

# Current Events in American Politics

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Week 3

# Disclaimer

- Topics over the next 4 weeks may upset you. You have a right to feel and believe whatever you want.
- **It is okay to disagree with someone. It is not okay to be disrespectful.**
- This class focuses on how our system of government is supposed to operate, consider where it is failing to meet the ideal laid out by the framers, and consider the off-cycle November election results.
  - Please send me topic ideas for weeks 2 & 4!!

# \$ in Elections

- Federal Election Campaign Act of 1971 (FECA)- limits the amount of money individuals and political organizations can give to a candidate running for federal office.
  - BUT can run unlimited ads for or against candidates so long as you don't use "magic words"
  - Candidates get to spend own \$ without limits
- Citizens United v. Federal Election Commission, 558 U.S. 310 (2010)
  - Court found that laws restricting the political spending of corporations and unions are inconsistent with the Free Speech Clause of the First Amendment to the U.S. Constitution
- Does this create an Oligarchy instead of a representative republic?
- <https://www.fec.gov/data/raising-bythenumbers/>

# Turnout

- Turnout is always low compared to potential ‘maximum’ of voters

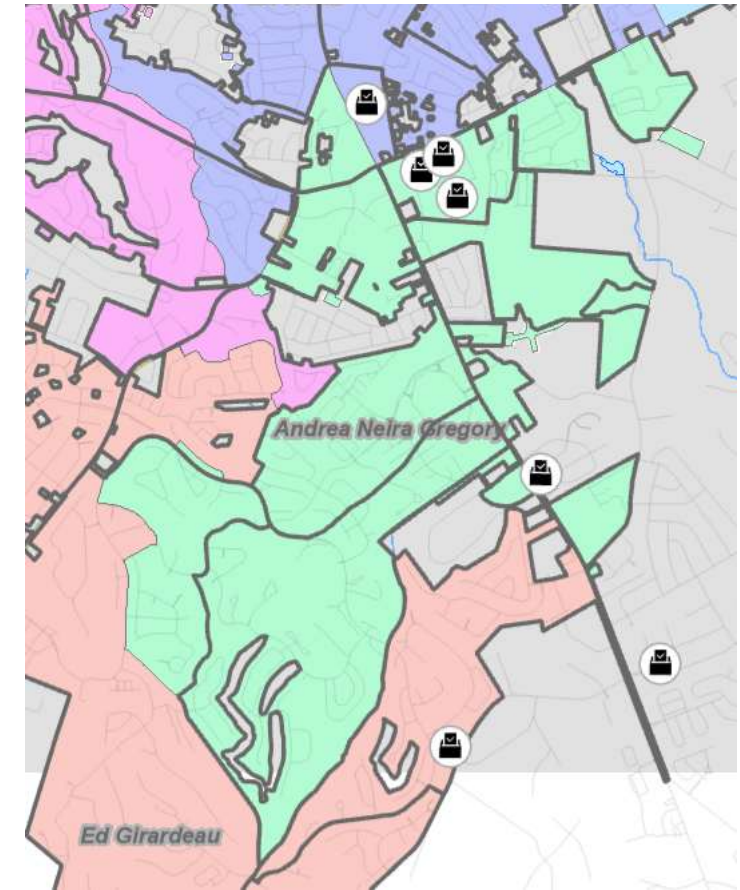
Year	Turnout	Voting Age Population (VAP)	Voting Eligible Population (VEP)	Registered Voters	Turnout as % VAP	Turnout as % VEP
2024**	154,308,000	266,978,268	244,666,890	173,854,000	57.8%	63.1%

- Presidential elections always highest, local elections & off cycle elections lucky to see 10%
  - **Local elections where your vote matters MOST!**
- Turnout measure depends on whether counting voting AGE or voting ELIGIBLE population
  - Many people ineligible to vote
  - MUST be a citizen to vote in federal & state elections and to register to vote in almost every state. Some allow legal residents who aren't citizens to vote in local elections (primarily school board related races)

# Local Election Results

- Low turnout in Aiken (~17%) , higher turnout in Wagner
- Aiken City Council- 3 Republicans and 1 Democrat elected
  - Democrat flipped district 5
- Most local elections were uncontested- New Ellenton, Perry etc.
- Wagner had several candidates due to their recent drama

