

## **The Paradoxes of Political Parties in American Constitutional Development**

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*“No America without democracy, no democracy without politics, no politics without parties, no parties without compromise and moderation.”* –Clinton Rossiter<sup>1</sup>

It is impossible to comprehend the workings of the United States constitutional system without a firm grasp of American political parties. A political party is a group of people with shared interests or principles that are organized to nominate candidates for public office in order to win elections, control government and set public policy.<sup>2</sup> Yet, American political parties often defy simple explanations. They are complex, multi-faceted organizations with varying functions and ever-changing personnel, perspectives and positions on public policies. And attempts to analyze political parties are reminiscent of John Godfrey Saxe’s 19<sup>th</sup> century parable of the “Blind Men of Hindustan” feeling an elephant.<sup>3</sup> One blind man felt the behemoth’s side and called it a wall, another touched its trunk and declared it a snake, while another felt a tusk and proclaimed it a spear.

Like the proverbial blind men of Hindustan, close scholars of the American constitutional system often “see” political parties from different vantages. Political parties have been analyzed in terms of elections, governmental organizations, and positions on issues. Many scholars concentrate on the respective parties’ leaders, while others study their identifiers or voters at the grassroots level. Some contend that parties have become too powerful, while others believe parties need to be strengthened and more responsible.<sup>4</sup> American citizens, too, maintain conflicting views of political parties. A few see parties as positive forces and willingly join them and participate in the political processes, while many view political parties as dirty, nefarious organizations that should be shunned or even eradicated from our political system.

American political parties are replete with paradoxes. A paradox is any statement or proposition that appears self-contradictory, but expresses a possible truth. This paper explores ten paradoxes relating to the origin, nature, functions, organization, leadership, legal status, and development of political parties in our constitutional system. The central focus of this paper will be America’s major parties, but minor or third parties are also addressed. And while it may not be possible to explain definitively these enigmas called political parties, a grasp of these paradoxes may hopefully enable the reader to do what the blind men of Hindustan could not—acquire a panoramic view and better understanding of the institutions that have proven vital, if not indispensable, to the development and sustenance of our American constitutional system.

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<sup>1</sup> Clinton Rossiter. *Parties and Politics in America*. New York: Cornell University Press, 1960, p. 1.

<sup>2</sup> Richard J. Hardy. *Government in America*. Houghton Mifflin, 1996, p. 268.

<sup>3</sup> *The Poems of John Godfrey Saxe*. Boston: James R. Osgood and Company, 1873, pp. 77-78.

<sup>4</sup> For an excellent overview of scholarly analyses see, Jeffrey Krause, “American Political Parties,” in John T. Ishiyama and Marijke Breuning (eds.). *21<sup>st</sup> Century Political Science: A Reference Handbook, Vol. II*. Los Angeles: Sage Publications, 2011, pp. 769-778.

**Paradox One. Although political parties play a vital role in American government, there is no mention of them in the Constitution of the United States.**

The Constitution of the United States of America was crafted in Philadelphia in 1787 and ratified by the requisite nine of 13 states in 1789. It is the oldest, continuing, codified, nation-state constitution on Earth. The Constitution begins with the Preamble or short introduction (“We the People...”) setting forth the lofty principles justifying our government. It contains seven articles or legal subdivisions that carefully outline the powers and limits of our three branches of government (separation of powers and checks and balances) and the divisions of authority between the general (national or federal) government and component states (sub-national governments). It further contains a Bill of Rights (the first ten amendments), adopted in 1791, plus 17 additional amendments that list specific protections against arbitrary governmental authority (civil rights and civil liberties). Despite its important provisions, this fundamental document is amazingly quite short. Excluding the 39 Framers’ signatures, the entire document is but 7,606 words long.

But nowhere in the Constitution is there any reference to political parties. The reason is obvious: political parties did not exist when the Constitution was drafted in 1787. Although the concept of political party had been referenced by Edmund Burke, noted English lawmaker and philosopher, in 1770<sup>5</sup> and in the *Federalist Papers* during the ratification of the Constitution,<sup>6</sup> the world’s first political parties, the Democratic-Republicans and the Federalists, did not appear until George Washington’s first term, when they were forged out of necessity. Thus, the U.S. Constitution provides no specific guidance for the regulation of political parties.

The most relevant provision is the 10<sup>th</sup> Amendment, that states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” This means that unless a power is enumerated or expressly conferred upon the national government or forbidden to the state governments in the Constitution, then it is left up to the state governments or people. And, since there is no mention of political parties in the Constitution, the regulation of political parties has historically come under the regulation of state constitutions and state laws.

There is no dearth of political party regulations among state constitutions. The Illinois Constitution of 1970 (Article II, Section 5) stipulates, “No *political party* shall have a majority on the Board [of Elections].” The Iowa Constitution of 1857 (Article V, Section 16) states, “Appointive and elective members of the judicial nominating commissions...shall be chosen without reference to *political affiliation*...” Article III, Section 8 of the Kansas Constitution of 1861 mandates “No justice to the [Kansas] supreme court... shall make any contribution to or hold any office in a *political party*...” The Florida Constitution of 1968 (Article III, Section 21(a)) stipulates, “No apportionment plan or district shall be drawn with the intent to favor or disfavor a *political party*...” Article VI, Section 35 of the New Mexico Constitution of 1911 reads, “The appointment [of appellate nominating

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<sup>5</sup> Edmund Burke. *Thoughts on the Cause of the Present Discontents*. 1770 (6<sup>th</sup> Edition, Dodsley, 1784). Burke defines a political party as “a body of men united for promoting by their joint endeavors the national interest upon some particular principle in which they are all agreed.”

<sup>6</sup> See, *Federalist No. 1*, by Alexander Hamilton, and *Federalist No. 10*, by James Madison, in Jacob E. Cooke, ed., *The Federalist*. Middletown, CT: Wesleyan University Press, 1961.

commissions] shall be made in such a manner that each of the two largest major *parties*, as defined by the Election Code, shall be equally represented on the Commission.” The Texas Constitution of 1876 (Article III, Section 24(a)) establishes the Texas Ethics Commission, comprised, in part, of two members of different *political parties* appointed by the governor...” These are just a few examples of state constitutional provisions relating to political parties. Moreover, this does not include the voluminous and highly detailed fifty state codes regulating political parties, many of which resemble metropolitan telephone directories.

**Paradox Two. The Framers of the Constitution disliked political parties but depended upon them to forge our fledgling government.**

Albeit the seeds of political parties were planted during the ratification of the U.S. Constitution (roughly 1787 through 1789), when proponents and opponents of the newly proposed document divided roughly into “federalists” and “anti-federalists,” respectively, it was not until George Washington’s first administration that our nation’s first political parties formed—the Democratic-Republicans and the Federalists.<sup>7</sup> Historians have chronicled critical events that led to the development of the first party system, but most consider the struggle over the creation of the Bank of the United States to be the central turning point.

Early in Washington’s First Administration, the nation faced serious economic problems. Alexander Hamilton of New York, the first Secretary of Treasury, was convinced the nation needed a banking system even though the Constitution was silent on this topic. Hamilton believed the power was implied from the express (or delegated) powers in Article I, Section 8 (namely, the congressional powers to coin money, punish counterfeiting, establish measures, and regulate bankruptcies) plus the provision in Article I, Section 8, Clause 18 that gave the Congress the power to do what is “necessary and proper to carry out the foregoing powers” (the so-called “elastic” clause). Hamilton was thus labeled a “loose” or “broad” constructionist of the Constitution. Thomas Jefferson of Virginia, Washington’s first Secretary of State, however, strongly opposed the creation of a national banking system, insisting that without a specific constitutional mandate banking regulation should remain the exclusive preserve of the state governments. Jefferson hence became known as a “strict” constructionist of the Constitution. The political rivalry between Hamilton and Jefferson soon accelerated.

Jefferson forged a coalition to oppose the creation of a national bank and other policies advanced by Hamilton and his followers. Jefferson and his allies, including fellow Virginian James Madison, became known as the “Jefferson-Republicans” or “Democratic-Republicans” or “Republicans.” Understandably, these seemingly contradictory titles can be difficult to grasp given today’s political nomenclature. Jefferson’s followers generally referred to themselves as “Republicans”—a term that should not be confused with the modern-day Republican Party. Ironically, as discussed below, Jefferson’s party is the direct progenitor of the current-day Democratic Party. Jefferson’s followers were drawn disproportionately from anti-federalists and common persons, especially from rural

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<sup>7</sup> For an excellent discussion see, Richard Hofstadter. The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840. Berkeley: University of California Press, 1969; and John H. Aldrich. Why Parties? The Origin and Transformation of Political Parties in America. Chicago: University of Chicago Press, 1995.

areas in the southern and western regions, who were leery of the national government, favored low tariffs and were generally pro-French with respect to international relations.

Hamilton and his followers, most notably John Adams of Massachusetts, became known as the Federalists Party. Quite naturally, Federalist support was strongest among the well-to-do, those who had strongly favored the new constitution, and people who resided in the urban north and along the southern seacoast commercial interests were paramount. This coalition generally supported higher tariffs to protect American manufacturing, and pro-British policies, and the aforementioned national banking system. Although the Federalist Party eventually died out by 1816, it provided the impetus for our first national banking system.

