

Re-inserting peer review in the American presidential nomination process

Elaine C. Kamarck



Elaine C. Kamarck is a Senior Fellow in the Governance Studies program as well as the Director of the Center for Effective Public Management at the Brookings Institution. She is a member of the Democratic National Committee's Unity Reform Commission and has served as a superdelegate in the last five presidential elections.

INTRODUCTION

Most Americans today view the ability to participate in a primary election for the nominee of a political party as a “right” akin to the basic right to vote in the presidential election itself. No one alive today can remember an era when presidential primaries did not exist, and very few living Americans can remember when primaries were only one part of the nominating process—and usually an unimportant one at that.

Most Americans would be surprised to know that one of our great presidents was nominated by a small cabal of Congressmen before he went on to win the 1800 election. That would be Thomas Jefferson. Or that another famous president was nominated by a convention consisting of 1,154 “superdelegates” before he went on to win the 1932 election. That would be Franklin Delano Roosevelt. Or that another famous president insisted that he would not seek the Republican nomination but was drafted by his party’s leaders anyway and won the 1952 election. That would be Dwight D. Eisenhower.

For most of American history, ordinary citizens not only did not participate in the nomination process, they did not *expect* to participate. Of course, the machinations of the various political parties in choosing their nominees was the stuff of great drama. Ordinary citizens read the newspaper accounts from the convention cities with great interest. Later on, they huddled around the radio to hear live speeches coming from the convention. And still later, they watched the conventions unfold on television. But the only way ordinary citizens could have a say in who they nominated was to participate in party politics at the precinct, county, or state level and hope to eventually get to vote for the convention delegates.

For almost two centuries, from 1796 to 1968, the candidates who ran for president were chosen in a process that was almost entirely closed to the public. Most Americans today would consider

The effects of those new rules combined to change the nomination system in ways that increased the power of the public and decreased the power of political elites.

these processes unfair and undemocratic because of changes that took place beginning with the 1972 nomination process; changes that few could anticipate. The story of the McGovern-Fraser Commission has been told by many, including, perhaps most thoroughly, by Byron Shafer in his 1983 book, “Quiet Revolution.”¹ It was formed in the aftermath of the contentious 1968 Democratic convention when anti-war protesters inside and outside the convention hall complained that they had been shut out of the nomination process.

As per the title of Shafer’s book, few people anticipated what the upshot of a commission designed to throw a bone to the anti-war movement would be. The Commission did not issue a specific rule dictating that the Democratic Party should use primaries to select delegates and that elected officials’ and party leaders’ roles should be downgraded or eliminated. Rather, it issued several rules regarding caucus participation, caucus timing, presidential preference and, most importantly, rules binding delegates to the outcomes of the primaries. The effects of those new rules combined to change the nomination system in ways that increased the power of the public and decreased the power of political elites.² As more and more states adopted binding state-run primaries, the Democratic reforms had a second unintended consequence—they reformed the Republican Party’s nomination system as well.³

FROM THE “NEW PRESIDENTIAL ELITE” TO SUPERDELEGATES

The first nominating convention held under the new reformed rules was the 1972 Democratic convention. It was a raucous affair, populated by delegates who looked and acted very differently from delegations in previous Democratic conventions. Many of those delegates were anti-war, civil rights and women’s liberation activists who were able to become convention delegates in the new open system that the reform rules created. No longer was the convention dominated by white men representing labor unions and democratic strongholds in the big cities. One of those power brokers, Chicago Mayor Richard Daley, was thrown out of the Miami convention, along with his entire delegation—a stark reminder of just how different American politics had become in the new era.

