

Religious Democratic Participation and Corporate Interests

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A thesis submitted to the
Faculty of the Graduate School of the
University of Colorado in partial fulfillment of the requirement for the degree of
Master of Arts
Department of Religious Studies
2019

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IRB protocol # 18-0494

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Thesis directed by Associate Professor Elias Sacks

Abstract: In 2014, researchers found that “[w]hen the preferences of economic elites and the stands of organized interest groups are controlled for, the preferences of the average American appear to have . . . a miniscule . . . statistically non-significant impact upon public policy.”¹ This thesis begins by recognizing that outsized corporate influence on policy is a problem which must be fixed. I then propose that what I call Religion-Affiliated Activist Organizations (“RAAOs”) are suited to reintroduce non-corporate agendas to the policy-debate arena because of their metaphysically-grounded motivations, pre-existing leadership structures, and community ties. To make this argument, I draw on scholarship in fields such as religious studies and my own interviews with RAAO leaders to demonstrate how these characteristics have already led to the successful reintroduction of non-corporate voices into policy debates, both generally and in the context of a case study on immigration. I conclude by addressing potential counterarguments and, more generally, reflecting on the implications of my analysis.

¹ Kathleen Gehl et al. “Why Competition in the Politics Industry is Failing America,” Harvard Business School (2017), <https://www.hbs.edu/competitiveness/Documents/why-competition-in-the-politics-industry-is-failing-america.pdf>.

Acknowledgements

First and foremost, I am grateful to the many community leaders who contributed their precious time and energy to this thesis so I could accurately portray the significance of their work. Without their care and enthusiasm for this project, it would not have been possible.

I am further indebted to my advisor, Dr. Elias Sacks, who guided me with infinite patience and wisdom, went above and beyond at every stage to ensure this thesis's excellence, and expressed a consistent belief in the importance of my work – all while maintaining the tremendous sense of humor which, I am certain, has been key to keeping all of the graduate students afloat.

Additionally, I have immense gratitude for the other members of my thesis committee – Dr. Gregory Johnson and Professor Scott Skinner-Thompson. Thank you, Dr. Johnson, for helping me to find my place at the intersection of law and religious studies, and thank you, Professor Skinner-Thompson, for reminding me to maintain an open heart as I work in academia and law, for believing in me through my various endeavors, and for inspiring me to pursue a career in civil rights.

I also thank my professors. Professor Sam Gill – I thank you for challenging me to approach religious studies with rigor. Professor Nataraja Kallio – I thank you for giving me the tools I need to keep my priorities in order. Professors Violeta Chapin, Helen Norton, Benjamin Levin, and Dayna Matthew – I thank you for inspiring me each and every day to give everything I have to the fight for justice and equality.

Equally important, I am indebted to Margaret Clarke and Adrienne O’Connell for helping me to navigate the logistics of pursuing my J.D. alongside my M.A. and for cheering me on through the most difficult times.

I am grateful to my cohort and the family they brought with them – Israel Dominguez, Cem Durak, Greg Mileski, Jenny Mileski, Leo Mileski, Lena Mileski, John Sheridan, and Vivian Sheridan – for brightening every day on this journey.

Finally, thank you to my partner, Ryan Tipton, for helping me to stay grounded as I pursued the nearly impossible task of completing both degrees in tandem; to my dearest and oldest friend, Valerie Young, for moving to Colorado and for constantly inspiring me with her dedication to public defense; and, to my parents – Carl Arnold and Renee Rundenza – for never understanding why I do what I do but supporting me nonetheless.

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INTRODUCTION

Americans appear to be disillusioned with their government – so disillusioned, that in 2017 “only 18% of Americans [said] they [could] trust the government in Washington to do what is right ‘just about always’ (3%) or ‘most of the time’ (15%).”¹ While this discontent may be partly attributable to some policy-makers’ inability to govern effectively, there is a growing sense among scholars that the failure on the part of many policy-makers to adequately represent their constituents is itself attributable, to a significant extent, to unwillingness rather than inability. Specifically, scholars have argued that policy makers have increasingly come to overlook the needs of their constituents in favor of instead directing their efforts towards appeasing one relatively narrow audience: corporate interests.

The relationship between a policy-maker and corporate interests often begins early and continues through the duration of her or his time in office.² Corporations – a term that I use throughout this thesis to refer to business corporations, as opposed to nonprofit corporations, which are formed in a way that renders them legally independent of the individuals who run them³ – may, for example, begin building a relationship with a policy-maker before she even assumes office by, in the case of elected officials, contributing to the political action committees

¹ “Public Trust in Government: 1958-2017,” Pew Research Center, published December 14, 2017, <http://www.people-press.org/2017/12/14/public-trust-in-government-1958-2017/>. Emphasis added.

² I am aware, to be sure, of the increasing prevalence of elected officials who decide to make the rejection of corporate funding a key part of their platforms. Nevertheless, I operate on the assumption that many elected officials remain indebted to corporate interests.

³ This definition is borrowed from that used by Adam Winkler: see Adam Winkler, *We the Corporations: How American Businesses Won their Civil Rights* (New York: Liveright Publishing Corporation, 2018), xxiv, 4, 381. It also reflects the definition Jeffrey Stout seems to embrace when he refers to corporations throughout *Blessed are the Organized: Grassroots Democracy in America*: see Jeffrey Stout, *Blessed are the Organized: Grassroots Democracy in America* (Princeton: Princeton University Press, 2010), 75.

(“PACs”) which support the candidates’ campaigns. In this way, candidates are imbued with an early sense of accountability to corporations’ interests. Once elected, the pressure to support corporations’ agendas continues as corporate lobbyists work to ensure that elected officials remain cognizant of the corporations’ priorities throughout their time in office.⁴

Many elected officials do not have the ability to run their campaigns without funding from corporate donors, who have in recent decades have come to contribute the bulk of the money used in congressional campaigns. In 2014, for example, “5.4 million Americans gave at least something to any congressional campaign or political party or PAC,” however, “of that 5.4 million, the top 100 individuals and organizations gave almost as much as the bottom 4.75 million,” and “[t]he top 100 individuals and organizations gave 60 percent of the super PAC money given.”⁵

The result is that elected officials can often become consumed by the need to work on behalf of corporations – without which they might not be able to run an election or re-election campaign – and relatively little time is left to meet the needs of their non-corporate constituents. As an illustrative example, consider that, in 2013, a group of Democrats recently elected to the U.S. House of Representatives were presented with a “model daily schedule” which included four hours of “call time,” one to two hours of constituent visits, two hours working in committee or on the floor, one hour of “strategic outreach,” and one hour of “recharge time.” Both “call time” and “strategic outreach” refer to fundraising, including phone-based fundraising and attendance at fundraising events—and, more specifically, to fundraising directed at corporate donors. In one

⁴ Nancy MacClean, *Democracy in Chains: The Deep History of the Radical Right’s Stealth Plan for America* (New York: Viking, 2017), 9, 50.

⁵ Lawrence Lessig, *Republic Lost: How Money Corrupts Congress—and a Plan to Stop It* (New York: Hachette Book Group, 2011), 15.

recent study, commentators Wendell Potter and Nick Penniman note that the phone-based fundraising efforts are mostly directed towards “very wealthy donors in the richest cities in America,” and the fundraisers are often thrown by “the very industries [the representatives] are supposed to be regulating, based on their congressional committee assignments.” Therefore, representatives who follow this schedule may spend up to half of their time each day engaging with corporate executives and lobbyists.⁶ With this amount of elected officials’ time occupied by their obligations to corporate donors, it is perhaps no surprise that many Americans do not trust their elected officials. As legal scholar Lawrence Lessig puts it (somewhat pithily) in his text *Republic Lost*, “how can you lead when you spend so much time begging?”⁷

However, corporations are not the only entities playing a role in American debates about policy making. Significant to this thesis is a constellation of highly-impassioned, religion-based activist groups – what I shall refer to as Religion-Affiliated Activist Organizations (RAAOs) – which are mobilizing their communities in service of alternative, non-corporate agendas. In the chapters that follow, I look to the success these organizations have experienced and ask whether they might have the potential to reintroduce non-corporate voices and agendas to the policy-making debate. I argue that, because of RAAOs’ metaphysically-grounded motivations, ties to leadership structures which are ripe for mobilization, and embeddedness within substantial pre-existing communities, such organizations may be able to play a role in broader efforts to reintroduce non-corporate agendas in the political sphere.

Approach

⁶ N. Penniman and W. Potter, *Nation on the Take* (New York: Bloomsbury Press, 2016), 8.

⁷ Lessig, *Republic Lost*, 15.

To make this argument, I draw on two types of sources: existing works on the topics outlined above, and original interviews with individuals representing a wide range of RAOs which work in a number of policy areas (especially immigration).

On one level, these sources provide support for a detailed theoretical analysis which examines the characteristics which make RAOs capable of reintroducing non-corporate agendas in the policy-making sphere. Equally importantly, they provide the backdrop necessary to support a case study on the way RAOs have already reintroduced, and might continue to reintroduce, non-corporate voices in the realm of American immigration policy. Throughout each mode of analysis, the scholars discussed above are placed in conversation with original interview materials which were gathered in preparation for this thesis.

With respect to existing works, I engage two distinct bodies of literature: scholarship that explores the intersection of religion, law, and politics, and works which examine the entanglement of corporate influence and democracy. Within the first category, I look primarily to the works of Jeffrey Stout, focusing on *Blessed are the Organized* and *Democracy and Tradition*; Winnifred Sullivan, with an emphasis on her work *The Impossibility of Religious Freedom*; Mark McGarvie, especially his *Law and Religion in American History: Public Values and Private Conscience*; Richard Rorty, focusing on *Philosophy and Social Hope*; and David Craig's *Health Care as a Social Good*. Within the second category, I look to both scholarly works and other secondary sources. The relevant scholarly sources include Adam Winkler's *We the Corporations: How American Businesses Won Their Civil Rights*, Sheldon Kamieniecki's *Corporate America and Environmental Policy: How Often Does Business Get its Way?*, John C. Coates' "Corporate Politics, Governance, and Value Before and After Citizens United," Carol Greenhouses' "Citizens United, citizens divided: Democracy and economy in a corporate key,"

and William Wiist's "Citizens United, Public Health, and Democracy: The Supreme Court Ruling, Its Implications, and Proposed Action." For purposes of this thesis, I primarily focus on Lawrence Lessig's recent study *Republic Lost*.

Other secondary sources include Wendell Potter and Nick Penniman's *Nation on the Take*, articles by Moyers & Company, Lee Drutman, and Michelle Ye Hee, a report by Kathleen Gehl and Michael E. Porter, and reports by Open Secrets and the Sunlight Foundation, all of which provide a glimpse into the entanglement between corporate interests and policy in America.

Stout's work helps provide my thesis's primary theoretical foundation. In his most recent book, *Blessed are the Organized*, Stout surveys factors contributing to the dire state of American democracy – including the outsized influence enjoyed by corporations and the widespread cynicism regarding the functionality of American democracy – and illustrates the ways in which groups have relied on religious motivations, communities, and institutions to engage in grassroots mobilization.⁸ Relatedly, in an earlier work, *Democracy and Tradition*, Stout argues that the welcoming of religious voices in the public sphere is not antithetical to American democracy, but is, rather, essential to it; to exclude religious voices in the name of secularism, Stout asserts, is to ignore the reality that democracy itself is a tradition,⁹ to give up the potential for Americans from varying backgrounds to engage in dialogue which might ultimately lead to effective mobilization,¹⁰ and to succumb to a (mis)understanding of American democracy which is hegemonic in that it is reflective of only certain expressions of morality.¹¹ As he writes in the conclusion of that text, "democracy . . . is misconceived when taken to be a desert landscape

⁸ Stout, *Blessed are the Organized*, xv, 281.

⁹ Ibid, 3.

¹⁰ Ibid, 302.

¹¹ Ibid, 299.

hostile to whatever life-giving waters of culture and tradition might still flow through it. Democracy is better construed as the name appropriate to the currents themselves in this particular time and place.”¹²

Together, Stout’s texts provide a framework for understanding American political life in which religious pluralism functions more as the life-blood of, rather than as a threat to, democratic participation. While accepting this vision, my thesis builds upon – and thereby goes significantly beyond – Stout’s analysis in three ways. First, I draw from his discussion in *Blessed are the Organized* to more precisely identify and define three characteristics – what I describe as metaphysically-grounded motivations, ties to leadership structures ripe for mobilization, and embeddedness within substantial pre-existing communities – which I suggest are crucial to the success experienced by grassroots organizations which affiliate with religious communities and traditions. Second, I describe such organizations as Religion-Affiliated Activist Organizations (“RAAOs”), a term which allows me to refer to all of the organizations discussed as a group.¹³ Third, I build on Stout’s recognition that welcoming religious voices in the public sphere may serve as an avenue for introducing alternate, non-corporate agendas to the policy-making arena by offering a more detailed analysis of corporate influence on American policy and exploring particular instances in which RAAOs have been able to pursue their missions more effectively because of their affiliation with religious communities or traditions. I ground my discussion of the strengths of RAAOs in a case study of American immigration policy, showing how RAAOs’ affiliation with religious communities and traditions has enhanced, and continues to enhance, their efforts to reintroduce non-corporate voices and agendas in the immigration policy debate.

¹² Ibid, 308.

¹³ This term is discussed in greater depth at the end of this chapter.

Sullivan's work also provides an important foundation for my thesis. In *The Impossibility of Religious Freedom*, Sullivan makes the argument that the American ideal of religious freedom may be impossible to realize. For a government to guarantee religious freedom, she posits, it must provide a legal definition for religion – a task which, given the tremendous variance of religious expression in America, may well prove impossible. As Sullivan writes, “religion, [and] particularly American religion, fits uneasily into a legal scheme that demands such categories and such expert certainty.” Sullivan further argues that, to the extent American law *has* historically attempted to provide a definition, it has done so by charging the courts with determining “which religious belief[s] or practice [are] authentic, and therefore legally sufficient.”¹⁴ In practice, the courts' attempts to define religion in this way has resulted in the legal favoritism of those religious expressions which are “private, voluntary, individual, textual, and believed.”¹⁵ Thus, religious freedom has been actualized for only a small portion of religious practitioners. I rely upon Sullivan's argument to identify the very of narrow understanding of religion which has historically been recognized in the public sphere, and I build upon her work by proposing that RAAO involvement in the public square might allow for a much broader group of religious voices to be both recognized and have their values reflected in policy-making debates – a group that need not be limited to the judicially sanctioned understandings of religion, but might, rather, be more representative of the reality of religious pluralism in America.

I also connect Sullivan's work to McGarvie's *Law and Religion in American History: Public Values and Private Conscience*. In that text, McGarvie describes American law as an ever-

¹⁴ Winnifred Sullivan, *The Impossibility of Religious Freedom* (Princeton: Princeton University Press, 2007), 10.

¹⁵ *Ibid*, 8.

changing reflection of the “beliefs, values, and societal goals of the American people.”¹⁶ I find this understanding of law to be encouraging, as it suggests that the activity of RAOs representing a broad swath of religious traditions might help lead American law to better represent the diverse values embodied by American pluralistic society, rather than remaining hegemonic in its exclusive recognition of one narrow expression of religion.

The essays collected in Rorty’s *Philosophy and Social Hope* serve to articulate a potential counterargument to the position I take in this thesis. In particular, Rorty’s work articulates the argument that the type of religious intervention in the public square that I envision is undesirable because, when invoked outside the relevant community, religion is a “conversation stopper.” In making this argument, Rorty envisions a scenario in which an individual invokes their religion as the justification for a political opinion. For example, Rorty contemplates a theoretical conversation between a religious and a nonreligious individual in which the religious individual indicates that abortion is forbidden by God. At that point Rorty indicates, there are three options: 1) the nonreligious participant could ask the religious participant to attempt to find a shared premises – in this case, nonreligious premises – on which to continue the debate; 2) the nonreligious individual could try to engage with religion-based language; or 3) the conversation could come to a stop. Rorty explains that the first option may appear condescending to the religious individual and that the second option is unproductive; the use of religious justifications in political debate, therefore, is most likely to end the conversation. Consequently, Rorty fears that religious dialogue in the public sphere will lead to the disintegration of meaningful political debate.¹⁷ I put Rorty in conversation with Stout to argue that – far from putting an end to

¹⁶ Mark McGarvie, *Law and Religion in American History: Public Values and Private Conscience* (New York: Cambridge University Press, 2016), xiv.

¹⁷ Richard Rorty, *Philosophy and Social Hope* (London: Penguin, 1999), 164.

conversation – introducing religious voices in the public sphere may help enliven dialogue by allowing a more diverse group of participants to voice their opinions.