President Washington eventually sided with Hamilton and signed the bill establishing the First Bank of the United States. When that law expired in 1816, Congress enacted the Second Bank of the United States. This also generated considerable controversy. Many states continued to oppose the federal banking activity, asserting that banking was their exclusive preserve. This controversy ultimately came to a head in the landmark case of McCulloch v. Maryland (1819) when James McCulloch, a cashier at the federal bank in Baltimore, refused to pay a \$15,000 tax levied by the state of Maryland. The Maryland Supreme Court naturally upheld the law, but the U.S. Supreme Court reversed. The central issues were whether Congress can create a bank without a specific constitutional mandate and whether a state government can tax an instrumentality of the national government. The decision was delivered by Chief Justice John Marshall, a Federalist appointed by President John Adams. Marshall ruled that Congress, indeed, had authority to create a bank, because it was “implied” from the delegated powers of the Constitution. Additionally, the Court held the state tax to be unconstitutional, asserting that the “power to tax involves the power to destroy.” To rule otherwise could cause irreparable harm to our national government and to our federal system.

Thus, political parties were essential to our Republic during its inchoate years. Still, many of our Founders outwardly professed distain for partisan factions. Alexander Hamilton was among the first Americans to forewarn about baneful party spirit in *Federalist No. 1*. He wrote: "And a further reason for caution, in this respect, might be drawn from the reflection that we are not always sure that those who advocate the truth are influenced by purer principles than their antagonists. Ambition, avarice, personal animosity, *party opposition*, and many other motives not more laudable than these, are apt to operate as well upon those who support as those who oppose the right side of a question. Were there not even these inducements to moderation, nothing could be more ill-judged than that intolerant spirit which has, at all times, characterized *political parties* [emphasis added]. For in politics, as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution."<sup>8</sup>

James Madison also warned against partisan “factions” in *Federalist No. 10*. “By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, are united and actuated by some common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interest of the community.” Madison then writes, “A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-

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<sup>8</sup> Publius (Alexander Hamilton). *Federalist No. 1*. Independent Journal, October 27, 1787.

eminence and power; or persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, *divided mankind into parties* [emphasis added], inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to cooperate for their common good.”<sup>9</sup>

President Washington, while recognizing the need for legislative coalition building, refused to be drawn into the fray and warned against the evils of excessive partisanship. In his Farewell Address (September 17, 1796), President Washington warned, “However [political parties] may now and then answer popular ends, they are likely in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.”<sup>10</sup>

Other prominent leaders on both sides of the political aisle echoed Washington’s words. John Adams, the first Federalist Party nominee to run for President, wrote, “There is nothing which I dread so much as a division of the republic into *two great parties* [emphasis added], each arranged under its leader, and concerting measures in opposition to each other. This, in my humble apprehension, is to be dreaded as the greatest political evil under our Constitution.”<sup>11</sup> And Thomas Jefferson, Adams’ bitter rival and founder of the modern-day Democratic Party, chagrined: “If I could not go to heaven but with a (*political*) party [emphasis added], I would not go there at all.”<sup>12</sup>

**Paradox Three. While political parties were neither planned nor revered by our Founders, it is doubtful our Constitution could last without them.**

The U.S. Constitution is now 222 years old. As noted earlier, it is the oldest, continuing written nation-state constitution in the world.<sup>13</sup> The next oldest written constitution still in existence is that of Norway of 1814, a relatively democratic document, inspired in many ways by the U.S. Constitution. These two documents, however, appear to be exceptions to the rule. The vast majority of codified nation-state constitutions are short lived, with nearly half of the world’s constitutions lasting less than two decades.<sup>14</sup> For instance, France has experienced ten constitutions, Venezuela has witnessed 24 constitutions, while El Salvador and the Dominican Republic have each jettisoned nearly three dozen constitutions since the adoption of the U.S. Constitution. Of the nearly 190 member nations of the United Nations today, roughly 120 have adopted new constitutions in the past forty years. It can be argued that political parties have serendipitously contributed to the longevity of the United States Constitution in a number of unanticipated and interrelated ways.

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<sup>9</sup> Publius (James Madison). *Federalist No. 10*. The Daily Advertiser, November 22, 1787.

<sup>10</sup> Farewell Address, 1796, see [http://avalon.law.yale.edu/18th\\_century/washing.asp](http://avalon.law.yale.edu/18th_century/washing.asp)

<sup>11</sup> John Adam’s Letter to Jonathan Jackson, October 2, 1789.

<sup>12</sup> Thomas Jefferson Letter to Francis Hopkinson, March 13, 1789. The Papers of Thomas Jefferson, vol. 14, p. 650, ed. Julian P. Boyd, et al. (1950).

<sup>13</sup> Technically, the state constitutions of Massachusetts (1780) and New Hampshire (1784), which are still in effect today, predate the U.S. Constitution. However, these are sub-national constitutions, not “nation-state” or “state” constitutions in the international sense.

<sup>14</sup> See, Zachary Elkins, Tom Ginsburg, and James Melton. The Endurance of National Constitutions. New York: Cambridge University Press, 2009.

First, the major American political parties have promoted stability by building coalitions and serving as buffers to cushion the collision of extreme factions. The United States is obviously a nation of immigrants, comprised of complex multifaceted ethnic, racial, social, religious, economic, regional, ideological and cultural interests. It is nearly impossible to categorize the myriad clubs, groups, organizations, leagues, associations, and lobbyists found in the American society. Understandably, these diverse interests are constantly clashing as they compete for limited access to governmental leaders and ways to secure public policies favorable to their constituencies. The major political parties, in order to win elections, forge coalitions among these diverse interests. And to forge coalitions, the parties develop platforms and foster legislative compromises among competing interests. In short, without the major political parties, Americans would be perpetually at each others' throats, making it virtually impossible for the nation to survive, let alone progress.

Second, American political parties help recruit government leaders and administrators. Modern governments depend on energetic, competent, and knowledgeable leaders. The political parties thus serve as informal personnel agencies by identifying and recruiting praiseworthy civic-minded men and women to run for public office. Of course, in our free society, it is possible for any person to step forward and run for office without being recruited. But if a person demonstrates solid civic leadership or charisma--be it in education, local government, business, charities, athletics or the military--he or she will soon draw the attention of a political party. This is because political parties know they cannot rule if they cannot win, and they cannot win if they do not nominate and elect worthy people to public office.

And once party leaders are elected to office, they frequently must appoint people to their administration. This is particularly the case of the President of the United States and the 50 state governors. A newly elected President<sup>15</sup> may be pressed into making several thousand appointments (federal judges, cabinet heads, commissioners, White House staffers, secretaries, etc.) within a few short months. Similarly, a newly elected governor may be called upon to nominate hundreds of people to sundry state posts. But making political appointments is not an easy task. It is now illegal to hire one's relatives (nepotism) and unwise to appoint one's best friends, unless they are extremely competent and share the same philosophy. The most prudent course of action is to nominate people who have established track records and whose political beliefs comport with the nominator. To find such people, leaders turn to the political parties to sift and winnow through potential appointees. The process, of course, is not perfect, and there is always the possibility of getting a "bad apple," as every President and governor has found. Still, reliance upon one's political party almost always beats the alternative.

Third, the major political parties help organize our legislatures. Imagine how difficult it would be to pass laws in large legislative chambers without some mechanism to schedule bills. Think of the legislative logjam that might accrue if each of the 435 members of the U.S. House of Representatives or 100 U.S. Senators introduced dozens of bills, in their respective chambers, at the same time without leaders to prioritize the bills. The same problem would exist for large state legislatures, such as Texas (150 representatives, 31 senators), New Hampshire (400 representatives,

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<sup>15</sup> Throughout this paper I have opted to capitalize "President" and party when it is part of the formal title, such as Democratic "Party" or Republican "Party." For a detailed explanation, see Richard J. Hardy and David J. Webber. "*Is it President or president of the United States?*" *Presidential Studies Quarterly*. 38, No. 1, March 2008, 159-182.

24 senators), Illinois (118 representatives, 59 senators), Georgia (180 representatives, 56 senators), Missouri (163 representatives, 34 senators), New York (150 representatives, 31 senators), Wisconsin (99 representatives, 33 senators) or California (80 representatives, 40 senators). The U.S. Congress and 49 of the 50 state legislatures are organized along party lines. (The lone exception is Nebraska, which elects its relatively small, 49-member, unicameral legislature (“senate”) on a non-partisan basis.) In these partisan chambers, the leaders (speakers, majority leaders, minority leaders, whips, committee chairs, subcommittee chairs, etc.) make committee assignments and develop procedures for introducing bills, assigning bills to committees, arranging compromises, and scheduling and marshaling votes.

Fourth, political parties help develop public policies. In an effort to win elections, the political parties set forth platforms containing planks with stances on issues or specific proposals to remedy some societal problems. “Party platforms,” as Harry S Truman once observed, “are contracts with the people.”<sup>16</sup> While platforms are not always adhered to, they nevertheless provide legislative blueprints for elected officials. Indeed, some of the most notable policy initiatives in American history redounded from party platforms. Notable examples of presidential programs built upon party promises include Theodore Roosevelt’s “Square Deal” (to regulate trusts, expand conservation, and protect consumers), John F. Kennedy’s “New Frontier” (to expand space exploration and educational opportunities) and Lyndon Johnson’s “Great Society” (to extend civil rights and fight poverty).

Fifth, political parties foster civic engagement. In an effort to win elections, political parties identify supporters, organize at the grassroots level, train election workers, mount voter registration drives, and get people out to the polls on election day. Critics might suggest that given the relatively low voter turnout for many American elections, political parties may not be all that effective. Indeed, in recent presidential elections, voter turnout (of eligible voters) hovered between 50 and 58 percent. Yet, one could also argue that turnout would have been even more paltry without the presence of political parties. The best illustration of this comes from experience at the local level, where scholars can contrast voter participation in American cities with partisan elections and those without partisan elections. All things being equal, cities with partisan elections have significantly higher turnout.