The transformation of the nominating system surprised the old party and engendered a brief outburst of interest in the effects of the new rules on the system. The political scientist Jeane Kirkpatrick (later to become America’s United Nations Ambassador), studied convention delegates to both parties in 1972 and concluded that, on the Democratic side at least, there was a new presidential elite “whose motives, goals, ideals, ideas and patterns of organizational behavior are different from those who have dominated American politics in the past.”⁴ In a 1981 book, James I. Lingle explored the profiles of those who voted in the 1968 and 1972 presidential primaries in California. His study led him to conclude that primary electorates were quite different from general election electorates and that this had a significant impact on who got nominated.⁵ In addition, Lingle and Shafer illustrated how the new system diminished the power of big states and elevated the power of small states like New Hampshire.⁶

The nominee of the 1972 Democratic convention, Senator George McGovern, went on to a spectacular loss against Richard Nixon in the fall, reinforcing the notion that something was fundamentally wrong with the new nominating system. And yet, a subsequent rules commission failed to halt the trend toward more and more binding presidential primaries and less influence by party leaders. By the 1976 nominating season, the number of binding primaries had

mushroomed from three in the pre-reform era, to seventeen. And caucuses had become the functional equivalent of primaries. However, unlike in 1972, in 1976 the new system produced a candidate, Governor Jimmy Carter, who won the presidency.

A truism of the modern nomination system is that winning does a great deal to dampen criticism of any system that produces a winner. Since the first goal of a political party is to win elections, criticism of the Democratic Party's new nomination rules tended to subside in 1977. But as Jimmy Carter's presidency floundered, critics of the system emerged with a new rationale. By the early 1980s, after Carter's presidency had gone down in an electoral landslide to Ronald Reagan, scholars and political leaders began to argue that by pushing party leaders and elected officials to the sidelines, the nomination system had lost its ability to judge whether or not candidates for president would, in fact, be good presidents. It was often argued that the chief virtue of the old system was its emphasis on "peer review," i.e., a process by which political insiders—individuals who presumably knew what it took to lead in a political context and knew who could become a successful president—judged potential nominees.

Thus, against the background of Jimmy Carter's failed presidency, participants in yet another rules commission—this one headed by Governor James (Jim) Hunt of North Carolina—argued for a way to insert party leaders back into the process. The esteemed scholar of political parties, Austin Ranney, told the Hunt Commission:

"In every other democratic country in the world, you name it, this is the case, the candidate is picked by a relatively small group of party people in which the party's elected public representatives, people who have faced the test of getting themselves elected to public office, play a prominent role. In many countries and in many parties they are the only ones that pick the party leader. ... I would like to see us reintroduce as much as we can—and how much we can is a different question—into our system, and that is what David Broder calls peer review, that is to say, people who know the potential candidates personally, who have seen them operate under fire, under conditions of stress, have seen them when they've had to display judgment, when they've had to decide when to stand firm and when to compromise and with whom, have certainly developed a kind of knowledge about them as to whether they would be good Presidents or not, that those of us who know the candidates only as voices and faces on the television tube cannot possibly know."⁷

Another famous political scientist, James Sundquist, wrote in a 1980 article:

"When the state primaries became the mode rather than the exception after 1968, a basic safeguard in the presidential election process was lost. Previously an elite of party leaders performed a screening function. They administered a kind of competence test; they did not always exercise the duty creditably, but they could – did – ensure that no one was nominated who was not acceptable to the preponderance of the party elite as its leader."⁸

Writing in 1983 in a book called "Consequences of Party Reform," the political scientist Nelson Polsby made the argument for peer review again. "What it takes to achieve the nomination differs nowadays so sharply from what it takes to govern effectively as to pose a problem that has some generality."⁹ He went on to say that:

"Peer review is a criterion which entails the mobilization within the party of a capacity to assess the qualities of candidates for public office according to such dimensions as intelligence, sobriety of judgement, intellectual flexibility, ability to work well with others, willingness to learn from experience, detailed personal knowledge of government and other personal characteristics which can best be revealed through personal acquaintance."¹⁰

The result of these concerns was the creation, in time for the 1984 election, of a group of delegates that would be automatic delegates to the convention by virtue of their office and who could choose to vote for whomever they pleased regardless of the outcome of a primary or caucus in their state. These party leaders and elected officials came to be called “superdelegates” by opponents of the idea. Opposition was driven by supporters of Senator Ted Kennedy who believed—probably correctly—that former Vice President Walter Mondale would win the bulk of the party-insider votes. Kennedy never did run in 1984, but the moniker “superdelegate” persists to this day.

Concern about the nomination system being open to “outsiders” or people who weren’t ready for prime time, as the saying goes, waned as the system produced nominees who made plausible presidents.

