	Public opinion was on the SMOs' side, with 79% of the MA public supporting regulation of GHG emissions (Howe, Mildenerger, Marlon and Leiserowitz 2015). SMOs also engaged in research-based advocacy, presenting credible scientific data supporting their policy positions to lawmakers (author's interviews).
5. Plausible assertive action to punish policy opponents and aid friends	MOs utilized electoral and campaign finance strategies, including political action committees (PACs), but the lack of competitive primaries in MA limited their effectiveness in providing SMOs with leverage for influencing policy (author's interviews; Massachusetts Office of Campaign and Political Finance 2016; Massachusetts Office of the Secretary of the Commonwealth, Elections Division 2002, 2004, 2006, 2008).

Note: ^aAccording to Amenta et al. 2010: 299

Therefore, as the contrasting cases of the GCA and the GWSA show, legislative buffering threats can vary even when it comes to two bills advocated by the same SMOs, using similar levels of mobilization, which were considered in the same year, by the same set of politicians, in the same state legislature. In this sense, legislative buffering threats are a less stable, or more dynamic, element of political context than the others described in the existing literature (Amenta et al. 2010). At the same time, they are a challenge related to the political context that movements are more likely to be able to overcome as compared to more durable challenges, such as an unfavorable partisan context.

Several empirical studies have made use of the political mediation framework to explain suboptimal policy outcomes (Johnson, Agnone, and McCarthy 2010; Soule and Olzak 2004; Soule and King 2006). One such study, which stands out for its qualitative, process-tracing approach, is Edwin Amenta's (2006) application of the political mediation model to the federal Social Security Act of 1935, a bill that Amenta traces from its inception to its enactment into

law, and beyond. Similarly, this study does not limit itself to a dichotomous dependent variable by simply measuring whether a movement-backed bill passes or not. Instead, it focuses on the movement's advances and setbacks during the policymaking process, as the content of legislation is formulated, revised multiple times, and ultimately enshrined into law. Given that major bills that pass are typically hundreds of pages long, containing crosscutting provisions that in the same bill both benefit and harm multiple constituencies (Drutman 2015), benefits to a movement's constituency are determined not only by the absolute passage or failure of policies that a movement supports, but also, importantly, by the content of those policies that pass (e.g., Amenta 2006; Chen 2009; Martin 2013).

Notwithstanding Amenta (2006)'s excellent study, the qualitative mechanisms through which political mediation occurs during the legislative process remain undertheorized in the extant literature. The conceptualization of legislative buffering threats developed in this article is an attempt to begin to fill this gap. Furthermore, while many studies of social movement influence have focused on state-level (as opposed to federal-level) legislation (McCammon 2012; Santoro and McGuire 1997; Soule and King 2006), hardly any of these have traced qualitative changes to the content of pending legislation over the course of the entire legislative process, as this study does.

Given that, in the United States, climate legislation has been far more successful at the state level than at the federal level (Rabe 2004, 2008), it is not surprising that the climate movement has directed many of its resources toward U.S. statehouses (Bryner 2008). Social movements have increasingly turned to statehouses, and state-level SMOs are receiving increased scholarly attention (Andrews and Edwards 2005). States like Massachusetts, which are on the cutting edge of climate policymaking (Selin and Vandever 2013), are therefore fruitful empirical contexts for specifying additional mechanisms of political mediation and additional elements of political context.

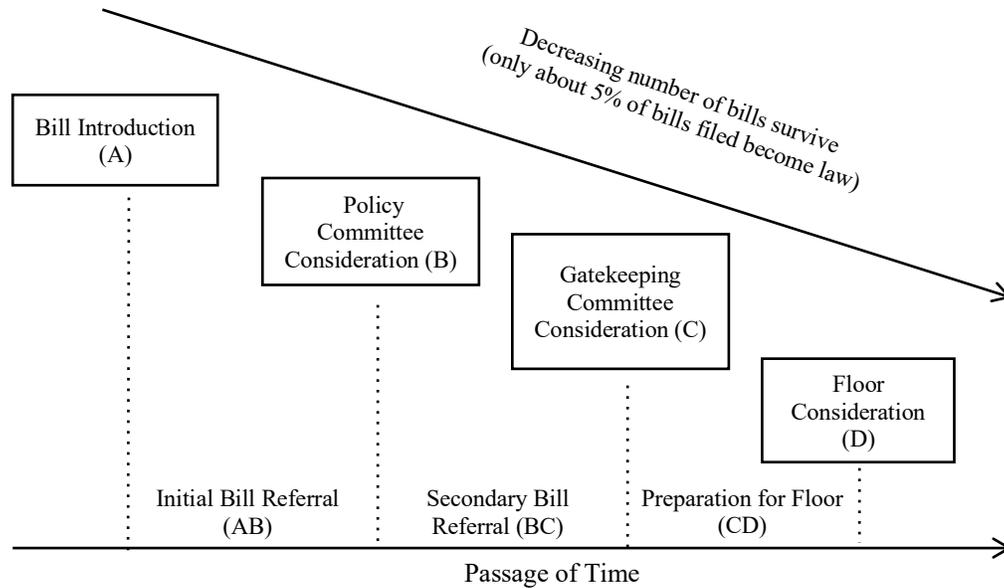
SOCIAL MOVEMENT INFLUENCE AND THE LEGISLATIVE PROCESS

Some social movement studies have delved into the formal structure of the legislative process itself, conceptualizing its multiple stages—each with its own set of rules and unique incentive structure—as an element of political context that mediates between movement mobilization and outcomes. For example, Soule and King (2006) find that movement influence tends to be greatest during the earlier stages of the process and to wane as bills draw nearer to actually becoming law. King, Cornwall, and Dahlin (2005: 1212) attribute this finding to a certain “legislative logic”; since legislators’ decisions become increasingly consequential at each stage of the process, legislators may be incentivized to grant SMOs greater influence at the earlier stages so as to “pacify” them without ever making concessions of serious political cost or consequence (King et al. 2005).

Another set of studies has conceptually partitioned legislative policymaking into two distinct processes: agenda setting and the passage of movement-backed bills (e.g., Johnson 2008; King, Bentele, and Soule 2007; Olzak and Soule 2009). These studies ask whether movements are influential, first, when it comes to which bills receive congressional hearings, and second, when it comes to which bills actually pass (Johnson 2008; Olzak and Soule 2009). Their findings support the notion that social movement influence declines as the legislative process progresses (Cornwall, King, Legerski, and Schiffman 2007; King et al. 2005).

While these studies have been critical to advancing the field, they are also limited in that they rely on a dichotomous dependent variable for assessing policy influence. For instance, they look at whether or not a movement-backed bill passes, or in some cases, advances to the next stage of the legislative process. However, they do not examine the qualitative choices that politicians make as they craft legislation. Thus, they cannot explain outcomes like the GWSA, in which a bill passes, but in a significantly watered-down form.

