POLITICAL PARTIES AND POLITICAL ACTION COMMITTEES: TWO LIFE CYCLES*

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Social scientists are fascinated with the departure of the old and the advent of the new, for we are confident that we learn more from change than from stability. And when the comings and goings, the rises and the falls, appear in sequence or succession, we are led to wonder whether the new pushed the old from the stage. So it is with the troubled, increasingly beleaguered political parties and the much younger, vigorous political action committees [PAC's]. As the curves of their fortunes intersected in the 1970's, we inevitably have speculated about the relationship between the success of one and the problems of the other.

In this case, the juxtaposition of fates could not be more dramatic. Political parties and PAC's are, in the lingo of political science, political organizations. That is, in their various ways they bring together the skills and resources of great numbers of individual citizens into large, more influential political aggregates. Both organizations focus this aggregated influence on our electoral politics. Indeed, it is not a great exaggeration to say that both mobilize the resources necessary for a successful pursuit of public office. Is it too much to conclude, therefore, that the success of PAC's has contributed to—or hastened—the decline of political parties, and that they are to some extent the parties' successors?

These questions are more easily posed than answered. To answer them would require a careful analysis of both the decline of political parties and the rise of PAC's. It would require as well some distinctions among both parties and the PAC's and a special attention to the

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short term but significant impact of PAC's. For an orderly attack on all of these problems, however, the story must begin with American political parties close to a century ago.

THE POLITICAL PARTIES: A TALE OF TWO ERAS

If American political parties ever had a "golden age," it was during the years immediately before and after the end of the nineteenth century. It was at that time that the parties stood astride our electoral politics, monopolizing both its symbols and its resources.[1] It is, in fact, against the ideal of the political party of that era that we measure the declines and troubles of the parties of today.

Our political mythology, as well as our political analysis, celebrates the parties of the turn of the century.[2] Party organizations—"machines," they were often called—enlisted the efforts of workers with patronage jobs and other favors and inducements. In return, these armies of workers "turned out" the vote in their neighborhoods for the candidates of the party. Success at the polls was accomplished in part by drawing upon the support both of friends and family and of the recipients of the favors of the party organization. In part, too, they achieved it by persuasion in door-to-door canvassing, by organizing meetings and rallies for the candidates, and by devising various ways of helping voters to the polls—and to the right choice—on election day itself.[3]

The quintessential "strong" party grew in response to the nature of the American electorate at the turn of the century. Population growth, spurred by massive immigrations from Europe, resulted in an increase of more than one hundred percent in the electorate in the one generation between 1872 and 1896.[4] It was, of course, an electorate with limited political information and sophistication; many of its members, indeed, were poorly educated or illiterate.[5] Thus, many Americans, whether new immigrants or not, doubtless were unaware of American politics and their place in it. And yet it was a time of political discovery and involvement for them and for the nation, a period of the maturing of mass popular democracy and its institutions.[6] It is well to

1. *See* C.E. MERRIAM, THE AMERICAN PARTY SYSTEM (1922).

2. *See, e.g.,* W. RIORDON, PLUNKITT OF TAMMANY HALL (1905).

3. F.R. KENT, THE GREAT GAME OF POLITICS 188 (1930); C.E. MERRIAM, *supra* note 1, at 308.

4. 2 UNITED STATES BUREAU OF CENSUS, HISTORICAL STATISTICS OF THE UNITED STATES 1071, 1079 (1975) [hereinafter cited as BUREAU OF CENSUS].

5. For example, while 76% of all persons 17 years and older were high school graduates in 1970, only 6% were in 1900. For a range of data and historical comparisons, see 1 BUREAU OF CENSUS, *supra* note 4, at 360-88.