By 1988, the number of presidential primaries reached 35 and the political class had adapted to the new system. No longer did established politicians eschew running in primaries. Between 1984 and 2008, both parties nominated presidential candidates through the primary system who probably could have won their party’s nominations in the pre-reform system as well. Ronald Reagan was a two-term governor of California, the biggest state in the Union and a powerful springboard to the nomination in any system. Michael Dukakis was

elected twice as governor of Massachusetts. George H.W. Bush was a former director of the Central Intelligence Agency (CIA), ambassador to the United Nations, and chairman of the Republican National Committee. Bill Clinton was governor of Arkansas for over a decade and had been attorney general before that. John Kerry was a war hero who had served in the United States Senate for twenty years when he was nominated in 2004.

Concern about the nomination system being open to “outsiders” or people who weren’t ready for prime time, as the saying goes, waned as the system produced nominees who made plausible presidents. Even though the so-called superdelegates were present at every convention from 1984 on, the fact that their votes never changed the outcome of the public process meant that their existence was practically forgotten. Until 2008, that is. In that year, a senator from Illinois, Barack Obama and a senator from New York, Hillary Clinton, faced off in one of the closest nomination fights since the 1980 race between President Jimmy Carter and Senator Ted Kennedy. By spring of 2008, it was clear that the distance between their delegate counts was very small indeed and the Obama forces began to fear that the superdelegates, many of whom were for Hillary, would hand the nomination to her.

The Obama campaign waged a public battle against the superdelegates, arguing that they should vote for the winner of the popular vote. Most of the public had never heard of them before. And in an indication of just how much the system had changed in forty years, voters in 2008 were outraged. In a span of a generation, the nomination system had flipped. The views of the voters in a primary were considered the *only* legitimate views; while the views of the party leaders were considered illegitimate at best and downright corrupt at worst. In a March 5, 2008 poll by Pew Research, respondents thought the superdelegates should vote for the person who won the most support in primaries and caucuses rather than for the person they personally thought was best by a two-to-one margin: 63 percent to 32 percent.¹¹ Even some superdelegates thought it was a bad system.

Eight years later the superdelegate issue was back—in both parties. This time the issue was raised on the Democratic side by Senator Bernie Sanders in his close race against Hillary Clinton. And this time Clinton’s lead among the superdelegates was even more commanding, given that Sanders had spent his political career as an Independent and a socialist occasionally campaigning against Democrats and never really committing himself to the party.

Once again, rank-and-file voters were outraged at the very existence of superdelegates. Once Sanders dropped out in favor of Hillary Clinton, Sanders delegates managed to win, as a concession, the creation of a commission called the Unity Commission, which would look at ways to reduce the importance of superdelegates.

In the meantime, over in the other party, Republicans were watching in horror as Donald Trump, a complete outsider and a suspect conservative in a party of stalwart conservatives won the Republican nomination. While the Democrats were bemoaning the existence of superdelegates, more than one Republican activist wished they had some unpledged superdelegates to stop Trump's roll toward the nomination.¹²

In a span of a generation, the nomination system had flipped. The views of the voters in a primary were considered the only legitimate views; while the views of the party leaders were considered illegitimate at best and downright corrupt at worst.

IS IT TIME TO BRING BACK PEER REVIEW?

In 2008, four political scientists wrote a book called “The Party Decides: Presidential Nominations Before and After Reform.”¹³ Their thesis was that in spite of the vast changes in the nomination system, party insiders still controlled the party's nomination by virtue of their activities in the years prior to the convention year—a period traditionally known as the “invisible primary.” And up until 2016 they had a pretty sound thesis. As noted above, the nominees of both parties in the years after reform had for the most part been experienced, plausible presidents.

Until Donald Trump.

In 2016, the Republicans nominated the least experienced person to ever win the presidency. A large field of candidates, unable to unite to oppose Trump, had to sit idly by as an unknown and untested leader won primary after primary, rolling up enough delegates to clinch the nomination. His lack of governmental experience did not worry a primary electorate fed up with the status quo and determined to send a message to the Republican establishment. The primary system had made it all possible.

