Pressure groups give a voice to minority groups that might otherwise go unheard. The 1st Amendment says that Congress shall make no law that infringes on “the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”. However, without pressure groups, not every US citizen would be able to effectively petition representatives and defend their constitutional rights. America is an extremely diverse country, with a range of voices that need representation. However, as a majoritarian democracy, with only two main parties, it is easy for representatives to overlook minority groups and unpopular causes in favour of the popular concerns of the majority of voters who will determine their re-election. As such, pressure groups like the American Civil Liberties Union, which has worked to defend the civil liberties of a wide variety of minority groups, from transgender high-school students, to terrorism suspects detained at Guantanamo Bay prison, are essential to democracy. In March 2016, the Governor of South Dakota vetoed a bill prohibiting transgender students from using the bathroom that aligns with their gender identity, after the ACLU organised for him to meet with a group of transgender students who, he said, “put a human face” on the likely impact of the bill. A number of businesses have also taken action to show their opposition to ‘bathroom bills’ in other states. The NBA threatened to move scheduled games from North Carolina, while Disney and Marvel have threatened to no longer film any movies in Georgia. These protests provide a degree of economic and political pressure that LGBT groups would likely otherwise lack.

However... the influence held by a wealthy elite undermines the idea that America is a pluralist democracy. The Founding Fathers hoped that the Constitution’s strong checks and balances, and separation of powers, would lead to a pluralist democracy, where different interests could freely and fairly compete. James Madison assumed that “society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority.” Madison felt that, in a country as diverse and large as America, there would be so many competing interests, focusing on so many different access points, that no particular groups would be able to dominate and threaten the rights of others. However, while there are many pressure groups in America, they have vastly different human and financial resources, giving some groups significant advantages. Wealthy, well-connected insiders have financial resources that give them a much louder voice. In the 2016 general elections, just 0.52% of the US adult population was responsible for 67.8% of all political contributions. This is problematic because this small group has very different interests and concerns to the rest of the American population. Yet their resources help them shape the debate, and the candidates who can afford to run. Many critics have questioned whether President Trump’s Mar-a-Lago resort in Florida has become an exclusive access point for the wealthy elite. Initiation fees have already risen from $100,000 to $200,000, but, with Trump spending so many weekends at the resort, this is arguably a small price to pay compared with the cost of lobbying in Washington.

Pressure groups provide essential expertise, while also educating the public on key issues. While often extremely well educated, Members of Congress, or officials in the White House, are rarely experts on every issue, even in areas that they specialise in as a part of a standing committee. Pressure groups are regularly consulted so that Congress can make informed decisions. Lobbyists can also play an important part in ensuring that the right information is passed on. Many pressure groups like the ACLU also submit amicus briefs to the Supreme Court. Justices welcome high quality briefs for complex cases because they can save substantial work and research, and can highlight arguments that may have been overlooked. Some justices make significant references to amicus briefs in their written opinions, demonstrating their value.

However... there is no guarantee that this expertise or information will be fair and balanced. Lobbyists are paid to make the best possible case for their employer, and, as such, there is little chance that they will present a balanced view when trying to influence Congress. This raises the concern that, when making key decisions, Members of Congress have not been given both sides of the argument and are not actually making fully informed decisions. Less wealthy groups, who cannot afford lobbyists, or less professional groups, who lack the contacts in Congress or the executive branch, or the expertise to write amicus briefs, may be unable to make their case as effectively. Similarly, there is no guarantee that grassroots, outsider groups, that seek to influence public opinion, are providing voters with accurate, unbiased information. In 2015, the pro-life group Centre for Political Progress released a secretly recorded video of Planned Parenthood’s Senior Director of Medical Research that had been edited to give the misleading impression that the group was illegally profiting from the sale of aborted fetal tissue. When the legal case against Planned Parenthood was taken to court, the Texas grand jury cleared Planned Parenthood of any alleged wrongdoing and instead indicted the videographers on multiple charges. However, regardless of the outcome in court, the misleading viral footage may have already shaped opinions.
Pressure groups offer an alternative form of participation to elections. Only 59.3% of eligible voters participated in the 2016 presidential election. While membership of the Democrat and Republican parties is much healthier than the membership of parties in the UK, it is still clear that formal participation has declined in America. Similarly, many voters live in heavily gerrymandered districts, where representatives hold extremely safe seats. Many voters stand little chance of holding their representative accountable. Arguably, this makes the work of pressure groups even more important, as they work to ensure that representatives respond to the needs of their constituents, not just loyal supporters and party members.