<https://scvotes.gov/elections-statistics/election-results/>

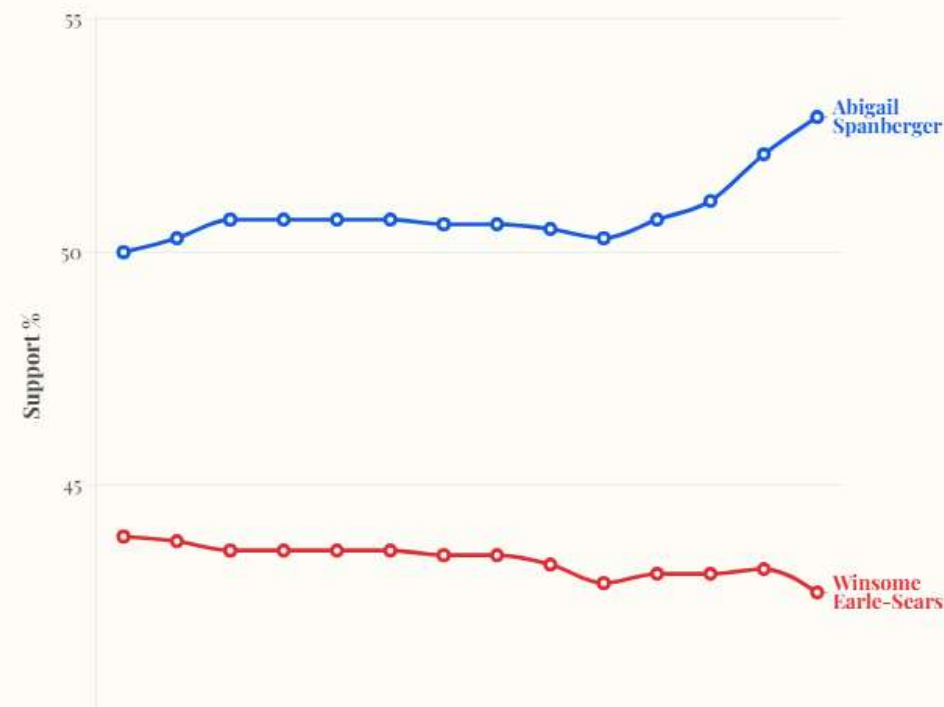


# 2025 Election- VA

- Traditionally seen as early predictor for midterms
- Democrats won every major position even with drama at AG position

