

GOV 3020

Money and Politics

Spring 2018
Mass Hall Faculty Room 302
Tuesday and Thursday, 11:30am-12:55pm

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Office Hours:
Monday, 3pm-4pm
Friday, 9:30am-11am
And by appointment

This course considers the historical and contemporary relationship between money and government. In what ways do moneyed interests have distinctive influences on American politics? Does this threaten the vibrancy of our representative democracy? Are recent controversies over campaign finance reform and lobbying reform signs that American government is in trouble? This course is reading, writing, and discussion intensive, and we consider the large academic literature on this subject, as well as the reflections of journalists and political practitioners. Election law and regulations on money in politics are always changing (and none of us are campaign finance lawyers!!), and so part of the course is designed to give students tools at tracking these developments. The overall goal of the course is to foster an understanding of the money/politics relationship in ways that facilitate the evaluation of American democracy.

Course Requirements

There are four major components to your grade:

1. **Five reading reactions** (10 points; each worth 2 points)—these are short reactions of about 2 pages (double-spaced). I will evaluate these on the basis of how well you react to the readings (namely, originality of thought and conciseness). There are no right or wrong answers, but I will challenge you to think logically. These papers are due **in class** on Tuesday or Thursday, and they should focus on the readings for that day. Because there are only 5 of them, you can choose which days you want to turn them in.
*You must hand in reaction papers in class; late papers or emailed papers will NOT be accepted
**You cannot hand in a reaction paper on the day you present (see below).
2. **Class presentation** (10 points)—On designated classes a student will present about a 10-15 minute review of the readings. The structure of the presentations should proceed as follows:
 - a. A short update on any relevant current events in the field of campaign finance. We can use the overhead projector in the class if you want to show a news article or blog post.
 - b. For lack of a better description, you will then offer a verbal reaction paper, offering the class your thoughts and reactions to the course readings. Do not summarize the readings beyond what is necessary. Think of this as an opportunity to frame the discussion for the class.

- c. Conclude by offering a number of discussion questions. *These questions should be turned in to your instructor and classmates at the beginning of class.*

*Presentations will begin on February 1st.

3. **Four long papers** (60 points; 10 points for papers 1-3 and 30 points for paper 4) — Paper topics and instructions will be provided well in advance of the papers' due dates. The first three papers will be 5-6 pages (double-spaced) and will focus on the class readings. The final paper will be longer (10-12 pages) and will incorporate some outside research along with course readings. I do not accept emailed papers.
4. **Participation** (20 points)—this includes attendance and class participation. Attendance is required, and I will take regular note of who is and who is not in class. I understand that people get sick, have doctor's appointments, and so on, but I only grant excused absences in rare circumstances. Mere attendance is not sufficient. I expect every student to come prepared to participate in every class.

Readings

There are four books for this course, and a number of outside articles. All of the outside readings can be accessed through Blackboard.

1. Robert Mutch. 2016. *Campaign Finance: What Everyone Needs to Know*. New York: Oxford University Press.
*1/25 and 1/30 readings are scanned and on Blackboard
2. Kimberly Strassel. 2016. *The Intimidation Game: How the Left is Silencing Free Speech*. Twelve.
3. Rick Hasen. 2016. *Plutocrats United: Campaign Money, the Supreme Court, and the Distortion of American Elections*. New Haven: Yale University Press.
4. Lee Drutman. 2015. *The Business of America is Lobbying: How Corporations Became Polarized and Politics Became More Corporate*. New York: Oxford University Press.
*Available as an eBook in CBBcat

Other Issues

1. I expect all students to abide by the Bowdoin Academic Honor Code, which can be accessed online at <http://www.bowdoin.edu/studentaffairs/forms/>. If you have any concerns or questions about how to cite work appropriately, please consult a reference librarian or me.
2. If you have chosen to take the class as Credit/D/F, I will only grant a Credit grade if the student has completed all of the work for the class.
3. Keeping with up legal or political developments on campaign finance, lobbying reform, election law, etc is very difficult. To help us do this, consult the following blogs or online resources, especially the first two on this list:
 - a. <http://electionlawblog.org/>
 - b. <http://www.ifs.org/blog/>
 - c. <http://opensecrets.org/>
 - d. <http://www.cfinst.org/>

I've also posted these (and other) links on Blackboard! On most days where there is a presentation, we will debrief on current developments. But even on days without a presentation, I expect to ask students their thoughts on campaign finance-related news.

4. I am not allowing the use of laptops during class time. Old-fashioned notebooks and pens/pencils are recommended for note taking.

Part 1—Where Are We? How Did We Get Here?

January 23— Introductions and Expectations

- “A Civil Rights Perspective On Money In Politics,” Brennan Center For Justice

January 25—The Campaign Finance System and its Evolution

- Mutch, Chapters 1-2

January 30— The Campaign Finance System, cont.

- Mutch, Chapters 3-4

February 1— The Campaign Finance System, cont.