Had there been an acceptable alternative to Trump, a group known as the “Free the Delegates” faction might have won at the Republican convention in Cleveland. The basic guidelines of both parties' conventions allow them to determine their own rules, including rules that would ignore the primaries, once assembled. However, as Senator Lindsay Graham (R. South Carolina) said at the beginning of the nomination year, the choice between Donald Trump and Ted Cruz (the two frontrunners) was like the choice between “being shot or poisoned.”¹⁴ Without an acceptable alternative to Trump, the anti-Trump forces had nowhere to go. Nearly two decades after people had worried about the absence of peer review, the only thing most Republicans could do was hope that Trump's most outrageous behavior and statements were part of an act—and that he would settle down to become a good conservative American president.

It is too early of course, to make any pronouncements about the ultimate quality of a Trump presidency. Early confusion and missteps may be part of a learning curve that is somewhat worse than normal but that could be forgotten in a year. If, in fact, Trump turns out to be a successful or even moderately successful American president, the

decades-long argument about the importance of peer review in the nominating system will be put to rest. But if, for whatever reasons, his presidency is deemed unsuccessful, as Carter's was in the early 1980s, we can expect the issue to come back in the Republican Party as it did in the Democratic Party.

What is clear at this point in time, however, is that the American people have chosen to embark on a great experiment by electing a president with no public sector/political experience. The Appendix to this paper shows all the

presidents of the 20th and 21st centuries and the amount of public sector experience they had prior to their first nomination.

If, in fact, Trump turns out to be a successful or even moderately successful American president, the decades-long argument about the importance of peer review in the nominating system will be put to rest.

It is immediately evident that most of the people who ran for president on the ticket of a major party in the past one hundred plus years had more than a decade of public service behind them—12 years, on average. With the exception of Donald Trump, Wendell Wilkie, who won the Republican nomination in 1940, is the only nominee with no public sector experience. Before being nominated, Wilkie spent his career as a utilities lawyer in Indiana and as a *Democratic* political activist. In 1939,

he switched parties to join the Republican party, where he was nominated on the sixth ballot by a Republican party seeking an internationalist candidate to run against Roosevelt. Wilkie lost the electoral college by a landslide, giving Roosevelt an unprecedented third term.

PEER REVIEW IN AN AGE OF PRIMARIES?

The modern nomination system allows anyone to declare himself or herself a candidate for a party's nomination. All a person need do is pull together the modest amount of money needed to get on primary ballots, and be able to afford a coach ticket to the debates. From a pizza entrepreneur to an obscure former senator from Alaska who had been out of office for nineteen years before deciding to run for president, both political parties have found themselves having to make room on the stage for presidential candidates who have decided (for reasons only they can fathom) that they should be president.

But, as we saw in 2008 and again in 2016, the public regards their role in the nomination process as a right. It would be nearly impossible to turn back the clock and allow delegates to the conventions to be free to vote their own conscience without regard to the winner of their state's primary or caucus. So the challenge is to fit peer review into the process in some way, shape, or form.

Here are a few options.

Option #1 – Superdelegates. The easiest option is to retain superdelegates on the Democratic side and to introduce superdelegates on the Republican side. Currently on the Republican side, only the state chair, vice chair, and national committeeperson from each state can attend the quadrennial nominating convention without running as a delegate, but they are bound to vote for the winner of their state. The Republican Party could decide to make every Republican member of Congress, every Republican governor, and every Republican party chair, vice chair

and national committeeperson automatic unbound delegates to the convention. (These same people are the “superdelegates” on the Democratic side, along with a few others such as former Democratic presidents and vice presidents of the United States.)

The downside to this approach (for both parties) is that all these people are elected. Even national committee people have to run for election within their party structure. And they know there would be hell to pay with the rank-and-file party voters in their states if they voted differently than their state or district did. Which is why, in the years since the 1984 Democratic convention, the superdelegates have never overturned the winner of the delegates in the primaries and caucuses even though in 2008 and again in 2016, they could have. Of course, in extreme circumstances, the superdelegates could upend the judgement of voters in primaries. But in those cases—imagine John Edwards winning the primaries and news of his extra-marital affair and illegitimate baby breaking before the convention—the elected delegates would probably also reverse their vote.

