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Assess the view that pressure groups are too powerful in the USA. Provide theory and examples to illustrate.'

PLAN

Too much power?

Power in different levels:

Local levels / State : some. Ability to influence local legislatures but usually populated by grassroots movements and large, local groups. Use the maine example as a counter to this.

Federal Level: Congress / Senate: quite a lot of power, especially in super lobbyists, but McCain / Feingold rules and Fair Government act have gone a long way to reducing this discrepancy but it still hasn't quite worked. Bush acknowledged McCain / Feingold was only the beginning, and the examples of lobbyists being taken out rather than taking is worrying. Some positives

Federal: The president PACS may help in campaign and although they may just support the presidents views on one area, like Sierra, they can be seen as having the ability to "buy" elections (the 2-1 spending by groups on the main prop. 8 can be used to counter this, by looking at effects of excessive spending on public opinion)

Federal: Supreme court. Amicus Curiae, cases throughout time and the impact of the ACLU and other organisations in modern examples.

Yes they probably are too powerful, but this may not necessarily be a bad thing depending on who you believe and how important pluralism is to you. It is a subjective question.

Introduction

The balance of power is an important thing to consider in any democracy. Power must be spread out throughout the system; the core of democracy is, after all, rule by the people. However, where power lies is another matter entirely, and it can certainly be suggested and supported that pressure groups do hold too much power – in many cases, their members may just be a small minority of the population, yet they have the ability to influence (and in extreme cases draft) new acts that will affect people they may not have anything to do with. Whether or not pressure groups hold too much power can be evaluated by looking at their levels of power and influence at different levels of the country, as well as theory surrounding group power, and whether or not it is actually that important.

Pressure group power at Local / State Level

At the lower levels of government, pressure groups can find they have an easier time influencing issues due to a concentrated regional bias (rather than the melting pot of opinions and areas that is congress), smaller amounts of officials to convince, and less opposition – especially grassroots organisations, or single-issue groups looking for a change in one state. In these examples, pressure groups do have considerable power, but it is not disproportionate; as residents of that state they have a right to demand changes, and this is a fair use of power as well as being justifiable.

However, state level can also be a battleground, as out-of-state organisations flock to discuss big issues. There are several notable examples of this; firstly, the current attempts in California to introduce stronger gun control laws has been the stage for a battle between nationwide pro and anti gun control organisations, with pressure groups like the NRA and the Brady Group pouring huge amounts of money and manpower into the issue. Another example was the display of the 10 commandments in Kentucky courtrooms being a local issue that rose through the court system to eventually become a national one.

Finally, a current example in Maine was the introduction of a law to ban same-sex marriage; an article on Reuters described the issue: “The referendum in sparsely populated Maine was thrust onto the national stage, attracting large levels of funding and battle-hardened strategists”. This shows that pressure groups do have a large amount of power and apply it, even at the lower levels, where it can make a significant impact on local people and issues.

However, the interesting thing about the Maine debate is that it was a referendum, rather than an actual law introduced through a state legislature. Bearing in mind the group that lost the battle spent twice as much on campaigning, had the issue gone through the state legislature (or even the national one) where there would be a more concentrated mix of opinions, the result could well have been very different. This shows that whilst pressure groups may be able to gain a large amount of power over the government through lobbying, funding and other strategies, it is far harder for them to convince large amounts of ordinary people to the same degree. This suggests that pressure groups are more effective when looking at concentrated areas; it is easier to convince a congressional committee than to convince the people that actually voted for its members! This does suggest that the powers held by pressure groups are disproportionate.

Federal Level: Congress and the Senate

As the previous point suggests, the national legislature is the area where pressure groups really exercise their power, and in recent years this power has certainly been formidable.

The power of pressure groups at this level is a combination of a variety of methods; motivating supporters to petition their representatives, funding election campaigns and lobbying can be said to be more effective at providing incentives in some instances than the party whips are. This is a lot of power, but it is important to remember that the majority of their funds and political leverage comes from their membership of normal Americans.

Lobbyists are the key members of these efforts, and they argue over issues for the entirety of their progress through congress; one senior lobbyist said that “you have to start at the bottom” or “your efforts will very seldom work”. Lobbying is big business, and with most congressional committees only consisting of 16 members in the senate and 40 in the house, it is not hard at all for a driven lobbyist to push for what they want. One big issue is the rise of two-way traffic; lobbyists are now being contacted by members of congress for support and information. This had lead to more cooperation between the two groups, which has coincided, incidentally, with stronger controls on lobbyists. Whilst it has now been changed so lobbyists are not allowed to “wine and dine” members in an attempt to sway them over, the trend has reversed; Wayne Berman claimed “I’ve been bought dinner by a couple of senators and congressmen – I think the 2007 ethics reforms have had a significant impact”. Although the idea that pressure groups and their representatives are now being courted by politicians for support is not a new one (President Bush tried to do it when he nominated Harriet Miers to the Supreme Court; he was looking for conservative support from the Christian right) it is an indication of the continuing influence of major lobbying firms.

