

The futility of nostalgia and the romanticism of the new political realists: why praising the 19th-century political machine won't solve the 21st century's problems

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INTRODUCTION



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“I believe that America today is as divided as it is partly because transactional politics has been stifled. Coarse and crass as it often is, transactional politics is social mediation. It is how we connect across our disagreements and figure out a way forward. Strengthening the mechanisms of compromise—the incentives to barter, the leverage of leaders, the spaces for frank conversation—will not bring all of the people together all of the time, but it will allow more of the people to come together more of the time. Fortunately, it’s never too late to put more politics back into politics.”¹

– Jonathan Rauch, senior fellow in Governance Studies at the Brookings Institution

Who can oppose “social mediation” and efforts to encourage “more of the people to come together more of the time?” For that matter, who can resist the allure of putting “more politics back into politics?” We share our colleague Jonathan Rauch’s desire for more “frank conversation” in politics and more productive bargaining. We agree that the motives of reformers and the fruits of reform should be subjected to critical scrutiny and that the old political machines he so reveres were not without certain virtues. We, like Rauch, believe that blanket condemnations of all partisans as “hacks” overlooks the extent to which politicians who revered party organizations—Abraham Lincoln and Harry Truman come to mind—were capable of large and creative acts of courage and statesmanship. And we salute Rauch’s directness and polemical vigor.

But this essay is prompted by our view that Rauch’s provocative paper, [“Political realism: How hacks, machines, big money, and back-room deals can strengthen American democracy,”](#) points to solutions that would aggravate rather than cure America’s political distemper. Rauch insists that “strengthening the hand of congressional leaders and hierarchies would improve government,” ignoring that the centralization of power in Congress and the decline of congressional committees are recent phenomena associated with the very decay in deal-making and compromise he bemoans. He sees more “big

¹ Jonathan Rauch, “Political realism: How hacks, machines, big money, and back-room deals can strengthen American democracy,” the Brookings Institution, May 2015, 31.

money” as a solution to the problems of a system that is already being choked and distorted by it. He derides the “populist reformer” for believing that “the solution to almost any political problem involves more democracy, more participation and more power for the little guy.” Yet some of the very difficulties he identifies—notably the role of party primaries in producing a more ideological membership in Congress—are precisely the result of *too little democracy* in the form of low turnout in internal party contests. The very machine-style of politics he praises has produced a system of gerrymandering that aggravates nearly every problem Rauch is trying to address.

In arguing for less “moralism” and more “realism” in politics, Rauch relies and expands upon the work of a group of scholars and journalists who have begun making the case that “democratic romanticism,” populism, and anti-party sentiment, embedded in past political reforms and reflected in current proposals to renew American democracy, are partly or mostly to blame for our current problems in governing ourselves. They further claim that if today’s reformers had their way, they would only make matters worse.

Our paper thus addresses not only Rauch but also the scholars whose work he celebrates. They include Richard H. Pildes of New York University Law School and Ray La Raja of the University of Massachusetts, Amherst. Pildes is the author of a recent *Yale Law Journal* article² that is one of the most comprehensive summaries of the realists’ case. La Raja, the author of several important articles in this field and a forthcoming book with Brian Schaffner on state parties, has provided the empirical evidence most often cited by this budding school.³ Bruce Cain, in his ambitious and wide-ranging book, *Democracy More or Less*⁴, and Nate Persily, most recently in an essay in his new edited volume, *Solutions to Polarization in America*⁵, are also important contributors to this argument.

Mark Schmitt of the New America Foundation, whose recent essay on the realists in *Democracy Journal*⁶ offers assessments closely parallel to our own, is right to say that “the new skeptics of reform . . . raise valuable critiques that deserve a hearing.” We agree with Schmitt that the realists, including Rauch, make useful contributions in putting “the goal of a government that gets things done at the forefront” of the reform discussion and in questioning “a utopian vision of a wholly equal,

2 Richard H. Pildes, “Romanticizing Democracy, Political Fragmentation and the Decline of American Government,” *The Yale Law Journal* 124, no. 3 (December 2014).

3 See Raymond J. La Raja, “Why Super PACS: How the American Party System Outgrew the Campaign Finance System,” *The Forum: A Journal of Applied Research in Contemporary Politics* 10, no. 4 (2013): 91-104; Raymond J. La Raja, “Richer Parties, Better Politics? Party-Centered Campaign Finance Laws and American Democracy,” *The Forum: A Journal of Applied Research in Contemporary Politics* 11, no. 3 (2013): 313-338; Ray La Raja and Brian Schaffner, “Want to reduce polarization? Give parties more money,” *Washington Post*, July 21, 2014. See also the forthcoming book by La Raja and Schaffner, *When Purists Prevail: Campaign Finance Reform and the Polarization of American Politics* (Ann Arbor: University of Michigan Press, forthcoming).

4 Bruce Cain, *Democracy More or Less* (New York: Cambridge University Press, 2015).

5 Nathaniel Persily, “Stronger Parties as a Solution to Polarization,” in *Solutions to Political Polarization in America*, ed. Nathaniel Persily (New York: Cambridge University Press, 2015).

6 Mark Schmitt, “Democratic Romanticism and Its Critics,” *Democracy Journal*, no. 36 (Spring 2015). <http://www.democracyjournal.org/36/democratic-romanticism-and-its-critics.php>.

participatory process of democratic deliberation.” There has never been and will never be a perfectly representative or participatory democratic system. Like Schmitt (and Rauch), we believe that “Transactional politics has its uses.”⁷ We find that among the realists, Cain’s suggestions may be the most useful and practical, partly because he tries to balance the need for reform with a concern for what might work. We especially share Cain’s view that at their best, political parties, “provide cognitive assistance to voters looking for electoral shortcuts” and that when parties work well, they have produced “an imperfect but stable and sufficiently effective government.”⁸

At various times in our nation’s history, political reformers have embraced an anti-party approach that casts political parties themselves as the root of all governmental evil. This is not our view. Parties are a necessary part of a democratic system. They are also inevitable, since mass movements no less than political leaders will inevitably seek ways to organize for political victory. When party systems break down, democratic citizens inevitably create new ones. In the United States, the collapse of the Federalists led to the rise of the Whigs. The subsequent collapse of the Whigs (and the ante-bellum system’s failures on the monumental matter of slavery) led to the creation of the Republican Party. If Rauch and the other realists were simply saying that reformers should recognize the value of political parties and acknowledge that all citizens will never be equally attentive to politics all of the time, we would have no quarrel with them.

But they are saying much more than this, and we argue here that these analysts are fundamentally mistaken in much of their diagnosis of what ails our democracy and in many of the treatments they suggest. Schmitt writes that they are “sometimes vulnerable to romanticism, naiveté, and nostalgia of their own.”⁹ This goes to the heart of our own critique of Rauch and his colleagues, and we will summarize it at the outset:

- **The realists are not realistic.** They offer an idealized view of the American past—and of political machines in particular—that bears little relationship to how earlier American systems worked. They are as guilty of romanticism as any utopian reformer might be. They ignore why the American people found these earlier systems unacceptable and why large majorities of Americans sought to change them.
- **They utterly misunderstand the relationship of big money to politics.** They act as if running oversized contributions through political parties would cleanse them of any troublesome effect. They say in effect that because parties are, by definition, primarily interested in winning elections, they will automatically be pragmatic and responsive to the median voter. This ignores the extent to which today’s parties, whatever their essential roles and virtues, are already more receptacles of money than the pragmatic, center-seeking, coalition-building mechanisms the realists

7 Mark Schmitt, “Democratic Romanticism and Its Critics.”

8 Bruce Cain, *Democracy More or Less*, 77.

9 Mark Schmitt, “Democratic Romanticism and Its Critics.”

describe. The realists downplay the impact of the Supreme Court's *Citizens United v. Federal Election Commission* decision. They are often inclined to ascribe the problems we now face to the McCain-Feingold reforms that were, in fact, undermined by the Supreme Court's narrow, ideological and unprecedented decision. The advocates of reforms along McCain-Feingold lines were not purists or amateurs. They were pragmatic, even Burkean, in their approaches, responding to actual changes in politics and seeking to build a responsive political system through trial and error. The Supreme Court majority, by contrast, ignored all practical concerns and instead offered a highly abstract account of the political system that utterly misrepresented it.

