

Political Science 235
Money and Politics
Spring Semester 2016
Clark University

Jonas Clark 218
Tuesday and Friday, 12:00-1:15
Professor Robert Boatright
Jefferson 313; (508) 793-7632
Office Hours: Thursday 12-2
rboatright@clarku.edu

Course Description

It is quite possible that money matters more in American electoral campaigns today than at any other time in our nation's history. While for many American citizens, political campaigns revolve around government policies, for American politicians, running for office is first and foremost a matter of raising money and courting wealthy supporters. The 2012 presidential election was by far the most expensive ever – an estimated \$2.3 billion was spent by the presidential candidates and their allies. 2016 may well cost more. Congressional elections, as well, have become increasingly more expensive; the average winning House candidate in 2014 spent over \$1.4 million and the average winning Senate candidate spent over \$10 million. And that's just the money we can see – the Supreme Court's *Citizens United v. FEC* decision has legalized many new types of spending, some of which are difficult for the public to observe or measure.

In this course, we shall analyze the role that money plays in American elections. We shall do this from two vantage points. First, we will look at each of the actors in the American campaign finance system – individual donors, organized interests, political parties, and the candidates themselves. With the exception of the individual donor, each of these actors is both a contributor of money and a recipient of money. We will look at the motivations of each type of contributor, patterns in campaign contributions over time, and the relationships between givers and receivers – that is, what donors expect to get in return for their contributions, and how politicians court individual donors. Second, we will explore campaign finance reform. We will consider arguments for and against the regulation of campaign finance, the causes and consequences of changes in campaign finance law, and proposals for further reforms.

While American campaigns may be more expensive today than ever before, the campaign finance system is also perhaps more transparent than ever before. That is, today the average citizen is able to easily acquire detailed information on campaign contributions and expenditures. This will be a hands-on class – we will make use of this information to draw conclusions about the behavior of particular individuals, advocacy groups, and politicians.

Objectives

For you: This class has two goals. First, it will give you an overview of the role money plays in American campaign politics and an understanding of how campaign fundraising shapes the activities of elected officials. Second, it will enable you to be a more informed consumer of information on campaign finance; by the end of the course you will know how to draw conclusions from campaign finance data and to draw inferences about individual actors in the campaign finance system based on their behavior.

For me: Campaign finance is my main area of research. I'm in the middle of a couple of projects that are somewhat related to the course. One is a study of campaign spending in the 2016 congressional primaries, a second is an effort to explain American campaign finance law changes to a European audience. I'm happy to explain these projects to anyone that's interested, and if I run across any problems in my work or anything that your feedback might be helpful with, I'll introduce it. I am hopeful that this class will serve as a collective endeavor, and that you will be willing to give me regular feedback on points that are unclear and on ways that the material we consider might be organized.

The Worcester Campaign Finance Project: One major piece of this course is our opportunity to use the City of Worcester as a laboratory for looking at campaign finance. Data on the money raised by candidates are available to the public, and it is fairly easy to connect campaign fundraising to what we observe in local politics. For the past three election cycles, the students in this class and I have assembled and analyzed data on Worcester elections and have presented our research to local political leaders. These studies are currently on my website. This year I hope to expand this project to give you a freer hand in using these data and in comparing Worcester to other American cities. Your term project will be part of this work; I hope as well to present the work we do on this in a public forum later in the semester.

Readings

The following books are required for the course and are available at the college bookstore; they are listed in the order we will use them in class. All other readings will be handed out in class.

- Boatright, Robert G., ed. 2016. *The Deregulatory Moment? Changing Campaign Finance Laws in Comparative Perspective*. Ann Arbor: University of Michigan Press.
- Francia, Peter, et al. 2003. *The Financiers of Congressional Elections*. New York: Columbia University Press.
- Hasen, Richard J. 2016. *Plutocrats United: Campaign Money, the Supreme Court, and the Distortion of American Elections*. New Haven, CT: Yale University Press.
- La Raja, Raymond J., and Brian F. Schaffner. 2015. *Campaign Finance and Political Polarization: When Purists Prevail*. Ann Arbor: University of Michigan Press.
Available for free on line,
https://www.press.umich.edu/4882255/campaign_finance_and_political_polarization
- Magleby, David B., ed. 2014. *Financing the 2012 Election*. Washington, DC: Brookings Institution.
- Smith, Bradley. 2002. *Unfree Speech*. Princeton, NJ: Princeton University Press.

Web Resources

In addition to these books, you will be asked during the course to do work involving several online sources of campaign finance information. You should familiarize yourself with these web sites early in the semester. They include:

Open Secrets (the web site of the Center for Responsive Politics): www.opensecrets.org: contains a searchable database of all federal campaign contributions from 1998 to the present. Users can search by donor or recipient, and can obtain breakdowns of funding sources by industry. We will be using this web site for several of our early exercises. The web site is designed for public use; CRP has been a prominent advocate for campaign finance reform.