The actual powers of lobbyists have been limited by The McCain-Feingold reforms (aimed at stopping high ranking senators from resigning and becoming insiders in pressure groups straight away) and the Honest Leadership and Open Government Act, which limited funding of members by groups, put more controls on those seeking to use the revolving door (by increasing the cooling off period for Senators, cabinet officers and even general staff), prohibited gifts and demanded full disclosure of group activities – with strong sanctions for those caught breaking rules. However, even at the time, President Bush did acknowledge that it was ‘merely a first step towards significant reform’. Even the methods to limit the revolving doors effect are limited by high incumbent re-election rates and the longer election cycles of members of the senate.

However, whilst this is a good thing, by making the system more open, it has not stopped the basic power tactics of pressure groups; mobilising strong public support or opposition and generally making life difficult for politicians, whilst attempting to gain access to powerful figures. Also, whilst there may be stronger control on congress, influence can still be extended through political action committees to candidates (so called ‘buying the election’ of amiable candidates) as well as presidential candidates. Whilst ‘buying the election’ may just be a figurative term, the fact it exists at all is a strong indication of the attitudes of interested groups, and their potential power – although, the result in the Maine Election is a good argument to the contrary; it was noted that “Groups in favour of traditional marriage prevailed in Maine even though they were outspent two-to-one by the ‘No on 1’ groups”.

Federal Level: The President

The president has a difficult relationship with pressure groups; although they may initially support a candidate's views on certain issues and do not always have to be courted for their support because they tend to support like-minded candidates, their ability to mobilise a significant amount of electoral support (the Sierra club, for example, have a plan to 'invest in getting pro-environment champions elected to office'), or monetary campaigns against their rivals through PACs, means that candidates have to tread very carefully; aligning themselves with one group will win their support, but there is always another group who will likely oppose them for making that decision. When in power, the president's relationship with groups is reduced slightly, but as was seen by Bush and his nominations for the Supreme Court, they still have to ensure they do not generate too much opposition to them or their party; it also makes it easier to pass laws through congress if the president has not attracted the strong opposition of any major pressure groups. Although pressure groups do not hold any direct power over the president, the fact the most important figure in the country occasionally needs to court them for their support is at the very least some indication of their influence.

Federal Level: The Supreme Court

The Supreme Court can attract the attention of pressure groups during the nominations process, if only because groups want senior judges that will support their opinions in power. The 'lynch mob' of various groups and congressmen that descended on Clarence Thomas, for example, may well have been incited, to an extent, by various groups who were focusing on the allegation of sexual harassment.

In the operation of the court, various cases have illustrated a group attempting to influence a decision, through Amicus Curiae (friends of the court) briefs from various groups interested with events. This might be the actions of the ACLU, for example, on cases that feature affirmative action or even the current judicial proceedings involving the burning of crosses by the Koo Klux Klan. It is also used by the NAACP - the most famous example being *Brown v Board of Education of Topeka*, which brought an end to segregation in schools. The NRA is often involved in Supreme Court cases too, down to the interpretation of the second amendment – most recently in *District of Columbia v Heller*.

Does it matter?

Although there are hundreds of examples supporting both sides of the argument for whether or not pressure groups hold too much power, the simple fact of the matter is that actually, the view on whether the groups hold too much power is subjective. Some people, mainly those who support less federal influence in state affairs, will see pressure groups as an important way to promote and boost popular participation; the view put forward by Bentley and Truman, for example, that the government exists "to arbitrate between competing interests". There is also the view that pressure groups are an important and essential way to gain an insight into local affairs; especially in a nation the size of America, having hundreds of independent bodies to monitor particular issues is very

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useful – this is classical group theory. However, this does quickly get very expensive, and leads to a reduced role of government, which then requires effective pluralism (thus creating stronger pressure groups) to remain democratic.

Conclusion

Pressure groups do have a lot of power, but whether they have too much is an entirely separate issue; however, I would say that in the eyes of the American government, they do. This is supported by the bilateral efforts of congress to clamp down on pressure groups and limit their powers. This, I would say, means that even though people might like pressure groups and pluralism, and think that there could never be too much, the prevailing opinion at the moment is that it is a negative.

Sources:

<http://www.reuters.com/article/domesticNews/idUSTRE5A312O20091104:>

www.lawsblog.co.uk

US Government and Politics – AJ Bennett