- **The realists willfully ignore that political polarization in the United States is asymmetric.** The evidence—quantitative and qualitative—is overwhelming.¹⁰ The Republican Party, at both the elite and mass level, has moved much farther to the right of the political center than Democrats have moved to its left, as Jacob Hacker, Paul Pierson and other political scientists and historians have found. The Republicans embraced a strategy that resists compromise, and they sharply escalated the use of the filibuster in the Senate. Two findings by the Pew Research Center nicely capture both the asymmetric nature of the polarization and its impact on attitudes toward governance among supporters of the two parties. In 2014, 67 percent of Republicans called themselves conservative. Only 32 percent called themselves moderate or liberal. Among Democrats, on the other hand, only 34 percent called themselves liberal; the vast majority called themselves moderate or conservative. In 2013, Pew asked its respondents whether they preferred elected officials who “make compromises with people they disagree with” or those who “stick with their positions.” Among Democrats, 59 percent preferred compromisers; among Republicans, only 36 percent did.¹¹ To ignore empirical findings of this sort is, in our view, to operate from a perspective that is the antithesis of realism.
- **There is no dispute over the fact that our two major political parties have sorted themselves ideologically, but a true realism would come to terms with this development, not pretend that our parties can once again become**

10 See Jacob S. Hacker and Paul Pierson, *Off Center: The Republican Revolution and the Erosion of American Democracy* (New Haven: Yale University Press, 2005); Thomas E. Mann and Norman J. Ornstein, *It's Even Worse Than It Looks* (New York: Basic Books, 2012); Michael Barber and Nolan McCarty, “Causes and Consequences of Polarization,” in *Solutions to Political Polarization in America*, ed. Nathaniel Persily (New York: Cambridge University Press, 2015); Jacob Hacker and Paul Pierson, “Confronting Asymmetric Polarization,” in *Solutions to Political Polarization in America*, ed. Nathaniel Persily (New York: Cambridge University Press, 2015); Christopher Ingraham, “This astonishing chart shows how moderate Republicans are an endangered species,” *The Washington Post*, June 2, 2015. <http://www.washingtonpost.com/blogs/wonkblog/wp/2015/06/02/this-astonishing-chart-shows-how-republicans-are-an-endangered-species/>

11 Pew Research Center for The People & The Press, “Obama in Strong Position at Start of Second Term,” January, 2013, 3.

philosophically polyglot coalitions. We doubt that any of the realists would want a return of southern segregationists to the Democratic Party, and we would think they would be aware that the defection of moderates and liberals from the Republican primary electorate over the past thirty years makes the return of progressive Republicans such as Charles “Mac” Mathias, Edward Brooke, or Jacob Javits impossible. Any proposals to improve the workings of our democracy must accept that a return to political alignments partly rooted in the Civil War will not happen. The ideological sorting will remain, at least for the foreseeable future, as will the negative partisanship¹² that makes such a return inconceivable.

- **Many of the realists, usually implicitly but sometimes explicitly, seem to long for a return to Gilded Age politics,** a period when political party leaders managing the large sums of money that came their way from well-endowed political interests had far more control over political outcomes. **On this matter, our views could not be more distant from theirs.** The threat to our system comes precisely from the growing power of concentrated political contributions. Redirecting these to the parties will not improve either the responsiveness or the efficiency of the political system. And the truth is that the parties themselves are already deeply complicit in the new money system. Giving more money to formal party structures would make little difference to the operation of government or the conduct of campaigns, but it would further tilt the system toward large donors. We agree with the veteran journalist Elizabeth Drew that “[a]s a nation, we have drifted very far from our moorings of truly representational government.”¹³ If the goal of the realists is to strengthen parties, they should join rather than resist reformers in rolling back the Wild West world of political money that *Citizens United* and lax-to-non-existent regulation by the Federal Election Commission (FEC) have created.
- **We reject the easy use of terms such as “democratic romanticism” and “populism” to describe what ails our political system.** Rauch writes: “The general assumption that politics will be more satisfying and government will work better if more people participate more directly is poorly supported and probably wrong.”¹⁴ We fundamentally disagree with Rauch in his skepticism of participation. Rauch surely cannot mean that he favors less participation in our democratic project—lower election turnouts, more barriers to voting, less attention by citizens to public affairs. We understand that much hangs on the meaning of the phrase “more directly,” but we see a democratic deficit rather than too little elite power as the

12 Alan Abramowitz and Steven Webster, “All Politics is National: The Rise of Negative Partisanship and the Nationalization of U.S. House and Senate Elections in the 21st Century,” (paper prepared for presentation at the Annual Meeting of the Midwest Political Science Association, Chicago, Illinois, April 16-19, 2015).

13 Elizabeth Drew, “How Money Runs Our Politics,” *The New York Review of Books*, June 4, 2015.

14 Jonathan Rauch, “Political realism: How hacks, machines, big money, and back-room deals can strengthen American democracy,” 30.

problem that ails our system. Many of our governing problems are rooted precisely in machine-like political behavior: partisan gerrymanders, proliferating legal barriers to voting, a gutted Voting Rights Act, a primary system that fosters low-turnouts, and the oversized role of moneyed interests in shaping legislation.

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Rauch and the realists have a core difficulty: Problems they frequently ascribe to the political reform era after Watergate did not actually appear until the post-Watergate reforms began to break down. There is no need to go back to Boss Tweed or the Gilded Age Congresses to find examples of government effectiveness. In fact, one of the reasons for the rise of the Progressives was a widespread sense that government was *not* working. It was failing to solve the problems of a new industrial era, dominated as it was by a narrow set of interests.

By contrast, from the mid-1970s through the early 1990s—the period during which the post-Watergate campaign finance and congressional reforms were largely intact—Congress was often quite productive, even in periods of divided government. The cooperation between Democratic House Speaker Tip O’Neill and President Reagan is documented in Christopher Matthews’ book *Tip and the Gipper*,¹⁵ while Ira Shapiro described the achievements of the other side of the Capitol in *The Last Great Senate*.¹⁶

The breakdown in governing that the realists are trying to cure was not caused by the reforms they so fervently criticize. Our system hit a crisis point later, most dramatically during President Obama’s time in office, when asymmetric polarization took hold and the intense competition between the parties for control of Congress and the White House drove the oppositional politics of today.

Their focus on procedural matters also overlooks the importance of many other social and political changes over the last several decades, including the emergence of much of the South as a one-party Republican political bastion, the impact of civil rights in realigning American politics, and growing polarization of public opinion along racial, ethnic and generational lines. These substantive changes matter far more than the question of whether it has become harder to make a back room deal.

Rauch emphasizes the desirability of more centralized control of the legislative process. He even imagines a Congress with strong parties *and* strong committees, even though such a combination

15 Chris Matthews, *Tip and The Gipper: When Politics Worked* (New York: Simon & Schuster, 2014).

16 Ira Shapiro, *The Last Great Senate: Courage and Statesmanship in Times of Crisis* (New York: PublicAffairs, 2012).

(not surprisingly to theorists) has never occurred in the history of Congress. But the same history suggests that centralization, which began in the Gingrich years and continued afterward, has not been a friend of either comity or governing. Far from promoting concord, the centralization of power seems to have given us less of it.

‘DEMOCRATIC ROMANTICISM’ AND REPUBLICAN GOVERNANCE

The new political realists do not (and could not) claim that “democratic romanticism” is new to our public life.¹⁷ It goes back to the founding. The Framers designed an extended commercial republic with a multiplicity of factions—requiring majorities to be built from coalitions of minorities through a process of accommodation and compromise. This meant representative, not direct democracy, one not simply reflecting public preferences but with a Congress whose task, in principle at least, was to “refine and enlarge the public views.”

The Anti-Federalists argued in the state ratifying conventions that a strong national government would abridge rather than secure personal liberties and ride roughshod over the states. They advocated an alternative institutional design built on vigilant watch and zealous control over the actions of their representatives. Their objective was to get as close to direct or plebiscitary democracy as possible and to guard against a natural aristocracy dominating a distant national government. Apart from the subsequent adoption of the Bill of Rights, the Anti-Federalists lost the initial battle—a constitution embodying Federalist principles and institutions was ratified—but their arguments and the public sentiments they expressed have exerted a powerful force on American politics throughout our history.

As Gordon Wood instructs us in his masterful book *The Radicalism of the American Revolution*, the democratic forces unleashed by the American Revolution overwhelmed the republican cautions of many of the framers in the years following the ratification of the Constitution. Many of the revolutionary leaders were bewildered and disillusioned by what they saw as the failure of their experiment in republicanism. “They found it difficult to accept the democratic fact that their fate now rested on the opinions and votes of small-souled and largely unreflective ordinary people.”¹⁸

James Morone’s *The Democratic Wish*¹⁹ nicely captured how these democratic aspirations and demands have often constrained the building and nurturing of public institutions and supporting structures needed to deliver the effective governance sought by the public. It is no surprise, as Francis Fukuyama recently reminded us²⁰, that, relative to other advanced democracies, the U.S.

17 The next three paragraphs are adapted from Thomas E. Mann and Norman J. Ornstein, *The Broken Branch: How Congress is Failing America and How to Get It Back on Track* (New York: Oxford University Press, 2006), 22-24.

18 Gordon S. Wood, *The Radicalism of the American Revolution* (New York: A. A. Knopf, 1992), 367.

19 James Morone, *The Democratic Wish: Popular Participation and the Limits of American Government* (New York: Basic Books, 1991).

20 Francis Fukuyama, *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy* (New York: Farrar, Straus and Giroux, 2014).

