

# Happy Medium Magazine

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Political science, not  
political science-fiction



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## happy medium — a satisfying compromise; an impossible standard.

Happy Medium Magazine is Binghamton University's new student-run, SA chartered, political science magazine, founded in December 2021. This is the magazine's first print edition. Articles are posted regularly on our website, [www.happymediummag.com](http://www.happymediummag.com).

**Happy Medium's mission is to create a space for all Binghamton University students to respectfully and productively discuss the politics of our nation and world.**

Compromise is a requisite of progress. We weigh what we are willing to lose against the potential gain. This process can give us clarity about what is most important to us.

### Dear Reader,

Thank you for picking up the first print edition of Happy Medium Magazine! This was made possible due to the efforts of an amazing team at Happy Medium and the generous support of the Undergraduate Research Center's Summer Scholars and Artists Program. The program enabled me to compile and design this print edition under the guidance of my faculty mentor, Dr. Heather Dorn.

I would also like to thank the Binghamton University Center for Civic Engagement for working with us to put a voter registration form on the inside back cover of our magazine. If you flip to the back, you will see a real registration form that you can fill out and return to the CCE in the University Union (UU-137). Special instructions are provided for students who live on campus.

Contained in this edition are articles representing several areas of political thought and communication. Please enjoy this first selection of our content in print format as we work to define our role as the political science magazine of Binghamton University.

Sincerely,



Trevor Fornara  
Editor in Chief, 2022-23

# SCOTUS: a new normal?

By Bryan Goodman

The Supreme Court of the United States is facing its toughest legitimacy crisis since Bush v. Gore 531 U.S. 98 (2000). The Court is now dominated by a right-wing supermajority that no longer needs the vote of Chief Justice John Roberts, who is arguably the most liberal of the six conservatives. As a result, some have proclaimed that the Court no longer belongs to Roberts, but Justice Samuel Alito (Jong-Fast 2022).

In recent months, the Supreme Court handed down rulings on laws and precedents that many thought would never be revisited. The Court issued 66 opinions relating to a variety of cases in its most recent term. This follows the downward trend in the quantity of issued opinions and cases heard. As a result, each decision has greater significance.

## Dobbs v. Jackson Women's Health Organization

The first opinion released by the Court this year was Dobbs v. Jackson Women's Health Organization, in which the Court overturned the legal precedents set by the cases Roe v. Wade 410 U.S. 113 (1973) and Planned Parenthood v. Casey 505 U.S. 833 (1992). The ruling came in a 6-3 decision split along ideological lines—the six conservative justices in the majority and the three liberal justices dissenting.

Justices Neil Gorsuch and Brett Kavanaugh had previously affirmed the precedent set by Roe v. Wade during their Senate confirmation hearings. Gorsuch said, "A good judge will consider [Roe v. Wade] as precedent of the United States Supreme Court worthy as treatment of precedent like any other" (NBC News 2022). Kavanaugh said "It's settled as a

precedent of the Supreme Court entitled the respect under principles of stare decisis" and "has been reaffirmed many times over the past 45 years" (NBC News 2022).

The majority opinion, written by Alito, is nearly identical to the leaked draft. It mentioned multiple times that the right to abortion was not deeply rooted in the tradition and history of the nation and that the original ruling in Roe was a mistake. Roberts issued a concurring opinion in which he stated, "I would take a more measured approach. I agree with the Court that the viability line established by Roe and Casey should be discarded under a straightforward stare decisis analysis. That line never made any sense" (Dobbs v. Jackson Women's Health Organization).

Roberts still sided with the majority concerning the original Mississippi 15-week ban that brought this question to the Court. He did not, however, sign onto the Alito opinion. The implication of overturning a due process case such as Roe is that it then opens the door in the future to overturning other such due process decisions made by the Court.

Justice Clarence Thomas argued in his concurrence that "substantive due process" is an oxymoron that 'lack[s] any basis in the Constitution" (Dobbs v. Jackson Women's Health Organization). He continues with a task for the new Court:

"[R]econsider all of this Court's substantive due process precedents, including Griswold, Lawrence, and Obergefell. Because any substantive due process decision is 'demonstrably erroneous...' we have a duty to 'correct that error' established in those precedents... After overruling these demonstrably erroneous decisions, the question would remain whether other constitutional provisions



## Recent SCOTUS Decisions

### Dobbs v. Jackson Women's Health

In this decision, the Court overturned long-standing precedents from both Roe v. Wade 410 U.S. 113 (1973) and Planned Parenthood v. Casey 505 U.S. 833 (1992). These decisions pertained to abortion rights, which the Court in 1973 believed to stem from the Fourteenth Amendment Due Process Clause and the right to privacy. While voting with the other conservatives, Chief Justice John Roberts authored his own concurrence with the judgment, and did not sign onto Justice Alito's opinion of the Court. All four of the cases summarized here were decided by a 6-3 vote along ideological lines.

### Vega v. Tekoh

In Vega v. Tekoh, the Court held that "a violation of Miranda rules does *not* provide a basis for a §1983 claim," meaning that an individual cannot file suit if they are not read their Miranda rights upon arrest.

### NY State Pistol & Rifle Association v. Bruen

This decision struck down a New York State law regulating the issuance of concealed carry handgun permits. The Court found that the regulation "violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public for self-defense."

### WV v. EPA

In this case, the Court limited the EPA's ability to regulate carbon dioxide emissions from power plants. The Court relied on the "major questions doctrine" which "directs courts to presume that Congress does not intend to vest agencies with policymaking authority over questions of great economic and political significance."

guarantee the myriad rights that our substantive due process cases have generated." (Dobbs v. Jackson Women's Health Organization)

Thomas opens the door for the overturning of several landmark decisions by the Court. He explicitly names Obergefell, which provided the right to same-sex marriage; Griswold, which prevents states from making the use of contraception by married couples illegal; and lastly, Lawrence, which provides the right to engage in private, consensual sexual acts.

### **Vega v. Tekoh**

Vega v. Tekoh is a case about whether or not using un-Mirandized statements against a defendant is sufficient grounds for a §1983 claim. The decision prevents the possibility for individuals to file suit if they are not read their Miranda rights upon arrest. This case made its way to the Supreme Court, and, in a 6-3 decision, they found that "a violation of Miranda rules does not provide a basis for a §1983 claim" (Vega v. Tekoh). Elie Mystral, in an article for *The Nation*, explained that, "if cops trick or coerce or threaten or brutalize people into giving up their constitutional rights without telling them they have a right to make the intimidation stop, there's no way to sue the government for the failure to inform victims of their rights" (Mystral 2022). By the logic and language of the decision, one of two things must be true: a violation of Miranda rules would not be grounds for suit under §1983, meaning Miranda rights are not constitutionally protected, or §1983 claims do not give citizens a cause of action for suit following deprivation of their Constitutional rights.

There could also be a combination of the two. This decision was a blow to criminal justice advocates who have been working to enforce the implementation of Miranda rules into police procedure and practice.

### **New York Rifle & Pistol v. Bruen**

In the state of New York, there had been a law on the books for over a century that restricted the issuance of licenses for the concealed carry of pistols and revolvers outside of

the home. The law required applicants for the license to prove that "proper cause exists" (New York Rifle & Pistol v. Bruen) and a suit was filed challenging the constitutionality of the law.

Thomas writes in this opinion "Because the State of New York issues public-carry licenses only when an applicant demonstrates a special need for self-defense, we conclude that the State's licensing regime violates the Constitution" (New York Rifle & Pistol v. Bruen). As a result of this decision, anyone who goes through a standard process for applying for a concealed carry license will be allowed to do so long as the ordinary requirements are met excluding the proper-cause requirement that was in the original law.

### **WV v. EPA**

In 2015, the Environmental Protection Agency (EPA) promulgated the Clean Power Plan rule, which addressed carbon dioxide emissions from existing coal- and natural-gas-fired power plants. For authority, the Agency cited Section 111 of the Clean Air Act..." (WV v. EPA). In this case, the Court held that "Congress did not grant the EPA in Section 111(d) of the Clean Air Act the authority to devise emissions caps based on the generation shifting approach the Agency took in the Clean Power Plan" (WV v. EPA).

