Intro

Politics	activity through which people make, preserve and amend the general rules under which they live (per David Eaton values are important while Henry Laswell says resource allocation is important)
Political Science	social science which deals with systems of government and the analysis of political activities, thoughts, and behaviors (the why behind politics)
Government	institution in society that can force people to do things and push people to do things, government make binding decisions that people must follow (maintaining order and reconciling conflict and guides humanity to higher forms of civilization)
Alternatives to Government	
self interest	grants great benefits to people if done correctly but if done incorrectly it creates feuds and animosity
values	this only works for the in-group while the out-group is excluded
Necessity of Government	people suck so we need government to create unity and make people work toward the same things

Intro (cont)

property rights	authority on how resources are used (this is protected by the government to ensure resources used effectively for the max benefit)
government settles disputes	designed for times of conflict, scarce resources create conflict, plays a big role in community and fostering identities and protecting rights
Government Trust	citizen trust is needed for the government to function correctly, government trust between parties is higher when their party is in power (economy, social-cultural factors, incumbents, and institutions promote distrust)
Theories of Democracy	
privatization	method of controlling scope of conflict involving individualism, free private enterprise, localism, and privacy
socialization	method of controlling scope of conflict involving equality, consistency, equal protection, justice, liberty, freedom of movement, freedom of speech and association, and civil rights

Intro (cont)

democracy	competitive political system where competing leaders and organizations define the alternatives of public policy in such a way that the public can participate in the decision-making process (majority rules)
Republic	majority and constitution rule while minority has a voice (elected officials supposed to exercise will of people

Pre-Constitutional Politics

Context	
demographics c. 1770s	2.75M people, 20% African-American, most were self employed (farmers or artisans), poor communications, travel arduous
social political mindset	John Locke (inalienable rights), Thomas Paine (life, liberty, property), common political beliefs (heir to British tradition, but inalienable rights given by God), Americans thought they were adhering to British political thought better than the British, consent of governed gave leader power
Problem with the British	Britain made shitty decisions in the face of obvious evidence

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Pre-Constitutional Politics (cont)

1750s	British spent lot sof money and blood helping secure the colonies via French and Indian War (Americans didn't help well enough—didn't pay enough and only helped when no crops ready)
1760s	Stamp Act and others (Britain trying to get money to repay the war and to exert more economic control over America)
Intolerable Acts	close Boston port, those in violation people go to prison in Britain without trial
Continental Congress (1774--1781)	56 delegates, first national legislature, big names attended (john and Sam Adams, Washington, Patrick Henry, etc), initial acts=pass resolutions (boycott British goods, raise troops) but limited powers (state gov and and stat populations not obligated to follow)
Declaration fo Independence	written to help war effort, attract foreign support and to get support from the people; New England wants independence, South doesn't, middle is neutral; Adams, Franklin, and Jefferson write it

The Articles of Confederation

Basics

- first written constitution of the U.S, drafted in 1777, ratified by all states in 1781, 5 pages with preamble, 13 articles, conclusion, and signatory section

- state sovereignty, unicameral legislature, one vote per state

- central government can declare war conduct foreign/commercial relations with other countries

- funded by state legislatures' payments

- federal court system suggested

- executive functions carried out by legislative committees

- in 1781 John Hansen was the first president under the Articles (one year term)

- John Hancock president next in 1785

- government could coin money

Weaknesses	no provisions for enforcing Congress decisions, no real federal courts system, congressional authority over commerce and war required consent of 9/13 states, amendments required unanimity, no executive power, little implied power

Why Replace

commercial/economic problems	revolutionary war debt, New England was fucked because they needed trade, the south was better off
fear of predatory powers	fear other countries would overtake them
public debt	both the people and the states had debt
growing radicalism	ex: Shay's rebelling 1786-1787

