

Presidential Campaigns:

REFORMING THE REFORMS

"I don't care who does the electing," New York's William Marcy "Boss" Tweed once remarked, "just so I can do the nominating." Since the 1980 election, a number of leading scholars, under the auspices of Duke University, the Wilson Center, and other institutions, have been taking a hard look at the U.S. presidential nominating process. Their conclusion: It is too erratic, too time-consuming, and too vulnerable to manipulation by minority factions. Partly to blame are the well-intentioned campaign reforms of the early 1970s. So are the rapid changes in American society since 1960. Here, political scientist Jack Walker examines the ailing system and some of the remedies proposed. But just changing the rules, he warns, may not be enough.

by Jack Walker

The drawn-out scramble for the Republican and Democratic 1980 presidential nominations, involving almost two years of campaigning by a dozen rival candidates, has led many scholars, journalists, and politicians to conclude that reforms of some kind are urgently needed. As *Washington Post* columnist David S. Broder wrote in June 1980:

[The] presidential primary season has ended—at last—with a prize political paradox. On the face of it, the system worked perfectly. The two men, Jimmy Carter and Ronald Reagan, who were the favorites of their party's rank-and-file, have emerged as the victors. And yet there is more widespread dissatisfaction being expressed with the choices for the general election than I have heard in 25 years on the political beat.

Since Election Day, the target of criticism has shifted from the choices *per se* to the electoral process that produced those choices. A proliferation of primaries, some say, has needlessly prolonged presidential campaigns, given undue importance to

television, and put a premium on candidates' "style" rather than on their past performance or their positions on "the issues." Changes in party rules, others note, have destroyed the nominating conventions' prime functions and have gravely diminished the mediating role of political parties in America.

A few commentators, taking the long view, observe that, during the 1970s, the increasingly complex task of winning a party's nomination for President no longer had much to do with the task of governing as President; that the qualities now required for success in one endeavor were largely irrelevant to success in the other.

"A Crazy Obstacle Course"

To help put things right, no fewer than five privately financed study groups—at Duke University, at Vanderbilt, at Harvard, the University of Virginia, and the Public Agenda Foundation—are now examining the presidential nominating system and debating possible modifications. It seems inevitable that the Congress, the state legislatures, and the leadership of the Republican and Democratic parties will take steps before the 1984 election to change the nominating procedures for presidential candidates.

The status quo is obviously unsatisfactory. "Eastern Airlines, searching for a president, could go outside its ranks and pick an astronaut as its chief executive," former North Carolina Governor Terry Sanford, president of Duke and one of the most prominent advocates of electoral reform, wrote last year. "The Stanford Graduate School could reach into the business world for its dean. [But] the political party delegates to the national nominating conventions can consider [only] one or two survivors who have run a crazy obstacle course."

I happen to share many of the worries of the would-be reformers. I also remember that little more than a decade ago, other reformers pushed through what former Democratic National Committee chairman Lawrence O'Brien called "the greatest goddamn change since the two-party system," implementing a package of electoral reforms to which some of our current woes may be traced. So, before they attempt further "reforms" of our already much-reformed presidential nominating system, the latest advocates of change should ask themselves a few fundamental questions.

First, how have our society and the electorate changed since the "good old days" of the 1950s that reformers both abhor and lament? To what extent have court decisions and changes in the

law accelerated those trends? How have the political parties responded? Which, if any, of the subsequent reforms actually worked as anticipated?

Aspiring re-reformers must remember at the outset that the United States has only lately emerged from two decades of social and economic upheaval. Leaving aside the uncertain legacy of Watergate, the Vietnam War, black riots, and a series of demoralizing political assassinations, several basic *structural* transformations are apparent. Large segments of the U.S. population have moved to the South and West, enhancing the political power of the Sunbelt states. During the past two decades, as many as 10 million Hispanics have moved into the United States. Accelerated urbanization and suburbanization have left only 26.5 percent of the U.S. population living in rural areas. All of this "people movement" has disrupted patterns of political behavior that had persisted for several generations.