However... many pressure group members may not be particularly politically active either. The American Association of Retired Persons has over 40 million members, but it is questionable exactly how politically active these members are. Membership of the AARP brings a wide range of benefits for elderly people, such as discounts on insurance and foreign travel. It is likely that many of the group’s members sign up for these perks, not because they are particularly interested in lobbying politicians on issues affecting elderly Americans. The AARP does send out ‘advocacy information’ on key votes, and highlights politicians who have supported the AARP, but this does not ensure that all members will read the information, or agree with the AARP’s views.

Pressure groups, particularly those using direct action, can undemocratically force their agenda. When interest groups use direct action they are attempting to force others to give in to their demands, rather than going through the usual democratic channels. Sometimes this can take violent and illegal forms, such as physical attacks on abortion clinics and the staff who work for them. In 2016, the National Abortion Federation reported that there had been eight murders, 17 attempted murders, 42 bombings, and 186 instances of arson associated with U.S. abortion clinics since 1977. In November 2015, Robert Lewis Dear Jr shot at police and civilians as part of a protest against Planned Parenthood - a reminder that, at its most extreme, direct action can become terrorism. Even where direct action is peaceful, critics argue it can ultimately cause more harm than good, as pressure groups put their own self-interest above the wider national interest. Since 2013, workers for various fast food companies have used strike action to pressure their employers, and the Government, to raise the minimum wage to $15 an hour. Critics argue that the government should not give in to calls to raise the minimum wage because, while it would benefit the protestors, it would cause broader economic issues, as businesses may respond by cutting jobs.

However... direct action is the only feasible way for some groups to make their voices heard. In 2013, Edward Snowden broke multiple laws, and even had to flee the country, after taking direct action to protest the Government’s surveillance programmes. While working as a contractor for the National Security Agency (NSA), Snowden gathered and then leaked thousands of documents to journalists. Newspapers revealed that the NSA had been secretly collecting the phone records of millions of Americans, as well as data from Google, Facebook and Apple. The leaks led to several congressional investigations, multiple bills, and a commitment from the President to reform the work of the NSA. Many argue that essential reforms to surveillance would not have been possible without Snowden’s direct action. Similarly, while fast food chains are critical of their striking staff, it is much easier for them to argue that political change should come through normal political channels, because they have the resources to hire lobbyists and work as insiders, which their minimum wage employees obviously do not.

Pressure groups provide much needed scrutiny, helping citizens to hold representatives accountable. While most Americans might find it hard to track the behavior and performance of their elected representatives, pressure groups pay close attention, feeding their findings back to members. Many pressure groups issue scorecards rating representatives based on how they voted on key issues affecting their members. The National Rifle Association regularly informs members of Congress of how they should vote on gun legislation, and then grades them from A+, for those with “an excellent voting record on all critical NRA issues”, down to F, for “true enemies of gun rights”. The NRA argues that scorecards help members to make more informed decisions at elections. Groups also use their knowledge and experience to provide useful scrutiny of proposed bills. The Kaiser Family Foundation used its healthcare expertise to provide an assessment of the likely impact of the Republican Party’s proposed Obamacare replacement (American Health Care Act), long before the Congressional Budget Office was able to perform its own analysis.