As a result of this ruling, "The Supreme Court limited the Environmental Protection Agency's (EPA) authority to regulate carbon dioxide emissions from power plants" (Zoldan 2022). The decision relied on the "major questions doctrine" which "directs courts to presume that Congress does not intend to vest agencies with policymaking authority over questions of great economic and political significance" (Zoldan 2022). This doctrine allows for courts to employ an extremely strict textual interpretation of the law in question. This decision will also pose a threat to other administrative/executive branch agencies' ability to function. In a political climate with an ever-increasingly gridlocked Congress, it will become evermore difficult for administrators to avoid the invocation of the major questions doctrine on any of their actions.

### **What's Next?**

These cases were just some of the 66 on which the Court issued opinions. There is also the "shadow docket"—the Court's emergency appeal process. It is used frequently in death penalty cases and is intended to be used in case of grave overreach or mistakes by states and lower courts. The shadow docket allows the conservative supermajority to make sudden and unexpected reforms. It has been used in recent years to uphold the ban on abortion in Texas and maintain an executive order barring immigration from certain Muslim countries (Mystral 2021).

The upcoming Supreme Court term this October already has several important cases on the docket, including Moore v. Harper, 303 Creative LLC v. Elenis (a web designer says they should not have to create websites for same-sex weddings under state law), an affirmative action case (about race in college admissions) and Merrill v. Milligan (about congressional redistricting in Alabama) (Gonzalez, 2022).

### **Moore v. Harper**

This upcoming case concerns gerrymandering and voting districts (Tangalakis-Lippert 2022). However, ingrained in this case is a concept known as independent state legislature theory. "The independent state legislature theory is a reading of the Constitution... that would give state legislatures wide authority to gerrymander electoral maps and pass voter suppression laws. It has even been used as political cover to try to overturn elections" (Herenstein & Wolf 2022). "Should the Court rule in North Carolina's favor, the ruling would reduce voter oversight on state legislatures and likely impact the outcome of various statewide political races – as well as the 2024 presidential election" (Tangalakis-Lippert 2022). This could set the groundwork for a legal coup to occur during a presidential election. If states are allowed to completely disregard the will of the voters in a popular election and appoint slates of electors to the Electoral College who would willfully ignore the voters, there would never be another nationwide democratic election.

The future of Supreme Court precedent and the nature of some of their recent decisions casts a shadow on various rights established by previous Courts. This Court has shown no fear of overturning long-standing precedent that previous decisions had been thought to reinforce.

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# The Illegal Brazilian Wood Trade is Hurting the Amazon and its Indigenous Inhabitants—Here's Why

By Rachael Ali

“The timber [supply] chain in Brazil today is full of fraud,” (qtd. de Abreu et al. 2022) according to Laura Waisbich, a senior researcher at the Igarapé Institute in Rio de Janeiro. This illegal industry is more lucrative than ever, and the environmental stakes have never been higher. Who is upholding this illegal trade network which is hurting the environment and undermining Indigenous communities?

Jair Bolsonaro, known globally as the “Trump of the Tropics” (“Jair Bolsonaro” 2018), was elected president of Brazil in October 2018. He is a “right-wing nationalist” (Wallenfeldt 2022) (Wallenfeldt 2022) who has infamously expressed disdain for the disabled population and women (Roth 2022), as well as the LBGTQ+ community and the Indigenous peoples of Brazil (Wallenfeldt 2022; Roth 2022).

A large part of Bolsonaro’s 2018 campaign advocated for the deforestation of the Amazon. This was unpopular among the public, but made him extremely favorable to business sectors that profit from the exploitation of the rainforest (Wallenfeldt 2022). Despite being a law-and-order advocate, Bolsonaro pledged to weaken environmental law enforcement, effectively making way for criminal networks to increase deforestation and violence (Wallenfeldt 2022). Furthermore, Bolsonaro took measures to reduce the enforcement abilities of Brazilian environmental agencies such as the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA).

IBAMA is losing to the network of organized crime that runs the logging industry, nicknamed the “Amazon mafia” by several media outlets. Their federal funding has been cut severely and over half the staff laid off (Van Zeller 2022). This is detrimental, as illegal loggers have confessed that they feared being caught by IBAMA, but not regional law enforcement. Local officers get paid off by powerful government officials who profit from black market trade (Van Zeller 2022). Additionally, Bolsonaro’s government has promoted bills that provide amnesty for land invasions, facilitate environmental licensing, and open Indigenous territories to invasive projects such as mining (Roth 2022).

So far during Bolsonaro’s presidency, the average number of fines for deforestation in the Amazon was 93% lower than those paid in the previous five years (Roth 2022). The impact of Bolsonaro’s policies is an increase in deforestation, which hit a fifteen-year high last year (Van Zeller 2022). Researchers have estimated that 10-15 trees are cut down every day under Bolsonaro’s administration. As of this year, 20% of the Amazon has been deforested (Van Zeller 2022). This percentage may seem small and many Brazilian lawmakers argue that the Amazon is large enough to withstand such devastation. However, in 2020, an area the size of 345 Manhattans was wiped out, and up to 94% of this deforestation was illegal (Van Zeller 2022). This deforestation has

resulted in forced relocation of Indigenous families, mercury pollution in rivers, and an indeterminable number of deaths.

All too often, activists who openly protest and investigate this illegal deforestation are murdered by organized crime. This past June, British journalist Dom Phillips and Indigenous advocate Bruno Pereira were found dead in the Amazon (Downie 2022). Phillips was writing a book about sustainable development in the area, and Pereira had spent years studying the roughly 235 Indigenous tribes that live in the rainforest. They were murdered after catching some men fishing protected species of turtles and pirarucu—one of the world’s largest freshwater fish. Phillips and Pereira’s story is not unique; the murder of American nun and environmental activist Dorothy Stang sparked international controversy as early as 2005 (“About Sister” 2021). As many as 1,700 people have died in land conflicts in Brazil since 2000, yet corruption in the government has resulted in a meager 10% conviction rate (Van Zeller 2022).

Contrary to popular belief, Brazilians working at these illegal sites are not committing these murders. In fact, the powerful people who benefit from this system hire assassins to kill these activists. Illegal wood operations hire local workers in areas where work is scarce. One anonymous worker stated, “If you shut down the timber, we starve. We don’t know how to do anything else and there is no other way to make a living.” (qtd. Van Zeller 2022). These on-site workers face extremely dangerous conditions with little to no protective gear, and it is not uncommon for laborers to die on the job. These makeshift worksites are also fertile breeding grounds for fatal diseases like malaria. To make matters worse, these impoverished laborers are exposed to mercury on a near

daily basis which can cause a myriad of life-changing complications, such as nerve loss, memory problems, and difficulties in hearing/speech.

The Climate Action Tracker, which provides independent scientific analysis, found that Brazil's 2020 climate plan was "highly insufficient" and unlikely to meet the Paris Agreement's goal of limiting global warming to 1.5°C above pre-industrial levels (Roth 2022). If deforestation of the Amazon rainforest continues at this rate, it may cause large sections of the rainforest to turn into dry savannah, and this would release billions of tons of stored carbon (Roth 2022). Deforestation in the Amazon could have grave environmental consequences for the entire planet, given that about 30% of the world's biodiversity is located in Brazil (Van Zeller 2022).

In order to educate their worldwide audience, the United Nations has continued to release reports regarding destruction in the Amazon, its adverse effects on Indigenous populations, and future impacts on climate change (Bhérer-Magnan 2022). The UN also has several legal declarations regarding Indigenous rights, but the Brazilian government has ignored these articles time and time again without repercussions (Bhérer-Magnan 2022).

As previously mentioned, there are around 235 Indigenous tribes living in the Amazon today. These communities, such as the Munduruku tribe, currently have the lowest deforestation rates in the Amazon due to their traditional, non-industrial way of life (Van Zeller 2022). Tribes like the Munduruku operate small, sustainable farms and try to protect/replant trees. Indigenous Amazonians have reported environmental crimes to the corrupt authorities for decades to no avail (Van Zeller 2022). To make matters worse, the act of reporting illegal activity can put a target on an individual's back, resulting in even more violence. Despite this risk, groups of the Munduruku tribe go on frequent patrol of different regions of the Amazon to try to catch logging operations in the act. The Amazon rainforest is their sacred, ancestral homeland, and they are fighting to protect it for future generations.

Brazilian President Bolsonaro is doing nothing to stop this injustice, and his policies are actively encouraging this violence and environmental destruction. This practice of systematically destroying the Amazon benefits only those at the top, while Indigenous Brazilians, poor laborers, and the ecosystem continue to suffer. The state of Brazil has the responsibility of protecting and maintaining the world's biggest rainforest on behalf of the planet, and the Bolsonaro administration is failing in that duty.