Sixth, political parties help inform voters. In waging political campaigns, political parties promote their candidates and platforms in myriad ways. They expend money for television and radio advertising, develop pod casts, display billboards, make telephone calls, and generate flyers and handbills. Party standard bearers and spokespersons further engage in public debates, appear on radio and television talk shows, and conduct town hall meetings. And in the process, the parties send messages and make the voters more aware of current issues. Of course, such communications tend to be quite biased, but it is up to the media, scholars and the electorate to sort out what is and is not the truth. And, more often than not, our adversarial political system sharpens debate, clarifies positions, and ultimately leads to more informed decision making.

Finally, political parties help simplify electoral choices. Americans arguably have more opportunities to vote for public officials and policies than citizens in any other nation in the world. With near universal suffrage, Americans may vote in primaries and general elections at the local, state and national levels. But it is not always easy to keep abreast of each and every candidate’s

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<sup>16</sup> Harry S Truman. Memoirs: Years of Trial and Hope. Garden City, N.Y.: Doubleday & Company, Inc., 1955.

background, qualifications, and positions on issues. Even political consultants, news reporters, and even political science professors have a difficult time keeping everything straight. This is where political parties come in. When voters cannot identify each and every candidate for public office, they can still exercise some rationality, by voting for candidates on their preferred political party's slate. Thus, parties serve a symbolic function, like rooting for your favorite college football team, even if you do not know each and every player on the team. In this case, one's political party is your electoral team.

**Paradox Four. Minor or third political parties rarely score electoral victories, but they play a vital role in American politics.**

American history is replete with minor or third parties. Among them were the states' rights Nullifier Party of 1828; Anti-Masonic (Freemasons "secret society") Party of 1832; anti-slavery Liberty Party of 1840; the pro-homestead and anti-slavery Free Soil Party of 1848; the pro-Protestant, anti-immigrant (German and Irish-Catholic) Know-Nothing Party of 1848; the Equal Rights Party of 1872, which called for the enfranchisement of women and the abolishment of capital punishment; the anti-monopoly, pro-paper currency Greenback Party of 1874; the Union Labor Party of the 1870s, an amalgam of various pro-union organizations; the Socialist Party led by Eugene Debs, who ran for President five times between 1900 and 1924; the anti-elite, pro-agrarian, pro-bimetal Populist Party (or People's Party) led by William Jennings Bryan in the 1890s; and the pro-socio-political reform-based Progressive Party of 1924. Each of these parties, in varying degrees, helped stir the cultural caldron and add spice to our political stew.

Yet, rarely has a third party come close to winning a national election. The best electoral showing was in 1912, when Bull Moose Party candidate Teddy Roosevelt won 27.4 percent of the vote and garnered a very respectable 88 of 531 Electoral College votes. But this aberration redounded from a split in the Republican Party between incumbent President William Howard Taft and former President Roosevelt. Wisconsin Senator Bob LaFollette enjoyed the second best showing by a third party candidate, winning 16.6 percent of the vote but a mere 13 of 513 electoral college votes, when he ran on the Progressive Party ticket in 1924. Other noteworthy third party campaigns include: Alabama Governor George Wallace on the American Independent Party in 1968 with 13.5 percent of the vote and 46 of 538 electoral votes; Illinois Congressperson John Anderson in 1980, securing 6.6 percent of the vote, but no electoral votes on the Independent Party label; and Reform Party standard-bearer Ross Perot winning a very respectable 18.9 percent of the popular but no electoral votes in 1992. Again, these were respectable showings, but none of these third party candidates came close to winning at the national level.

Nevertheless third parties provide several vital functions in American democracy. First, minor parties serve as political weather vanes to signal shifting political winds. Often times the two major political parties are slow to react to pressing societal problems. When this occurs, third party activities tend to accelerate in an effort to draw attention to these unresolved problems. Indeed, third parties appear to register their best electoral showings when times are bad. Second, minor parties allow discontented people to blow off steam in a constructive way. It is natural for people to become angry with the government and political leaders when things do not go their way. Rather than engage in disruptive, anti-social behavior, malcontented people can vent their frustrations by commiserating with others or running for public office on a minor party label. Third, minor parties are often incubators of

innovative public policies. Indeed, some of our nation's most successful significant legislation—child labor laws, collective bargaining, Social Security, unemployment compensation, civil rights acts—began as third party planks. And typically, when those third party ideas begin to garner public support, then one or both of the two major political parties latch on to those ideas, thus obviating the need for the electorate to abandon the two major parties. Finally, third parties can serve as “spoilers” by siphoning off enough votes to prevent a major party candidate from winning an election. As noted earlier, Teddy Roosevelt's presidential candidacy on the progressive Bull Moose Party in 1912 cost President William A. Taft a second term and propelled Democrat Woodrow Wilson into the White House with just 41.8 percent of the popular vote. Similarly, Ross Perot's strong showing on the Independent Party label in 1992 most likely prevented Republican President George H.W. Bush's reelection and enabled Democrat Bill Clinton to become President with just 43 percent of the popular vote. More recently, in the 2000 presidential sweepstakes, there is some evidence to suggest that Green Party candidate Ralph Nader's meager 2.74 percent of the popular vote was enough to shift the presidency from Democrat Al Gore (who actually won 48.4 percent of the popular vote) to Republican George W. Bush (who won by 5 electoral votes with 47.9 percent of popular vote). Thus, third or minor parties have played a role in American politics.

**Paradox Five. While there are scores of minor American political parties, it is difficult to establish an ironclad party typology.**

The United States continues to host a number of minor political parties. Still, it is not easy to pigeonhole these parties. Indeed, some defy classification. Perhaps the most common way to label minor parties is by their ideological tendencies. A partial list of American minor parties, from left to right on the political spectrum, includes:

Minor Parties that Appeal to the Far Left of Center (Radicals)

Socialist Labor Party of America (1890),<sup>17</sup> World Socialist Party of the United States (1916), Communist Party of the United States (1919), Workers Party of America (1921), Workers Party of the United States (1934), Socialist Workers Party (1938), Progressive Labor Party of the United States Organization (1961), U.S. Marxist-Leninist Party (1973), Revolutionary Communist Party of the United States (1975), Socialist Action Party (1983), Party for Socialism and Liberation (2004)

Minor Parties that Appeal to the Left of Center (Liberal, Progressive)

The People's Party (1891), American Labor Party (1932), Liberal Party of New York (1934), Peace and Freedom Party (1967), Liberty Union Party (1973), New Union Party (1974), New Alliance Party (1979), Green Party of the United States (2001), Working Families Party (2008), American Populist Party (2009)

Minor Parties that Appeal to the Center (Moderates)

Libertarian Party (1971), Reform Party of the United States (1995), American Reform Party (1997), Third Party of America (1997), Personal Choice Party (2004), New American Independent Party (2004), Unity Party of America (2004), Centrist Party (2006), Boston Tea Party (2006), Independence Party of America (2007), Citizens Party of the United States (2007), United States Moderate Party (2005), Modern Whig Party (2008)

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<sup>17</sup> The dates in parentheses indicate the year in which each party was formed.

### Minor Parties that Appeal to the Right of Center (Conservative)

America First Party (1944), American Independent Party (1967), Constitution Party [U.S. Taxpayers' Party] (1992), American Heritage Party [Christian Liberty Party] (1996), American Party (2002), Unity Party of America (2004), Jefferson Republican Party (2006), Objectivist Party (2008), American Taxpayer Party (2008), Tea Party (2009), American Patriot Party (2010)

### Minor Parties that Appeal to the Far Right (Reactionaries)

American Nazi Party (1959), National Socialist Movement (1974), American Third Position Party (2010)

Additionally, there are a number of single-issue parties, state-specific parties, and some rather inane groups that label themselves political parties, whether they deserve the designation or not. Among a list of parties or faux parties that have surfaced in recent years include:

### Minor Parties that Appeal to those concerned with Single-Issue or Ethnic-Affiliation

Prohibition Party (1869), Single-Tax Party (1920), Puerto Rican Socialist Party (1959), Afro-American Party (1960), Black Panther Party (1966), La Raza Unida Party (1970), AIDs Cure Party (1996), U.S. Marijuana Party (2002), Pirate Party of the United States (2006), National Christian Party (2007)

### State-Specific Political Parties

Liberal Party of New York (1944), Democratic-Farmer-Labor party [DFL] of Minnesota (1944), Blue Conservative Party of New York (1962), Right to Life party of New York (1970), Alaska Independence Party (1984), Second Republic Party of Vermont (2003), Enigma Party of Delaware (2006), Florida Whig Party (2006), Independent Party of Oregon (2007)

### Quizzical, Short-Lived Faux Parties

The-Rent-Is-Too-Damn High Party, Truth Party, Resurrection Party, Vethen Party, Apathy Party, Pyramid Freedom Party, Looking Back Party, America's Party, Clean Sweep Party, American Dream Party, Pansexual Peace Party, Universal Party, Students' Rights Party, Birthday Party, Save Seniors Party, Tax Cut Party, Stupid People's Party, Pioneer Party, Vegetarian Party, Cocktail Party, American Peace Party, Tupperware Party, Dumbass Party, Justice Party, Star Party, Sunny and Share Party, Feline Party, Pagan Party, Pushy Party, American Monarchy Alliance Party, Solipsist Party, Paycheck Party, Free Ballot Party, Guilty Party, Grey Party, Dopeycrat Party, Nudist Party, Spirit of America Party, Humanist Party, Party Party

Labeling political parties in such a manner should be accompanied with a number of caveats. 1) Even close scholars of political parties may disagree on the exact placement of these groups on the ideological spectrum. Take the recent Tea Party movement. Some observers contend that the Tea Party is not a "real" party but a "splinter" or "wing of the Republican Party." Others assert the Tea Party is a "true" political party that represents "main stream" Americans and draws members from a wide range of constituents, including independents and disaffected Democrats. 2) Many of the parties listed above have undergone name changes over the years due to new leadership or attempts to appeal to a different constituency. For example, the Socialist Party USA (1962) is essentially an outgrowth of the Socialist Party of America (1901); the American Reform Party broke from the

Reform Party of the United States in 1997; and the Christian Liberty Party (2011) was previously called the American Heritage Party, which was originally founded as the Washington Taxpayer's Party. 3) Some minor parties take positions on sundry issues that simultaneously appeal to both conservatives and liberals. For instance, the Libertarian Party, currently our nation's largest third party, supports both the "right to keep and bear arms" (something which appeals to conservatives) and women's right to have abortions (something which appeals to liberals). 4) Nothing prevents a party that is originally built around a "single-issue" from taking stands on other issues. For example, the Green Party is naturally associated with environmental issues, but its platform contains forceful positions on a wide range of concerns, including health care, international trade and energy policies. 5) Finally, just because something is called a "political party" does not necessarily make it so. Some of the so-called parties listed above are nothing more than one person's publicity stunt or a small interest group that makes no effort to participate in our electoral system. In sum, the above list and categorization of American political parties is neither ironclad nor exhaustive.