- Mutch, Chapters 5-10

February 6—The Current System in More Detail

- “The State of Campaign Finance Policy: Recent Developments and Issues for Congress,” Congressional Research Service
- “Party Polarization and Campaign Finance,” Center for Effective Public Management, by Thomas Mann and Anthony Corrado
- SKIM:
 - “Increased Individual Campaign Contribution Limits in the FY2015 Omnibus Appropriations Bill: Frequently Asked Questions,” Congressional Research Service
 - “Campaign Contribution Limits: Selected Questions about *McCutcheon* and Policy Issues for Congress,” Congressional Research Service

February 8— The Current System in More Detail, cont.

- “The Federal Election Commission: Overview and Selected Issues for Congress,” Congressional Research Service
- “The Federal Election Commission: Enforcement Process and Selected Issues for Congress,” Congressional Research Service
- *Class visit with Jonathan Wayne, Executive Director of the Maine Commission on Governmental Ethics and Election Practices*
- ***Paper 1 due***

Part 2—Rationales and Evidence for Reform

February 13— Anti-Corruption Rationale

- Zephyr Teachout. 2009. “The Anti-Corruption Principle,” *Cornell Law Review*. 94(2): 341-413.
- SKIM: Seth Barrett Tillman. 2012. “*Citizens United* and the Scope of Professor Teachout’s Anti-Corruption Principle,” *Northwestern University Law Review*. 107(1): 1-22.

February 15— Anti-Corruption Rationale, cont.

- Martin Gilens and Benjamin I. Page. 2014. “Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens.” *Perspectives on Politics* 12(3): 564-581.
- “Remember that study saying America is an oligarchy? 3 rebuttals say it's wrong,” vox.com: <http://www.vox.com/2016/5/9/11502464/gilens-page-oligarchy-study>

February 20—Anti-Distortion/Equality Rationale

- Hasen, Introduction and Chapters 1-2
- Shaun Bowler and Todd Donovan. 2016. “Campaign Money, Congress, and Perceptions of Corruption,” *American Politics Research*. 44(2): 272-295.

February 22— Competitiveness/Institutionalist Rationale

- Reading TBD

February 27— Free Speech Rationale: Is Money Speech?

- Deborah Hellman. 2011. “Money Talks But It Isn't Speech,” *Minnesota Law Review*

March 1— Free Speech Rationale, cont.

- Robert Post, “Campaign Finance Reform and the First Amendment,” *Citizens Divided: Campaign Finance Reform and the Constitution*. Cambridge: Harvard University Press.

March 6— Free Speech Rationale, cont.

- Stephen Ansolabehere, John M. de Figueiredo, and James M. Snyder. 2003. "Why Is There So Little Money in Politics?", *Journal of Economic Perspectives* 17(1): 105-130.

March 8— Free Speech Rationale, cont.

- Strassel, Chapters 1-7

March 12-23—**Spring Break!!!!**

March 27— Free Speech Rationale, cont.

- Strassel, Chapters 8-24
- **Paper 2 due**

March 29— Lobbying and Legislation, cont.

- Drutman, Chapters 1-2

April 3— Lobbying and Legislation, cont.

- Drutman, Chapters 3-7

April 5— Lobbying and Legislation, cont.

- Drutman, Chapters 8-10

April 10— Lobbying and Legislation, cont.

- No readings
- *Class visit with John Kosinski, Government Relations Director for Maine Education Association*

Part 3—What Reforms are Possible? Or Necessary?

April 12— A Liberal Perspective

- Hasen, Chapters 3-4

April 17— A Liberal Perspective, cont.

- Hasen, Chapters 5-9
- ***Paper 3 due***

April 19— State Campaign Finance Laws and Their Effects

- David Primo and Jeffrey Milyo. 2006. "Campaign Finance Laws and Political Efficacy: Evidence from the States," *Election Law Journal*. 5(1): 23-39.
- Patrick Flavin. 2015, "Campaign Finance Laws, Policy Outcomes, and Political Equality in the American States," *Political Research Quarterly*. 68(1): 77-88.
- Christopher Witko. 2017. "Regulation and Upper Class Bias in Campaign Finance Systems," *Election Law Journal*.
- Read two of the above and skim the third.

April 24— Enhanced Disclosure

- Jennifer Heerwig and Katherine Shaw. 2014. "Through a Glass, Darkly: The Rhetoric and Reality of Campaign Finance Disclosure," *Georgetown Law Journal*. 102(5): 1443-1500.

April 26— Clean Election Laws

- Kenneth Mayer. 2013. "Public Election Funding: An Assessment of What We Would Like to Know," *The Forum*. 11(3): 365-384
- *Class visit with Jackie Sartoris, former clean money candidate for Maine State Legislature*

May 1— Enhancing the Powers of Parties

- Reading TBD

May 3— Free Television and Patriot Dollars

- Lillian BeVier. 1998. *Is Free TV for Federal Candidates Constitutional?* American Enterprise Institute.

May 8— Final thoughts

Final Paper due Saturday May 19, 5pm