

Chapter 2

The American Suspicion of Parties

The political scientist E.E. Schattschneider, whose seminal work *Party Government* (1942) set the terms of scholarly debate for decades, defined the beast: “A political party is an organized attempt to get control of the government.”¹ There is nothing pretty or glossed-up in this definition. There is no high-minded rumble-bumble about American ideals or liberty or justice. Reduced to its essentials, the party is merely an instrument in the naked scramble for raw power.

For this reason, those earliest and most sagacious political scientists, the Founding Fathers, did not put their faith or trust in political parties. In fact, they spurned them as inimical to republican liberty. They agreed with the satirist Jonathan Swift, who remarked: “Party is the madness of many, for the gain of the few.”²

On June 2, 1787, as the Constitutional Convention was just beginning its summer-long labor in Philadelphia, Benjamin Franklin, venerated delegate from Pennsylvania, rose to speak. Or, rather, to have someone speak for him, for as James Madison records, “being very sensible of the effect of age on his memory, he had been unwilling to trust to that for the observations [he wished to make] ... and had reduced them to writing, that he might with the permission of the Committee, read instead of speaking them.” His Pennsylvania colleague, James Wilson, offered to read the paper for Franklin, and the doctor accepted.

Franklin said very little over the course of the convention, so his rare remarks reflected his greatest concerns. And among these concerns was party, or, in the parlance of that time, faction. Men, Franklin told the convention, are powerfully motivated by “ambition and avarice; the love of power, and the love of money.”

Unite these — as is the case in prominent positions in government — and the “struggles for them are the true sources of all those factions which are perpetually dividing the Nation, distracting its councils, hurrying sometimes into fruitless & mischievous wars, and often compelling a submission to dishonorable terms of peace.”

The typical men who seek such positions “will not be the wise and moderate, the lovers of peace and good order, the men fittest for the trust. It will be the bold and the violent, the men of strong passions and indefatigable activity in their selfish pursuits. These will thrust themselves into your Government and be your rulers.”

The instrumentality which they will use to achieve rulership will be party. Their unseemly arena will be “the bustle of cabal, the heat of contention, the infinite mutual abuse of parties, tearing to pieces the best of characters.”³

Franklin’s was not a lonely voice. The men who drew up the Constitution were not party hacks. They weren’t even party loyalists, or party members. But they were acting in a long tradition of anti-party thought.

It’s not that these early republicans valued unanimity of thought or uniformity of philosophy; no, they desired a rich, full, robust exchange of ideas and debate, from tavern halls to the halls of Congress. But why, they wondered, must this debate be channeled through parties, which are organizations dedicated not to truth or liberty or the common good but rather to seizing, holding, consolidating, and extending political power.

They had been anticipated by John Trenchard and Thomas Gordon, English libertarian authors of the influential *Cato’s Letters*, which historian Clinton Rossiter called “the most popular, quotable, esteemed source of political ideas in the colonial period.”⁴ *Cato’s Letters* had been read avidly in the colonies since 1720; they were incisive, trenchant, and a major carrier of the ideas of liberty throughout America.

On the subject of parties, Trenchard and Gordon were merciless: “How apt Parties are to err in the Choice of their Leaders: How little they regard Truth and Morality, when in Competition with Party. The terrible Consequences of all this; worthy Men decried and persecuted; worthless and wicked Men popular and preferred; Liberty oppressed and expiring.”⁵

“Tis worth no Man’s Time to serve a Party, unless he can now and then get good Jobs by it,” as Cato quoted Lord Chancellor William Cowper. Party business was for abject hacks, squalid opportunists, men who had no principles other than a willingness to climb the slimy pole of self-advancement.

Of party leaders the authors of *Cato’s Letters* said, “They all professed to have in View only the Publick Good; yet every one shewed he only meant his own;

and all the while the great as well as little Mob . . . contended as fiercely for their Leaders, as if their Happiness or Misery depended on the Face, the Cloaths, or Title of the Persons who robbed and betrayed them.”⁶

The followers of these leaders were pathetic indeed: they were “the Tools and Instruments of Knaves and Pick-pockets.”⁷

The American colonists read this. It accorded with their instincts, with the evidence of their own senses, with what they had heard from the Old World and even seen in the colonial governments. They were not eager to import this foul system into the New World.

Parties are “extralegal”⁸; that is, their existence was not prescribed (or proscribed) by the writers of the Constitution. The Framers in Philadelphia never mentioned Democrats, Republicans, Whigs, Federalists, Libertarians, Greens, or Anti-Masons. In the careful notes that Virginia delegate James Madison kept at the Philadelphia convention, there is no evidence that political parties were ever contemplated. The governmental structure that these men created was to be filled by regular elections, but nowhere in the Constitution or the convention in which it was composed is there so much as a jot or tittle that authorizes parties. The candidates who would run for the offices established in the Constitution were to be, presumably, men (and later women) of standing in their communities. They would present themselves for election, standing on character and general principles, and the voters would make their decision. The middleman – the party – was not necessary. It certainly was not provided for in the founding document.