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# Before Redistricting Commissions Put an End to Gerrymandering, They Have to Actually Work

By Trevor Fornara

Following the 2020 census, redistricting commissions set to work to redraw voting district lines — to varying degrees of success.

The US Constitution requires all states to redraw their congressional and legislative district lines every ten years following the US census (U.S. Const. art. I, § 2). Redistricting was originally the responsibility of state legislatures; however, a recent trend has seen states delegating this responsibility to a commission of citizens in an attempt to reduce the harmful effects of partisan gerrymandering ("Independent"). These commissions are meant to be independent, taking politics out of the redistricting process. The general assumption is that citizens are more likely to create fair district maps than the career politicians in the state legislature. However, the politics surrounding redistricting can be intense and muddled in court procedure

unfamiliar to most citizens. Four states that have made the switch to commissions are New York, California, Michigan, and Colorado, all of which have uniquely structured commissions ("Redistricting Commissions"). By analyzing the political effectiveness of these commissions and identifying their positive characteristics, we can speculate what may be their optimal design. The political effectiveness of these commissions will be determined by looking at each commission's ability to successfully implement district maps. A commission would be deemed politically ineffective if it were unable to both approve and implement a set of new district maps within its original time frame due to internal gridlock, excessive legal challenges, or some other political challenge.



On election day 2014, the ballots in New York included a referendum about a proposed amendment to the state constitution that would create the Independent Redistricting Commission (IRC) (Roberts 2014). The commission of 10 citizens would be tasked with drawing the new congressional and legislative lines instead of the state legislature. Proposal 1 was the outcome of a political compromise from 2011 between rookie Democratic governor Andrew Cuomo and Republicans, who controlled the state Senate. Governor Cuomo would support the Republican-drawn Senate lines following the 2010 census, and the Republicans would support his commission. The plan for the IRC was not well received. New York Supreme Court Justice Patrick McGrath ordered that the Board of Elections remove the word "independent" from the proposal (Seiler 2014). Justice McGrath wrote that, "legislative semantics do not change the reality that the commission's plan is little more than a recommendation to the Legislature, which can reject it for unstated reasons and draw its own lines" (qtd. Seiler 2014). He further

explained that the commission “cannot be described as ‘independent’ when eight out of the ten members are the handpicked appointees of the legislative leaders” (qtd. Seiler 2014). According to the proposal, the majority and minority leaders in the Assembly and state Senate would appoint two commissioners each. These eight commissioners would then appoint two more commissioners to serve as the chair and vice-chair, neither of whom can be a registered Democrat or Republican.

Blaire Horner, executive director of New York Public Interest Research Group (NYPIRG), wrote the following statement in support of Justice McGrawth’s order:

“NYPIRG applauds the decision by... Justice McGrath striking the word ‘independent’ from the language of Proposal 1. The judge is right: The proposed redistricting Commission is as ‘independent’ as a puppet. The redistricting Commission is appointed by the Legislature, its plan must be approved by the Legislature, and if its plan is rejected, the Legislature ultimately draws its own lines...

“New Yorkers should reject Proposal 1. It is not reform. It is merely the status quo masquerading as reform. New Yorkers deserve neutral language when they step up to vote about whether to revise our fundamental charter, the State Constitution. This language ain’t it.” (qtd. Seiler 2014)

Regardless of these concerns, Proposal 1 passed with 57.7% of the votes (“New York”).

The commission began to meet in 2021, following the release of the 2020 census data. Having been granted \$4 million from the state budget, the commission hired staff, built a website, and began hosting hearings around the state where citizens could express their concerns about redistricting (Lisa 2021). However, faced with a September 15 deadline for a proposed set of maps, the commission began to have difficulty making decisions. The 10 commissioners split 5-5 down ideological lines, causing the two sides to draw separate maps. At this point, all bipartisan spirit had

been lost. On the 15th, the commission released two plans for redistricting—one drawn by the Republicans and the other by the Democrats (“Plans”). The state legislature was unhappy with this outcome, and ordered the commission to decide on one map by January 15th, 2022. Still divided, the commission again released two sets of maps—the aptly named “Democratic commissioners’ proposal” and “Republican commissioners’ proposal” (“Plans”). Doomed to fail from the start, the Independent Redistricting Commission could not decide on one set. The legislature rejected both plans and assumed responsibility for drawing the maps. Democrats controlled the process and produced gerrymandered maps that were struck down by the NY Court of Appeals on April 21. (Fandos 2022) The new maps were drawn by a court-appointed special master, and were approved on May 20, and the primaries were moved from June to August. New York’s Independent Redistricting Commission was not an effective solution to the question of redistricting in New York following the 2020 census, as they were unable to effectively implement new maps.



The California Citizens Redistricting Commission (CCRC) was created through a referendum to amend the state constitution in 2008 (“California Redistricting”). The 14-member commission of citizens must contain 5 Democrats, 5 Republicans, and 4 commissioners unaffiliated with either major party. Legislative leaders vetted applicants down to a list of 35 (“Application”). The first 8 commissioners were chosen at random from this list by the California State Auditor. These 8 commissioners then select 6 more applicants off the approved list. The process for drawing legislative lines is simplified in California in that each Senate district must consist of exactly two adjacent House districts

(“Redistricting in”). Maps must be approved by at least 9 commissioners, including 3 Democrats, 3 Republicans, and 3 unaffiliated. The commission unanimously approved a redistricting plan on December 20, 2021, and it was approved by the Secretary of State on December 26 (“Redistricting in”). No lawsuits were filed during the 45-day window for complaints. Even with the loss of one congressional seat through reapportionment, the commission managed to draw a permissible set of maps (“What Redistricting Looks Like”). One-third of the new congressional districts are Hispanic-majority, an increase of three districts from the previous map. These facts considered, the CCRC proved to be a politically effective solution to the question of redistricting in California.



The Michigan Independent Citizens Redistricting Commission (MICRC) is a 13-member, non-politician commission charged with drawing the state’s congressional and legislative lines. The MICRC was created through a 2018 referendum to amend the state constitution (“Redistricting Across States”). The amendment up for vote in Proposal 18-2, titled “Voters Not Politicians,” required approved redistricting plans to have the support of at least two Democratic, two Republican, and two unaffiliated commissioners. The commissioners would be chosen at random by a computer program out of a list of approved applicants. Amazingly, the commission created 26 congressional district maps before finally voting 8-5 in favor of the “Chestnut” proposal on December 28, 2021. In the same session, the commission approved the “Linden” proposal for state Senate districts and the “Hickory” proposal for the House districts.

The new maps have had several legal challenges. In early January, state lawmakers challenged the new congressional map for having no majority-Black districts in Detroit despite the possibility of two; however, the case was dismissed by the Michigan Supreme Court a month later after the plaintiffs failed to provide sufficient evidence of the commission’s discretion (Hendrickson and Boucher 2022). A federal case was filed requesting a preliminary injunction on the new maps, claiming they violated the Equal Protection Clause of the 14th Amendment (“Redistricting Across States”). This request was denied on April 1, 2022.

On March 23, a group of Black voters filed another federal case claiming that the new legislative lines violated the Michigan State Constitution and Section 2 of the Voting Rights Act, which prohibits racially discriminant voting practices (“Redistricting Across States”). There is a basis for this claim; the “Hickory” plan reduced the number of Black-majority House districts in Detroit from 10 to 6 (Witjes 2022). The plaintiffs will attempt to prove via an “expert report” that the commission used race as a predominant factor in determining the district lines and that the reduction of Black-majority districts in Detroit was not a result of demographic-blind drawing (Witjes 2022). This case is still pending, which has caused confusion surrounding the 2022 elections. State legislative candidates are wary of spending campaign funds for fear they are redrawn into new districts (“What Redistricting Looks Like”). Due to the number of legal challenges the MICRC’s maps have faced, the commission cannot be said to have been a politically effective solution to Michigan’s redistricting following the 2020 census.



Colorado’s system is unique in that they have two separate commissions for

congressional and legislative redistricting. The Colorado Independent Redistricting Commissions were created by amendments Y and Z to the state constitution in 2018 ("Colorado Independent"). Commissioners were chosen by first compiling a list of 1,050 qualified applicants randomly selected from the qualified applicant pool ("Redistricting Across States"). A panel of judges then drew names in two rounds, resulting in 6 randomly selected commissioners for each commission. Legislative leaders then proposed names out of the original applicant pool. From this list, the panel randomly selected another 6 commissioners for each panel. The two twelve-person panels then worked separately to produce the new maps.