6. H.J. FORD, THE RISE AND GROWTH OF AMERICAN POLITICS 208 (1898). The spread of democracy at the turn of the century resulted in a series of reform movements intended to extend

remember, for instance, that in the latter half of the nineteenth century "presidential election turnout nationally never dropped below 70 percent, and outside the South it was mostly between 80 and 90 percent."[7]

This heyday of party power in the United States was rooted primarily in the parties' monopoly of the tools and resources for organizing the mass electorates.[8] Knowledge of local voters and their views was the province of the party committeeman. His door-to-door canvass was the equivalent of today's public opinion survey. He and his fellow ward and precinct workers ran the campaigns; their activities spanned its entire period, from sounding out sentiment before the nominations to turning out voters on election day. The parties were, in short, the medium through which the campaign was waged. They brought candidates and voters together in rallies and meetings, and they transmitted a good deal of the rhetoric of the campaign, much of it through their own newspapers.[9] Moreover, in the absence of competing political organizations, the political parties alone provided the symbolic cues and loyalties that could help uneducated voters reach political decisions. In other words, the internalized loyalty and commitment to a political party gave shape and meaning to the confusion of choices the voter faced. Not surprisingly, therefore, voters responded to the party cues and voted straight party tickets to an extent we no longer know or even think possible.[10]

But it was not only the monopoly of electoral politics that marked this golden age of the political parties. They also converted their control of electoral politics into governmental power. In a number of American cities, in fact, they literally reigned, largely obliterating the distinctions between political organization and the institutions of government. In our time, only Richard J. Daley in Chicago achieved that kind of merger of government and party.[11] Furthermore, in Congress and in the state legislatures the parties maintained a degree of discipline unknown in the 1970's. As late as the 1920's and 1930's, party cohesion scores in the U.S. House of Representatives usually exceeded

political participation and democratize American political institutions. *See* R. HOFSTADTER, THE AGE OF REFORM 254 (1955).

7. E.C. LADD, AMERICAN POLITICAL PARTIES 166 (1970).

8. C.E. MERRIAM, *supra* note 1, at 308.

9. *Id.* at 312.

10. Burnham, *The Changing Shape of the American Political Universe*, 59 AM. POL. SCI. REV. 7, 13-20 (1965).

11. *See, e.g.*, E. KENNEDY, HIMSELF: THE LIFE AND TIMES OF MAYOR RICHARD J. DALEY (1978); M. ROYKO, BOSS: RICHARD J. DALEY OF CHICAGO (1971). For a review of the careers of earlier "bosses," such as Frank Hague of Jersey City and James Pendergast of Kansas City, see C. VAN DEVANTER, THE BIG BOSSES (1944).

sixty and often exceeded seventy.[12]

Reflecting on the glory days of American parties, it is essential to keep three general observations in mind. First, the heady power the parties enjoyed was centered in the party organizations—the official and hierarchical apparatus that in the states extended from the local committeeman to the state central committee.[13] The "party in government"—that part of the party composed of public officeholders and candidates seeking office—was largely subordinate to the power of the party organization. Campaigns were run by the party organizations, and the personalism of candidates and officeholders that so colors today's electoral politics was far less common. Second, the electoral politics at which the political party succeeded was not ideological or issue-centered politics.[14] The parties sought governmental power for patronage and favors rather than for the enactment of a party program into law. Indeed, the parties much preferred that they, rather than government, should be the source of social welfare and social justice in American society. Third, the electoral politics of 1900 and after went on without the expenditure by candidates of great amounts of money.[15] The men, machinery, and medium of the party—the means for waging a campaign, that is—were available to the party's candidates provided they were attentive to its discipline in the campaign and later in office. Fund-raising for campaigns as we know it today was, therefore, largely unknown.

Between the early years of the century and the 1960's, the parties lost their favored position. The loss did not occur at any one time or as a result of any one dramatic event. It began, in fact, earlier than most of us realized and proceeded at different rates under different circumstances. By the 1960's, however, the signs of decline were clear enough to attract the comment of both political scientists and political journalists.[16] Some used more dramatic words than mere "decline"; one dis-

12. J. TURNER, PARTY AND CONSTITUENCY: PRESSURES ON CONGRESS 21 (rev. ed. E. Schneier 1970).

Cohesion is a measure of the ability of a legislative party to maintain party unity or discipline in roll call votes. To compute the index, one subtracts the percentage in the minority from the percentage in the majority. Hence, if 75% of a legislative party are together in a vote, the cohesion index is 50.