The *Federalist Papers*, those classic short essays in which James Madison, Alexander Hamilton, and John Jay explained the Constitution to their countrymen, are filled with warnings of the danger of “faction,” that is, the tendency of public men to divide into sects or groups that are based on self-aggrandizement and the pursuit of power rather than the general good of the community. (In the late eighteenth century, *faction* and *party* were synonyms.) These factions were probably inevitable, for as Madison wrote in *Federalist 10*, “The latent causes of faction are thus sown in the nature of man.”⁹ The Constitution of which Madison was the chief, though certainly not the sole, author sought to curb the baneful effects of faction through a system of widely distributed powers and checks and balances. It did not propose a role for parties in curbing faction; indeed, parties were viewed warily as a probable source of factiousness, for as Madison wrote, “the public good is disregarded in the conflicts of rival parties.”¹⁰

Yet contrary to the expressed wishes of the drafters and defenders of the Constitution, parties arose. As the historian Richard Hofstadter wrote in *The*

Idea of a Party System (1969), the Founders “did not believe in political parties as such, scorned those that they were conscious of as historical models, had a keen terror of party spirit and its evil consequences, and yet, almost as soon as their national government was in operation, found it necessary to establish parties.” This is the paradox of early American politics. As Hofstadter writes, “the creators of the first American party system on both sides, Federalists and Republicans, were men who looked upon parties as sores on the body politic.”¹¹

George Washington, for instance, despaired that independent-minded Americans were subordinating their own good sense to the demands of party loyalty. The historian of the Founding Era Gordon Wood writes of Washington: “In this new democratic era of party politics, he said, ‘personal influence,’ distinctions of character, no longer mattered. If the members of the Jeffersonian Republican party ‘set up a broomstick’ as candidate and called it ‘a true son of Liberty’ or ‘a Democrat’ or ‘any other epithet that will suit their purpose,’ it still would ‘command their votes in toto!’ But even worse, the same was true of the Federalists. Party spirit now ruled all, and people voted only for their party candidate.”¹²

This complaint was picked up by Washington’s successor in the executive branch, John Adams, who said that party “wrought an entire metamorphosis of the human character. It destroyed all sense and understanding, all equity and humanity, all memory and regard to truth, all virtue, honor, decorum, and veracity.”¹³ Like Madison, Adams was resigned to the existence of parties. They must be firmly controlled, however, and not permitted to plunder the treasury.

Adams was not at the Constitutional Convention and so cannot bear any responsibility (or credit) for the extraordinary accomplishment in Philadelphia, but the system itself is in some sense the father of the duopoly. Or rather the system as it developed. For a fairly large body of evidence suggests that the first cause of the bifurcation of American politics into two parties was the single-member district system. In fact, Hofstadter writes that “The American two-party system is the direct consequence of the American election system, or system of representation.”¹⁴

The Constitution apportions representation to the states on the basis of population: as ratified, it provided that “the number of representatives shall not exceed one for every thirty thousand” in population. It does not, however, dictate how those representatives shall be chosen, leaving that up to the states in Article I, Section 4: “The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof;

but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.”

In the early republic, states and districts therein elected U.S. representatives by different methods. The myth of the single-member district election had yet to take hold. Some districts sent multiple representatives to Washington. “The first five federal apportionment laws (1792–1832) simply prescribed the specific numbers of representatives for each state,”¹⁵ writes Stephen Calabrese of the Department of Government and International Affairs of the University of South Florida. Various electoral systems were used to select U.S. House members over the first half-century of the American Republic: the single-member district elections we know today; statewide elections of multimember delegations; multimember elections in discrete districts within a state; and a combination of the aforementioned. In the first Congress, every state selected at least part of its delegation in multimember districts. The method that eventually became the accepted – or rather mandated – standard helped to determine the number of serious political parties that would compete in American elections.

Multimember districts were part and parcel of the legacy of British democracy. Knights and burgesses of the British past were elected in pairs or triplets. This began as a pragmatic measure; as Maurice Klain of Western Reserve University wrote in his classic 1955 study of multimember legislative districts, “In the thirteenth century roads to London were lonely, rough, and bandit-ridden – two or three men would afford each other company and protection.”

The American colonists were often represented by multimember delegations from a single district, as was the case with the Virginia House of Burgesses. “Multiple districts were the rule, single ones the exception,” writes Klain.¹⁶

In 1842, according to Tory Mast of the Center for Voting and Democracy, “six states were electing representatives at-large and twenty-two states were electing representatives by single-member district.” The other three had but one representative.

At-large elections were sharply restricted by the Apportionment Act of 1842, which set the size of the House at 233 members and required that congressmen be elected in single-member districts. The law directed that members of the House “be elected by districts composed of contiguous territory equal in numbers to the number of representatives to which said state may be entitled, no one district electing more than one representative.”¹⁷ This would seem to encroach on the Constitution’s grant of such authority to the states, a point that President John Tyler made, but the measure passed anyway. Single-member districts would,

in theory, produce representatives who embodied the best qualities of the district, whereas statewide at-large elections merely sent party-line slates of candidates to Washington, sometimes depriving whole sections of a state of effective representation.