Figure 1. Legislative Control by Members of Leadership, Shown Through the Trajectory of a Typical Bill in the Massachusetts Legislature^a



Note: ^a This figure is informed by the official House, Senate, and Joint Rules, which are available on the MA Legislature’s website, as well as the author’s first-hand knowledge of the legislative process. It is intended to illuminate how the process typically works and does not reflect the exact trajectory of any specific bill. Additional committee stages may vary, depending on the bill. The percentage of bills-that-became-law in 2015 that first passed through House/Senate Ways and Means was calculated by the author from bill histories (also available on the MA Legislature’s website). Nonsignificant bills (e.g., routine liquor license bills) were excluded from the set of bills that was analyzed.

Event/Mechanism		Description
<i>Events in the Legislative Process</i>	A	A bill is filed by any legislator (or the governor), in either chamber.
	B	The initial policy committee (whose members and chairperson are nominated by leadership), chooses either to advance the bill, usually with changes, or, more likely, lets the bill die. The chairperson has the greatest influence over the bill’s fate and form.
	C	The House/Senate Ways and Means committee (in most cases) chooses either to advance the bill, usually with changes, or, more likely, lets the bill die. The chairperson (a member of leadership) has the greatest influence over the bill’s fate and form.
	D	The bill reaches the floor, where select amendments are publicly debated and voted on (either with a less formal voice vote or a more formal roll call vote, if a member requests one). The final bill (as amended) is then voted on. If it passes, it begins a similar process in the other chamber.
<i>Mechanisms of Leadership Control</i>	AB	The House/Senate Clerk, appointed by the Speaker/Senate President (the heads of leadership in their respective chambers), refers the bill to an appropriate initial committee, based on its subject matter
	BC	The House/Senate Clerk, often with informal input from members of leadership, refers the bill to a secondary committee. Usually, this is the House/Senate Ways and Means (chaired by members of leadership), often irrespective of the bill’s subject matter. For example, in 2015, more than 80% of all bills that ultimately became law went through House/Senate Ways and Means first.
	CD	The bill is scheduled for floor action. The fate of members’ amendments is typically prenegotiated with leadership in a closed-door caucus.

These studies have also not engaged with the influential roles of legislative committee chairs and party leaders, who control which bills ultimately reach the floor, and in what form (e.g., Cox and McCubbins 2007; Curry 2015; King 1994; Rosenthal 2009; Shepsle and Weingast 1987). Party leaders and certain committee chairs possess disproportionate power within U.S. legislatures. In the case of party leaders, this power is principally derived from the key policy-making resources they control, including gatekeeping committees, the floor calendar, procedural discretion, rank-and-file committee assignments and chairmanships, the varying levels of staffing that legislators receive, and even how much office space rank-and-file legislators are allotted. Importantly, they also exert disproportionate control over campaign finance resources (Anzia and Jackman 2013; Cox and McCubbins 2007; Curry 2015; Oleszek, Oleszek, Rybicki and Heniff 2016; Smith 2007; Rosenthal 2009).

In the U.S. House, membership in the majority party leadership is “fluid” and variable, but generally includes “the Speaker, the majority leader, and the majority whip” (Curry 2015: 14). In the Massachusetts legislature, the chairpersons of the House and Senate Ways and Means committees are also included. The Ways and Means committees function as gatekeeping committees—akin to the Rules Committee in the U.S. House—that must approve the vast majority of bills as a prerequisite for their consideration on the floor. Most of the time, bills are amended in these committees as a precondition for their advancement. Figure 1 provides a generalized overview of the ways in which the institutional design of the Massachusetts legislature endows members of the majority party leadership with agenda-setting and gatekeeping powers unavailable to ordinary legislators. These powers can be used to control both which bills reach the floor, and the content of those that do. During the 2007-2008 session, both the GCA and the GWSA were amended in the House and Senate Ways and Means committees.³

LEGISLATIVE BUFFERING THREATS

Legislative buffering threats are distinct from other mechanisms of political mediation in that they are informal in nature. Legislative buffering is only possible because of gaps in the formal rules of the legislative process. For example, the formal rules say that legislation is to be crafted in the legislature, but they do not preclude the possibility that powerful politicians in the executive branch might collude with friends in the legislature in order to ensure shared preferences will prevail over competing ones. The formal rules say that legislation must be voted on in committee(s) before it can be considered by the full House or Senate, and that certain committees have formal jurisdiction over certain types of bills. However, they do not (because they cannot) specify the potentially infinite subject matter of every conceivable bill, nor do they preclude party leaders from influencing bill referrals to their strategic advantage and/or coordinating with committee chairs (whom they appoint) regarding which bills ultimately get reported out, and in what form. The formal rules state that on a certain date the legislative session ends, and any bills not enacted by then must be reintroduced next session and start the process from scratch, but they do not preclude politicians from strategically waiting until the very last minute before deciding to formally act on a particular bill (Joint Rules of the Senate and House of Representatives 2016).

In this article, I elaborate three specific legislative buffering threats (each reflecting an example from the paragraph above) that were used against SMOs in the case of the GWSA, but not in the case of the GCA. These are not mutually exclusive and, indeed, they worked in combination with one another; their effect was cumulative. However, they are worth separating analytically to encourage future research into each one, across a variety of other empirical legislative contexts. The three buffering threats are framed in terms of actions that powerful politicians can take to limit SMO influence during the course of the legislative process. They are: (1) acting through the other branch; (2) relying on unsympathetic committees; and (3) leaning on the legislative calendar.

The case of the GCA, however, demonstrates that there is variation in the extent to which SMOs can expect legislative buffering threats to materialize. I propose three key differences between the political circumstances surrounding the GWSA and those surrounding the GCA that account for legislative buffering mechanisms being used against SMOs in the case of the former but not the latter. All three are related to the independent interests of nonmovement actors, which political mediation theory stresses are critical to understanding movement outcomes (Amenta et al. 1992). These differences—like the buffering threats themselves—are cumulative and interrelated.

They are: (1) In the case of the GWSA, SMOs were the sole organized interests backing the bill, whereas, in the case of the GCA, a diverse range of interest groups, including but not limited to SMOs, backed the bill; (2) In the case of the GWSA, the bill's chief legislative sponsor was a social movement ally who was not a member of the legislative leadership whereas, in the case of the GCA, a powerful majority party leader (the Speaker of the House) was the chief legislative sponsor of the bill; and (3) In the case of the GWSA, the bill's content, as proposed originally, would have primarily benefitted the interests of the SMOs whereas, in the case of the GCA, the bill's content directed selective financial benefits to a range of private interests.

DATA AND METHODS

To determine if and how legislative buffering contributed to the weakening of the GWSA but not the GCA, I carefully traced each bill's content from its introduction until its eventual enactment. To do this, I compiled the full text of each version of each bill, as well as all proposed House and Senate amendments—both those that were adopted and those that were rejected. Examining the text of the various drafts of the legislation is informative, but only to the extent that it reveals the actual changes that were made. The text alone tells us little or nothing about the relative importance of these changes, the politics that led to them, or the extent to which SMOs influenced them.