## 2025 Virginia Gubernatorial Race

Average based on recent polls

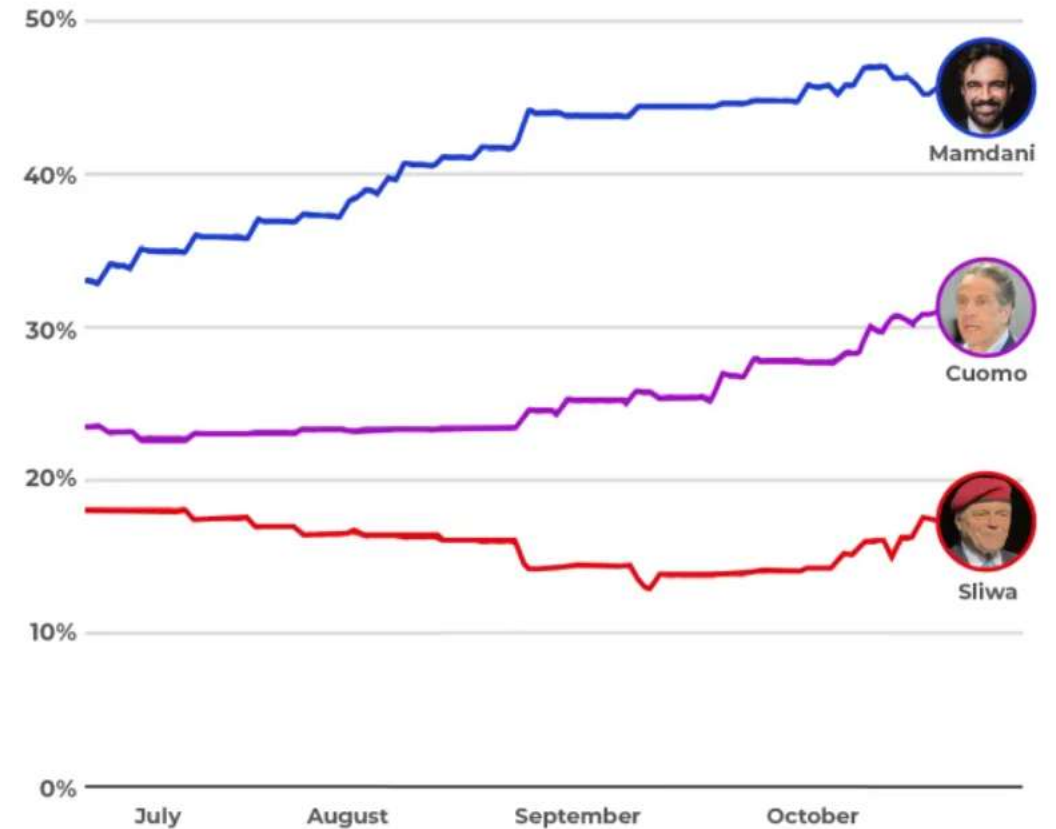


CANDIDATE	PERCENT	VOTES
<div>Abigail Spanberger</div> <div>Democratic</div>	57.5%	1,961,990 519,173 ahead
<div>Winsome Earle-Sears</div> <div>Republican</div>	42.3%	1,442,817

Newsweek

# 2025 Election- NYC Mayor

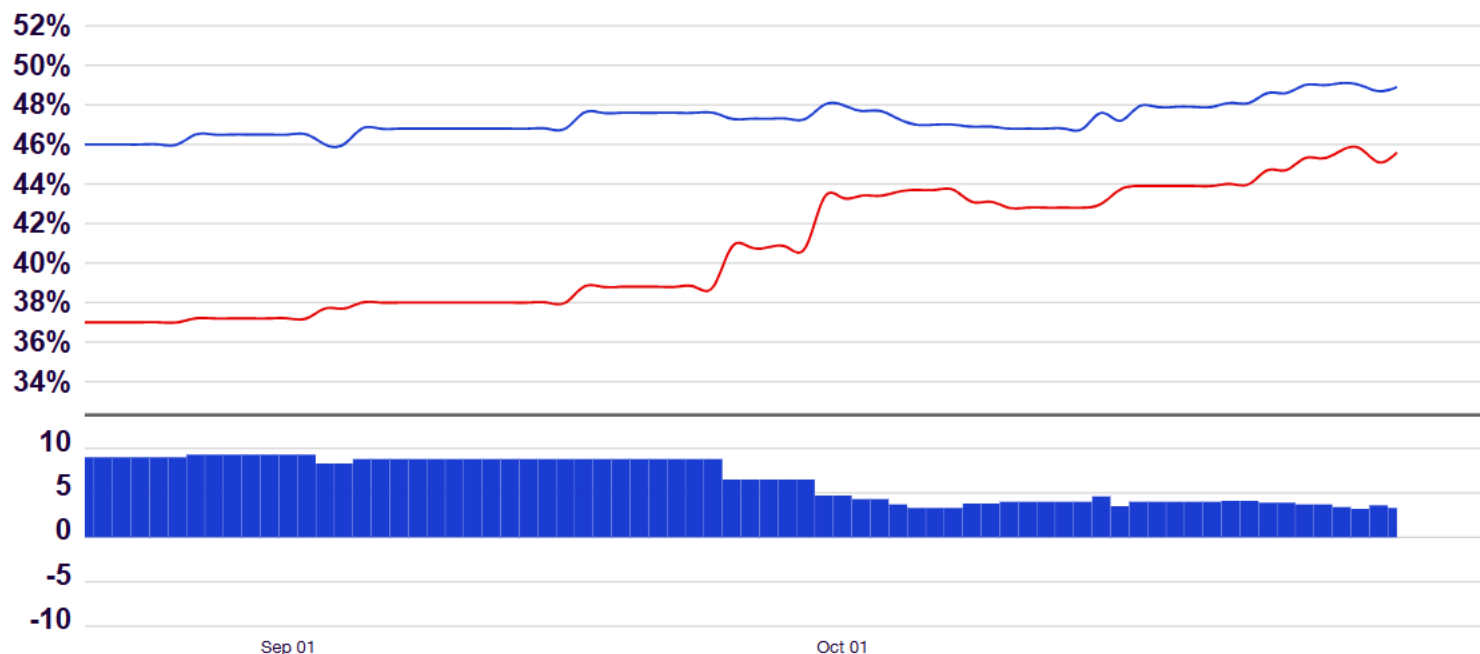
- Race has been constantly in the news, but only because of the Dem. Candidate and President Trump's dislike of one another
- Had a D, an I, and an R- Independent lost the Democratic primary
- Mamdani won with over 50% vote