The 1842 law ruled out anything other than single-member districts, but a number of states – Georgia, Mississippi, New Hampshire, Missouri – simply ignored it, going right on electing members at-large. The House, after some discussion, seated the members thus elected, and for the next 125 years a handful of states continued to elect persons to the U.S. House of Representatives by methods other than the single-district election.

At-large elections for Congress were finally and fully banned in 1967. The putative reason was protection of the rights of African Americans. This was part of the wave of civil rights legislation, because elections other than single-member were seen as one way that Southern states might dilute minority representation. The fact that only Hawaii and New Mexico, states with negligible black populations, held at-large elections in 1966 did not make an impression on the legislators. A more potent reason for the law's passage was suggested by Tory Mast: Many members were concerned that the courts might order at-large elections in states with intractable redistricting problems, and "such elections could have threatened the position of incumbents whose district seats were considered safe for re-election."¹⁸

Why does it matter to parties whether congressmen are elected in single districts or multimember districts?

American voters, at least in congressional races, now cast a single vote for a single candidate. The candidate who wins a plurality of votes within the district is that district's sole congressional representative. This "first past the post" system is simple to understand and easy to administer. But it has the stifling effect of funneling political energies into a two-party system. In a system in which several representatives are elected from each district, a rational voter may well cast her vote for a long-shot candidate or a candidate from a minor party, since that candidate may well come in third or fourth or in a position high enough to win a seat. In a single-member district, the voter is discouraged from "wasting" a vote on a long shot. If she wishes for her "vote to count" – and this is largely an illusion, given the current 635,000-member congressional districts – she will vote for one of the two top candidates: in practice, a Democrat or Republican.

The single-member congressional district, which is nowhere mandated in the Constitution but has been adopted by all of the states, is a bulwark of the two-party system. The link between method of election and number of parties is so strong, so incontrovertible, that political science has endowed it

with a name: Duverger's Law, after the French sociologist Maurice Duverger, who contended that "the simple-majority single-ballot system favors the two-party system."¹⁹ In other words, political systems in which representatives are those who place first in single-member districts are conducive to the development of two-party systems. A corollary – not a law, at least according to Duverger – is that systems in which multiple representatives are selected from single districts will tend toward multiparty systems. The most-discussed alternative to the single-member district is proportional representation, in which each district produces multiple winners. Not coincidentally, the Green Party, acting out of self-interest, has pushed proportional representation in recent years.

Multimember districts survive and thrive at the state and municipal level and in school boards, union locals, condominium associations, and such. The majority of city council members in America are still elected in this way. Multimember districts are "natural and spontaneous,"²⁰ writes Josep M. Colomer, and ensure that all voices, not only those of the dominant majority, are heard. They were the rule in the state legislatures for much of our history. The original 13 states "established popular assemblies wholly or predominantly on a multi-member basis."²¹ As late as 1954, 12% of the state senate seats and 45% of the state house seats in the 48 states were filled in multimember districts. Most of these districts sent two or three members to the state legislature, though one Detroit district was represented by a boatload of 21 members. Only 12 states had no multimember districts.²² In 2000, more than one-quarter of all state legislators were still elected in multimember districts.

As with most laws, there are conspicuous exceptions to Duverger's: India and Canada most prominently. Strong regional parties, à la the Parti Québécois, operate outside the French sociologist's law. The American political scientist William H. Riker, in assessing Duverger's Law, considered the brief lives of most American third parties. Why, he asked, do they begin with such hope and die such quick deaths?

"I believe the answer is that donors and leaders disappear," wrote Riker. "A donor buys further influence and access, and many donors are willing to buy from any party that has a chance to win. (In the United States, at least, many donors give to *both* parties.) But as rational purchasers they are not likely to donate to a party with a tiny chance of winning, and in a plurality system, most third parties have only that chance, because plurality rules give large parties a large relative advantage over small parties. . . . Similarly a potential leader buys a career, and as a rational purchaser he has no interest in a party that may lose throughout his lifetime. So the answer to the question of failure is that third

parties are rejected in the rational calculus of expected utility especially by leaders, though also in the calculus by many simple voters.”²³ (Note, however, that not all political scientists accept Duverger’s Law. Josep M. Colomer, for instance, is among those who assert that Duverger gets this flip-flopped, and that “it is the parties that choose electoral systems and manipulate the rules of elections.”²⁴ More on that later.)

In the American context, the electoral college has also encouraged the development of a two-party system. The electoral college’s winner-take-all practice, under which the victor in a state receives all of its electoral votes, is not constitutionally mandated, but only Maine and Nebraska currently allocate their electors by district.

The electoral college has penalized the likes of Ross Perot (19% of the popular vote in 1992 but no electoral votes), though it “does favor regionally based third-party candidates,”²⁵ for instance Strom Thurmond in 1948, who won 39 electoral votes, or 7.3% of the total, with just 2.4% of the popular vote nationally – but 22.4% in the South. On the other hand, Henry Wallace, the leftist Progressive Party candidate of that year, won almost as many votes as Thurmond – 2.38% of the national total – but did not come close to winning a single electoral vote.

In the 48 states other than Maine and Nebraska, the winner-take-all system makes voting for a third-party presidential candidate an act of conscience rather than practicality.