**Paradox Six. Despite the proliferation of minor political parties, the United States has consistently maintained a strong two-party system.**

For all practical purposes, the United States is a strong, two-party system. However, it has not always been a *strong* two-party system, nor has it always been the *same* two parties. As detailed earlier, the first two-party rivalry was the Federalist and Democratic-Republicans. These seminal parties were forged during President Washington's first administration, and their bitter rivalry came to a head in 1796 when John Adams, running on the Federalist label, defeated Thomas Jefferson, a Democratic-Republican, by a mere three electoral votes. That was the first election in which presidential candidates ran on party tickets. In 1800, Jefferson subsequently defeated Adams in a highly controversial election that was ultimately decided in the House of Representatives. The Democratic-Republicans grew powerful as the Federalist Party languished and eventually disappeared circa 1816. Indeed, James Monroe, the Democratic-Republican nominee for President in 1820, ran unopposed, and for a brief period between 1820 and 1824, the nation was relatively devoid of partisan politics. This was the so-called "Era of Good Feelings." But this period of tranquility was short-lived.

The presidential election of 1824 brought intense regional rivalries that ultimately ushered in new partisan rivalries. In a four-candidate race, Andrew Jackson of Tennessee won 99 electoral votes, John Quincy Adams of Massachusetts garnered 84 votes, William A. Crawford of Georgia received 41 votes, and Henry Clay of Kentucky got 37 votes. However, because no candidate secured the 131 of 261 electoral votes needed to become President, the election was again thrown into the House of Representatives, where John Quincy Adams emerged the winner. Embittered by the loss to established politicians in New England, Jackson and his followers forged a coalition comprised of people from the southern and western regions of the country.

By the election of 1828, the Democratic-Republicans split into two new parties—the Democrats and the Whigs. The Democrats, led by Jackson, won the presidential elections of 1832 and 1836, while the Whigs, led by John Quincy Adams, Henry Clay and Daniel Webster of Massachusetts, were eventually able to win the White House with William Henry Harrison in 1840 and Zachary Taylor in 1848. But this two-party alignment could not handle the vexing problem of slavery. Indeed, the issue fractured both parties' basis of support, making it impossible for either side to sustain a governing coalition.

In 1854, the Republican Party burst onto the political stage. Consisting primarily of northerners and westerners who opposed slavery, Republicans nominated John C. Fremont of California for President in 1856. Although Fremont lost a close race to Democrat James Buchanan, it was a foreshadowing of the problems the Democrats would soon face. Four candidates vied for the presidency in 1860—Democrat Stephen A. Douglas of Illinois, Southern Democrat John C. Breckinridge of Kentucky, Constitutional Unionist John Bell of Tennessee, and Republican Abraham Lincoln of Illinois. A badly divided Democratic Party and the upstart Constitutional Union Party, consisting of remnants of the dying Whig Party, were no match for the united Republican Party. Although Lincoln won only 39.8 percent of the popular vote, he easily won a majority (180/303) of the Electoral College votes. Lincoln's efforts to hold the nation together would prove daunting. Even before he was sworn into office, southern states had begun to secede from the Union.

During the Civil War (1861-1865), the Republican party came to dominate the Congress and the White House. After the war, the so-called "Radical" Republicans inflicted harsh treatment on the eleven secessionist states. Much of the South was placed under martial law and former confederates and southern sympathizers were disenfranchised, while former slaves and northern "carpetbaggers" took control of the states. This Reconstruction period (1865-1877) also spawned a partisan realignment. Southern whites disdained Republicans and turned their allegiance to the Democratic party. Indeed, for nearly a hundred years after the Civil War, most southern states remained solid, one-party Democratic states.

Republicans, however, dominated national politics in the post-Civil War period. Indeed, from 1860 until 1932, the Republican Party won all but four presidential elections. The exceptions were 1884 (Democrat Grover Cleveland of New York narrowly defeated Republican James G. Blaine of Maine), 1892 (Democrat Grover Cleveland defeated Republican Benjamin Harrison of Indiana), 1912 (Democrat Woodrow Wilson of New Jersey won in a three-way race with Republican William Howard Taft of Ohio and Bull Moose Teddy Roosevelt of New York) and 1916 (Woodrow Wilson narrowly defeated Republican Charles Evans Hughes of New York). Republicans recaptured the White House in 1920 (Warren G. Harding of Ohio), 1920 (Calvin Coolidge of Vermont) and 1928 (Herbert Hoover of Iowa). The Republican coalition consisted primarily of business interests, farmers, former Union soldiers, newly enfranchised black voters, and residents of small towns.

The Great Depression of the early 1930s, however, signaled an end to the Republican dominance in national elections. Republican President Herbert Hoover understandably drew criticism for his administration's hands-off economic policies following the stock market crash of 1929. Additionally, a prolonged drought in the southwestern United States, coupled with poor farming techniques, led to widespread farm foreclosures and a mass migration of people in search of jobs. Scores of banks closed, countless businesses declared bankruptcy, people lost their homes and the nation's unemployment rate reached a record 25 percent. In 1932, Democrat Franklin Roosevelt of New York was elected President and began forging a "New Deal"—an administration that called on the national government to take a more activist role in regulating business and stimulating the economy. Roosevelt's new electoral majority consisted of new immigrants, union workers, Catholic and Jewish voters. The coalition was so successful that Roosevelt went on to win unprecedented third and fourth terms in office, each time with commanding Democratic majorities in Congress. Roosevelt died in 1945 shortly after winning his fourth term, and was succeeded by his Vice President, Harry S Truman

of Missouri. Truman oversaw the conclusion of World War II and the post-war conversion to a peacetime economy. Although Truman won the 1948 election, he faced strong public criticism and a Republican-controlled Congress.

After Truman, the two major parties took turns winning the White House and controlling Congress. In 1952, Republican Dwight Eisenhower, a popular general who commanded the Allied forces in World War II, was elected President and reelected in 1956. Democrat John Kennedy of Massachusetts defeated Republican Richard Nixon of California in 1960, but was assassinated in 1963. Kennedy's successor, Lyndon B. Johnson of Texas, finished the unexpired term then won re-election in his own right in 1964 over Republican Barry Goldwater of Arizona. In 1968, Richard Nixon rebounded to win a narrow victory over Democrat Hubert H. Humphrey of Minnesota, then recorded a landslide victory over Democrat George McGovern of South Dakota in 1972. However, Nixon resigned over the Watergate scandal in 1974 and was replaced by Vice President Gerald R. Ford of Michigan. Ford then lost to Georgian Democrat Jimmy Carter in 1976, who was subsequently defeated by California Republican Ronald Reagan in 1980. Reagan won a second term in 1984, defeating Democrat Walter Mondale of Minnesota, and in 1988 Republican George H.W. Bush soundly defeated Democratic Michael Dukakis of Massachusetts. But Bush lost to Democrat Bill Clinton of Arkansas in 1992, and Clinton went on to easily defeat Republican Bob Dole in 1994. Republicans rebounded to win with Texan George W. Bush in 2000, recording a narrow electoral victory over Democratic Vice President Al Gore, then defeating John Kerry of Massachusetts in another close election in 2004. Finally, our nation elected its first African-American President, Democrat Barack Obama from Illinois, in 2008. Thus, since World War II, America's leadership has seen a saw-tooth pattern between Democrats and Republicans with neither party gaining a long, sustained partisan edge.

What accounts for this two-party system when so many options are available to American voters? A number of explanations have been advanced, some more plausible than others. One explanation is tradition—the two-party system is so deeply-rooted in our history that Americans simply embrace it out of force of habit. Some attribute our two-party system to the achievement of social consensus. According to the theory, if a society can agree on its fundamental values, then all that is needed are two major parties to work out the details of the secondary issues. Historically, for example, both major political parties, be it Federalists or Democratic-Republicans or Whigs and Democrats, reached agreement on such central political tenets as capitalism and respect for private property. While the two major parties may haggle over marginal tax rates, for example, they agree that the government should not completely redistribute income. Such a consensus, it is believed, obviates the need for third parties. Others suggest our two-party system is rooted in political socialization. Studies reveal that the transmission of party identifications rests primarily on the American family and that most American parents are either Democrats or Republicans or lean to one of the two major parties. Very few American families socialize their children to identify with third parties. But none of these so-called “explanations” is completely ironclad.

Perhaps the most plausible explanation for the perpetuation of the American two-party system rests with our legal system. Put bluntly, our legal system appears to be “rigged” against the successes of third parties. As noted earlier, political parties are largely regulated by state election laws and the states have imposed myriad legal obstacles for third parties to surmount. For example, in most states, Democrats and Republicans are provided permanent ballot slates; their nominees are automatically

placed on the ballot. Third parties, however, must either submit petitions signed by a specified number of registered voters, usually from designated voting districts within a very limited time, or win a specified number of votes in a preceding election, say 5-8 percent of the vote in the preceding gubernatorial election, in order to get on the ballot. The task can be daunting, unless the third parties are well financed and extremely organized.