Rather than articulating a potential counterargument, Craig’s *Health Care as a Social Good* allows me to rebut one: the argument that religious voices should not be encouraged to join the political sphere because of the damaging impact some RAOs have had historically. To rebut that argument, I draw from Craig’s proposal that those who argue against the inclusion of religion in the public square are incorrectly buying into “the standard media storyline [that] . . . when religious arguments enter the public forum, they unequivocally support the conservative position,”¹⁸ and, consequently, they are missing the opportunity to embrace the motivational power of “values talk” for their own purposes.¹⁹ Thus, I argue, Craig’s work provides support for the idea that the previous damaging impact caused by some RAOs historically is not a reason to exclude RAOs from the public square, but is rather a reason to utilize RAOs to elevate new voices which might not otherwise be heard in public debate and, ultimately, to ensure that the values talk which permeates the policy-making process is representative of a diversity of values which reflects the pluralism of America.

Lawrence Lessig’s *Republic Lost* is situated among the group of scholarly works discussed above – including the works of Winkler, Kamieniecki, Coates, Greenhouse, and Wiist – which examine the entanglement between corporate interests and American democracy. Lessig contribute to the greater conversation by providing a description of the history and pervasiveness of the influence of special interests in the American policy-making sphere.²⁰ Relevant to this

¹⁸ Daniel Craig, *Healthcare as a Social Good* (Washington D.C.: Georgetown University Press, 2014), 3-4.

¹⁹ Ibid, 7.

²⁰ Lessig, *Republic Lost*, 73-108.

thesis, he details the relationship between recent Supreme Court decisions and political developments affecting campaign finance and explains how the two have allowed corporations to exercise influence over policy-makers through the donation of historically-unmatched sums of money.²¹ While Lessig uses this narrative to support his argument for a particular version of campaign-finance reform, I use it to articulate the degree to which non-corporate voices have been marginalized in the public sphere and to demonstrate why RAOs, with their capacity to effectively reintroduce non-corporate voices in the political sphere, are necessary.

Finally, I rely on the secondary sources discussed above to supplement my discussion of Lessig's work and to develop the immigration-policy case study described above. The Open Secrets and Sunlight Foundation reports in particular provide examples of the ways corporations have shaped immigration policy through contributions to super PACs and lobbying activities. I frame these cases as instances of corporations' outsized influence on immigration policy and, against this backdrop, argue that RAOs are capable of reintroducing non-corporate agendas to immigration policy debates. To make this argument, I provide specific examples where immigration-focused RAOs have already achieved this reintroduction.

The interview material includes the results of interviews conducted with eight individuals who either serve as volunteers or staff for RAOs. During the University of Colorado's Institutional Review Board ("IRB") approval process, I committed to maintaining the anonymity of both the interviewees and their respective organizations with the goal of ensuring the interviewees' comfort and willingness to respond candidly. Therefore, the names of the organizations and the organizations' representatives will not be used at any point in this thesis.

²¹ Ibid, 54.

I chose the interviewees through a web-based search. Through this search, I sought to establish an extensive list of active RAOs with a variety of religious affiliations. Initially, I compiled a list of twenty-five organizations, including those based in several states across the country and at least one working internationally. I contacted representatives from each organization to determine their willingness to engage in an interview. Ultimately, I completed interviews with eight RAO representatives.

The representatives interviewed work or volunteer for organizations which focus on a diverse swath of issues. To be sure, I should acknowledge that despite attempts to draw participants from a broad range of religious and political backgrounds, many of the individuals who agreed to speak with me work with organizations focused on what are often perceived as “liberal” issues and agendas. In this way, the scope of the interviews is limited. Nonetheless, the issues addressed by the organizations vary widely. The RAO representatives interviewed, for example, noted that their respective organizations work on one or more of the following issues: the rights of refugees, asylees, and other immigrants; gun control, regulation, and reform; international peace-building; nonviolence training; climate change; criminal-justice reform; Payday Loan reform; housing accessibility; economic justice; environmental justice; anti-discrimination law; workers’ rights; and prison reform.

The organizations represented in the interviews carry out their missions through a variety of mediums, including lobbying, individual legal representation, grassroots mobilization, youth empowerment programs, community training, in-person protest, interfaith organization, participation in legislative hearings, online newsletters, and the provision of individual and group emergency aid. One RAO, for example, employs licensed attorneys in order to take legal action

on behalf of their clients.²² Another mobilizes individuals in its community to attend local public hearings where coal regulation is on the agenda, encouraging these individuals to discuss the religiously rooted motivations which lead them to take action to protect the environment.²³ A third offers a six-month training for young buddhist activists, during which over one hundred youth gather to work on issues relating to women and children.²⁴

There are other important differences among these groups. While some of the organizations have chosen to direct their efforts towards one particular religious community (either on a local or national level), others conduct interfaith work or collaborate with organizations which have no religious affiliation. Similarly, whereas some organizations are well-established and led by individuals who have been with the organization for many years, others are making an intentional shift to a new generation of leadership with hopes that such transition will allow their mission to continue in a time when religious participation is on the decline.

Finally, the organizations vary significantly in size. Some of the organizations are expansive – with multiple offices throughout the country, large budgets, and dozens of staff members – and have a national focus, while others are intimate but mighty operations with as few as one paid staff member. Regardless of their differences, the interviews revealed that each organization has facilitated the introduction of non-corporate voices in public policy debates.

The interviews took place between November 12, 2018 and February 20, 2019. I conducted each interview over the phone. The conversations took no longer than ninety minutes.

Interviewees serve in capacities ranging from interns to Executive Directors. During the

²² Interview with RAAO Representative, November 12, 2018.

²³ Interview with RAAO Representative, December 4, 2018.

²⁴ Interview with RAAO Representative, November 15, 2018.

interviews, I asked representatives a series of questions from a script, which was approved by the University of Colorado's IRB, and gave them time to respond freely. In addition to questions establishing the basics of the organization, the script included questions about the organizations past work, current work, and vision for the future. Further, the questions sought to gain an understanding of the representatives' understanding of the role religion plays in their organizations, along with their understanding of the role they believe religion has played – and should play – in the broader public sphere. The interview questions were as follows:²⁵

1. First, what is the name of your organization?
2. How many people work at your organization?
3. How long has your organization been running? Has it undergone any major changes or shifts? If so, can you describe them?
4. What type of work do you do at your organization?
5. Can you describe some of the events your organization has organized and implemented over the last couple of years? I'm looking for the type, location, number of participants, collaborators, goal, and outcome.
6. Can you describe what you think makes your organization successful?
7. Can you describe some of the pitfalls which face your organization?
8. Would you describe your organization as faith-based? If so, in what ways does being a "faith-based" organization influence your mission and your work?

²⁵ At the time the script was submitted for IRB approval, I used the term "faith-based organization" to describe the organizations interviewed. Therefore, the interview questions approved by the IRB frequently utilize the term "faith-based." However, the interviews revealed that faith-based is not an appropriate descriptor for all of the relevant groups. Therefore, I have opted to use the term "RAAO" instead. That term is discussed in detail below.

9. In what ways does being a faith-based organization help you to effect change and fulfill your mission? Fundraising? Organizing? Structurally? Motivationally?
10. In what ways, if any, does being a faith-based organization hinder your ability to create political change?
11. When you are planning an action, where do you advertise? How do most of your participants find out about the action?
12. How do you fundraise for your organization? How do you frame your fundraising efforts? How successful do you feel your fundraising efforts are?
13. Do you collaborate across faith groups?
14. Do you collaborate with non-faith-based groups to carry out your mission?
15. What do you see as the role of faith-based groups in the “public sphere?” Now? In the past? In the future?
16. One last question: As you know, the contents of your interview may be woven into my final thesis. Would you like me to send you a copy once it is complete?

Interviewees’ responses to these questions varied widely; some focused on their RAAO’s history, others on their RAAO’s outcomes, and others still on their RAAO’s motivations. Consequently, the interviews provided a rich description of the way the interviewee’s respective organizations engage in political life.

The responses are integrated into my analysis throughout my thesis. For example, I use quotations from interview responses to illustrate the metaphysically-grounded motivations, ties to leadership structures which are ripe for mobilization, and embeddedness within substantial pre-existing communities which I argue are key to RAAOs ability to reintroduce non-corporate interests in the American policy-making sphere. I also draw on the interview responses in my

immigration case study to illustrate the way three specific RAAOs have already leveraged these characteristics to reintroduce non-corporate voices in debates about immigration policy.

Chapter Outline

Drawing on the scholarship and interviews discussed above, I develop my argument across four chapters.

In Chapter One, I describe the rise of corporate influence in the policy-making sphere as initiated by strategic political engagement on behalf of corporate actors and exacerbated by recent court cases including *Citizens United v. FEC*. Further, I demonstrate the depth of entanglement between corporations and some policy makers by providing specific examples of the ways corporate actors have worked to shape policy. Finally, I describe the rising sense of distrust and cynicism which many American currently feel toward their government and which, in some cases, has caused them to disengage from the political process.

Chapter Two seeks to provide a theoretical model – including a detailed discussion of RAAOs’ metaphysically-grounded motivations, embeddedness within a pre-existing leadership and organizational hierarchy, and situation within an existing community – which describes how these groups might play a role in reintroducing non-corporate agendas to the American policy-making sphere. Throughout this chapter, I draw on scholars such as Stout and turn to my interviews with RAAO representatives to provide concrete examples of how such organizations are already leveraging these three characteristics to elevate the voices in their respective communities.

Chapter Three applies the theoretical model developed in Chapter Two to a case study of American immigration policy, focusing primarily on immigrants moving between Central America and the United States. I discuss the influence of American economic interests on

foreign policy affecting Central America, the influence of one particular corporation on that foreign policy, and the impact of corporate interests on current immigration policy relating to immigrants from Central America. Further, I outline the ways RAAOs have successfully reintroduced non-corporate voices to the immigration debate by, for example, helping their communities to understand the relationship between religion and political action.

Finally, in Chapter Four, I anticipate and address key worries that some readers might have about my thesis, including the argument that the introduction of additional voices in the public square could result in unintended consequences (“The Unintended Consequences Argument”) and the argument that my proposal is in conflict with America’s broader commitment to democratic secularism through the separation of church and state (“The Democratic Secularism Argument”).

Before turning to Chapter One, however, two additional notes of clarification are necessary. First, my use of the term “RAAO” deserves further explanation. For purposes of my thesis, RAAOs – Religion-Affiliated Activist Organizations – are defined as organizations which are both engaged in “activism” – either on a community or governmental level – and have some relationship to religious groups including (but not limited to) Presbyterian, Catholic, Jewish, Muslim, Episcopalian, Methodist, Buddhist, and Evangelical communities. In most cases, this relationship consists of substantial alignment and engagement with one or more specific religious community. However, in the case of one RAAO interviewed, the relationship to religion was rhetorical in that the RAAO did not identify with any religion, but rather, because it used an arguably religious term in its title and centered its work around notions of hope and faith in humanity, evoked religious sentiment generally.

To be sure, the term RAAO is not without its problems, in part because the term “religion” is itself a fraught one. Scholars such as Jonathan Z. Smith and Russell McCutcheon have done significant work to expose its limits. Smith, for example, explains that the term is, in many ways, an academic creation and thus, might have more relevance within the academy than beyond it. For example, he writes:

Religion is solely the creation of the scholar’s study. It is created for the scholar’s analytic purposes by his imaginative acts of comparison and generalization. Religion has no existence apart from the academy.²⁶

In this way, Smith calls on us to approach the term “religion” with care, stressing that “religion” is less a universally recognizable objective phenomenon in the world, and more a term developed by scholars to identify, articulate, analyze, and compare the subject matter they study. Thus, as an artificial concept superimposed atop the lived experiences which are the object of scholars’ study, the term will always be, to some degree, an imperfect description of the phenomena to which it is applied.

Similarly, McCutcheon explores the limited applicability of the term religion through its origins. The term religion, McCutcheon explains, can be found in “all modern languages that can be traced back to Latin,” but, “for language families unaffected by Latin, there is no equivalent term . . . unless . . . European cultures have somehow exerted influence on non-Latin-based cultures/languages[.]” As an illustrative example, McCutcheon looks to Hinduism, explaining that, while adherents might understand Hinduism as referring to an “eternal, cosmic . . . order” rather than as one “religion” among many, British colonialism – through which the British assumed economic and political control of India and, in the process, superimposed British

²⁶ Jonathan Z. Smith, *Imagining Religion: From Babylon to Jonestown* (Chicago: University of Chicago Press, 1982), xi.

understandings of religion upon Hinduism which persisted even after India gained independence – has ensured that English-speaking Indians have no difficulty conceiving of what we call Hinduism as their ‘religion.’”²⁷ In this way, the use of the term religion has become so naturalized that, in some instances, the reality of lived experience – such as, for example, Hindus’ view of Hinduism as an eternal cosmic order – has been lost in its application.

Therefore, it is in some ways troublesome for my thesis – which relies on interviews with organizations affiliated with a wide range of traditions – to use the term “religion” at all. However, because I believe it is important to articulate and analyze the characteristics – metaphysically-grounded motivations, embeddedness within a pre-existing leadership and organizational hierarchy, and situation within an existing community – which are common to all of the interviewees’ organizations (to make a statement about the significance of these characteristics in the organizations’ ability to reintroduce non-corporate agendas in the policy-making sphere), I have chosen to use the term as a means to engage in what Smith describes as “imaginative acts of comparison and generalization.”²⁸ In other words, I have chosen to use it for this academic project of identifying, comparing, and making statements about the organizations I am studying. As I do so, I remain cognizant that the term is an imperfect tool which, at times, may not adequately reflect the lived experience of the RAAO representatives I describe.

Second, a brief comment on my thesis’s advocacy-centric argument is required. While I aim for my thesis to be a work of rigorous scholarship, it is undoubtedly animated by my broader commitment to advocacy—in particular, by my conviction that corporations’ current influence

²⁷ Russell McCutcheon, “What is the Academic Study of Religion?” The University of Alabama Department of Religious Studies, accessed April 3, 2019, <https://religion.ua.edu/links/the-students-desk/what-is-the-academic-study-of-religion/>.

²⁸ Ibid, 17.

on American policy is a problem, by my interest in asking whether RAAOs might play a role in addressing this problem, and by my background as a law student who aims to pursue a career in civil-rights litigation and who has, in fact, interned with an RAAO.

The controversial relationship between advocacy and religious studies scholarship has been elaborated at length by scholars such as Michael Stausberg, Lori Beaman, Gregory Johnson, and Manuel Vásquez. In one recent essay, for example, Stausberg juxtaposes the traditional view of religious studies scholarship, which, in his view, is “premised on the insider-outsider distinction” and assigns credibility to scholars in part based on their ability to maintain distance from the subject of their study,²⁹ with the increasing tendency of scholars – including Johnson, Beaman, and Vásquez – to bring advocacy to their work.³⁰ Stausberg notes that these scholars’ movement towards advocacy is not without its difficulties: for example, it instills scholarly fear “of transgressing boundaries of academic legitimacy”³¹ and creates the risk that a scholar advocating on behalf of the rights of a controversial religion will be mistaken as advocating in “defense of [the religion’s] truth claims.”³²

Amidst this fraught landscape, religious studies scholars who are engaged in advocacy all navigate the relationship between the two differently. Johnson, for example, keeps his advocacy “off the page” to preserve a “critical distance from that which [he] studies,”³³ while both Beaman and Vásquez understand their relationship with advocacy to be inextricably intertwined with their research. Vásquez, for example, writes:

²⁹ Michael Stausberg, “Advocacy in the study of religion\,” *Religion* 44, no. 2 (2014): 220.

³⁰ *Ibid*, 220-25.

³¹ *Ibid*, 221.

³² *Ibid*, 225.

³³ *Ibid*, 230.

Because our work [as religious studies scholars] is the product of practices of our incarnate being-in-the-world, which is always intentional (a being-toward) and relational (being-with-and-among other beings, from other humans to animals, plants, things, and landscapes, with whom we co-build shared but contested life-worlds), even the claim that a particular discipline has the ability and privilege to bracket certain interests, not to render certain judgments, or not to engage in certain forms of advocacy is itself an act of advocacy.³⁴

Vásquez doesn't shy away from this entanglement, but instead sees potential in it, writing that "scholarship and advocacy are intertwined and can benefit from each other if conducted with a vigilant attitude and an emancipatory interest focused on the intractable problems and defining dilemmas of our age."³⁵

In writing my thesis, I wish to acknowledge this scholarship, while also stressing that I go well beyond the sorts of projects envisioned above. By including value judgements about the role of corporations in the policy-making sphere and the role of RAOs as facilitators for the reintroduction of non-corporate voices in that sphere, I am moving beyond the inevitable entanglement between advocacy and scholarship imagined by Vásquez and towards an explicit merging of the two worlds. While I recognize that this decision removes me from the type of religious studies scholarship articulated by the scholars cited above, I am hopeful that, as a work which seeks to utilize a "vigilant attitude and an emancipatory interest" to address an "intractable prole[m] and defining dilemma[a] of our age," it will contribute to the mutually beneficial relationship between scholarship and advocacy that such scholars envision.

Having provided a framework for my thesis, I will now continue to Chapter One, which will lay a foundation for my argument by exploring the relationship between corporations and public

³⁴ Ibid, 228.

³⁵ Ibid, 230.

policy in greater depth, and by painting a picture of the current state of democratic participation in America.