Therefore, I needed to pair this textual analysis with in-depth interviews with the key players involved. To identify these key players, I systematically reviewed two sources of journalistic coverage: *The Boston Globe* and the *State House News Service*. The *Boston Globe* is based in the capital of Massachusetts and has the widest circulation of any newspaper in the state. The *State House News Service* is available by subscription only and is mostly read by a smaller circle of policymakers and policy advocates. Thus, coverage in the former indicates a bill's degree of public salience while coverage in the latter provides a far more detailed account of its trajectory through the legislative process.

To avoid missing the many actors whose involvement was not public, I employed a strategy of "snowball sampling." After contacting the publicly mentioned figures initially, I used their referrals to find and interview actors who were involved behind-the-scenes. I continued with this sampling strategy until I reached saturation. In certain cases, if legislators themselves were not available, I was willing to speak with members of their staff, provided that such staffers worked directly on the legislation rather than in some other capacity (e.g., constituent services).

In total, I interviewed 33 respondents. Although not every individual that I reached out to agreed to an interview, the majority did.⁴ Professional policy advocates employed by the SMOs, as well as state legislators, executive branch administrators, and industry lobbyists are all represented in my sample of interview respondents. Importantly, my sample also includes respondents who were either members of the legislative leadership or high-level officials in the administration; that is, executive branch administrators directly appointed by the governor. As will soon become evident, political power within the legislative process is heavily concentrated in the hands of just a few powerful politicians, and it is these politicians that are best situated to make use of legislative buffering mechanisms. Table 2 shows the distribution of interview respondents by occupation.

Table 2. Distribution of Interview Respondents by Occupation

Occupation	N
State Legislators	8
Legislative Staffers	6
High-Level Executive Branch Administrators	2
SMO Policy Advocates	13
Industry (Corporate) Lobbyists	4
Total	33

The interviews themselves were semi-structured. I asked respondents various questions regarding their involvement throughout the legislation's development, their priorities regarding the language, their thoughts on specific changes that were made to the language, and their interactions with other political actors during the legislative process. All interviews were audio recorded and transcribed. They ranged from 11 to 71 minutes,⁵ with a median length of 45 minutes. Transcripts were coded in AtlasTI. Actual names were replaced with pseudonyms, signified by quotation marks in the text.

In addition, several respondents provided supplementary data, such as personal correspondence, press releases, and legislative briefs. Additional primary source material, including legislative testimony, was gathered from the Massachusetts State Archives' Legislative Committee Files, and from the staff of the relevant committees in the State House in cases in which the material was unavailable in the archives. These multiple data sources facilitate triangulation (Davies 2001), since any competing interview accounts can be corroborated with additional sources of evidence (e.g. the legislative text, the written testimony, etc.).

The GWSA and the GCA were selected according to Gerring's (2007) principles for most-similar analysis of paired cases; they passed the same state legislature only one month apart and many of the same actors were involved in both bills, with the important caveat that far more actors in total were involved as key players in the case of the GCA than in the case of the GWSA, since the GCA drew a broader policy coalition—an essential reason, I will argue, that it was not buffered. Finally, for this analysis, I made the decision to study the SMOs at the coalition level, rather than as separate organizations. This is not to negate the organization-level differences between the nine SMOs represented by the thirteen SMO policy advocates in my interview sample. The individual SMOs involved in pushing both bills specialized in different tactics, occasionally differed in opinion as to the best political strategy, and occupied distinct niches within the coalition. For example, one SMO, "Sustainable New England" (pseudonym), was intent on building ties with the business community, a strategy which was controversial within the broader coalition, even if politically expedient. Notwithstanding these differences, the coalition of SMOs presented itself to legislators as a united front, and, in the words of one SMO policy advocate, "We worked well in a group" (author's interview).

This is consistent with findings in the social movement literature that SMOs are able to overcome individual differences in the interest of pursuing unified policy action (Van Dyke and McCammon 2010). As Van Dyke and Amos (2017) point out:

It is hard to separate [social movement] coalition outcomes from general social movement outcomes because almost all social movements include coalitions to some extent, and coalitions pursue the same goals as social movements (p. 9).

Therefore, given that this article is focused on the outcomes of social movement mobilization more than its ingredients, my decision to clump the SMOs together for analytical purposes is a reasonable one.

This article is intended as a proof-of-concept that contributes to the study of social movement outcomes and of the policymaking process more generally. However, it also has important limitations. Most significant among these is that the evidence is drawn from a comparative analysis of two bills in a single U.S. state with some unique characteristics. While the process

of legislative buffering can be shown to exist on the basis of the evidence presented here, its applicability to other empirical contexts would need to be assessed in order to determine its theoretical scope. Nevertheless, there is strong reason to believe that the process of legislative buffering is not an idiosyncratic finding. After all, we know that, similar to many state legislatures, in Congress, disproportionate policymaking power is also concentrated in the hands of members of majority party leadership (Curry 2015). Furthermore, scholars of Congress have shown the importance of various informal processes in shaping legislative outcomes (Oleszek et al. 2016).

In any historical analysis, it is also important to consider alternative explanations. In the case of the GWSA, the most plausible alternative explanation for its weakened outcome is that the SMOs' disappointment was not the result of the buffering of the bill during the legislative process, but rather, the executive branch's failure to fully implement the law on the books. Despite the fact that the executive branch administration in office at the time had an overall superb record on climate-friendly policy, a recent Supreme Judicial Court (SJC) decision in the SMOs' favor suggests that this alternative explanation has some degree of merit. However, I argue that this is only a limited part of the overall story.

After all, legal scholarship suggests that the final version of the GWSA lacked "teeth" (Pavone 2015)—and, undoubtedly, its teeth would have been sharper had the SMO-backed provisions that were removed from the bill through the processes of legislative buffering remained included in the final bill. If nothing else, their inclusion could have prevented the exhaustive legal fight that SMOs were forced to wage in court following the law's enactment. Furthermore, the SJC ruling in the SMOs' favor might be too little too late. Not only are courts limited in their ability to deliver on prescriptions for change (Rosenberg 2008), but, if the state is to meet its 2020 GHG emissions reduction target, it must overcome—in a matter of months and with a Republican governor in office—the missed opportunities of the many years during which the SMOs' case was pending in the courts. Indeed, the limits of the SJC ruling were recently on display when DEP attorneys maintained that a proposed expansion of an Exelon power plant did not violate the GWSA, despite environmental SMO attorneys arguing passionately to the contrary (Gavin 2017). Had the power plant performance standards provision (which, as we will soon see, was excised from the bill through legislative buffering mechanisms) remained in the final bill, there would have been no argument against denying the expansion.

FINDINGS

When it came to the GWSA, SMOs were highly influential not only in producing the initial draft but also in many of the subsequent changes the bill underwent as it moved through the legislative process. However, once the bill entered the Leadership-controlled House Ways and Means Committee (HW&M), where it remained for nearly five months before its final passage on the House floor, the legislative buffering began. SMOs were left in the dark during those months, and key provisions they supported were ultimately stripped from the final bill, which was reported out of committee unexpectedly, on the last night of the session before the August recess.