The congressional commission approved a plan on October 1, 2021, and the legislative commission approved the House and state Senate plans on October 15. There was some opposition to the congressional maps; Hispanic voters held a plurality in none of the eight districts, despite Hispanic communities making up 25% of the state's population (Riccardi 2021). However, after hearing oral arguments, the Colorado Supreme Court voted to approve the maps on November 15 ("Redistricting Across States"). The legislative redistricting plan was generally agreed to be a good faith effort (Vo 2021). In a joint statement, Republican leaders wrote, "while the final plans are not perfect, and are not the maps Colorado Republicans would have drawn, they are a result of a faithful application of the agreed-upon constitutional criteria for redistricting" (qtd. Vo 2021). The Colorado Latino Leadership, Advocacy and Research Organization also supported the plan, writing in a statement that "the proposed House and Senate maps reflect that effort and, although not perfect, are a satisfactory outcome of the process Colorado voters overwhelmingly established in Amendment Z" (qtd. Vo 2021). The Colorado Independent Redistricting Commissions proved themselves to be a politically effective solution to the question of Colorado redistricting in 2021.

## Conclusions

Of the four states under review, California and Colorado's commissions proved to be politically effective, while New York and Michigan's were politically ineffective. New York's IRC failed due to inherent structural issues that were brought up but ignored in 2014 (McGrath 2014; Horner 2014). Political gridlock was inevitable; not only would there be an even number of commissioners, but 8 of the 10 commissioners were handpicked by legislative leaders (McGrath 2014). Allowing politicians to have such control over the selection of the commissioners defeated the goal of making redistricting an apolitical process. Even if the commission had successfully approved one set of maps, the legislature still could have rejected it for unnamed reasons and drawn their own (McGrath 2014). In practice, New York's IRC is an advisory body, with all the power over redistricting retained by the legislature. The MICRC's failure was a result of their inability to create a set of maps that fairly redistricted the city of Detroit in the eyes of the public (Witjes 2022). The ongoing legal challenges against the new maps indicate the commission's political ineffectiveness in redistricting Michigan.

On the other hand, the California Citizens Redistricting Commission was successful in approving and implementing new congressional and legislative maps. The requirement of support from 3 Democrats, 3 Republicans, and 3 unaffiliated commissioners forced the commissioners to create bipartisan plans ("Redistricting in"). This measure ensures that the committee doesn't fall into the same trap as New York's IRC because maps supported by only one party are completely unviable. Additionally, California's system for selecting commissioners ensures the independent spirit of the commission by limiting the degree of influence politicians have over who serves ("Application"). The Colorado Independent Redistricting Commissions also proved to be a politically effective solution to redistricting. The congressional commission saw some pushback due to the approved plan's lack of districts featuring a Hispanic voter plurality

but no major legal challenges (Riccardi 2021). The legislative commission's plan was generally well-received. Both commissions approved maps in October 2021, and the court gave its final approval in November.

From these outcomes, we can speculate as to the ideal structure for redistricting commissions. New York's IRC demonstrated the inefficiency of a commission with an even number of members. The ideal commission has an odd number of commissioners to avoid political gridlock. The litigation of the Michigan commission's plan demonstrates the responsibility of commissions to ensure the creation of majority-minority districts when possible. Both Michigan and California have rules in place that ensure all approved plans receive bipartisan support by requiring a plan to receive support from a certain number of Democratic, Republican, and unaffiliated commissioners. Additionally, Michigan, California, and Colorado have a degree of randomness in the commissioner-selection process. The court or the legislative leaders provide a list of approved applicants, and then either all or some of the commissioners are chosen from this list at random. This system allows politicians to ensure the quality of the applicants while not allowing them to directly influence who serves. From these points, we can speculate that the ideal commission has an odd number of commissioners between 11 and 15, a rule in place requiring bipartisan support for all approved plans, commissioners selected through a semi-random process, and will create majority-minority districts when possible.

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# Biographies of Featured Writers



**Rachael Ali** is a third-year undergraduate student at BU. She is originally from the Bronx and is majoring in political science with a double-minor in Spanish and French. Rachael is considering a career in immigration law or refugee social services. Depending on which career path she takes, she is considering completing a 4+1 program at Binghamton or attending graduate school in New York City. This past summer, Rachael was an intern political journalist at Happy Medium. Topics that Rachael is passionate about include immigration, reproductive rights, indigenous communities, gun laws, and environmental justice.



be hot button issues. He is a graduate student from Valhalla, Westchester County, NY. He attended Westchester Community College for two years before transferring to Binghamton University to complete his undergraduate studies in political science. Bryan is currently enrolled in the 4+1 Master of Public Administration program. Bryan is also passionate about judicial politics and a variety of social/economic issues. His future plans hope to include either law school or a public policy program to further his studies in the field. Bryan hopes to one day be fortunate enough to positively impact as many lives as possible.



**Matthew Beylinson** is a political science and classical civilizations double major from Staten Island, NY. He is in his junior year and hopes to attend law school and eventually work in international law or government. Outside of Happy Medium, Matthew is a member of the History Club, Rowing Club, and works as a bus driver for OCCT. He is fluent in Russian and specializes in Post-Soviet politics and the analysis of autocratic and totalitarian regimes.



**Tim Martinson** is a political science major from Merrick, New York on Long Island. After finishing his undergraduate degree, he plans on continuing to graduate school for a Master's degree. Tim

volunteered for State Senator John Brooks' re-election campaign in 2018. He is currently a member of the Binghamton College Democrats and is a public affairs show host at WHRW. Tim was an intern political journalist at Happy Medium in the summer of 2022. Tim has an interest in political history and likes to play video games and learn new things in his free time.



**Eric Wang** is a sophomore mathematics major from Pittsford, NY. He plans to continue to study mathematics in graduate school. In his free time, he enjoys fishing, playing soccer, and collecting coins. Eric is also an avid mathlete and helped Binghamton place 54 out of 427 schools in the William Lowell Putnam Mathematical Competition.

# Executive Editing Team Editor in Chief

The Happy Medium Editing Team was first organized in December 2021 with the goal to establish a student-run political science magazine at Binghamton University. The original editing team was formally elected in April 2022 to serve during the 2022-23 academic year.



**Trevor Fornara** is a senior from Mystic, Connecticut, majoring in philosophy, politics, and law. Trevor founded Happy Medium and created this print edition as a research fellow with the

Undergraduate Research Center's Summer Scholars and Artists Program. During his first year at BU, Trevor participated in the Source Project, where he researched the effects of the university on the city's housing market. Trevor also wrote for the Jewish Leader, a regional Jewish newspaper in CT, for three years.

## Managing Editor



**Briana Lopez-Patino** is a senior philosophy major born in Lima, Peru and raised in Rochester, NY. Outside of Happy Medium, Briana is vice president of the Interdisciplinary Research Club,

a Program Assistant for the Emerging Leaders Program, a Research Assistant for the Human Sexualities Lab, and a Student Researcher at the Johns Hopkins Berman Institute of Bioethics. She plans to earn a PhD in either philosophy or bioethics. She aspires to be a professor, bioethicist, and clinical ethics consultant.



**Arwen O'Brien** is a sophomore philosophy, politics, and law major. She serves and works for the Student Association at Binghamton.

Arwen is originally from Argentina and England but now lives in Westchester, NY. She is minoring in and is fluent in Spanish.

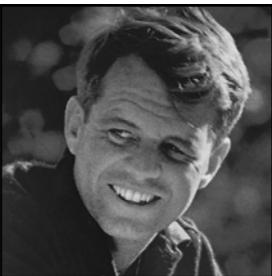
## Marketing Editor

# New Yorkers Who Held Power and Made History in Congress

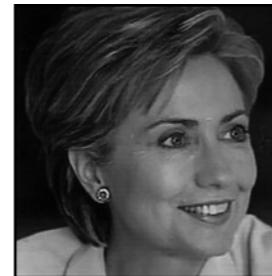
By Tim Martinson

With the midterm elections around the corner, we look back at some of the most influential and groundbreaking politicians that New York has sent to Washington.

