

WHO the People?

Representative Democracy in North Carolina and Congress

Overview

In this lesson, students will critically examine the concept of representative democracy and its importance to American government. They will learn the difference between descriptive and agency representation as well as analyze the current demographic trends of the North Carolina General Assembly and United States Congress. The lesson includes a case study of 25-year-old Erin Schrode's run for California's Second District Congressional seat in spring 2016 and an in depth discussion about the financial means necessary to mount a Congressional campaign. As a culminating activity, students will examine the *Citizens United vs. Federal Elections Commission Supreme Court* case and based on their research, create their own Constitutional Amendment regarding campaign financing.

Materials

- *Washington Post* article "The New Congress is 80 Percent Male, 80 Percent White, and 92 Percent Christian" about the demographics of the 114th Congress (as of January 2015), attached or available at <https://www.washingtonpost.com/news/the-fix/wp/2015/01/05/the-new-congress-is-80-percent-white-80-percent-male-and-92-percent-christian/>.
- *Raleigh News and Observer* article "Does Your Legislator Reflect You?" about the demographics of the North Carolina General Assembly (as of December 2015), attached or available online at <http://www.newsobserver.com/news/politics-government/politics-columns-blogs/under-the-dome/article51504865.html>
- Video (duration 2:40) about Erin Schrode, available at <http://www.today.com/video/erin-schrode-could-become-the-youngest-woman-in-congress-695409219769>
- *Washington Post* article on the cost of running for United States House of Representatives, available at <https://www.washingtonpost.com/news/the-fix/wp/2014/12/15/house-races-in-2014-cost-an-average-of-64-times-the-household-income-of-the-people-candidates-wanted-to-represent/>.
 - If possible, project in real time to take advantage of Google Maps feature showing data from districts across the country.
 - If you experience technical trouble with the map, teachers can also utilize the attached handout "Cost of 2014 United States House of Representatives Races in North Carolina"
- What Is Citizens United?, handout attached

Duration

45-60 minutes (depending whether teachers choose to study both Congress and the NC General Assembly, and whether the *Citizens United vs. Federal Elections Commission* section is implemented)

Procedure

Defining Representative Democracy

1. Write "representative democracy" on the whiteboard or a large piece of chart paper. Ask students to brainstorm the meaning of representative democracy and record their responses.
2. Explain to students that there are two major types of representation – descriptive and agency.
 - Descriptive representation occurs when representatives reflect the demographic characteristics of their constituency (such as age, race, gender, income level, occupation, level of education, etc.). A descriptively representative body reflects a microcosm of the electorate.
 - Agency/substantive representation occurs when representative represent the political or policy preferences of their constituents. Representatives tend to listen to constituents because constituents have the ability to elect a new representative in the next election.

3. Discuss the importance of representative democracy:
 - Is representative democracy important? Why or why not?
 - Are certain aspects of representative democracy more important to you than others? If so, which ones and why?
 - What are some arguments for and against descriptive representation?
 - Potential arguments for: legislature reflects diversity of the country; people who share demographic characteristics may tend to share life experiences and political views; descriptive representation lends diversity to the institution
 - Potential arguments against: people shouldn't elect representatives just based on diversity