The initial draft, which SMOs helped write, included power plant performance standards (placing stringent limits on the construction or expansion of the GHG-emitting facilities), spelled out many specific requirements for the DEP, and established a number of advisory committees charged with assisting the DEP's implementation. In the Environment Committee, the policy committee to which the GWSA was initially referred, further improvements were made. The version reported out of that committee set a firm GHG emissions reduction target for 2020, and included provisions to increase energy efficiency and spur innovation in renewable energy technology. But the final, redrafted version of the bill, which was sent from HW&M to the House floor at the last possible moment, looked very different. Table 3 shows the changes that were made. Three of the most significant changes (listed first) will receive special attention in the analysis that follows.

Table 3. Key Changes in the Global Warming Solutions Act (GWSA)'s Content Before/After House Ways and Means (HW&M)

Before	After
Three advisory boards/committees, ensuring sustained SMO input during the implementation process	Only ONE implementation advisory committee established, with no regulatory authority
Power plant performance standards, imposing enforceable limits on carbon emissions	No such provision
Statewide 2020 GHG emissions reduction target set at 20% below 1990 levels	Statewide 2020 GHG emissions reduction target to fall within a range of 10-25% below 1990 levels, with the decision of a precise target deferred to the discretion of the Secretary of Energy and Environmental Affairs (in the executive branch)
Two executive offices of state government are directed to develop programs for renewable energy and energy efficiency sectors	No such provision
Special fund dedicated for construction of more energy efficient buildings	No such provision
Low carbon fuel standard	No such provision
Real estate developers required to submit energy efficiency disclosure form as part of building permit application	No such provision

By contrast, when it came to the GCA, both the process and outcome were quite different. When the Speaker of the House first introduced this omnibus bill, which contained 463 different sections and was 67,007 words long, it drew criticism from a variety of interest groups, including but not limited to the same SMOs that were also pushing the GWSA. Among the SMOs' top concerns were that proposed changes to the state's energy efficiency programs would result in the depletion of funds dedicated to that purpose, that the bill did not do enough to strengthen the state's RPS, and that the bill did not go far enough to tackle GHG emissions from the transportation sector, the largest and fastest growing source of these emissions in the state (Joint Committee on Telecommunications, Utilities and Energy 2008).

But SMOs were hardly the only organized interests that objected to what the Speaker had proposed in the initial draft of the GCA. For-profit renewable energy generation companies wanted a requirement that the utilities be obligated to enter into long-term contracts with them (something the SMOs supported as well). Organized labor and consumer groups opposed a provision in the bill that would have prevented the attorney general's office from intervening in rate cases (in which utilities could petition the state to allow them to raise customers' rates). The utility companies themselves were against the bill's proposal to relinquish their administration of the state's energy efficiency programs to a not-yet-created state bureaucracy. These same utility companies also wanted the bill to decouple their revenue from their volume of energy sales, so as to remove the financial disincentive for them to support energy conservation. In this unusual scenario, SMOs and investor-owned utility companies (IOUs) had found common ground in their desire to institute decoupling and to avoid relinquishing control of energy efficiency funds to an untested state agency (Joint Committee on Telecommunications, Utilities and Energy 2008).

The widespread dissatisfaction with the first draft of the GCA, shared among a range of organized interests including but not limited to SMOs, resulted in the political need to renegotiate the language so that it could win the support of a broader coalition. In stark contrast to the legislative buffering threats that SMOs succumbed to in the case of the GWSA, in the case of the GCA, the same powerful politicians allowed SMOs to play a central role in this negotiating process. The result was a process which one SMO advocate described to me as "completely different [from the GWSA process]" and "uniquely easy." She explained:

We [SMOs] . . . convened representatives of all of those constituencies [that had problems with the initial draft of the GCA] around the table, and reached consensus, over months and months of months, over detailed policy programs, the actual legislative language. And we were able to present consensus language—80 pages, or something like that, of legislation to legislators and say, “If you move *this* forward, you’re going to have all of us behind you.” . . . That language stayed pretty much intact [emphasis in original].

This process resulted in a final version of the GCA that SMOs not only considered a major victory in terms of the material benefits they secured for their constituency (Amenta et al. 1992), but one whose content they were heavily involved with influencing every step of the way. One SMO advocate described the final version as “really strong,” adding that it had “a lot of good stuff in it.” Table 4 shows a small selection of the key provisions SMOs won. The same cannot be said of the GWSA, which, seven years later, one environmental lawyer described as “a very shy statute” (Pavone 2015: 121).

Table 4. Key Improvements (Selected) to the Green Communities Act (GCA), From the Perspective of SMOs

Initial Version of the Bill	Final Version of the Bill
Structure and control of energy efficiency programs and funding altered in a way that SMOs believed would jeopardize their integrity.	Energy efficiency programs strengthened and proposed changes to their administration dropped.
No decoupling provision.	Authorizes the Department of Public Utilities to implement decoupling.
No significant changes to state’s Renewable Portfolio Standard.	Requires an increase in the Renewable Portfolio Standard every year through 2020.
No long-term renewable energy contracts required.	Long-term renewable energy contracts required.
Minimal qualification requirements for Green Communities Program.	Enhanced qualification requirements for Green Communities Program.

In the case of the GWSA, SMOs suffered from three convergent buffering threats that powerful politicians used to quietly water the bill down. Consequently, by the time the final version “flew out of committee,” in the words of one SMO advocate, or “at the eleventh hour,” in the words of another, there was little SMOs could do other than celebrate the unexpected development, until they realized with the passage of time just how elusive that night’s victory really was.

Buffering Threat I: Acting Through the Other Branch

The Environment Committee draft of the GWSA would have required the administration to convene three advisory boards charged with assisting it in various aspects of the Act’s implementation. The statute would have imposed specific requirements for the composition of these boards, ensuring sustained SMO input throughout the implementation process. Unfortunately for the SMOs, powerful administrators in the executive branch were unenthused with their plans.

At the state level, governors and the top administrators they appoint are exceptionally powerful actors in the legislative policymaking process—comparable in their influence to members of the majority party leadership. Alan Rosenthal (2004) explains:

The simplest view of the separation of powers...is that the legislature makes laws and the executive administers them. A more sophisticated view recognizes that both branches engage in lawmaking (Rosenthal 2004: 166).

With regard to the proposed advisory boards, one high-level executive branch administrator told me:

[The original bill] struck me as too prescriptive and too specific. . . . As you probably recall, [it] had a lot of additional administrative prescription, and advisory boards.

The administration preferred greater flexibility, and wanted to implement the law as it saw fit, envisioning a potential credit-claiming opportunity with administrators in the driver's seat. As one high-level administrator put it, he wanted legislation that "would be fun to implement." He went on to explain that what he disliked about the earlier drafts was that they "tie[d] my hands."