For the upcoming midterm elections this November, New Yorkers will go to the polls to elect 26 Representatives and one Senator to represent us in Washington, DC. With this in mind, it could help to reflect on men and women elected by New Yorkers in the past who have displayed leadership in the legislature. The Empire State has been quite influential in American history, partially due to hosting the most populous city in the country. Many of the members of Congress elected by New Yorkers to serve on Capitol Hill have held powerful positions and left lasting legacies. New York has been the birthplace of 5 presidents, 11 vice presidents, 3 Supreme Court chief justices, and 15 associate justices (Moore 2021; "Vice President" 2021; "Justices 1789"). While these executive and judicial leaders are themselves notable, this article will focus specifically on legislative



Robert F. Kennedy  
*Library of Congress*

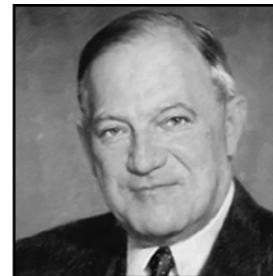


Hillary Clinton  
*United States Congress*

leaders. Incumbent Senator Chuck Schumer, currently serving as the first Senate Majority Leader from New York, is one that may come to mind for many. However, New York has been the home of many famous politicians throughout American history. The stories of some have been compiled here.

The two houses of Congress each have presiding officers that are chosen by the bodies to oversee proceedings. The House of Representatives is presided over by the Speaker, who is elected at the beginning of each two-year Congress. The Senate is technically presided over by the Vice President, but the President pro tempore is chosen to preside in their place ("About"). The President pro tempore is traditionally the longest continuously serving member of the majority party. However, agenda-setting power in the Senate is vested in the Senate Majority Leader ("The Legislative Process"). Two New Yorkers have been elected Speaker of the House. John W. Taylor served as Speaker during the 16th and 19th Congresses in the early nineteenth century, while Theodore M. Pomeroy served a unique one-day term as Speaker at the very end of the 40th Congress on March 3, 1869 ("List of Speakers"). Only one US Senator from New York served as President pro tempore of the Senate, Federalist John Laurance, for part of the 5th Congress in December 1798 ("About").

Perhaps two of the most noteworthy legislators from the Empire State were Democratic Senators Robert F. Kennedy and Hillary Clinton. Both ran for president during their terms in office: Kennedy in 1968, before his assassination ("Robert Kennedy" 2009) and Clinton in 2008 until losing the primary election to Barack Obama. Clinton, who had the



Robert F. Wagner  
*United States Congress*



Emanuel Celler  
*Library of Congress*



Shirley Chisholm  
*Library of Congress*



Geraldine Ferraro  
*United States Congress*

additional distinction of being a former First Lady, later won the Democratic nomination in 2016, only to lose to fellow New Yorker Donald J. Trump (Caroli 2021).

Sen. Robert F. Wagner served for over twenty years during the Great Depression. A strong ally of President Franklin D. Roosevelt, Wagner helped write and sponsor several important pieces of legislation for the New Deal programs ("Robert F. Wagner" 2022). Perhaps chief among his bills was the Social Security Act, which created the Social Security system and unemployment insurance. He also helped write the National Labor Relations Act, later called the "Wagner Act" that codified workers' rights. Mr. Wagner's efforts led to what could be described as some of the most impactful reforms in American history ("Robert F. Wagner" 2022).

In the House, Rep. Emanuel Celler left his own enduring legacy through his work on American immigration policy and his support for the Civil Rights Movement. During nearly fifty years in office, Mr. Celler lobbied for immigration reform in the United States, influenced in part by his Jewish immigrant roots and the Holocaust ("Celler"). He sponsored the Hart-Celler Act of 1965, which removed national origins from consideration in immigration (Sussman 2019). Mr. Celler, as chairman of the House Judiciary Committee, also pushed for civil rights legislation, helping write the 1957 and 1964 Civil Rights Acts and the 1965 Voting Rights Act (Lyons 1981).

Some landmarks in the advancement of women in US politics were achieved by New Yorkers. Shirley A. Chisholm, the first African American woman in Congress, was elected in 1968 to represent part of Brooklyn. She helped found the Congressional Black Caucus

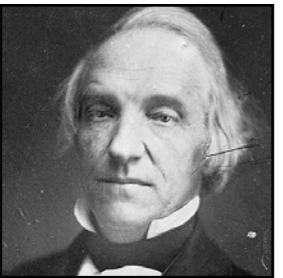
and the Congressional Women's Caucus in her tenure. Ms. Chisholm continued making history with her 1972 presidential campaign, when she became the first African American woman to run for the nomination of a major modern party ("Chisholm").

Rep. Geraldine A. Ferraro became the first woman nominated for Vice President by a major party, appearing on the 1984 Democratic ticket with Walter Mondale. The Mondale-Ferraro ticket suffered a crushing defeat at the hands of incumbent President Ronald Reagan, who won the electoral vote 525-13 ("United States" 2015). Ms. Ferraro has a strong legacy in her own right, outside of the '84 election. She was the first woman elected to Congress from Queens and served in Democratic Party leadership as Secretary of the Democratic Caucus—a position also held by Shirley Chisholm ("Ferraro").

At one point in time, New York was home to one of the most powerful Republican Party bosses. In the late nineteenth century, Sen. Roscoe Conkling garnered power within the Republican Party as a leader of the Radical Republicans and later the Stalwart faction after the Civil War. He was known for forming rivalries with other politicians, particularly within his own party. Mr. Conkling favored the central bureaucracy's system of political patronage and rejected civil service reforms pushed by other members of his party. He served as a strong ally of Republican presidents Abraham Lincoln, Ulysses S. Grant, and his "political acolyte" Chester A. Arthur (Gephhardt 2013). During his time in the House and Senate, Conkling helped write and support the 14th Amendment to the Constitution. He also opposed the racially discriminant Black Codes, which had spread across the South, undoing



Roscoe Conkling  
National Portrait Gallery



Daniel S. Dickinson  
Library of Congress

post-war reconstruction efforts (Gephhardt). One of Mr. Conkling's political rivals was Republican President Rutherford B. Hayes, whose support for civil service reforms went against Conkling's political machine and preferred bureaucratic system of patronage. His relationship with Hayes's successor, James A. Garfield, was similarly sour, going so far as to resign from the Senate in protest after failing to block one of Garfield's appointments. Although he tried running for re-election, his political momentum had ceased and he never made it back to Congress (Mitchell 2022).

One final New York politician worth mentioning was Sen. Daniel S. Dickinson. A Democrat in the time of the Civil War, he broke from the party and supported the Union as a politician, becoming known as a "War Democrat." Before joining the Senate, Mr. Dickinson served as the first president of the City of Binghamton ("Daniel S. Dickinson"). He supported the idea of popular sovereignty (allowing each state to decide whether to be a free or slave state) and helped pass the Compromise of 1850, which delayed the Civil War and prolonged slavery in the US. Abraham Lincoln considered him as a running mate in the 1864 presidential election, though he would be passed up for fellow Democrat Andrew Johnson of Tennessee (Smith 2020).

It is clear that New York has left its mark on the United States in the past and continues to do so. Between politicians reaching historical landmarks and authoring legislation with long-lasting effects felt to this day, New York seems to have developed a reputation for electing powerful leaders in political history. This fall, New Yorkers will have another chance to uphold this reputation and elect worthy legislators to the upcoming 118th Congress.

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# The Last Republic: How the Soviet Union Lives on in Transnistria

By Matthew Beylinson

**Editor's Note:** As this article was being written back in March, the war in Ukraine had been in its earliest stages and Transnistria was a region known by very few outside of Eastern Europe. With its proximity to Ukraine, fears of Russian military buildup in the region have emerged juxtaposed with unexplained explosions which may be linked to Ukrainian military action. Beylinson's article, which mostly focused on the past of this semi-autonomous region, noted its ties to Russia, Ukraine, and Moldova. He accurately predicted the complexity of the relationships between these three states as the war in Ukraine continues to raise tensions in Europe.

a million people that sits between the Dniester River and the Moldavian-Ukrainian border. In addition to its small size, the reason why you may have never heard of this place is that it is not recognized as a nation by most of the world. The nation declared independence from Moldova in 1990 and fought a bloody war in 1992 to secure its independence. However, Transnistria is still not recognized in the United Nations (Reid 2020).

