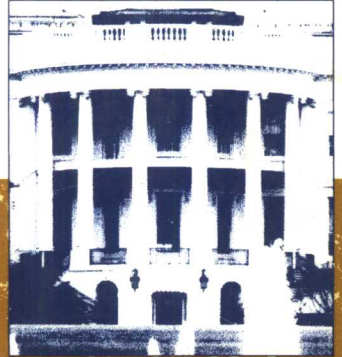


T H E
QUEST FOR
NATIONAL
OFFICE



READINGS
ON
ELECTIONS



STEPHEN J. WAYNE
CLYDE WILCOX

THE Q^u

NATIONAL OFFICE

READINGS ON ELECTIONS

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Preface

It is necessary to get behind the scenes of a political campaign in order to learn what is happening, why it is happening, and what difference the campaign makes for the election, for the parties and the candidates, and for government. Political scientists try to make these discoveries with the hindsight of history. They tend to be more interested in the long-term social and political forces that shape events and affect decisions than in the shorter-term situations and personalities that dominate the news and may influence the vote. Journalists, on the other hand, focus on the story of the campaign, the people behind the story, the calculations of the candidates, and the immediate meaning of the election.

Each of these perspectives is important. Together they provide a comprehensive body of knowledge that enables us to understand and to assess the quest for office. We have therefore included both scholarly and journalistic selections in this book. Most of the chapters have at least one or two articles by political scientists to provide a framework for viewing the election and several others by journalists that describe and evaluate the process as they report from the most recent presidential and congressional campaigns.

The book's organization is parallel to that of *The Road to the White House: The Politics of Presidential Elections*, although it may be used alone or with other texts. Each chapter focuses primarily on presidential elections but also includes at least one reading on congressional elections. Our objective is to supplement the literature on national elections with descriptive and analytic readings about them.

A number of people have assisted us in compiling this collection. Eric Pages and April Morgan, Ph.D. candidates at Georgetown University, worked as our research assistants. They located and made valuable suggestions about many of the journalistic articles. Several political scientists—John A. Crittenden, Indiana State University; Samuel B. Hoff, Delaware State College; and Roy Young, San Jose State University—reviewed our chapter outline and helped us improve the selection of readings. We would like to thank them; Mike Buetow and others at Publication Services, Inc., for the editing of the manuscript; Don Reisman, political science editor at St. Martin's Press, for his encouragement and advice; and finally our wives, Cheryl Beil and Elizabeth Cook, and children, Jared and Jeremy Wayne, for their patience and support.

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Introduction

There have been continuities and changes in the American electoral system. The continuities stem primarily from the system's constitutional underpinnings—the decisions by the framers to establish separate constituencies for members of the House of Representatives, the Senate, and the president and vice president; to give the states primary responsibility for the conduct of elections for federal officials; and to create an electoral college for the selection of the president and vice president. Those decisions have contributed to the basic structure of the electoral system and to the political tradition that has evolved from it.

Changes have occurred. A product of law and practice, these changes have been generated by the development of political parties, democratic reform movements, and advances in communications technology.

The creation and evolution of political parties have had a profound impact on the electoral process, affecting the nomination of candidates, their campaigns for office, and the qualifications and characteristics of those who seek elective positions. Parties have become the principal organizations for recruiting candidates; for shaping their policy positions; for developing allegiances among the electorate; and, if successful, for organizing and influencing those elected to office in their policy decisions.

The Constitution has been amended to rectify problems in electoral college voting, to extend suffrage, and to remove or reduce legal obstacles to voting. Laws have been enacted to encourage participation in the parties' nomination process; to regulate campaign finance; and, in the case of presidential elections, to subsidize nominations and fund the general election, and to equalize access to the media and use of media by the candidates in national elections.

Communications technology has also had significant repercussions for the electoral process. First, mass-produced newspapers and magazines and, later, radio and television have affected the information people have at their disposal and on which they make their electoral decisions. They have influenced the agendas of campaigns, the appeals and messages of candidates, and the images they try to project. They have also supplemented, and in some cases effectively replaced, the parties as principal links between the candidates and the voters.

Partisan reforms and technological innovations have worked to encourage participation, to equalize information, and to increase the importance of the individual candidates on the outcome of the elections. But in the process they have created tensions within the system between parties and the media, between candidates and the parties, and between candidates and the media.

2 Introduction

The selections in this book explore those tensions and their impact on the electoral process.

The changes that have occurred in the political system have also produced a disparity between the original constitutional design and contemporary goals, needs, and operations. Some of this disparity has been intentional—for example, the attempt to make the political system more democratic and more responsive to the will of the majority. Some has been unintentional—the result of attempts by parties, candidates, and others to maneuver the laws and practices to their own political advantage.