CANDIDATE	PERCENT	VOTES
<b>Zohran Mamdani</b> ✓ Democratic	50.4%	<b>1,036,051</b> 181,056 ahead
<b>Andrew Cuomo</b> Independent	41.6%	854,995
<b>Curtis Sliwa</b> Republican	7.1%	146,137

# 2025 New Jersey Governor - Ciattarelli vs. Sherrill

- Dem. Governor now
- Considered most likely major race for R's to win
- Was NOT nearly as competitive as expected
- D's won handily



CANDIDATE	PERCENT	VOTES
<b>Mikie Sherrill</b> ✓ Democratic	<b>56.2%</b>	<b>1,792,760</b> 414,369 ahead
<b>Jack Ciattarelli</b> Republican	43.2%	1,378,391
<b>Vic Kaplan</b> Libertarian	0.4%	11,193



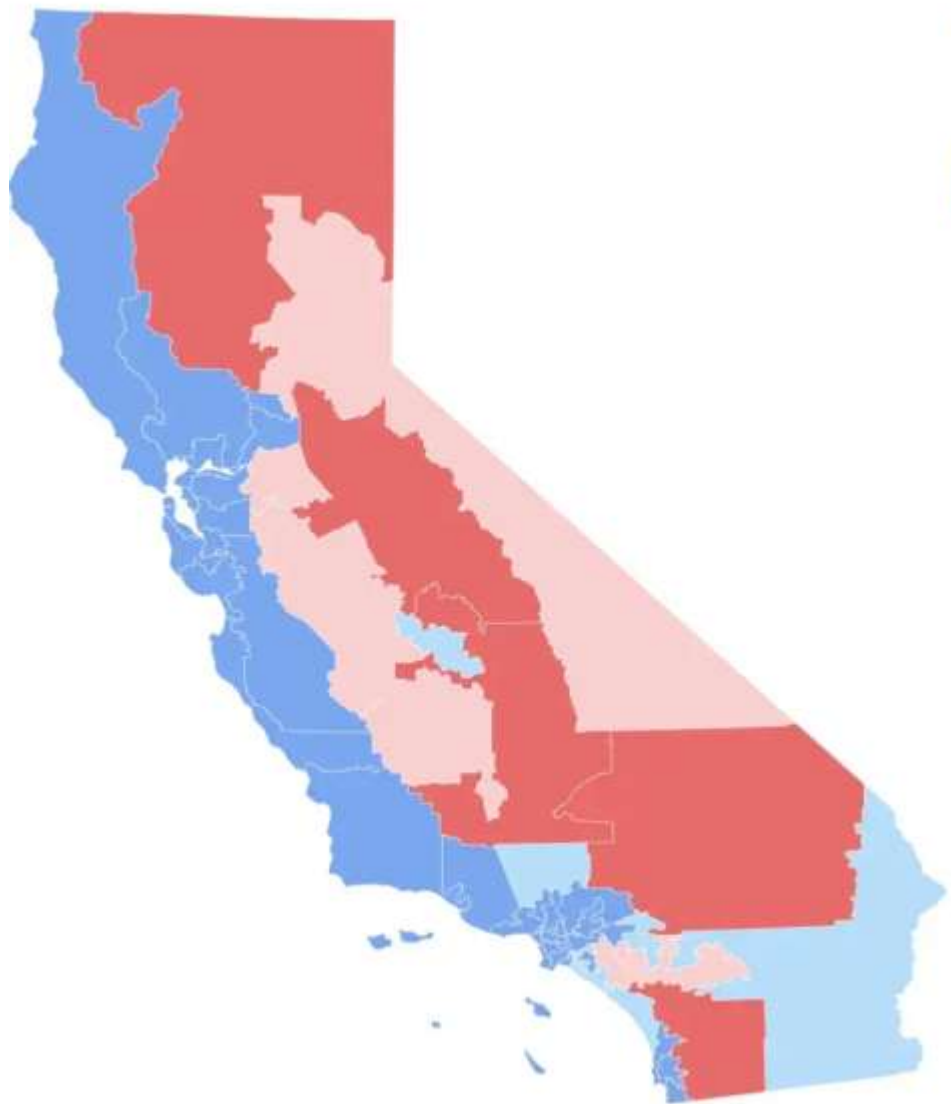
# CA redistricting

- Is technically a constitutional amendment - <https://voterguide.sos.ca.gov/quick-reference-guide/50.htm>
- Calls for temporary use of congressionally drawn map
  - Would resume independent commission in 2031
- Huge amounts of \$ for & against spent
- Would flip up to 5 seats Democrat