However... the scrutiny of vocal, active minority groups can defeat popular reforms (tyranny of the minority). As America has a much clearer separation of powers than the UK, this can make it much easier for interest groups to block legislation. While gun control remains a controversial issue in America, polling has shown that over 90% of Americans support the introduction of mandatory background checks on anyone buying a firearm. Yet, universal background checks were defeated in the Senate in 2013, in a 54-46 vote, after Republicans filibustered the bill. Even though the public, the executive, the House of Representatives, and a majority of the Senate wanted this bill to pass, a minority of Senators, representing a vocal minority of guns rights activists, were able to defeat the measures.
Laws have made lobbying more transparent, and have slowed the revolving door.
The Lobbying Disclosure Act (1995) requires lobbyists to officially register themselves, and defines lobbying as any oral or written communication to legislative or executive branch officials about bills, federal programmes, and or nominations. The law also requires organisations to report how much they have spent, who they contacted, and what issues they have lobbied on. The Honest Leadership and Open Government Act (2007) requires lobbyists to report any contributions they make to federal candidates, PACs and committees. It also introduced a ‘cooling off’ period before former Members of Congress can begin to lobby Congress. For Senators this period is 2 years, while House Representatives and their staff must wait 1 year. In January 2017, President Trump signed an executive order imposing new limits on the revolving door of executive agency employees who wish to become lobbyists after leaving their posts. The order restricts employees from engaging in lobbying activities that relate to the agency in which they worked for 5 years after they leave their post. It also instituted a lifetime ban on employees becoming lobbyists for foreign governments. Employees are also banned from working on any issues that involve former clients for a period of 2 years after leaving the government. Finally, the order restricts former lobbyists from participating in a particular government matter upon which they have previously lobbied for 2 years.

**However... loopholes enable wealthy pressure groups to take advantage of the ‘revolving door’**.
The legal restrictions on lobbying only apply to officially registered “lobbyists” and to activities that technically qualify as “lobbying”. This has led to many lobbyists rebranding as ‘strategic advisers’, who, instead of directly contacting officials on behalf of clients, advise them on how best to present their case to key figures and members of the public. When the House Majority Leader, Eric Cantor, was defeated in a primary challenge in 2014, he soon announced that was taking a new job at the investment bank Moelis & Co, where he will “provide strategic counsel to the Firm’s corporate and institutional clients on key issues”. Judging by his $3.4 million salary, it is clear the bank believes that the investment in a former senior party leader will give them advantages that other groups, without such well-connected staff, would lack. Some critics have also argued that there are many loopholes in President Trump’s executive order. They highlight that the restrictions only apply to the specific agency or area former employees worked for whilst in government, enabling them to lobby other areas. The order also only applies to those who officially register as lobbyists, doing little to discourage ‘shadow lobbying’. Other critics have argued that any efforts to make lobbying more transparent have also been undermined by Trump’s stays at his Mar-a-Lago resort, which they argue has become an exclusive access point that is not subject to any of Washington’s rules and regulations. Membership lists are kept confidential, making it very difficult to know who may or may not be influencing the President.

*While significant campaign finance laws have been passed since the 70s, several loopholes and Supreme Court decisions have weakened them. For example:*

‘**Dark money**’ refers to donations made to candidates that have not been publically disclosed. Critics argue that voters should know who finances and supports each candidate, to find out where their interests may lie. ‘Dark money’ has increased due to the use of 501(c)(4) groups, which are allowed to collect anonymous donations as long as their main purpose is “social welfare” and not political campaigning. Many 501(c)(4) groups appear as grassroots organisations, run by ordinary Americans, but investigations regularly show many to be funded by a small number of wealthy, politically active, donors.

‘**Astroturf lobbying**’ is where lobbyists and interest groups circumvent lobbying restrictions by getting grassroots organisations to lobby on their behalf. In 2013, the Retail Industry Leaders Association, which includes large retailers like Wal-Mart and Home Depot, hired the lobbying firm DCI Group to help support a bill restricting the credit card fees paid by shop owners. The DCI Groups arranged for phone calls from over 31,500 constituents, and for contact from 1,606 small business owners, helping to pass the bill. None of this had to be declared as lobbying, as DCI Group’s lobbyists did not contact any officials themselves.