Demographic Trends in Our Legislatures

4. Tell students that they are now going to analyze descriptive representation in the 114th Congress and/or the North Carolina General Assembly. Teachers may choose to focus on either or both of these institutions, though classes will ideally touch on Congressional demographics if the teacher plans to incorporate millennial involvement in politics (see next section). Please note that several membership changes have occurred in both legislatures since publication of the articles provided:
 - The *Washington Post* article reflects Congressional demographics as of January 2015. Four Republican members of the House of Representatives have resigned or passed away since then, including the following. No membership changes have occurred in the Senate.
 - New York 11th: Michael Grimm resigned in January 2015 and was replaced by Daniel Donovan in May 2015; Mississippi 1st: Alan Nunnelee passed away in February 2015 and was replaced by Trent Kelly in June 2015; Illinois 18th: Aaron Schock resigned in March 2015 and was replaced by Darin LaHood in September 2015; Ohio 8th: Speaker John Boehner resigned in October 2015, and Warren Davidson was elected to fill his seat in June 2016. Paul Ryan had been elected Speaker in fall 2015.
 - The *News and Observer* article reflects North Carolina General Assembly demographics as of December 2015. There have been numerous membership changes since then, including the following. (Full information can be found at <http://ncleg.net> via the House and Senate membership lists.)
 - House District 58 (Guilford County): Ralph C. Johnson passed away in March 2016. Chris Sgro was appointed to his seat in April 2016 and became the only openly gay member of the General Assembly; House District 105 (Mecklenburg County): Jacqueline Schaffer resigned in April 2016, and Scott Stone was appointed to her seat in May 2016; Senate District 16 (Wake County): Josh Stein resigned in March 2016 after becoming the Democratic nominee for state Attorney General. Jay Chaudhuri was appointed to his seat in April 2016, becoming the first Indian-American to serve in the General Assembly; Senate District 45 (Alleghany, Ashe, Avery, Caldwell, and Watauga Counties): Dan Soucek resigned in April 2016, and Deanna Ballard was appointed to his seat later than month.
5. Distribute either or both of the articles and ask students to read (either individually or in reading partners) and discuss the following questions:
 - How does the composition of the legislature and population compare for each demographic trait listed?
 - Are there certain traits for which it is more or less important that the legislature reflect the population's composition? Are any disparities especially concerning to you?
 - Are there certain issues on which legislators with particular demographic characteristics are more knowledgeable (i.e. should females have the primary say on women's health issues, should younger legislators be given more input on education and technology, etc.)?
 - Is there a difference between the legislature reflecting the composition of the population versus the composition of the electorate? Are certain groups included in the population but not in the electorate? Does this matter?

Young People in Politics

6. Hopefully, students have identified the average age of members of Congress as one point of concern. Play the video about Erin Schrode, a 25-year-old female Democratic candidate for Congress from California's 2nd Congressional District who hoped to become the youngest woman elected to Congress in United States history. The video is available at <http://www.today.com/video/erin-schrode-could-become-the-youngest-woman-in-congress-695409219769>. Let students know that in California's open primary system, the top two candidates in the primary election advance to the general election regardless of party affiliation, though Schrode finished third in the June 7, 2016 election with 8% of the vote. After viewing, discuss:
- What arguments does Schrode make in favor of her candidacy? Which are most and least compelling?
 - Schrode has noted elsewhere (such as in her announcement video) that although 51% of the United States is female and 35% is under 30, there has never been a woman under 30 elected to Congress. The youngest woman ever elected was Elise Stefanik, a Republican from New York elected in 2014 when she was 30. Read more about Stefanik [here](#).) Is Schrode's statement persuasive enough to warrant your vote? Why or why not?
 - Why aren't more millennials running for office, in your opinion? Do you think it's important to have more young representatives in our federal, state and/or local governments? Explain.
 - One argument against millennials in political office is that they cannot gain enough life experience or knowledge of the issues to effectively represent constituents. Think about the background and occupations of many members of Congress. How do you define what makes someone qualified to hold office? Does Schrode's decade-long experience in activism and consulting give her a strong enough background to be a successful legislator?
 - What obstacles prevent millennials from running for office? How can you overcome these obstacles?

Congress: For Wealthy People Only?

7. The *Today Show* video notes that Erin Schrode had little campaign funds, yet Schrode noted that she prefers to be out in the community as opposed to "dialing for dollars." But how much does it actually cost to run for Congress? (Allow students to throw out some guesses and write the numbers on the board.)
8. Pull up the *Washington Post* article about the cost of 2014 House races at <https://www.washingtonpost.com/news/the-fix/wp/2014/12/15/house-races-in-2014-cost-an-average-of-64-times-the-household-income-of-the-people-candidates-wanted-to-represent/>. Click on your school's House district to see how your local race compares to household incomes. (You can find your House district here: <http://www.house.gov/representatives/find/>.) In case of technical difficulties with the map, please see a chart with the same information later in this document. Discuss:
- How much did the race in your Congressional district cost in absolute terms (price) and relative terms (compared to median household incomes)? How does this compare to other districts across the state and country?
 - How would you characterize the amount of money it appears to take to run for Congress? Is the cost of running for Congress too high? Is this money well spent, in your opinion?
 - Does the cost pose a significant obstacle to less-wealthy people running for Congress? If so, how might this impact representative democracy? Are you comfortable with the majority of your representatives being wealthy? Explain.
 - Encourage students to consider the differences in how wealthy people perceive the world based on the experiences they've had, compared to how people of average or low income perceive the world based on their experiences, and how this might shape their understanding and governance.