Another legal impediment to third parties is the manner in which legislators are elected. In the United States, virtually all Congress members, state legislators, and city council members are elected from single-member election districts where the “winner-takes-all.” This means that in any given election district, the party candidate who wins the most votes (typically a plurality, unless the law requires a candidate to meet a particular threshold—at which time there may be a run-off to insure the candidate gets a majority vote) wins the seat in the legislature. By contrast, many electoral systems throughout the world permit proportional representation. This means that parties receive votes in the legislature in proportion to their votes in the electorate. Such a system would redound in a proliferation of third party candidates. Under our “winner-take-all” system, the contest nearly always boils down to a choice between a Democrat or a Republican, because the third party candidate is unlikely to secure the *most* votes. Of course, there have been some notable exceptions in recent years, such as former U.S. Representative Bernie Sanders of Vermont and U.S. Senator Joe Lieberman of Connecticut. But these are the rare exceptions. Indeed, there is currently no independent in the 112<sup>th</sup> Congress. In sum, our winner-take-all system makes it extremely difficult for third parties to gain a legislative toehold in the United States.

The Electoral College also seriously impairs third party opportunities to win the presidency. Under our Constitution, the President is chosen through the Electoral College—not the popular vote. In a nutshell, each state is entitled to electors equal to the number of Representatives and Senators it has in Congress. Today, the Electoral College is comprised of 538 members (100 Senators, 435 Representatives, plus three electors from the District of Columbia), and it takes 270 electors (a simple majority) to become President. Thus, when Americans cast their votes for President, they are actually voting for a slate of electors, selected by the respective political parties under the aegis of state law, who are pledged to vote for the candidate who wins the most popular vote in their state. For example, Republican George W. Bush won the popular vote in Missouri in 2004, defeating Democrat John Kerry. Bush therefore won all of Missouri’s 11 electoral votes—that is, 11 Republican electoral votes. Although it is possible for an elector to cast his or her vote independently of the state’s popular vote, such “faithless electors” are rare due to the fact electors are typically die-hard partisans with proven party loyalty. And even if no presidential candidate secures the requisite simple majority of electoral votes, the election, under the U.S. Constitution, would be thrown into the U.S. House of Representatives, where members would choose among the three candidates with the most electoral votes. However, because such votes are cast by state delegations, with each state getting but one vote irrespective of population, and because there are few if any third party members of Congress, it is highly unlikely that any third party could ever be selected. In sum, our electoral system is heavily stacked against third parties.

### **Paradox Seven. Democrats and Republicans are both similar and different.**

What is the difference between Democrats and Republicans? This may be the most perplexing query in American politics. The answer, of course, generally depends upon one’s vantage point, the

historical time frame, and the particular set of political actors involved. There is no shortage of answers. Many believe there are vast differences between the two major parties. Stereotypical responses include: “Republicans are the party of the rich and Democrats are the party of the poor” or “Republicans are the party of the status quo and Democrats are the party of change.” Others believe there are no differences between the two parties. For example, social critic Gore Vidal wrote, “There is only one party in the United States, the Property Party...and it has two right wings: Republican and Democrat.”<sup>18</sup> Likewise, Alabama Governor George Wallace, independent candidate for President in 1968, quipped: “There's not a dime's worth of difference between the Democrat and Republican Parties.” Such flippant answers are emblematic of American political culture. Yet, more profound analyses reveal both similarities and differences in the two major parties.

### *Similarities*

As noted earlier, all political parties can be categorized according to their ideology. An ideology is a systematic set of attitudes that people use to justify their views of the political world. But some political parties are more ideologically focused than others. Most third parties are highly ideological, either on the left or on the right of the political spectrum. These parties are often referred to as “missionary parties” because they are more interested in seeking “converts” than “voters.” Yes, votes are important to any political party, but missionary parties will not jettison their inveterately held beliefs just to get more votes. The Marxist-Leninist Party, for instance, would never abandon its doctrine based on the writings of Karl Marx, nor would the Prohibition Party change its hard-line stance on alcoholic temperance. By contrast, both the Democratic and Republican parties are ideologically flexible organizations that occupy the center, or mainstream, of American politics. Sometimes they are referred to as “broker” parties, because, like a broker that buys and sells on a commission basis, the Democrats and Republicans are willing to moderate their stances on issues and public policies in order to get more votes. And such flexibility enables the two major political parties to build coalitions and siphon off votes that might otherwise go to one of the minor parties.

Another way in which Democrats and Republicans are alike is in the selection of members. To remain viable, a political party must constantly recruit new members. But recruitment methods vary greatly. Most narrowly focused, highly ideological minor parties on either the left or the right of the political spectrum, do not want just any “Tom, Dick or Mary” in their organization. Rather, they seek cadres or small cells of hardcore devotees that can be counted on to indoctrinate others. Such parties, like the Communist Party or the Socialist Workers’ Party, are sometimes referred to as “cadre parties.” Juxtaposed are the Democratic and Republican parties that invite just about anybody, ranging from ultra liberal to ultra conservative, into their big tents. And all that is needed to become a Democrat or a Republican is a simple declaration. Since no membership tests or dues are required, the Democratic and Republican parties are frequently referred to as “mass” political parties. In sum, the Democratic and Republican parties are similar in that they are “broker” and “mass” political parties.

### *Differences*

Nevertheless, there are significant differences in the two major parties. The two parties naturally appeal to different constituencies. Generally speaking, Democrats tend to draw disproportionately

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<sup>18</sup> Gore Vidal. *Matters of Fact and of Fiction: Essays 1973–1976*. New York: Random House, 1977, p. 268.

more support than Republicans from the following demographics groups: blue collar workers, members of labor unions, lower income groups, Catholics, Jews, African-Americans, and Americans of Slavic, Irish, Asian, Mexican and Puerto Rican descent. Geographically, the Democrats also tend to score consistent electoral victories in large metropolitan areas (e.g., Chicago, New York City, Detroit, St. Louis) and in the so-called “Blue States” of the Northeast (viz., New York, Massachusetts, Connecticut, New Jersey, Delaware) and West (especially California, Oregon, Washington, and Hawaii), where there are significant concentrations of the above demographic groups. Thus, Democrats tend to be a rather heterogeneous group. As Will Rogers once joked, “I don’t belong to any organized political party—I am a Democrat.” Conversely, Republicans garner disproportionately more votes than Democrats among business and professional workers, higher income groups, Protestants, and citizens with ancestral links to Western Europe, especially Anglo and German Americans. And in recent decades, Republicans tend to do well in small towns and rural areas, particularly in the so-called “Red States” of the South (e.g., Alabama, Georgia, South Carolina, Texas), Midwest (e.g., Missouri, Kansas, South Dakota, Nebraska), and Mountain States (e.g., Montana, Wyoming, Idaho, Utah). Republicans thus tend to be more homogenous than Democrats.

Several strong caveats must be stressed regarding the above generalizations. First, such macro-level observations do not always hold true at the micro or individual level. Just because someone is of African or Hispanic heritage does not necessarily mean he or she is a Democrat. Indeed, in 2010, two African-Americans (Rep. Tim Scott of South Carolina and Rep. Allen West of Florida) were elected to the U.S. Congress. Moreover, Cuban Americans and many Catholics and Jews vote Republican on a rather consistent basis. Similarly, just because someone is white, Protestant or a business owner does not guarantee they will vote Republican. Additionally, there are many Democrats who are millionaires and many Republicans who are poor. Thus, no ethnic, religious, cultural, racial or economic group is the exclusive preserve of either major party.

Second, elections are not always decided on the basis of partisan politics. Studies reveal that issues and personalities often weigh more on voters’ minds than candidates’ partisan labels. For example, in 2010 Republican Scott Brown did the unthinkable by winning a special election to fill the seat vacated by the death of popular, long-term Massachusetts Democrat Edward Kennedy, despite the fact Massachusetts voters overwhelmingly identify with the Democratic Party and that no Republican had won a Senate seat from that state since Edward Brooke (an African-American) in 1972. Exit polls suggested that Massachusetts Democrats voted for Brown based on his stance on economic issues, his effective campaign style, and a poorly waged campaign by his Democratic opponent.

Finally, the above generalizations represent only a single snapshot in time. Party identification can be fluid and also must be viewed from an historical perspective. One concept that is particularly important to understanding the relative strengths of the major parties is party realignment. A party realignment occurs when groups that normally support a particular party switch their allegiance and begin voting consistently for the rival party. Political scientists have identified at least five major party realignments in American history—the elections of 1800, 1828, 1960, 1896 and 1932. In 1860, for example, Abraham Lincoln was able to forge a new coalition of farmers, abolitionists, business and commercial interests, particularly in the Northeast and Midwest, which came to dominate American politics for several decades. President Franklin Roosevelt too formed a dominant coalition by drawing Catholics, new immigrants, displaced farmers, and union workers into the Democratic fold in 1932.

Individual groups may also experience realignments. The election of 1964 was a realignment for African-American voters. For many years after the Civil War, African-Americans overwhelmingly identified with the Republican Party, understandably because of Lincoln's Emancipation Proclamation and the Civil War, coupled with unscrupulous efforts by Southern white Democrats to disenfranchise African-American males (e.g., literacy tests, white primaries, intimidations) in the post-Reconstruction period. This allegiance remained rather strong until a group of Republicans, led by Senator Barry Goldwater of Arizona, voted against the most far-reaching civil rights act in American history—the Civil Rights Act of 1964. When the Republicans nominated Goldwater for President in 1964, African-Americans overwhelmingly bolted from the GOP and turned their allegiance to pro-civil rights stance of Democratic President Lyndon B. Johnson. That sudden electoral conversion remains strong today, with approximately 90 to 95 percent of African-Americans still identifying with the Democratic Party. Indeed, this remains the most cohesive, single voting block in America today.