Politico (www.politico.com) is one of many sources of information about how the 2014 and 2016 elections are shaping up. You will find information here, as well as on the websites of major newspapers such as the *New York Times* and the *Washington Post*, about fundraising by the major candidates in the 2012 presidential elections. There is also a wealth of reporting here about so-called “Super PACs” and other political organizations that are working on behalf of various presidential candidates.

Campaign Finance Institute (www.cfinst.org): Contains several research papers on various aspects of campaign finance, studies of presidential campaign financing, and explorations of proposals for changes in campaign finance law. Also contains a detailed analysis of BCRA. CFI is a nonpartisan group that does at times advocate reform proposals but has generally sought to analyze different reform ideas. (Full disclosure: I was a research fellow at CFI from 2002 to 2004; although some of my own work is on this site, I do not expect you to give it any special consideration).

Common Cause (www.commoncause.org), a left-leaning advocacy group, maintains a website that discusses, among other things, the receipts and expenditures of several interest groups that played prominent roles in recent elections, and describes the relationships between these groups and the political parties.

Political Money Line (www.politicalmoneyline.com) is similar to Open Secrets but uses (according to some) a better means of aggregating contributions. This site is less user-friendly than Open Secrets and requires a paid subscription for much of the more detailed analysis. We will limit our use of Political Money Line to the material we can get without subscribing. Nonetheless, it is important to compare results from Open Secrets with the figures provided on Political Money Line.

Campaign Media Legal Center (www.camlc.org) lists court depositions from the BCRA court case, with explanations of Supreme Court, District Court, and FEC rulemakings regarding campaign finance.

Since the *Citizens United* decision, several organizations have sought to focus upon the money behind Super PACs, 501c groups, and other organizations that have benefitted from the ruling.

Probably the best website dealing with this information is the Sunlight Foundation's site, <http://sunlightfoundation.com/> .

The Cato Institute (<http://www.cato.org/research/crg/finance.html>) is a libertarian organization that has argued against campaign finance restrictions. Its website includes several analyses of campaign finance laws and arguments against BCRA and other restrictions.

The Brookings Institution (http://www.brookings.edu/gs/cf/cf_hp.htm) is a slightly left-leaning think tank that has conducted several research projects on campaign finance, including some of the required reading for this course. The web site includes several articles analyzing developments in the past few elections and reform proposals.

The Center for the Study of Elections and Democracy (<http://csed.byu.edu/>) is a research organization run by Brigham Young University. It has conducted the “outside money” studies in ever election since 1998.

Money in State Politics (www.followthemoney.org) is like Open Secrets, but for contributions to candidates for state office. Many individual states provide databases where you can search by candidate or by contributor. Some are easy to navigate, others aren't. The Massachusetts site (www.mass.gov/ocpf/) is somewhat tricky to get through, but has a lot of interesting information, including data on contributions to candidates for local office (including Worcester City Council) as well.

The Federal Election Commission (www.fec.gov) web site includes all of the campaign finance data used in the above web sites and many of the research studies we consider here. The web site is notoriously difficult to navigate, which is why sites such as Open Secrets or Political Money Line exist, but it has gotten better in recent years. This is the site that candidates use to gather forms and file their data, and it is the most up-to-date place to get campaign finance reports.

And, finally, as an example of how other countries do things, you might be interested in looking at the Elections Canada website (www.elections.ca). It has explanations of Canadian campaign finance law, contributions data for the past several elections, and interesting articles on developments in Canadian campaign financing.

Requirements and Grading

Participation: Regular attendance is vital to your success in this course, and to the success of others in the course. Not only are you required to attend class prepared to discuss the readings and to discuss your exercises or reaction papers, but you are also required to listen attentively to the comments of other students and to provide constructive feedback on their take-home work. *Participation will account for 10 percent of your grade.*

Weekly papers & exercises: You will prepare six short papers for this course; these will collectively be worth *50 percent of your grade*. You will turn in a hard copy of your paper in class, and I may ask you to post a copy to the course moodle site, and be prepared to discuss your paper in class. For most of these, you will consult online data sources (drawn from the list of web sites presented earlier in the syllabus) to discern patterns in campaign contributions or receipts. Details of these analyses are provided below. For the exercises that do involve data analysis, you will hand in a copy of the raw data you are considering (a printout from the website is sufficient) and approximately two pages of your analysis of these data.

