Interest Groups
Chapter 5

THE DANGERS OF FACTION

Robert Dahl

Founding Fathers's Concern

- Nothing weighed more heavily on the minds of the Founders than the dangers of faction.

- Even before Madison famously wrote of the dangers of faction in Federalist 10 he warned the Constitutional Convention delegates in 1787 of the inevitability of factions.
Definition of Faction

- From the Convention debates and from Federalist 10 the constitutional framers thought the strongest factions resulted from the unequal distribution of property.

Madison at the Convention

- "No agrarian attempts have yet been made in this Country, but symptoms, of a leveling spirit, as we have understood, have sufficiently appeared in certain quarters to give notice of the future danger."

Factions Now and Then

- [Today] when someone says he opposes factions and parties, what he usually means, it seems, is that he opposes every faction, every party, every interest—except his own.
Founders Too Thought Dangerous Factions Were Those Opposed to Their Interests

- the Founders, to some extent, elevated their own privileges into universal matters of abstract and universal right;
- groups who might interfere with their privileges were, in their eyes, dangerous factions.

More General Concerns About Factions

- As practical men, the Founders were concerned lest conflicts get out of hand.
- Faction had been the bane of previous republics;
- faction was a worrisome fact of recent experience; and faction would be a standing danger to the new republic.

Founders Knew Conflict is Inevitable

- Madison said [conflict] is sown in the nature of man.
- By establishing a republic in which citizens would enjoy a large measure of personal freedom, the Founders were bound to make it easy for conflict to erupt.
The Big Question

- How, then, was conflict to be managed? How could it be moderated so that it would not wreck the new Republic?
- How could government be carried on with something like the general consent of the people?
- These were the genuine problems of faction that transcended personal or group interests.

Madison’s Dilemma (J. Berry)

- In a free society, segments of the population are bound to pursue their selfish interests
- If the government takes away the right to pursue self-interest, it takes away political freedom

Curing the Mischiefs of Faction

- Federalist 10 remains the foundation of American political theory on interest groups
- The propensity to pursue self-interest is innate
- Madison believed that free men are more likely to try to oppress each other
  - He rejected the idea of restricting freedoms
  - The remedy would be “worse than the disease”
  - A republican government would provide the necessary checks on factions

Madison’s Dilemma (J. Berry)

Pluralistic view:

- Interest groups work based on bargaining, compromise, and consensus
- The government acts as a synthesizer of competing interests
- Americans distrust interest groups even though they value the organizations that represent them

Rise and Fall of Pluralism:

- Early forerunner of pluralism is “group theory” associated with David Truman
  - Politics can be understood by the interaction of interest groups
  - The political man is a product of group influence
Madison's Dilemma (J. Berry)

- Pluralism reached its zenith with Robert Dahl during the 1960s
- Loose coalitions of groups and politicians become active on issues they care about
- Citizens are apathetic about most issues but get interested in issues that directly affect them
- Groups representing different interests become active
- Policymaking through group interaction is a positive virtue, not a threat to democracy
- Political elites with disproportionate amounts of resources are countered by the natural working of interest groups

First Amendment and Interest Groups

Background: Madison believed that factions cannot be eliminated without destroying liberty at the same time. The First Amendment protects freedoms that support the existence of interest groups and political parties; nonetheless, none of these freedoms are absolute. The Federal Election Campaign Act of 1971 limited individual and PAC contributions to political candidates and parties and imposed limits on spending on behalf of and by the candidates. The Supreme Court ruled in Buckley v. Valeo that political spending is protected speech under the First Amendment.

Buckley v. Valeo (1976)

Congress approved a law that prohibits individuals from contributing more than $25,000 in a single year, or more than $1,000 to any single candidate for an election campaign. It also limits spending to no more than $1,000 relative to a clearly identified candidate as well as use of personal and family resources in his campaign.