Although realignments are associated with “critical elections,” they should really be viewed as a process. Yes, 1860 and 1932 were critical elections, but it is what transpired in American politics *before* those elections that should be the focus of attention. There appears to be a number of harbingers of party realignment. First and foremost, pressing national issues emerge that split existing party coalitions. Among those issues have been slavery, taxation, civil rights, and economic depression. New coalitions form in response to the crises and policy proposals. Second, as the realignment approaches, voters become increasingly cynical about politics, blaming politicians for the mess and questioning whether anybody can solve our national problems. Third, there appears to be an increase in ticket splitting, as voters begin to veer from their typical straight-party voting. Finally, an approaching realignment typically is associated with accelerated third-party activity with some minor parties registering small but significant gains in the popular vote. Whether we are now in a period of realignment is a matter of speculation, but there appear to a number of signs. Perhaps only time will tell.

Aside from the people who support Democrats and Republicans, there are significant differences between the two parties with respect to public policy. The overarching policy differences concern the efficacy and limits of government with respect to three important principles of American democracy—liberty, security and equality. Unfortunately, these principles are often at loggerheads and virtually every policy dispute boils down to two central issues: liberty v. security and liberty v. equality. Too much liberty leads to chaos and too much security restricts freedom. And too much liberty results in inequalities, but too much emphasis on equality stifles freedom. Hence, it is a question of balance.

In general, Democrats favor liberty over security and equality over liberty, while Republicans favor security over liberty, but liberty over equality. A Democrat might oppose provisions of the Patriot Act as a violation of privacy, while a Republican might support those same provisions as a matter of national security. Likewise a Democrat might support public school busing to achieve racial equality, while a Republican might oppose believing parents should have the freedom to choose their children's schools. Of course, not every Democrat or Republican would necessarily take the above positions. Indeed, there are conservative Democrats and liberal Republicans, all of which complicates our analyses.

As a further guideline, Democrats generally believe government has an affirmative duty to resolve our nation's most pressing problems, while Republicans generally feel government should be limited and that many problems should be resolved by free market competition. Here is a breakdown by policy area: 1) Economic Policy—Democrats traditionally have been more concerned with unemployment and have favored government projects to simulate jobs creations; Republicans have been more concerned with inflation and favored less regulation of business as a way to generate jobs. 2) Social Policy—Democrats have generally taken the lead in creating new social programs, such as Social Security and Medicare; Republicans, while most support social safety nets, believe government intervention should remain minimal. 3) Labor Policy—Democrats have been quick to support collective bargaining and increased in minimum wages and worker compensation benefits; Republicans have generally favored right-to-work legislation and fewer increases in minimum wages and worker compensation benefits. 4) International Trade—Democrats want to protect American workers from unfair foreign competition (cheap labor) with protective tariffs; Republicans typically advocate free trade and oppose protective legislation. 5) Education Policy—Democrats generally believe the federal government should play a more influential role in public education; Republicans contend education is the primary responsibility of state governments and parents. 6) Immigration Policy—Democrats generally support liberalized immigration laws; Republicans want to tighten immigration laws. 7) Tax Policy—Democrats have advocated increased taxes on wealthy Americans and on corporations as a way of achieving social justice; Republicans have advocated lower income taxes and corporation taxes as a way of stimulating economic growth. 8) Health Policy—Democrats have supported a national, single-payer health care system run by the federal government, while Republicans have supported a free-market health care system regulated by the state governments.

Again, these are generalizations, and they do not hold true for all Democrats and all Republicans at all times. Indeed, many Democrats support Republican policies and vice versa. It just depends on the particular time frame, the specific constituencies involved and the political milieu in which the policies were framed.

**Paradox Eight. America is known as a two-party system, but there are at least 50 Democratic parties and 50 Republican parties today.**

On paper it may appear there is but one Democratic Party and one Republican Party in the United States with each party organized like a pyramid with authority flowing downward from the respective national party chairs to local precinct captains. However, in contrast to other political parties, the Democratic and Republican parties must rank among the most de-centralized organizations in the world. In reality, there are at least 50 state Democratic and 50 state Republican parties. While both national parties hold committee meetings throughout the year, the only time the entire party machinery comes together is once every four years when the parties hold their respective national party conventions to adopt their platforms and nominate their presidential and vice presidential standard bearers. Indeed, these are the only two offices nominated by the national parties. All other office holders—U.S. senators, members of Congress, governors, state legislators, county and local public officials—are nominated and elected by state or local parties.

But even state Democratic and Republican parties have limited control over the people who run for office under their banners. In the early days of our Republic, virtually all candidates for public office

were nominated by party caucuses. These were closed meetings of influential party leaders. And it was in these proverbial smoke-filled backrooms where party bosses handpicked the party nominees. The system was obviously far from democratic. During the Progressive Movement of the early 1900s, states replaced party caucuses with primaries. The primaries enable registered voters to nominate their respective party nominees via a secret ballot. Today, nearly every partisan state and local political official is nominated through a primary. Primaries take several forms. Some are “closed” primaries—elections restricted to those with declared affiliations. Others use “open” primaries where voters are not required to register by party affiliation and are permitted to select the party ballot of their choice on election day. And, until recently, a few states (California, Washington and Alaska) used “blanket” primaries, which enabled voters to cast their votes on “bedsheet” ballots for any party and any office (say, vote for a Democrat for governor, a Republican for state treasurer and a Green for state auditor).<sup>19</sup> Irrespective of the type, party primaries placed the nomination process in the hands of the voter, thus eroding the authority of the party leaders.

This diffusion of authority within the Democratic and Republican parties helps explain the wide variations even within the respective parties. For example, Democrats in Mississippi and Texas tend to be less liberal than Democrats in New York or Massachusetts. Similarly, Republicans in Vermont and Connecticut are likely to be more moderate than Republicans in Arkansas and Tennessee. Even within each state, there are sometimes enormous ideological differences within each party.

Missouri is a good case in point. For all intents and purposes, the Show Me State actually has three major political parties—the Republican Party and two wings of the Democratic Party. The Republicans remain relatively homogenous, although there have been some divisive primaries among party faithful over the years. One wing of Democrats remains quite conservative. These Democrats are found primarily in the “out-state” counties (meaning, everything other than St. Louis and Kansas City), especially in counties settled by southerners sympathetic with the Confederacy during the Civil War. At the local level they vote almost exclusively for Democrats (conservatives), but they often vote for Republican presidential nominees at the top of the ballot because of the GOP’s pro-gun and pro-life positions. The other wing of Democrats gives strong support to the liberal policies advanced by the national Democratic Party. These Democrats are generally concentrated in university communities and in the metropolitan areas of St. Louis and Kansas City. But even still, there are bitter regional rivalries in the Missouri General Assembly between the liberal Democrats from St. Louis and the liberal Democrats from Kansas City. Perhaps it all boils down to what Tip O’Neill, former Speaker of the U.S. House, observed: “All politics is local.”

### **Paradox Nine. Political parties are private, semi-public organizations.**

Even though the U.S. Constitution is devoid of any reference to political parties, there is nevertheless an evolving body of constitutional law regarding political parties. The central problem the Supreme Court has struggled with over the years is the nature of political parties. Early on, political parties were considered private organizations that enjoyed all the constitutional protections for freedom of expression. However, because political parties significantly influence our election process and the rights of citizens to vote, they are considered semi-public organizations. Here are the leading Supreme Court decisions, by category. Note the complexities of these cases, the disagreements

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<sup>19</sup> The Supreme Court struck down the use of the blank primary in California Democratic Party v. Jones, 530 U.S. 567 (2000)

among the various levels of courts, and the wide differences of opinions among Supreme Court justices regarding who should regulate the parties—the national government, state governments, national party conventions, or state party rules?

### *Regulation of Primary Elections*

**Newberry v. United States, 256 U.S. 232 (1921).** Under the Federal Corrupt Practices Act of 1910, Congress placed a \$10,000 spending limit on federal office seekers in *general* elections. Truman Handy Newberry was a candidate for the U.S. Senate in Michigan and was convicted for exceeding the federal spending limit by \$90,000 in the 1918 Republican Party *primary* election. Newberry challenged his conviction, asserting the federal law did not extend to primary elections. In a 5 to 4 judgment written by Justice James McReynolds, the Supreme Court reversed Newberry’s conviction, holding the federal law was, indeed, confined to general elections. The Court, however, did not address whether the federal government had authority to regulate federal primaries under Article I, Section 4.1 of the U.S. Constitution.<sup>20</sup> This ruling suggested that party primaries were *private* activities, as opposed to the government-sanctioned general elections, and hence beyond federal regulation. This case had the unintended consequence of opening the door to racial discrimination in the South.

**Grovey v. Townsend, 295 U.S. 45 (1935).** In the post-Civil War period, Texas, like most southern states, became a one-party Democratic state. The most important elections in those states were the Democratic Party primaries, because anyone who won the Democratic primary was virtually assured of winning the subsequent general election. In 1932, the Texas Democratic Party state convention adopted a resolution restricting participation in its primary elections to white voters—the so-called “white primary.” In 1934, R.R. Grovey, an African-American, was denied an absentee ballot in the Texas Democratic primary solely because of his race. Grovey sued Albert Townsend, Clerk of Harris County, Texas, contending the party’s actions violated his rights under the 14<sup>th</sup> Amendment (“equal protection”) and 15<sup>th</sup> Amendment (guarantees males the right to vote regardless of race). However, in a unanimous decision written by Justice Owen Roberts, the U.S. Supreme Court ruled the Texas Democratic Party was a *voluntary association of private persons*, not an instrument of the state, and therefore did not come under the purview of either the 14<sup>th</sup> or 15<sup>th</sup> Amendment protections.