Or does it? In fact, the likelihood that an individual vote will determine the outcome of a state’s presidential vote is as close to nil as can be. It’s more likely that you the reader will begin dating Angelina Jolie or George Clooney than that your vote will provide the winning margin for a candidate in the next presidential election. So in a way, voting one’s conscience – which at least provides a measure of inner satisfaction – is a more rational choice than voting for the lesser of two evils.

The primary system, which “has channeled dissent into the two major parties,”²⁶ according to political scientists John F. Bibby and L. Sandy Maisel, has also given us the duopoly. Leftists, libertarians, and right-to-lifers can work within the system in the belief (or under the illusion) that they can be heard within the two parties. Dissenters are absorbed; their dissent is tamped down, tamed, as once their protest candidate loses they are expected to meekly support the nominee of their party. This doesn’t always happen: witness Senator Eugene McCarthy, whose insurgent antiwar candidacy in the Democratic primaries of 1968 drove President Lyndon B. Johnson from the race. When LBJ’s slavishly loyal vice president Hubert Humphrey finagled the nomination in Chicago and

refused to break with the Johnsonian Vietnam War, McCarthy sat the race out, issuing only a halfhearted endorsement. McCarthy would break finally and fully with the Democrats in 1976, in an independent candidacy that won few votes but succeeded in overturning restrictive ballot access laws and offering a philosophical justification for staying outside the party system. But McCarthy was a rarity. Most in-party “rebels” are pretty well housebroken.

Going back to the early republic, a two-party system had begun to develop in the United States in the 1790s, as blocs formed around the towering figures of Thomas Jefferson and Alexander Hamilton. James Madison, author of the celebrated *Federalist 10* essay and keen analyst of the ills of party, which he called *faction*, went on to help Jefferson found the Democratic-Republican Party. Inconsistent? Yes. But times change.

And even though parties were coming into being, writes the political scientist Austin Ranney, in the early years of the republic, “most right-thinking people regarded political parties and party conflict as evil in intent and disastrous in effect – epidemic diseases of the body politic to be quarantined and stamped out wherever possible.”²⁷ They believed that “political parties are inherently and irremediably destructive of popular government.”²⁸ They are not amenable to reform or melioration. But they were here. They were growing. They were also taking on various forms, different names, particular complexions. By the 1820s, Andrew Jackson was the titular head of the “Democratic Republicans” against John Quincy Adams and Henry Clay and their “National Republicans”: the parties were, in many ways, descendants of Jeffersonian Republicans and Hamiltonian Federalists, respectively.

The Anti-Masonic Party held the first national political nominating convention in American history in Philadelphia in September 1831. (Prior to this, the parties’ congressional caucuses chose the candidate for president.) The National Republicans, following the lead of the Anti-Masonic Party, held a convention in Baltimore in December 1831 which nominated Henry Clay. Jackson’s “Democratic Republicans” followed suit in Baltimore in May 1832. Now, it should be noted, in light of discussion later in this book, that the National Republicans, the Democratic Republicans, and the Anti-Masons paid for their own conventions. For instance, the National Republicans appointed a committee to help defray the expenses of the delegates. Although the National Republicans had a more expansive view of the role of government than did Jackson’s Democratic Republicans, the National Republicans emphatically did *not* ask the federal government to pay for their Baltimore shindig.

Over the first three-quarters of the nineteenth century, the parties were separated by something more than petty disputes over which loyalists would get

which government sinecures. While in the early party system the contending factions actually stood for principles, for philosophies, as expressed by substantial men such as Jefferson and Hamilton, by the late nineteenth century the English observer Lord Bryce told readers of his magisterial *The American Commonwealth* (1888) that “Neither party has anything definite to say on these issues; neither party has any principles, any distinctive tenets. Both have traditions. Both claim to have tendencies. Both have certainly war cries, organizations, interests enlisted in their support. But those interests are in the main the interests of getting or keeping the patronage of the government. Tenets and policies, points of political doctrine and points of political practice, have all but vanished. They have not been thrown away but have been stripped away by Time and the progress of events, fulfilling some prophecies, blotting out others. All has been lost, except office or the hope of it.”²⁹

Bryce was merciless. The parties were mental and philosophical corpses, and he did not avert his eyes from the gruesome remains. His forensic examination still packs a punch: “When life leaves an organic body it becomes useless, fetid, pestiferous: it is fit to be cast out or buried from sight. What life is to an organism, principles are to a party. When they which are its soul have vanished, its body ought to dissolve, and the elements that formed it be regrouped in some new organism. . . . But a party does not always thus die. It may hold together long after its moral life is extinct.”³⁰

This, of course, is the situation of the Democratic and Republican parties of the early twenty-first century. But much as we like to think of the past as a golden age, a century ago Lord Bryce was calling the parties “two bottles, each having a label denoting the kind of liquor it contains, but each being empty.”³¹

Yet there were other bottles on the shelf. Outside the South, a party other than the Democrats or Republicans received at least 20% in an election between 1874 and 1892 in a majority of states.³² The Democrats and Republicans might dominate, but they had not yet cemented their duopoly through manipulation of election laws and the erection of great subsidies. Those acts were still to come.