Yet the most important underlying change in American politics during the past three decades has been the increase in the average educational attainment of the electorate, a development that, as it turns out, has greatly expanded the pool of potential civic activists—and hence, ironically, the potential for political conflict and disarray.

Freedom Summer and the New Activists

Only 15 percent of the voting public that chose Dwight D. Eisenhower for President in 1952 had ever attended college, and more than 40 percent had completed only elementary school. In 1976, 34 percent of the eligible voters had attended college, and the number with an elementary school education only had shrunk to 17 percent. In political behavior, education is a key factor. The more education people have, the more tolerant of new ideas they are likely to be, the more willing to associate with members of other racial or ethnic groups, the more active—and independent—politically.

As the educational level has risen in America, so has the pressure that Congressmen and Senators get from their constituents. Since the mid-1960s, the number of adults in the United

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Boss Tweed and his cronies ran New York City from 1859 to 1871. America has moved away from the "smoke-filled rooms" of machine politics. But more "direct democracy" has been a mixed blessing.



Thomas Nast, December 23, 1871.

States who say they have written letters to elected officials about public issues has grown by 65 percent. Americans are also more willing to put their money where their mouths are. More than 16 percent of the electorate—some 21 million people—contributed money to political campaigns in 1976, versus four percent in 1952, and some 23 million people that year chose to check "yes" on their income tax returns to a \$1 contribution to the Presidential Election Campaign Fund. Both indices were expected to be up in 1980. (Data is not yet available.)

Thus, in contrast to low overall voter turnout in U.S. elections, we are witnessing a dramatic expansion of the American electorate's *active core*. This large, new bloc is relatively well-educated, often more committed to "causes" or broad ideological principles than to party labels, and apt to cast votes for candidates of opposing parties for various offices. Analyzing the vote in the 1980 presidential contest, political scientist Everett Carl Ladd has found fresh evidence of a gradual "dealignment" of the electorate. In a dealignment, he writes "more and more of the electorate become 'up for grabs' each election."*

One cannot attribute this volatility entirely to education. Citizens have also been attracted to independent political activity by the proliferation of well-financed lobbies for virtually every cause imaginable, from school prayer to clean air. Indeed, since the late 1950s, a diffuse and uneven but nationwide process of political mobilization has been under way, bringing many new elements of the population into closer contact with

*Everett Carl Ladd, "The Brittle Mandate: Electoral Dealignment and the 1980 Presidential Election," *Political Science Quarterly* (Spring 1981).

the nation's political process. But, by cutting across party lines, "activism" on such issues as race, Vietnam, or women's rights has been a spur to political fragmentation.

Mobilization began in 1957 with the Montgomery bus boycott and continued with the subsequent sit-ins, freedom rides, and protest marches of the civil-rights movement. Armed with the legal authority of recent Supreme Court decisions and backed by an ad hoc coalition of white political liberals, clergymen, academics, and journalists, Martin Luther King and other black civil-rights leaders challenged the moral foundations of the racial status quo in the South. They successfully bucked the system, changed it, and gave others a language and a strategy for doing it over and over again.

Thus, many of the white college students who came home from the Mississippi "Freedom Summer" in 1964 began telling their fellow students—at Berkeley, Harvard, and elsewhere—that they, too, were (somehow) members of an oppressed class. Many of these elite universities were soon wracked by civil disorder, initially over students' rights, later over Vietnam and the draft. The 1960s and early '70s also saw the growth of "claimant" movements involving women, Hispanics, the elderly, the handicapped, homosexuals, and many other formerly quiescent segments of American society. Scores of such movements came into being, many of them with a valid point to make, a few of them merely shrill contestants for public attention. Ideological feuds, lack of money, or personality clashes destroyed some of these organizations. But politicians began to pay heed. So did the voters.