13. It was against this fact of organizational control, especially of party conventions, that the movement for the direct primary was arrayed. C.E. MERRIMAN & L. OVERACKER, PRIMARY ELECTIONS 40 (1928).

14. F.R. KENT, *supra* note 3, at 195; E. SCHATTSCHNEIDER, PARTY GOVERNMENT 129 (1942).

15. The main fundraising was done by the party organizations, often (ironically) by extracting levies from would-be candidates and by taxing the salaries of its appointees in office. J.K. POLLOCK, PARTY CAMPAIGN FUNDS 113 (1926); J.A. WOODBURN, POLITICAL PARTIES AND PARTY PROBLEMS IN THE UNITED STATES 397 (rev. ed. 1914).

16. *See* W.D. BURNHAM, CRITICAL ELECTIONS AND THE MAINSPRINGS OF AMERICAN POLITICS 91 (1970); J. KIRKPATRICK, DISMANTLING THE PARTIES: REFLECTIONS ON PARTY REFORM AND PARTY DECOMPOSITION 2 (1978); Pomper, *The Decline of the Party in American Elections*, 92 POL. SCI. Q. 21, 35 (1977).

tinguished political scientist, for example, preferred and popularized "decomposition."[17] David Broder, perhaps the country's most prestigious political reporter, characterized the situation in a book entitled *The Party's Over*.[18] Observations on the decline of the parties were, of course, interlaced with comments on the growing importance of the parties' chief competitors: interest groups, political consultants, and political action committees.

What were the symptoms of the decline of the political parties? Not a great deal of elaboration is necessary, for the parties began to lose virtually every advantage that had supported their general superiority in the earlier era. They could no longer assure the discipline or cohesion of their legislative majorities. Pre-World War II party cohesion scores of sixty and seventy in the House, for example, dropped to the twenties and thirties by 1970.[19] Party organizations throughout the country lost their power and vitality. This loss was most visible in the "machines" of the industrial cities.[20] Campaigns for public office no longer depended on the party; candidates organized their own followings and organizations, and turned for expertise and manpower to a new race of political campaign consultants.[21] Even the formerly strong loyalty to a political party that pervaded the American electorate atrophied. While in 1952, only twenty-two percent of American adults considered themselves independents, that percentage rose to thirty-six by 1976.[22]

Explanations for the decline of the parties' role in American politics remain a tangle of cause and symptom that defies our limited understanding of social change and our tentative grasp of social causation. Suffice it here to note that the decline has been associated, *inter alia*, with:

—the gradual replacement of traditional incentives for party work (*e.g.*, patronage) by merit systems and the social service state;

—the rise of the direct primary and the reform of party conventions, the effect of which has been to transfer control of

17. W.D. BURNHAM, *supra* note 16, at 91. One ought not, however, to take the term literally; it is not intended to suggest decay after death.

18. D. BRODER, THE PARTY'S OVER (1971).

19. F. SORAUF, PARTY POLITICS IN AMERICA 341 (4th ed. 1980).

20. The most spectacular machine losses of recent years have been the defeat of Carmine de Sapio and the Manhattan Democratic regulars in 1961 and the decline of the Chicago Democratic organization in the late 1970's.

21. *See, e.g.*, R. AGRANOFF, THE NEW STYLE IN ELECTION CAMPAIGNS 52 (1972); D. ROSENBLOOM, THE ELECTION MEN (1973).