General Principles:
- Discussion of public issues and the qualifications of a candidate are integral to the operation of our governmental system
- The First Amendment protects political association as well as political expression
- Limits imposed on how much a person or group can spend reduces the quantity of expression
Buckley v. Valeo (1976)

- Contribution restrictions could have a severe impact on political dialogue
- The Act’s attempt to limit contributions and expenditures impinge on protected associational freedoms
- Contributions affiliate a person with a candidate as well as enable likeminded persons to pool their resources on behalf of a candidate

On contribution limitations:
- The Court found that the restrictions were sufficient and justifiable

On expenditure limitations:
- The Court found that the governmental interest to prevent corruption was inadequate to justify the ceiling on independent expenditures

Buckley v. Valeo (1976)

- The government’s attempt to restrict the speech of some elements in order to enhance the relative voice of others is foreign to the First Amendment
- Independent expenditure limitations are unconstitutional
- Limitations on expenditures by candidates from personal or family resources are unconstitutional
- It is not the government but the people, as individuals or associations, who decide the quantity and range of debate over public issues in a political campaign
- Disclosure requirements deter actual corruption and avoid the appearance of corruption and are an essential means to gather data to detect violations of contribution limitations

THE DEMOCRATIC PARADOX
OF CAMPAIGN
FINANCE REFORM

Daniel R. Ortiz
Mixed Success of Campaign Reform

- Despite enduring popular support, campaign finance reform has had, at best, mixed success.
- Congress has moved slowly, when at all, and has often enacted changes that are either cosmetic, easy to circumvent, or practically unenforceable.

Courts Undermine Reform

- If a reform should actually threaten to matter, the courts, particularly the United States Supreme Court, have been quick to strike, leaving in their wake a patchwork framework that Congress never would have enacted and that makes little sense.

Obstruction of Reform

- The usual villains in the campaign finance story are the legislators who depend on private fundraising to run their campaigns, the larger private interests that fund them, and the courts, particularly the United States Supreme Court.
Buckley v. Valeo (1976)

- Every discussion favoring reform attacks *Buckley v. Valeo* as posing the central difficulty to campaign finance reform. Buckley, I agree, is wrong.

- But I think there is a deeper problem here. The major obstacle to campaign finance reform is not that the Supreme Court misunderstands the role of money in politics nor, more fundamentally, misinterprets the First Amendment, as many who favor regulation argue.

Fallacy of Campaign Finance Reform

- [Campaign reform] theories all violate one of democracy’s central normative assumptions: the idea that voters are civically competent.

Democratic Theory

- To the extent Americans are the kind of people that democratic theory demands—i.e., engaged, informed voters who carefully reason through political arguments—we hardly need the kind of protection that campaign finance regulation affords us.
Unsupported Fear

- The leading justifications for campaign finance reform rest on a single fear: that campaign spending can convert economic into political power.

- This central concern disappears if voters are civically competent in the way normative democratic theory assumes.

Democratic Requirements

- Democracy requires not only an equal opportunity for people’s votes to make a difference, but also an equal opportunity for people to persuade others to their views.

Disbelief in Voter Rationality

- Campaign finance reform reflects suspicion about voters’ ability to exercise independent political judgment.

- Campaign finance regulation works by limiting the number and types of appeals that people can make to these voters’ attention.
Electoral Process Should be Free of Government Regulation

- Only if you believe that people do not exercise the vote in the way democratic theory demands would you fear unconstrained appeals to them.

The Nature and Functions of Interest Groups

Background: Group theory establishes that in a democratic process, interest groups interact naturally and properly to produce public policy. The origins of this theory can be found in the theory of concurrent majority. Concurrent majority refers to a system in which major government policy decisions must be approved by the dominant interest groups directly affected.

The Governmental Process (D. Truman)

Interest Groups:
- The concept of interest group refers to any group that on the basis of shared attitudes makes certain claims upon other groups for the establishment of forms of behavior
- All groups are interest groups because they are shared-attitude groups that put demands on other groups in society
- Interest groups are an extra-legal machinery integral to the functioning of government
- Political scientists have not until recently paid attention to the significance of groups
Some experts assert that a republican government is incompatible with the existence or growth of interest groups.

It has been argued that interpreting politics in terms of group patterns leaves out the individual and society as a unit.
- We do not find individuals otherwise than in groups
- Complete isolation is rare
- The individual and the group are two ways of approaching the same phenomena

Interest groups and the nature of the state
- Men are creatures participating in groups
- The group exerts power over its members
- The group exerts power over other groups in society

Institutions of government are centers of interest-based power.