**A majority of likely voters say they would vote yes on Proposition 50**

% likely voters





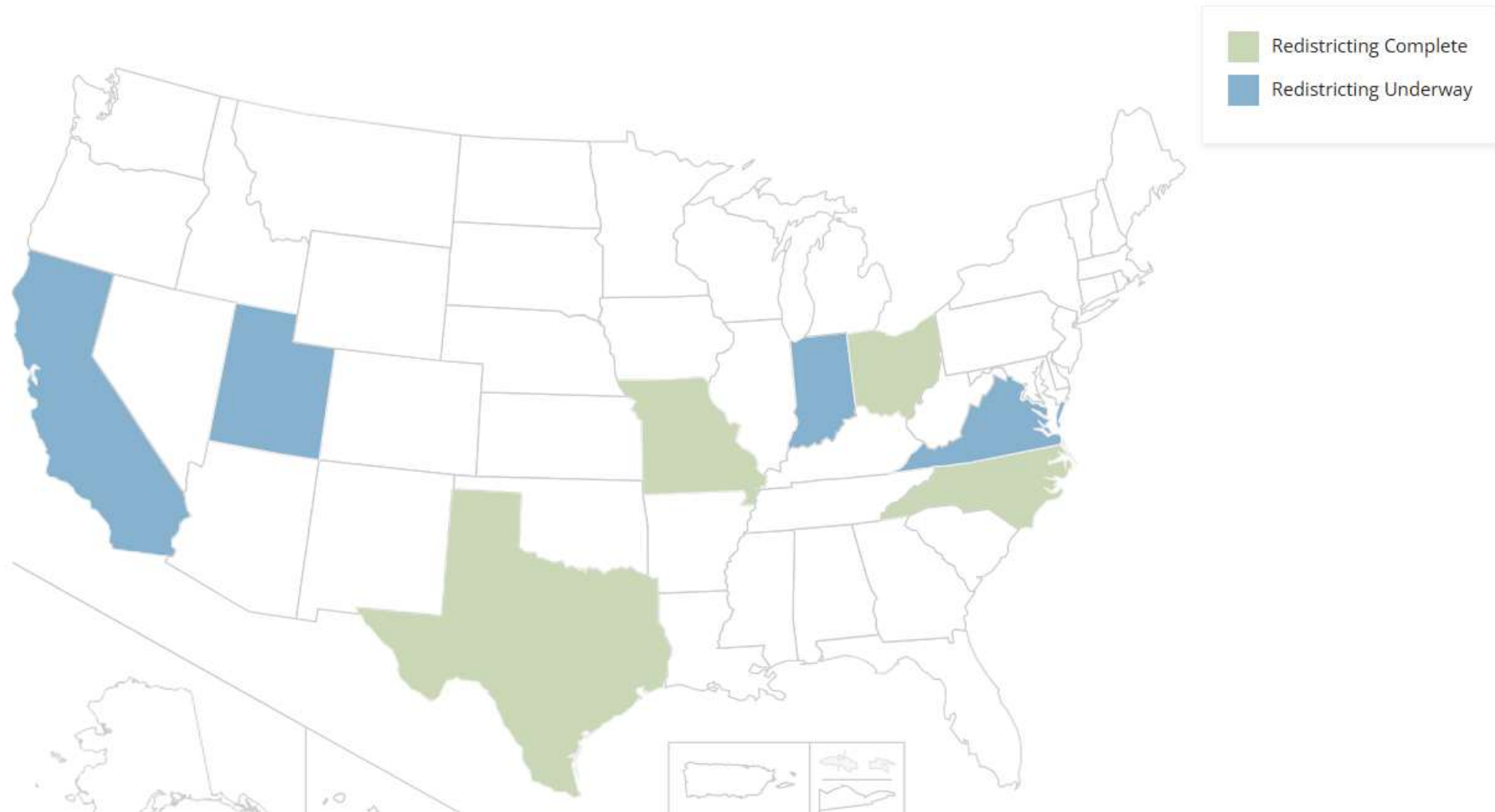
Existing map from commission



Legislative Drawn

# Other Gerrymandering States

- Texas- passed new map
- Missouri- passed new map
- North Carolina- passed new map
- Ohio- passed new maps
- Utah- passed new map – in the courts
- Virginia- working on new map
- Indiana- working on new map
- Florida, Illinois, Kansas, Maryland, Nebraska, New Hampshire, New York, South Carolina all having discussions on redrawing
- Alabama, Louisiana, New York, North Dakota may have to change map based on Courts



# Congress in 2026

- All 435 seats in HOR up for reelection. Many of the lines are being redrawn to try and give each party an advantage
  - Currently have 219 R, 213 D and 3 vacant seats
  - Redrawing the maps in all these states could change who holds power.
    - Especially concerned because of the Senate seats up for reelection
- 1/3 of the senate will be up for election (13 D seats, 22 R seats)
  - Currently have 53 R, 45 D and 2 independents
  - <https://www.270towin.com/2026-senate-election/>

# Concerns for 2026

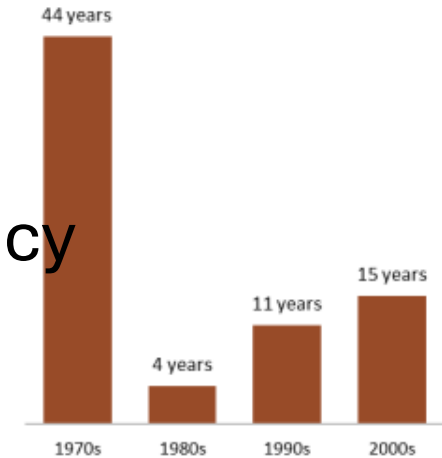
- The Constitution grants Congress the authority to determine the "Times, Places and Manner" of holding federal elections.
  - Congress used this power to enact a federal law in 1845 that set a uniform date for federal elections: the first Tuesday after the first Monday in November. This date has been used ever since,
- The President's power regarding elections is limited to signing or vetoing federal legislation that sets election rules and the general role of ensuring laws are faithfully executed. The President has no constitutional or statutory authority to override the election date set by Congress.
- In order for a federal election date to be changed, both the House of Representatives and the Senate would have to pass new legislation, and the President would have to sign it into law. This would likely face significant legal challenges.
- State Authority: States have some authority to manage election logistics and can, in some cases, reschedule elections due to exigent circumstances (like natural disasters), but this authority applies to state-level issues and must not conflict with federal law.

# Seating a new member of Congress

- Article 1, Section 2 of the Constitution- When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.
- *Powell v. McCormack* (1969) establishes that Congress cannot refuse to seat a **duly-elected candidate** who meets the constitutional requirements (age, citizenship, residency); this power can only be exercised through expulsion after the member is sworn in.
- Current Speaker refusing to swear in (seat/give the oath of office to) representative from AZ who was elected over a month ago
  - THERE IS NO RULE ABOUT WHEN/WHERE/ HOW a member may/must be sworn in. Has been done in the past in many different forms/fashions but the commonality is usually done within a week or 2 so long as election results are clear
- AG of AZ has sued claiming the refusal unconstitutional prevents their citizens from having a voice in the House.