CHAPTER ONE: PARTICIPANTS AND BENEFICIARIES IN AMERICAN LAW AND POLITICS

There is a worry among many scholars that there is a problem in American democracy.¹ While one of the elements of such democracy is a guarantee that Americans will be able to participate in the election of government officials who, in turn, will represent the needs and desires of their constituents, both components of that guarantee appear to have eroded. Only a relatively small fraction of Americans participate in elections, and elected officials' ability to represent their constituents is increasingly called into question by the entanglement between policy makers and corporate interests.

While the causal relationship between these two erosions is much debated, this thesis brackets the question of cause and instead focuses on the depth and implications of these problems as they exist today. In doing so, it sets the stage for the chapters that follow, which focus on the role RAOs might play in reintroducing non-corporate voices and agendas in the public square.

Corporate Beneficiaries and American Policy

At this moment in American life, corporations hold significant sway over policy-makers' actions. One 2014 study found, for example, that, "[w]hen the preferences of economic elites and the stands of organized interest groups are controlled for, the preferences of the average American appear to have only a miniscule, near-zero, statistically non-significant impact upon

¹ See, for example, Lessig, *Republic Lost*, 111-16; Stout, *Blessed are the Organized*, 278-90; Winkler, *We the Corporations*, xviii-xxii.

public policy.”² Another, more recent study showed that, between 2010 and 2015, a group of 200 companies spent \$5.8 billion in lobbying expenditures and campaign contributions and received \$4.4 trillion worth of business and other types of support from the federal government.³

Specific examples of the outsized influence corporations’ exercise over many policy-makers are found in the way Congress regulates industries ranging from pharmaceuticals to oil and gas to agriculture and carcinogens.⁴ For example, in the years immediately preceding the enactment of the Affordable Care Act – a law which was proposed by President Barack Obama and enacted in 2010 with the overarching goals of making health insurance more widely available, expanding Medicaid, and developing medical care delivery methods which would lower health care costs⁵ – the pharmaceutical and health products industry spent millions on campaign support and lobbying expenditures to influence those congresspeople who would write the legislation in question. In fact, during the 2009 debates on the Act, the industry spent \$275 million, thereby setting a record for the highest amount of lobbying expenditures by any industry in a single year. Of that total, \$26 million was spent by the Pharmaceutical Research and Manufacturers of America (“PhRMA”), which represents the interests of corporations such as Bayer, Johnson & Johnson, Pfizer Inc., and AstraZeneca Pharmaceuticals LP.⁶

According to Potter and Penniman’s narrative in *Nation on the Take*, “PhRMA dispatched 165 lobbyists to ensure that nothing would wind up in the legislation that drug makers couldn’t

² Gehl and Porter, “Why Competition in the Politics Industry is Failing America.”

³ B. Allison and S. Harkins, “Fixed Fortunes: Biggest corporate political interests spend billions, get trillions,” Sunlight Foundation, accessed April 7th, 2019, <https://sunlightfoundation.com/2014/11/17/fixed-fortunes-biggest-corporate-political-interests-spend-billions-get-trillions/>.

⁴ Penniman and Potter, *Nation on the Take*, 99, 123, 143, 167.

⁵ “Affordable Care Act,” HealthCare.gov, accessed April 3rd, 2019, <https://www.healthcare.gov/glossary/affordable-care-act/>.

⁶ Penniman and Potter, *Nation on the Take*, 103.

live with.”⁷ Perhaps realizing the strength of the industry, Obama assigned several aides to attend to PhRMA in the time leading up to debate on Affordable Care Act debate.⁸ These aides met with lobbyists “dozens of times ‘to hammer out a deal that would secure industry support for the administration’s health care reform agenda in exchange for the White House abandoning key elements of the president’s promises to reform the pharmaceutical company.’”⁹

As a result of the industry’s efforts, the final legislation moved forward without one critical component: the ability to negotiate costs with drug companies.¹⁰ While President Obama was a vocal advocate for negotiation power during his time as a senator and throughout his presidential campaign,¹¹ the final version of the Affordable Care Act reflected a compromise with the industry in which negotiation power – which would have saved Medicare recipients approximately \$50 billion a year – was sacrificed in favor of a relatively modest requirement that the industry cut costs by \$80 billion over the course of ten years.¹²

Another striking example of industry influence emerged after President Obama’s first attempt to regulate the coal industry.¹³ During the 2008 presidential campaign, then-candidate Obama promised to implement a comprehensive energy plan which would combat climate change.¹⁴ He introduced a proposal, for example, which would “reduce airborne toxins from

⁷ Ibid, 110.

⁸ Ibid, 100.

⁹ Ibid, 110.

¹⁰ Ibid, 111.

¹¹ Ibid, 109-111. In response to a failed attempt to reform healthcare in 2006, then-Senator Obama made the following claim: “Drug negotiation . . . is the smart thing to do and the right thing to do, and it is unconscionable that we were not able to take up this bill today.”

¹² Ibid, 111.

¹³ Ibid, 129.

¹⁴ David Roberts, “The details on Obama’s just-released energy plan,” Climate and Energy, *Grist*, October 9, 2007, <https://grist.org/article/obama-energy-fact-sheet/>.

coal-fired power plants and reduce carbon emissions 80 percent by the year 2050.” The bill passed in the U.S. House of Representatives after Obama successfully persuaded two Representatives to introduce it. However, he had less success in the Senate. There, the bill was met with opposition in the form of the “Stop the War on Coal Act,” a piece of legislation which would “significantly deregulate the coal industry.” The lobbying efforts in support of the “Stop the War on Coal Act” were immense. Potter and Penniman report, for example, that the Heartland Institute – a group which received its “initial funding from oil and extraction companies”¹⁵ and which PBS describes as nearly unrivaled in its efforts “to instill doubt in American minds about the science of climate change”¹⁶ – contacted “government officials 291,989 times in 2011,” and that mining and electric utility companies spent a combined \$91.3 million “to affect legislation.”¹⁷ The efforts of those companies bore fruit; the Stop the War on Coal Act ultimately passed in the House with a vote of 233-175. President Obama’s proposal to reduce airborne toxins was never taken up in the Senate.¹⁸

Even after the successful passage of the Stop the War on Coal Act, the coal industry continued to fight Obama’s efforts. Through his first four years in office, the industry and the American Coalition for Clean Coal Electricity increased their political contributions, the overwhelming majority of which supported Republican, three-fold. Further, during the 2012 presidential campaign, the industry spent \$35 million on attack ads targeting Obama.¹⁹

¹⁵ Penniman and Potter, *Nation on the Take*, 129.

¹⁶ Katie Worth, “In Shift, Key Climate Denialist Group Heartland Institute Pivots to Policy,” *Frontline*, PBS, November 2, 2018, <https://www.pbs.org/wgbh/frontline/article/in-shift-key-climate-denialist-group-heartland-institute-pivots-to-policy/>.

¹⁷ Penniman and Potter, *Nation on the Take*, 129.

¹⁸ *Ibid*, 129.

¹⁹ *Ibid*, 130.

Despite the prevalence of corporate entanglement in the policy-making sphere, meaningful corporate influence in American legislatures is a relatively new phenomenon. Until the 1970s, businesswomen and men largely felt largely uncalled to make change in the political sphere.²⁰ Instead, they found success through personal connections and the mobilization of trade associations. This situation changed, however, in the early 1970s, when regulatory power expanded and regulations affecting businesses behavior regarding consumer protection, occupational safety, and the environment flourished. The shift alarmed many individuals in the business world, not least of which was the chair of the Education Committee of the Chamber of Commerce, Lewis Powell.²¹ Powell and others – such as the Washington representative for Procter and Gamble, Bryce Harlow – recognized that business has tremendous potential to become influential in government because of its “unrivaled” financial resources and “hierarchical structures” which make it “possible for a handful of decision-makers to deploy those resources and combine them with the massive but underutilized capacities of their far-flung organizations.”²²

In 1971, Powell crystallized his ideas in what became known as the famous “Powell Memorandum”—a forceful call for greater business participation in government. The Memorandum, which was directed to the Director of the U.S. Chamber of Commerce, included several galvanizing calls to action which directly shaped the way corporations would begin to

²⁰ Lee Drutman, “How Corporate Lobbyists Conquered Democracy,” *The Atlantic*, April 20, 2015, accessed October 7, 2018, <https://www.theatlantic.com/business/archive/2015/04/how-corporate-lobbyists-conquered-american-democracy/390822/>.

²¹ Powell later became a Supreme Court Justice.

²² “The Powell Memo: A Call-to-Arms for Corporations,” *Moyers & Company*, September 14, 2012, <https://billmoyers.com/content/the-powell-memo-a-call-to-arms-for-corporations/2/>.

participate in politics. Powell, for example, argued that American businesses needed to recognize the importance of political power, cultivate it, and make focused use of it, writing:

This is the lesson that political power is necessary; that such power must be assiduously cultivated; and that when necessary, it must be used aggressively and with determination—without embarrassment and without the reluctance which has been so characteristic of American business.

Aside from extolling the importance of political power for business actors generally, Powell explicated how business actors might come to harness it. Specifically, he called for a long-term plan which involved careful organization and concerted, large-scale action on behalf of businesses. He described his plan and its merits as follows:

Strength lies in organization, in careful long-range planning and implementation, in consistency of action over a definite period of years, in the scale of financing only through joint effort, and in the political power available only through united action and national organization.²³

After the release of the Memorandum, key groups in the business sector heeded Powell's advice and embarked upon an endeavor to gain political influence. They initiated roundtables to cultivate corporate political influence, hired lobbyists to introduce their ideas in Congress,²⁴ and, in some instances, moved their offices to Washington D.C. to be closer to the center of political influence. In 1972, for example, the National Association of Manufacturers announced that it would move to D.C. from New York, and included the following in its statement:

We have been in New York since before the turn of the century, because we regarded this city as the center of business and industry. But the thing that affects business most today is government. The interrelationship of business with business is no longer so important as the interrelationship of business with government.

²³ Lewis F. Powell, "Confidential Memorandum: Attack on American Free Enterprise System," Powell Archives, accessed April 3rd, 2019, <http://law2.wlu.edu/deptimages/Powell%20Archives/PowellMemorandumTypescript.pdf>.

²⁴ Drutman, "How Corporate Lobbyists Conquered Democracy."

These efforts quickly gained momentum. Between 1968 and 1978, corporate presence in Washington D.C. multiplied, as the number of corporate public affairs offices rose from only 100 to 500. Further, between 1971 and 1982, the number of companies with lobbyists rose from 175 to 2,500, and between 1976 and 1980, the number of corporate PACs rose from approximately 300 to over 1,200.²⁵ The Memorandum also inspired the creation of an entirely new group of business-minded organizations, including Accuracy in Academe, the Heritage Foundation, the Cato Institute, the Manhattan institute, and Citizens for a Sound Economy.²⁶

Encouraged by successful efforts to lower taxes and modify regulations, business groups intensified their labors to maintain political influence throughout the 1970s and 1980s, and lobbyist-shaped collaboration between the public and private sector became increasingly normalized.²⁷ In fact, since the 2000s, corporate expenditures have grown to such a degree that they exceed the total amount spent on Congress' operating expenses, including the funds spent on congressional salaries.²⁸ This growth has only been accelerated by the Supreme Court's 2010 decision *Citizens United v. FEC*.

In *Citizens United*, the Court was asked "whether Congress had the power to forbid corporations and unions from spending funds from their treasury to support or oppose political candidates . . . independently of those candidates' campaigns." In a 5-4 decision, the Court held that the First Amendment protects corporations' and unions' rights to "spend unlimited amounts to influence elections," so long as those funds are spent independently. The effects of *Citizens*

²⁵ "The Powell Memo: A Call-to-Arms for Corporations."

²⁶ "The Powell Memo (also known as the Powell Manifesto)," Reclaim Democracy, accessed April 3, 2019, http://reclaimdemocracy.org/powell_memo_lewis/.

²⁷ "The Powell Memo: A Call-to-Arms for Corporations."

²⁸ As of 2015, corporations spent \$2.6 billion a year on lobbying expenditures, which is "more than the \$2 billion we spend to *fund* the House and Senate." Drutman, "How Corporate Lobbyists Conquered Democracy."

United were dramatically intensified by the decisions which followed in its wake, including the decision by United States Court of Appeals for the District of Columbia Circuit in *SpeechNow v. FEC*, which extended *Citizens United* to hold that corporations were not only allowed to spend unlimited amount of money to influence elections independently, but could contribute unlimited amounts to independent PACs.²⁹ With this decision, the super PAC – an entity through which corporations can anonymously contribute unlimited amounts of money in support of a particular set of values – was born.³⁰

The super PAC has proven a convenient forum for corporations, unions, and individuals to exercise an unlimited amount of political influence. This influence, however, is not evenly distributed. As Meredith McGehee, the Executive Director of an organization, Issue One, which seeks to minimize corporate influence in politics, wrote, “[o]ne thing is clear – super PACs are a rich man’s game . . . They’re trying to exert influence because they believe whatever particular party they are supporting is either in ideological agreement with the donor or because they have business or other interests that they believe those particular sets of candidates will be sympathetic to.”³¹

McGehee’s worries seem well-founded. Consider, for example, the ways in which corporations have taken advantage of their unrestricted ability to contribute to Super PACs. During the 2012 election, “non-party outside spending tripled 2008’s total and topped \$1 billion

²⁹ Lessig, *Republic Lost*, 52.

³⁰ *Ibid*, 54.

³¹ Michelle Yee Hee, “Eleven donors have plowed \$1 billion into super PACs since they were created,” *The Washington Post*, October 26, 2018, accessed April 8, 2019, https://www.washingtonpost.com/politics/eleven-donors-plowed-1-billion-into-super-pacs-since-2010/2018/10/26/31a07510-d70a-11e8-aeb7-ddcad4a0a54e_story.html.

for the first time[.]” Of that \$1 billion, \$600 million was spent by super PACs.³² While disclosure laws often allow the nonprofits who donate to super PACs to avoid releasing the name of their donors,³³ those super PAC contributors whose names *have* been released point to the centrality of corporate contributions. For example, Oxbow Carbon – a prominent natural gas byproducts refinery³⁴ – contributed \$4,350,000 to super PACs to influence the 2012 election. During the same election, Contran Corporation spent \$4,030,000, Blue Cross/Blue Shield donated \$2,598,832, and Chevron Corporation spent \$2,510,000.³⁵ The degree to which super PACs rely on a very select group of donors is affirmed by Lessig, who explained that 69% of the super PAC money raised in the 2014 election was donated by the top one percent of donors.³⁶

This increase in campaign-related expenditures paired with the ever-rising prevalence of corporate lobbyists has contributed to the shaping of policy affecting several major areas of American life – from food safety and production to environmental law and health care to immigration law. The food industry, for example, has contributed nearly \$849 million to candidates and committees since 1989. Its peak spending years were 2011-2012– immediately after *Citizens United* and *Speech Now*, and 2009-2010, during the Food Safety and Modernization Act debates.³⁷ Similarly, corporations that are active in the healthcare realm have

³² Andrew Mayersohn, “Four Years After Citizens United: The Fallout,” Open Secrets Center for Responsive Politics, published January 21, 2014, <https://www.opensecrets.org/news/2014/01/four-years-after-citizens-united-the-fallout/>.

³³ Dark money groups – those nonprofits who are not required to disclose the names of their donors – “spent \$256 million, or just over a quarter of all non-party outside spending, in the 2012 elections.” Ibid.

³⁴ “Homepage,” Oxbow, accessed April 3, 2019, <https://www.oxbow.com/>.

³⁵ “2012 Top Donors to Outside Spending Groups,” Open Secrets Center for Responsive Politics, accessed April 3rd, 2019, <https://www.opensecrets.org/outsidespending/summ.php?cycle=2012&disp=D&type=O&superonly=S>.

³⁶ Lessig, *Republic Lost*, 253.

³⁷ B. Lannon and N. Watzman, “Five charts on food industry influence,” Sunlight Foundation, published June 16, 2014, <https://sunlightfoundation.com/2014/06/16/five-charts-on-agribusiness-influence/>.

actively fought to preserve their profits by influencing policy. In 2012, for example, Aetna gave \$7 million to two groups working to defeat the Affordable Care Act.”³⁸

The Downfall of Democratic Participation

With corporate influence so deeply entangled with policy making, it is easy to see why individuals might come to doubt the significance of their ability to vote. In fact, there is ample evidence that such doubts have become pervasive among the American public in recent years. During a slew of interviews with National Public Radio, for example, Americans from coast to coast signaled a tendency to give up on representative democracy. One West Virginia woman stated “what good does it do [to vote] . . . when they'll promise you anything and then it's a lie,” and a Rhode Island voter added “I feel like my voice doesn't matter . . . [p]eople who suck still are in office, so it doesn't make a difference.”³⁹ The laments of these two women point to a greater pattern of discontent; in fact, according to the Pew Research Center, Americans’ trust in government is nearly at a record low.⁴⁰ Consequently, it is no surprise that the rate of voter participation in the United States is far lower than the rates in other representative democracies. In the 2016 election, for example, ballots were only counted for 60.1% of the voting-eligible

³⁸ Libby Watson, “Shareholders of health care insurers reject disclosure of companies’ dark Money,” Sunlight Foundation, published June 2, 2016, <https://sunlightfoundation.com/2016/06/02/shareholders-of-health-care-insurers-reject-disclosure-of-companies-dark-money/>.