The administration mostly got its way. The HW&M version of the GWSA contained only a single advisory committee, not three. And perhaps indicative of the autonomy the administration desired even from that single committee, three of that committee's members later resigned out of frustration that they were not being listened to, with one telling the *Boston Globe*, "We won't be played. Don't use us as window-dressing" (Abel 2014).

To cleanse the bill of these advisory boards that powerful actors in the executive branch perceived to be overly burdensome, they leveraged their close, informal relationships with powerful actors in the legislative leadership—most notably, the Speaker of the House, who was focused on the GCA and very much viewed the GWSA as an unwelcome distraction (author's interviews). These executive branch actors intervened in the legislative process directly, suggesting new language that was ultimately adopted. As one high-level administrator explained:

I got invited up to his [the Speaker's] office, and that was the time when I did the work on the drafting of it. . . . We [the administration] certainly didn't have any drafting-oriented . . . discussions with anybody [else].

Members of legislative leadership, who, as I will soon show, were initially disinclined to pass the GWSA at all, were all too willing to relieve themselves of responsibility for sorting out the details. They were happy to delegate such discretion to the executive branch, especially since they were receiving strong messages from the business community that the proposed bill would generate destabilizing economic uncertainty. For example, the Associated Industries of Massachusetts (AIM) provided written testimony on the proposed GWSA, which read in part: "Massachusetts cannot and should not bear the economic brunt of reducing greenhouse gas emissions while other states and nations do nothing" (Joint Committee on Environment, Natural Resources, and Agriculture 2008).

Importantly, the very outsourcing of legislative activity to the executive branch effectively buffered the GWSA's content from SMOs' influence. This is because SMOs tend to expect legislators to be the primary actors involved in legislative policymaking. Accordingly, their professional staff monitored legislators' activity while their grassroots members bombarded legislators with "[phone] calls, postcards, all of that" (author's interview). Although the most experienced SMO advocates were aware of the possibility of informal administrative input, most of their preenactment attention and resources were naturally directed at legislators, who, at least formally, had the final say.

More generally, since executive branch involvement in the legislative process tends to be behind-the-scenes and out of the spotlight, confusion can ensue over which actors are the most expeditious targets for SMOs to lobby. Given that SMO advocates have limited resources to devote to such lobbying, this confusion can have material consequences. Thus, the secretive shifting of the locus of decision making away from the branch of government whose formal duty it is to craft legislation constitutes a significant buffering threat that, if realized, limits SMO influence over policy design.

Buffering Threat II: Relying on Unsympathetic Committees

When the GWSA was in the Environment Committee, SMO advocates and legislators worked together to add in power plant performance standards. This provision would have outlawed the construction of new power plants, or the expansion of existing plants, that would emit more than 1,100 pounds of carbon dioxide per megawatt hour. An SMO advocate explained the rationale:

We knew . . . already, the small power plants . . . were proposing to re-power. My organization . . . was fighting that proposal. Like why, given everything we know about climate change, . . . why on earth would you seize a re-power opportunity to go coal instead of, you know, clean energy? And so, we wanted something to ensure that there was belt and suspenders in this law.

But powerful executive branch actors were not interested in such a provision. As one of them explained:

I just thought it was stupidly prescriptive. I mean, you don't put that in the statute! You leave that to a regulatory agency. . . . Why do you legislate like a ton per hour, or whatever it was You know, you shouldn't make policy like that.

Notwithstanding this opposition, the provision survived Senate Ways Means, and (with a minor amendment) also the Senate floor. But it was stripped entirely from the version of the GWSA that was sent to the House floor. A second buffering threat, which powerful politicians used to make changes like this one without encountering resistance from SMOs, was “relying on unsympathetic committees”—in this case, HW&M.

We know from political scientists that certain committees play an important role in shaping the legislative agenda through their strategic exercise of gatekeeping power (King 1994; Shepsle and Weingast 1987). In the Massachusetts House, the HW&M Committee is controlled by leadership, and it is the ultimate gatekeeper and reviser-in-chief of legislation awaiting the floor. Formally, the HW&M Committee's jurisdiction includes “all legislation affecting the finances of the Commonwealth *and such other matters as may be referred thereto* [emphasis added]” (House Committee on Ways and Means 2016). Informally, “such other matters as may be referred thereto” has been interpreted liberally to include the vast majority of significant bills, on any subject, seeking consideration by the full chamber.

Representative “Smith” was chairman of HW&M that session. Likely due to the policy priorities of the electorate of his district and/or the particular organized interests (labor and business) that he was most dependent on for electoral support (Massachusetts Office of Campaign and Political Finance 2016), “Smith” was, in the words of one legislator I interviewed, “not known for his environmental bend.” He was not especially interested in acting on the GWSA. As another legislator told me, choosing his words carefully, “‘Smith’ was not a leader on this. . . . He might have gotten some pressure from people associated with this issue who were not in love with the issue.”

Given “Smith’s” committee’s gatekeeping role, he had no particular incentive to act on the GWSA. Perhaps this is why, when asked about the GWSA just weeks before it would ultimately be enacted, “Smith” attempted to lower expectations that it would pass, telling reporters that his committee’s “remaining agenda [was] ‘somewhat limited’” (State House News Service 2008). But if the whole story were simply that the GWSA was not a priority for Chairman “Smith,” then that story would hardly be one worth telling. After all, only so many bills could have been priorities.

Therefore, what is important in terms of my argument about legislative buffering is not merely the formal gatekeeping power of HW&M; it is also how the committee functioned informally as a “black box” through which powerful politicians could make significant changes to the GWSA without the SMOs being able to provide input, as they had done when the bill resided in more “sympathetic” committees. Unlike when the bill had been in the Environment

Committee, which was stacked with SMO allies who routinely granted SMOs access to their decision making, in HW&M, the relationships between the SMOs and key legislators such as Chairman “Smith” were chillier, and the powerful politicians involved in the buffering of the GWSA knew it. As one SMO advocate told me:

This is the part [when the bill sat in HW&M] where it’s totally opaque. . . . All of this stuff is happening . . . in private conversations between legislative leadership and the governor’s office.

When I asked a different SMO advocate, “So, as these things clearly did get whittled away from the bill, do you remember a lot of re-prioritization [on the part of your SMO]?” she replied, “It happened behind closed doors.” When I followed up with the clarifying question, “There wasn’t a big contentious moment?” she replied, “It just kind of went into [the HW&M] Committee and we didn’t see it for a long time.” In other words, even when SMOs are operating in broader political contexts that are highly favorable to their agendas (as Massachusetts certainly was for the climate movement during the 2007-2008 legislative session), powerful politicians’ ability to rely on even a single unsympathetic committee presents a significant threat to SMOs’ influence.

