

The urgent need for peer review in the presidential nominating process

By Elaine Kamarck

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Executive Summary

At the beginning of October, a Washington attorney named George Conway—husband of White House aide Kellyanne Conway—published a [remarkable piece](#) in *The Atlantic*. Titled “Unfit for Office,” the piece argues there is something seriously wrong with President Donald Trump. “Questions about Trump’s psychological stability have mounted throughout his presidency,” Conway wrote as he recalled the wide variety of people who have begun to question the president’s mental stability. Over the course of his presidency, according to Conway, people who know him and have worked with him, people who share his policy and partisan preferences—people who are not liberals or Democrats—have used words like “crazy,” and “unhinged,” to describe him. Former Defense Secretary Jim Mattis told his colleagues that Trump “[acted like—and had the understanding of—a fifth or sixth grader.](#)” Conway himself made the case that Trump comes close to the clinical definition of a narcissistic personality disorder.

In the first year of his presidency, everyone looked beyond the president’s behavioral quirks for a strategy. And yet, from the firing of FBI Director James Comey (called “the greatest unforced error in American politics” by Trump’s ally Steve Bannon) to the surprise and seemingly random decision to abandon our Kurdish allies in Syria (angering Republican senators who he needs to defend him from impeachment) to a variety of other actions big and small, Trump’s behavior is so often counterproductive and harmful to his own goals that it has become impossible to say that it is strategic. A red, white, and blue yard sign I spotted in front of someone’s house last weekend summed it up: “Any functioning adult 2020.”

Many years ago, Supreme Court Associate Justice Oliver Wendell Holmes Jr. [said](#) of Franklin Roosevelt, “A second-class intellect. But a first-class

temperament!” Roosevelt, a C student at Harvard, governed for four terms, during which he restored confidence in the American economy, created an American welfare state, and led the military to victory in World War II, among many other achievements. The key word in Holmes’ assessment is “temperament.” In the [world of psychology](#) temperament is more foundational to the way a person behaves than the term “personality” because it appears early on in life and shapes “emotional processes, stylistic components and attentional processes.” As we enter the final tumultuous year of the Trump presidency it is clear that while “crazy” and “unhinged” may be exaggerations, Donald Trump’s overall temperament is not suited to the job and is dangerous to the country.

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How did we get Trump?

Could President Trump have been avoided? George Conway harkened back to the original intent of the Electoral College, which was to be a truly deliberative body, not the largely ceremonial institution it has become today. The Constitution’s framers, Conway explained, expected the presidency “to be occupied by special individuals, selfless people of the highest character and ability.” And yet, the Electoral College hasn’t functioned in a deliberative manner since the very early days of the Republic. Nonetheless, for all these years we have never had a president so clearly temperamentally unfit for office as Trump. The question is: why?

To answer this, we must go back to a frequently overlooked aspect of the American presidency: the profound changes that occurred in the presidential nominating system of both major political parties beginning in 1972. These changes opened the political parties up to an unprecedented amount of popular participation. In so doing they enlarged the playing field but they also allowed reality TV stars, movie stars, pizza entrepreneurs, spiritual gurus—anyone

with a claim to the public imagination—to run for president, even going so far as to allow them on a debate stage. As I have [written previously](#),

When Franklin Roosevelt, governor of New York (then the nation’s largest state) ran for president in 1932 he did not have to appear on a debate stage with Clark Gable, one of the biggest movie stars of the 1930s, or with Charles Lindbergh, the first man to fly solo over the Atlantic Ocean. When Republicans sought Dwight Eisenhower for the Republican nomination in 1952, the man who had commanded Allied Forces in the victory in Europe—a job requiring enormous intelligence, experience and sobriety of judgement—they did not force him to appear on a debate stage with Rock Hudson, one of the biggest stars of his day.

But by the second decade of the 21st century we were beginning to get used to the fact that some people ran for president with motives other than actually governing. And in 2016, the Republican Party nominated the least experienced person to ever win the presidency. What allowed that to happen was the modern nominating system.

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. But beginning in 1972, the nominating power in both parties shifted from elected officials and party leaders to voters in presidential primaries. Doubts about Trump’s suitability for office were widespread among Republican office-holders in 2016—so much so that many of them skipped the Cleveland convention at which he was nominated. However, failure of the “Never Trump” movement at the Republican convention in 2016 showed conclusively that in the modern nominating system, primary voters, not party leaders, were firmly in control. On the other side of the aisle in 2016, supporters of Senator Bernie Sanders rallied against the so-called “superdelegates,” arguing that they were illegitimate participants in the nomination

process¹ even though the superdelegates were all, by and large, elected by the people and even though they had, for more than a century, constituted a nominating system whose legitimacy was not questioned.