22. W. FLANIGAN & N. ZINGALE, POLITICAL BEHAVIOR OF THE AMERICAN ELECTORATE 54 (4th ed. 1979). The data are those of the Survey Research Center of the University of Michigan.

nominations from the party organization to the party in government;
—the advent of electronic mass media with its new expertise and escalating costs and with its promotion of the personal appeal of the candidate;
—the development of a new set of technicians who apply opinion survey, advertising, and mass media techniques to the new campaigning;
—the rise of a more literate, more politicized, and better educated electorate that no longer depends as greatly on the cues and directions of the party; and
—the coming of a new political culture that celebrates independence of party and questions the old party discipline and quid pro quos.

Within this list of the correlates of the decline of political parties there surely rests a more than adequate explanation. It does not, however, tell us what to think of the decline. Nor does it suggest whether the decline can be stopped or reversed.

The last point deserves one final comment. While we do not know if the decline of the parties can be stopped or reversed, we certainly need not assume that it will continue until the parties are dead or extinct. There is no reason or justification for assuming that a trend cannot be stopped. In fact, there is some reason to think that the decline of the parties may be levelling off. The growth of independents in the American electorate, for example, slowed down considerably in the 1970's.[23] In addition, in the 1976 presidential election, party affiliation as a determinant of the vote returned to near 1950's levels.[24] Legislative party cohesion, moreover, seems not to be declining further.[25] Various American traditions and institutions do guarantee a role for the political parties in American politics. It may be, in other words, that the minimum role they assure has already been reached.[26]

ENTER THE POLITICAL ACTION COMMITTEES

The very conditions that are so inhospitable to the political parties have enabled other kinds of political organizations to flourish. A number of these organizations bring to electoral and legislative politics the two assets the parties could not: (1) substantial sums of money for the new, media-based electoral politics; and (2) a loyal and responsive membership unified on a homogeneous group of issues. As to the first

23. *Id.* The percentage was 35 in 1972, 36 in 1974, and 36 in 1976.
24. *Id.* at 56-57.
25. F. SORAUF, *supra* note 19, at 341.
26. *Id.* at 404-08.

point, political parties have historically dealt largely in nonfinancial resources and have never successfully made the transition to the cash economy of the new campaign politics. Second, the major American parties had always been majoritarian parties embracing voters of various views and persuasions. Contemporary voters no longer support or feel loyalty to an omnibus set of commitments, however. Instead, they attach themselves more selectively to a number of narrower and more precise commitments—sometimes even as precise as a single issue.[27]

Political action committees did not arise as a result of legislative will or fiat. Nor did political parties. Political organizations have been extralegal developments, originating and developing in the interstices of American law. Often, in fact, they arise or are abetted by indirection, as unplanned consequences of some kind of regulatory legislation. Club style party organizations developed in a number of states at least in part as a way of evading state regulation of political parties. Political action committees, in turn, appear to have been helped into their adulthood by various attempts to limit the political activities of corporations and labor unions and to control campaign contributions and expenditures in federal elections.[28]

Although PAC's were certainly alive and well before the 1970's, especially in the ranks of organized labor, they grew to new importance after the Federal Election Campaign Act of 1971.[29] There were 608 nonparty PAC's in December, 1974; four years later their number had risen to 1,633.[30] PAC contributions to congressional candidates grew as well, from $20.5 million in 1976 to $35.1 million in 1978.[31] To look at the matter in another way, PAC's accounted for fourteen percent of the campaign funds for candidates for the House of Representatives in 1972, but twenty-five percent by 1978.[32] The growth of business, professional, and agricultural PAC's, moreover, far outstripped that of

27. On the new importance of issues in the American electorate, see G. POMPER, VOTERS' CHOICE (1975).

28. For comment on the unplanned consequences of federal campaign finance legislation, see Epstein, *Business and Labor under the Federal Election Campaign Act of 1971*, in PARTIES, INTEREST GROUPS, AND CAMPAIGN FINANCE LAWS 109 (M. Malbin ed. 1980).

29. 2 U.S.C. §§ 431-455 (1976 & Supp. III 1979).