As we saw in 2008 and again in 2016, the public regards their role in the nomination process as a right...So the challenge is to fit peer review into the process in some way, shape, or form.

Option #2 – A pre-primary endorsement. In Massachusetts, Democrats hold an “endorsing” convention for their statewide offices. Candidates seeking to be placed on the primary ballot must win the endorsement of 15 percent of the convention delegates. This guarantees that the candidates are at least minimally acceptable to the local leadership of the Democratic Party. Newcomers are often kept off the ballot, but some make it and go all the way to office, as Governor Deval Patrick did in 2006.

It would be possible, but probably very difficult, for the two parties to hold nominating conventions for the purpose of approving candidates for the primary ballots *before* the primary season. This would push the race for president to begin even earlier than it does now, but it would also inject an element of peer review—at least by local party leaders - as it does in Massachusetts.¹⁵

Option #3 – A pre-primary vote of confidence. Finally, the Congress, the national committee members, and the governors of each political party could convene, at the request of the national parties, sometime in December or early January to evaluate the presidential candidates. The meetings could be open or closed but would provide the other important elected officials in the party an opportunity to drill the candidates on what they expect to do and how they expect to do it. The Congress, the governors, and the national party would then issue a vote of confidence or no confidence. Members would be permitted to vote for more than one candidate. Their role would be to let the primary voters know what people in government think of the capabilities of these candidates prior to the beginning of the nomination contests.

The consequences of failing to receive a vote of confidence from at least 15 percent of the party leaders could be structured in a variety of ways. There could be no consequences at all absent the publicity. Or, those who fail the vote of confidence could be kept from a place at the party debates. Or, in the toughest version of this option, those who fail could be kept off state ballots.

The political elites would not be making any final decisions—the voters would still do that. But they would be telling the voters several important things. First, are all of these people knowledgeable and experienced enough to have the judgement to do the job of president? Second, do these people have the temperament to be a good president? And finally, are all of these people in line with the general philosophy of the Democratic or Republican party?

CONCLUSION

The modern American system of nominating major party candidates for president is so wide open that it allows for almost anyone with a minimum amount of support and resources to run for president. On the one hand, that openness is very appealing because of its small “d” democratic quality. On the other hand, it can be quite dangerous—potentially putting the Republic in the hands of someone who is, for reasons of temperament or experience or both, unfit for office.

All of the options above include the Congress, the governors, and the national parties in the nomination process. This is important because under our system of government, power is divided. These are all of the people that a president has to negotiate with in order to get his or her program passed.

Some element of peer review should be injected into the process as a safeguard against people who are obviously unfit for office and as a test of whether or not a potential president can operate in a system of divided power. How to do that while respecting the reality that modern voters expect to have the last word in the nomination process is a challenge—but one worth pondering.

APPENDIX: YEARS OF EXPERIENCE IN ELECTED OR APPOINTED PUBLIC OFFICE BEFORE BECOMING THE NOMINEE OF A MAJOR POLITICAL PARTY.

Year	Candidate	Party	Years of experience
1900	William Jennings Bryan	D	4
1900	William McKinley	R	18
1904	Alton B. Parker	D	4
1904	Theodore Roosevelt	R	5
1908	William Jennings Bryan	D	4
1908	William Howard Taft	R	17
1912	Theodore Roosevelt	Progressive	13
1912	William Howard Taft	R	17
1916	Woodrow Wilson	D	2
1916	Charles Evans Hughes	R	13
1920	James Cox	D	9
1920	Warren G. Harding	R	14
1924	John Davis	D	10
1924	Calvin Coolidge	R	12
1928	Al Smith	D	18
1928	Herbert Hoover	R	8
1932	FDR	D	12
1932	Herbert Hoover	R	8
1936	FDR	D	12
1936	Alf Landon	R	4
1940	FDR	D	12
1940	Wendell Wilkie	R	0
1944	FDR	D	12
1944	Thomas Dewey	R	5
1948	Harry Truman	D	20
1948	Thomas Dewey	R	9
1952	Adlai Stevenson II	D	4
1952	Dwight Eisenhower	R	6
1956	Adlai Stevenson II	D	4
1956	Dwight Eisenhower	R	6
1960	JFK	D	14
1960	Richard Nixon	R	15
1964	LBJ	D	24
1964	Barry Goldwater	R	12
1968	Hubert Humphrey	D	26
1968	Richard Nixon	R	15
1972	George McGovern	D	12