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has an unusually weak administrative state and a political system highly permeable to private interests.

Nonetheless, the steady expansion of democracy is an achievement in which Americans should take pride. It is not a cause for mourning. The trajectory of the republic since its founding has been toward the inclusion of previously excluded groups including, over time, white men without property, African-Americans, and women. As the historian Sean Wilentz observed in his magisterial *The Rise of American Democracy*²¹, groups representing what the 18th century simply called “the many” have won “the

power not simply to select their governors but to oversee the institutions of government, as office holders and as citizens free to assemble and criticize those in office.” If celebrating this achievement represents “democratic romanticism,” we plead guilty.

THE POLITICAL REALISTS’ CASE

While Cain, La Raja, Persily, Pildes, Rauch and others of the realist school differ among themselves on aspects of the broad argument and on the efficacy of specific reforms, they are united in their belief that some significant part of our governing problem is a consequence of ill-considered reforms. Some were instituted over the last 40 years. Others originated in the Progressive Era, and their most damaging impact in the realist view has been to weaken political parties and disarm their leaders. They contend that a century’s worth of political reforms have over-invested in fighting corruption and under-invested in building government capacity to mediate differences and forge compromise. Governing is an inherently difficult process, they insist, and successful deal-making requires a messy sort of transactional politics that usually falls short of the elevated standards set by reformers and editorial writers.

But their solutions are paradoxical: They propose to deal with the pathologies of extreme partisan polarization by changing the rules of political engagement to strengthen parties and restore the tools their leaders have traditionally used to restrain what Pildes calls “political fragmentation.”

Pildes provides the most elaborate and explicit statement of this case as part of what he identifies as his effort to develop “more of an institutionalist and realist perspective on the dynamics of democracy and effective political power, particularly in the United States.”²² He contrasts this “law of democracy” approach with a “rights-oriented” perspective that rests on “a conception of democracy that envisions individual citizens as the central political actors.”

21 Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: Norton, 2005), xix.

22 Richard H. Pildes, “Romanticizing Democracy, Political Fragmentation and the Decline of American Government.”

Pildes identifies the uniquely American cultural sensibility and understanding of democracy, one he views as excessively romantic, as largely responsible for our outlier status in the world of democracies. We elect vastly more public officials per capita than any other country, including the world's only elected judges and prosecutors. We lack independent institutions such as boundary commissions to oversee the electoral process, instead allowing partisan elected officials to police themselves on the perverse grounds that the latter provide more democratic accountability. We have a weak administrative state, far more subject to political control than other democratic countries. We have an unusually large number of political appointees serving in executive positions subject to Senate confirmation. And since the Progressive Era reforms, the direct primary has made our political parties more subject to popular control. The initiative, referendum and recall tools available in many states permit more bypassing of formal institutional politics than in virtually any other democracy.

From this, he concludes that “we should be wary of romanticizing a more engaged public as a vehicle that will save us from hyperpolarized partisan government.” As a matter of fact and history, much of Pildes’ broad description of the American system rings true.

Far less persuasive are his claims that political fragmentation is more significant and harmful to governing than polarization, that asymmetric polarization is a fiction, with the two parties equally implicated in this process even as leaders in both parties struggle to control their “extremists.” (Pildes puts both Senator Ted Cruz (R-TX) and Senator Elizabeth Warren (D-MA) under this label, a questionable linkage that overlooks, among other things, the very different attitudes of Cruz and Warren toward their respective legislative leaderships.) Pildes sees elected party leaders as having lost much of their power to control, unify, and discipline members of their own parties. Campaign finance laws are one of the culprits in his analysis because they sharply reduced the role of party leaders in determining the flow of funds to election campaigns. He sees small as well as large individual donors fueling extreme polarization and political dysfunction.

Rauch buttresses the case made by Pildes with a lively reflection on the history of party machines and a spirited defense of transactional politics—“the everyday give-and-take of dickering and compromise”—as an essential ingredient of effective governance. He anchors his analysis in James Q. Wilson’s 1962 book *The Amateur Democrat*.²³ Neither Wilson nor Rauch is doctrinaire about the superiority of professionals (aka political “regulars”), who traffic in material incentives, over amateurs (“reformers”), who are motivated by principles and issues. They acknowledge that most real-life actors exhibit both traits and any system which excluded either type would be morally bankrupt and politically unsustainable. Wilson understood that the old-style city machines were nearing the end of their dominance but saw some persistence of the ethic of the machine “in the habits of professional politicians for whom the value of organization and leadership are indisputable [and] personal loyalties and commitments remain indispensable.”

23 James Q. Wilson, *The Amateur Democrat: Club Politics in Three Cities* (Chicago: University of Chicago Press, 1962).

Rauch is rightly impressed with Wilson's prescience in seeing the rise of amateurs and demise of professionals producing a sharper ideological division between the parties and more gridlock. Rauch cites the 1962 Wilson to make his case about the sorry state of American politics today:

The need to employ issues as incentives and to distinguish one's party from the opposition along policy lines will mean that political conflict will be intensified, social cleavages will be exaggerated, party leaders will tend to be men skilled in the rhetorical arts, and the party's ability to produce agreement by trading issue-free resources will be reduced.²⁴

Rauch then proceeds to describe what he views as the defining elements of political realism in the contemporary era. Realists believe that governing is inherently difficult, that incrementalism and equilibrium are to be valued, that trade-offs are inevitable, and that back-scratching and logrolling are signs of a healthy, not a corrupt, political system. (Nothing controversial there; by these standards, we, too, are political realists.) Most importantly, political parties should play a central role in governing "but have been too often overlooked or marginalized by the reforms of recent decades."

Rauch sees parties as playing a key but not always an exclusive role: "In order for governments to govern, political machines *or something like them* need to exist, and they need to work." His machines are informal and mutually accountable political hierarchies that allow politicians to "reliably and reasonably reach accommodations on the problems and conflicts which demand resolution from day to day." These machines discipline its members, set boundaries, and prize professionalism. They are middlemen and gatekeepers who seek to create durable organizations that monopolize power. These organizations are also transactional and opaque. As an example of such "machines," he discusses the regime of regular order in Congress built around a hierarchy of committees and seniority rules. What he doesn't explain convincingly is why and how this "textbook Congress" gave way initially to a more individual-centered body but eventually became the highly centralized "party Congress" of today.

Rauch argues that the most constructive contribution of machines is to empower leadership by inducing followership. "Loyalty is tenuous, interest is capricious, and ideology is divisive; though all can help inspire followership, they are no substitute for systematic inducements like money, power, prestige, protection, and the other stocks-in-trade of machine politics."

Rauch then makes an impassioned case that progressive, populist, and libertarian reformers "have collaborated relentlessly and effectively to reduce the space for transactional politics." The cumulative effect of seemingly reasonable and appropriate reforms of past decades "has been to replace relatively accountable machine politics with fragmented and unaccountable private actors." Rauch implicates a wide range of reforms in his indictment: primary elections for nominating candidates, campaign finance reforms, transparency requirements, and restrictions on earmarks.

²⁴ Wilson, *The Amateur Democrat*, 358.

His solution: remove the damaging restrictions that stifle transactional politics, lose the neurotic obsession with corruption, and stop romanticizing the value of increasing public participation.

We certainly do not dispute the analytical value of Wilson’s analysis of the battles between “regulars” and “reformers” of the 1950s and 1960s, or of the late Daniel Patrick Moynihan’s sprightly description of their battles in New York City. But his evidence on the alleged impact of reforms is unconvincing and his own version of change naïve and surprisingly apolitical.

THE ROMANTICISM OF THE NEW POLITICAL REALISTS

The core problem with the realists is that they tend to ignore their own advice about realism and pragmatism. As Rauch puts it, “Always, the realist asks: ‘Compared with what?’ Principles alone mean little until examined in the harsh light of real-world alternatives.” So we ask: Where were those strong, less fragmented national parties that compare so favorably with today’s weak versions? Which congressional party leaders had the tools (money, committee assignments, pork, career advancement) to discipline wayward members and did so effectively? Rauch and Pildes don’t suggest that their single point of comparison is the Gilded Age reign of Speakers Reed and Cannon, when some of that behavior was in evidence before its overthrow early in the 20th century. They focus on recent history, just before and after the passage of key campaign finance laws and adoption of new congressional rules and practices weakening committees and empowering individual members. They assert that parties and their leaders were strong and effective until the reforms upset the governing equilibrium and then became weak and ineffectual. Yet scholarly studies of parties and Congress over the last half century provide little support for this portrait.

Begin with the presidential nominating process. Here was a case of pressure from amateurs, activists, and ideologues in the aftermath of the disastrous 1968 Democratic National Convention leading to a rewriting of the rules to displace the party regulars and substitute issue-motivated primary voters and open caucus participants. Nelson Polsby’s *Consequences of Party Reform*²⁵ is the classic account of how this episode of party reform marginalized parties’ comparative advantage in choosing candidates based on their prospects of winning the general election and governing effectively once in office.