Mobilization began among the deprived or disadvantaged. But the propaganda-lawsuit-proselytizing approach was soon adopted by white upper-middle-class activists during the 1970s to seek federal protections for the environment, consumers, and the working man on the job. For "public interest" organizations, the business of recruiting and retaining a devoted, dues-paying membership across the 50 states was made easier by technology. Computers were now on the market that could store and classify millions of names and addresses, allowing associations to print out "personalized" letters virtually overnight that would reach the kinds of people most likely to respond favorably with money.*

The differing intensity of public reactions to the undeclared

* Most of the groups formed during the late 1950s and '60s were dedicated to liberal causes, but they were eventually matched by conservative countermovements that grew even stronger during the '70s. The National Abortion Rights League encountered the National Right to Life Committee; the leftist National Council of Churches faced the right-wing Moral Majority.

wars in Korea and Vietnam illustrates graphically how much advocacy groups have transformed America's political culture. As John E. Mueller has shown, the timing and extent of the initial decline in Americans' "approval rating" of both conflicts, as measured by opinion surveys, was quite similar.* But Americans during the early 1950s, unlike their counterparts during the late '60s, were not accustomed to unconventional public forms of political expression. Vocal opposition to Truman's "limited war" policy in Korea came from the Right and was largely channeled through the G.O.P. As popular support for Washington's Vietnam policy began to slide badly in 1968 and 1969, political leaders began to hear about it in congressional testimony, protest demonstrations, and acts of civil disobedience all over the country. Nothing remotely comparable occurred in 1952.

Fracturing Local Forces

Political mobilization, social upheaval, and the "dealignment" of the electorate would have placed the U.S. election system under considerable strain under the best of circumstances. But these trends both coincided with and encouraged an extraordinary series of institutional changes unmatched since the introduction of the Australian (secret) ballot, direct primaries, and referendum and recall petitions, during the days of Robert LaFollette and Woodrow Wilson before World War I.

First, the Supreme Court decided in *Baker v. Carr* (1962), *Reynolds v. Sims* (1964), and various subsequent rulings that seats in state legislatures, city councils, and the U.S. Congress must be apportioned according to population. In the words of the Court, "one man's vote is to be worth as much as another's." These decisions had their greatest impact on Southern states such as Georgia and Mississippi that had long been controlled by a single dominant party (the Democrats) or in states such as New Jersey and Michigan where carefully constructed political coalitions based in rural areas and small towns had blocked proportional representation of urban areas in the legislature.

The immediate result of reapportionment was rapid turnover in all legislative bodies. In the 1959 statewide elections in New Jersey, only 20 percent of those elected to the state senate were new members; in 1967, the figure was 75 percent. Many Southern states lapsed into protracted disputes over redistricting that required numerous court orders and several re-appor-

*John E. Mueller, *War, Presidents, and Public Opinion*, New York: Wiley, 1973.

tionments to resolve. No sooner was the issue settled than the 1970 census figures became available, requiring yet another round of district drawing. The Tennessee state legislature was redistricted six times between 1962 and 1973. This continual turmoil fractured local political organizations.

The second landmark was a double-barreled assault on voting restrictions, beginning in 1964 with ratification of the Twenty-Fourth Amendment, which eliminated the poll tax in Alabama, Arkansas, Mississippi, Texas, and Virginia. A year later, the Voting Rights Act barred the use of literacy tests and provided for federal registrars to enroll blacks in Southern counties where their voting participation was below specified levels.

The results were dramatic. In 1964, only 28,500 blacks in Mississippi were registered to vote; a decade later, the number had increased 10-fold. The addition of one-quarter of a million blacks to the voting rolls changed the power balance in the state. Candidates for statewide office openly began to court black voters. Blacks began running for office. (Today, 22 of the 174 seats in the state legislature are held by blacks.) In effect, the procedural reforms of the 1960s brought about the true reconstruction of Southern politics, a century after the Civil War.

One Wave after Another

The third landmark reform affected the entire country, although its impact fell short of expectations. In 1971, under the new Twenty-Sixth Amendment, 18-year-olds were granted the right to vote, bringing about the largest expansion of the electorate since 1920, when the franchise was extended to women. Democrats made special efforts to cultivate these new voters in 1972 but were disappointed to find that it was difficult to get young people to register—or to go to the polls. Only about 48 percent of all 18-to-20-year-olds voted in the 1972 election, versus 71 percent of those aged 45 to 54.* Moreover, young people did not vote as a cohesive bloc. Even more than their parents, they tended to avoid firm ties to the Democratic or Republican parties. Some 50 percent of the 18-to-21-year-old voters in 1976 registered as Independents, versus 23 percent of first-time voters in 1958.