Optional Culminating Activity: *Citizens United*, Campaign Finance & Our Democracy

9. As students have seen, it takes a great deal of money to run for elected office. A major criticism of our political system is that elected officials spend much of their time fundraising, rather than legislating or listening to voters. Share this excerpt from a *60 Minutes* interview with Rep. David Jolly:

Rep. David Jolly: The House schedule is actually arranged, in some ways, around fundraising.

Norah O'Donnell: You're telling me the whole schedule of how work gets done is scheduled around fundraising?

Rep. David Jolly: That's right. You never see a committee working through lunch because those are your fundraising times. And then in between afternoon votes and evening votes, that's when you can see Democrats walking down this street, Republicans walking down that street to spend time on the phone making phone calls.

Full story is available here: <http://www.cbsnews.com/news/60-minutes-are-members-of-congress-becoming-telemarketers/> Unfortunately, the video isn't available without a subscription

- What are your thoughts about this exchange?
- What does this tell you about the influence of money in our political system?
- What are people doing to try to limit the influence of money in politics?

10. Next, share with students that in 2016, Bernie Sanders ran for the Democratic Presidential Nomination with a speech in which he said, "I don't believe that the men and women who defended American democracy fought to create a situation where billionaires own the political process." This became one of the major themes of his campaign – he even had a section of his campaign website titled, "Getting Big Money Out of Politics and Restoring Democracy" (<https://berniesanders.com/issues/money-in-politics/>).
 - Do you agree with Sanders' statement? Why or why not?
 - How did all this "big money" get into politics?
11. Inform students that in 2010 the Supreme Court issued a ruling in *Citizens United vs. Federal Elections Commission* (more commonly known, *Citizens United*), which struck down many existing campaign finance laws. They're going to delve deeper into the arguments surrounding *Citizens United* by completing a short reading. Distribute the attached "What is *Citizens United*?" handout and provide students with 10-15 minutes to read the handout, answer the questions, and create their own campaign finance constitutional amendment. This can be done individually or in partners. If students feel that campaign finance isn't necessary after their research, they can also write a statement defending current campaign finance laws.
12. Once students have had a chance to complete the assignment, ask students to share their amendments or explanations with the class. Options include:
 - Have students write their amendments (or arguments) on chart paper and display them around the room. Allow students to go a gallery walk and write comments on various other amendments and/or argument. (Teachers can provide students with Post-It Notes for adding comments to the various chart papers.)
 - Have students get into groups of 6-8 and share their amendments/arguments with each other. Ideally, teachers will ensure that there are students with arguments in each group of students who wrote amendments so that some respectful debate can ensue.
 - Have students present their amendments/arguments to the class as a whole.
13. Debrief by discussing:
 - What are some of the most important ways to ensure that our democracy is more representative?
 - What responsibilities do citizens, particularly teens, have to make our democracy more representative? What can you actually DO about this?
 - How would you encourage young people to get more involved in government/politics?

Additional Resources

- For more current demographic trends in the 114th Congress, see the Congressional Research Service report entitled “Membership of the 114th Congress: A Profile” by Jennifer E. Manning, published June 10, 2016. Available at <https://www.fas.org/sgp/crs/misc/R43869.pdf>
- For more videos about former California District 2 Congressional candidate Erin Schrode, see this History Channel profile at <http://www.history.com/shows/history-now/videos/history-makers-erin-schrode> and her candidacy announcement via Facebook Live at <https://www.youtube.com/watch?v=z70T9pSi5x0>
- For a more comprehensive view of *Citizens United*, see the Carolina K-12’s lesson *Citizens United v. Federal Election Commission* and the First Amendment: <http://civics.sites.unc.edu/files/2012/05/CitizensUnited.pdf>