Despite their lack of recognition, the PMR is very distinct from the rest of Moldova. It has its own currency, passports, national anthem, government, and flag (Encyclopedia Britannica). Mostly its uniqueness is expressed through the Soviet aesthetic of the small nation. The streets retain the names of legendary communists, the flag of the country includes a hammer and a sickle (despite the country no longer being communist), portraits of Stalin line the walls of various government offices, officials still wear the same uniforms that they wore during the late Soviet period, and a massive statue of Lenin still stands outside the brutalist-style parliament building. Yet there is no Soviet relic more fascinating in Transnistria than the KGB (yes, that KGB), which continues to keep a close watch on any foreigners who wish to meet government officials. If one were to be dropped on the streets of the capital city, Tiraspol, they would have a difficult time discerning whether the year was 1989 or 2022. One would eventually figure out that they were in the modern era from the smartphones and computers which juxtapose the country's cold-war aesthetic.

**I**t's a cold winter night in Moscow, 1991. Although it's the day after Christmas, the mood in the Red Square and the rest of the country is far from cheerful. It's now 7:32 p.m, and as a crowd looks on, the flag of the Soviet Union is lowered for the final time over the Kremlin. A few short moments later the flag of the Russian Federation is raised and begins to flutter in the night sky. The Soviet Union has collapsed, not with a bang but with a whimper. It is an accepted fact that the USSR is gone and that the state had ceased to exist in any form after December 26th, 1991. That is, unless you were to travel to a small strip of Eastern Moldova that hugs the Ukrainian border. There lies a little country seemingly frozen in time called Transnistria. In this strange place, it looks as though the USSR never fell.

If you have never heard of the nation of Transnistria, I can hardly blame you. Transnistria, or the Pridnestrovian Moldavian Republic (PMR), is a tiny nation of about half

Russian, 22.9% Ukrainian, 28.6% Moldovan, and the dominant language in both law and vernacular is Russian (PMR Population Census 2015). You might be wondering, ‘considering the significant Moldovan population, why would the PMR be considered thoroughly Slavic?’ First, the PMR is the only place on earth where the Moldovan language is written in the Cyrillic alphabet (Constitution of the PMR 2016). Second, Transnistrian identity, while being Russo-centric (as the USSR was), is mostly a multicultural Soviet identity. This means that the Moldovans who live in the PMR connect with their Soviet identity more than their regional Moldovan identity (Wagemakers 2014).

In most Transnistrian cities and towns it is common to see the flag of the Russian Federation waving alongside that of the PMR. Anatolii Dirun, Scientific Director of the Tiraspol School of Political Studies, told BBC in 2021 that “Transnistria has historically considered itself a part of the Russian cultural space” (Reid 2020). The Russia-centric culture of Transnistria further adds to the feeling that this slice of Moldova is still in the Soviet Union. While the rest of Moldova has embraced its Moldovan cultural heritage since the fall of the USSR, Transnistria continues to look east for its cultural identity.

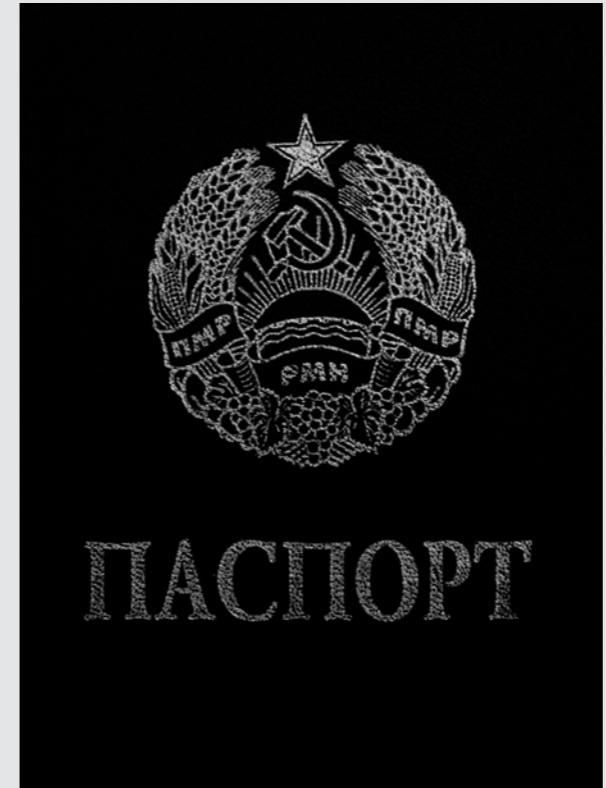
It is clear that the PMR is culturally, linguistically, and aesthetically unique, but how did this odd region of the Eastern European, post-Communist world come into existence? Our story begins in 1989 as the Soviet Union was in its twilight years. The inhabitants of the region of Transnistria were closely tied to the Soviet Union both culturally and economically. Transnistria was a large steel producer for the Soviet world and the population, especially the elites, were largely Russophone (King 2001). As the USSR was loosening its grip on its republics, Moldova’s government used the opportunity to establish Moldovan and Romanian as the official languages. They

also started to culturally and politically align themselves with Romania (Dembinska 2019). Transnistria and Moldova entered into an intense ideological disagreement in which Moldova strove to solidify its own cultural identity while Transnistria wanted to stick to its Russocentric, Soviet roots.

This disagreement intensified when Moldova formally left the Soviet Union in 1991. After Moldova left, Transnistrian separatist movements began to be violently suppressed. By this point, the USSR had fallen, but Transnistria hoped to remain a part of the greater Russian world and retain its Soviet identity, even if the state behind the identity had ceased to exist (King 2001). Eventually, Transnistria formally declared

independence and revolution broke out. The armed forces of the newly minted Russian Federation came to the assistance of the PMR and in July of 1992, a ceasefire was declared until a decision regarding Transnistrian independence could be reached (Miarka 2020). Even to this day, a decision has yet to be reached, and Russia continues to station soldiers in the PMR in support of their independence. The PMR continues to remain in a state of ‘frozen conflict’—analogous to that of the Korean War.

The ethnography of the Transnistrian people and their fairly recent history means that the nation still has close ties to Russia. These ties extend far beyond just the garrison of Russian soldiers and their shared language. Russia is incredibly important to Transnistria economically, with 29% of all trade in Transnistria being done with Russia (Pridnestrovian Republican Bank 2019). There is also a significant amount of Transnistrian workers in Russia who are there for higher wages and send money back home. In fact, almost 63% of all electronic money transfers made by the Transnistrian Republic Bank have been sent from Russia (Pridnestrovian Republican Bank 2019). Russia has also been



Passports issued by the PMR use the Soviet hammer and sickle symbol.

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# The Dead Political Parties of America

By Eric Wang

Today there are two main parties that dominate United States politics: the Democratic Party and the Republican Party. However, there are also a few minor parties such as the Green Party and the Libertarian Party. As far as most people are concerned, this small handful of parties is all that's relevant to US politics. But if we rewind the clock, we will see the rise and fall of several parties throughout American political history. Parties, such as the Federalist Party and the Whig Party, dominated periods of American history and majorly affected the course of our country and the world. By looking at failed American political parties, what they stood for, who made up their voter base, and why they fell, we can better understand our two-party system.

## The Federalist Party

The Federalist Party was created alongside our fledgling nation in the late 18th century to oppose the Democratic-Republicans. Led by Alexander Hamilton, the Federalists supported protectionism, a strong national government, manufacturing, and, in terms of international affairs, Great Britain ("Federalist" 2021). As a result, many of the proponents of the party were businessmen who benefitted from protectionist and pro-manufacturing policies. Similarly, the party

garnered support from those who preferred a strong overarching national government. This included a strong standing army and navy, as well as powerful federal institutions.

The Federalists dominated the US government for about a decade but held influence until the 1820s (Federalist 2021). However, Federalist John Marshall (the 4th Chief Justice of the United States) handed down Federalist decisions long after the fall of the party and instilled many Federalist beliefs into our government with landmark cases such as *McCulloch v. Maryland* and *Marbury v. Madison* (Federalist 2021). *Marbury v. Madison* (1803) established the power of judicial review, which allowed the Supreme Court to declare laws unconstitutional (*Marbury*). Additionally, *McCulloch v. Maryland* (1819), where the state government of Maryland tried to impose a tax on a federal institution, was important as it concluded that the US Government and Constitution had supreme power over the states (*McCulloch*). Both of these decisions display Marshall's Federalist beliefs as they strengthened the power of the national government and its entities.