Principles Uniting the Framers

The Articles of Confederation (cont)

equality	belief in rule of law (everybody subject to the law regardless of status), rights of all citizens (life, liberty, property)
liberty	Bill of Rights (people are naturally free, government must protect these freedoms), protection of property (unless via due process of law), Other provisions (comity clauses—have all rights unless due process—, jury, limited government)
"Majority Rule/Minority Rights"	Congressional representation (reps by population in the House, Senate based on state—protects minority rights by giving equal voice to all states), separation of powers, checks and balance, executive authority

Constitutions

Constitution	establishes basic rules of decision-making and power (basically who can do what and how)

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Constitutions (cont)

purposes	establishes governments relationship with the people, framework of how government makes decisions (who makes decisions and over what), bargain, meant to endure (maintained only if makes sense to the governed and they believed in it and it will endure as long as people believe it's the better alternative or better than the work to take up a new alternative)
functions	reflect who we are, what we want to be, control on government (check on government power), establish patterns of authority
Should they endure?	Jefferson say constitutions should be rewritten every 19 years

Reasons Constitutions Endure

inclusion	large percentage of population included, people need to feel involved, represent lots of people
flexibility	adapt to change with the times to add and include more groups
specificity	lots of detail means it covers lots of topics therefore more people will work to enforce it

Constitutions (cont)

Uniqueness of the US Constitution	has lasted 225+ years and most last ~20 years, the US Constitution is really the first Constitution and many others are modeled after the US one

Bill of Rights

1st Amendment	freedom of religion, speech, press, assembly, and petition
2nd Amendment	right to bear arms
3rd Amendment	no quartering of soldiers
4th Amendment	no unlawful search and seizures
5th Amendment	due process of a law, no double jeopardy, right to silence (to not self-incriminate)
6th Amendment	rights of the accused (speedy and public trial)
7th Amendment	trial by jury in civil cases
8th Amendment	no excessive bail or cruel/-unusual punishment
9th Amendment	rights of people preserved
10th Amendment	powers reserved to the states

Issues Dividing the Constitutional Convention

Representation

Congress	People as basis of representation (Virginia Plan) versus states as basis of representation (New Jersey Plan) resulted in Connecticut Plan
Virginia Plan	bicameral legislature, representatives allocated by population

Issues Dividing the Constitutional Convention (cont)

New Jersey Plan	unicameral legislature, representatives allocated by state
Connecticut Plan	bicameral legislature—lower house by population, upper house by state (2 reps per state in upper house, all tax bills must originate in the House of Representatives—lower house—, lower house votes on impeachment articles while Senate does the trial to vote on conviction and removal)
President	elected by the people? elected by the congress? elected by state legislature?
Compromise	Electoral College (states cast votes based on total number of members of congress: reps plus senators

Limiting the Government

Separation of Powers	aka "sharing of powers", the power to pass laws rests with Congress while the president has the power to enforce/execute the laws and the judicial branch interprets the laws
Checks and Balances	Congressional legislation must be signed by the president, presidential appointments must be confirmed by the Congress (Senate), the Supreme Court adjudicates on the constitutionality of acts of Congress and the actions of the president

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Issues Dividing the Constitutional Convention (cont)

Federalism	governing system that allows two or more entities to share control over the same geographic region. Power is split among federal, state, and local governments. In the US, the power of the national government was substantially less than that of the state government (Article 10 of Constitution)
Bill of Rights	Included at the insistence of advocates of states' rights. There was concern over the list of rights: is a right not included on the NOT a fundamental right?

State Constitutions

Traditions in State Constitution Making

Higher-law tradition	a constitution sets down an enduring body of principles and arrangement upon which government is founded (blueprint of core functions of government, not day to day detailing of activities, not legal code, avoid discussion of narrow policy concerns, structure not detail)
John Marshall	most consequential Chief Justice (NOT THE FIRST CHIEF JUSTICE)

State Constitutions (cont)

Positive Law Tradition	Constitution makers incorporate practices into state's fundamental law which had been establish by statue. Insulates existing offices, powers, and jurisdictions from legislative whim. This creates longer, detailed, and more rigid documents that blurred the line between what was appropriate for inclusion in the fundamental charter and what was the proper subject of legislative choice