Whether intentional or not, the changes that have occurred, either through law or practice, raise serious concerns for a democratic society. Suffrage has expanded, but turnout has declined. Parties are more responsive to their rank and file but less influential on the electorate, on the success of their candidates, and on their ability to govern and be held accountable. The mass media, particularly radio and television, bring the campaigns into living rooms and reach members of the electorate who might not otherwise be attentive to the election, but they provide limited information on which to base voting decisions. They have also vastly increased the cost of elections, affected the issues that are debated, and altered the way appeals and images are projected to the voters.

The articles in this book address these critical issues. They examine how the system works and the extent to which it meets its desired goals of facilitating majority rule yet allowing the minority to be heard and represented, of equalizing popular control and encouraging citizen participation, of inducing the most qualified candidates to run and providing them with an adequate forum for expressing their views, of enabling the electorate to make a rational judgment based on sufficient and accurate information about the candidates and their policy positions, and of providing public officials with guidance in making their policy decisions and holding them accountable for their actions. Striving to achieve these democratic objectives is essential if elections are to provide a critical link between the people and their elected representatives.

1. The Electoral System: An Historical Overview

Democratic systems are governed by rules that provide the framework for politics and government. With one major exception, the framers of the U.S. Constitution decided to give the states the authority to establish rules for federal elections. That exception was for the president and vice president.

The framers gave the states the power to conduct elections for federal officials to avoid the thorny issue of determining the qualifications for voting as well as to resolve the practical problem of how elections would be held and who would hold them. As a safeguard against the states' use of this authority in an unwise or indiscriminate way, they also gave the Congress the power to legislate on these matters if it chose to do so.

An exception was created for the presidency and vice presidency because those were the only elected offices with a national constituency. This meant that the delegates at the Constitutional Convention had to fashion a political compromise to create an equitable and workable electoral system that would be consistent with a republican form of government, not jeopardize the independence of the office, and, most importantly, select the most qualified person as president and the second most qualified as vice president. The electoral college system was their resolution of this compromise.

Although modified by amendment and by precedent, that system has framed presidential politics ever since. We begin this chapter with a reading by A. James Reichley that looks at the creation of that system, its initial design, and its principal alterations. In his analysis, Reichley assesses the strengths and weaknesses of the system, proposals for changing it, and makes his own recommendations on how to improve the election of the president.

Peter Baida's article on the fund-raising activities of Mark Hanna reminds us that concerns over the ethics and implications of fund-raising practices are not new. Hanna's activities led to the passage of the first of many laws that regulated campaign finance activity in the United States; that law banned direct corporate contributions to campaigns. In 1972 Richard Nixon's reelection committee solicited corporate contributions in ways that echoed Hanna's tactics. In response, Congress passed the Federal Election Campaign Act, which governs campaign finance today.

In the final reading Norman Ornstein examines the recent trend toward split government. He asks why there seems to be a permanent Democratic majority in Congress in a period when Republicans seem to have a lock on the White House. Although Americans have experienced divided government in the past, the current period is unprecedented. Since 1968 the party of the president has faced a hostile majority in the House for eighteen of the past twenty-two years. Ornstein argues that the Republicans would have done better in congressional elections had the Democrats more frequently won the presidency, for the president's party historically loses seats in Congress in off-year elections. In addition, he urges campaign finance reform to make congressional elections more competitive.

The Electoral System

A. JAMES REICHLEY

In this first selection A. James Reichley examines the creation of the electoral college system, its initial design, and its principal alterations. He notes the problems that have resulted in five traumatic elections—in 1860, 1876, 1888, 1912, and 1968—and asks whether these problems are sufficiently serious to change the system. His answer in general is that they are not, but he does suggest some improvements that could be made without upsetting the system's basic framework.

Elections are fundamental to any political system based on principles of democracy and republican government. Under democracy, elections in which all eligible voters may participate are the ultimate source of governmental authority. In a large, complex society like the United States, elections provide the chief means through which most voters influence the formation of government policy and exercise the rights and responsibilities of citizenship.

... The American electoral system is governed by rules that are basically majoritarian, with important modifications. At the federal level, the Constitution as originally enacted called for three election systems, each applying to one of the major governing units. The U.S. House of Representatives was to be apportioned by population, with Indians excluded and each slave counted as three-fifths of a person; members were to be chosen by the voting public as defined by the states in their requirements for "electors of the most numerous branch of the State Legislature." U.S. Senate seats were apportioned two to a state, with members to be elected by the somewhat more elitist mechanism of the state legislatures.