Set aside for the moment evidence that the transformation of the presidential selection began with the advent of televised national party conventions, well before the formal party rules and state laws were changed. John Zaller and his UCLA school colleagues in *The Party Decides*²⁶ make a powerful case that party actors quickly reclaimed their ability to steer the selection of presidential nominees through the “invisible primary.” These scholars demonstrated that parties are less collectives of

25 Nelson Polsby, *Consequences of Party Reform* (New York: Oxford University Press, 1983).

26 John Zaller et al., *The Party Decides: Presidential Nominations Before and After Reform* (Chicago: University of Chicago Press, 2008). See especially Chapter 7.

election-minded politicians responding to the median voter than networks of party and elected officials, interest groups, activists, campaign professionals, donors, and media voices with clear policy demands. These extensive networks of players with shared interests, values, and beliefs reinforced the distinctiveness of the parties and their unusually disciplined team play.²⁷

The old notion of parties as pragmatic and moderating forces amid extreme and uncompromising interests does not fit well with how contemporary American politics works—and has worked for a very long time, independent of campaign finance or congressional reform measures. The changes in American politics were primarily

sociological, not procedural. They were the product of broad changes in American life, including the decline of old urban ethnic neighborhoods, the political empowerment of previously excluded groups, notably African Americans, and the growing power of the very college-educated and professional class that Wilson described. Moreover, the party bosses were not displaced by reformers primarily. *They were displaced by television*—and, over time, by a large class of media consultants, political pollsters, negative research specialists, and, in recent years, technological whizzes. The new approach to politics was captured well by a quip from Democratic political consultant Robert Shrum.²⁸ He observed that in contemporary politics, a political rally consists of three people around a television set. Today, they might be gathered before a website.

The new realists, in their emphasis on party organizations and material incentives, mostly ignore much of the life blood of parties—the real stuff of politics—including the many decades-long efforts of intellectuals and ideological activists that shaped the coherent party coalitions of today described by Hans Noel²⁹ and the success of social movements built by unions and conservative evangelicals to form durable alliances with, respectively, the Democratic and Republican parties, documented in a new book by Daniel Schlozman.³⁰

So it's no surprise that they turn a blind eye to possibly the most important contributory factor to our dysfunctional politics—the radicalization of the Republican Party. Realists have much to say about partisan polarization but nothing about its asymmetry. They embrace a false equivalence that

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27 Kathleen Bawn, Martin Cohen, David Karol, Seth Masket, Hans Noel and John Zaller, "A Theory of Political Parties: Groups, Policy Demands and Nominations in American Politics," *Perspectives on Politics* 10, no. 3 (2012): 571-597.

28 Edwin Diamond and Stephen Bates, *The Spot: The Rise of Political Advertising on Television*, 3rd ed. (Cambridge: MIT Press, 1992), 382.

29 Hans Noel, *Political Ideologies and Political Parties in America* (New York: Cambridge University Press, 2013).

30 Daniel Schlozman, *When Movements Anchor Parties: Electoral Alignments in American History* (Princeton: Princeton University Press, forthcoming).

Our political difficulties are plainly less a consequence of Republican fragmentation than a wholesale embrace of strategies and tactics of an outlier party.

often affects mainstream journalism (and many political scientists) as well. (Could this be a new form of “political correctness?”)

Pildes cavalierly dismisses asymmetric polarization by citing two anomalous findings based on indirect measures of party polarization in Congress and equating the “extreme positions and roles” of Senators Cruz and Warren in their respective parties. Remarkably, he frames his inquiry into “The Decline of American Government” by referring only to arenas where there is a broad consensus that government must act but is unable to do so without bringing the country or world to the edge of a precipice.

He sets aside “areas of partisan conflict in which one side has a substantive policy preference for the status quo (climate change policy, for example).” The well-documented fact is that the Republican Party has undergone a remarkable shift on numerous policy positions over the last 40 years, including climate change, health care, immigration, taxes, science policy, programs for low-income households, and infrastructure, to say nothing of civil rights and a range of social issues. These ideological shifts are at the heart, not the periphery, of the decline of American government.

Moreover, taking Pildes on his own terms, the most recent episodes of hostage-taking and brinksmanship involving government shutdowns and threats of public default—to which we would add reflexive unified party opposition to efforts to revive the economy, even in the midst of an economic crisis, and aggressive nullification efforts not seen since the antebellum South—were entirely the work of a single party. (It’s worth noting that at the beginning of the economic crisis in the fall of 2008, the financial rescue package put forward by President Bush was initially defeated in the House because of overwhelming opposition from his co-partisans and eventually passed primarily with Democratic votes. One party in Congress ignored the depth of the crisis and stood idly by while their president tried to avoid a catastrophe. If polarization were symmetrical, would Democrats have bailed out a Republican president just weeks before a national election?)

Our political difficulties are plainly less a consequence of Republican fragmentation than a wholesale embrace of strategies and tactics of an outlier party. One need only read the 2010 *Young Guns: A New Generation of Conservative Leaders*³¹ written by House Republican leaders Eric Cantor, Kevin McCarthy and Paul Ryan to see that these ideas and positions were hardly the exclusive province of a Tea Party fringe. That reality was clear from the very first day of Obama’s term: On the evening of his first inaugural, Republican elites agreed over dinner that their party would oppose whatever the

31 Eric Cantor, Kevin McCarthy and Paul Ryan, *Young Guns: A New Generation of Conservative Leaders* (New York: Simon & Schuster, 2010).

new president proposed, rejecting any engagement in negotiation and compromise. And, again, they did this at a moment of economic crisis.³²

Interestingly, in light of Rauch's embrace of machines and earmarks, Ryan traces his party's problems to "the corruption that occurred when Republicans were in the majority," and what he had in mind were "earmarks."³³ Without naming names, Ryan offered this rather searing indictment of his party: "They brought in more machine-like people," he wrote. "And I think our leadership changed and adopted the position that we beat the Democrats' machine, now it's time to create a Republican machine to keep us in the majority. And out of that came this earmark culture." Putting aside that Ryan was part of the majority he was condemning, the idea that "transactional politics" ended because of old political reforms is hard to sustain. Ryan was speaking explicitly against transactional politics, an approach perfectly consistent with an anti-government ideology.

Standing on principle and eschewing compromise became the considered stance of the Republican establishment and was strongly endorsed by Republican voters. Democrats, by contrast, first by shedding the Dixiecrats on their right and then by moving toward a more centrist posture during the Clinton years—a development Obama praised during his 2008 campaign³⁴—became a more unified center-left party. It was, of course, fully engaged in what has become a permanent campaign to capture or retain party control, but it embraced the messy business of lawmaking and accepted the legitimacy of the opposition party. Indeed, during George W. Bush's presidency, many key Republican initiatives passed only with the help of Democratic votes.

There is also the question of party strength or weakness, how it is measured, and whether it has changed significantly over the last century and in recent decades. It's entirely true that the United States had a robust party politics following Reconstruction and into the Gilded Age.³⁵ Before the adoption of the Australian secret ballot, parties provided party tickets for their supporters and organized raucous parades to drop them in the voting boxes. Turnout—among those who were allowed to vote—was very high. Strong norms against individual candidates campaigning on their own behalf put parties in a central position with the electorate. The late 19th century saw the development of a strong, centralized party leadership in the House, although this was less true of the Senate. As the long period of frequent shifts in party control and divided party government came to an end with the ascendance of the Republican Party, pressure built within the majority to make the Congress governable. Speaker Thomas Reed delivered and disciplined party government reigned, at least for a time.

But as ideological differences emerged within the Republican caucus and rapid turnover gave way to members aspiring to build careers in Congress, Reed's successor, Joseph Cannon, was stripped

32 Robert Draper, *Do Not Ask What Good We Do* (New York: Free Press, 2012), xvii-xix.

33 Eric Cantor, Kevin McCarthy and Paul Ryan, *Young Guns*, 5.

34 E.J. Dionne Jr., "Ditto Democrats," *The Washington Post*, September 21, 2007.

35 This history is recounted in *The Broken Branch*, Chapter 1.

of his powers by a coalition of Democrats and progressive Republicans in 1910. The revolt against “Cannonism” was institutionalized in 1911 and by the 1920s the remnants of strong party leadership had given way to a decentralized House with strong committees dominated by seniority and the agenda shaped by an independent-minded Rules Committee. A weaker version of the rise and fall of strong party leadership in the Senate mirrored that in the House. That decentralized Congress with relatively weak party leadership persisted through much of the 20th century, with its productivity waxing and waning in patterns mostly unrelated to the strength of congressional party leaders. Its structure, dominated for decades by the “Conservative Coalition” of Republicans and southern Democrats, remained largely intact into the 1970s. Since then, as the parties became more internally unified and ideologically distinct, power increasingly gravitated to party leaders and party caucuses. Political scientists call it “conditional party government.”

...the claim of the new realists that campaign finance laws have had devastating effects on parties is simply not supported by the evidence.