State Constitutional Endurance

Constitutional Amendments	amendments show what we value and how that changes, we want documents to reflect will of people, hence why we have amendments

State Constitutions (cont)

Reasons for Amendments	imperfect and educable human nature (helps adapt to changing circumstances), compensate for the limits of human understanding and virtue, constitutions viewed as a means to make collective decisions in the most efficient way possible and make the best possible decisions in pursuit of a common good, distinction between normal legislation and constitutional matters (constitutional matters require a distinctive, highly deliberate process which is more difficult than for normal legislature)
Which Constitutions are Amended?	longer constitutions amended more than shorter ones, the ones that are harder to amend are amended less, the more government functions are detailed the longer they meaning more amendments (also the further the amendment rate from mean the greater the probability the whole thing will be replaced)

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State Constitutions (cont)

Amendment Rates	US constitution (between 1789-1991) = .13 times per year while state constitutions = 1.23 per year
State Constitutions as Protests	sometimes states put things they can't enforce or are illegal per US constitution in their constitution as a means of protest against federal government to assert their beliefs/identity

Federalism

Federalism	shared powers between two or more levels of government (can help solve collective dilemmas—prevent states/units from going to war with each other, protect states/units from outside aggression, set national standards for labor and environmental laws)

Federalism (cont)

dilemmas of Federalism	autonomy can create incentives for regions to compete with each other economically/politically, autonomy can promote a struggle between regional government and the national government for resources and powers, autonomy may be used by regions to pursue policies that run counter to the values and interests of the majority within the nation as a whole, autonomy may be a stepping stone to complete independence and secession
Federalism and Policy Laboratories	Federalism allows states to learn from each other.
Policy Laboratories	trying policies out
Policy Diffusion	when states learn from other states and apply that to their own decisions (i.e. that worked well let's do that)
How do states learn from each other?	horizontal policy diffusion
Emulation of Success Hypothesis	states having successful policies are more likely to be copied (high support)

Federalism (cont)

Seeking Low-Cost Successes Hypthesis	states copy successful policies with the lowest cost (high support)
Administrators Emulating Successes Hypothesis	decisions by administrations agencies will rely heavily on evidence of success because they have access to more info (low support)
Legislators Emulating Successes Hypothesis	legislators rely on evidence of success to get reelected (high support)
Similar States Hypothesis	states that look like each other emulate each other (high support)
How do states learn from localities?	vertical policy diffusion
snowball effect	idea gets bigger and gains more support (causes bottom up change)
pressure valve effect	stays at local level and does not cause bottom up change
Influences on whether you have snowball or pressure valve effect	
Professional vs Non-professional	Do legislators have full time jobs? yes (professional) = snowball, no (non-professional) = pressure valve

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Federalism (cont)

Strong vs Weak Policy Advocates	Are interest groups strong enough to influence state? yes (strong) = snowball, no (weak) = pressure valve
Neighboring States and Federal Governments	Neighboring states (if they do it, we should) = snowball, Federal Governments (if they do it, why would we add on) = pressure valve
US Government Powers	print money (bills and coins), declare war, establish army and navy, enter into treaties with foreign governments, regulate commerce between states and international trade, establish post offices and issues
State Government Powers	establish local government, issue licenses, regulate intrastate commerce, conduct elections, ratify amendments to US constitutions, provide for public health and safety, public education, property laws, morals and ethics

Periods of Federalism

Federalism (cont)

Dual Federalism (1819--1936)	US Government established the right to some powers vis-à-vis the states (ex. McCulloch v Maryland-1819 and Gibbons v Ogden-1824)
Cooperative Federalism (1936-present)	US government becomes partner, co-equal player with the states on many public policy matters (marble cake). FDR's New deal and Court Packing scheme helped usher this era into being and federal govenrment uses reward and punishment to influence policy-making at the state-level
Competitive Federalism	change policies to one up other states to draw in businesses and citizens
race to the top	states compete by increasing resources for infrastructure and development to attract businesses (ideal)
race to the bottom	states compete by decreasing costs of production (e.g. wages, taxes, and regulations) to attract businesses (the fear)