Buffering Threat III: Leaning on the Legislative Calendar

In the Environment Committee, SMOs and their legislative allies set the GWSA’s 2020 emissions reduction target firmly at twenty percent below 1990 levels. Although this ambitious, near-term target was agreed to by the full Senate, “The House [leadership] didn’t want to go to any number [by 2020]. They didn’t want to pass the bill” (author’s interview). Meanwhile, powerful politicians in the executive branch were ultimately open to the general idea of the bill, but felt too uncertain about its economic impacts to want to aggressively commit themselves to a hard, enforceable number by 2020. The administration preferred a more measured, wait-and-see approach, which would balance organized business’ desire for greater economic certainty against SMOs’ desire for the state to be even bolder in lowering GHG emissions. The administration’s position was summarized in a letter to the GWSA’s chief sponsor, penned by the Secretary of Energy and Environmental Affairs:

[. . .] we see a need to expand support and consensus-building among . . . particular stakeholders, including the business community. . . . For the same reasons, we are focusing on policies that, where possible, yield cost savings to citizens and businesses, while also helping to promote job growth and economic development (Joint Committee on Environment, Natural Resources, and Agriculture 2008).

SMOs, on the other hand, wanted the state to move forward aggressively in mandating the boldest possible GHG emissions limit. As one SMO advocate explained:

The administration said . . . “We’re doing modeling to figure out if this can work.” And what people like us said was, “Modeling is for shit.” . . . The whole idea behind a performance standard is you figure out how to make it work! You don’t figure out what trajectory you’re on, and decide [based on that] what your goal is.

It should be noted that some SMO advocates were more sympathetic than others to the Administration’s position of caution. But even for the more sympathetic SMO advocates, it was clear that the purpose of the GWSA was to be bold and aggressive:

We know what the science is telling us we need to achieve. And so, there’s a strong argument for, you just set [the target] there. . . . A countervailing argument that *has* merit [is that] . . . if the story in 2020 is going to be, “You failed. You can’t get it done,” [then] that could have ripple effects nationally. And maybe the administration really believed that. Or not. Maybe it was the spin and the marketing to us. But there’s some *there* there, right? [emphasis in original]

Ultimately, powerful politicians gave the SMOs a considerably qualified victory. High-level executive branch administrators worked closely with House leadership, whose members were facing enormous political pressure—both from their caucus and from the grassroots⁶—to pass the bill. At the same time, they used legislative buffering mechanisms to significantly expand their own flexibility with regard to implementation. The HW&M bill provided them the leeway to set the 2020 target anywhere between ten and twenty-five percent below 1990 levels.⁷

The third and final buffering threat used to make changes like this one is “leaning on the legislative calendar.” This buffering threat is related to a leadership tactic that James M. Curry (2015) calls “restricting bill layover” in that both deal with powerful legislators’ ability to strategically manipulate time. However, while “restricting bill layover” refers to the amount of time rank-and-file members are given to review a bill’s text before they are expected to vote on it, “leaning on the legislative calendar” is a much broader concept referring to the duration of the legislative session, and how the progressive narrowing of agenda space affects the legislative expectations of SMOs.

For powerful politicians, the function of “leaning on the legislative calendar” is that it casts doubt on the part of SMO advocates that any version of a bill is likely to pass at all. This, in turn, discourages their active participation in the policymaking process. The longer a bill sits in committee, and the closer the remaining time of the legislative session gets to running out, the lower the expectations of SMOs naturally become, since such a tiny percentage of bills ever see the light of both the House and Senate floors in a typical legislative session, and since most bills that do pass begin to show signs of momentum long before the very last night of the session.

A nearly universal theme in my interviews with SMO advocates was how unexpected it was that the GWSA even passed at all. As a leading legislator and SMO ally on the Environment Committee told me, “I think there was a lot of disbelief [on the part of the SMOs] when it [the GWSA] passed. . . . I mean, a lot of surprise. But I don’t remember a lot of input.” An SMO advocate further explained:

You had some old hands at the game. Like “Marie” [another SMO advocate] and I. . . . I remember having a conversation with “Marie” about two days before the bill came out of committee, where we basically said, “This isn’t going to happen. . . . They’re not going to get it done.” We were sort of, you know, a little defeatist about the whole thing.

The timing of the legislative session is strategically valuable for powerful politicians seeking to limit SMO influence quietly. From the perspective of SMO advocates, when bills appear stagnant, and that stagnation continues into the final days of the session, they can be perceived to be politically moribund. When this happens, SMOs are inclined to turn their limited attention and resources elsewhere, essentially interpreting no news as bad news. As a result, politicians are freed up to redraft bills under conditions that are relatively free from SMO pressure. When I asked one of the powerful politicians involved in buffering the GWSA if SMO advocates were “pissed when they saw that the [final] version [of the bill] gave [the administration] a lot more flexibility,” he replied, “I think they were just sort of shocked and awed. . . . We didn’t tell a soul until it [the redrafted bill] was on the House floor.” While the biennial calendar of the legislative session is determined through a formal process, and well known to SMOs and other interest groups alike, the momentum that a given bill appears to have within the legislative process (or the lack of momentum, as the case may be) is largely determined by a handful of powerful politicians, and this power can constitute a third legislative buffering threat for SMOs.

Buffering threats like the three detailed above represent mechanisms of political mediation (Amenta et al. 1992; Amenta et al. 1994; Amenta et al. 2005). It should come as no surprise to students of political mediation theory that even the highest levels of mobilization can sometimes result in outcomes that SMOs experience as limited. However, the extant literature tends to treat informal processes routinely occurring within the legislative process itself as a “black box” (Meyer 2005: 3). The conceptualization of buffering threats above, then, provides social movement scholars with new language to describe and analyze those processes as qualitative

examples of political mediation in action. Like political mediation more generally, legislative buffering threats are context dependent (Amenta et al. 2010). But, as the next section elaborates, the contextual elements that can bring about legislative buffering can fluctuate even within a broader context (the Massachusetts state legislature, in this case) that remains constant.

Political Circumstances Affecting Legislative Buffering Threats

While legislative buffering threats cannot always be avoided entirely, highly favorable political contexts (e.g., Massachusetts, in the case of environmental SMOs) can provide SMOs with some limited ability to affect the likelihood of facing these threats. Three differences in the political circumstances surrounding the GCA and the GWSA contributed to SMOs' greater influence when it came to the design of the former and lesser influence when it came to the design of the latter. Inasmuch as SMOs are aware of these differences and are able to make strategic choices that take them into consideration, they can potentially exercise some degree of increased agency in the political mediation process in a way that is not typically considered possible.

First, in the case of the GCA, SMOs willingly entered into a coalition with a diverse range of other interest groups, often with far superior political and financial resources at their disposal. For example, the SMOs and the IOUs, which scholars do not typically think of as being aligned with environmental interests,⁸ were able to get on the same page regarding both decoupling and opposing changes to the basic architecture of the state's energy-efficiency programs, which had been working well by all accounts, even though SMOs wanted to see these programs receive increased funding.

But it was not just the IOUs; stakeholders ranging from for-profit renewable energy companies to the state's municipal association to organized labor all found elements of the omnibus bill that they could support and actively lobby for. As a member of legislative leadership explained: "The Green Communities Act [GCA] really tried to encompass a lot of things. It was probably so broad that, you know, more people [interest group advocates and lobbyists] would want it."