The New Congress Is 80 Percent White, 80 Percent Male, and 92 Percent Christian

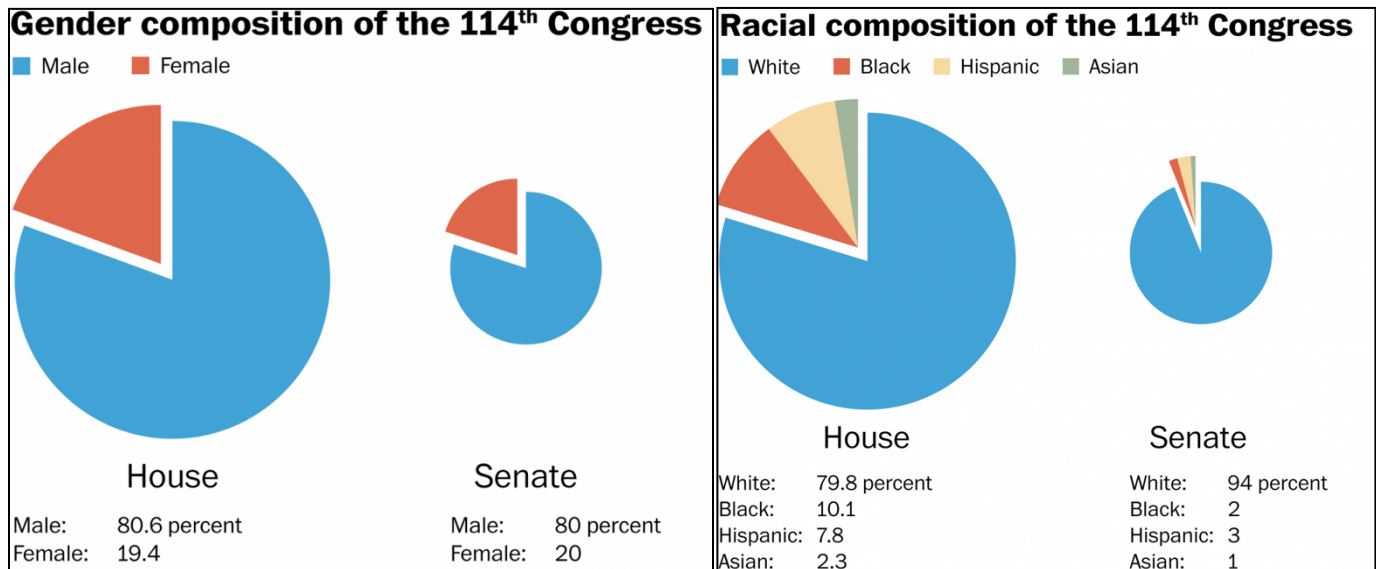
By Phillip Bump | January 5, 2015

Source: <https://www.washingtonpost.com/news/the-fix/wp/2015/01/05/the-new-congress-is-80-percent-white-80-percent-male-and-92-percent-christian/>

Trying to predict the gender and race of a member of Congress is like trying to predict who would win a basketball game between the 1996 Chicago Bulls and the 2015 New York Knicks. Which is to say: It is like trying to predict who would win in an arithmetic competition between you and a talking horse. Which is to say: It is like trying to guess how many jellybeans are in a glass jar that contains two jellybeans. Which is to say: It is easy.

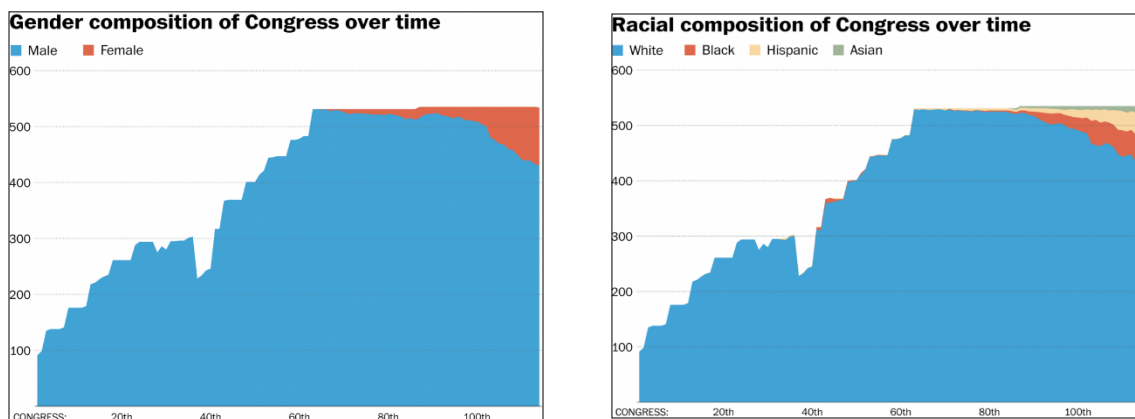
The 114th Congress, which gets to "work" on Tuesday, is one of the most diverse in American history, comprised of nearly 20 percent women and just over 17 percent of which is non-white. Which means, of course, that four out of five members of Congress are white and four out of five are men. Ergo, given the name of a member of Congress (at random: Oregon GOP Rep. Greg Walden), you can probably guess his or her gender and race.