The president, heading the executive branch, and the vice-president were to be chosen through a complicated scheme based on what has come to be known as the "electoral college" (though the term does not appear in the Constitution). Members of the electoral college were to be elected in each state in a manner determined by its legislature, with federal public officeholders specifically excluded—thereby, it was hoped, placing the process at least one remove from ordinary politics. The number of electors would equal the state's total representation in the Senate and House (small states, therefore, being disproportionately represented, though much less so than in the Senate).

Source: A. James Reichley (ed.) *Elections American Style* (Washington, D.C.: Brookings Institution, 1987), pp. 1–21.

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Electors would meet to vote, not as a collective body in the federal capital, but in their respective states, which it was thought would dampen electioneering. Each would vote for two persons for president, at least one of whom could not be an inhabitant of the elector's state. Ballots would be transmitted "sealed" to the president of the federal Senate, who would count them "in the presence of the Senate and House of Representatives." If one candidate had a majority of the total electors, he was elected president, with the runner-up vice-president. In case of a tie between two candidates, each of whom had a majority of electors (which was possible since each elector was to vote for two persons), the House would elect one of the two president, each state delegation voting as a unit and casting one vote. If no candidate had a majority in the electoral college, the House, again with each state casting one vote, would select the president from the five with the highest number of electoral votes.

The Founders do not seem to have expected that the president would always, or even usually, be chosen through majority support from the electors. This would be the case when a popular individual like George Washington was the clear national favorite. But when support was scattered among a number of candidates, the electors would in effect serve a winnowing function, leaving the final choice to the House (the more popular body, but operating in this one instance through a federal structure rather than by district).

All these public leaders were to be elected for fixed terms—two years for members of the House, six for members of the Senate, and four for the president and vice-president—giving them a measure of protection against transitory shifts in public opinion, but keeping them ultimately responsible to the people. The fourth major governing unit, the federal judiciary, was rooted in politics, through appointment by the president and confirmation by the Senate, but was made virtually autonomous by unlimited terms "during good behavior" and was not intended to be politically responsive.

Among the election systems called for by the Constitution, that for the House has changed the least, altered mainly by expansion of the electorate to include all citizens over the age of eighteen. The means of election for the Senate was sharply altered by the Seventeenth Amendment, moving voting authority from the state legislatures to the electorate as a whole. But it is the means for electing the president, the crux and apex of national leadership because of the chief executive's singular visibility and control over the administrative departments and agencies, that today probably differs most from the Founders' expectations.

... The Founders expected that the presidential electors would be public-spirited notables, not deeply involved in the rough-and-tumble of ordinary politics, who would cast their ballots much as the respected elders of a gentleman's club might participate in the choice of the club's presiding officer. Consistent with this view, the office of vice-president was designed primarily to provide a high public post for the individual judged by his peers

to be the second most qualified for the highest office. The vice-president's availability to succeed a president unable to complete his term was for the Founders a secondary purpose

A CONSTITUTIONAL CRISIS

For the first two presidential elections, the system worked about as intended. Election of Washington as president and John Adams of Massachusetts as vice-president neatly symbolized the alliance between the planter class of the South and the merchant class and Puritan divines of New England that effectively dominated the new republic. The crucial middle states were not in the early rounds represented in the elected executive establishment. But the fact that the third-place finisher in both 1789 and 1792 was a New Yorker (John Jay in the first election and George Clinton in the second), and the practical power of Alexander Hamilton of New York as secretary of the treasury, seemed to point toward regional accommodation.

When Washington stepped down in 1796, however, the system began to operate differently than the Founders had planned. The two principal rivals for the presidency, Adams and Thomas Jefferson, instead of running purely on their personal merits, presented themselves as candidates of the two great factions known as Federalists and Republicans, that had begun, to the dismay of almost everybody, to form during Washington's second term. Adams was linked electorally with Thomas Pinckney of South Carolina, for whom Federalist electors were urged to cast their second ballots with the understanding that Pinckney would become vice-president. Republican politicians were unable to agree on a running mate for Jefferson, so Republican electors in different states gave their second votes to a variety of candidates. Adams carried all of New England, and Jefferson most of the South. The middle states split, New York, New Jersey, and Delaware going for Adams, and most of Pennsylvania for Jefferson. Adams eked out a narrow majority in the electoral college. But enough of the spirit of the Founders' intention survived so that twelve of Adam's seventy-one electors cast their ballots for candidates other than Pinckney. As a result, Jefferson finished second and became vice-president—following the Founders' design, but with the consequence that the president and vice-president represented hostile factions within the national government.

