

### 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** 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



### Pre-Constitutional Politics (cont)

**1750s** British spent lot of 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 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 state populations not obligated to follow)

**Declaration of 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 Hanson 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 rebellion 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)

### 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

### 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 established by statute. 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 Hypothesis** 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



### 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)

|  |  |
|--|--|
| <i>Dual Federalism (1819--1936)</i>          | US Government established the right to some powers vis-à-vis the states (ex. McCulloch v Maryland-1819 and Gibbons v Ogden-1824)   |
| <i>Cooperative Federalism (1936-present)</i> | 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 government uses reward and punishment to influence policy-making at the state-level |
| <b>Competitive Federalism</b>                | change policies to one up other states to draw in businesses and citizens  |
| <i>race to the top</i>                       | states compete by increasing resources for infrastructure and development to attract businesses (ideal)  |
| <i>race to the bottom</i>                    | states compete by decreasing costs of production (e.g. wages, taxes, and regulations) to attract businesses (the fear)   |

### Federalism (cont)

|                                       |   |
|---------------------------------------|---|
| <i>Federalism and the environment</i> | 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

|                                       |   |
|---------------------------------------|---|
| <i>boundary disputes</i>              | Rhode Island v Massachusetts (1838), The Commonwealth of Virginia v Tennessee (1893), New Jersey v New York (1998)  |
| <i>resource access</i>                | 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)  |
| <i>environment and state conflict</i> | 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 |



### 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 sovereign 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 (Chaplinski 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)



### 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 UC Regents (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

sovereign 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 Buchanan 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*



### 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, mixed effectiveness, especially outside the south, limited effect on political power structure

Strategy 3: gaining control of ballot box

### Political Action

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 Washington 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

### 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* about groups mobilizing and working to their strengths  
(Robert Dahl)

### 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 consensus 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



### 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)



### Social Movements as Interest Groups (cont)

**Does** yes but it must include forms of  
**Protest** salient political behavior

#### Work

*salient* involves 100+ people, lasts  
*political* more than 1 day, supported by  
*behaviors* political organizations, results  
*are* in property damage, draws a  
*political* political presence, leads to an  
*activities* arrest, involves people carrying  
*that...* 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* (1) Limits on individual contri-  
*Provisions* butions (\$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) establis-  
hment 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* (1) increase in individual  
*Provisions* 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 tax-exempt organizations  
Groups 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, appoin-  
tment, or defeat of candidates  
to federal, state or local public  
office

### Interest Groups, Lobbying (cont)

**Citizens** non-profit group spent money  
**United** advertising money movie  
**Decision** bashing Hilary Clinton in an  
**(2009)** apparent violation of BCRA.  
Supreme Court ruled against  
BCRA, saying the parts of it that  
limit groups from 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 contri-  
butions and new ways of selecting contri-  
butions (online targeting)

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

*Super* can't make contributions to  
*PACs* 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



## 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 donations from corporations, individuals, and unions, they can spend money to influence elections and are NOT required to disclose donors

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