According to a break-down from our colleague Reid Wilson, here are the demographics of the incoming crew:



In September, we looked at [the slow trend](#) away from white men in Congress, anticipating likely winners in November. Here is the overall trend on gender and race, with the new Congress in place. (We excluded New York's 11th District, vacated by GOP Rep. Michael Grimm.)

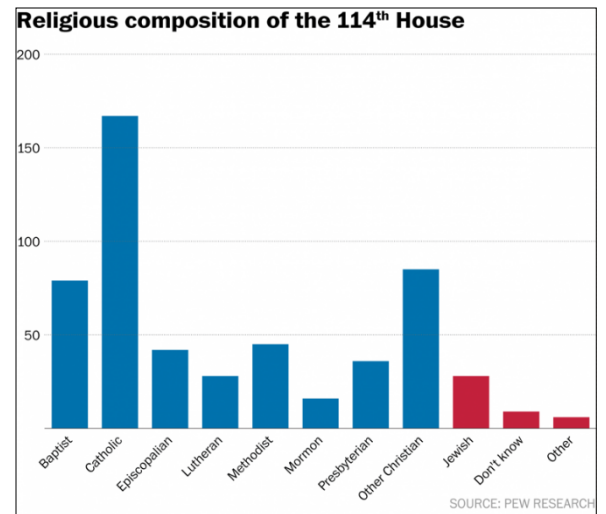
The trend is slow, but it's clear: Congress is getting a bit less white and a bit less male.



The Pew Research Center looked at another demographic data point this week: religion. Over the last few decades, Congress has gotten less Protestant, but it's still overwhelmingly Christian.

And after the 2014 election, Congress actually gets slightly more Christian, with nine more Christians, five fewer Jewish members, one fewer Buddhist and one fewer unaffiliated member.

That's not a surprise, given that the country itself is overwhelmingly Christian. The group that Pew finds most underrepresented on the Hill is those without a religious affiliation -- comprising 20 percent of the public and 0.2 percent of Congress.



Congress is nearly as unrepresentative on race and gender. More than half of the population is female; white non-Hispanics are about 63 percent of the population. Congress is starting to look more like the rest of the country, in other words -- but the 114th Congress won't look much like it at all.

Does Your Legislator Reflect You?

By Craig Jarvis
December 28, 2015

If you think the typical state legislator is a white male baby boomer who has a graduate degree, works in the business world and is Protestant — you're right if you live in North Carolina.

That's not strictly the case across the country.

A recent report by the Pew Charitable Trusts and the National Conference of State Legislators says only half of the nation's 7,383 legislators match all six of those characteristics. While legislatures are less diverse than the country as a whole, the report says, they are more closely aligned than ever before.

The North Carolina General Assembly is close to mirroring the African-American population and residents' religious beliefs, but it is far apart when it comes to representation by women and those who are outside the Baby Boom generation.

Here's a snapshot of North Carolina's General Assembly contrasted to the demographics of the state as a whole:

- **Ethnicity:** 79 percent of the legislature is white, contrasted to 69 percent of the state's population. African-Americans account for 20 percent of the legislature, and 21.7 percent of the state.

- **Age:** The average age of the people who live here is 46.7. In the state House, the average age is 58.6, and in the Senate 59.3.

Boomers (born 1946-1964) account for half the General Assembly but they only make up 29 percent of the state. The Silent Generation (1928-1945) has produced 23 percent of the legislature and 11 percent of the population.

Gen Xers (1965-1980) add up to 20 percent of the legislature and 29 percent of the state. Millennials (1981-1997) only represent 7 percent of the legislature and 30 percent of North Carolina. Finally, the Greatest Generation (those born before 1928 — and who are approaching their 90s) do not have seats in the legislature, and only represent 1 percent of the population

- **Sex:** Fifty-one percent of the population is female, but only 22 percent of the legislature is comprised of women.

- **Religion:** Sixty-six percent of the state identifies itself as Protestant, while 56 percent of the legislature does. Catholics account for 9 percent of the state, and 2 percent of the legislature. In the General Assembly, 39 percent are unaffiliated.

- **Education:** Twenty-nine percent of lawmakers have bachelor's degrees, while 19 percent of the state does. Advanced degrees are held by 41 percent of the legislature, and only 10 percent of the state.