Federalism (cont)

Federalism and the environment	lower environmental costs draw in businesses, but manufactures may be more likely to place the facilities on the border because those effected by the pollution will be in another state and will not have much influence on state legislature (gulf dead zone)

State v State Conflicts

boundary disputes	Rhode Island v Massachusetts (1838), The Commonwealth of Virginia v Tennessee (1893), New Jersey v New York (1998)
resource access	Kansas v Colorado (1907), The Arkansas River Compact of 1949, New Jersey v New York (1931, 1954), Texas v New Jersey (1965), Texas v New Mexico (2020), Florida v Georgia (2020)
environment and state conflict	Missouri v Illinois and Sanitary District of Chicago (1901), Maryland, Virginia, Delaware, and DC v EPA (2020), New York, Connecticut, Delaware, Maryland, Massachusetts, Pennsylvania, Rhode island, and Vermont v EPA

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Federalism (cont)

Texas v the World	Tarrant Regional Water District v Herrmann, Rudolf J et al (2013), Texas v Georgia, Wisconsin, Michigan, and Pennsylvania, Texas v California
Dillon's Rule	based on 1907 Hunter v City of Pittsburgh: if there is a reasonable doubt whether a power has been conferred to a local government, then the power has not been conferred
Home Rule	defined by each state's constitution, and it is the delegation of power from the state to its sub-units of government
Categorical grants	limited scope, strictly defined, little discretion (use the money for this)
Block grants	given on uneven basis to states/localities that meet certain requirements, fair discretion
Flat grants	allocated to states/localities across the board, substantial discretion (use for whatever)

Federalism (cont)

Devolution	transfer of political power from federal to state level (2nd order=power goes from state to local, 3rd order=increased role of non-profits and private groups)

Civil Liberties

Negative Rights	limitation on what government can do (civil liberties, emphasized by modern philosophers, and curtails sovereignal freedoms of the government)
Positive Rights	things government is obligated to provide
Jacobson v Massachusetts (1905)	MA tried to force Jacobson to get a small pox vaccine, court ruled in favor of MA but said you need to have necessity, proportionality, reasonable means, and harm avoidance to mandate immunizations (answers the question: under what conditions can the government force immunizations—only MS and WV have no exemptions)

Evolution of Free Speech

Civil Liberties (cont)

Bad Tendency	not protected if public welfare harmed (Shaffer v US, 1919 and Abrams v US, 1919)
Clear and Present Danger	not protected if it will create a clear and present danger (Justice Oliver Wendell Holmes, Schneck v US, 1919)
Fighting Words Doctrine	not protected if it will cause injury or immediately breach peace (Chaplinksi v New Hampshire, 1942)
Balancing Test	does this "evil", if discounted by improbability, justify invasion of free speech as is necessary to avoid the danger (Judge Learned Hand, ACA v Douds, 1950)
Incitement/Imminent Lawless Action	not protected if it will incite or produce imminent lawless action (Brandenburg v Ohio, 1969)

Key Rights of the Accused

Right against unreasonable Search and Seizure	US v Jacobson, 1984; consent to search, reasonable expectation of privacy, automobile exception (Reamey's Rule); probable cause, exigent circumstances (plain view)
Right against Self-Incrimination	Miranda v Arizona (1966)

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Civil Liberties (cont)

Right to Counsel	Powell v Alabama (1932) and Gideon v Wainwright

Affirmative Action (AA)