A legislative staffer described the GCA as having been "Very heavily negotiated over a long period of time." She went on to explain:

People spent a lot of time thinking about it and negotiating it and coming to an agreement on it. . . lots of moving parts, lots of interested parties. They all got together and they worked something out that they can live with.

Notably, even the AIM—a powerful voice of the organized business community and the GWSA's most vociferous opponent—arrived at a position of neutrality on the GCA; they did not outright oppose it (author's interviews). Indeed, in their written testimony opposing the GWSA, AIM made the argument that state officials should "let the Green Communities Act work" rather than rushing to pass the GWSA (Joint Committee on Environment, Natural Resources, and Agriculture 2008).

Political scientists who study lobbying have pointed to the effectiveness of coalitions when it comes to increasing policy influence. For example, Hula (1999) argues that coalitions of organized interests reduce the cost of information—a resource that is very valuable in legislative environments (Curry 2015)—because individual groups within the coalition can specialize in terms of relationships with particular legislators, and/or in terms of knowledge of particular technical issues, and then share that information with one another. More recently, Phinney (2017) has built on this work by theorizing the added value of those coalitions comprising diverse groups that do not typically work together (e.g., a coalition that includes both environmental SMOs and IOUs, rather than just SMOs or just IOUs). Phinney argues that not only can diverse groups mobilize different kinds of resources, but they also signal a credible consensus to politicians, giving them greater confidence in the popularity of their decisions. The case of the GCA shows that, to the

extent SMOs are willing to participate in coalitions with nonmovement actors, they can decrease the likelihood of facing legislative buffering threats.

Second, the GCA was sponsored by one of the three most powerful politicians in the state, the Speaker of the House, whereas the GWSA was sponsored by a climate movement ally who was strongly identified with the movement—someone Santoro and McGuire (1997) would call a “social movement insider.” However, a recent study by Olzak, Soule, Coddou, and Muñoz (2016) has challenged the extent to which social movement allies, or “activist legislators,” are helpful to movements when it comes to their legislative outcomes. They instead find that legislators with more extreme ideological voting records were less effective than their more moderate counterparts, suggesting that there may be a stigma within legislatures associated with a legislator being too closely identified with a social movement.

My qualitative data lend some support to this notion. The state senator who sponsored the GWSA had worked closely with environmental SMOs for “a number of years” (author’s interview), and one SMO advocate described him as their “champ in the Senate,” while another described him as “the reason” the GWSA passed. But the story that comes across most strongly in my data is that differences in the success of the two bills had to do, first and foremost, with the GCA’s sponsorship by the head of House leadership: the Speaker of the House. As one SMO advocate explained:

There was a political reality, which was that the GCA evolved out of a bill introduced by the Speaker . . . whereas the GWSA was driven externally, you know, in coordination with Senator ‘Jones’ . . . as opposed to the Speaker or the senate president or the governor introducing the legislation. So they were always on a different track politically.

A state legislator explained bluntly: “See, when you have a Speaker that wants to do something, which you did [the GCA], there wasn’t opposition in the legislature. . . . He was a very strong Speaker [emphasis in original].”

Although political scientists have focused some attention on how institutional power discrepancies among legislators affect legislative outcomes, social movement scholars have paid less attention to this by comparison. My data suggest that this is an important consideration that can directly affect the prospects for movement success. The case of the GCA shows that, to the extent SMOs can ally with legislators with access to greater institutional power (e.g., majority party leaders), they can decrease the likelihood of facing legislative buffering threats.

Third, the GCA promised to deliver material benefits to multiple constituencies, including many private interests, whereas the only constituency the GWSA promised to benefit directly was the climate movement. Clearly, the wellbeing of the climate would be of interest to the broader public as well as public health organizations, not just the climate-focused SMOs, but the GCA—which was also designed to combat climate change—simultaneously proposed to channel material benefits to a number of private interests with considerable political power, while the GWSA did not. As one of the powerful politicians involved in buffering the GWSA explained:

The GWSA is really kind of like a 1970s-style, Clean-Air-Act-type of broad mandate. . . . The GCA ended up with a lot of things that a lot of people [interest groups] were seeking, and when it became clear that it was an opportunity to do an omnibus-style energy bill, then a lot of people [interest groups] came out of the woodwork with different agendas.

This politician noted his clear preference for approaching climate policy “with incentives, and things that motivate everybody” (i.e., the GCA) rather than the command-and-control, heavy-handed regulatory approach that environmental SMOs were pushing in the GWSA—and with good reason, SMO advocates would argue: to ensure that overall emissions reduction goals would actually be enforced and met.

Another state legislator explained quite explicitly how the financial incentives associated with the GCA made it more politically palatable, and helped it garner the support of powerful, non-movement political actors:

Legislator: [With the GCA] Everybody got something. If they didn't get everything, they could get something. . . . That's the art of good legislating.

Interviewer: And why was the Green Communities Act able to bring so many stakeholders to the table?

Legislator: Money . . . everyone involved in the Green Communities Act was going to make some money off of it. . . . You can't make money off of the Global Warming Solutions Act. No one private entity could do it. For example, you go do solar expansion, who's going to make money? The solar industry! Who becomes the consultant? The environmental groups. They all become consultants for the wind and solar people...Different investors, private stakeholders, you know, venture capitalists. There's all this money involved. The utility companies, you know, make some money on this as well.

Backing bills that deliver benefits not only to SMO constituencies but also to certain private actors may be especially threatening to SMOs inasmuch as they worry about cooptation, but the case of the GCA shows that, to the extent SMOs are willing to back bills that simultaneously secure benefits for their own constituency and for certain private actors, they can decrease the likelihood of facing legislative buffering threats.

When SMOs can mitigate buffering threats, as they did successfully in the case of the GCA, they can seize greater influence in the actual, substantive design of the legislation they support. Unlike with the GWSA, with the GCA, one powerful politician told me, "We knew it [the GCA] was going to happen. We didn't know what form it would take." As I have shown, the ultimate form it took was one that SMOs had a major hand in shaping.

DISCUSSION AND CONCLUSION

In this article, I set out to provide an answer to an empirical puzzle: how could two laws that were passed with similar levels of mobilization by the same coalition of SMOs in what might be viewed, at least from a distance, as an identical political context, nevertheless result in very different outcomes with regard to the movement's ability to have both its claims recognized by the state and the desired material benefits secured for its constituency (Amenta et al. 1992)? In the case of one law, the GCA, the climate movement succeeded in both of these respects. However, in the case of the other law, the GWSA, the movement achieved only partial success. The elimination of many of the most important provisions to the movement's constituency during the course of the legislative process resulted in a law that was far more "symbolic" in nature (Edelman 1992), and that was never implemented in the way its SMO proponents had intended.