For most of American history, ordinary citizens not only did not participate in the nomination process, moreover, 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 newspaper accounts from the convention cities with great interest. Later on, they huddled around the radio to hear live speeches coming from the conventions. 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. Primaries, especially presidential primaries, were few and far between; when they did happen most of them were mere beauty contests not binding on the delegates to the convention.

Nonetheless, once participation in a democracy has been widened it is impossible to pull it back. No one seriously believes we should go back to the old days of smoke-filled rooms. For one thing, those rooms tended to exclude people and for another thing the people in them didn't always make the best decisions. However, they did have a pretty good track record in one area: by and large both parties nominated people with experience in government and with some demonstrated success operating in a democratic system of government. We have never had someone as the nominee of a major political party whose temperament made him so unfit for leadership in a democratic system as Donald Trump. His instincts run to the autocratic and, as has been noted often, he admires autocrats, seeks to emulate them, and regularly tries to denigrate or sidestep the major legitimate players in the American constitutional system – such as Congress, the courts, the press and the bureaucracy.

The problem Trump poses is not policy oriented. Many other politicians, from Senator Ted Cruz to Vice President Mike Pence, would be as forceful proponents of the Christian evangelical agenda as Trump has been. The whole Republican party is for low taxes and against regulations—any number of Republicans would have pursued that agenda. By following a well-thought-out playbook, courtesy of the Federalist Society, Republicans have used the presidency and their control of the Senate to populate the judiciary with conservatives. This would have happened with just about any Republican president. And despite the opprobrium that has rained down on the president after his precipitous withdrawal from northern Syria, there is a serious argument to be made about America's engagement in the world and what it has cost us.²

The problem with Trump is his temperament. And temperament cannot be judged by the public because it is impossible for all but a miniscule number of voters to actually know the candidates and to judge them on the qualities that make for effective democratic leadership. But temperament can be judged by those who are in the same business—in other words, the party leaders and elected officials who used to constitute the old nominating system. We have gone from a system that devalued the opinion of rank-and-file voters to a system that devalues the opinions of other politicians. What we have lost is peer review.

Restoring peer review in the American nominating system

Peer review is a commonly accepted concept in most professions. In medicine, peer review is defined as, “the objective evaluation of the quality of a physician's or a scientist's performance by colleagues.”³ From lawyers, to accountants, to hair stylists, peer review is actually compulsory in the licensure of many professions—but not in politics. This is not the case in other democracies where, by and large, the leaders of political parties are chosen in processes that are restricted to party members.

The challenge for the future is to re-introduce some element of peer review into the nominating process. We are well past the time when we can or should go back to a closed process, but an argument can be made that our democracy is better off when it, at some point, vets future leaders for their potential to lead in a democratic system. We should begin with the recognition that the selection of a party's nominee is, in fact, not a purely public business. Over the years the Supreme Court has held, in a wide variety of decisions, that political parties are covered by the First Amendment's freedom of association clause and that parties can, at the least, veto potential standard-bearers.

The key, though, is we feel that in particular you're hiding behind these issues that are legitimate issues ... but do not necessarily make you a legitimate candidate, any more than in the city of Milwaukee if Jeffrey Dahmer were to stand up and talk about family values, that would make him a legitimate candidate.³

Of course, keeping a cult leader or a Klansman out of a party's nomination race is a pretty easy call, but the political parties need to become more assertive about who they consider.

In 2019 the Democrats, faced with a large field, found themselves using what initially appeared to be a neutral metric to decide who should appear

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For example, the cult leader Lyndon LaRouche filed to run as a Democrat on the New Hampshire primary ballot in 1996. The party chair at the time, Donald Fowler, declared that he was not “a bona fide Democrat,” because his beliefs were “explicitly racist and anti-Semitic, and otherwise contrary to the fundamental beliefs of the Democratic party.” He [went on to say](#) that if LaRouche won delegates, he could not have his name placed in nomination at the 1996 convention.² The U.S District Court decided in favor of Fowler and the Democratic National Committee, citing the associational rights of political parties.