³⁹ A. Khalid, D. Gonyea, and L. Fadel, “On the Sidelines of Democracy: Exploring Why So Many Americans Don’t Vote,” *National Public Radio*, September 10, 2018, accessed April 8, 2018, <https://www.npr.org/2018/09/10/645223716/on-the-sidelines-of-democracy-exploring-why-so-many-americans-dont-vote>.

⁴⁰ “Public Trust in Government: 1958-2017.”

population,⁴¹ compared to 78.2%,⁴² 79.8%,⁴³ and 68.5%⁴⁴ in recent parliamentary elections in Norway, New Zealand, and Canada respectively.

But, this thesis argues, there is potential for reintegrating non-corporate agendas in American government through the mobilization of RAAOs working in spheres ranging from gun control to immigration. It is to these organizations that I turn in my next chapters.

⁴¹ “2016 November General Election Turnout Rates,” United States Elections Project, updated Sept. 5th, 2018. <http://www.electproject.org/2016g>.

⁴² “Voter turnout of national parliamentary elections in Norway from 1945 to 2017,” Statista, accessed April 3, 2019, <https://www.statista.com/statistics/691609/voter-turnout-of-national-parliamentary-elections-in-norway/>.

⁴³ “Election Turnout Up for All Age Groups,” Electoral Commission, accessed April 3, 2019, <https://www.elections.org.nz/news-media/election-turnout-all-age-groups>.

⁴⁴ “Forty-Second General Election, 2015,” Elections Canada, accessed April 3, 2019, <http://www.elections.ca/res/rep/off/ovr2015app/41/table4E.html>.

CHAPTER TWO: THE KEYS TO POLITICAL POTENTIAL

[While] the number of atheists in the country is increasing . . . there is still a significant mass of people who do identify with a faith. I wonder about the untapped potential that they all present. My thought is that organizations and groups will continue to push on faith-based congregations to say, “we need you to do more.”¹

— *Leader of an RAAO in the San Francisco Bay Area*

Recall Powell’s vision in Chapter One: a world in which corporations leverage their unparalleled access to funding and pre-established leadership structures to influence legislative action. That vision catalyzed a movement through which corporations utilized a confluence of careful organization and mobilization on behalf of their leadership, extensive lobbying efforts, and close relationships with leaders in government to gain a foothold in the American policy-making sphere. While the outcome of that movement was (from the perspective of the scholars cited earlier in this thesis) problematic insofar as it resulted in the outsized influence of corporate voices in the political sphere, it may also provide a model which could be useful if harnessed by other actors to reintroduce non-corporate voices and agendas in public debate. This chapter argues that RAAOs – which have access to the necessary tools to organize quickly and efficiently – might be one such set of actors.

Before moving forward with this analysis, it is worth noting that the relationship between religion and American law has a complicated history, in that the American legal system – which itself is largely reflective of some types of Protestantism² – has consistently favored certain

¹ Interview with RAAO Representative, November 12, 2018.

² For example, in her text *The Spirit of the Law: Religious Voices and the Constitution in Modern America*, Sara Barringer Gordon writes of the American disestablishment of religion in the following terms: “Leading state judges and treatise writers explained that the goal of disestablishment was not to eliminate religion from public life, but to eliminate ‘competition between Christian sects.’ The ‘general Christianity’ they saw as key to a democratic society was not terribly specific, but it was vitally important. The punishment of blasphemers, swearing of oaths on the Bible, Sunday legislation, and more all survived disestablishment in tact, even invigorated.” See Sarah Barringer

religious groups, especially Protestant ones, over others. To be sure, insofar as the term “Protestantism” encompasses a wide variety of religious traditions communities, each of which have their own distinct beliefs and practices, the use of the word as an umbrella term will always be imperfect. However, I take the lead of Sullivan and uses the term protestantism – which she leaves uncapitalized – to refer to “a set of political ideas and cultural practices that emerged in early modern Europe after the Reformation.” These ideas and practices include – to again borrow from Sullivan – those which are “private, voluntary, individual, textual, and believed.”³ Because these practices embody such characteristics, they may be practices without necessarily ever entering the public sphere. Therefore, they are seemingly consistent with secular ideas of political life, which can be perceived as demanding one to separate their religious and political selves or, in other words, to leave their religious convictions at the door as they enter the public sphere.

One example of the courts’ historical privileging of what Sullivan calls protestantism over types of religious practice which might be more non-textual is the *Warner v. City of Boca Raton*, which she discusses at length in *The Impossibility of Religious Freedom*. In that case, the Court evaluated an ordinance which impacted a number of families who had decorated their loved one’s graves with statues of the Sacred Heart, Stars of David, and vertical crosses (among other items), by disallowing the decoration of graves with vertical objects.⁴ After hearing each of the parties’ cases, the Court upheld the ordinance as a “neutral law of general applicability,”⁵

Gordon, *The Spirit of the Law: Religious Voices and the Constitution in Modern America* (Cambridge: Belknap Press, 2010), 6.

³ Sullivan, *The Impossibility of Religious Freedom*, 8.

⁴ *Warner v. City of Boca Raton*, 64 F. Supp. 2d 127, 1277 (S.D. Fl. 1999).

⁵ *Warner v. City of Boca Raton*, 420 F.3d 1308, 1310 (11th Cir. 2005).

meaning the Court found that it did not violate the Constitution because it applies equally to everyone and is not targeted at one particular religious group.

However, in reaching that conclusion, the Court relied on two expert witnesses who provided accounts of religious practice which reflected protestant values. The experts were tasked with determining which grave markers should be protected as religious expression.⁶ The first expert, Nathan Katz, found that neither Protestantism, Catholicism, Judaism, or Islam require the use of vertical grave markers.⁷ In making his determination, he looked to various texts related to each religion and grouped the practices described into the categories “high traditions” and “little traditions.” A high tradition, he explained, is the “textual-legal side of a religion, [which is] usually male dominated and church or synagogue-centered,” while little traditions are the folkways and home-centered observances, [which are] usually orally rather than textually transmitted, [and] often the domain of women in a traditional culture.”⁸ He thus concluded that “there is nothing in the Rules and Regulations of the Boca Raton Municipal Cemetery . . . which interferes with the exercise of these religions as defined by their high traditions.”⁹

The second expert, Daniel Pals, took a similar approach, proposing:

In the case of any given practice or custom, we can make a reasonable determination [as to whether the practice is protected religious expression] by posing four main questions: 1) Is it asserted or implied in relatively unambiguous terms by an authoritative *sacred text*? 2) Is it clearly and consistently affirmed in *classic* formulations or doctrine and practice? 3) Has it been observed *continuously*, or nearly so, throughout the history of the tradition? 4) Is it consistently practiced *everywhere*, or almost such, in the tradition as we meet it in most recent times?¹⁰

⁶ Sullivan, *The Impossibility of Religious Freedom*, 73.

⁷ Ibid, 73.

⁸ Ibid, 74.

⁹ Ibid, 75.

¹⁰ Ibid, 79.

In making his decision, the judge explicitly relied on the Pals test and implicitly relied on Katz's distinction between high and little traditions, writing, "in sum, nowhere in the sacred texts, doctrines, traditions, or customs of either the Jewish or Christian faiths can the principle be found that grave markers or religious symbols be displayed vertically rather horizontally."¹¹ Therefore, the Court held that "while marking graves and decorating them with religious symbols constitutes customs or practice of the Plaintiff's religious traditions, the Plaintiff's desire to maintain *vertical* grave markers and religious symbols reflects their personal preference," and is consequently not protected religious practice.¹² Through that opinion, the Court severely curtailed the protection of religious practices which are not textually prescribed, thereby perpetuating the privileging of protestant religious practices in the law.

In arguing that RAAOs might have a role to play in leveraging non-corporate voices in the policy-making sphere, I remain cognizant of the above history and explicitly argue for a much more capacious account of what kinds of religious organizations might play a role in the re-introduction of non-corporate voices in the policy-making sphere – one which reflects the pluralism in America and diverges from the historical bias of the courts.¹³

The following pages develop this argument by attempting to theorize the ways in which RAAOs might reintroduce non-corporate voices in public policy debates, highlighting three key

¹¹ Ibid, 98.

¹² Ibid, 98-99.

¹³ In this way, I rely on Mark McGarvie's notion that "American jurisprudence may best be understood as a subset of ideas – a legal expression of the beliefs, values, and societal goals of the American people applied to practice purpose in governing." McGarvie adds, "Understood in this way, American law is never static." See Mark McGarvie, *Law and Religion in American History*, xiv. I assert that greater participation by a diverse set of RAAOs may result in a version of American democratic culture that is similarly diverse and embraces non-corporate agendas in a way that addresses excessive corporate influence.

factors: RAAOs' 1) metaphysically-grounded motivations, 2) ties to leadership structures which are ripe for mobilization, and 3) embeddedness within substantial pre-existing communities.

Metaphysically Grounded Motivations

The first characteristic which may render RAAOs capable of reintroducing non-corporate voices to policy debates is these groups' metaphysically-grounded motivations.

When I refer to *metaphysically-grounded motivations*, I am referring to the ways in which many members of RAAOs ground their work in texts, duties, beliefs, and practices taken to be in some sense sacred. I recognize, to be sure, that the term "sacred" is itself fraught, raising questions about just what counts as "sacred" and – perhaps even more controversially – whether the "sacred" is the exclusive possession of phenomena typically described as "religious." For purposes of this thesis, I rely on the definition of the sacred offered by Stout, who takes the attribution of sacred value to a phenomenon "to imply that [the phenomenon's] value can neither be measured exhaustively in qualitative terms, nor reduced to utility, nor subjected at someone's whim to trade-offs of the sorts that markets are designed to facilitate."¹⁴ In other words, he understands the sacred to refer to a phenomenon which does not obtain its value by traditional standards, such as market value or value in terms of capacity for utility. I have chosen this definition because it identifies a type of motivation which is present for all of the RAAOs I interviewed for my thesis without implying that the sacred is exclusively the domain of the religious or that any of the religious traditions I engage with will agree on a singular account of the sacred.¹⁵

¹⁴ Stout, *Blessed are the Organized*, 219.

¹⁵ These benefits point to an observation made by Stout in *Blessed are the Organized*: "we are bound to misrepresent the relation of religion to politics if we ignore either the presence of sacred concerns within particular organized religions or the contestation over sacred concerns within the particular organized religions." Ibid, 223.

These motivations have the potential to fuel activists in their work. For example, in Stout's text, *Blessed are the Organized*, he quotes a leader in the church who states, "you need something that's very deep to sustain you in the fight. For us to remain in the work we must come back to what transcends us, that kind of corrects us and our roughness."¹⁶ The potency of metaphysically-grounded motivations is also suggested by their role in historical phenomena such as abolitionism and the Civil Rights movement.¹⁷ Consider, for example, the work of a figure such as Martin Luther King Jr., who consistently framed his activism in religiously-inflected terms. One illustrative case is a speech entitled "The Role of the Church in Facing the Nation's Chief Moral Dilemma":

Racial segregation is a blatant denial of the unity which we have in Christ. Segregation is a tragic evil which is utterly un-Christian. . . Therefore, every Christian is confronted with the basic responsibility of working courageously for a non-segregated society. The task of conquering segregation is an inescapable *must* confronting the Christian Churches. Much progress has been made toward the goal of a non-segregated society, but we are still far from the promise land. Segregation still persists as a reality.¹⁸

These motivations, I suggest, also have relevance for organizations working in today's political climate. In the interviews conducted for this thesis, a recurring theme articulated by the organizations' representatives was the way in which the organizations' ties to a particular religion bolstered their efforts by: 1) imbuing the organization with a clear sense of purpose and providing it with a shared language and common values through which to engage its audience; 2) sustaining the organizations' employees and volunteers to persist in their work within an often-hostile political sphere; and 3) providing an entry into political activism for the organization's community.

¹⁶ Ibid, 193-4.

¹⁷ Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004), 300.

¹⁸ D. R. Dixon and D. W. Houck, *Rhetoric, Religion, and the Civil Rights Movement, 1954-1965* (Waco: Baylor University Press, 2014), 218-19.

Clarity of Purpose, Shared Language, and Common Values

For many of the RAOs interviewed, the strong presence of metaphysically-grounded motivations provides the organization with a clear purpose – both regarding its mission and its audience – and with language and a set of values which allows the organization to mobilize its audience effectively.

A representative from an RAO based in Bangkok, for example, explained that his organization is successful precisely because its affiliation with buddhism provides the organization with a clear purpose, stating, “we have tried to focus on how to bring the teaching of the Buddha into society [in a way] that is not just focused on [the individual] . . . [We are successful] because we have a clear concept: applying buddhism on the largest scale.”¹⁹

Similarly, a representative from an RAO based in the Midwestern United States touted the group’s ties to a particular sub-group of Episcopalianism as crucial to its clear identity, its mission, and its success, stating that “we regard ourselves as part of the prophetic tradition of the church, [in which] [t]he standard of whether things [are] right in the world . . . is the status of the widows and the orphans, and how they are being treated.” This connection to “both the Old and New Testament traditions,” the representative added, defines our “concern for justice” in a way that is different from other sub-groups, who may “legitimately [be] concerned about evangelism or liturgy . . . [which is different from] our focus on the prophetic.”²⁰

Several RAO representatives also expressed that their metaphysically-grounded motivations allow them to work with a language and value set which is both familiar to and

¹⁹ Interview with RAO Representative, November 15, 2018.

²⁰ Interview with RAO Representative, November 27, 2018.

understood by the constituency of their affiliated religion, and, consequently, allows the organization to effectively connect with and mobilize those constituents.

For example, a representative from a New York-based RAAO with an emphasis on nonviolence explained that her organization focuses on individuals who are “really hungry for their faith to be enacted in a way that makes them feel like they are part of some collective action.” She added that “we see . . . [our mission as changing] the world by changing our corner of [it]. Our corner is the Presbyterian Church . . . it’s where our community and relationships are; we think change happens through long term relationships. [After all], we know the language and culture [or the Presbyterian Church] so we are most effective here.” Thus, in her case, her metaphysically-grounded motivations provide her with an intimate understanding of her community and their priorities which she invokes to engage with and mobilize them. With this audience established, she can act with greater confidence that her efforts will yield results. For example, she stated, “we are not trying to move the [pro-gun] Trump supporters . . . they are not our audience right now. We see our job as connecting with the folks who [say] ‘I think my faith wants me to take action, but I don’t know what to do.’”²¹ This is an instance of the representative’s ability to engage with a language she shares with her community – that surrounding a particular expression of faith – to mobilize them when they might not otherwise take political action. In other words, she is using her metaphysically-grounded motivations to reintroduce non-corporate voices and agendas to the public sphere.

A similar sentiment was echoed by an Illinois-based RAAO representative who works with two separate activist groups. He noted that his organizations’ metaphysically-grounded

²¹ Interview with RAAO Representative, November 20, 2018.

motivations provide him with an audience that he intimately knows and can therefore mobilize effectively using a shared language, a shared text, and shared values. He framed one of the approach of one of the RAOs with which he works by stating, first, that it is concerned with a particular audience—in his words, the RAO works “in a space of trying to persuade a particular audience – evangelical Christians.” Then he explained exactly why that audience is an appropriate fit for his RAO’s efforts, explaining that since the organization itself is run by evangelical Christians, the organization’s representatives “know how to speak to that constituency.” To refine his point, he added, “I wouldn’t be as [effective] at mobilizing a different community, but I roughly know how most evangelicals think and one of the things is they express a high level of commitment to the authority of the Bible. So, we start by talking about what the Bible says.”²²

Here, the representative is mobilizing a portion of the evangelical Christian community in a way that echoes the manner in which the New York representative quoted above mobilizes members of the Presbyterian Church: by drawing upon a shared language and set of values which might move a specific community to action more readily than an effort which was steeped in unfamiliar language and values.

Having discussed the way an RAO’s metaphysically-grounded motivations allow them to effectively mobilize the constituents of the affiliated religion through the invocation of shared language and values, I will now turn to the second way metaphysically-grounded motivations allow RAOs to act effectively to reintroduce non-corporate voices in the policy-making sphere: by supporting personal sustainability.

²² Interview with RAO Representative, January 8, 2018.

Personal Sustainability

In addition to helping to clarify RAAOs' purpose and providing shared language and values, RAAOs' metaphysically-grounded motivations serve to sustain their staff and volunteers – a serious boon in the world of nonprofit work, which is well known for the prevalence of burnout amongst its employees.²³

Poignantly, during an interview with a leader from an environmental-justice focused RAAO, the interviewee indicated that her organization and the community which surrounds it finds tremendous strength in its metaphysically-grounded motivations. For example, she expressed that her and her colleagues' metaphysically-grounded motivations help keep their spirits up when it might otherwise be tempting to succumb to despair. To use her own words, she explained that one of the current purposes of her organization is to “keep everyone’s spirits up in light of [the] attack on public lands and clean energy.” With a sense of relief, she added, “because we are people of faith the wind of spirit is at our backs . . . there are forces [working] in our favor that are unseen. [Those forces] gives us a moral voice – a source of hope and encouragement that can be missing.”