After several decades, it has led to the highest levels of party voting in the electorate and in Congress in at least a century.

A similar story can be told about national, state and local party organizations and campaign finance practices. Another Brookings paper published last July, “Party Polarization and Campaign Finance,”³⁶ traces the history of party financing of federal elections, examines the impact of the Federal Election Campaign Act of 1971 and 1974 (FECA) and the Bipartisan Campaign Reform Act of 2002 (BCRA) on parties, and weighs the impact of outside or “independent” spending on the position of parties and party leaders in the broader scheme of campaign finance. A separate paper by Michael Malbin published shortly after the Brookings paper covers much of the same territory and reaches similar conclusions.³⁷ The bottom line of these papers is that the claim of the new realists that campaign finance laws have had devastating effects on parties is simply not supported by the evidence.

In their heyday in the late 19th, early 20th centuries, local, mostly urban, patronage-based and Democratic political machines played a key role in the nomination of federal candidates, but their influence has been miniscule for a half century. State and national parties were notoriously weak, bit players in the financing of candidates for federal office during most of the last century. Realists claim FECA damaged the parties by shifting to a candidate-centered regulatory regime. But the act eliminated the ceiling on national party spending enacted in 1940, established higher contribution

36 Thomas E. Mann and Anthony Corrado, “Party Polarization and Campaign Finance,” Brookings Institution, July 2014.

37 Michael J. Malbin, “McCutcheon Could Lead to No Limits For Political Parties—With What Implications for Parties and Interest Groups?” New York University Law Review Online 89, no. 92 (November 2014): http://www.nyulawreview.org/sites/default/files/pdf/nyulawreviewonline-89-92-malbin_0.pdf

limits for parties than for candidates and PACs, allowed parties to make additional limited coordinated expenditures for their candidates, and provided a public subsidy for national party nominating conventions. The rise of television and the increasingly candidate-centered nature of campaigns, both of which increased costs and the demand for resources, began many years before FECA was enacted.

Party organizations increased their resources immediately after passage of FECA, allowing them to build core staff and provide campaign assistance to candidates.³⁸ In addition, a series of rulings by the Federal Election Commission permitted the parties to raise and use exempt funds (not subject to limitations on the size or source of contributions) for purposes unrelated to federal elections, such as state party building and grassroots political activity. The so-called “soft money” began as a trickle, but the ingenuity of Bill Clinton and Dick Morris turned it into a flood that primarily financed election-oriented issue ads in the 1996 presidential election campaign. Soft money from corporations, unions and wealthy individuals quickly became a focus of national party fundraisers and was a significant factor in party finance between 1996 and 2002, including two presidential and two midterm election cycles. With the passage of BCRA and the Supreme Court’s holding that its major provisions were constitutional, party soft money was banned after the 2002 election.

It is an article of faith among the new political realists that BCRA’s prohibition on soft money had a devastating effect on parties. Most if not all were strong opponents of McCain-Feingold before its passage and believe their concerns were fully confirmed by subsequent experience. The late Nelson Polsby, Cain, Persily, La Raja, and Democratic election lawyer Robert Bauer—his blog *More Soft Money Hard Law*³⁹ has provided much of the critical commentary on campaign finance regulation over the years—were especially outspoken in their opposition before its passage. They provided the most respected and oft-cited arguments and evidence of the damage it did to parties.

The scholars and lawyers involved in developing the ideas in BCRA and in its constitutional defense read the evidence of its impact on parties in a dramatically different way. These include the late Frank Sorauf, Malbin, Norman Ornstein, Anthony Corrado, Trevor Potter, David Magleby, Jonathan Krasno, and one of the authors of this paper (Mann). This substantive divide among professional colleagues and friends is Rashomon-like in its conflicting interpretation of reality and has been evident over the years within the political science community, especially pronounced among faculty and graduate students at the University of California, Berkeley.⁴⁰ It parallels the pitched battles between “reformers” and “deregulators” within the activist community.

We acknowledge our involvement in one side of the debate over whether McCain-Feingold has weakened the parties, but would urge readers to consider the arguments and evidence on both sides

38 Paul S. Herrnson, *Party Campaigning in the 1980s* (Cambridge: Harvard University Press, 1988).

39 See Robert Bauer, *More Soft Money Hard Law* (blog). <http://www.moresoftmoneyhardlaw.com/>

40 Thomas E. Mann, “Linking Knowledge and Action: Political Science and Campaign Finance,” *Perspectives on Politics* 10, no. 3 (2003): 571-597.

of the divide. A good start would be comparing La Raja's 2013 paper in *The Forum*⁴¹ with Malbin's 2014 article in *N.Y.U. Law Review Online*.⁴²

We would summarize the new realist position this way: With a Supreme Court disposed to read the First Amendment as presenting huge barriers to the regulation of campaign finance and political money naturally flowing like water in a hydraulic system that is dependent on a few large reservoirs, always seeking new outlets as others are capped, the statutory prohibition on soft money eliminated a growing source of party finance and diverted it to outside groups that do not share the incentives of parties to win elections by appealing to the median voter. Outside spending by super PACs and nonprofit groups fractionalize spending patterns, provide sustenance to ideological outliers and issue activists, increase partisan polarization, and weaken democratic accountability by steering money around rather than through parties.

The competing view of McCain-Feingold rests importantly on the assertion that parties are today bigger players in the financing of federal elections than any time since the beginning of the Progressive Era more than a century ago. We reprint below a table from the 2014 Brookings paper showing the total money raised by the six national party committees, in presidential and midterm election cycles, between 1976 and 2012. Both parties compensated for the loss of soft money with hard money receipts measured in inflation-adjusted dollars. Democrats reached a high point two years after McCain-Feingold went into effect and held their own after that. Republicans tailed off a bit in presidential cycles after 2002 but that gap disappears when the Republican Governor's Association (RGA) and the Republican State Leadership Committee (RSLC) funds are added back. Republicans did drop off in midterm election cycles but it occurred between 2006 and 2010, after McCain-Feingold had been in effect, and was mostly a consequence of a decline in small-donor receipts.

41 La Raja, "Richer Parties, Better Politics?"

42 Malbin, "McCutcheon Could Lead to No Limits For Political Parties."

MONEY RAISED BY NATIONAL PARTY COMMITTEES, 1978-2012 (IN MILLIONS OF DOLLARS)

YEAR	DNC		DSCC		DCCC		DEM TOTAL	RNC		NRSC		RNCC		REP TOTAL
	TOTAL (SOFT)		TOTAL (SOFT)		TOTAL (SOFT)			TOTAL (SOFT)		TOTAL (SOFT)		TOTAL (SOFT)		
PRESIDENTIAL ELECTION CYCLES														
1976	52.8		4.1		3.8		60.7	117.3		7.2		49.2		173.7
1980	43		4.6		8		55.6	217.2		62.2		56.6		336
1984	103		19.7		23		145.7	234.1		180.5		128.9		543.4
1988	101.5		31.6		24.2		157.3	176.5		127.8		67.3		371.6
1992	154.5	(46.60)	42.6	(0.80)	27.6	(6.60)	224.7	195.2	(55.10)	133.7	(12.60)	68	(10.20)	396.9
1996	305	(146.70)	65.6	(20.60)	56.1	(17.20)	426.7	448.9	(167.00)	137.2	(42.90)	150.4	(42.10)	736.5
2000	344.9	(180.00)	138	(84.20)	141.5	(77.10)	624.4	500.5	(217.50)	127.8	(59.30)	199.8	(70.40)	828.1
2004	493.3		108.2		113.8		715.3	478.7		96.4		226.6		801.7
2008	278.3		174.2		188.6		641.1	457.5		101		126.6		685.1
2012	290.4		145.9		183.8		620.1	390.2		117.1		155.7		663
MIDTERM ELECTION CYCLES														
1978	39.8		1		9.7		50.5	120.5		38.3		49.5		208.3
1982	39.2		13.4		15.5		68.1	200.3		116.3		138.1		454.7
1986	36		28		25.8		89.8	175.1		180		83.2		438.3
1990	25.5		30.9		16		72.4	120.9		114.5		58.5		293.9
1994	134.8	(69.90)	41.6	(0.60)	38	(7.90)	214.4	201.2	(65.70)	111.3	(10.10)	48.8	(7.40)	361.3
1998	172.3	(80.90)	86.8	(36.50)	58.9	(23.40)	318	251.5	(104.80)	127.9	(52.60)	136.5	(34.00)	515.9
2002	210.6	(124.20)	186	(124.00)	132.1	(72.70)	528.7	369.7	(151.90)	161.4	(85.60)	252.1	(93.80)	783.2
2006	149.1		138.4		159.5		447	277		101.3		201		579.3
2010	235.7		136		172.1		543.8	206.2		117.9		140.5		464.6

Note: All numbers are expressed in 2012 dollars. For each party committee, total receipts include soft money.