- **Occupation:** Thirty-four percent in the legislature have business-related jobs, 18 percent are attorneys and 14 percent are retired.

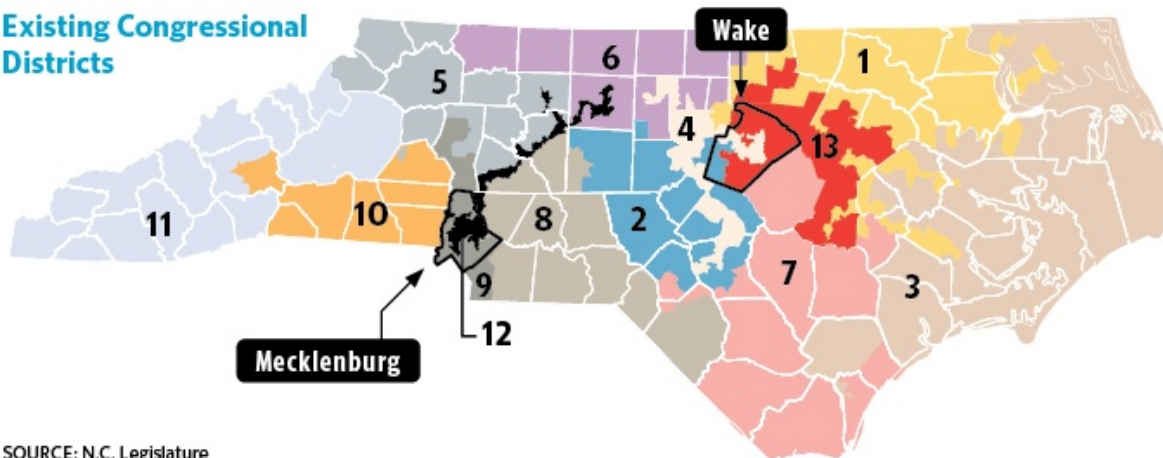
Here's the full report: <http://bit.ly/1UvOYgU>

Source: <http://www.newsobserver.com/news/politics-government/politics-columns-blogs/under-the-dome/article51504865.html>

Cost of 2014 United States House of Representatives Races in North Carolina

District	Race Cost (Absolute Terms)	Median Household Income	Race Cost (Relative Terms)
1	\$867,441	\$22,299	38.9 household incomes
2	\$3,012,448	\$28,801	104.6 household incomes
3	\$730,059	\$27,718	26.34 household incomes
4	\$839,563	\$36,895	22.76 household incomes
5	\$1,274,729	\$25,703	49.59 household incomes
6	\$1,735,959	\$27,854	62.32 household incomes
7	\$1,596,226	\$27,363	58.34 household incomes
8	\$1,513,294	\$23,268	65.04 household incomes
9	\$1,023,831	\$41,415	24.72 household incomes
10	\$1,797,525	\$24,983	71.95 household incomes
11	\$542,102	\$21,796	24.87 household incomes
12	\$1,146,129	\$29,322	39.09 household incomes
13	\$1,529,153	\$38,422	39.8 household incomes

Existing Congressional Districts



SOURCE: N.C. Legislature

(As of August 2016)



What is Citizens United?

The short answer is that it's two different but related things: (1) a Political Action Committee (PAC) in Washington, D.C., and (2) a Supreme Court case about election spending in which the aforementioned PAC was the plaintiff. Both lie at the center of a debate over the role corporations play in society.

It's a Political Action Committee

Citizens United, the PAC, was founded in 1988. The group promotes corporate interests, socially conservative causes and candidates who advance their goals, which it says are "...limited government, freedom of enterprise, strong families, and national sovereignty and security." It gained fame in 2009 for suing the Federal Election Commission, leading to a controversial Supreme Court case (now also commonly known as *Citizens United*) that eliminated some restrictions on how corporations can spend money in elections.

It's a Supreme Court Case

In the 2008 election season, the Citizens United PAC sought to broadcast TV ads for a video-on-demand film criticizing presidential candidate Hilary Rodham Clinton, but doing so would violate the 2002 Bipartisan Campaign Reform Act (known also as the McCain–Feingold Act), which barred corporations and unions from paying for media that mentioned any candidate in periods immediately preceding elections. Citizens United PAC challenged the law, suing the Federal Election Commission (which sets campaign finance laws and election rules), and the case made its way through lower courts until an appeal was granted by the U.S. Supreme Court.