## The Fall of the Federalist Party

A loss of support and popularity and a split within the Federalists' ranks eventually crippled the party ("Federalist" 2021). Events such as Jay's Treaty and the Whiskey Rebellion caused the party to lose public support. Jay's Treaty was negotiated in 1794 by John Jay between the US and Great Britain to lower

tensions between the two countries. The treaty met fierce opposition in Congress, especially from Democratic-Republicans Jefferson and Madison ("George" 2020). The Whiskey Rebellion of 1794 was the boiling point of years of tension between tax collectors and Pennsylvanian distillers. Those who opposed the tax unsurprisingly joined the Democratic-Republicans, weakening Federalist support ("Whiskey" 2019).

In 1798, the Federalist Congress passed the Alien and Sedition Acts, which were widely disliked. These laws made it harder to become a US citizen, criminalized criticizing the government, and allowed the government to imprison or deport those deemed as "dangerous" ("Alien" 2020). The Alien and Sedition Acts led to increased opposition from the Democratic-Republicans, who claimed that the acts were unconstitutional and used to suppress those who disagreed with the Federalists ("Alien" 2020). The population largely agreed with the Democratic-Republicans, and support for the Federalists declined.

The killing blow to the party came in 1799 when President Adams surprised the country by announcing a peace mission to France ("Federalist" 2021). This split the party in two: one faction supporting Adams and the other supporting Hamilton. This division allowed the Democratic-Republicans to easily win the presidential election of 1800. The Federalists would go on to make a small resurgence during the War of 1812, but they would never fully recover ("Federalist" 2021).

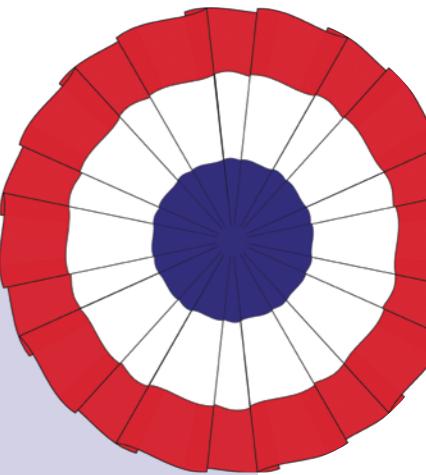
*The Democratic-Republicans wore tricolor ribbons in support of the revolutionaries in France, and the Federalists wore similar black and white ribbons.*

## The Democratic-Republican Party

Following the fall of the Federalist Party came the heyday of the Democratic-Republican Party. The Democratic-Republicans opposed all that the Federalists stood for. According to political scientist James A. Reichley, the point that divided the Federalists and the Democratic-Republicans the most was the issue of social equality (1992). Led by Thomas Jefferson and James Madison, they supported agrarianism, expansionism, republicanism, and France, as opposed to the Federalists' support of Great Britain (Murse 2018). Much of the support for the party was from the *yeoman farmers* of the era—people who owned and cultivated small plots of land. Since most of the US was agrarian at this time, it is no surprise the Democratic-Republicans took power after the Federalists.

## The Fall of the Democratic-Republicans

The party's downfall began during the presidential election of 1824. All the candidates were from the Democratic-Republican Party,



and no one received a majority of electoral votes (Murse 2018). Thus, the House of Representatives held a vote to elect the president. One of the candidates, Henry Clay, was a former Speaker of the House and decided to withdraw and support John Quincy Adams over the other two candidates: William Crawford and Andrew Jackson. After Adams won, Clay was appointed Secretary of State. This led to Jackson and his supporters claiming that Clay and Adams had a “Corrupt Bargain” where Adams promised Clay the Secretary of State position in exchange for his support (Murse 2018). As a result, there became two factions within the party, one behind Adams and one behind Jackson. Soon after, the Democratic-Republican Party dissolved into other factions and smaller parties (Murse 2018). The party lasted around 35 years from the mid-1790s to the late 1820s (Murse 2018).

#### **The Whig Party**

The Whig Party would be the next big American political party to die out. This party was created to oppose Andrew Jackson, and it consisted of people from factions of the Democratic-Republicans, the Anti-Masonic Party, and many more small factions (“Whigs” 2021). The Whigs’ most influential figures were Henry Clay, William Henry Harrison, and Zachary Taylor. The Whigs opposed Jackson and his Democratic policies and supported a national bank and the American System (“Whigs” 2021). Pioneered by Clay, the American System was a plan that called for national infrastructural improvements to promote trade, increasing revenue through public land sales and tariffs, and a federal bank to strengthen the economy (Byrd 1994).

#### **The Fall of the Whig Party**

The collapse of the Whig Party can be attributed to the Kansas-Nebraska Act and the issue of slavery. It divided northern and southern Whigs and led to a splintering of the Whig party into smaller parties and factions like the Know-Nothing Party and the Constitutional Union Party. The Whig Party was created in

the mid-1830s and collapsed around the mid-1850s (“Whig” 2021).

#### **The Reform Party**

The Reform Party was formed in 1995 by Ross Perot (Hingston 2018). It never gained much of a foothold as the two-party system had been solidified by this point. However, Perot gained 19% of the popular vote in the presidential election of 1992, something no other third-party candidate has done since (Hingston 2018). The party called for a variety of reforms, such as a term limit for Congressmen and updating the electoral system. They also tried to keep social issues out of their platform, as the party’s goal was to bring people in from both sides of these issues (“About the Reform Party”).

## **If polarization continues to increase, new parties could be created, or new factions could appear.**

#### **The Fall of the Reform Party**

The Reform Party is still around today; however, its influence is negligible (Hingston 2018). The party’s support sharply decreased after their record-breaking year in the 1992 presidential election, partly due to infighting. Fun Fact: Donald Trump ran for the Reform Party’s presidential nomination in the presidential election of 2000 (Hingston 2018).

#### **Now what?**

Just from these four dead parties of American history, a trend regarding the fall of each party is apparent. Each party fell due to fractures caused by ideological differences and other disputes within the party. Now the question is, could we see something like this happen to either of our two parties today?

In the past few years, there seems to be increased radicalization in both parties (Dimock

2014). If polarization continues to increase, new parties could be created, or new factions could appear. Of the many ways this could happen, there are three that stand out. Either the fringes of the parties will break away, the moderate parts will join together, or a major politician will form their own party, bringing along their supporters.

Realistically, the most likely to occur would be a major politician breaking away from all their supporters and creating a new party. This was the case with the Progressive Party in the early 1900s which broke away from the Republican Party and rallied around Theodore Roosevelt. In a two-party system, candidates from break-away parties and their parent parties tend to perform poorly in elections because the voter base of the parent party is split, allowing the other dominant party’s candidate to win. This happened with the Progressive Party and the Republican Party in the presidential election of 1912. During this election, Theodore Roosevelt earned 27.4% of the popular vote with 88 electoral votes while William Howard Taft (the Republican presidential candidate) earned 23.2% of the popular vote with 8 electoral votes (“United” 2017). However, these numbers were not enough to defeat Woodrow Wilson and the Democrats, who received 41.8% of the popular vote and 81.9% of the electoral votes (“United” 2017).

The next two methods are different sides of the same coin. If a radical branch emerges successfully from one of the two parties, we would be left with a group of more moderate individuals under the original party name. Alternatively, if the moderates of a party break away, then we would be left with a group of people with a more extreme agenda under the original party name. Since moderates favor stability, it is more likely for the fringes of a party to break away from the original party. If either type of split happens, it would not destroy the original parties—their supporter base and cultural influence are significant. But a new party, no matter their stance, would lead to increased competition for voters among all parties. As a result, parties would push for, and pass, popular and new legislation to please and enlarge their supporter base. This would help give more power to the people and

it would support the democratic ideals that the United States was founded upon.

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**C**orporations often boast new initiatives to reduce their pollution, plastic use, reliance on non-renewable energy, or whatever else is topical in the public discourse. These corporations try to sell these initiatives to the public as corporate social responsibility—companies taking it upon themselves to help their communities and society as a whole. However, the primary motive behind these actions is likely financial. Shifts in regulations and consumer behavior have made it easier for corporations to benefit financially from doing the “right thing.” The underlying issue here can be evaluated through the context of shareholder theory and stakeholder theory—whom do corporations

that are tasked with generating profit for the shareholders (Friedman 1970).