Source: The 1976-1986 figures are from Paul S. Herrnson, *Party Campaigning in the 1980s* (Cambridge, MA.: Harvard University, 1988), pp. 32-34; the 1988 figures are compiled from Federal Election Commission, FEC Press Release, October 31, 1989; the 1990 figures are compiled from Federal Election Commission, National Party 24-Month Data Summaries; the 1992-2012 figures are from Campaign Finance Institute, *Hard and Soft Money Raised by National Party Committees, 1992-2012*, available at <http://www.cfinst.org/>.

The most telling figure is that both parties dramatically upped their game on behalf of their congressional candidates over the past 30 years. In 2012 they spent through contributions, coordinated spending, and (overwhelmingly) independent expenditures more than six times what they spent in 1980. This does not even include the substantial investments being made by the congressional party committees on voter registration and contact. A generation ago, congressional party leaders and their party campaign committees were minor players in House and Senate elections. Today they run the boiler rooms of national party election campaigns. Congressional party leaders are all champion fundraisers on behalf of their parties; in fact, top-tier fundraising status is almost a prerequisite for moving into the upper echelons of party leadership and for gaining committee chairmanships. The congressional party campaign committees target key races,

It is a mistake to assume that all or most non-party independent spending committees are separate from the parties.

steer a massive redistribution of funds from their mostly safe incumbents to these more competitive races, raise substantial sums from small and large donors to boost their candidates in those races, direct a similar flow of resources from allied groups, and develop party strategies for what are increasingly nationalized elections.

Surely, the reality of politics in 2015 does not suggest that the parties have been weakened in the electoral arena.

Realists might ask: But are they truly thriving in the largely unregulated world of campaign finance dominated by super PACs and politically-active nonprofit organizations? Might the parties be stronger in an absolute sense but still weaker relative to non-party organizations?

Realists say the answer is yes. We think the evidence runs the other way. It is a mistake to assume that all or most non-party independent spending committees are separate from the parties. Here, too, the parties have adapted. Both parties have informally affiliated super PACs run by former party officials and operatives who act as surrogates for the party leaders. Another group of party-aligned super PACs established by traditional allies has, with few exceptions, followed the spending lead of party central. Even the non-aligned groups play almost exclusively in one party or the other, including those like Club for Growth and the Koch's Americans for Prosperity that got their starts well before BCRA and were spurred by differences with the "mainstream" party leadership. The major exception is single-candidate super PACs, which operate mostly in the battles for presidential nominations and account for much of the outside spending.

What could party organizations and their leaders do better in reducing polarization and hyperpartisanship, avoiding systemic damage through threats of default and government shutdowns, and working with their counterparts on the other side of the aisle if the soft money ban were repealed? Would this lead to the election of more ideological moderates and fewer "extremists" because parties, by the realists' definition, work to win elections by recruiting and supporting candidates who appeal to the median voter? There is little evidence for this in the behavior of actual political leaders. Would party leaders have more resources and less competition from outside players to discipline their recalcitrant members? Certainly not in general elections, given the overwhelming number of safe seats for each party and the highest priority placed on holding or capturing a majority. Would party leaders intervene more frequently in primaries to chasten or replace their most unreliable members? Malbin thinks not and we concur: "[T]here is little evidence so far that the formal party committees will become engaged against the groups (referring to those relative few at odds with the party mainstream) in more than a handful of contested primaries. That

they have not done so is not because the parties lack money. It is because it is rarely in the party leaders' self-interest to take the risk."⁴³

Republican Party leaders were late to contest weak primary candidates with even more extreme views in 2010 and it cost them Senate seats. They finally responded in a handful of 2014 Senate races where they feared losing the general elections, but this didn't stop them from helping Tea Party champions such as Tom Cotton of Arkansas, whose prior record left no doubt about his extreme views.

Realists largely ignore the broader polarized and nationalized environment that has led parties and interest groups to be much more closely aligned. They ignore as well as the ideological and strategic rethinking within the GOP (what Pildes refers to as fragmentation) reflected in Paul Ryan's observations cited earlier and in the political initiatives of the Koch Brothers. Moving more resources from these groups to the parties' books is unlikely to change that fundamental calculus. We don't think it would be good for the country to bring back the 19th century political parties. But even if it were, doing so is simply impossible.

One final point on the role of state parties. Cain and La Raja have written more about state than national politics. La Raja's early work looked at how federal campaign finance reform weakened state political parties.⁴⁴ Reform skeptics look to state experience for confirmation of their positions on the harmful effects of misguided political reforms on national politics.

There is no doubt that party officials operating under state laws with fewer or no limits on the size or source of contributions have chafed under BCRA restrictions that only hard (i.e. federally regulated) money be used for registration and get-out-the-vote activities during much of the election year. State party receipts did decline by a third between the four years leading up to McCain-Feingold and the four years before the 2012 election. At the same time federal and state party spending on voter contact and mobilization more than tripled for the Republicans and doubled for the Democrats between the 2000 and 2004 presidential election cycles. We suspect that transfers of soft money from national to state parties in the immediate pre-BCRA campaigns inflated state receipts but were used primarily for election-oriented issue ads, not traditional party building activities. Nonetheless, there is a case for loosening restrictions on state parties but not to expect much change as a consequence given the high priority presidential candidates and national parties are already placing on identifying and mobilizing base voters in swing states.

La Raja's most recent work with Schaffner on state campaign finance laws and party polarization is an interesting and important piece of scholarship that has been widely cited by realists.⁴⁵ At this point

43 Michael J. Malbin, "McCutcheon Could Lead to No Limits For Political Parties," 102.

44 Raymond J. La Raja, *Small Change* (Ann Arbor: The University of Michigan Press, 2008).

45 See the forthcoming book by La Raja and Schaffner, *When Purists Prevail: Campaign Finance Reform and the Polarization of American Politics* (Ann Arbor: University of Michigan Press, forthcoming).

all we have to go on are blog posts, some extended informal correspondence with La Raja, and a draft first chapter of their book. The headline of the research is that legislatures in states operating under more lenient or no restrictions on party fundraising are less polarized than those in states with tougher restrictions. Ergo, if you want to reduce polarization, free parties to raise and spend as much money as they can.

The text beneath the headlines reflects the fragility of their evidence. It involves only party contributions to incumbents in 20 professionalized legislatures, with no consideration of challengers or independent party spending. It ignores the strategic involvement of national Democratic and Republican committees, formally separate from the party organizations, that are dedicated to gubernatorial and state legislative elections. And it is extremely difficult to establish a causal link between party financing and party polarization. Two of the dozen or so states coded as having no limits on party finance (and, their argument goes, naturally disposed to recruit and elect moderate politicians), are Texas and North Carolina. The behavior of their legislatures in recent years cannot, on any plausible definition, be described as “moderate.”

It is especially difficult to generalize from the states to national politics, since red and blue states vastly outnumber purple ones while we have only one Congress, which is very closely divided between the parties. La Raja and Schaffner tell us nothing about whether few or no restrictions on party finance in purple states with divided party government reduce polarization and improve governance. The gridlock in Washington is a consequence of the ideological polarization of the parties buttressed by vast party networks, their strategic opposition to one another throughout the legislative process fueled by the intense competition for control of the White House and Congress, the prevalence of divided party government, and the asymmetry between the parties that leads Republicans to eschew negotiation and compromise.

The situation in the states is dramatically different. Most now have unified party governments, and gridlock is the exception, not the rule. There is little evidence of moderation in the Republican-controlled states, whatever their campaign finance laws. La Raja and Schaffner recognize some of these limitations, but nonetheless plow ahead in applying their (relatively weak) state findings to federal elections and policy making. But to their credit, La Raja and Schaffner at least acknowledge some uncertainties in their findings. Those who champion their research to link party polarization in Congress with campaign finance rules choose to see no limitations at all in this research.

STRATEGIES FOR CONFRONTING THE PROBLEMS OF AMERICAN DEMOCRACY

What then do the new political realists offer as reforms for dealing with dysfunctional politics and governance? Mostly, as we have seen, their strategy is to reduce partisan polarization by strengthening party organizations and leaders. Pildes insists that “political fragmentation” is more problematic than polarization, and Rauch looks to strengthen any machine-like entity, including

parties, which increases the scope for transactional politics. But these differences of emphasis do not set them apart from the broader realist strategy. One of their solutions—bringing back earmarks—has an initial appeal to those of us who appreciate deal-making, coalition-building and compromise as tools for enacting substantial legislation. But the explosion of earmarks between 1996 and 2005 had nothing to do with greasing the wheels of the legislative process. As Schmitt observes: “(A)s a potential solution to the problem of governance, the key fact about earmarks is not that they aren’t available. It’s that junior members of Congress don’t want them anymore. . . . they can win re-election without bringing home pork-barrel spending projects.”⁴⁶ Paul Ryan’s testimony on this count is important. In fact, there is suggestive evidence that among the most extreme Republicans—those most inclined to contribute to polarization in Congress for reasons, they would argue, of principle—earmarks are more a political liability than benefit in their districts and states.