Group Project: Beginning in week 8, we will take a look at campaign finance here in Worcester. This will involve some analysis by you of city council candidates' contribution filings, and you will speak to one or two candidates about how their campaigns were financed and what they did with their money. You will write a short paper for class that week, and we will work in the following weeks on putting those together so that we have a class paper, which we will seek to present and place on the Worcester Campaign Finance Project website. *The collaborative project will be worth 20 percent of your grade.*

Take-home exam: For much of the class, we will be considering existing practices in campaign finance. In your exam, I will present you with a series of proposals about changes in campaign finance law. You will comment on the normative consequences of these changes, using what you've learned in class. You must write this paper with reference to the upcoming 2014 and 2016 elections. That is, you should use fundraising patterns thus far in order to speculate about what more the next two elections will tell us about the state of the campaign finance system. You won't need to do extensive research for this, above and beyond what you're learned to do in class, although you should keep track of news coverage of the elections. This final paper will, then, be somewhat akin to a final exam in that I will ask you to synthesize what you've learned throughout the semester and think critically about the course. I may ask you to give a brief presentation of your ideas during the final class session. *Your final paper will be worth 20 percent of your final grade.*

Like most Clark courses, this class is worth four credit hours. That means that I expect you to commit approximately twelve hours of your time to the class each week, or 180 hours for the full semester. In addition to the three hours of class time per week, you should expect that the reading will take you four to five hours per week, the writing assignments or exam preparation will take two hours per week, and the collaborative projects will take an average of two hours per week. The amount of time you spend on each of these activities will, of course, vary from one week to the next.

Academic Honesty

Finally, as you should be aware by now, the work you do in this course must be entirely your own. To be sure we all have the same understanding of academic integrity as it pertains to this course, here is what the Academic Advising *Blue Book* (p. 22) has to say on the subject:

Academic integrity is highly valued at Clark. Research, scholarship and teaching are possible only in an environment characterized by honesty and mutual trust. Academic integrity requires that your work be your own. Because of the damage that violations of academic integrity do to the intellectual climate of the University, they must be treated with the utmost seriousness and appropriate sanctions must be imposed. The maintenance of high standards of academic integrity is the concern of every member of the University community.

Plagiarism refers to the presentation of someone else's work as one's own, without proper citation of references and sources, whether or not the work has been previously published. Submitting work obtained from a professional term paper writer or company is plagiarism. Claims of ignorance about the rules of attribution, or of unintentional error are not a defense against a finding of plagiarism.

Suspected plagiarism cases will be referred to the Dean's office. If you are in doubt about whether you have provided adequate citation or used others' work properly, please talk with me before handing your paper in!

Schedule

I. Introduction

Tuesday, January 20: Introduction to the Course

Friday January 23: The Courts and Campaign Finance Law: Recent Developments

Readings: *McCutcheon v. Federal Election Commission* (on line,
http://www.supremecourt.gov/opinions/13pdf/12-536_e1pf.pdf)
Citizens United v. Federal Election Commission (on line,
<http://www.supremecourt.gov/opinions/09pdf/08-205.pdf>)
(Skim both the majority opinions *and* the dissents)

Tuesday January 27: Baselines: How much money is there in politics, and how do we study it?

Readings: Magleby, *Financing the 2012 Election*, ch. 1-2

2014 & 2016 updates TBA

Assignment: Familiarize yourself with the various web resources listed above; come to class with any questions you have on what's there.

II. The Players: Who Gives and Gets Money?

Friday January 30 and Tuesday February 2: Individual Donors

Readings: Francia et al, *The Financiers of Congressional Elections*
Darrell West, *Billionaires*, ch. 2 ("Can Rich Dudes Buy an Election?"). Available on the class moodle site

Assignment: Analyze the contributions since 2010 of two different individual "megadonors" (individuals who have spent more than \$100,000 in a recent election cycle): what are this individual's goals? What types of contributions has this person made and what types of candidates does he/she favor?

Friday February 5: No Class

Tuesday February 9 and Friday February 12: Interest Groups, PACs, and Super PACs

Readings: Magleby, *Financing the 2012 Election*, ch. 7
Lee Drutman, "The Rise of Dark Money." In *Interest Group Politics*, 9th ed., ed. Alan J. Cigler and Burdett A. Loomis. Available on the class moodle site.
Boatright, *The Deregulatory Moment*, ch. 2.

Assignment: Analyze the contributions and expenditures since 2010 of three different organized interests (a traditional business PAC, an advocacy group, and a Super PAC). Explain the logic behind their PAC donations and their independent expenditures.

Tuesday February 16 and Friday February 19: Congressional Candidates

Readings: Magleby, *Financing the 2012 Election*, ch. 5

Robert Boatright, "Interest Group Activity in Congressional Primaries" and Brian Kelleher Richter and Timothy Werner, "Sources of Congressional Candidates' Funds." Both in *Interest Group Politics*, 9th ed., ed. Alan J. Cigler and Burdett A. Loomis. Available on the class moodle site.