One of the issues with shareholder theory in practice is that the shareholders’ best interest is often taken to mean increased profit, when this may not always be the case. For example, if a corporation could maximize profits by legally disposing of waste into a nearby river, then shareholder theory in practice would likely advocate for that option. However, individual shareholders may be members of the community who are affected by the pollution. Shareholder theory would contend that they have every right to use their corporate dividend to clean up the river. This logic is flawed because it would probably cost

behalf of all stakeholders is spending money that is not theirs to spend. Friedman would say that, if the shareholders cared about fighting poverty, then they can do so with the dividend they receive from the corporation (1970). This is similar to the shareholders using their dividends to clean up the river. This aspect of shareholder theory makes sense when talking about charitable acts. However, it fails when applied to more material examples, such as the polluted river. Friedman exaggerated when he claimed that corporate social responsibility makes the corporate executive into “simultaneously legislator, executive and jurist” (1970). An executive deciding against polluting a local river is not a tyrannical tax

the public that they are “climate-conscious,” while the real decision-maker remains the bottom line. It is becoming harder to determine corporations’ true intentions regarding social responsibility.

Cap-and-trade is a climate policy that has been sweeping the globe over the past 20 years (Plumer and Popovich 2019). Legislation puts a cap on the total amount of carbon dioxide emitted into the atmosphere (Environmental Defense Fund). Emission permits are then distributed to corporations who may trade them amongst themselves. The profit to be made from selling climate permits is significant enough for corporations to limit their carbon emissions. The cap falls over time, which

# Should corporations care about us?

By Trevor Fornara

aim to benefit? Changes in the way laws are written and how the public consumes have allowed corporations to adopt more environmental practices because there is financial incentive to do so; and, although there is little movement toward stakeholder theory or real corporate social responsibility, corporations are still making positive changes that have real effects on their communities and society.

The debate between shareholder theory and stakeholder theory is ongoing in the world of business. These two ideas pivot on whether or not corporations hold responsibility for anything besides increasing profit for themselves. Shareholder theory accepts the idea that a company’s primary goal is to generate profits for its owners: the shareholders (Friedman 1970). In a C Corporation, the shareholders buy into the company, receive voting rights, and often a dividend (Chron.com 2010). The shareholders do not have the time to run the corporation themselves, so they elect a board of directors who hire executives trained in running a corporation (Chron.com 2010). These executives are the decision-makers

the shareholders more money to clean up the river than to pay for proper waste disposal in the first place.

Stakeholder theory views this relationship much differently. While executives are working on behalf of shareholders, stakeholder theory adds that they must also work toward society’s betterment. This adds many more groups into the equation including employees, customers, and the broader community. This concept is called corporate social responsibility, and it is the main point of contention between the two theories. In a 1970 article for The New York Times Magazine, economist Milton Friedman gave examples of what a corporate executive could do to help society and explained why he believed corporations should not be responsible for society’s well-being. For example, an executive could give jobs to the unemployed instead of better-qualified individuals working at other jobs to help fight poverty. This decision would be to the detriment of the company, as their employees would be less trained (Friedman 1970). Friedman argued for shareholder theory because an executive acting on

that robs the shareholder, employee, and customer of their money, as Friedman suggests. It is within the executive’s right to sacrifice some profit in the name of preserving the local environment because they have a responsibility as representatives of their corporation to look out for all those impacted by the corporation’s actions.

There is no doubt that stakeholder theory makes for good public relations. We’ll make the assumption that customers like to support businesses that appear to support them back. Therefore, there is an incentive for companies to project an image of stakeholder theory to the public. It is often difficult to see the difference between a company acting in the name of profit and an honest attempt at helping their community. A common way that corporations project a good public image is through “sustainable practices.” This term is a political buzzword with very little meaning behind it. In 2020, renewable energy became cheaper than using fossil fuels (Evans 2020). It would be easy for a corporation to switch over to using renewable energy and boast to

forces corporations to innovate, or invest in renewable options (Environmental Defense Fund). A direct tax on carbon emissions also works; this system was adopted by Canada in 2019 (Plumer and Popovich 2019).

The United States has yet to adopt a national cap-and-trade program or a direct carbon emissions tax, although many states have done so. Several states in the Northeast have put cap-and-trade systems in place for the energy industry (Plumer and Popovich 2019). The energy industries in these states make up about 18 percent of total emissions and the policy charges corporations about five dollars per metric ton of carbon dioxide (Plumer and Popovich 2019). These policies are weak compared to California’s, which covers 85 percent of the market and costs corporations 15 dollars per metric ton. Canada’s tax covers 47 percent of the market and also costs corporations 15 dollars per metric ton (these are the statistics for the nationally-imposed tax; some provinces have stricter policies that cover up to 90 percent of emissions and charge twice as much per metric ton) (Plumer and

Popovich 2019). Anti-emissions policies can vary widely in method and scope, but they all have one thing in common: they provide a financial incentive for corporations to limit their carbon emissions.

When a company says they are taking a stand against climate change and are vowing to decrease emissions for the sake of the environment, how do we know if they are genuine in their intent? As it becomes more profitable to go green, corporate promises will be more disingenuous. Cap-and-trade does not promote stakeholder theory; rather, it is an admission that the vast majority of corporations have only their shareholders' profits in mind. From a political perspective, cap-and-trade is an "if you can't beat them, join them" policy. Lawmakers are forced to play by the rules of shareholder theory to make harming the environment bad for business.

Additionally, consumers are increasingly willing to pay more for products that they can feel good about buying. For example, the organic foods market has nearly doubled in the last 10 years (Nunes). Government policies and consumer pressure are working to make companies better their practices. Although corporations are using these opportunities to feign corporate social responsibility, at least they are actually reducing emissions, ethically sourcing products, using less harmful preservatives, et cetera. These financial incentives do not take the place of corporate social responsibility, but they are a good start toward corporations taking action for the greater good.

Stakeholder theory is the ideal way to run a society. The goal of a corporation should be to benefit its shareholders while simultaneously benefiting its community and society. Friedman (1970) argued that it was not the role of corporations to look after the public but that of the government, and any profit lost in the public interest is unjust taxation on all parties involved. However, it is not the job of government to spend billions cleaning up messes caused by corporations caring only about their bottom line. Additionally, shareholder theory in practice usually assumes that the sole interest of shareholders is profit (Friedman 1970). This is problematic because corporate executives may try to maximize

profit through means that are disagreeable to the shareholders, ignoring any of their non-fiscal interests. The current corporate system is undoubtedly shareholder-centric, and any change will have to come from within corporations themselves. Until that happens, lawmakers must write policy that works within this system. Cap-and-trade is a prime example of how policy can create financial incentives for corporations to act in ways that are favorable to society (Environmental Defense Fund). Financial incentives can also be made through shifts in how the public consumes. If people are willing to pay more for items that they feel good about purchasing (ethically sourced, organic, et cetera), companies will adapt their practices to fill that demand. Corporations pretend that these ethical changes display their corporate social responsibility although the decisions are often fiscally-based. This is to be expected, though, and at least the changes these corporations are making are real and have real effects. Today's corporations often make unethical decisions, and they care little about social responsibility. However, it is reassuring to know that government has ways to channel corporate actions that will benefit society at large.

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A) Will you be 18 years of age or older on or before election day?  Yes  No

B) Are you at least 16 years of age and understand that you must be 18 years of age on or before election day to vote, and that until you will be eighteen years of age at the time of such election your registration will be marked "pending" and you will be unable to cast a ballot in any election?  Yes  No

If you answer No to both of the prior questions, you cannot register to vote.

2 Qualifications

3 Your name

4 More information

Items 5, 6 & 7 are optional

5 Gender

6 Phone

7 Email

Address (not P.O. box)

8 The address where you live

9 The address where you receive mail

Skip if same as above

10 Voting history

11 What year?

12 Voting information that has changed

Skip if this has not changed or you have not voted before

13 Identification

You must make 1 selection

For questions, please refer to Verifying your identity above.

14 Political party

You must make 1 selection

Political party enrollment is optional but, that, in order to vote in a primary election of a political party, a voter must enroll in that political party, unless state party rules allow otherwise.

15 Optional questions

16 I wish to enroll in a political party

Democratic party

Republican party

Conservative party

Working Families party

Other \_\_\_\_\_

I do not want to enroll in any political party and wish to be an independent voter

No party

I need to apply for an Absentee ballot.

I would like to be an Election Day worker.

Sign \_\_\_\_\_

Date \_\_\_\_\_

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Send

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