Philly Plan	Manning table (if city x% race, company should be x% race) shows workforce composition estimate
Ethridge v Rhodes (the Ethridge Case) (1967)	plaintiffs sue because government denied them contract since their subcontractors were discriminating (RULED IN FAVOR OF AA)
Weimar v Cuyahoga College (1968)	plaintiffs sue because they lost government contract since they didn't provide a manning table (RULED IN FAVOR OF AA)
Bakke v UCRegents (1978)	plaintiff sue because rejected from med school since spots set aside for minorities (RULED AGAINST AA)
Hopwood v Texas (1996)	plaintiff claimed she was denied law school admittance based on her race (RULED AGAINST AA)
Fisher v UT-Austin (2016)	plaintiff says UT's use of race as a consideration in admissions was a no no, UT said they just wanted more diversity (RULED IN FAVOR OF AA)

Civil Rights

Definition of rights

Orlando Patterson's 3 Freedoms

personal	ability to do what you want without being coerced but you can't coerce anyone else
sovereignal	do whatever you want without regard for others (impose will on others)
civic	adults can participate in government

Eric Foner's Natural Rights

civil rights	equality under law, essential
political rights	participate fully in governance of community (right to vote)
social rights	choose who to associate (personally and in business) with

Richard King's Liberal Freedoms

freedom as autonomy	individual autonomy, self-determination, pride, and self-respect
participatory freedom	fully participate in politics
collective deliverance	liberation of group from external control

Rights and Race

Civil rights Amendments

13th	no slavery (if Corwin—some people like TX and Buchan tried to pass—would have passed it would have been the 13th and kept slavery)

Civil Rights (cont)

14th	citizenship if born in US and everyone has equal protection of the laws
15th	former slaves can vote

Race and the law

Alabama miscegenation law	no interracial marriage (but they can't enforce it)
1932 Susie Phipps sued Louisiana	she was classified as "colored" even though only 1/32 black, she lost, shows that states can regulate color status

Gender and the Law

Equal Rights Amendment	can't discriminate by gender, failed

Gender and Workplace Discrimination

Meritor Savings Bank v Vinson (1986)	sexual harassment would be considered illegal only if it caused psychological damage to the victim
Ward's Cove Packaging v Antonio (1989)	burden of proof on accuser regarding race and gender discrimination
Harris v Forklift Systems (1993)	gender discrimination exists whenever it is more difficult for a person of one gender than another to perform well at a job
Oncale v Sundowner Offshore Services Inc. (1998)	Title VII covers same-sex sexual harassment

Title IX

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Civil Rights (cont)

Davis v Monroe County Board of Education (1999)	must report sexual harassment/discrimination
Jackson v Birmingham Board of Education (2005)	if you are retaliated against for speaking up against sexual discrimination you can sue

Sexuality and the Law

Roe v Wade- January 23, 1973	right to privacy includes abortion, overturn could hurt other cases based on it
Romer v Evans- May 20, 1996	Colorado saying homosexuals and bisexuals not protected violates Equal Protection Clause as it isn't a legitimate state interest
Lawrence v Texas- June 26, 2003	states can't ban gay, lesbian, bisexual, transgender, and queer as they have a right to engage in private, consensual sexual conduct (overturned previous ruling on the same issue in the 1986 case Bowers v Hardwick that claimed the opposite)
Obergefell v Hodges- June 26, 2015	marriage equality and same sex marriage legal
Bostock v Clayton County, GA- June 12, 2020	Title IX covers discrimination based on sexuality and gender identity

Civil Rights Strategies

Civil Rights (cont)

Strategy 1: Legalism	using court system to attack segregation and discrimination
Plessy v Ferguson (1896)	allows segregation as "-social distinction", "separate but equal", gave rise to Jim Crow Laws
Sweatt v Painter (1950)	the law schools are not equal, upholds "separate but equal" but says Sweatt was right in this case that the black law school was not up to standard
Brown v Board of Education	overturns "separate but equal"
limitations	expensive, incremental, slow, puts burden on victims, elite driven
Strategy 2: Non-violent Direct Action (NVDA)	based on Gandhian notion of civil disobedience of unjust laws
Montgomery Bus Boycott (1955)	Rosa Parks, MLK, targets white power structure with economic pressure
applied in places like Selma, Atlanta, and Chicago	
Why important?	rise of MLK as national leader, mobilize blacks, white northern supporters, provoked counter-mobilization