30. Epstein, *supra* note 28, at 116. The number of PAC's had even gone as high as 1,750 in August, 1978. *Id.* Other authorities cite higher totals for the same dates or periods. One distinguished authority places the number for 1978 at 1,911. Broder, *Let 100 Single-Issue Groups Bloom*, Washington Post, Jan. 7, 1979, § C, at 1, col. 1.

31. Epstein, *supra* note 28, at 117.

32. Malbin, *Of Mountains and Molehills: PACs, Campaigns, and Public Policy*, in PARTIES, INTEREST GROUPS, AND CAMPAIGN FINANCE LAWS 154-55 (M. Malbin ed. 1980). Malbin notes the increase from only 23% to 25% between 1976 and 1978 and argues that the growth of PAC's has been overestimated. There is an alternative interpretation of the data, however. Looking at the biennial increases from 14% in 1972 to 17% in 1974, to 23% in 1976, and to 25% in 1978, it is apparent that the jump was greater in the presidential election year. This result is possibly due to the greater salience and thus the greater ease of raising money in a presidential year. One might well expect another substantial increase in 1980.

other PAC's. While labor PAC's increased their contributions to congressional candidates by thirty percent from 1974 to 1976, for example, PAC's allied with business, agriculture, and the professions chalked up a 141 percent increase.[33] Such growth results in great measure from two consequences of recent campaign finance legislation. First, the limits imposed on individual campaign contributions[34] put a greater premium on the contributions of PAC's. Second, the public funding of presidential elections focused and heightened PAC interest on congressional races.

The impressive growth of PAC's and their campaign contributions is, however, only a part of the story. Of equal importance are their choices of strategies and the pattern of their activities. To understand PAC's there is now a bank of data and a mass of scholarship and reporting equal to the task. The activities and strategies of PAC's can, for the sake of convenience, be discussed in two categories: Financial contributions to candidates and nonfinancial aid to parties and candidates.

With respect to cash contributions, all evidence suggests that PAC's are chiefly motivated to give money by a strategy of maximizing legislative access and influence. In both 1976 and 1978, for instance, PAC's backed incumbent candidates heavily. Depending on what one counts and who does the counting, PAC's in 1976 gave in the ratio of two[35] or three[36] to one to incumbents over challengers. In 1977-78, data from the Federal Election Commission places the ratio at close to three to one.[37] Furthermore, there was a tendency among PAC's to support incumbent committee chairman in House races more heavily than the total group of incumbents seeking reelection.[38] In addition, some PAC's limited their contributions largely to incumbents who were members of committees overseeing their legislative concerns.[39] In sum, PAC strategy is calculated to support those candidates who would best provide the access and sympathy for the group's legislative goals.

By pursuing a legislative strategy, of course, PAC's ruled out a strategy of supporting candidates on the basis of party or issue positions. That is, in following a legislative strategy PAC's contributed to

33. H. ALEXANDER, FINANCING THE 1976 ELECTION 545 (1979).

34. *See* 2 U.S.C. § 441a (1976).

35. COMMON CAUSE REPORT TO THE AMERICAN PEOPLE ON THE FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS (1977).

36. H. ALEXANDER, *supra* note 33, at 200.

37. Budde, *Business Political Action Committees*, in PARTIES, INTEREST GROUPS, AND CAMPAIGN FINANCE LAWS 16 (M. Malbin ed. 1980). The data are from the Federal Election Commission.

38. Weaver, *"Interest Groups' Campaign Gifts to House Leaders Doubled in '78,"* N.Y. Times, Dec. 25, 1978, at 1, col. 1. Weaver reports that PAC's provided 56% of the campaign funds that the 22 House chairmen spent on their campaigns.