In 1800 the original system essentially collapsed, producing the young government's first constitutional crisis. The Federalists supported Adams for reelection, with General Charles Cotesworth Pinckney of South Carolina (Thomas's older brother) as his running mate. Republican members of Congress caucused in Marache's boardinghouse in Philadelphia and picked Aaron Burr of New York to form a slate with Jefferson—thereby forging a bond between the political establishments of New York and Virginia that would endure for almost two centuries, profoundly affecting the shape of

American politics. In the election New York switched sides, and both Republican candidates received majorities. This time, however, party unity held, so Jefferson and Burr were given identical votes.

Under the Constitution, the decision went to the House, in which eight state delegations were under Republican control, six were Federalist, and two were divided—thus neither party commanded a majority. Federalist House members supported Burr, hoping to keep out the hated Jefferson, split the Republican party, and perhaps share the fruits of victory if Burr should pick up the votes of a few Republican House members. Burr played a cautious game, declining to deal with the Federalists but avoiding the one act that would break the deadlock: his announcement that if elected president he would not serve. For thirty-five ballots both sides held firm. Then, as many began to doubt the very survival of the republic, the single member of the House from Delaware, a Federalist, declared he would vote for Jefferson, giving the Virginian the necessary majority.¹

Aiming to avoid a similar impasse in the future, the Republican majority in the new Congress pushed through the Twelfth Amendment, requiring that the electors vote separately for president and vice-president. Signifying the trend from a primarily personal politics to a politics based on well-defined factions, the pool from which the House could select the president if no candidate won a majority in the electoral college was reduced from the highest five to the highest three.

During Jefferson's two terms, Republican leaders in Congress, now often called Democrat-Republicans to acknowledge the party's equalitarian ethos, increasingly functioned as the high command of a national party. In 1804 the party's congressional caucus chose George Clinton, boss of the powerful New York machine, to replace the mercurial Burr as Jefferson's running mate. In the next three presidential elections, the congressional caucus, in which all Democrat-Republican members of Congress were entitled to one vote, selected slates for president and vice-president. For each of these, the caucus appointed a committee of its members to manage a victorious national canvass. It seemed that national parties might form around the leadership of legislative factions, as was occurring at the time in Britain and has since happened in most democratic countries employing the parliamentary system.

EMERGENCE OF NATIONAL PARTIES

As matters turned out, however, legislative parties were not to become the focus of national politics in the United States. By 1824 the caucus had itself become a political issue, giving fuel to those who aimed to break the domination of the southern planter elite that had flourished under the

¹John C. Miller, *The Federalist Era* (Harper, 1960), pp. 268–73.

administrations of Jefferson, Madison, and Monroe. The political power of the states, commanding campaign resources that evaded centralized control, was crucial in supplanting the caucus. But the ability of the president to exercise independent political clout far beyond that available to parliamentary premiers or prime ministers, at least before the rise of the welfare state, would probably in any case have been enough to assure a different structure for American politics.

Perhaps if the Federalist party has survived as a significant force in Congress, its legislative leaders might have been able to present themselves as the natural alternative to the political status quo. But in 1824 Federalists held only 12 percent of the seats in the House and 8 percent in the Senate. John Quincy Adams, son of the last Federalist president, was a Democrat-Republican, serving as secretary of state in the cabinet of President Monroe. Politicians desiring change needed some other fulcrum on which to hoist the political nation.

When the Democrat-Republican caucus convened in Washington in February 1824, only 66 of the party's 231 members of Congress attended. The caucus proceeded to award its presidential nomination to William H. Crawford of Georgia, secretary of the treasury in the Monroe administration and logical standard-bearer for the incumbent elite. The other major candidates, John Quincy Adams of Massachusetts, Andrew Jackson of Tennessee, and Henry Clay of Kentucky, were in no way deterred, and in fact used the caucus's designation as a symbol of oligarchic rule with which to bludgeon Crawford (much as insurgent candidates long after made party organization endorsement a liability for their slated opponents in many state and municipal elections).

Adams, Jackson, and Clay turned to their respective state legislatures to pass resolutions launching their candidacies. The resulting free-for-all produced a division in the electoral college of ninety-nine for Jackson, eighty-four for Adams, forty-one for Crawford, and thirty-seven for Clay. No candidate possessing a majority, the election once more went to the House. John C. Calhoun of South Carolina, originally a candidate for president, had switched to the competition for vice-president and was elected by a large majority in the electoral college.

Under the original provision of the Constitution allowing the House to choose among the top five presidential contenders, Clay, the political virtuoso of the day, might have been able as Speaker of the House to swing the prize to himself. But under the Twelfth Amendment, limiting the choice to the top three, he was removed from the pool. Clay backed Adams, who thereby was able to win a one-vote majority among the twenty-four state delegations in the House.

Jackson and his supporters were outraged, pointing out that he had not only been first in the electoral college but also led in the popular vote (though the significance of the popular vote was somewhat undercut by the fact that six of the twenty-four states still did not choose electors by direct