But the push to regulate the parties, to bring them under great government control – which in turn enabled the parties to bring the government under control – was on. American political parties began as wholly private organizations, unregulated but also unsubsidized. Not until the post-Civil War era did state governments regulate the doings of parties – at first, passing anti-bribery laws or requiring advance notice of caucuses and such. The Progressive Era fully brought the parties under the thumb of the states – or was it the other way around? State governments now regulated party meetings, state

committees, and of course the nominating process, especially the direct primary, by which voters selected the party's nominee directly, at the ballot box, rather than entrusting that decision to a caucus or convention or smoke-filled room crammed with insiders. The direct primary seems to have been born in 1842 in Crawford County, Pennsylvania, though it didn't become widespread until the early years of the twentieth century, when Populists and Progressives sought to break down the power of the political bosses. "By 1917, forty-four of the forty-eight states had primary laws of some kind," writes Austin Ranney. The hope was that it "would end boss rule once and for all."³³ But that hope, oft expressed, failed to take into account the possibility that the new boss might be just as bad as the old boss.

The critique of parties took on an extra bite as the interlocking directorate of corporations and government strengthened during the 1870s and 1880s. During the "Great Barbecue," that post-Civil War era marked by economic boom but also the flourishing of corrupt urban political machines, some reformers again pinpointed party as the cause of the rot. Albert Stickney opined that "party, instead of being a machinery necessary to the existence of free government, is its most dangerous foe."³⁴ He and others, dubbed "abolitionists" by political scientist Austin Ranney, sought ways to purge politics of partisanship. They were naïve, perhaps, and proposed measures of dubious wisdom (outlawing parties, adopting a system of direct rather than representative democracy), but they understood that political parties are not benign clubs for the civic-minded but power-seeking organizations that must be watched with the utmost vigilance lest they empty the treasury to fill the pockets of their friends and allied interest groups.

William Graham Sumner, the great 1890s individualist sociologist and defender of "The Forgotten Man" – that is, the middle-class man who pays his bills and supports the local civic life and for his trouble is shaken down by governments eager for revenue – denied that the parties are benign forces: "I cannot trust a party; I can trust a man. I cannot hold a party responsible; I can hold a man responsible. I cannot get an expression of opinion which is single and simple from a party; I can get that only from a man. A party cannot have character, or conscience, or reputation; it cannot repent, nor endure punishment or disgrace."³⁵

The party can only seek power. In this pursuit it is not bound by the usual moral scruples that shape human behavior. If, in order to achieve power, it needs to cheat, it will cheat. If it needs to hamper or cripple the opposition, it will do so without a second thought. If it needs to seize taxpayer money from the public treasury in order to further its goals, it will do so.

The Russian-born political scientist M.I. Ostrogorski, who wrote widely on American parties in the early twentieth century, believed that they drained the taproot of American democracy. “Local self-government,” he wrote, “which in Anglo-Saxon communities had, from time immemorial so to speak, set in motion the whole political machinery, has subsided” due to the control of political life by the parties. The Democrats and Republicans in combination have caused “a harmful centralization, which by stifling self-regulated local life and by enfeebling men’s initiative and volition, dries up the sap of a political community and preys upon the very roots of its existence.”³⁶

The party values conformity. It places a premium on docile obedience. Its scourges mavericks; it despises independents. The worst rise within a party; the best are thwarted – or, more often, don’t even try.

Ostrogorski charged that “the life of the party is, consequently, only one long school of servile submission. All the lessons the citizen receives in it are lessons in cowardice.”³⁷ Republican virtue, democratic initiative: these traits were hard, if not impossible, to cultivate in a political system dominated by parties. The Founders realized this, though they were unable to prevent the development of factions, and thus parties.

Ostrogorski, convinced that parties mar the character of those who are its instruments and, in time, kill the very possibility of democratic self-government, proposed an alternative: nonpartisan elections. Without the necessity of enlisting under a party banner, people would, Ostrogorski believed, coalesce with the like-minded on issues of the day, but these coalitions would be ad hoc, finite, and based on philosophy, not the pursuit of power. Party operatives, petty functionaries, selling out one’s principles to win an endorsement – these would belong to the corrupt past.

Was this naïve? Did Ostrogorski underestimate what James Madison, among others, held to be the natural propensity of men to divide into factions? Or was it a way out, an alternative to a political world run by bosses, controlled by two parties, and eventually, some decades later, effectively closed to dissenters who chose not to belong to those two parties?

Ostrogorski’s vision never materialized at the national level. What chance did it have in a world of Mark Hanna, James Farley, and other strategists, fixers, and backroom bosses? But it made serious headway in the cities and towns of the fruited plain.

Nonpartisan elections are still held at the local level in many states, usually for offices such as a district board of education. Political scientists Brian F. Schaffner, Matthew Streb, and Gerald Wright estimate that perhaps three-fourths of all elections to municipal office are nonpartisan.³⁸ There is an

exception to the general run of nonpartisan races for school board and sewer commissioner, however, and a significant one it is, out on the prairies. The state of Nebraska, by a 1934 amendment to the state constitution, became the only member of the union to have a legislature that is (1) unicameral and (2) nonpartisan. The measure, which set Nebraska very much apart from her 47 sister states, was approved in a statewide citizen initiative by a vote of 286,086 to 193,152.³⁹

Other states – Alabama, Arizona, California, Colorado, Kansas, Minnesota, New York, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, and Washington – manifested varying degrees of interest in a one-house legislature during the first three decades of the twentieth century, but only in Nebraska did the idea gain legs.