# Tariffs

- Tariffs were left to Congress per the Constitution
  - Article I, Section 8 - explicitly grants Congress the power "to lay and collect Taxes, Duties, Imposts and Excises" and "to regulate Commerce with foreign Nations“
- Since 1930's Congress has increasingly delegated this power to the President
  - 1934 was the first- Reciprocal Trade Agreement
- Law in question right now is the IEEPA (International Emergency Economic Powers Act (1977) <https://www.congress.gov/crs-product/R45618>
  - As of January 15, 2024, Presidents declared 69 national emergencies invoking IEEPA- Courts have never heard a case surrounding this law before





# Today's Tariff Cases:

- Two different types of tariffs challenged in Courts-
  1. “trafficking” tariffs, targeted products of Canada, Mexico, and China
    - Trump says they failed to do enough to stop the flow of fentanyl into the United States
  2. “worldwide” or “reciprocal” tariffs, imposed a baseline tariff of 10% on virtually all countries, with higher tariffs – anywhere from 11% to 50% – on dozens of countries.
    - Trump argued large trade deficits as an “unusual and extraordinary threat to the national security and economy of the United States.”

# Tariffs in the Courts

- The challengers in both cases argue- IEEPA doesn't mention tariffs, no president before Trump has ever relied on IEEPA to impose tariffs, and trade deficits have existed for decades and are hardly an emergency
- As of August- cases are still working their way through the judiciary.
  - One set of cases are in the Court of International Trade, one in the 'regular system'
  - Anticipate Supreme Court having to weigh in next summer
- Where we are right now: <https://www.scotusblog.com/2025/08/the-supreme-court-and-trumps-tariffs-an-explainer/>

# Tariffs & the Budget

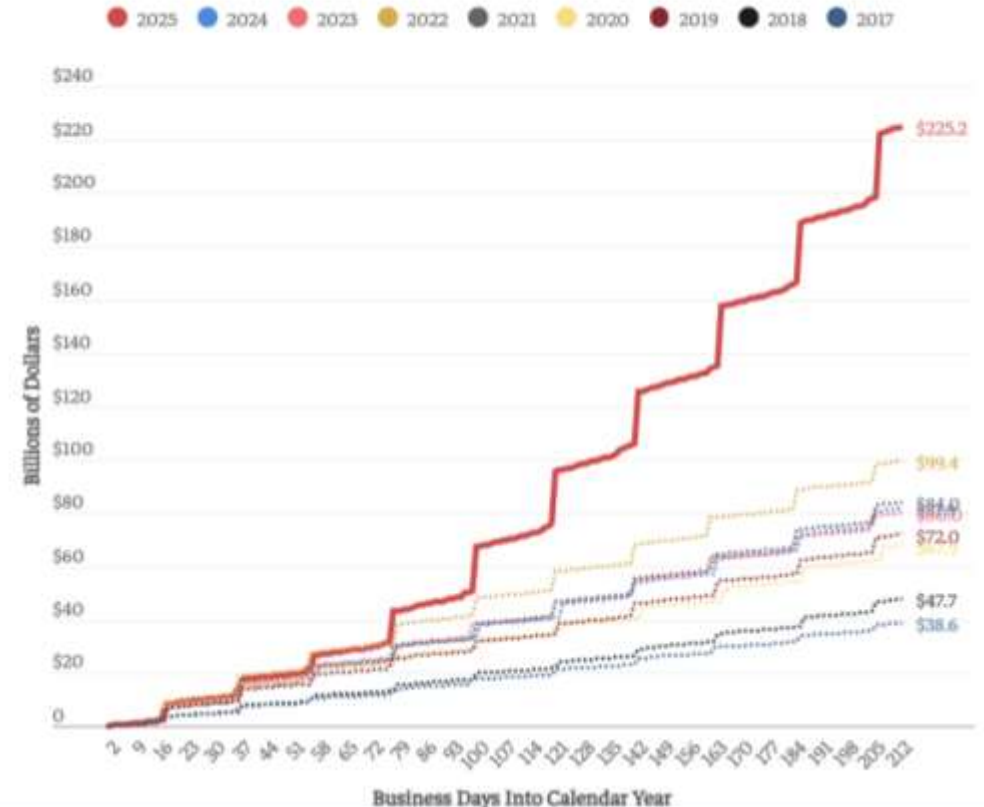
- Tariffs increase government revenue
- Tariffs decrease individual spending and business revenue because goods are more expensive
- <https://bipartisanpolicy.org/explainer/tariff-tracker/>
- <https://taxfoundation.org/research/all/federal/trump-tariffs-trade-war/>