‘**Super PACs**’ are a new type of ‘political action committee’ that can accept unlimited donations from individuals and corporations in order to buy political advertising, mostly to support or attack particular candidates. They emerged following the Supreme Court’s ruling in *Citizen’s United v. Federal Election Commission* (2010). In a 5-4 decision, the justices ruled that restrictions on how much corporations, associations and trade unions could spend on campaign ads, set by the Bipartisan Campaign Reform Act (2002), violated their First Amendment right to free speech. While the number of SuperPACs has grown at a remarkable rate since 2010, money cannot guarantee a candidate’s success. Jeb Bush, and his Super Pac, ‘Right to Rise’ had spent a combined $80 million on advertising by February 2016, and yet he pulled out of the Republican primaries after finishing sixth in the Iowa caucus, and fourth in the New Hampshire
primary. Donald Trump regularly boasted throughout the campaign that, as a billionaire, he did not need to rely upon large donations to Super PACs. While Super PACs supporting Trump still raised and spent around $72 million, this was substantially less that the $205 million spent by Super PACs supporting Hillary Clinton.

‘Iron triangles’ are also criticised for having an undemocratic level of influence on decisions. The iron triangle theory states that significant and expensive projects are more likely to succeed if they have the support of three particular groups: firstly, a government department or agency that wants the project; secondly, an interest group, such as a business that wants to profit from providing the essential goods or services; and, finally, a member of Congress who stands to benefit electorally from the deal. Iron triangles have made it extremely hard to cut defence spending, as the Pentagon naturally wants to see defence spending increase, as do weapons manufacturers, and the Members of Congress they donate to, and whose constituents they may employ. In 2015-16, the top five contributors to House Representative Mac Thornberry, Chair of the House Armed Services Committee, were all defence contractors like Lockheed Martin. In 2016, Thornberry proposed taking $18 billion from the war budget to pay for, amongst other items, 11 new F-35 fighter jets that the Pentagon had not asked for. The fighter jets, which are produced by Lockheed Martin, are assembled in Thornberry’s home state of Texas, and create thousands of jobs across America. It is very difficult for opposition groups to challenge such decisions when so many key players benefit from them.

The election of President Donald Trump, who owns a number of businesses around the world, has also raised a number of new concerns:

**Emoluments and conflicts of interest** - The Emoluments Clause is essentially an anti-bribery rule that states, “no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.” The Founding Fathers did not want the president to be influenced by gifts from foreign governments. Congress has similarly made it illegal for public officials in the executive branch to participate in matters in which they, or their immediate families, business partners, or associated organisations, hold any financial interests. However, this federal ban does not include the president or vice-president. Nonetheless, most recent presidents have avoided violating the Emoluments Clause, or giving the appearance that they are making decisions to benefit themselves financially, by placing their assets in a blind trust. This is where control and management of their assets is handed over to an independent trustee, who is not allowed to communicate any information about the holdings. Over time, the trustee sells many of the assets in the trust and buys new ones, without telling the president. Theoretically, as the president is no longer aware of what assets remain in the trust, the assets can no longer influence their decisions, and concerns of a conflict of interest are avoided. President Trump has broken with tradition by placing his assets in a trust managed by his two sons, promising that he will simply not communicate with them about his businesses. Critics argue that this incentivises the President to take actions that will benefit his own businesses, and also creates an unprecedented opportunity for businesses, pressure groups and foreign governments to gain influence with the White House. For example, Trump’s businesses owe millions of dollars to Deutsche Bank, which is currently negotiating a potential multi-billion dollar settlement with the Justice Department over how it handled mortgage-backed securities prior to the 2008 financial crisis. Critics question whether the Trump administration is capable of impartially conducting these negotiations, given that the bank is one of the President’s biggest creditors.