The same leader described metaphysically-grounded motivations as a source of long-term organizational sustainability, explaining that “in my organization we are doing everything we can to protect earth’s climate and God’s creation, [but] we don’t control the outcome, and so our conscience is clear. We are in this for the long run, so I don’t feel discouraged.”²⁴

²³ Steven Pomerantz, 1991, Working Papers, “Predictive Indicators of Job Burnout in Nonprofit Organizations,” University of San Francisco Institute for Nonprofit Organization Management, May, https://repository.usfca.edu/cgi/viewcontent.cgi?article=1045&context=soe_fac.

²⁴ Interview with RAAO Representative, December 4, 2018.

These sentiments – which are reflective of RAAOs’ ability to weather the trials of working in the current political climate by connecting with metaphysically-grounded motivations – were echoed by nearly all of the RAAO leaders interviewed. Particularly strikingly, one leader from an RAAO in the San Francisco Bay Area stated, “we are fortunate to have a dedicated team who . . . sees their liberation as connected to everyone else’s. If they are Muslims, [they have] a personal connection [to the work.] Even if they are not, they understand the importance of [the organization’s success.]”²⁵

Entry to Political Activism

Finally, RAAOs’ metaphysically-grounded motivations provide a path to engage new individuals and communities in political activism which might not be available absent the organizations’ connection to religion. In other words, RAAOs provide a bridge between religion and political activism for those who might have otherwise felt that their religious commitments exist outside of the political sphere, or that they do not have the tools or language to engage politically. Consequently, RAAOs are capable of reintroducing new voices in the political sphere and expanding the conception of values and morality in the public square to make it a place that is reflective of the pluralism of America.

The clearest account of RAAOs’ capacity to engage in this type of empowerment appeared in the remarks offered by a leader from a Washington-based RAAO. She explained that, while people are often hesitant to engage because they fear they do not fully understand the relevant policy, her organization encourages them to leave the policy aside, and instead to “speak about [their] values and [their] faith.” She went on to say:

[I encourage them to] tell [their] stories[.] To talk about how [their] child was born with asthma; about how when [they] go hiking in the mountains, [they are called] to protect

²⁵ Interview with RAAO Representative, November 12, 2018.

them on behalf of the creator . . . We encourage people to bring their faith to the public sphere. We remind them they know how to do these things already.

The same RAAO sends out regular email alerts which describe world events within the context of their affiliated religion. As one leader from the organization stated, the newsletters explain “what is happening . . . [and] how you should feel about it.” “We set the tone of compassionate resistance,” she added.²⁶ Thus, that RAAO has found a way to use its metaphysically-grounded motivations to provide a means for individuals to engage politically which might have otherwise been unavailable, and, consequently, to usher new, inspired, and organized non-corporate voices into the political sphere.

Similarly, the Illinois-based representative quoted above explained that at least one of the RAAOs with which he is affiliated often uses biblical references to inspire their audience. In this way, the RAAO helps individuals to see the connection between their religion and their desire to engage politically, or, otherwise, inspires individuals to engage politically for the first time. For example, when discussing refugees with their community, organization representatives discuss them in terms of the biblical command to “welcome the stranger,” and, when the organization seeks donations to support their public policy efforts, they take care to present the ways in which their supported policy is consistent with the Bible.²⁷ In this way, political activism becomes something that is not exterior to one’s religion, but is, rather, deeply intertwined with it.

In sum, by leveraging religious language to inspire political activism, RAAOs are introducing a broad range of new, non-corporate voices to public policy debates.

Existing Leadership and Organizational Structures

I personally feel that the Jewish community has a lot to give to the world. I think faith groups that work together, in a coalition for the common good, are very important and

²⁶ Interview with RAAO Representative, December 4, 2018.

²⁷ Interview with RAAO Representative, January 8, 2019.

*should continue to play an important role in monitoring human rights in a democratic America where everyone has freedom to associate and practice religion.*²⁸

— *Leader from an RAAO based in New York*

The second characteristic which may render RAAOs capable of reintroducing non-corporate voices in the political sphere is their pre-existing leadership and organizational structures. When I invoke *ties to leadership and organizational structures*, I refer to the fact that many RAAOs, by virtue of being embedded in or related to broader religious communities, have access to existing facilities, audiences, and authority hierarchies which allow for quick mobilization. For example, an RAAO may have access to a leader – such as an imam, priest, or rabbi – who is in a position to mobilize a community or congregation. In *Blessed are the Organized*, Stout compares such ties to the leadership structures which drive corporation’s success, writing, “[c]orporate bosses in general derive power from organizations that use market incentives to induce cooperative behavior. For there to be a balancing counter-power...that would foster democratic accountability, organizations of other kinds...will have to provide it.” He further adds that “pastors, no less than CEOs, occupy leadership roles in politically significant organizations. There is no getting around this.”²⁹

The interviews I conducted reveal that this type of invocation of pre-existing religious leadership and structural organization occurs on a regular and sustained basis, allowing RAAOs to pursue their policy goals by 1) instilling a sense of moral obligation in their audience and 2) quickly mobilizing a community such as a congregation.

Religious Leadership and Moral Obligation

²⁸ Interview with RAAO Representative, November 20, 2018.

²⁹ Stout, *Blessed are the Organized*, 203.

*To be able to say I am a pastor affords a level of authority – people are more likely [to respond.] Not all of our members are clergy, but many of them are. I don't think that religious people are the only people with a moral compass, but I think it helps.*³⁰

— *Leader from an RAAO based in New York*

First, RAAOs can invoke pre-existing religious leadership hierarchies to instill a sense of moral obligation which might not otherwise be evoked absent the organizations' affiliation with a religion. For example, one RAAO invoked this characteristic to protect the so-called “caravan” of asylum-seekers which approached at the U.S. border in late 2018. The “caravan” consisted of a group of approximately 4,000 people – many of whom are from San Pedro Sula, a Honduran city “known for high levels of violence” – who traveled by foot and vehicle to the U.S.-Mexico border seeking entry into the United States. President Donald Trump responded to the group's impending arrival by threatening to close the border and pull foreign aid from Guatemala, Honduras and El Salvador if the countries failed to stop the immigrants.³¹ As the group of asylum-seekers neared the border, RAAOs collaborated to send “people in clergy garb” to meet them. In doing so, the RAAOs seem to have been hopeful that, upon seeing leaders from various religious traditions – and particularly upon seeing them in clothing which immediately affiliated them with their religion – the government actors present at the U.S.-Mexico border would feel a responsibility to act in accordance with the values associated with those religions, perhaps because the government representatives were adherents of the religions represented and felt an obligation to enact the values of those religions in the presence of religious leaders; because there is a certain respect commanded by religious leaders' presence (even absent religious affiliation on behalf of the observer); or because being met by religious leaders might inspire the

³⁰ Interview with RAAO Representative, November 20, 2018.

³¹ Kirk Semple, “What Is the Migrant Caravan and Why Does Trump Care?” *The New York Times*, October 18, 2018, accessed April 8, 2019, <https://www.nytimes.com/2018/10/18/world/americas/trump-migrant-caravan.html>.

viewer to reflect on morality more generally. In other words, the RAAOs appear to be utilizing the symbolic value of their leaders – whose status at the top of a religious hierarchy may imbue them with an aura of moral authority – to evoke a powerful sense of responsibility to act according to a set of values in the viewer. One of the RAAO leaders involved described the goals of the collaboration in her own words, stating, “they want people in clergy garb because it sends the message that this is a morality issue and not a military issue . . . [there is a sense that] the militia [might] respond more respectfully to clergy – so [we] are trying to leverage that power for good.”³²

RAAO representatives based in New York and Illinois called attention to another dimension of this ability to rely on pre-existing religious leadership hierarchies to instill a sense of moral obligation: the respect they enjoy among policy-makers. Specifically, each organization expressed that they have gained a certain level of access to policy-makers which might not exist absent their affiliation with either religion in general or a religion.

A representative from the New York RAAOs, for example, explained that policy makers may have been receptive to her organization because of their affiliation with a faith community. She stated:

In this country – in the USA – the faith communities are very powerful. Having a faith platform opens doors to legislators who really respect the faith community. I find legislators really respect the Jewish Community Relations field because they know we spend a lot of time with [the] issues and are very grassroots and community based . . . the fact that we have a . . . multi-issue agenda based on values that are larger than just our community benefit garners a lot of respect.³³

The representative interviewed on behalf of the Illinois-based RAAO articulated a similar relationship with the policy-makers he contacts. However, rather than stating that it was his

³² Interview with RAAO Representative, November 20, 2018.

³³ Semple, “What Is the Migrant Caravan.”

RAAO's "faith-based" status more generally which allowed it to enjoy a certain amount of respect on behalf of some policy makers, he explained that it was his organizations connection with a particular religion, evangelical Christianity, which allowed its representatives to enjoy "credibility with certain elected officials."³⁴

Finally, a representative from an RAAO based in Bangkok described the way his organization's connection with a religious leader allowed it to work in new arenas. The organization recently – in the last four or five years – started working with the United Nations. The leader ascribed this new relationship to the influence of Pope Francis, stating, "because of [Pope Francis], who is very progressive . . . the U.N. and the mechanism have been more willing to work with faith-based groups." Specifically, the leader added, "the UNFCCC . . . [which], in the beginning, had no faith-based organizations . . . [now involves] all of the religious organizations."³⁵ In this instance, the RAAO, which is affiliated with buddhism, appears to be gaining an opportunity to implement its mission on a broader scale because of the influence the current Pope has on the U.N. Although the RAAO the interviewed represents is not affiliated with Catholicism, it is nonetheless connected through its status as a religion-affiliated organization. Consequently, this RAAO has benefitted from the status, influence, and access enjoyed by the leader of the Catholic church.

Mobilizing the Community

Third, RAAOs can invoke pre-existing religious leadership hierarchies to mobilize their communities in a rapid and effective manner. More specifically, RAAOs can take advantage of

³⁴ The representative stated, "[o]n a political level . . . because there [are] religious demographics known to be favorable to one party or another . . . [our faith] gives us credibility with certain elected officials." Interview with RAAO Representative, January 8, 2019.

³⁵ Interview with RAAO Representative, November 15, 2018.

the existing audiences, gathering times, lines of communication, and venues which their related religious communities have already established to reach people quickly, efficiently, and on a broad scale. For example, the Washington-based organization mentioned above touts its facilities and organized constituencies as one of its greatest strengths, particularly because those characteristics allows the organization to bolster the efforts of the other partner groups – including non-religiously affiliated partners – who are doing excellent work but don’t necessarily benefit from the same organizational structure,³⁶ and a New York-based RAAO stated that it has the benefit of receiving referrals from its affiliated church whenever the church receive inquiries which might be relevant to their mission.³⁷ In this way, RAAOs already have access to some of the most important resources for community organizing, which they can utilize to fulfill their own missions and support the missions of other community organizations.

Examples of this type of utilization of pre-existing resources recurred throughout the interviews. The Illinois-based representative, for example, expressed that at least one RAAO with which he is affiliated conducts many of its events – including events during which it provides an opportunity for refugees and immigrants to share their stories – in a church on Sunday morning – thereby benefiting from the presence of a regular and pre-existing audience. That same RAAO has further broadened its audience by advertising events through not only the host church, but through the its network of local churches, and, sometimes, through its greater network which includes churches in each of the twenty cities where the RAAO has established offices.³⁸

³⁶ Interview with RAAO Representative, December 4, 2018.

³⁷ Interview with RAAO Representative, November 20, 2018.

³⁸ Interview with RAAO Representative, January 8, 2019.

Similarly, a leader from an RAAO which works in the Midwest boasted that the “automatic” annual convention that each diocese hosts provides the perfect grassroots base for the organization. In the case of this organization, the pre-existing gathering serves as an incubator for legislation. The organization will, for example, draft resolutions and present them at the convention. From there, the dioceses’ lobbyists may take the resolutions up and work to implement them as legislation. Using this format, this organization has successfully lobbied for the passage of various pieces of legislation, including Payday Legislation which protects low-income individuals from predatory lenders.³⁹ Other groups – including a New York-based RAAO which connects with its audience at its church’s General Assembly each year – expressed similar reliance on the automatic meetings embedded in their related religious practice.⁴⁰

Embeddedness within Substantial Pre-Existing Communities

The third characteristic which may render RAAOs capable of reintroducing non-corporate interests in the political sphere is their embeddedness within substantial pre-existing communities. When I invoke *embeddedness within substantial pre-existing communities*, I am referring to the existence of a community which is ready to be mobilized behind the leaders described above. More specifically, this characteristic benefits RAAOs by establishing the capacity to organize large-scale actions and maximizing their fundraising potential.

The way RAAOs’ embeddedness within substantial pre-existing communities allows them to organize large-scale actions is illustrated both by Stout’s description of one community’s efforts

³⁹ Interview with RAAO Representative, November 27, 2018.

⁴⁰ Interview with RAAO Representative, November 20, 2018.

to end the police harassment of Latino residents in *Blessed are the Organized* and by several of the RAAO representatives interviewed.

In *Blessed are the Organized*, Stout describes a case in which a parish in New Orleans mobilized its constituency en masse in response to local police officers' decision to implement policies targeting undocumented immigrants in the community. The police had developed a practice of impounding the cars of undocumented drivers, and the leaders at St. Rose Parish responded by holding "a *posada*, the Catholic ritual where [parishioners] parade around the neighborhood in the week leading up to Christmas in reenactment of Mary's search for a place to have the child." The participants marched, 400 strong, towards council chambers "holding candles, with dollar bills taped on their back to symbolize the fact that the city was making money off the backs of the residents."⁴¹

Similarly, representatives from RAAOs interviewed described instances in which their affiliation with the religious community has allowed them to complete large-scale actions. One RAAO representative, for example, described the meaningful impact her organization made in a collaborative effort to shut down a coal plant in the RAAO's state. In that instance, the representative rallied faith communities from across the state to support the efforts to close the coal plant and, even against the resistance of the labor sector and the governor, was successful.⁴²

Another RAAO enthusiastically described the capacity for action that his RAAO's embeddedness within a network of churches provides him. Because his RAAO can potentially access every diocese in the Episcopal Church USA, the representative explained, he and his

⁴¹ Stout, *Blessed are the Organized*, 174-75.

⁴² Interview with RAAO Representative, December 4, 2018.

colleagues have the potential to reach a large audience. Towards the end of our conversation, the leader brought the point home, exclaiming, “what a base! If we had one member speaking at each diocese in [our church], we could reach thousands of people a year!”⁴³

Additionally, nearly every interviewee voiced their organization’s dependence on their religious community as a source of fundraising. The San Francisco-based RAAO, for example, stated that 60% of its funds come from its faith community;⁴⁴ the RAAO based in the Midwest receives regular membership dues from twenty of its one hundred dioceses and from “parishes and other church-based organizations”;⁴⁵ and the New York-based RAAO received *all* of its funding from individuals and congregations – including an annual donation from the Presbyterian Church, freeing it from the “hampe[r of] the reporting process.”⁴⁶

The preceding pages have provided an in-depth analysis of the ways RAAOs can leverage their metaphysically-grounded motivations, ties to leadership structures which are ripe for mobilization, and embeddedness within substantial pre-existing communities to reintroduce non-corporate voices in public policy debates. The following chapter will demonstrate the way RAAOs have already leveraged these three characteristics in the context of a case study: American immigration policy.

⁴³ Ibid, 174-5. While, to be sure, undisclosed funding sources can be problematic, the RAAO representative interviewed here viewed the lack of reporting requirements as a positive benefit of being in an RAAO.

⁴⁴ Interview with RAAO Representative, November 12, 2018.

⁴⁵ Interview with RAAO Representative, November 27, 2018.

⁴⁶ Interview with RAAO Representative, November 20, 2018.

CHAPTER THREE: CASE STUDY ON CORPORATE AND RAAO INVOLVEMENT IN AMERICAN IMMIGRATION POLICY

This chapter will take the analytical framework established in Chapter Two – namely, the three factors posited to describe RAAOs’ potential to exert meaningful political influence – and apply it to a specific case study: immigration policy. In particular, the chapter will focus on the policies which affect immigrants moving between Central America and the U.S, the way corporate interests have shaped that policy, and the way three RAAOs have leveraged their metaphysically-grounded motivations, existing leadership and organizational structures, and embeddedness within substantial pre-existing communities to bring non-corporate voices and agendas into policy conversations. Immigration is a sphere which is well-suited to explore the potential for RAAOs’ involvement in the public square because immigration is a politically contentious arena in which both RAAOs and corporate interests have fought to assert their agendas.

I will begin this chapter by providing a condensed overview of the broader history of American immigration law. Then, I will provide a description of current state of American immigration policy as related to immigration between Central America and the U.S. Next, I will provide concrete examples of the way corporate interests have influenced the shape of immigration policy as applied to immigrants moving between Central America and the U.S. Against this backdrop, as evidence of RAAOs’ capacity to bring non-corporate voices and agendas to bear in the greater policy-making sphere, I will present a description of the way three RAAOs have already achieved such a reintroduction in immigration policy debates.