**United States v. Classic, 313 U.S. 299 (1941).** Classic and four other state commissioners falsified election returns in the 1940 Democratic Party primary in the Second Congressional District of Louisiana. They were convicted under the federal Civil Rights Act of 1871 that makes it illegal “to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution.” Citing *Newberry*, *Classic et al.* appealed their convictions, arguing the federal government lacked jurisdiction over primary elections. The U.S. Supreme Court, however, upheld the convictions. Writing for a 5 to 3 majority, Justice Harlan Fiske Stone made it clear that state primary elections are subject to federal scrutiny under Article I, Section 4.1 of the U.S. Constitution. This case would open the door for a constitutional challenge of the white primaries three years later.

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<sup>20</sup> Article 4, Section 4.1 of the U.S. Constitution permits state governments to regulate the “times, places, and manner of holding elections for Senators and Representatives.” However, it later states that “Congress may at any time by law make or alter such regulations.”

**Smith v. Allwright, 321 U.S. 649 (1944).** This case arose when Lonnie Smith, an African-American, was denied the right to vote in the Texas Democratic primary election in 1940. With the help of the National Association for the Advancement of Colored People (NAACP) and its top lawyers, Thurgood Marshall and William H. Hastie, Smith sued state election judge S.S. Allwright, contending his 15<sup>th</sup> Amendment rights were violated. In an 8 to 1 decision by Justice Stanley Reed, the Supreme Court ruled for Smith, thus reversing Grovey v. Townsend. Reed noted that because the State of Texas had delegated so much authority to the political parties, the parties had become semi-public agents of the state, and thus came under the aegis of U.S. Constitutional safeguards. This was the end of “white primaries.” Or, was it?

**Terry v. Adams, 345 U.S. 641 (1953).** In an effort to circumvent the decisions in Smith v. Allwright, the Texas Democratic Party created the Jaybird Democratic Association with its so-called Jaybird Primary. This was a whites-only, pre-primary device used to screen Democratic hopefuls before they could run in the Democratic primary. Democratic officials claimed this was merely a private “club” and therefore beyond the scope of federal regulation. Here Terry and other African-Americans filed suit against Adams and other state election authorities claiming their 15<sup>th</sup> Amendment rights had been violated. Speaking for an 8 to one majority, Justice Hugo Black ruled: “[T]he Jaybird primary has become an integral part, indeed the only effective part, of the elective process that determines who shall rule and govern the county. The effect of the whole procedure, Jaybird primary plus Democratic primary plus general election, is to do precisely that which the Fifteenth Amendment forbids—strip Negroes of every vestige of influence in selecting the officials who control the local county matters that intimately touch the daily lives of citizens.” This was the final nail in the white primary coffin.

**California Democratic Party v. Jones, 530 U.S. 567 (2000).** While the preceding cases reveal instances of where the Supreme Court *restricted* political parties with respect to elections, this case provides a striking example where the Supreme Court *protected* the parties’ electoral rights. In 1996, California voters approved an initiative, Proposition 198, which changed the state’s electoral system from closed primaries to blanket or wide-open primaries. Blanket primaries enable voters to switch freely between and among lists of each party’s candidates in a primary election. However, this smorgasbord lends itself to party raiding—where party identifiers temporarily cross party lines to cast votes for candidates whom they perceive to be the weakest opposition nominee in the general election. Fearing that nonparty voters could adversely influence their respecting nominating processes, the California Democratic Party, California Republican Party, California Peace and Freedom Party, and the Libertarian Party of California filed suit against California Secretary of State Bill Jones, contending the new electoral system impinged upon their First Amendment right to freedom of association. In a 7 to 2 decision, the Supreme Court ruled for the parties, thus striking down the blanket primary system. Writing for the majority, Justice Antonin Scalia observed: “Proposition 198 forces political parties to associate with—to have their nominees, and hence their positions, determine by—those who, at best, have refused to affiliate with the party, and, at worst, have expressly affiliated with a rival...A single election in which the party nominee is selected by nonparty members could be enough to destroy the party.” Justice John Paul Stevens offered a dissenting opinion, arguing the Supreme Court should refrain from intruding into the complexities of state election law.

### *Restrictions on Party Patronage*

**Elrod v. Burns, 427 U.S. 347 (1976).** Cook County, Illinois, tradition dictated that whenever a new political party won an elected office, the newly elected officeholder had the right to replace non-civil service employees with members of his or her own political party. In 1970, Democrat Richard Elrod defeated an incumbent Republican for Sheriff of Cook County and began replacing Republicans with Democrats. John Burns and several other Republican non-civil servants employed in the sheriff's office filed suit to enjoin Elrod from terminating them solely because of their political party affiliation. The federal District Court dismissed the complaint, but the federal Court of Appeals reversed, holding that the patronage firings violated the plaintiff's First Amendment rights. Granting certiorari, the U.S. Supreme Court affirmed. Although the majority could not reach agreement on an opinion, five members believed that such patronage dismissals were violative of the First Amendment's freedoms of speech and association. Justice William Brennan stated ". . . any contribution of patronage dismissals to the democratic process does not suffice to override their severe encroachment on First Amendment freedoms." In a dissenting opinion, Justice Powell wrote: "The Court holds unconstitutional a practice as old as the Republic, a practice which has contributed significantly to the democratization of American politics. This decision is urge on us in the name of First Amendment rights, but in my view the judgment neither is constitutionally required nor serves the interests of a representative democracy. It also may dissolve--rather than promote--core values of the First Amendment."

**Branti v. Finkel, 445 U.S. 507 (1980).** In 1978, the Democratically controlled Rockland County (New York) Legislature appointed Peter Branti, a Democrat, for a six-year term as Public Defender. Branti then terminated Aaron Finkel and Alan Tabakman, two assistant public defenders who were hired under the previous Republican administration. The two Republicans filed suit in federal District Court alleging that their dismissal was based solely on partisanship and therefore violated their First and Fourteenth Amendment rights. The District Court held for the plaintiffs, and both the Court of Appeals and U.S. Supreme Court affirmed 6 to 3. Delivering the Court's opinion, Justice Stevens noted that both Finkel and Tabakman were performing satisfactorily and their role as public defenders was to represent the needs of the general public and not partisan interests. "Under these circumstances," Stevens noted, "it would undermine, rather than promote, the effective performance of an assistant public defender's office to make his tenure dependent on his allegiance to the dominant political party." In dissent, Justice Powell quipped that: "The standard articulated by the Court is framed in vague and sweeping language certain to create vast uncertainty. Elected and appointed officials at all levels who now receive guidance from civil service law no longer will know when political affiliation is an appropriate consideration in filling a position." Powell then noted: "The constitutionality of appointing or dismissing public employees on the basis of political affiliation depends upon the governmental interest served by patronage. No constitutional violation exists if patronage practices further sufficiently important interests to justify tangential burdening of First Amendment rights."

**Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990).** In 1980, Illinois Governor James Thompson, a Republican, issued an executive order that froze all hiring, transfers, promotions and recalls for more than 60,000 state workers under his administration. The order stipulated that no person could be hired or promoted without the Governor's "express permission." Cynthia B. Rutan,

an Illinois rehabilitation counselor, and four other Democratic state workers filed suit against Governor Thompson and the Illinois Republican Party, claiming that the employment freeze enabled the governor to discriminate against them solely on the basis of partisanship and thus violated their freedom of association under the First Amendment. The federal District Court dismissed the suit, but the Court of Appeals ruled the patronage practice of hiring, promoting, and discharging public workers on the basis of partisanship violated the First Amendment. By a 5-4 vote, the U.S. Supreme Court affirmed. In the majority opinion, Justice Brennan noted: “To the victor belongs only those spoils that may be constitutionally obtained.” Here the majority believed that patronage practices for nonpolicy and nonconfidential positions placed an unnecessary burden on the freedoms of speech and association. In dissent, Justice Scalia warned: “There is little doubt that our decision in Elrod and Branti, by contributing to the decline of party strength, have also contributed to the growth of interest-group politics in the last decade. Our decision today will greatly accelerate the trend.”

### *Campaign Contributions as Free Speech*

**Buckley v. Valeo, 424 U.S. 1 (1976).** In the wake of the Watergate Scandal, Congress enacted the Federal Election Campaign Act of 1974. Among its many provisions, the law a) restricts campaign contributions by individuals and political action committees to \$1,000 and \$5,000, respectively, per candidate per election; b) permits, under specified conditions, presidential candidates to accept public financing for primaries and general elections; c) requires disclosure of any campaign expenditure exceeding \$10 and all campaign contributions exceeding \$100; d) placed limits on independent expenditures by individuals or groups advocating the defeat or election of candidates to federal office to \$1,000 per year; and e) set limits, depending upon the office sought, on the individual candidate’s overall campaign expenditures in a given year. To ensure compliance of these provisions, the act established the Federal Elections Commission (FEC), a six-member, bi-partisan body of which two were selected by the President pro tempore of the Senate, two by the Speaker of the House, and two by the President of the United States. In 1974, James L. Buckley (Conservative/Republican), Eugene McCarthy (Democrat), Human Events (a conservative magazine) and the New York Civil Liberties Union (a liberal group), filed suit against Francis R. Valeo, Secretary of the U.S. Senate, and other federal officials, to enjoin enforcement of this act. The plaintiffs asserted that the provisions of this act violated their First Amendment freedoms of expression. The three-judge federal District Court certified that substantial constitutional questions were involved, but the Court of Appeals rejected most of the plaintiffs’ assertions. In a 137-page, unsigned opinion the U.S. Supreme Court affirmed the constitutionality of some provisions and struck other provisions as violative of the First Amendment. Provisions upheld were: a) restrictions on campaign contributions by individuals and political actions committees; b) public financing of presidential campaigns; c) campaign disclosure requirements. Provisions held unconstitutional were: d) restrictions on independent expenditures, and e) limits on how much an individual can spend on his or her own campaign. According to the Court, “A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quality of expression.” Moreover, the Court held that the “expenditure ceilings impose significantly more severe restrictions of protected freedoms of political expression and association than do its limitations on financial contributions.” Finally, the Court ruled unanimously that the method of selecting FEC commissioners violated separation of powers because it enabled Congress to usurp the President’s power of appointment.