Year	Candidate	Party	Years of experience
1972	Richard Nixon	R	15
1976	Jimmy Carter	D	8
1976	Gerald Ford	R	25
1980	Jimmy Carter	D	8
1980	Ronald Reagan	R	8
1984	Walter Mondale	D	20
1984	Ronald Reagan	R	8
1988	Michael Dukakis	D	12
1988	George H. Bush	R	16
1992	Bill Clinton	D	12
1992	George H. Bush	R	16
1996	Bill Clinton	D	12
1996	Bob Dole	R	38
2000	Al Gore	D	14
2000	George H.W. Bush	R	5
2004	John Kerry	D	26
2004	George H.W. Bush	R	5
2008	Barack Obama	D	11
2008	John McCain	R	32
2012	Barack Obama	D	11
2012	Mitt Romney	R	4
2016	Hillary Clinton	D	20
2016	Donald Trump	R	0

ENDNOTES

1. (New York, Russell Sage Foundation) 1983.
2. See Chapter 1, Elaine C. Kamarck, *Primary Politics: Everything You Need to Know About How America Nominates Its Presidential Candidates*, (Washington, D.C., Brookings Press, 2016) Second edition.
3. From 1970 to 1992 Democrats controlled more state legislatures than Republicans.
4. *The New Presidential Elite: Men and Women in National Politics*, (New York: Russell Sage Foundation) 1976, p. 3.
5. "Presidential Primaries and Representation," by James I. Lingle in *Presidential Politics: Readings on Nominations and Elections, 2nd edition*, (New York: St. Martin's Press) 1983.
6. "Primary Rules, Political Power and Social Change," *The American Political Science Review*. Vol. 70, No. 1 (Mar., 1976), pp. 25-40
7. DNC Commission on Presidential Nominations, August 20, 1981, pages 50 – 51.
8. "The Crisis of Competence in our National Government," *Political Science Quarterly*, 95, (Summer 1980): 193.
9. (Oxford: Oxford University Press) 1983, p. 89.
10. Ibid, p. 169 – 170.
11. Accessed at: www.pewresearch.org/daily-number/how-super-delegates-should-vote/
12. The Republican party allows member of the Republican National Committee to go to the convention without running in primaries but they are bound to vote for the winner of their state so they are not superdelegates in the same way the Democrats are.
13. Marty Cohen, David Karol, Hans Noel, John Zaller, (Chicago: University of Chicago Press) 2008.
14. <http://www.politico.com/story/2016/01/lindsey-graham-trump-cruz-choice-218069>
15. As many Republicans have noted, in a year of intense internal divisions within a party, a pre-primary endorsement of anyone but Trump may very well have supercharged his candidacy as the outsider, anti-establishment candidate. Most states have petition alternatives for ballot access and Trump may have prevailed in any case.

GOVERNANCE STUDIES

The Brookings Institution
1775 Massachusetts Ave., NW
Washington, DC 20036
Tel: 202.797.6090
Fax: 202.797.6144
brookings.edu/governance

EDITING

Liz Sablich

PRODUCTION & LAYOUT

Cathy Howell

EMAIL YOUR COMMENTS TO GSCOMMENTS@BROOKINGS.EDU

This paper is distributed in the expectation that it may elicit useful comments and is subject to subsequent revision. The views expressed in this piece are those of the authors and should not be attributed to the staff, officers or trustees of the Brookings Institution.

The Brookings Institution is a nonprofit organization devoted to independent research and policy solutions. Its mission is to conduct high-quality, independent research and, based on that research, to provide innovative, practical recommendations for policymakers and the public. The conclusions and recommendations of any Brookings publication are solely those of its author(s), and do not reflect the views of the Institution, its management, or its other scholars.