Brief Overview of the Development of American Immigration Law

Immigration policy has ebbed and flowed between permissive and restrictive since the eighteenth century, with the changes often reflecting broader political factors. Between 1776 and 1875, for example, the newly established United States was largely welcoming to immigrants, as it was understood that they are critical to the growth of the nation.¹ However, from 1875 to the early twentieth century, immigration policy became increasingly restrictive, with the country seeking to exclude ever-growing numbers of immigrant groups. For example, in 1882, the first comprehensive immigration statute was enacted and sought to exclude “idiots, lunatics, convicts, and persons likely to become a public charge.” Further, labor laws which sought to curtail immigrant workers were established. Later in this period, Congress enacted laws targeted at immigrants traveling from some Asian countries, and further stifled immigration by establishing a literacy test for new immigrants and implementing immigrant “quotas” which limited the overall number of individuals who were allowed to immigrate to the United States based on their country of origin.² These quotas “limited immigrants considered less ‘racially desirable,’ including southern and eastern European Jews.”³

The restrictive attitudes softened in the late 1940s, during which time immigration based on humanitarian concerns was codified in American law via the Displaced Persons Act of 1948.⁴ That law provided status to “those individuals who were victims of persecution by the Nazi government or who were fleeing persecution, and [to those] who could not go back to their

¹ S. H. Legomsky and D. B. Thronson, *Immigration and Refugee Law and Policy* (St. Paul: West Academic, 2019), 15.

² Ibid, 16.

³ “IMMIGRATION TO THE UNITED STATES 1933–41,” United States Holocaust Memorial Museum, accessed April 3, 2019, <https://encyclopedia.ushmm.org/content/en/article/immigration-to-the-united-states-1933-41>.

⁴ Legomsky and Thronson, *Immigration and Refugee Law and Policy*, 16.

country because of fear of persecution based on race, religion or political opinions.”⁵ However, restrictive attitudes continued to linger in immigration law. In 1952, for example, Congress enacted comprehensive immigration reform through the Immigration and Nationality Act of 1952. That act, which remains the basis for current immigration law, preserved the quota system and included an expansive list of exclusionary grounds.⁶ Some of the most draconian parts of the Act were removed through the 1961 and 1965 amendments, which, among other things, eliminated the clauses which specifically targeted immigrants from certain Asian countries and eliminated the national origins quota system in favor of an overall quota system.⁷ In the 1980s and 1990s, Congress continued to bring humanitarian concerns to the forefront of American immigration law – particularly Refugee Status and Temporary Protected Status (“TPS”) – and increased the overall cap on immigrants, representing a move towards a slightly more permissive approach to immigration.⁸

Nevertheless, in the 1990s, anti-immigrant sentiment began to rise, a trend which continues today. In 1994, for example, “the voters of California sent shock waves through immigrant and ethnic communities by passing Proposition 187 . . . [which] prohibited public school districts from enrolling undocumented children . . . made all undocumented migrants ineligible for almost all public medical and health services . . . [and] required school, health, and medical officials to make the necessary immigration status determinations.” Just two years later, AEDPA – the Antiterrorism and Effective Death Penalty Act – was enacted. AEDPA expanded the

⁵ “1948 Displaced Persons Act,” The University of Washington-Bothell Library, accessed April 3rd, 2019, http://library.uwb.edu/Static/USimmigration/1948_displaced_persons_act.html.

⁶ Legomsky and Thronson, *Immigration and Refugee Law and Policy*, 18.

⁷ Ibid, 19-20.

⁸ Ibid, 21-22.

grounds of deportability, restricted discretionary relief, and weakened procedural safeguards for immigrants convicted of crimes. The Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”), which focuses on apprehending and removing undocumented immigrants, was enacted the same year.⁹ Finally, a flood of restrictive immigration laws and policies appeared in response to the terrorist attacks of September 11th, 2001,¹⁰ including the USA Patriot Act, which increased the monitoring of foreign students and expanded the terrorism-related grounds for the exclusion of potential immigrants, the Homeland Security Act, the Enhanced Border Security, the Visa Entry Reform Act, and the REAL ID Act.

While attempts at immigration reform were made in 2005, they failed upon arrival in the Senate. Instead, in 2006, Congress passed another restrictive law, the Secure Fence Act, which mandated the construction of a 700-mile long wall along the U.S.-Mexico border.¹¹ In the current political climate, policies reflecting anti-immigrant sentiment continue to flourish. As will be discussed in depth below, the Trump administration has implemented policies which specifically target Muslim-majority countries¹² and, as discussed earlier in this thesis, threats to close the U.S.-Mexico border in response to the arrival of Central American immigrants continue to figure prominently in political discourse.¹³

Brief Overview of American Immigration Policy as Related to Central American Immigrants

⁹ Ibid, 23.

¹⁰ Ibid, 24.

¹¹ J. Batalova, M. Fix, and M. Greenberg, “Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families’ Public Benefits Use,” Migration Policy Institute (2013).

¹² *Infra*, 71.

¹³ *Supra*, 45.

Having provided a brief history of immigration policy throughout American history, this section focuses on one specific context: policies relating to immigrants traveling between Central America and the United States. Perhaps the most highly politicized phenomenon is President Donald Trump's attempts to build what he refers to as an "impenetrable, physical, tall, powerful, beautiful" wall at the U.S.-Mexico border.¹⁴ Then-candidate Trump began promising the wall to his supporters during the 2016 presidential campaign, and maintained support for this policy in part by describing immigrants from Central America as criminals.¹⁵ However, securing funding for the wall he promised has been a major point of political contention.¹⁶ Today – more than two years after he assumed office – the fight over funding for the wall continues.¹⁷ Most recently, President Trump attempted to leverage a 35-day government shutdown – the longest in history –

¹⁴ "On day one we will begin working on an impenetrable, physical, tall, powerful, beautiful, southern-border wall. We will use the best technology including above and below ground sensors . . . remember that – above AND below . . . towers, aerial surveillance, and man-power to supplement the wall . . . and keep out criminal cartels . . . and Mexico will work with us, I absolutely believe it." Victoria Walker, "Trump says he will build 'impenetrable, physical, tall, powerful, beautiful' border," *The Washington Post*, August 31, 2016, accessed April 8, 2019, https://www.washingtonpost.com/video/politics/trump-says-he-will-build-impenetrable-physical-tall-powerful-beautiful-border/2016/08/31/34eceacc-6fb6-11e6-993f-73c693a89820_video.html?utm_term=.fe9ec0c5d5ca.

¹⁵ "We need the Wall for the safety and security of our country. We need the Wall to help stop the massive inflow of drugs from Mexico, now rated the number one most dangerous country in the world. If there is no Wall, there is no Deal!" Donald Trump, Twitter Post, January 18, 2019, 5:16 AM, <https://twitter.com/realdonaldtrump/status/953979393180950528?lang=en>. "There are now 77 major or significant Walls built around the world, with 45 countries planning or building Walls. Over 800 miles of Walls have been built in Europe since only 2015. They have all been recognized as close to 100% successful. Stop the crime at our Southern Border!" Donald Trump, Twitter Post, January 16, 2019, 4:33 AM, <https://twitter.com/realdonaldtrump/status/1085515276228153345?lang=en>. "It is becoming more and more obvious that the Radical Democrats are a Party of open borders and crime. They want nothing to do with the major Humanitarian Crisis on our Southern Border. #2020!" Donald Trump, Twitter Post, January 16, 2019, 4:49 AM, <https://twitter.com/realdonaldtrump/status/1085519375224983552?lang=en>.

¹⁶ Dara Lind, "Hundreds of families are still being separated at the border," *Vox*, February 21, 2019, <https://www.vox.com/2019/2/21/18234767/parents-separated-children-families-border-trump-jails>.

¹⁷ Andrew Buncombe, "Trump veto: President blocks Senate measure stopping border wall in bid to halt 'invasion' of migrant families," *Independent*, March 15, 2019, accessed April 7, 2019, <https://www.independent.co.uk/news/world/americas/us-politics/trump-veto-senate-border-wall-emergency-declaration-a8825641.html>.

to secure his desired funding.¹⁸ When that proved unsuccessful, he declared a national emergency at the U.S.-Mexico border, a move which had the potential to allow him to obtain funding for the wall without approval through the congressional budget.¹⁹ The national emergency immediately prompted lawsuits by sixteen states, including California, Colorado, New York, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Oregon and Virginia.²⁰ The wall controversy is only one of many heated immigration debates affecting immigrants moving between Central America and the United States. A brief illustrative list of the other policy shifts affecting these immigrant follows.

First, President Trump's administration ended TPS – an immigration designation which allows noncitizens from countries experiencing emergencies, such as natural disasters, to remain in the United States temporarily – for thousands of individuals,²¹ including individuals who have been living in the United States as TPS-recipients for decades.²² Ending this program has forced former-recipients to disrupt their lives and, in some instances, return to countries in which they

¹⁸ N. Fandos, S. G. Stolberg, and P. Baker, "Trump Signs Bill Reopening Government for 3 Weeks in Surprise Retreat From Wall," *The New York Times*, January 25, 2019, accessed April 8, 2019, <https://www.nytimes.com/2019/01/25/us/politics/trump-shutdown-deal.html>.

¹⁹ Peter Baker, "Trump Declares a National Emergency, and Provokes a Constitutional Clash," *The New York Times*, February 15, 2019, accessed April 8, 2019, <https://www.nytimes.com/2019/02/15/us/politics/national-emergency-trump.html?action=click&module=RelatedCoverage&pgtype=Article®ion=Footer>.

²⁰ C. Savage and R. Pear, "16 States Sue to Stop Trump's Use of Emergency Powers to Build Border Wall," *The New York Times*, February 18, 2019, accessed April 8, 2019, <https://www.nytimes.com/2019/02/18/us/politics/national-emergency-lawsuits-trump.html>.

²¹ Richard Gonzales, "Trump Administration Ends Temporary Protected Status for Hondurans," *National Public Radio*, May 4, 2018, accessed April 8, 2019, <https://www.npr.org/sections/thetwo-way/2018/05/04/608654408/trump-administration-ends-temporary-protected-status-for-hondurans>.

²² Kathryn Johnson, "Trump has ended Temporary Protected Status for hundreds of thousands of immigrants. Here's what you need to know," American Friends Service Community, published on February 7, 2019, <https://www.afsc.org/blogs/news-and-commentary/trump-has-ended-temporary-protected-status-hundreds-thousands-immigrants>.

no longer have any connections and which are affected by ongoing emergencies.²³ One TPS recipient, José Urias, for example, has lived in the United States with his wife since 2001. He now has three U.S. citizen children and an established construction company outside of Boston; nevertheless, he may be forced to uproot his family and business and return to El Salvador if his TPS status is cancelled.²⁴

Second, the administration recently proposed a rule which would sharply limit immigrants' admissibility to the U.S. based on their likelihood of relying on public benefits.²⁵ While this rule has not yet gone into effect, it has already prompted immigrants who would otherwise qualify for public benefits to refrain from making use of them for fear of immigration consequences.²⁶

Third, the current administration has dramatically limited the Deferred Action for Childhood Arrivals ("DACA") program, which provides immigrants who were brought to the United States as children with a temporary assurance that they will not be prioritized for removal from the country.²⁷ Implemented by President Obama, the DACA program is utilized by approximately 700,000 undocumented young people.²⁸ Importantly, program recipients receive social security

²³ Ibid. and Patricia Guadalupe, "Immigrants protected in U.S. for decades face another year of uncertainty," *NBC News*, December 28th, 2018, accessed April 8, 2019, <https://www.nbcnews.com/news/latino/immigrants-protected-u-s-decades-face-another-year-uncertainty-n949976>.

²⁴ Guadalupe, "Immigrants protected in U.S. for decades face another year of uncertainty."

²⁵ "Proposed Change to Public Charge Ground of Inadmissibility," USCIS, published October 10, 2018, <https://www.uscis.gov/legal-resources/proposed-change-public-charge-ground-inadmissibility>.

²⁶ Batalova, Fix, and Greenberg, "Chilling Effects."

²⁷ Robert Barnes, "Trump can't immediately end DACA, appeals court panel says, setting up Supreme Court fight," *The Washington Post*, November 8, 2018, accessed April 4, 2019, https://www.washingtonpost.com/politics/courts_law/trump-cant-end-daca-appeals-court-says-setting-up-supreme-court-fight/2018/11/08/4a76f928-e386-11e8-ab2c-b31dcd53ca6b_story.html.

²⁸ "Approximate Active DACA Recipients: Country of Birth as of July 31, 2018," USCIS, accessed April 3, 2019, https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA_Population_Data_July_31_2018.pdf.

numbers and employment authorization documents which allow them to accept employment.²⁹ Initially, President's Trump's administration sought to rescind the DACA program completely. However, this attempt was severely curtailed by injunctions issued by various courts. Currently, the Department of Homeland Security is still processing DACA renewals but is not accepting any new applications.³⁰ Despite these injunctions, the uncertain future of DACA has had a profound effect on DACA-recipient's lives. Many live in fear that, in DACA is rescinded completely, they will lose their ability to work in the United States, or, worse, be removed to a country they have never known.³¹

Finally, President Trump's administration implemented a "zero-tolerance" policy that seeks to criminally prosecute of all cases involving illegal entry. This has resulted, first, in the number of individuals prosecuted after crossing the U.S.-Mexico border growing dramatically.³² Second, because of legally established restrictions on the detention of children,³³ this policy has caused thousands of children to be separated from their families.³⁴ Although a federal judge did order the administration to cease its practice of separating children from their parents, news reports

²⁹ Roberto Gonzales, "Here's how DACA changed the lives of young immigrants, according to research," *The Big Idea*, *Vox*, February 16, 2018, <https://www.vox.com/2017/9/2/16244380/daca-benefits-trump-undocumented-immigrants-jobs>.

³⁰ "DACA Litigation Timeline," National Immigration Law Center, updated February 11, 2019, <https://www.nilc.org/issues/daca/daca-litigation-timeline/>.

³¹ Elizabeth Hernandez, "As DACA hangs in the balance, meet the Colorado Dreamers who are gripped by hope and fear," *The Denver Post*, November 11, 2018, accessed April 8, 2019, <https://www.denverpost.com/2018/11/11/colorado-dreamers-hope-and-fear/>.

³² "Q&A: Trump Administration's "Zero-Tolerance" Immigration Policy," Human Rights Watch, published August 16, 2018, <https://www.hrw.org/news/2018/08/16/qa-trump-administrations-zero-tolerance-immigration-policy>.

³³ Abbie Gruwell, "UNACCOMPANIED MINORS AND THE FLORES SETTLEMENT AGREEMENT: WHAT TO KNOW," National Conference on State Legislatures, published October 30 2018, <http://www.ncsl.org/blog/2018/10/30/unaccompanied-minors-and-the-flores-settlement-agreement-what-to-know.aspx>.

³⁴ Miriam Jordan, "Family Separation May Have Hit Thousands More Migrant Children Than Reported," *The New York Times*, January 17, 2019, Accessed April 8, 2019, <https://www.nytimes.com/2019/01/17/us/family-separation-trump-administration-migrants.html>.

reveal that non-parent/child families, such as groups in which children travel with aunts and uncles or older siblings, were still being separated as recently as February 2019.³⁵

Corporate Shaping of Immigration Policy

The developments outlined above are well known. What is less widely known, by contrast, is the degree to which the shape of immigration policy in America has been – and continues to be – shaped in significant ways by corporate interests. The following section will first provide a brief overview of the role economic interests have played in shaping American foreign policy. Then, it will provide a brief example of the way specific corporate interests have shaped foreign policy affecting Central America. Finally, it will demonstrate the connection between corporate interests and policy affecting immigrants moving between Central America and the United States today.

The relationship between economic interests and foreign policy extends back as far as the 1800s. In 1823, President Monroe presented his famous “Monroe Doctrine” before Congress, in which he set the stage for political and economic entanglement in the Americas, stating, “as a principle in which the rights and interest of the United States are involved . . . the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.” In the early 1900s, Presidents Roosevelt and Taft extended the Monroe Doctrine in the form of “Dollar Diplomacy,” which involved the American “negotiate[ion] of loan repayments with European nations,” allegedly to prevent European nations from approaching Central America

³⁵ Lind, “Hundreds of families are still being separated at the border.”

with military force to collect debts.³⁶ However, the investment of large amounts of American dollars in Central America left its countries economically dependent on the United States and unable to prioritize the welfare of their citizens over that desires of American corporate and political actors. One particularly clear example of American corporate interests directly undermining the welfare of the people in Central America is the story of the United Fruit Company, which, by the 1950s, “owned the majority of the existing infrastructure” in Guatemala.³⁷ When Jacobo Arbenz – who advocated for agrarian reform policies – became president of Guatemala, American actors immediately fought back.³⁸ With the authorization of President Eisenhower, the United States spent millions of dollars implementing a covert CIA operation called PBSUCCESS through which it enable the topple of the newly elected Guatemalan president,³⁹ thereby undoing “a decade of revolutionary efforts to bring democracy to Guatemala” and restoring an “undemocratic Guatemalan government that protected the interests of the elite there and in the United States.”⁴⁰

The preceding paragraphs have briefly introduced the way American economic and corporate interests have shaped foreign policy affecting Central America. The remainder of this section will focus on the way corporate interests affect Central American immigrants once they have arrived in the U.S.