In the *Citizens United v. Federal Election Commission* 5-4 ruling, the Justices declared unconstitutional the government restriction on "independent" political spending by corporations and unions, and determined the anti-Clinton broadcast should have been allowed. The decision overturned century-old precedent allowing the government to regulate such spending. As a result, *Citizens United v. Federal Election Commission* has greatly affected the way corporations and unions can spend on elections (more on that below).

The **Court majority** (Justices Kennedy, Roberts, Alito, Scalia, and Thomas) argued:

1. barring independent political spending amounts to squelching free speech protected by the First Amendment.
2. the First Amendment protects not just a person's right to speak, but the act of speech itself, regardless of the speaker. Therefore, the First Amendment protects the speech of corporations and unions, whether we consider them people or not.
3. although government has the authority to prevent corruption or "the appearance of corruption," it has no place in determining whether large political expenditures are either of those things, so it may not impose spending limits on that basis.
4. the public has the right to hear all available information, and spending limits prevent information from reaching the public.

The **Court minority** (Justices Stevens, Ginsburg, Breyer, and Sotomayor) argued:

1. the First Amendment protects only individual speech.
2. government may prevent corruption, and campaign spending can be corrupt when it buys influence over legislators. Therefore, government may impose spending limits on corporations and unions.
3. government may prevent the appearance of corruption, which undermines public confidence in democracy. Limits on corporate and union political spending are an expression of that authority.
4. the public has the right to hear all available information, and when corporations spend money individuals can't match, messages from corporations drown out messages from others, and that information fails to reach the public.

Initial Public Response

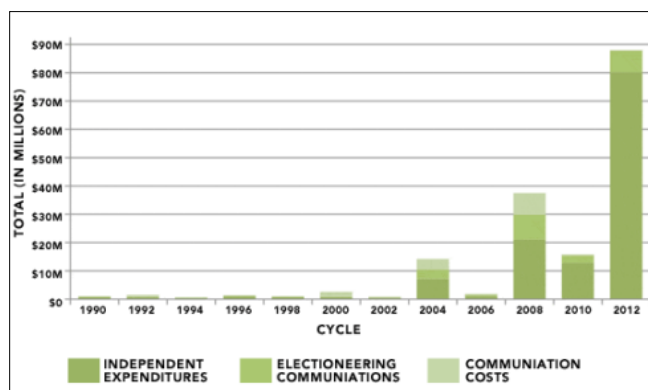
The decision was controversial and set off a ferocious debate which continues to this day.

1. Some celebrated the decision, claiming it advanced free speech and allowed any company to compete on equal footing with media organizations that already “freely disseminate their opinions about candidates using corporate treasury funds.”
2. Some were neutral, arguing the decision would only boost the volume of political ads, which wouldn’t affect public discourse or governance for better or worse.
3. Others were critical. For example, President Barack Obama said the decision “gives the special interests and their lobbyists even more power in Washington — while undermining the influence of average Americans who make small contributions to support their preferred candidates.”

Effects of *Citizens United*

An explosion in independent political spending ensued in the decision’s aftermath, as this chart from the Center for Responsive Politics illustrates:

Spending was on the rise even before *Citizens United*, but the post-decision increase was dramatic. The 2012 presidential election was the first following *Citizens United*, with more than twice the political spending as any previous election. Independent political spending of the kind *Citizens United* allows accounted for all of that increase.



Edited for content and length by Carolina K-12 from the following source: <http://reclaimdemocracy.org/who-are-citizens-united/>

Answer the following questions on a separate sheet of paper.

1. Does the *Citizens United v. Federal Election Commission* ruling help to make our government more representative, less representative, or doesn’t make a difference? Why?
2. Does money have a corrupting influence on politics? Why or why not?
3. Do you agree with the Supreme Court’s majority opinion? Minority opinion? Why?
4. Does the United States need campaign finance laws? Why or why not?
5. President Barack Obama criticized the decision saying it, “gives the special interests and their lobbyists even more power in Washington — while undermining the influence of average Americans who make small contributions to support their preferred candidates.” Do you agree with him? Why or why not?

In the wake of the *Citizens United* ruling, many groups have called for a campaign finance amendment to the Constitution. **Create your own campaign finance amendment below.** It can address some of the issues listed above and/or any issues related to campaign finance that you think are important. (If you agree with the *Citizens United* ruling or do not believe that campaign finance laws are necessary, write a short defense of your position below.)