...any new earmarking regime would need to carry specific limitations to avoid past abuses that undermined the old approach to earmarks.

We should say that we have no objection in principle to bringing back “earmarks,” defined as specific projects for specific districts sponsored by individual lawmakers. But any new earmarking regime would need to carry specific limitations to avoid past abuses that undermined the old approach to earmarks. These would include open sponsorship of specific spending proposals and requirements that any earmarked project affect a House member’s district and a Senator’s state. It is, however, highly unlikely that Congress will restore this practice. In any event, doing so would certainly not have the near-miraculous impact on legislating that the realists often predict.

Another realist solution is to make available more space for politically-difficult deal-making by reducing transparency. Of course it’s true that party and committee leaders in Congress need private venues in which to hammer out differences. Reaching compromise has become more difficult because of the non-negotiable demands party leaders now confront from partisan media sources and from highly committed interest groups and ideological organizations, as Sarah Binder and Frances Lee have argued.⁴⁷ Rauch has now elevated their observation into a central cause of Congressional dysfunction. But it is inconceivable that Congress would revert back to unrecorded teller votes in “the Committee of the Whole” that allowed members to veil their positions from their constituents. Nor will committees ever again be able to close committee markup sessions as a matter of routine. In any event, restoring secrecy along these lines would be a very bad idea. Bringing back such practices would do little to improve the legislative process—and much to reinforce and aggravate the public’s already low opinion of Congress.

46 Mark Schmitt, “Democratic Romanticism and Its Critics.”

47 Sarah Binder and Frances Lee, “Making Deals in Congress,” in *Solutions to Political Polarization in America*, ed. Nathaniel Persily (New York: Cambridge University Press, 2015).

Transparency is not the cause of the breakdown in governing.

Here again, the romanticism of the realists about an idealized past encourages them to miss the real causes of dysfunction. *The main hurdle to serious negotiations between the parties is the absence of incentives for party leaders to negotiate, not the lack of opportunities to do so away from television cameras.*⁴⁸

The core flaw in the realists' claim that leaders need more room to negotiate in secret is that *they already have ample room for private negotiations*. Once Speaker John Boehner decided the time had come to put an end to the nettlesome annual Medicare "Doc Fix," he and Democratic Leader Nancy Pelosi had no difficulty working in private with key staff members over several weeks, with no damaging leaks, to reach an agreement. Similarly, Senate Majority Leader Mitch McConnell and Vice President Joe Biden were able to negotiate a detailed agreement to raise taxes after the 2012 elections because both parties perceived an interest in reaching a compromise. The government shutdowns during the Clinton and Obama years were brought to an end and bipartisan votes were eventually permitted by the House Republican leadership that had resisted them because the political costs of continuing obstruction proved too high for their Republican sponsors. Transparency is not the cause of the breakdown in governing. What John Gilmour has called "strategic disagreement" plays a much larger role.⁴⁹

But restoring earmarks and reducing transparency are small arms in the reform arsenal of the new realists. They assert the best way to reduce extreme partisanship (which, in our political system, prone to divided party government, leads to a dysfunctional politics and government) is to strengthen parties by freeing them to raise and spend more money. The case Rauch and others make is that if party leaders had greater control over campaign funds, they would be able to block the election of extreme candidates and increase the number of moderates in Congress. This, they claim, would ease the challenge of building cross-party agreements in the political center. Others believe that reducing or eliminating the restrictions on party finance would strengthen the leverage of party leaders to discipline their wayward members.

One set of relatively modest recommendations from the realists would raise the limits on the size of contributions to parties, free state parties to ignore federal restrictions and operate under more permissive state laws in raising funds for voter registration and mobilization, and eliminate caps on coordinated party spending on behalf of their candidates. The latter idea would obviate the need for parties to set up independent spending operations, which are actually antithetical to the whole notion of parties. These ideas might be constructive within a policy framework of limits, although we see no reason to believe they would reduce partisan polarization.

48 The above-cited article by Binder and Lee is crystal clear on this point.

49 John Gilmour, *Strategic Disagreement: Stalemate in American Politics* (Pittsburgh: University of Pittsburgh Press, 1995).

A more radical proposal would remove all restrictions on party fundraising, putting party committees on a par with super PACs and politically-active “nonprofits” in fundraising, but give parties an additional advantage by legally allowing party groups to coordinate political activities with their candidates.

We have already explained and documented why we believe that overall strategy is flawed. Partisan polarization developed over a period of decades, well before outside spending groups appeared on the scene. It was driven by powerful structural, demographic, economic and social forces. There is little reason to believe the formal organizations and leaders in today’s networked parties have either the incentive or leverage, however much cash that crosses their books, to counter these forces. It is just as likely that diverting some portion of the outside mega-donations now associated with super PACs and politically active nonprofits to party campaign committees would exacerbate the ideological distinctiveness of the parties and strengthen their ties to the major interest groups in their networks. Party finance was not the cause of partisan polarization and it is not a promising solution to the governing problems left in its wake. The evidence from the actual behavior of party leaders is that if the law allowed them to raise more money, they would use the opportunity—and then encourage donors to continue to give to sympathetic outside groups.

Party finance was not the cause of partisan polarization and it is not a promising solution to the governing problems left in its wake.

Republican National Chairman Reince Priebus is, in many ways, the very model of the machine politician whom Rauch praises. Ben Smith, the editor-in-chief of BuzzFeed, wrote in early 2015 that Priebus “may be the one who finally figures out what the party is for.” And what does Priebus devote himself to? Smith answers directly: “Raising money is the core of Priebus’ job—he spends, he said, between 60% and 65% of his time raising money—and he is exceptionally good at it: He outraised the Democrats in 2012, and raised \$188.8 million in the 2014 cycle. And the money he raises is, he said, “the golden money.” It’s the type-O blood of politics. Anyone can use it, there’s a limited supply, but it’s the universal blood of politics here at the RNC.”⁵⁰

Far from trying to undercut the outside groups, Priebus is happy to see them prosper, as long as donors give to him. “Priebus asks only that big donors make that golden money their first contribution,” Smith says, “then they’re free to head off to the super PACs.”

It should be said that there is nothing irrational about Priebus’ approach. It underscores the fact that until the *Citizens United* decision is overturned and Congress is allowed once again to legislate against the oversized influence of big contributors, parties will continue to build political machines that encompass not only their own formal organizations but also the outside groups that Rauch criticizes. In a system already awash in big money, the notion that all would be well if big money

50 Ben Smith, “How Reince Priebus Reinvented The Political Party,” *Buzzfeed*, January 13, 2015.

...until the Citizens United decision is overturned and Congress is allowed once again to legislate against the oversized influence of big contributors, parties will continue to build political machines that encompass not only their own formal organizations but also the outside groups that Rauch criticizes.

were simply allowed yet another channel of influence strikes us as the opposite of realism.

Believing that better-funded parties would cure what ails the country is more a flight from politics than its embrace. The legal restrictions on party finance (as well as reforms of congressional rules and procedures) operated on both parties but one became much more extreme. Why then should we expect undoing the political reforms will fix our governing problems? Overcoming extreme partisan polarization will take the hard political work of pulling the Republican Party back from its current hard tilt to the right. Up to now, Jacob Hacker and Paul Pierson argue in a recent essay,⁵¹ the GOP hasn't paid much of a political price for its march rightward. The traditional levers of democratic accountability have failed to impose a cost for extremism. They outline a long-term strategy directed at informal as well as formal features of American politics to end what they call "the vicious cycle of dysfunction, distrust, and extremism." A start, they note, would be a wholesale and unapologetic defense of government itself, along with reforms to make it more effective. Transactional politics is impossible as long as

the transactions government undertakes are themselves seen as illegitimate. Former Representative Steve LaTourrette, an Ohio Republican, frequently says that he left Congress "because we couldn't even pass a transportation bill anymore."⁵² Such a Congress is unlikely to be improved through the re-introduction of earmarks.

We believe discussions of money and politics would be more productive if they turned away from polarization and focused directly on what is most problematic about campaign finance. The new political realists routinely deride the fixation on political corruption among campaign finance reformers. But surely much of the responsibility for the emphasis on corruption rests with the Supreme Court, which since its *Buckley* decision insisted that corruption or its appearance is the only constitutional basis for regulating campaign finance. The Roberts Court has narrowed that basis to *quid pro quo* corruption, which drastically limits the constitutional space for addressing reasonable concerns about money in politics that go well beyond transactions between individual donors and politicians.⁵³

51 Jacob Hacker and Paul Pierson, "No Cost for Extremism," *The American Prospect*, Spring 2015.

52 E.J. Dionne Jr., "Plain Vanilla Bipartisanship," *The Washington Post*, August 6, 2014.

53 Trevor Potter, "The Court's Changing Conception of Corruption," *The Campaign Legal Center* (blog), May 7, 2015, <http://www.campaignlegalcenter.org/news/blog/court-s-changing-conception-corruption>

There is no doubt that current jurisprudence has distorted the debate about campaign finance and severely limited the options for addressing any of its problems. When combined with overwhelming Republican opposition to public funding of federal campaigns—even in the form of matching grants to small donors—or any new legislative restrictions on the flow of money in campaigns that might pass constitutional muster, it is no wonder that some activists have devoted their energies to the adoption of a constitutional amendment that would restore the authority of Congress to legislate “reasonable” limits on campaign contributions and expenditures. We suspect that campaign is less about changing the text of the First Amendment, which faces very long odds, than it is about building a social movement to promote changes in Congress and the Supreme Court conducive to a new regime of campaign finance regulation.