³⁶ Arica Coleman, “How a Business-First Foreign Policy Triggered Migration Caravans,” *The Washington Post*, October 30, 2018, accessed April 6, 2019, <https://www.washingtonpost.com/outlook/2018/10/30/how-business-first-foreign-policy-triggered-migration-caravans/>.

³⁷ Lisa Garcia Bedolla, “Latino Migration and U.S. Foreign Policy,” *Berkeley Review of Latin American Studies* (2009), <https://clas.berkeley.edu/research/immigration-latino-migration-and-us-foreign-policy>.

³⁸ Coleman, “How a Business-First Foreign Policy Triggered Migration Caravans.”

³⁹ Susan Klump, “The CIA, Carlos Castillo Armas, and Communism in Guatemala,” *The Wittenberg History Journal* XXV (1996): 1, <https://www.wittenberg.edu/sites/default/files/media/history/1996HistoryJournal.pdf>.

⁴⁰ Coleman, “How a Business-First Foreign Policy Triggered Migration Caravans.”

Perhaps the most striking example of the way corporate interests shape immigration policy is the American immigration-detention system, which is the largest immigration-detention system in the world.⁴¹ In 2009, Congress created what has been called an “immigration detention quota” by inserting the following language into the Immigration and Customs Enforcement (“ICE”) detention budget: “funding made available under this heading shall maintain a level of not less than 33,400 detention beds.”⁴² This number has changed each year, and was set at 40,520 beds for the 2018 fiscal year.⁴³ The bed quota is significant because, by mandating that an increased number of beds be made available in detention facilities, Congress is making detention on a larger scale possible.

As of 2015, for-profit corporations owned nine out of the ten largest detention facilities used by ICE, encompassing over sixty percent of the ICE detention beds in the country. The majority of these privately-owned detention centers are owned by two corporations: the GEO Group (“GEO”) and CoreCivic (formerly known as the Corrections Corporation of America [“CCA”]). Reports on lobbying expenditures suggest that the growth in appropriations for beds is directly influenced by these corporations, which stand to profit tremendously from the expansion of the quota. CoreCivic in particular – which owns a large percentage of immigration detention facilities in the United States – has taken an active role in shaping immigration policy; between 2008 and 2014, for example, the corporation spent \$9,760,000 “directly lobb[ying] the DHS

⁴¹ “United States Immigration Detention Profile,” Global Detention Project, accessed April 3, 2019, <https://www.globaldetentionproject.org/countries/americas/united-states>.

⁴² B. Carson, and E. Diaz, “Payoff: How Congress Ensures Private Prison Profit with an Immigrant Detention Quota,” Grassroots Leadership Project (2015), <https://grassrootsleadership.org/reports/payoff-how-congress-ensures-private-prison-profit-immigrant-detention-quota>.

⁴³ “The Math of Immigration Detention, 2018 Update: Costs Continue to Multiply,” National Immigration Forum (2018), <https://immigrationforum.org/wp-content/uploads/2018/05/Math-of-Detention-2018-Update-FINAL.pdf>.

Appropriations Subcommittee which maintains the immigrant detention quota language and shapes the way in which it is interpreted.”

Since the implementation of the quota in 2009, both companies have seen their profits rise dramatically; GEO’s profits, for example, rose from \$41,845,000 to \$143,840,000 between 2007 and 2014.⁴⁴ While President Obama did make efforts to eliminate contracts with private prisons, President Trump has vigorously supported such arrangements.⁴⁵ Recently, then, GEO and CoreCivic have been thriving. In Colorado, for example, the GEO-owned Aurora immigration detention facility just announced that it “added 432 new beds to [its] facility” during January of 2019 and that it expected to fill them by mid-February.⁴⁶

Some have argued that hiring private corporations to run immigration detention centers is simply fiscally responsible, as it costs less per bed to use a private contractor than it would to use a state-run facility. This is an argument which, if true, would undercut the implication that the rising bed quotas are directly attributable to the political influence exercised by corporations like CoreCivic. However, recent research has shown that privately-run detention centers are *more* expensive to run than public facilities. “According to federal government data, it costs \$149.58 taxpayer dollars to detain one person for one day in a privately-run immigrant prisons, as opposed to \$98.27 in a municipal-run immigrant jail.”⁴⁷ Further, beyond the fiscal cost of

⁴⁴ Carson and Diaz, “Payoff.”

⁴⁵ Coincidentally, GEO and CCA “each gave \$250,000 to Trump’s inaugural festivities.” John Burnett, “Big Money as Private Immigrant Jails Boom,” National Public Radio, published Nov. 21, 2017, <https://www.npr.org/2017/11/21/565318778/big-money-as-private-immigrant-jails-boom>.

⁴⁶ Elise Schmelzer, “The ICE detention center in Aurora added 432 beds last month. Those beds are expected to be filled almost immediately,” *The Denver Post*, February 6, 2019, accessed April 8, 2019, <https://www.denverpost.com/2019/02/06/aurora-ice-detention-center-additional-beds/>.

⁴⁷ “Detention by the Numbers,” Freedom for Immigrants, accessed April 3, 2019, <https://www.freedomforimmigrants.org/detention-statistics>.

continuing to contract with corporations for the provision of immigration detention, CCA and GEO have repeatedly been accused of endangering the welfare of the immigrants in their facilities by providing inadequate healthcare access, failing to staff their facilities appropriately, and failing to maintain satisfactory safety conditions.⁴⁸

Reports on political lobbying and campaign expenditures also suggest that corporations have exercised influence over the development of another immigration policy: the current administration's "zero-tolerance" policy, which was discussed briefly above.⁴⁹ The zero-tolerance policy, announced on April 6, 2018, represents the administration's decision to criminally prosecute all individuals who enter the United States without authorization for the federal misdemeanor of "illegal entry." In the process of prosecuting these immigrants, DHS places them in detention, often separating children from their families along the way.⁵⁰

This dramatic increase in prosecutions has resulted in a significant rise in profits for corporations like CoreCivic and GEO which, as discussed above, own the majority of DHS detention centers, and for technology firms such as Palantir Technologies, which provides ICE with "case management software and a customized data analytics tool called FALCON-SA, which helps ICE track and arrest individuals suspected of being in the country illegally." It is perhaps no surprise, then, that the corporations have given substantial donations to politicians supporting these policies. Both GEO and a subsidiary of CoreCivic donated \$250,000 toward Trump's inauguration; additionally, GEO and its subsidiaries contributed \$225,000 to a super PAC which supported Trump during the election, and spent \$1.7 million lobbying in 2017,

⁴⁸ "United States Immigration Detention Profile."

⁴⁹ Supra at 41.

⁵⁰ "Q&A: Trump Administration's 'Zero-Tolerance' Immigration Policy."

which is the largest lobbying expenditure by a private prison contractor on record. Similarly, Palantir's founder, Peter Theil contributed \$100,000 to Trump's presidential inauguration and over one million dollars to groups which supported Trump during his campaign.⁵¹

RAAOs' Grassroots Efforts to Reintroduce Non-Corporate Voices in the Immigration Policy Debate

Despite the weight of corporate influence on immigration policy, RAAOs have found opportunities to reintroduce non-corporate voices and agendas to debates about immigration. More specifically, RAAOs participating in these conversations take themselves to be elevating voices which are motivated by the desire for liberation,⁵² a general sense "faith in humanity,"⁵³ and a call to "serve the most vulnerable."⁵⁴ In the following pages, I will focus on three RAAO representatives, including one based in the San Francisco-bay area, another based in Illinois, and a third based in southern California, and the ways their respective organizations have elevated and empowered non-corporate voices and agendas through their work. To do so, I will describe the ways in which these RAAOs have relied on metaphysically-grounded motivations, existing facilities, audiences, and authority hierarchies, and embeddedness within substantial pre-existing communities to strengthen their reach and capacity.

RAAOs' Use of Metaphysically Grounded Motivations to Assert Non-Corporate Agendas in the Realm of Immigration Policy

⁵¹ G. West and A. Baumgart, "Zero-tolerance' immigration policy is big money for contractors, nonprofits," Open Secrets, published June 21, 2018, <https://www.opensecrets.org/news/2018/06/zero-tolerance-immigration-is-big-money-for-contractors-nonprofits/>.

⁵² "We are fortunate to have a dedicated team . . . who . . . see their liberation as connected to everyone else's. If they are Muslims it is a personal connection. Even if not they understand the importance of these being successful." Interview with RAAO Representative, November 12, 2018.

⁵³ Interview with RAAO Representative, January 8, 2019.

⁵⁴ Interview with RAAO Representative, February 20, 2019.

All three representatives expressed that their respective organizations have used the metaphysically-grounded motivations of their communities to engage individuals who might otherwise steer clear of or not know how to engage with “political activity.” Most notably for purposes of this thesis, the RAAOs have done this by using language which some might consider distinctly religious to describe issues which some might consider distinctly political. In this way, the RAAOs demonstrate to their communities that religious values and political action need not be separate; rather, the RAAOs show that it is possible for one to engage with the political from the foundation of a language and set of values which the community is already comfortable with.

For example, the Illinois-based representative, who is affiliated with two separate RAAOs, explained that, during his work, he has used the language of the relevant community’s faith to connect them with efforts to assist refugees. He further stated, “especially for our faith-based constituency, we talk about helping churches welcome the stranger and we tell stories of people who have been welcomed as refugees by families in a local church.” Similarly, he explained that one way he has appealed to donors is by “describ[ing] in . . . detail how [the organization] helps influence and organize for policies we think are consistent with the Bible.” The representative further commented on the way his ability to speak the language of his community’s religion allows his work to make a substantial impact:

I think we make an impact in terms of shifting attitudes . . . we are in a space of trying to persuade a particular audience – evangelical Christians. We are them, so we know how to speak to that constituency . . . I roughly know how most evangelicals think and one of the things is they express a high level of commitment to the authority of the Bible, so we start by talking about what the Bible says.

In that way, he added, the organization is “able to help people have a human face around these big political issues . . . to recognize the humanity involved.”⁵⁵

In other instances, RAAOs metaphysically-grounded motivations allow them to bring new community members to the immigration policy debate by giving people a new way to think about politics. The RAAO from southern California provided an excellent example of this. That RAAO hosts several events in which volunteers have an opportunity to work with immigrants moving between Central America and the United States. For example, the RAAO organizes groups from across the San Diego area to do the work of leaving water along the border for immigrants who may need it as they near the United States. The organization also gathers volunteers to deliver donations to those asylum seekers who traveled with the recent “caravan” and are now in Tijuana. After the latter event, volunteers have the opportunity to stay and talk with the asylum-seekers.

However, despite these activist endeavors, this RAAO does not lead with a political identity. Rather, the RAAO’s representative emphasized “the humanity involved” in their work, thereby giving their participants a new way to think about the political. It is exactly this emphasis on humanity which arguably makes the RAAO so successful in its leveraging of non-corporate voices. As the RAAO’s representative stated, the organization’s focus on moral values allows people who “genuinely just want to help [but don’t want to be] . . . involved in politics” to participate in a way that doesn’t necessarily feel political. They are people who, the representative said, have energy that they can’t use anywhere else, so they channel it through a religion-based organization. The representative saw this as an important function of her

⁵⁵ Interview with RAAO Representative, January 8, 2019.

organization, writing, “there . . . should be a space for people who hold these moral values . . . [to] try to strive for them.”⁵⁶

Through their involvement with the RAAOs events, volunteers have the opportunity witness the impacts of the Trump administration’s policies firsthand. Through conversation with the immigrants they meet in Tijuana, they are provided with the ability to construct a narrative about immigration that is personal and based on lived experience. This narrative is critical, as it can be brought back to their respective communities as they engage in dialogue, a move which might help reintroduce non-corporate voices and agendas to the debate. The RAAO representative describes this potential best in her own words, when she stated:

[Both of our outreach events] are so significant in the well-being of other humans and we don’t really put that into perspective as much – but, when I’m talking to the groups that are volunteering for those events, it is really important to put in perspective . . . that what they are going to do is going to make a huge difference in what is going to happen to an individual.

. . .

[After attending, volunteers] just see things differently . . . they just want to see what is happening for themselves because they feel that whatever they see in the media is not really being truthful or is really lacking some major points so some will just go down to collect information because then they can come back and prove people wrong with their own experience.⁵⁷

RAAOs’ Use of Existing Facilities, Audiences, and Authority Hierarchies to Assert Non-Corporate Agendas in the Realm of Immigration Policy

All three organizations also successfully leveraged the existing facilities, audiences, and authority hierarchies that their RAAO status affords them to expand their reach and capacity. In particular, immigration-focused RAAOs have utilized these facilities, audiences, and hierarchies

⁵⁶ Interview with RAAO Representative, February 20, 2019.

⁵⁷ Interview with RAAO Representative, February 20, 2019.

to sustain their fundraising and volunteer-recruitment efforts, leveraged the established networks in their religious communities to ensure that their events are widely advertised, and utilized the spaces provided to them through their affiliation with a particular religion as venues for their actions.

The representative based in Illinois, for example, explained that one of the RAAOs with which he works utilized the affiliated religion's existing structures to bolster the success of its events – including speaking events in which it features the voices of refugees and other immigrants – in several ways. First, it gathers its volunteers from the network of churches it is affiliated with, a benefit which provides it with a reach that spans twenty cities. Second, it relies on that network of churches for a large portion of the funding which sustain its activities. Third, as described above, it relies on the churches' physical infrastructure as a venue for its speaking events, and often makes use of pre-established meeting times.⁵⁸

Similarly, the San Francisco Bay area RAAO has relied on its connections with mosques and Islamic schools to gather participants for its events, including an annual event in which the organization brings youth from its religious community to the Capitol to engage in advocacy. At the most recent annual event, the RAAO had over 700 youth in attendance, and two of the three bills the group supported – including a bill which made business licenses accessible for immigrants – were passed. The RAAO's representative described the importance of this event, explaining that it is a vital way to “develop a sense of empowerment in the Muslim community and connected them with their leaders.”⁵⁹

⁵⁸ Interview with RAAO Representative, January 8, 2019.

⁵⁹ Interview with RAAO Representative, November 12, 2018.

RAAOs' Use of Their Substantial Pre-Existing Community to Assert Non-Corporate Agendas in the Realm of Immigration Policy

An RAAO's affiliated religious community sometimes includes policy-makers themselves, which provides an opening for some RAAOs to engage with them on important political issues. The Illinois-based representative has found this to be beneficial to his RAAO's mission. As he stated, "because there [are] religious demographics known to be favorable to one party or another, it gives us credibility with certain elected officials. We meet with members of Congress who share our views."

Further, the same representative has reached out directly to his community in the midst of major immigration reform by the Trump administration "to direct [its] constituents in the way [it] think would be the most helpful for them to respond," thereby potentially mobilizing a large number of individuals at once.⁶⁰

Similarly, the San Francisco-based RAAO was able to call upon its community to participate, alongside several other nonprofit organizations, in an effort to eliminate President Trump's "Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States," which has also been referred to as the "Travel Ban" or the "Muslim Ban."⁶¹ This policy originated on January 27th, 2017 as an executive order which "banned foreign nationals from seven predominantly Muslim countries from visiting the country for 90 days, suspended entry to the country of all Syrian refugees indefinitely, and prohibited any other refugees from coming into the country for 120 days." The ban sparked significant political and legal controversy, and evolved over time. The legality of the third version of the Ban, which blocked travelers from six

⁶⁰ Interview with RAAO Representative, January 8, 2019.

⁶¹ Note that the representative interviewed refers to this policy as the "Muslim Ban." Interview with RAAO Representative, November 12, 2018.

predominantly Muslim countries, North Korea, and, in some select instances, Venezuela,⁶² was addressed by the Supreme Court. On the day the case was scheduled for oral argument, the RAAO helped to gather Muslim community members to be present at the Supreme Court during oral argument to ensure that the affected community was present. As the representative from that RAAO stated, “while we didn’t win the battle against the Muslim Ban, I would like to believe we made a positive impact on people’s impressions of what was going on and raised awareness.”⁶³

In the preceding chapters, I have analyzed the importance of metaphysically-grounded motivations, access to established leadership structures, and embeddedness within a substantial pre-existing community to the success of RAAOs generally, and demonstrated the way these characteristics have helped RAAOs reintroduce non-corporate voices into the immigration policy debate. The next chapter will articulate and address two potential counterarguments to my proposed vision for RAAO involvement in the American policy sphere.

⁶² The ban on Venezuelan travelers only applied to a select group of Venezuelan government officials. “Timeline of the Muslim Ban,” ACLU Washington, accessed April 3, 2019, <https://www.aclu-wa.org/pages/timeline-muslim-ban>.

⁶³ Interview with RAAO Representative, November 12, 2018.