U.S. Senator George Norris, the Nebraska progressive whom even his political opponents conceded to be a man of great integrity, was the most influential sponsor of the amendment. He argued for unicameralism, or a one-house legislature, on two grounds: (1) economy, since one house is cheaper than two; and (2) honesty in government, since the conference committee, that oft-mysterious conclave wherein leaders of the two houses meet to iron out differences between the bills they have passed, had become a corrupt bazaar at which favors and subsidies were granted.

Unicameralism delivered, at least on these two grounds. Administrative costs were reduced. The legislative jungle was cleared: the number of committees, for instance, fell from 61 to 18. And with but one house, the conference committee was eliminated. Opponents complained that the lack of a second house deprived Nebraskans of the cool consideration and thoughtful deliberation that would-be laws deserved. In practice, unicameralism has been a qualified success. It introduced certain efficiencies into the process – though whether or not efficiency is an undiluted virtue in government is a thorny question – but it has not chased the lobbyists or the pork barrel out of the Cornhusker State, for as long as there is loot to be divided, there will be flies buzzing around the pile. The one-house legislature has faded in the reformist imagination. In 1936, the University of Nebraska political scientist John P. Senning predicted that “other states seem likely to follow [Nebraska’s] example and discard their bicameral lawmaking bodies,” but that prophecy has all the force and accuracy of Marx’s prediction that under communism, the state would wither away.⁴⁰

Our interest in this particular case, however, is not in the unicameral nature of Nebraska’s legislature but in its less-studied counterpart reform: nonpartisanship. The 1934 amendment to the Nebraska State Constitution that established

the one-house legislature also stipulated that “Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization.”⁴¹

The foremost justification for this fairly radical measure was, as the engaged political scientist Senning wrote, “In election on a nonpartisan ticket the machine control of the majority party is eliminated and subjects of legislation can be decided on their merits.”⁴² Politicians, relieved of the burden of party expectations, are liberated to act as statesman – or at least that’s the hope, perhaps naïve, of nonpartisan-election advocates. Voters, meanwhile, are asked to judge candidates on their merits. Deprived of the “cue” of party identification, they must assess the men and women who ask for their votes on other criteria – including, ideally, merit.

Candidates for the “unicam” do not run as representatives of a political party. They are listed on the ballot with no identifier other than their name. A primary winnows the field to the top two candidates, who then face off in the general election. Not that parties have been banished from the Great Plains: most – but not all – state senators (as unicam members are called) are affiliated with a party. But they do not organize by party within the unicam, and in fact Nebraska seemingly has more of a place for independents than does any other legislature. (In 2008, three of the unicam’s 49 members were independents; the rest professed membership in the Democratic or Republican parties.)

Senator Norris, father of the nonpartisan unicam, was, for most of his lengthy political career, a Republican, but he followed his own path and was about as far from a party-liner as one can find. He took on a Democratic President (Woodrow Wilson) in opposing U.S. entry into the First World War and then became one of the staunchest Senate supporters of the next Democratic president’s New Deal. Parties, he had found, distorted the relationship between a representative and his constituency. They introduced a third and foreign element into this relationship: the national political party. Instead of representing his district or state, bringing its particular wisdom and point of view into the debate over public questions, a partisan legislator also had to answer to his party: a machine, usually based far away, that for reasons having nothing to do with local concerns wanted a legislator to act in certain ways. That these ways might often be quite contrary to the true interests of the district, Norris had seen all too well: in 1917, he had watched as Senate Democrats who had no appetite for involvement in a foreign war voted against the wishes of the folks back home and in allegiance to the Democratic President and his national party.

Norris, though, was not your typical Republican. The nonpartisan nature of Nebraska's unicam has rankled regular party officials for decades now. The Republicans formally came out for repeal of nonpartisanship in 1954. Conceding that it was a "noble experiment," the GOP platform of 1974 – the Watergate year, no less – called for a return to a partisan legislature, where "effective government and responsible leadership" could flourish.

Nebraska Democrats, too, chafed under the nonpartisan bit. Their state platforms began calling for a return to party politics in the unicam in 1956. Typically, the 1964 platform urged the reappearance of Rs and Ds as way of "establish[ing] greater political responsibility."⁴³ Note well that 1964 was also the year in which Democratic President Lyndon B. Johnson had obtained the blank check to escalate the war in Vietnam via the Gulf of Tonkin Resolution, which was based on an alleged attack on U.S. destroyers that even the National Security Agency later admitted did not occur. A Democratic president was dishonestly leading his country into a disastrous war, and the pressures of party loyalty led even the professed doves in his party to swallow their doubts and give LBJ his resolution, which he was fond of waving, symbolically, at congressmen who later expressed even mild doubts about the course of the Vietnam War. The vote in the House was 416–0; in the Senate it was 88–2, with only Oregon's Wayne Morse and Ernest Gruening of Alaska dissenting. How many more Democrats might have voted "no" if partisan obligations were not weighing on them? We'll never know. But the claim of Nebraska Democrats in 1964 that party-dominated legislatures lead to "greater political responsibility" was shown up as the sort of inanity that not even the most gullible Democratic stamp-licker could swallow.