The Republican Party has had similar problems. In the 1980s and 1990s they continually had to confront David Duke, a former leader of the Ku Klux Klan, who kept running (and sometimes winning) Republican primary contests. In 1992, Scott Walker, the young Republican Party chairman (and later governor of Wisconsin) kept Duke off the Wisconsin Republican primary ballot, [arguing that](#):

on the debate stage. Early on, the Democratic National Committee set thresholds for polling and small contributors that candidates had to meet to get onto the stage. The goals ended up having some perverse effects. Respectable, experienced Democratic officeholders like Montana Governor Steve Bullock were kept off the debate stage while a spiritual guru named Marianne Williamson, a person with no public policy experience or expertise, made it onto the stage due to the popularity of her advice books. It also allowed people to buy themselves into the debate. The billionaire [Tom Steyer has spent](#) “nearly \$30 million in advertising expenses ... [to] raise a total of \$2 million from 166,119 donors.”

In addition to re-asserting control over their own institutions, the major political parties can build into the nominating process points at which the opinions of those with whom a president will have to govern get heard. These opinions should be seen as a means of informing the public, not deciding in place of the public.

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 committee person 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 and vice chair a delegate 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.)

super delegates would be able to take the lead in judgements about a likely nominee facing serious electoral challenges.

A second option would be to require each group of superdelegates—House members, senators, governors, and national committee members—to cast ballots before the first primaries and caucuses. These groups could meet sometime in December or early January and on into the election year (to accommodate new entrants into the race) 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.

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The downside to this approach 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. Imagine if, in 2008, Senator John Edwards (D. NC) was leading in the primaries and news of his extra-marital affair and the resulting pregnancy had broken before the convention. In such a case, the 2008 super delegates would have been able to lead the convention away from Edwards towards someone less controversial and the elected delegates would probably have also reversed their vote. In this instance or in similar cases,

The purpose of this step would be to let primary voters know what people in government think of the capabilities of these candidates prior to the beginning of the nomination contests.

Rather than casting ballots in favor of one candidate or another—a system that would tip heavily in favor of the “establishment” candidate—these ballots could be a simple vote of confidence or no confidence. The criterion would be simple: is this person someone who, by virtue of experience and temperament, can operate successfully in a democratic form of government? Ideology should not be the metric, rather capacity for the office. Senator Bernie Sanders, who served as a mayor for nearly a decade and a member of Congress for almost three decades, during which he achieved important public policy goals such as the [bi-partisan bill dealing with the Veteran's Affairs health crisis](#), would clearly earn a vote of confidence from these groups. Andrew Yang, Tom Steyer, and Marianne Williamson—none of whom

has negotiated public policy with a city council let alone the United States Congress—would probably not.

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 on the debate stage or even kept off the primary ballots of each state.

What would such a system accomplish? First, it would keep unrealistic policy formulations from becoming rallying cries, such as Trump's promise to build a wall and make Mexico pay for it. Second, it would subject potential presidents to the real issues of the presidency as opposed to the fluff that often passes as issues. For instance, what is the future of the nuclear triad? (Donald Trump clearly didn't even know what this was [when asked during the 2016 debates](#).⁴) Third, it would lead other public servants to evaluate

a potential president's record of public service. Finally, it would offer a window into the subjective issue of "temperament" explored above. Donald Trump would probably not have passed this sort of vetting. He may still have gone on to win primaries and the Republican party may still have felt that it was better to nominate him than to alienate his voters. But at least the voters would have been formally forewarned.

This is but a small check in a nomination process that, we have now seen, is open to capture by people who are not fundamentally committed to a democratic system. Democrats are usually aghast when it is suggested that they could nominate their own version of Trump. And yet, their system is as vulnerable to capture by someone with thin ties to democratic norms as is the Republican system. Both parties are equally vulnerable to the easy lies and blandishments of an autocrat.

The parties need to step up to their role in protecting democracy.

¹ For a longer history of this transformation see: Elaine C. Kamarck, *Primary Politics: Everything You Need to Know About How America Nominates Its Presidential Candidates*, (Washington D.C. Brookings Press, 2019)

² See for instance, Barry R. Posen, *Restraint: A New Foundation for U.S. Grand Strategy*, (Ithaca, Cornell University Press, 2014)

³ Lamk Al-Lamki, Peer Review of Physicians' Performance: Is It a Necessary Quality Assurance Activity?, 9 SULTAN QABOOS U. MED. J. 109, 109 (2009), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3074768/> (quoting Peer Review, MCGRAW-HILL CONCISE DICTIONARY OF MODERN MEDICINE 497 (Joseph Segen et al. eds., 2d ed. 2006))

⁴ NOTE: Jeffrey Dahmer was a mass murderer.