

Section Handout
March 4, 2014

How Democratic is the United States?

Our readings deal with two ways to think about the question: one focusing on institutions (Levinson); and the other on public participation (Lessig, Skocpol and Williamson, and SVB)

So starting with Levinson and **the institutional perspective**, what are the possible grounds for complaint, and to what degree do you agree with him?

Note that Levinson's definition of democracy is majority rule. What's our definition of democracy?

The Executive:

1. The method of presidential selection (especially the electoral college)
2. The delay between election day and the inauguration
3. Vague wording on powers granted to the executive; probably too much executive power today
4. Defined term periods and no impeachment for executive incompetence
5. Do we really want the veep to be the next in line?

The Supreme Court:

6. Life tenure for SC justices

Levinson wants to revise the constitution. Would a revised constitution improve American democracy?

On to participation.

SVB: What kinds of organizations are active in Washington, and what kinds of political activities do they engage in? How does activity type vary by organization type?

The quote from Schattschneider on which the book is based: "The heavenly chorus sings with a strong upper-class accent." What does this mean, and why does it sum up the SVB findings?

Lessig: the corrupting influence of campaign cash. Discuss the myriad ways that a focus on funding the next campaign corrupts the behavior of elected representatives. Note Lessig's definition of a democratic (republican) Congress: it is dependent *on the people alone*.

A brief overview of federal campaign finance regulations:

- 1907 Tillman Act outlaws direct contributions by corporations
- 1947 Taft-Hartley act outlaws the same for unions.
- 1974 federal election campaign act gives legal sanction to the creation of political action committees (for unions).
- 1975, FEC says corporations can donate to PACs as well.

- In 2002, McCain-Feingold Act bans "independent" political spending by corporations and unions 30 days before a primary or 60 days before an election; in 2010, Citizens United v. FEC rules this unconstitutional.

- Limits on total contributions (to individual politicians, and combined)

- No campaign spending caps

Earmarks: in 2010, the House banned earmarks to for-profit companies.

Lobbying - how does it work? Exchange economy v. gift economy.

Is there any evidence that lobbying changes roll call votes? No.

So why do people donate money to politicians?

Problems with raising money from the people you regulate? e.g., Baucus (obamacare today) v. Stennis (defense in the early 1980s).

So on the whole, would you say this is a problem that could be resolved by campaign finance reform?

Skocpol and Williamson: A useful case study in the Tea Party.

What kinds of people are Tea Party activists?

If money is what matters in determining whom government is responsive to (according to Lessig and SVB), why was the Tea Party so successful (given that the activists are not particularly wealthy, well-connected Washington insiders)?

Lessig says that the need to raise money makes American politics more polarized in general. And SW notes that a key polarizing force has been the Tea Party. But was the drive for money causing the rise of this movement? What was the source of the extremism in this case - the politicians or the public?

Now thinking about the channels through which Lessig says money serves to corrupt Congress, do the mechanisms he proposes seem to fit the Tea Party case (not for the Tea Party per se, but the political influence they wield).

Section Plan:

How Democratic is the United States?

Our readings deal with two ways to think about the question: one focusing on institutions (Levinson); and the other on public participation (Lessig, Skocpol and Williamson, and SVB)

So starting with Levinson and **the institutional perspective**, what are the possible grounds for complaint, and to what degree do you agree with him?

Note that Levinson's definition of democracy is majority rule. What's our definition of democracy?

The Executive:

1. The method of presidential selection (especially the electoral college)
 - Not infrequently, presidents are not "the people's choice" because they do not win a majority of votes cast. Even worse, sometimes they are 2nd place by the popular vote (Nixon v. Kennedy in 1960, Gore v. Bush in 200).
 - Disproportionate impact for small states
 - Winner-take-all is highly distortionary (campaign for a national popular vote?); a perhaps reduces public participation
 - Candidates only pay attention to "swing states"
 - High risk of deadlock in presidential selection
2. The delay between election day and the inauguration
 - Creates a lame-duck president who has lost non-legal authority to govern
 - Closing the gap would force candidates to have shadow governments ready prior to the election, so that voters would have a better idea of what they're voting for
3. Vague wording on powers granted to the executive; probably too much executive power today
4. Defined term periods and no impeachment for executive incompetence
5. Do we really want the veep to be the next in line?

The Supreme Court:

6. Life tenure for SC justices
 - Justices can stay on despite failing health
 - Clearly the institution is political; cannot eliminate political appointments, but reduce their impact with term limits

So what is Levinson's take on all of this? Constitution was formulated at a different time, with different problems and different concerns. But it's time to revise. On the whole, would revision improve US democracy?

On to participation.

Again, to highlight popular conceptions: start by talking about the pluralistic view of American associational life. Then get into the readings:

SVB: What kinds of organizations are active in Washington, and what kinds of political activities do they engage in? How does activity type vary by organization type?

pie charts (3rd-to-last page, ch. 14):

Types of activity:

In-house lobbyists: Business 53%

Outside firms: Business 64%

Lobbying Expenditures: Business 72%

PAC donations: Business 48%, Unions 28%

Congressional Testimony: Business 30%, Identity groups 29%

Amicus Briefs: Business 14%, State and Local 36%, Identity groups 24%

- Previous work on voluntary associations gives the impression that the primary units of the pressure system are membership associations. Instead, the modal organization active in pressure politics is an institution like a corporation, hospital, university or think tank. Less than a third of the organizational advocates are membership associations of any kind, and only about an eighth are membership associations of individuals.
- Due to free rider problem and economic disadvantages, broad public interests and the economically disadvantaged have limited organizational representation. The number of organizations has increased over time, but the distribution of representation has not.

The quote from Schattschneider on which the book is based: "The heavenly chorus sings with a strong upper-class accent." What does this mean, and why does it sum up the SVB findings?

Lessig: the corrupting influence of campaign cash. Discuss the myriad ways that a focus on funding the next campaign corrupts the behavior of elected representatives. Note Lessig's definition of a democratic (republican) Congress: it is dependent *on the people alone*.

Discuss current campaign finance laws:

- 1907 Tillman Act outlaws direct contributions by corporations
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Earmarks: in 2010, the House banned earmarks to for-profit companies.

Lobbying - how does it work? Exchange economy v. gift economy.

Lobbyists shmooze, help write bills, provide expert advice; donate to political campaigns, bundle donations of others and hold fundraisers

Is there any evidence that lobbying changes roll call votes? No.

So why do people donate money to politicians? Agenda-setting, access, shaping / killing bills before they get to the floor.

Problems with raising money from the people you regulate? e.g., Baucus (obamacare today) v. Stennis (defense in the early 1980s).

So on the whole, would you say this is a problem that could be resolved by campaign finance reform?

Skocpol and Williamson: A useful case study in the Tea Party.

First, talk about who the Tea Partiers are (the grassroots activists, that is). Older, white, middle class people. Conservatives. Some had been involved in politics before, others not. Pretty well-educated.

If money is what matters in determining whom government is responsive to (according to Lessig and SVB), why was the Tea Party so successful (given that the activists are not particularly wealthy, well-connected Washington insiders)?

Lessig says that the need to raise money makes American politics more polarized in general. And SW notes that a key polarizing force has been the Tea Party. But was the drive for money causing the rise of this movement? What was the source of the extremism in this case - the politicians or the public?

Now thinking about the channels through which Lessig says money serves to corrupt Congress, do the mechanisms he proposes seem to fit the Tea Party case (not for the Tea Party per se, but the political influence they wield).