Frequent attempts to dislodge nonpartisanship from the constitution have been unsuccessful. (They were successful in Minnesota, however, which from 1913 to 1973 had nonpartisan elections to its two-house legislature.) Nebraskans seem satisfied to go to the polls and not be guided in their decisions by the attachment of an *R* or *D* to a candidate's name. Politicians, however, have been known to grumble. "Turnover is quite high" in the unicam, as one political scientist has written.⁴⁴ It's hard to launch a spectacular national career from a nonpartisan house: the institutional infrastructure by which one wheels and deals and does favors and obeys party instructions is harder to find in Nebraska. A hack can't stake his claim to advancement by voting the party line and carrying water for the party when there is no party! As political scientist Carol A. Cassel writes, "nonpartisan elections are viewed negatively [by many political scientists] because it is believed they do not provide a channel for recruitment to higher partisan office."⁴⁵

Critics point to another alleged flaw of the nonpartisan system: absent parties, the leadership is weak and power is decentralized. This is not a flaw from the point of view of those who distrust the adjective “strong” when applied to government. Indeed, it is a major selling point. Similarly, liberals in the mid-twentieth century often turned against nonpartisan elections because they assumed – though the evidence is mixed – that nonpartisan elected officials were less likely to tax and spend to please interest groups. One undeniable effect of nonpartisan municipal elections is a lowering in turnout, since urban party machines, or what passes for urban machines these days, do not have an incentive to get supporters to the polls. Using data from Champaign-Urbana, Illinois; Asheville, North Carolina; and the adjacent states of Nebraska and Kansas, Schaffner, Streb, and Wright found that “nonpartisanship depresses turnout,” though they point out that the early reformers, who were skeptical of unreflective party-line voters, might not be dismayed by that fact.⁴⁶

In the end, though, the “differences between partisan and nonpartisan systems appear to be less than both the proponents and critics of nonpartisanship argue.”⁴⁷ Ostrogorski’s arguments against partisanship still pack a punch, but his remedy – nonpartisan elections – appears to have a limited rejuvenescent effect on the democratic or republican spirit of those who no longer have to vote Democratic or Republican.

In national elections and in the 49 states other than Nebraska, our choices are limited to two, and for years have been limited to two, excepting the occasional flare-up around a charismatic or controversial political maverick who has something different to offer – Teddy Roosevelt in 1912, Bob LaFollette in 1924, George Wallace in 1968, Ross Perot in 1992. Other democracies, such as Canada and Great Britain, have long been dominated by two major parties, but their systems are also enlivened by vigorous third parties that contest and sometimes even win regional elections (the Parti Québécois in Canada, the Scottish National Party in Great Britain, and even such non-regional parties as Reform in the Canada of the 1990s and the Liberals earlier in twentieth-century Britain). It is a cruel paradox that the United States of America, home of the most inspiring revolution ever won against distant power and tyranny, today offers its citizens fewer electoral choices than almost any other nation in the industrial world. The two-party duopoly has replaced a once-lively political marketplace in which radicals and conservatives, constitutionalists and collectivists, utopians and hard-headed realists, formerly competed for attention and votes.

In their study of third parties, Steven J. Rosenstone, Roy L. Behr, and Edward H. Lazarus write, “Children grow up learning about the president, the Congress, and the Democrats and Republicans. Most have never even heard about

Libertymen, Greenbacks, or Prohibitionists. Voters are socialized into a two-party norm that is constantly reinforced by the common portrayal of elections as contests between Democrats and Republicans.”⁴⁸

Voting third party seems vaguely subversive to many, raised as they have been on the pabulum and gruel of Republicans and Democrats. It is done furtively, silently, behind closed voting-booth curtains. So effectively have Americans been bred into the assumptions of two-party dominance that the whole thing has about it the air of disloyalty. Un-Americanness. And besides – you’re throwing away your vote! (The old “throwing away your vote” syndrome persists even though in fact the chances of an individual’s vote determining the outcome of his state’s presidential race is... well, it has never happened in the history of the republic, not even in Florida in 2000. And is it really throwing away your vote to cast a ballot for, say, the Liberty Party, which faced the slavery issue foursquare in 1840 while Whigs and Democrats hid?)