Civil Rights (cont)

limitations	people lost their lives, land, jobs, mized effectiveness, especially outside the south, limited effect on political power structure
Strategy 3: Political Action	gaining control of ballot box
major players	Student Non-Violent Coordinating Committee (SNCC) and Congress of Racial Equality (CORE)
Major actions	voter registration projects (Freedom Summer and Freedom Vote) and March on Washingotn to demand Civil Rights Act and Voting Rights Act
limitations	limited initial increase in registered voters, few blacks elected until 1970s, splintering of the movement, public support dips with riots in Watts and Newark; main actors take stances on Vietnam

*Strategy 4: Black Power

positives	provided services for community, taught self-reliance, prompted positive Black images
negatives	weak leadership and organizational structure, paranoid and violent

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Interest Groups

Interest Groups	collection of individuals/orgs working for the interests of their members, try to influence governments, but no candidates running in the name of the group
Free Rider Problem	people can get benefits from group without contributing because many interest groups represent many people and the more free riders the less the group can do
Types of goods	
rivalrous	my enjoyment affects your enjoyment
excludable	you have to pay for it
Private	excludable, rivalrous
common	non-excludable, rivalrous
club	excludable, non-rivalrous
public	non-excludable, non-rivalrous
Pluralism	ignores, free rider problem, says groups will naturally form, success determined by ability to mobilize members, all groups have equal chance to win
non-cumulative inequalities (Robert Dahl)	about groups mobilizing and working to their strengths

Interest Groups (cont)

Schattschneider's Response	only applies to those with lots of resources
Collective Action Problem	the goal we can achieve together when the whole group works together is greater than if some people don't contribute
Incentives	
material incentives	you are given money, products, services for participating, causes people to join but creates disconnect between leaders and members
specific solidarity incentive	status increases because you are a member (everything they do is based on public opinion)
purposive incentives	you would feel bad about yourself if you didn't participate, hard to get members, but you get people with the strongest commitment
Theories of Power	
Democracy (Aristotle)	
Assumptions	people dictate political outcomes and public policies, direct democracy or elections and representative government are the mechanisms of power, people are well-informed interested and engaged

Interest Groups (cont)

Criticisms	opportunities for direct democracy are extremely rare, access points for public input through representative government are limited and controlled, people do not seem to be well-informed or engaged when it comes to politics
Elite Theory (c. Wright Mills, Noam Chomsky)	
Assumptions	elites rule and their goal is to maintain power, their is a circulation of the ruling elites, elites share a concensus about the norms of the social and political system, elites rule through institutions, the masses are ill-informed and passive
Criticisms	dichotomous zero-sum approach (you either have power or not which is reductive), conspiratorial (can't test proposition of theory), assumption of common, homogenous interests of elites is not realistic, existence of elites does not equal elitism or elite theory

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Interest Groups (cont)

*Interest Groups Liberalism/Pluralism/Polyarchy (Robert Dahl)

assumptions	groups leader positions are open and group leaders are elected by their constituents, these leaders engage in decision making, leaders compromise to make decisions, counter-veiling powers and different issues prevent the accumulation of power with any one interest
criticisms	most important decisions are private, not public (two-faces of power), it is not true that all potential groups in a society have the potential to mobilize and get represented (class nature), group leadership does not represent rank and file membership
why are they becoming more popular	cultural diversity, economic developments, and government policy (maybe innovative leadership)

Social Movements as Interest Groups

social movement	large mass based collective action, protest behavior, they locate people with similar interest, form groups, coordinate actions, then become part of Washington

Social Movements as Interest Groups (cont)