Assignment: First, analyze the donations received in 2014 by four congressional candidates – a Democratic incumbent, a Republican incumbent, a challenger to one of these incumbents, and an open seat candidate. Discuss the sources of funds for each, the level of party and interest group support, and relationship between this candidate's activities and views and their funding sources. You should compare the incumbents' totals to those of their previous campaigns. Second, analyze the contributions by these four candidates to others – both from their campaign funds and from their PACs if they have them.

Tuesday February 23: Political Parties

Readings: Magleby, *Financing the 2012 Election*, ch. 6

Boatright, *The Deregulatory Moment*, ch. 1.

Assignment (due Friday the 26th): Analyze the contributions of the DCCC and the NRCC, or the DSCC and the NRSC, in the 2012 and 2014 elections. What are the priorities for these organizations? How do they decide who will receive money and who won't?

Friday, February 26: Guest Lecture: Dante Scala, University of New Hampshire

Tuesday March 1 and Friday March 4: Presidential Candidates

Readings: Magleby, *Financing the 2012 Election*, ch. 3, 4

Assignment: Compare the fundraising of two different 2016 presidential candidates (including funding by their allied Super PACs). What do these candidates' fundraising profiles say about their viability and about characteristics of the candidates?

Week of March 7: No Class

III. Competing Perspectives on Regulation and Deregulation

Tuesday March 15 and Friday March 18: The Liberal/Progressive Response

Readings: Rick Hasen, *Plutocrats United*

Tuesday March 22 and Friday March 25: The Libertarian/Conservative Response

Readings: Brad Smith, *Unfree Speech*

Additional readings to be distributed in class

Assignment: Who is right? Is there a middle ground here?

Monday, March 28, 5:00: Harrington Lecture:

Erika Franklin Fowler, Wesleyan University; Director, Wesleyan Advertising Project

David Hopkins, Boston College

Peter Broadnitz, Benenson Strategy Group

IV. Extensions

Tuesday March 29 and Friday April 1: State and Local Campaign Finance

Readings:

Michael J. Malbin, "Citizen Funding for Elections." On line,

http://www.cfinst.org/pdf/books-reports/CFI_CitizenFundingforElections.pdf

Kenneth Mayer, "Public Election Funding: An Assessment of what we would Like to Know." On line, http://www.cfinst.org/pdf/papers/05_Mayer_Public-Finance.pdf

Keith Hamm et al, "The Impact of *Citizens United* in the States." On line,

http://www.cfinst.org/pdf/state-indep-spdg_2006-10_working-paper-as-released-22october2012.pdf

Worcester Campaign Finance Project reports, 2005-13. On line,

<http://wordpress.clarku.edu/rboatright/worcester-campaign-finance/worcester-campaign-finance-project/>.

Assignment: Worcester Campaign Finance Project; Student Presentations

Tuesday April 5 and Friday April 8: Comparative Party Finance

Readings: Boatright, *The Deregulatory Moment?* Introduction, ch. 3-7, Conclusions.

V. Reforms

Tuesday April 12 and Friday April 15: Reform Proposals I: The Pluralist Option

Readings: La Raja and Schaffner, *Campaign Finance and Political Polarization*

Tuesday April 19: Reform Proposals II: Public Financing

Readings:

Sam Garrett, "Back to the Future? The Quest for Public Financing of Congressional Campaigns" and

Michael J. Malbin, "Small Donors, Large Donors, and the Internet." In Costas Panagopoulos, *Public Financing in American Elections*. Available on the class moodle site.

Robert Boatright, "Can Public Funding and *Citizens United* Coexist?" In *Corruption in the Contemporary World: Theory, Practice, and Hotspots*, ed. Jonathan Mendilow and Ilan Peleg. Available on the class moodle site.

Bruce Ackerman, "Voting with Dollars." *Bulleting of the American Academy*, Summer 2004. Available on the class model site.

Friday April 22: No Class (probably)

Tuesday April 26: Reform Proposals III: Changing the Conversation

Readings:

Lawrence Lessig, "Institutional Corruptions." Cambridge, MA: Edward J. Safra Research Lab Working Paper #1, Harvard University. Available on the class moodle site.

Zephyr Teachout, Facts in Exile: Corruption and Abstraction in *Citizens United v. Federal Election Commission*." *Loyola University Chicago Law Review* 42 (2), 2011. Available on the class moodle site.

Laura S. Underkuffler, *Captured by Evil* (Yale University Press, 2012), ch. 6. Available on the class moodle site.

Bruce Cain, Is Dependence Corruption the Solution to America's Campaign Finance Problems?." *California Law Review*, 2013. Available on the class moodle site.

Friday April 29: And so it goes . . . : The Money Chase, 2016 and beyond

Readings to be distributed in class

Take-home Final Distributed

May 6: Take-home Final Due