Although third parties are sometimes credited, grudgingly, as “safety valves”⁴⁹ for discontent, the Republicans are the only minor party ever to displace a major party (in their case, the Whigs), and it happened over 150 years ago. Since 1854, Democrats and Republicans have been the two dominant parties, to the exclusion – often coerced – of others. “A host of barriers, disadvantages, and strategies block the path of would-be third-party supporters,” write Rosenstone, Behr, and Lazarus. “So formidable are these hurdles that third-party voting occurs only under the most extreme conditions.” Indeed, the authors write that “it is an extraordinary act that requires the voter to reject explicitly the major parties.”⁵⁰

“Minor” parties were well represented in many of the early Congresses. The Anti-Masonic Party dominated Upstate New York and Vermont in the early 1830s before folding into the Whig Party. Anti-Masons even served as governors of Vermont and Pennsylvania. The American Party, or the Know Nothings, as they came to be derisively called for their penchant for secrecy, rode an anti-immigrant platform to a showing of 43 members of the 34th Congress, including Speaker of the House Nathaniel Banks, before being effectively absorbed by the new Republican Party. The Know Nothings won the state house and both houses of the Massachusetts state legislature in 1854 – thanks to fear of the Irish. The People’s Party, or Populists, of the late nineteenth century, sent senators and representatives to Washington and cross-endorsed the Democrat William Jennings Bryan in 1896.

The Populists were “the last important minor party to sustain a working national, state, and local organization over the course of several elections,”⁵¹ a

distinction that the present-day Libertarians and Greens would like to someday claim but cannot as yet. As a rule, the third parties of the twentieth century were personality-based: Teddy Roosevelt's Progressive, or Bull Moose, Party; Fighting Bob LaFollette's Progressives; Henry Wallace's Progressives and George Wallace's American Independent Party; John Anderson's National Unity Party; Ross Perot's Reform Party – though we make a mistake if we insist on too sharp a delineation between personality-based and ideology-based parties, for candidates such as Perot, Wallace, Ralph Nader, Pat Buchanan, and others often stand for a set of principles or ideas that are far better defined than the “principles” allegedly undergirding the Democrats and Republicans.

Roosevelt and Perot were the best financed of the lot: TR by Wall Street, and Perot by himself. Money can buy exposure – but it can't always buy the media. As a rule, third-party candidates get bad press. They are sometimes treated kindly or as curiosities at first (Anderson 1980, Perot 1992), but by campaign's end they are slagged, ridiculed, and demonized (especially Wallace in 1968). They are usually barred from debates, though Anderson did share a stage (poorly, it must be said) with Reagan in 1980 and Perot enlivened the three presidential debates of 1992.

Political parties may be lionized by a segment of the political science community but among ordinary folk – those who have to live with the mess the parties create – they are widely regarded as a source of the problem, not the solution. This was driven home with a ramrod velocity in 2004 by the extensive *Transparency International Global Corruption Barometer 2004*, a massive public-opinion survey that asked more than 50,000 people in 64 countries about their experience and perception of corruption in all facets of life – public, private, business, the judiciary, the media, the military, religious institutions, the police, the tax collectors, the medical system, and others. It was an extraordinary undertaking. And for those who have watched too much TV over the years and think that sleazy businessmen or perverted priests are the most insidious evils stalking the world, it was an eye-opener.

In its report detailing its global survey, Transparency International put forth as its first, and central, finding, that: “*Parties and political corruption are the main problem.*” The Global Corruption Barometer 2004 paints a picture of people around the world gravely concerned about corruption in political life. The general public believe that political parties, followed by parliament/legislature, are the institution most affected by corruption in their country.”

This result was hardly localized to the most famed cesspools of political thievery. “In 36 out of 62 countries surveyed,” the authors write, “political parties were rated by the general public as the institution most affected by

corruption, followed by parliament/legislature (second) and the police and the legal system/judiciary (tied for third).” Respondents were asked to rate institutions on a corruption scale, with 1 being “not at all corrupt” and 5 being “extremely corrupt.” *Political parties topped all other sectors* with an average corruption score of 4.0. Parliament/legislature was second at 3.7. In last place – that is, the sector of community life that is viewed around the world as the least corrupt – was “religious bodies” with an average score of 2.7.⁵²

Remember, these political parties are the very bodies that in our own country have been praised by political scientists as the indispensable glue that holds the system together. They have been given subsidies and favors and even the power to effectively ban competition. And they are, according to this comprehensive survey of world opinion, “clearly perceived by the public at large to be the institution or sector most affected by corruption.”⁵³

And it’s not like the United States is an exception to this pattern. Among the 36 countries in which political parties are regarded as the single most corrupt institution or sector in the nation is the United States, where parties score a 3.6 on the corruption scale. (The American media come in second at 3.5.)

The American political parties have company in the corruption pool: other nations wherein parties were scored the most corrupt include Argentina, Austria, Bolivia, Bosnia and Herzegovina, Brazil, Canada, Costa Rica, Czech Republic, Denmark, Ecuador (which, at 4.9, takes first place with an almost perfect storm of corruption), Estonia, Finland, France, Germany, Guatemala, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Latvia, Luxembourg, Mexico, Peru, Poland, Portugal, Romania, South Africa, Spain, Switzerland, Ukraine, United Kingdom, and Uruguay.

How did the parties fall to so low an estimation? Why do no-money-down used-car hawkers look down on the American political parties as pits of corruption beneath their contempt? Perhaps it has something to do with the way that two parties – the Democrats and Republicans – have banned competition when they were able, and enriched themselves with audacious reaches deep into the public purse. We now turn our attention to the ways in which the duopoly has girded itself against any challenge.

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