CHAPTER FOUR: COUNTERARGUMENTS

Thus far, I have argued that many elected officials are problematically accountable to corporate interests and posited that RAAOs have a variety of characteristics which might allow them to be one of the actors which work to reintroduce non-corporate agendas in the American policy-making sphere. Recognizing the potentially controversial nature of this conclusion, this chapter pauses to address some concerns which might arise in response to my argument.

Specifically, the following pages address what I will describe as 1) “the Unintended Consequences Argument,” which is comprised of a constellation of potential worries centering on the unintended consequences which might arise if RAAOs become more active in the public square; and 2) “the Preservation of Democratic Secularism Argument,” which focuses on the potential concern that increased RAAO involvement will erode American principles of democratic secularism by, for example, violating the Establishment Clause of the Constitution.

The Unintended Consequences Argument

The first counterargument, the “Unintended Consequences Argument, involves a set of worries revolving around possibility that, if *more* religious voices enter the political sphere, things may go awry in one of several ways. Specifically, this section imagines concerns that introducing these voices in the policy debates might 1) lead some particularly well-resourced RAAOs to become overwhelmingly dominant in the public square and exercise outsized influence over policy makers in the same way that corporations currently do; 2) lead to the breakdown of democratic dialogue; or 3) result in discriminatory policies which resemble those supported by some RAAOs historically.

Dominant RAAOs Might Exercise the Exact Outsized Influence Enjoyed by Corporations, Consequently Substituting One Problem for Another

The first potential worry within The Unintended Consequences Argument is that a small group of RAOs – most likely those with the most resources – might come to dominate the public sphere in the way that corporations currently do, thereby undercutting the pluralism and inclusivity-centered aspirations of my argument. Someone voicing this concern might envision a political arena in which politicians are influenced by a select group of RAOs, just as they are currently under the sway of corporations, resulting in the establishment of policies which fail to represent more than a narrow part of the population.

This is a plausible counterargument; it is true that RAOs can accumulate wealth in a manner similar to that of corporations, and so – as long as the American campaign-finance system remains privately funded – the risk will remain that certain groups will be able to buy outsized influence.¹ However, that reality does not mean RAOs should not move more fully into the public square. If RAOs do not move more fully into the public square, it is possible that corporate interests will continue to exist largely unchallenged as the primary voice influencing policy debates. On the other hand, if RAOs become more active in the public square, it might broaden the number of voices which are acknowledged by policy-makers, thereby lessening domination by any one party in policy debates.

Further, if, at root, the campaign-finance system is the problem, introducing new voices might enable greater democratic participation, which in turn has the potential to eliminate some of the flaws that exist in the privatized campaign system. Therefore, because their involvement

¹ “MONEY IN POLITICS 101: WHAT YOU NEED TO KNOW ABOUT CAMPAIGN FINANCE AFTER CITIZENS UNITED,” Brennan Center for Justice, accessed April 3rd, 2019, <https://www.brennancenter.org/sites/default/files/legacy/Democracy/MoneyInPolitics%20FAQ.pdf>.

might lead to increased democratic participation and the elevation of previously marginalized voices in policy debates, this fear should not be cause to dissuade increased RAAO involvement.

Increased Participation on Behalf of RAAOs Might Lead to the Breakdown of Democratic Dialogue

The second potential worry in the Unintended Consequences Argument is the fear that increased involvement by RAAOs will lead to the breakdown of democratic dialogue. This worry is reminiscent of an argument voiced by Richard Rorty in his essay “Religion as a Conversation Stopper.” As is perhaps apparent in the title of the work, Rorty argues that the use of religious language in the public square is undesirable because, when invoked outside the relevant community, religion is a “conversation stopper.” In making this argument, Rorty envisions a scenario in which an individual invokes their religion as the justification for a particular political opinion. Rorty believes that referencing religion in that way “is far more likely to end a conversation than to start an argument,” and that, ultimately, invoking religion in political debate is inappropriate and irrelevant insofar as it amounts to bearing the details of one’s private life in public.² For example, as discussed above,³ Rorty imagines a scenario in which a religious individual proclaims that abortion is forbidden or mandated by God, leaving nonreligious individuals to either ask the speaker to shift the debate so that it is based on shared premises (a move which might be impractical or condescending); engage in the debate using religious language; or, otherwise, to end the conversation altogether for lack of options. Rorty argues that the third option is most likely and that, consequently, the introduction of religious voices in public debate is likely to lead to the breakdown of public debate.⁴

² Rorty, *Philosophy and Social Hope*, 164.

³ *Supra*, 8.

⁴ Rorty, *Philosophy and Social Hope*, 164.

However, far from bringing conversation to a grinding and unavertable halt, integrating religious language in public policy debates serves as a powerful opportunity for dialogue. As Stout asserts in his own response to Rorty:

Reasons actually held in common do not get us far enough toward answers to enough of our political questions. The propose policy of restraint, if adopted, would cause too much silence at precisely the points where more discussion is most badly needed. The policy itself would be a conversation stopper.⁵

By this logic, it is actually the *exclusion* of religious language, rather than the inclusion of religious language, which is a conversation stopper, because that exclusion isolates some voices from policy debate altogether. A better alternative is to invite all rationales, including religious rationales, into policy debates so they can be challenged and probed until workable common ground is established.

Further, allowing one to express their religious motivations in the public square allows them to be held accountable to what they express in dialogue, including their reasons for upholding their religious motivations. No longer is religion an untouchable, mysterious, and looming force in the public sphere, but rather a means that allows more inclusive, effective, and transparent participation in democracy. This effort to make democracy inclusive is essential to its preservation as a force against domination. The assumption on behalf of any group that their belief system is superior, even if that belief is secularism, encourages a culture of domination in which many are excluded,⁶ a culture which is fundamentally counter-democratic. It must also be considered that shutting out religious language does not make religious motivation disappear. Rather, it appears as an assault on the religious community that only strengthens the need to

⁵ Stout, *Democracy and Tradition*, 89-90.

⁶ Jeffrey Stout, "Rorty on Religion and Politics," in *The Philosophy of Richard Rorty*, ed. Randall E. Auxier and Lewis Edwin Hahn (Chicago: Open Court Publishing Company, 2010), 523-546.

preserve religious reasoning. Whether that need manifests as sectarianism, discouragement, or an attempt to drastically turn the tables, it results in something that is counter-productive to democracy. To once again reference Stout, “for every American institutional context in which secularism becomes dominant...there is an opposite an equal theocratic reaction somewhere else...secularism seems to be feeding the very tendencies in religious life that it most fears.”⁷

Therefore, far from being a “conversation stopper,” welcoming a plurality of religious language to the public square has the potential to strengthen both religious and non-religious voices against corporate dominance. The reality of this strengthening was recognized time and time again throughout the interview with the leaders of various RAOs. Nearly all the organizations brought the strengths rooted in their status as RAOs to implement political actions which transcend religion. Recall, for example, the RAO based in Washington, which lent the strengths inherent in its RAO status – such as its ability to mobilize large numbers of community members in a rapid manner – to the Sierra Club’s Coal Campaign, ultimately aiding in the successful transition of a coal plant to a solar power center as described above.⁸

Increased Participation on Behalf of RAOs is not Desirable Because of the Damaging Impact some RAOs have had Historically

The third of the potential worries falling within the Unintended Consequences Argument is the concern that increased participation on behalf of RAOs is not desirable because of the damaging impact some RAOs have had historically. Someone articulating this argument might point to, for example, the efforts of the group of organizations which Daniel Bennett refers to as Christian Conservative Legal Organizations (“CCLOs”), which have harnessed the law to its

⁷ Ibid, 527.

⁸ Interview with RAO Representative, December 4, 2018.

fullest extent – and even established their own law schools⁹ – to shape precedent and legislation in a way which reflects their religious commitments, often at the expense of marginalized groups.¹⁰

However, to make this argument is to accept what Craig describes as “the standard media storyline [that] . . . when religious arguments enter the public forum, they unequivocally support the conservative position on a wide range of issues from embryonic stem cell research to gay marriage to climate change.” On this point, Craig continues to say:

This kind of equation of religious values with conservative causes is myopic. In the decades leading up to the civil rights movement, left-leaning religious arguments held much greater sway in American public life. Just as we need to disturb the battle lines of sound-bite politics, we should also question the assumptions about how Americans’ religious and secular values play out in public debates.¹¹

Accepting the idea that religious democratic participation must perpetuate conservative values results in lost opportunity because it ignores the potential groups with different political opinions have to embrace value-based language to make change. For example, in reference to the debate over the Affordable Care Act, Craig writes that “liberals have failed to persuade the American public partly because they cede values talk – particularly about religious values – to conservatives upon entering the public sphere.”¹² Therefore, the negative impact some groups may have had in the past is not a reason to dissuade democratic participation of RAOs, but is rather an example of the strength of religious groups and a reason to encourage other RAOs to

⁹ Daniel Bennett, *Defending Faith: The Politics of the Christian Conservative Legal Movement* (Lawrence: University Press of Kansas, 2017), 17.

¹⁰ *Ibid.*, 93.

¹¹ Craig, *Healthcare as a Social Good*, 3-4.

¹² *Ibid.*, 7.

enter the political arena to assert their own agendas and the agendas of their respective communities by engaging with the language of values.

The Preservation of Democratic Secularism Argument

A second potential counterargument might articulate the fear that increased involvement by RAOs will erode American principles of democratic secularism. Explicitly religious language, the argument goes, chips away at what has commonly been conceived as the separation between church and state.

The separation between church and state, as traditionally articulated, is an outgrowth of the religion clauses of the U.S. Constitution's First Amendment (discussed in more detail below), which promotes "democracy and equally protects the religious freedom of all American, especially religious outgroups."¹³ Therefore, someone articulating this argument might anticipate that RAOs participation in the public square could diminish this guarantee by causing some religious groups to enjoy more favorable treatment than others.

However, this argument mistakenly assumes that the principle of separation of church and state requires a public square that is devoid of tradition. As Stout has argued, democracy is not an empty secular framework, but, rather, is a *tradition* it itself which encourages certain value systems while discouraging others, supports specific ways of reasoning, expects one to conduct themselves in a certain way, and, ultimately, defines that which is embraced and that which is feared.¹⁴ It is when a plurality of religious voices is *not* acknowledged in government that the tradition of democracy comes to privilege a narrow set of values. To use the words of

¹³ Stephen M. Feldman, *Please Don't Wish Me a Merry Christmas: A Critical History of the Separation of Church and State* (New York: NYU Press, 1999), 4.

¹⁴ Stout, *Democracy and Tradition*, 3.

Winnifred Sullivan, “the right kind of religion, the approved religion, is always that which is protected, while the wrong kind, whether popular or unpopular, is always restricted or even prohibited.”¹⁵ Thus, RAAO participation in the public square creates an opportunity for a diverse group of voices to have their values reflected in their democracy.

Consider, as a specific illustration of this counterargument, an argument in which someone asserts that RAAOs should not participate in the public square because their doing so inches dangerously close to an Establishment Clause violation. The Establishment Clause is one of the two religions clauses in the First Amendment of the United States Constitution. It can be found alongside the Free Exercise Clause, which is the other religion clause. Together, the two clauses read: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”¹⁶ Cases regarding the Establishment Clause have led to the development of a series of tests which courts use to determine whether the government has engaged in an impermissible endorsement of religion, including, for example, the Lemon Test, which states that a government action is a violation of the Establishment Clause unless it has “a secular legislative purpose,” does not have as “its principal or primary effect . . . one that . . . advances or inhibits religion,” and does not “foster an excessive government entanglement with religion.”¹⁷ The counterargument, then, might propose that RAAO involvement in politics is inappropriate considering the Establishment Clause because it might lead to policy-makers official endorsement of religious values or practices.

¹⁵ Sullivan, *The Impossibility of Religious Freedom*, 154.

¹⁶ U.S. Const. amend. I.

¹⁷ *Lemon v. Kurtzman*, 403 U.S. 602, 612–13 (U.S. 1971).

In her interview for this thesis, the leader of a RAAO based in the San Francisco Bay Area identified the flaws in this counterargument with the following statement:

We sometimes confuse the separation of church and state. It is to say, “you can’t impose your religion on me” – but, it is never to say, “you can’t use your religion to move you.” We need to be careful. Just because my faith drives me to action doesn’t mean I get to take away someone else’s rights. [Even] when faith drives me to do something – like feed the hungry – it can be religiously neutral and . . . good for the world. So, there is no Establishment Clause violation.¹⁸

This line of reasoning used by this RAAO representative is supported by the weight of existing case law interpreting the Establishment Clause where its guarantees potentially conflict with an individual or group’s exercise of religion. A case implicating these issues was addressed by the Supreme Court, for example, in *Board of Education of Kiryas Joel Village School District v. Grumet*. There, the New York legislature passed a statute to carve out the Kiryas Joel Village School District within Kiryas Village, which is mainly occupied by Satmar Hasidic residents, so that the schools could better serve the “distinctive population” of the village. The issue addressed by the Court was whether this legislative action violated the Establishment Clause.¹⁹ The Court held that it *did* violate the Establishment Clause, writing:

The anomalously case-specific nature of the legislature's exercise . . . in creating this district for a religious community leaves the Court without any direct way to review such state action for the purpose of safeguarding a principle at the heart of the Establishment Clause, that government should not prefer one religion to another, or religion to irreligion.²⁰

There is no similar issue in my thesis’s proposal. Whereas, in *Kiryas*, the legislature engaged in a specific government-endorsed act which triggered the Establishment Clause analysis, this thesis

¹⁸ Interview with RAAO Representative, November 12, 2018.

¹⁹ Bd. of Educ. of Kiryas Joel Vill. Sch. Dist. v. Grumet, 512 U.S. 687, 690 (U.S. 1994).

²⁰ Ibid, 703.

proposes no such act on behalf of the government. Further, where the Court in *Kiryas* had reason to fear that the particular benefit granted by the legislature would not be granted without preference for one religion over another, in this thesis I explored the potential for engagement on behalf of RAOs affiliated with a broad range of religious traditions. Therefore, my proposal does not generate not an Establishment Clause issue; rather, I simply develop a proposal for a version of democratic participation which does not ask Americans to leave their religious commitments at the door in a way that privileges some types of religion over others. Rather than demanding that citizens of a democracy engage in the problematic – and perhaps impossible – task of separating religious-self from political-self (resulting in, or at least risking, the masking of ever-present religious commitments), why not welcome those commitments into the public policy arena so that they can be challenged and engaged – and so that, ultimately, we can establish common ground from which to participate in policy debate?

CONCLUSION

The preceding pages have identified two crucial issues facing American democracy: 1) the dominance of corporate voices and agendas in the policy-making sphere and 2) the pervasive sense of distrust Americans feel towards their government. I have argued that one way to address these issues is through the reintroduction of non-corporate voices and agendas in the policy-making sphere, and that RAOs are well-suited to facilitate that reintroduction. Specifically, I have argued that RAOs possess characteristics which render them capable of bringing new, non-corporate voices to the public sphere, including metaphysically-grounded motivations, access to pre-existing structures and hierarchies, and ties to substantial communities that are ripe for mobilization.

In Chapters Two and Three, I brought RAOs' capacity to rely on these characteristics to successfully reintroduce non-corporate agendas to the policy-making arena by mobilizing and organizing new political actors to the fore through RAO representatives' accounts of their own activities. Those chapters illustrated, for example, ways in which RAOs have empowered individuals who might otherwise feel uncomfortable with political participation to engage in immigration-related activism by helping them connect religious beliefs and obligations to political action. Such examples, I argued, are indicative of RAOs' capacity to reintroduce a meaningful number of non-corporate voices to the policy-making sphere so that corporations' influence is no longer so overwhelming.

Finally, I addressed several potential counterarguments, including worries regarding the unintended consequences which might arise if RAOs engage in the public sphere, as well as concerns revolving around the potentially problematic relationship between RAO involvement, democratic secularism, and the U.S. Constitution. I suggested that, even despite these

counterarguments, RAOs remain well-situated to reintroduce non-corporate interests and agendas to the policy-making sphere.

From here, at least two broader questions remain. First, there is the question of whether RAO involvement is the best way to reintroduce non-corporate voices in the policy-making sphere. While this question has remained beyond the scope of this thesis (which simply proposes that RAO involvement is one way to achieve such reintroduction), it would be worth considering in the future whether alternative approaches, such as campaign-finance reform which lessens the impact of *Citizens United*, should take priority.

Second, it is worth considering the scope of RAOs' reach, how many new, non-corporate voices they will be able to successfully reintroduce in the policy-making sphere, and what power these voices and agendas will have in the face of corporate influence. While I have established that RAOs can effectively bring at least some new voices to the public square, I have stopped short of examining their potential to make concrete political impact through that reintroduction.

Yet, as it stands, my thesis has established something important. Because of RAOs' efforts, individuals across the country are becoming politically engaged and non-corporate voices representing a broad range of values and agendas are finding expression in a policy-making sphere that has come to be dominated by corporate interests. This suggests that, even in this era of extreme government distrust and political apathy, RAOs have helped individuals realize that it is worth trying to take back the reins and create a government in which they can believe.

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