By changing the rules and bringing new, sometimes volatile

*The Democrats should not have been surprised. Historically, turnout among newly enfranchised groups has initially been poor, depressing the participation rate nationwide. When women first voted in 1920, overall national turnout (men and women) dropped from about 62 percent to about 49 percent. Women were less likely to go to the polls than men until the 1980 election.

constituencies into the electorate, the reformers of the 1960s eroded the power of the two major political parties to build durable coalitions, to mediate among contending factions, even to decide what the "issues" would be in any given election. Still, these changes, by and large, were overdue. What few foresaw was that the first wave of reform would lead, inevitably, to a second. It began during the August 1968 Democratic Convention.

"The Day of the Bosses Is Over"

Most Americans over 30 remember the Chicago convention as a tumultuous affair, with violent off-stage street battles between city police and anti-war demonstrators. It was the first major party convention where newly mobilized groups of voters—blacks, women, young people—made up a substantial portion of the delegates. They were still, however, "underrepresented." Only 5.5 percent of the convention delegates were black, only 13 percent were women, and 16 state delegations contained no delegates under the age of 30.

The supporters of the chief antiwar candidate, Senator Eugene McCarthy (D.-Minn.), had a different complaint: The delegate selection process, varying from state to state, was so byzantine, so susceptible to manipulation by state political leaders, that an insurgent movement within the party stood little chance of success. They noted angrily that, by the time McCarthy entered the race for the party's nomination in December 1967, one-third of the 3,057 delegates to the Chicago convention had already been chosen in various states.

These issues led to the angry confrontations over rules and delegates' credentials that plagued the 1968 convention, divided the Democrats in the general election, and helped to put Richard Nixon in the White House. Afterward, in a good-faith effort to heal the wounds, Democratic leaders set up a commission to change the way the game was played in time for the 1972 convention. "We are in the process of invigorating our party with a massive injection of democracy," wrote Senator George McGovern of South Dakota, the first chairman of the group, in 1970. "The day of the bosses is over." The McGovern Commission (it was taken over by Minnesota Congressman Donald Fraser after McGovern announced his decision to run for President) was followed by a second commission to establish rules for 1976. A third commission was formed after the 1976 commission convention, chaired by Morley Winograd, state chairman of the Michigan Democratic party, to set the 1980 rules. Most of the Democrats' reform efforts of the decade



Wide World Photos.

Chicago Mayor Richard Daley at the 1968 Democratic Convention. Later, reformers sought to shift power from party leaders to the rank and file.

emerged from the labors of these commissions; the Republicans adopted many of the proposed changes after the Democrats had done so.

The work of the three commissions, plus the Campaign Finance Acts passed by the Congress in 1971 and 1974, transformed the presidential nominating process.

To remedy the problem of underrepresentation, state Democratic parties were now obliged to “overcome the effects of past discrimination” by taking “affirmative steps” to include as delegates to future conventions young people, women, and minorities “in reasonable relationship to their presence in the population of the state.” As a result, 35 percent of the delegates to the 1972 Democratic convention were women, 23 percent were under the age of 30, and 14 percent were black.

The great irony was that representation of these groups reached respectable levels just as the role of “delegate” was being reduced to a symbolic presence. Most of the delegates at the 1972 conventions were chosen in primaries and were legally bound to vote for a specified candidate on the first—and sometimes the second and third—ballot.

The rapid increase in the number of primaries was the most far-reaching consequence of the post-1968 reforms. There were 17 state primaries in 1968, 23 in 1972, 30 in 1976, and 36 in 1980. The members of the Fraser-McGovern Commission had not deliberately encouraged this rapid move away from the traditional system of state caucuses and conventions. But the new rules that the reformers created to make the selection process more "open" and "democratic"—i.e., to shift power from career politicians to the rank and file—were so complicated when applied to caucuses and conventions that many state party leaders adopted the primary system as a lesser evil.