39. Several instances of PAC targeting are reported in COMMON CAUSE, HOW MONEY TALKS IN CONGRESS (1979).

candidates, especially incumbent candidates, of both parties and of a fairly wide ideological spectrum. Corporate PAC's in 1976, for example, gave approximately one-half of their money to Democrats.[40] In 1978, despite a last month turn to Republican candidates, they gave more than a third of their money to Democrats.[41]

There was, however, one significant exception to this legislative strategy. While business, professional, and labor PAC's were giving heavily to incumbents, ideological PAC's were not.[42] In 1976, ideological PAC's gave almost fifty percent more to challengers than to incumbents, and in 1978 the margin was exactly fifty percent.[43] In addition, their contributions tended not to cross party lines. The largest of the "New Right" PAC's, the National Conservative Political Action Committee, for example, in 1976 gave more than $400,000 to congressional candidates.[44] Of its 150 recipients, only 16 (or 11%) were Democrats.[45]

During the 1970's, attention to the political activity of PAC's focussed on their financial contributions to campaigns. Because of their new importance as political contributors, PAC's were in fact proclaimed "the new fat cats" of American politics.[46] For some of them, though, campaign contributions are only a part of their political work. For example, labor PAC's such as the Committee on Political Education of the AFL-CIO [COPE], have long specialized in electoral activities beyond fund-raising and fund-spending. Their work in registering voters, endorsing candidates, and in turning out their members on election day is well known. One writer has placed a cash value of $8.5 million on the nonfinancial aid that labor PAC's gave the Carter-Mondale ticket in 1976.[47] Furthermore, "COPE's estimation of its own contribution to the presidental ticket included 120,000 volunteers, 10 million phone calls, and 80 million pieces of literature distributed to union members."[48] Obviously, while the ability to engage in such in-kind activities requires money, it also depends on organizational infra-

40. Malbin, *Labor, Business and Money—A Post-Election Analysis*, 9 NAT'L J. 412, 415 (1977).

41. Glen, *At the Wire, Corporate PAC's Come Through for the GOP*, 11 NAT'L J. 174 (1978).

42. The "ideological" PAC's are defined by two characteristics: Separateness from any independent organizational entity, such as a corporation or trade union, and a concern for some position on the liberal-conservative dimension. The liberal National Committee for an Effective Congress and the National Conservative Political Action Committee are examples.

43. COMMON CAUSE, *supra* note 35, at 8; Budde, *supra* note 37, at 16. Ideological PAC's are described by Budde as "no-connected," the terminology the Federal Election Commission also prefers. It appears, however, to be the same residual category as the one labelled as "ideological" in the Common Cause report.

44. H. ALEXANDER, *supra* note 33, at 715.

45. *Id.*

46. North, *The Effect: The Growth of Special Interests*, 10 WASH. MONTHLY 32, 32 (1978).

47. Malbin, *supra* note 40, at 412.

48. H. ALEXANDER, *supra* note 33, at 623.

structure, on gifts of volunteer labor, and on membership loyalty and acceptance.

The majority of PAC's have not followed the example of organized labor, but have elected to remain only financial contributors to campaigns. It has been left largely to labor PAC's to approach, in the range and diversity of their activities, the nature of a political party. They share with parties the ability to mobilize large numbers of voters, both as a result of their organizational activities and the power of their symbolic cues and loyalties. A leading scholar believes that corporate PAC's will expand their activities in these directions within this decade.[49] For now, however, they seem to be limited by their own traditions and by federal law limiting their communications with employees other than executives and administrative personnel.[50] While the PAC's of trade and professional organizations may freely communicate with their members, they have neither a tradition of broad political activity nor the administrative or organizational capacity to act on such a scale. In addition, few PAC's outside of organized labor can draw on the sheer number of loyal members necessary to make the fuller electoral role successful. Only ideological PAC's seem likely ever to mobilize the sheer number of voters that would support the range of activities that labor now undertakes.[51]

THE IMPACT OF PAC'S ON POLITICAL PARTIES

To outline the decline of political parties and the rise of PAC's is one thing. To relate them is quite another. Has the growth and success of PAC's contributed in any way to the decline of political parties? Are the PAC's, as a competing form of political organization, likely to fulfill the role the parties surrender in American electoral politics?