### *National Party Rules versus State Election Laws*

**Cousins v. Wigoda, 419 U.S. 477 (1977).** In the March 1972 primary election, Chicago Democrats selected 59 delegates (the Wigoda delegation) to the July 1972 Democratic National Convention in Miami, Florida. Prior to the convention, 59 other delegates (the Cousins delegation) challenged the seating of the Wigoda delegation on grounds the Wigoda delegation was not selected in accordance with national Democratic Party rules requiring specific demographic representation. The National Democratic Party's Credentials Committee ruled that the Wigoda delegation did not comport with national party rules and recommended that the Cousins delegation, which had been selected at private caucuses in June, be seated in place of the Wigoda delegation. Two days before the National Convention, Paul T. Wigoda and his delegation filed suit in Illinois Circuit Court to enjoin William Cousins and his delegation from representing the state at the convention. The Circuit Court granted the injunction, albeit the National Convention voted to recognize the more demographically diverse Cousins delegation. On appeal, the Illinois Appellate Court affirmed the lower court's decision, holding that the "right to sit as a delegate representing Illinois at the national nominating convention is governed exclusively by the Illinois Election Code" and that the "interest of the State in protecting the effective right to participate in primaries is superior to whatever other interest the party itself might wish to protect." The Illinois Supreme Court affirmed, but the U.S. Supreme Court, on certiorari, unanimously reversed. Writing the opinion of the Court, Justice Brennan noted that, in determining delegate qualifications, the national party's rules take primacy over the state law. Brennan wrote: ". . . Illinois' interest in protecting the integrity of its electoral process cannot be deemed compelling in the context of the selection of delegates to the National Party Convention."

**Democratic Party of the United States of America v. La Follette, 450 U.S. 107 (1981).** This case also concerns a conflict between national and state rules governing the selection of delegates to the Democratic Party's national convention. The 1980 Democratic national party's charter mandated that "Participation in the delegate selection process in primaries and caucuses shall be restricted to Democratic voters who publicly declare their party preference and have that preference publicly recorded." Wisconsin is a state that maintains an "open" presidential preference primary; under this arrangement, any voter, regardless of party affiliation, may take a "Democratic" ballot. Although Wisconsin's delegates to the Democratic National Convention are selected through a party caucus system, the delegates are nevertheless pledged to vote for the candidate that wins the state's open presidential preference primary. When the Democratic National Party informed the Wisconsin Democratic Party that it would not seat its delegates at the national party because it did not conform to the national party rules, Wisconsin's Attorney General, Bronson C. La Follette, filed suit in original jurisdiction with the Wisconsin Supreme Court. The Wisconsin Supreme Court, dismissing objections by the national party that the state's actions impermissibly impaired the national party's freedom of association under the First and Fourteenth Amendments, ruled the state selection system constitutional. On appeal, the U.S. Supreme Court reversed 6 to 3 in favor of the national party rules. Citing *Cousins v. Wigoda*, Justice Stewart held the state cannot constitutionally require the national party to seat delegates in a manner which violates its national party rules. According to Stewart, "the interests advanced by the State do not justify its substantial intrusion into the associational freedom of members of the National Party."

**Paradox Ten. Political parties have played a critical role in American constitutional history, yet they are often vilified.**

This paper has sought to delineate the important role political parties have played in the development of American democracy. Political scientist E.E. Schattschneider perhaps underscored this best when he forcefully wrote: “The rise of political parties is indubitably one of the principal distinguishing marks of modern government. The parties, in fact, have played a major role as makers of governments, more especially they have been the makers of democratic government...democracy is unthinkable save in terms of the parties...the most important distinction in modern political philosophy, the distinction between democracy and dictatorship, can be made best in terms of party politics. The parties are not therefore merely appendages of modern government; they are the center of it and play a determinative and creative role in it.”<sup>21</sup>

Unfortunately, Americans do not always appreciate the important nature and functions of political parties. More often than not, political parties are objects of derision. They are frequently vilified in the media, shunned by many citizens, and fodder for political pundits, late night comedians, and even politicians themselves. They have become the “Rodney Dangerfields” of American government. Consider a sampling of deprecating political humor.

“The two real political parties in America are the Winners and the Losers. The people don't acknowledge this. They claim membership in two imaginary parties, the Republicans and the Democrats, instead.”—Kurt Vonnegut, Jr.

“The difference between a Republican and a Democrat is the Democrat is a cannibal—they have to live off each other—while the Republicans, why, they live off the Democrats.”—Will Rogers

“All people are born alike, except Republicans and Democrats.”—Groucho Marx

“Republicans study the financial pages of the newspaper. Democrats put them in the bottom of the bird cage.”—Will Stanton

“If the Republicans will stop telling lies about the Democrats, we will stop telling the truth about them.”—Adlai E. Stevenson

“Republicans believe every day is the Fourth of July, but the Democrats believe every day is April 15.”—Ronald Reagan

“The Democrats are the party of government activism, the party that says government can make you richer, smarter, taller, and get the chickweed out of your lawn. Republicans are the party that says government doesn't work, and then get elected and prove it.”—P.J. O'Rourke

“All political parties die at last of swallowing their own lies.”—John Arbuthnot

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<sup>21</sup> E.E. Schattschneider. Party Government: American Government in Action. New York: Rinehart, 1942.

Political humor, of course, is part of our American political culture. It is a valuable and constitutionally protected way to communicate ideas, engage debate and strive for political change.

But everything must be placed in proper perspective. The challenge for civic educators is to convey truthful and balanced information about political parties. The task is not easy. Many social studies textbooks downplay or even ignore the critical role political parties play in American democracy. Teachers, too, often avoid discussions about political parties, either because of a lack of knowledge or out of fear they will be accused of injecting partisanship into their classrooms. Classrooms should not be used to indoctrinate students. The prudent course of action is to present both sides of every issue, irrespective of the teacher's personal views, and allow students the opportunity to engage in civil discourse and ultimately decide for themselves. Such is the nature of American democracy.

### About the Author

**Richard J. (Rick) Hardy** is Professor of Political Science at Western Illinois University. He received his undergraduate degree with honors in political science at Western Illinois University and went on to earn his Ph.D. from the University of Iowa in 1978. He has nearly 40 years teaching experience at all levels, from private music schools and an elementary school through high school and from college freshman through doctoral students (including supervising 15 completed dissertations). He has served on the faculties of Northern State University, Duke University and the University of Missouri-Columbia, and has taught courses in American Politics, Constitutional Law, Civil Rights, Civil Liberties, The Supreme Court, Law and Society, Federalism, State Government, Municipal Government, Political Parties, Public Administration, Public Policy, Policy Evaluation Methods, and Civic Leadership.

Rick believes that “*free government requires active citizens.*” To that end, he remains actively engaged in civic affairs. He spearheaded several statewide, political reform drives; served on numerous government commissions and boards of directors; volunteered in civic organizations; consulted on dozens of political races at all levels of government; and served as his party's nominee for the U.S. Congress in 1992 (losing a very close race to a 16-year incumbent). In 2004, he was selected as a presidential elector in the Electoral College. Additionally, Rick has conducted over 100 workshops on constitutional law and delivered some 800 invited speeches to high schools, colleges, and civic organizations throughout the nation. His administrative positions at the University of Missouri included: Assistant Director of the Honors College, Director of Undergraduate Studies, Director of the Masters’ Program in Public Policy, Director of the National Institute for Advanced Civic Studies, Director of Internships, and Founder and Director of the Institute for Leadership in Civic Education. Most recently, he completed a successful term as Chair of the Political Science Department at Western Illinois University.

Rick has also served as a political analyst for numerous media outlets (e.g., CNN, NBC News, FOX News, Associated Press), and has been quoted extensively (approximately 2,000 times) in various outlets (e.g., Newsweek, USA Today, New York Times, US News & World Report, Kansas City Star, Parade Magazine, St. Louis Post-Dispatch). To date, has garnered over 50 significant teaching and civic leadership awards, including the University of Missouri’s four-campus (Columbia, St. Louis, Kansas City, Rolla) Burlington Northern Faculty Achievement Award, the prestigious William Kemper Award (first recipient), the Missouri Bar Association’s Civic Education Award, inclusion in numerous who’s who publications, and two campus nominations for the Case National Professor of the Year Award. At Western Illinois University, he won several campus awards and was selected to deliver the John Hallwas Lecture in the Liberal Arts.

Finally, Rick has published or edited seven books, including Missouri Government and Politics (University of Missouri Press, with Richard Dohm), Government in America (Houghton Mifflin), Civic Education (Pearson), and Politics: The Art of Drawing Dividing Lines (Thomson). And his articles have appeared in the *American Journal of Political Science*, *Vital Speeches of the Day*, *Law and Policy Quarterly*, *Publius—The Journal of Federalism*, *Teaching Political Science*, *Journal of Conflict Resolution*, *Policy Studies Journal*, *Presidential Studies Quarterly*, *Journal of Political Science Education*, *Journal of College and Character* and *PS: Political Science and Politics*.