Pluralism and Social Movements	pluralists argue protest behavior is irrational and done by trouble makers; they claim that insider politics are the only rational and acceptable form of interacting with institutions
Classical Model from Piven, Frances Fox and Richard A. Cloward 1977	for marginalized groups protest activity is the main resource they have to influence institutions (protest behavior shaped by institutional access) and the protest emerge with high levels of consciousness and disturbances
Resource Model from Morris, Aldon D 1984	social movements are efforts geared toward social change (creativity and innovation are important), organizers and participants are ration, preexisting institution, leaders, and organizations are critical

Doug McAdam's Critique

Social Movements as Interest Groups (cont)

Critique on Pluralism	argues that social movements are irrational (if everyone is able to sit at the table, then there is no need for protests and outsider tactics
Critique on the Classical Model	treats social movements as an attempt to overcome psychological strain (structural strain -> disruptive psychological state -> social movement)
Critique on resource model	"tactical response" so dependent upon existence of established organization and a reliance on elites (elite activity may not lead to social movements but be a reaction to the emergence of a social movement)
McAdam's Political Protest Model	social movements are political not purely psychological, they are born and die, and they are an ongoing product of the interplay of environmental and internal factors (expanding political opportunities, indigenous organizational strength, cognitive liberation)

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Social Movements as Interest Groups (cont)

Does Protest Work	yes but it must include forms of salient political behavior
salient political behaviors are political activities that...	involves 100+ people, lasts more than 1 day, supported by political organizations, results in property damage, draws a political presence, leads to an arrest, involves people carrying weapons, leads to injury, involves death (basically if you can get someone's attention then you can create change)

Interest Groups, Lobbying

Federal Election Campaign Act (1971, 1974)

Main Provisions	(1) Limits on individual contributions ($1000 per election per campaign) (2) limits on candidate expenditures (ruled unconstitutional in Buckley v Valeo, 1976 (3) Definition and regulation of Political Action Committees (PACs) (4) disclosure requirements for candidates and parties in federal elections (5) establishment of Federal Election Commission (FEC)

Interest Groups, Lobbying (cont)

Effects	(1) Huge increase in number of interest groups (PACs) (2) huge increase in money in election campaigns (3) soft money funneled through political parties (can't be used to say who to vote or not vote for)
loopholes	(1) soft money (2) independent expenditures (3) bundling

**Bipartisan Campaign Reform Act (BCRA) (2002)

Main Provisions	(1) increase in individual contribution levels ($2000 per candidate per campaign, indexed for inflation $2700 in 2018) (2) outlaws soft money to national, state, and local parties (3) limits soft money spent by PACs and outside interest groups
Effects	(1) increase in money in politics (2) increase in 527 groups
527 Groups	tax-exempt organizations organized under Section 527 of the US Internal Revenue Code (26 U.S.C., 527). A 527 group is created primarily to influence the selections, nomination, election, appointment, or defeat of candidates to federal, state or local public office

Interest Groups, Lobbying (cont)

Citizens United Decision (2009)	non-profit group spent money advertising money movie bashing Hilary Clinton in an apparent violation of BCRA. Supreme Court ruled against BCRA, saying the parts of it that limit groups form spending money in political campaigns violates the 1st Amendment

Currently...

Groups can spend as much as they want on election campaigns limited by economic constraints and off-set by individual contributions and new ways of selecting contributions (online targeting)

We are seeing a rise of "Super PACs", "-C4s", and "Dark Money"

Super PACs	can't make contributions to candidates campaigns or parties, BUT can engage in unlimited political spending independently of the campaigns and CAN raise money from individuals, corporations, union, and other groups with no legal limit on donation size

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Interest Groups, Lobbying (cont)	
Section 501(c)(4) aka C4s	tax exempt "social welfare" groups (operated exclusively for social welfare and net earnings go to charitable, educational, or recreational purposes), no explicit prohibition on political activities, can't directly advocate but can do any other lawful political activities as long as social welfare remains the primary focus
Dark Money	money given to nonprofits (C4s) that can receive unlimited donationd from corporations, individuals, and unions, they can spend money to influence elections and are NOT required to disclose donors

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