Money and Momentum

After 1972, the Democrats also prohibited any state from using a "winner-take-all" system in allocating delegates after a primary. The Republicans did not require states to follow this practice, but soon both parties in most states apportioned delegates in rough accordance with the number of votes each candidate received in the primary.

To some politicians, it seemed at first that the proliferation of primaries (the first coming more than four months prior to the party conventions) combined with proportional allocation of delegates, would often lead to a stalemate among several candidates, thereby reviving the convention as the final arena of choice. This has not been the case. The first-ballot nomination of George McGovern by the Democrats in 1972 and of Jimmy Carter in 1976 made this clear.

Under the reformed system, candidates who win, or who do better than the press expects them to, in the early primaries are able to establish "momentum" and successfully drain away money, volunteers, and network TV coverage from all competitors. The point of the early primaries is not so much to get delegates as to get "exposure"; winner-take-all primaries have been replaced, as James W. Davis has noted, by "winner-take-all journalism." Thanks to his near-sweep of the early 1976 primaries, candidate Jimmy Carter received 59 percent of all coverage of Democratic contenders in *Time* and *Newsweek*, for example, between February 24 and April 27—even though one of his opponents, Senator Henry Jackson (D.-Wash.), had gone on to win the Massachusetts and New York contests and at the end of this period actually led Carter in the total number of primary votes received.

The system of public financing for primary campaigns used in 1976 and 1980, in which candidates receive federal matching

funds up to certain prescribed limits, actually increases the importance of private contributions (and hence of momentum) rather than decreasing them as the reformers intended.* The federal matching dollars magnify the advantages of the candidate who gets off to a fast start by doubling the benefits from the surge of private contributions usually received by him in the wake of an early primary victory.

First Tuesdays

Once it became evident that early successes were the key to victory under the reformed rules, the marathon campaign was born. Candidates such as George McGovern, Jimmy Carter, and George Bush devoted two years or more to an exhausting, full-time pursuit of publicity and grass-roots support in the early primary states that counted. The marathon campaign places potential candidates with heavy responsibilities in government—members of the House or Senate leadership, say—at a disadvantage. They can compete effectively only at the expense of the public business. In 1980, Howard Baker (R.-Tenn.) was severely handicapped as a presidential candidate by the demands of his job as Senate Minority Leader in Washington.†

While open primaries are theoretically more “democratic,” convention delegates selected in primary elections may be less representative of majority opinion among Republicans or Democrats than those chosen under the old system of party conventions and caucuses. This is so because primary turnout is usually low (averaging about 50 percent of participation in the general election), and because those who turn out to vote in primaries tend to be older and wealthier than the electorate in general. To further distort matters, some states, such as Wisconsin, still allow “crossover” voting, which means that members of one party may vote in the other party’s primary. In a large field, it is also possible for a candidate to cinch the nomination

*Congress enacted major campaign finance bills in 1971 and 1974. Among the existing provisions: Contributions by private individuals to candidates for federal office are limited to \$1,000; total contributions by individuals to all such candidates are limited to \$25,000; contributions by “political action committees” are limited to \$5,000 per candidate; major party candidates for the presidential nomination may receive matching public funds for individual contributions up until the moment of nomination; major party nominees are eligible to receive a federal campaign subsidy (\$29.4 million in 1980), on condition that no further private contributions are accepted. The Supreme Court overturned other provisions of the reform bills in 1976, ruling, for example, that candidates could spend unlimited amounts of their personal wealth on their own campaigns.

†During a recent Duke University forum on the nominating process, held at the Wilson Center, former President Gerald Ford estimated that he had to spend 20 percent of his time in 1976 seeking Republican nomination.

"After they've chewed up a few, you get your pick of what's left," was the caption of this 1980 Herblock cartoon.

The number of presidential primaries doubled between 1968 and 1980, but early contests remained decisive.

From Herblock on All Fronts,
New American Library, 1980.



though receiving only a plurality of the primary vote. Of the 16 million Democratic votes cast in all of the 1976 state primary elections, Jimmy Carter, the eventual Democratic nominee, received only 6 million.