## Impact of 2025 Trump Tariffs by the Numbers

President Trump's Imposed and Threatened Tariffs, Topline Preliminary Estimates

Average Tax Increase per US Household in 2025	10-Year Conventional Revenue, 2025-2034 (Billions)	Gross Domestic Product (GDP)	Capital Stock	Hours Worked Converted to Full-Time Equivalent Jobs
\$1,200	\$2,432.6	-0.6%	-0.5%	-657,000

As of October 31 The U.S. Has Brought in \$225 Billion in Revenue From Gross Tariff and Certain Other Excise Taxes in 2025, Billions Above Levels in Recent Years



# East Wing- The big issue

- National Historic Preservation Act (NHPA) of 1966: Establishes a process for historic preservation reviews, requiring consideration of alternatives and impacts
  - According to Section 107 three buildings and their grounds are exempt from the Section 106 review process: the White House, the US Capitol and the US Supreme Court building.

# Other relevant laws

- National Capital Planning Act: Governs federal construction projects in the D.C. area and generally requires approval for demolition and construction.
- Environmental Protection Agency (EPA) Regulations: Cover proper inspection, monitoring, abatement, and disposal of hazardous materials, such as asbestos, found in older buildings.
- Occupational Safety and Health Administration (OSHA) Standards: Mandate workplace safety measures, including proper protective gear and dust control, during demolition.
- 41 CFR § 102-74.380: Prohibits improper disposal of waste, destruction of property, and creation of hazards on federal property.

# Who the 'players' are:

- The White House- obviously
- National Capital Planning Commission (NCPC): Oversees federal projects; their approval jurisdiction was a point of contention.
- Commission of Fine Arts: Also involved in reviewing projects affecting the area's appearance.
- National Trust for Historic Preservation: A Congressional-created nonprofit that advocates for preservation and urged a pause in demolition.
- Asbestos Disease Awareness Organization (ADAO): Pressed for compliance with asbestos regulations.
- National Park Service (NPS): Supervises historical components and is involved in the project.

# Private funding?

- All donations are technically being made to a non-profit organization (the Trust for the National Mall) and will be tax-deductible
- Many argue there are violations of the Anti-Deficiency Act-
  - accepting private funds from corporations and individuals with business before the government could violate the Anti-Deficiency Act
  - A federal law that generally prohibits the executive branch from accepting voluntary services or gifts unless specifically authorized by Congress. This law protects Congress's constitutional "power of the purse".
  - BUT was already 'violated' if this were the case by accepting the new Air Force 1
- Several members of Congress have introduced legislation to reassert oversight of the project

# National Guard to Cities-

- **The National Emergencies Act of 1976 (NEA):** Provides a formal procedure for presidents to declare a national emergency & 6 mo. checks by Congress to verify emergency still exists
- When invoked unlocks over 120 statutory powers scattered throughout the U.S. Code.
- A president can access authorities covering matters from military composition to communication control and freezing assets.
- <https://www.congress.gov/crs-product/R46567>
- **Insurrection Act (1807)** - <https://www.brennancenter.org/our-work/research-reports/guide-invocations-insurrection-act> As of 2022 used 30 times (used in 1992 LA)
- **32 U.S.C. § 502(f)** - [https://www.lawfaremedia.org/article/section-502\(f\)-is-not-a-blank-check](https://www.lawfaremedia.org/article/section-502(f)-is-not-a-blank-check)



# Nat'l Guard to Cities

- The guard can be sent to protect federal property and to ensure federal laws being followed.
  - CANNOT act as 'civil policing'- would be in violation of the Posse Comitatus Act of 1878- prohibits military use for civilian policing
    - Unless Congress approved in emergency situations, natural disasters etc.
- MANY examples throughout history of national guard being sent to cities/ states to protect property and enforce the law. Even over the objection of the governor of the state (only happened 3 times)
  - Think Little Rock 9 in 1957
  - 1992 LA riots, every natural disaster etc.
  - Airports post 9-11