To what end should that new regime, if it ever becomes possible, be directed? Richard Hasen, in his excellent forthcoming book *Plutocrats United*,⁵⁴ states the purpose clearly: to reduce the extent to which economic inequalities, inevitable in a free market system, are transformed into political inequalities. It’s not simply or even primarily a matter of corrupt politicians taking bribes. It is more a problem of the wealthy using their growing economic advantages to distort campaigns and policy making as a whole. Hasen rejects the approach long favored by some realists—floors, no ceilings—and instead outlines a strategy of leveling up, by providing a public voucher to every registered voter, and leveling down, by setting generous caps on what any individual or group can contribute or spend on any specific race and on the aggregate contributed or spent by individuals for all federal election activity in a two-year cycle. The key to this approach is a reconstituted Supreme Court establishing political equality as a constitutional basis for regulating money in politics.

A week before *Citizens United* was decided, four political scientists (including one of us) released a report, “Reform in an Age of Networked Campaigns.”⁵⁵ It acknowledged the “limits of limits.” Under longstanding constitutional jurisprudence, wealthy individuals determined to use their fortunes to try to influence elections and policymaking could find a way to do so, whatever statutory restrictions might be placed on them. These included independent spending, issue advocacy, privately-owned media companies, and philanthropy—and this does not exhaust the possibilities. The report recommended a broad strategy for increasing public participation and civic engagement, including enlarging the base of small donors through multiple public matches of small contributions and other incentives for candidates and parties.

In the wake of *Citizens United*, *SpeechNow*, and actions and inaction by the FEC and IRS, those limits have even more limits. The obstacles facing wealthy players have almost vanished. Super PACs and politically active nonprofits provide virtually unlimited opportunities for the wealthy to spend and for candidates to grovel before them. Some enjoy the notoriety of public disclosure.

54 Richard L. Hasen, *Plutocrats United: Campaign Money, The Supreme Court and the Distortion of American Elections* (New Haven: Yale University Press, forthcoming).

55 Anthony J. Corrado, Michael J. Malbin, Thomas E. Mann and Norman J. Ornstein, “Reform in an Age of Networked Campaigns,” jointly published by The Campaign Finance Institute, American Enterprise Institute and Brookings Institution, January 2010. http://www.cfinst.org/books_reports/Reform-in-an-Age-of-Networked-Campaigns.pdf

The many who don't can avoid disclosure through accommodating nonprofits linked to super PACs, candidates, parties, and interest groups. Each election cycle brings bold new initiatives to evade what meager legal limits remain.⁵⁶

Reformers are now mostly playing defense in the courts—trying to retain what remains of contribution limits, disclosure and other legal requirements.⁵⁷ Proposals for reform in Congress focusing on increasing disclosure, enforcing coordination restrictions on independent-spending groups, and encouraging small donations have no hope of enactment with Republican control of one or both chambers of Congress.

Some realists (not including Cain) are skeptical of any reliance on the increased participation of the public, as voters or donors, in dealing with the problems of American democracy. A number of scholars have concluded that small donors are as ideologically extreme as wealthy mega-donors.⁵⁸ Perhaps a more accurate way of describing them is ideologically consistent, not necessarily extreme. What this really means is that most donors, small or large, have strong partisan attachments and respond to sharp, usually negative partisan appeals.

But there is an enormous difference in the extent to which mega-donors and small donors capture the attention of elected officials and parties. Policy changes that significantly increase the number of voters and small donors while capping the amounts wealthy individuals can give would still provide an important counterforce to the plutocratic trends in our politics. The realists may not fear the arrival of a new Gilded Age. We do.

What's required is a new jurisprudence of political equality, a Supreme Court willing to accept it, and a Congress and a president motivated to enact a new regulatory regime for money in politics. This may be a long-term project, but when it comes to fixing our politics, it is far more promising than dreams about restoring old machines, efforts to restrict transparency in government, or further steps that would enhance the influence of those who already have their interests amply represented in our system.

The realists may not fear the arrival of a new Gilded Age.

We do.

56 Paul S. Ryan, "How 2016ers Are Breaking the Law and Getting Away With It," *The Campaign Legal Center* (blog), March 24, 2015. <http://www.campaignlegalcenter.org/news/blog/clc-blog-how-2016ers-are-breaking-law-and-getting-away-it>

57 CLC Staff, "New Litigation Summary from CLC Reveals Ongoing Flood of Challenges to Campaign Finance Laws," *The Campaign Legal Center* (blog), May 28, 2015. <http://www.campaignlegalcenter.org/news/press-releases/new-litigation-summary-clc-reveals-ongoing-flood-challenges-campaign-finance>

58 Adam Bonica, "Small Donors and Polarization," *Boston Review*, July 22, 2011 (<http://www.bostonreview.net/bonica-small-donors-polarization>); Adam Bonica, Nolan McCarty, Keith T. Poole, and Howard Rosenthal, "Why Hasn't Democracy Slowed Rising Inequality?" *Journal of Economic Perspectives* 27, no. 3 (Summer 2013): 103-124.

THE POLITICS WE NEED

But the limits on contrarianism arise when its practitioners cross the line from provocation into a denial even of shared norms that the contrarian almost certainly embraces.

Our Brookings colleague Jonathan Rauch has sought to invigorate the debate about our political distemper by offering a powerful dose of contrarianism. But the limits on contrarianism arise when its practitioners cross the line from provocation into a denial even of shared norms that the contrarian almost certainly embraces. It says something about Rauch's willingness to shatter icons that he offers a partial defense of the closure of three access lanes to the George Washington Bridge by officials in the administration of Republican New Jersey Governor Chris Christie to punish the Democratic mayor of Fort Lee for his failure to endorse Christie's re-election in 2013.

Rauch, of course, is careful to say that the move was “laughably boneheaded and comically incompetent” and that a political machine's punishments “are supposed to be meted out to political adversaries, not random commuters.” But he adds: “Still, to a realist, what the Christie officials were trying, incompetently, to do (organize their political environment by rewarding friends and punishing foes) was not shocking.”

But what Christie's allies did *was* shocking. Their actions were far more than “laughably boneheaded and comically incompetent.” They were illegal precisely because they put a public facility to private and vindictive use—severely inconveniencing, as Rauch acknowledges, thousands of innocent commuters, and also first responders—all on the anniversary of the nation's worst act of terrorism centered just a few miles downriver. This is precisely the sort of abuse that demands the transparency, public accountability, and condemnation at which many realists scoff. Moreover, the foe Christie was punishing was a Democrat who refused to cross party lines. Where does this fit in with Rauch's support for strong political parties? The larger point is that “machine politics” of this sort isn't wrong because it “looks bad under the microscope of modern media,” as Rauch writes. It's wrong because it's bad, and it's bad because it's wrong. Pity the nation or state that would accept such behavior, even if it were carried out in a less “boneheaded” way.

For all our disagreements with our colleague, however, we do share in his celebration of the example of political concord and compromise he cites at the end of his paper. He describes how the Utah gay community and the Mormon Church engaged in weeks of closed-door negotiations to reach agreement on a bill that would simultaneously extend antidiscrimination protection to Utah's gay, lesbian and transgender citizens while also offering certain conscience exemptions for the faithful.

It was, indeed, a great and heartening achievement. But Rauch's case does not make the point he tries to advance in his paper. This negotiation was unaffected by transparency rules on government

because it was a discussion among private parties. Citizens are perfectly free to work out their differences. Moreover, the agreement had nothing to do with rules affecting government or campaign donations and everything to do with a will to compromise on the part of both parties. This will reflected the experience of individual citizens with their gay and lesbian friends and neighbors and the concern of the Church of Jesus Christ of Latter Day Saints with its reputation after a backlash against its deep financial engagement with an anti-gay marriage campaign in California. The move toward moderation was the result of changed hearts and minds and effective politics by the gay and lesbian community—political change that Rauch, our friend and colleague, did much to bring about through years of thoughtful writing and argument on the topic of gay marriage.

We do not believe that moderation will be brought back into our politics by allowing big money to rule, recreating old machines, or allowing politicians routinely to make secret deals. It requires a change in the political climate and an end to asymmetric polarization. This requires political work far more difficult and arduous than a few changes in campaign laws to give large donors even more power than they already have. But it is the most realistic path to making our political system work again.

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