As the last three elections demonstrated, the new system can sometimes produce candidates who lack firm political alliances with party chiefs—and hence lack the political assets needed to govern. Political scientist Jeanne Kirkpatrick, currently U.S. Ambassador to the United Nations, has pointed out that Jimmy Carter's chief opponents in 1976—Birch Bayh, Henry Jackson, Hubert Humphrey, and Morris Udall—"shared among them the support of virtually *all* of the established groups within the Democratic party and the leadership of the Democratic party, its elected public officials, and its state party officers. Jimmy Carter had *none* of the leaders' support, and yet he was able to move through this [reformed] process successfully all the way to the White House."

By no means does the above compilation exhaust the list of the side effects of recent reform. Almost all of the tinkering produced unintended consequences, particularly among Democrats, and almost all of it enhanced the power of well-organized subgroups at the expense of the political party, the one American institution capable of wringing consensus out of diverse fac-

tions and interests.

Taking into account the positive achievements of the past 20 years—which means no return to bossism, no attempts to “prune” certain elements from the electorate, no stacking of the deck against “outsiders”—the worst effects of the presidential campaign reforms can be corrected. In seeking solutions, we should aim for simplicity.

Representative Morris Udall (D.-Ariz.), once a candidate for President, has proposed, for example, that all primaries be held on the first Tuesday of March, April, May, and June of the election year, with the conventions taking place immediately thereafter. Shortening the total length of the campaign, increasing the number of states being contested at any given time, and putting one month between each round of primaries would introduce an element of stability by reducing the importance of momentum generated by one or two early victories. This reform should give an advantage to candidates with established reputations, thus encouraging—or allowing—those already in positions of authority to run for the Presidency.

Getting Leaders

A simple means of ensuring that presidential nominees have the support of congressional leaders and other party notables would be to appoint as a matter of course all governors, U.S. Senators, and U.S. Representatives as convention delegates (in 1980, only 45 of the 3,331 delegates to the Democratic Convention were Congressmen or Senators), and to reserve a sizable bloc of delegates (perhaps as many as one-third of the total) to be chosen *outside* the primary system by committees of the state party organizations.

This would increase the authority of the party's established leadership without closing off the possibility of outside challenges. It would still be virtually impossible to deny the nomination to a candidate who scored solid victories in most of the primaries, but the nominee would have to reach out to other leaders within the party, thus building a political foundation for effective governance. Should there be no clearly overwhelming winner in the early caucuses and primaries, new candidates would still be able to enter the race late in the primary season and have a realistic chance of victory at the convention.

There is no easy way to fix the seriously flawed system of campaign financing. Congress enacted many of the finance reforms during the peculiar atmosphere of Watergate, and, seen in retrospect, Congress overreacted. Some of the consequences are

already clear. The ceilings on individual contributions to candidates have increased the importance of middlemen—notably, mass-mail specialists and the 2,500 registered “political action committees” sponsored by corporations, labor unions, and interest groups. All this, combined with the fragmentation of the pre-nomination financing system, and the ceilings on the amount of money that political parties may donate to candidates during the general election, has further loosened the hold of parties on officeholders and candidates. When Congress weighs in with a new set of reforms—there have been more proposals than I can enumerate in this space—it should keep in mind the possible third, fourth, and fifth order consequences of its actions.

Taken as a whole, the reforms of the 1960s and '70s helped to ease the American political system through a period of turmoil. Newly enfranchised groups were absorbed peaceably, sometimes belatedly, into the electorate. While some confusion ensued, the net result has been to make the political process more open. The reformist impulse was both expedient and fundamentally correct.

Yet, in some respects, democracy's gain has been leadership's loss. Any democratic system depends on rules, and those rules must promote both legitimacy (do the people approve?) and governability (can our leaders lead?). We have learned during the past two decades how difficult it is to devise reforms that enhance the former without undermining the latter. It is time now to redress the balance.

But new rules are no panacea. The stresses of the past two decades have given us a political culture that encourages both confrontation and the cult of personality; to some extent, it has also fostered civic selfishness. The common good has often been forgotten in single-interest politics and the angry, if sometimes idealistic, pursuit of group entitlements. The health of American democracy depends, in the end, on the willingness of individual citizens and their politicians to accept the need for compromise and self-restraint.