Using a novel method which pairs a close reading of every draft of the legislative text of both bills with focused, in-depth interviews with key players triangulated with archival evidence, I arrived at an answer to this empirical puzzle. In the case of the GWSA, but not the GCA, SMOs became victims of three specific legislative buffering threats, which are manifestations of a more general phenomenon, which I call legislative buffering. Legislative buffering is an informal mechanism of political mediation that allows powerful politicians to reduce SMO influence over the crucial, yet understudied, content-specifying stages of the legislative policy-making process.

What is distinct about this mechanism of political mediation is that it takes advantage of the more informal aspects of the legislative process, allowing powerful politicians to modify the legislative language of bills discreetly and without stirring up animosity on the part of the SMOs whose preferred policy design they are thwarting. This mechanism is especially advan-

tageous for powerful politicians in political contexts that are relatively favorable to SMOs overall, because it is in these contexts that more public forms of opposition, exercised through more formal means, would be politically risky due to the political leverage that SMOs hold (Amenta et al. 2010).

The three particular legislative buffering threats that I identify and develop conceptually are (1) acting through the other branch, in which the locus of decision making is shifted to actors outside of the formal legislative process (residing in the executive branch); (2) relying on unsympathetic committees, in which bills are held up in a gatekeeping committee that is less friendly to SMOs' agenda (even if SMOs have more allies than adversaries in the legislature as a whole) while key changes are made to the legislative language behind closed doors; and (3) leaning on the legislative calendar, in which the momentum of bills is intentionally slowed down, only to be sped up at the last possible moment, catching SMOs off-guard by passing bills once it is too late for them to provide input on the language.

Like other forms of political mediation, legislative buffering is context dependent (Amenta et al. 2005; Amenta 2006). But an important contribution of this article is to show how the political context, which some social movement scholarship has treated as relatively stable (Amenta et al. 2010), can sometimes be quite fluid, as demonstrated by the fact that the elements of political context that made the difference between the GWSA being buffered and the GCA not varied even across bills under consideration in the same year, by the same legislature, with similar movement and nonmovement actors involved. The interrelated elements of political context that were found in my analysis to matter are (1) whether or not the bill is being pushed by a coalition that extends beyond just the SMOs; (2) whether the bill's sponsor is a majority party leader or a rank-and-file legislator; and (3) whether the bill benefits SMOs' constituency alone or whether it also benefits certain nonmovement actors, such as for-profit renewable energy and energy efficiency companies in the case of the GCA. These are conditions that SMOs may have greater control over than the more durable elements of political context, such as partisan balance or SMOs' degree of "plausible assertive action such as electoral strategies that seek to punish policy opponents and aid friends" (Amenta et al. 2010: 299).

Still, to the extent SMOs elect to minimize legislative buffering threats by doing what they can to satisfy one or more of these three conditions, they may face an increased risk of cooptation by nonmovement actors. In the case of the GCA in Massachusetts, the policy interests of SMOs and non-SMO coalition partners such as IOUs were sufficiently aligned so as not to result in cooptation, but one could easily imagine a scenario where this is not the case. If SMOs are unwilling to risk cooptation, then the question of how much control SMOs really have over these less stable elements of political context that increase or decrease the risk of legislative buffering would be a valuable avenue for future research.

The contribution of the present article is its ability to show political mediation "in action," through a newly conceptualized, informal mechanism (i.e., legislative buffering), and using a rare methodology well-suited for gaining an increased understanding of the understudied content-specifying stages of the policymaking process. Through process-tracing and comparative methods, and by shifting the dependent variable from whether or not bills pass to how the qualitative content of pending legislation changes over the course of the entire legislative process, this article sheds new light on processes the political mediation model has accounted for, but not fully illuminated. This article also answers a growing call for social movement scholars to focus their analyses not only on movement actors but also on the nonmovement actors that mediate between movement mobilization and outcomes (Andrews and Edwards 2004; Andrews and Gaby 2015). These nonmovement actors include other interest groups as well as state actors, which include not only legislators but also bureaucrats (Amenta et al. 1994). Indeed, as the case of the GWSA shows, executive branch actors can play a crucial role in legislative buffering, along with key members of the legislative leadership.

The findings of this article suggest a number of potentially fruitful avenues for future research. First, it is possible that there are additional legislative buffering threats, beyond the three developed here. This question could be investigated, along with the question of how

portable the three buffering threats developed here are to other legislative contexts. Another question worth investigating would be whether legislative buffering is similarly used by powerful politicians in political contexts that are less favorable to SMOs overall (e.g., “red states” in the case of the climate movement). On the one hand, we might expect that less hesitation on the part of powerful politicians to oppose SMOs publicly, through more formal means, might render buffering unnecessary. On the other hand, from the perspective of powerful politicians, it is hard to see any disadvantage to buffering, even in less favorable overall political contexts, which might lead us to suspect buffering regardless. These are competing hypotheses waiting to be tested.

Finally, as alluded to previously, it is easy to imagine that, in less favorable political contexts, strategic SMOs would face a dilemma between doing what they can to reduce buffering threats and risking cooptation by more powerful actors. Future research might help SMOs adjudicate between two goals that would seem to be at odds: compromising with more powerful actors in the service of maximizing influence and remaining true to the core principles that make them challengers of status quo politics, even if it comes at the expense of political power.

NOTES

¹ For a good summary of this policy, see Vasseur 2014.

² This was the outcome of *Isabel Kain and others v. Massachusetts Department of Environmental Protection*, decided March 23, 2015 by the Massachusetts Superior Court, County of Suffolk. However, on May 17, 2016, this judgment was vacated by the state’s Supreme Judicial Court (SJC) after environmental advocates successfully appealed the Superior Court’s decision. The SJC determined the state had not complied with a key enforcement provision of the law, but did not specify what remedial action the state needed to take to ensure the targets will be met.

³ Massachusetts House of Representatives. House Bill 4365 (GCA) as amended in House Ways & Means. Reg. Session 2007-2008 (2007); Massachusetts Senate. House Bill 4373 (GCA, subsequent version) as amended in Senate Ways and Means. Reg. Session 2007-2008 (2007); Massachusetts Senate. Senate Bill 2423 (GWSA) as amended in Senate Ways & Means. Reg. Session 2007-2008 (2008); Massachusetts House of Representatives. Senate Bill 2540 (GWSA, subsequent version) as amended in House Ways & Means. Reg. Session 2007-2008 (2008).

⁴ Sixty percent, including legislators who offered up a member of their staff instead of speaking with me directly.

⁵ The 11-minute interview was an outlier due to an equipment malfunction.

⁶ A letter was sent to the Speaker of the House, signed by 111 of 160 House members, urging the bill’s passage (Joint Committee on the Environment, Natural Resources and Agriculture 2008).

⁷ Two years later, the administration announced it would aim for 25%, although at the time of its exit from office, the state was not on track to reach this benchmark (Leon et al. 2012; Pavone 2015).

⁸ However, a policy brief recently written based on my ongoing research argues that this alliance has been more common than we would think: <https://scholars.org/contribution/how-investor-owned-utilities-can-be-induced-support-reforms-mitigate-climate-change>

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