Connection with interest groups may be latent or overt.

The U.S. governmental system contains a multiplicity of points of access.

National parties tend to be poorly cohesive leagues of locally based organizations.

The variety of points of access is supported by the separation of powers.

Pluralism contains automatic checks and balances as interest groups check each other.

THE ROLE OF INTEREST GROUPS IN GOVERNMENT

Pendleton Herring
Interest Groups and Change

- When we review the role of interest groups we see how effective such organized efforts have been in winning a response, and, over the decades, have brought about changes of great moment.

Groups Shape Policy

- The welfare state did not come into being as an orderly and articulated plan.

- I see it rather as the consequence of the pressure of special needs building up and demanding action.

- Over time, Congress has proved itself capable of mediating and sustaining these diverse pressures.

Congressional Organization and Interest Groups

- Interest groups have resulted in the decline of congressional parties

- Committee fragmentation of Congress is in response to group pressures for special interest representation on Capitol Hill.
Growth of Congressional Staff

- Fragmentation of leadership in Congress has been accompanied by a great increase in staff assistance to members of Congress.
- These aides provide efficient responses to constituents and help legislators in dealing with lobbyists.
- They constitute a vital network for communication and weaving of alliances within the legislature.

Interest Group Influence on the Executive Branch

- Fears have sometimes been expressed of tyrannical rule of an irresponsible and arbitrary bureaucracy.
- But the federal administrative services do not constitute an overpowering monolithic entity but rather an uneven array of agencies, each with its own constituency of supporters and often facing its specialized critics.

Multiple Agency Constituencies

- Officials serve their particular publics, congressional committees and interest groups.
- The problem is not tyranny but often too much responsiveness.
- In short, it is difficult to discern policy direction in this multitude of particular purposes.
Call for Responsible Parties

- Now and again the need has been expressed for distinctive, disciplined, programmatic parties to give focus and direction.

- That was the call of the American Political Science Association Committee for a Responsible Party System in 1950.

Weak Parties Increase Presidential Powers

- Nearly [60] years have now transpired and the variety of dangers predicted by the committee have not come about nor are we any nearer to their ideal party system.

- But the committee did accurately foresee that the alternative to stronger political parties for dealing with special interests was increased presidential power.

Focus on the Presidency

- In our highly pluralistic political system we turn to the presidency to bring a sense of purpose, some vision for uniting energies sufficient to command public support and to imprint direction upon the vast bureaucracy.
The Misplaced Obsession with PACs
(L. Sabato)

- Political Action Committees have been portrayed as the central corrupting evil in American politics.
- Candidates from all over the United States have scored points by forswearing the acceptance of PAC gifts.
- PAC bashing has become a popular campaign tactic.
- Criticism of PACs is exaggerated and dubious.
- Although PAC contributions have increased, it is not clear whether proportionally there is more interest group money in the system than before.
- 3/5 of the political parties’ money comes from individuals not affiliated with any PAC or with the party representing House candidates.

The Misplaced Obsession with PACs
(L. Sabato)

- PACs remain a secondary source of election funding.
- PACs are not responsible for expensive campaigns; other factors are television time, polling costs, consultant fees, etc.
- Campaign contributors in general, not just PACs, are biased toward incumbents.
- Vote-buying allegation is unfounded.
  - PAC influence is higher when the issue is specialized and narrow or unopposed by other organized interests.
  - PAC influence is greater when it forms alliances with other groups of PACs.
  - A legislator’s vote is influenced by party affiliation, ideology, and constituents’ needs.

The Misplaced Obsession with PACs
(L. Sabato)

- PAC gifts are merely a means to an end: reelection.
- Membership of PACs may be in part the constituency of the candidate.
- Federalist 10 says that through the flourishing of competing interest groups, or factions, liberty would be preserved.
- There are three major institutional checks on potential abuses by factions: regular free elections, general suffrage, and the two-party system.
- PACs have done little to change their image.
- Supervision is required, but human nature, not PACs, demands it.