At the outset, it seems necessary to observe that there is no direct or dramatic cause-effect relationship between the rise of PAC's and the decline of parties. The relationship between the two is much more tangential, even distant. PAC's grew as a result of many of the same forces that diminished the parties' roles: (1) a more politicized, better educated electorate; (2) expensive campaign technology and industry; and (3) shifting incentives to political action in an affluent society. At the most, PAC's have only nudged the parties' downward slide. Their more important relation to the parties rests rather in what their development means for the future, both of the parties themselves and American politics more generally.

49. Epstein, *supra* note 28, at 126, 144-46.
50. *See* 2 U.S.C. § 441b (1976 & Supp. III 1979).
51. On the New Right in 1976, see H. ALEXANDER, *supra* note 33, at 714-21.

PAC's have emerged as a major partner in a new coalition of convenience in American politics, a coalition that excludes the party organizations. The ability of PAC's to raise increasing amounts of campaign money supports legislative candidates in their reliance on new campaign technology and expertise. Very simply, PAC contributions help candidates retain the costly services of opinion pollers, campaign consultants, and the media itself. It is, in effect, possible to "rent" a political party surrogate, but the price is dear.[52] PAC money fosters the extension of personalism in campaign politics and supports the freedom of candidates from reliance on party organizations, resources, and, even at times, the party label. And at a time when the power of incumbents is great—the result both of the advantages of office and the use of government programs for the advantage of the constituency and of individual voters—the pattern of PAC support further entrenches them in office.[53] Incumbents, then, are freer than ever from the constraints of party leadership in the legislature and in the executive branch. So, the coalition of PAC's and other contributors, of candidates and their personal organizations, and of legislators skilled in the cultivation of constituency support, serves well the legislative strategies of all the members of the coalition. All that has been lost is a place for the party and the modest ability it once had to bring legislators and executives together, however uncertainly, around coherent programs of public policy.[54]

Put another way, PAC's have aided and abetted the triumph of the "party in government"[55] in its struggle to be free of party organizations. But while the party organization can speak for the political party and its commitments and symbols, the party in government cannot. In the diffuse politics of the American separation of powers, the party in government is little more than a categorical group. It is divided and decentralized, the product of the politics of dozens or hundreds of local constituencies. There is little that impels it to collective responsibility or action of any kind. Certainly it cannot in any way speak for the party when its own interests are often served by avoiding loyalties and

52. *See* AGRANOFF, *supra* note 21, at 27.

53. On the increasing ability of congressional incumbents to assure their reelection, see M. FIORINA, CONGRESS—KEYSTONE OF THE WASHINGTON ESTABLISHMENT 7 (1977).

54. Newspapers and periodicals carried many reports in the second half of 1979 about the inability of the Democrats in Congress, especially in the House, to organize support for the programs of the party's president. *See, e.g.*, Felton, *Cantankerous House Flip-Flops on Key Votes Under Carrot-Stick Pressure*, 37 CONG. Q. WEEKLY REP. 2108 (1979).

55. The "party in government" refers to the elected public officals who identify with the party and to candidates for office running under its label. The term derives from a broader concept of the political party as a tripart political organization composed of a party organization and a loyal party electorate in addition to the party in government. Parties in democratic political systems take at least part of their distinctive character from the relationships among the three sectors and from their relative power and influence. F. SORAUF, *supra* note 19, at 8.

commitments to the party. The party in government, therefore, is not much more than a group of individual office-holders pursuing their own individual politics of reelection under the more congenial party label.

By making common purpose with the parties in government, PAC's reflect the issue intensive politics of the 1970's.[56] They have capitalized on the desire of large numbers of Americans to concentrate their political attention on a single issue or a single cluster of issues. At least implicitly their success is a rebuke to the broad-based, consensual politics of the two major parties. Large numbers of voters are less willing to invest their political loyalties in the commitments of political parties to large numbers of candidates and a long list of issues. That breakdown surely lies beneath the attrition of party loyalties in the United States and growth of the number of self-styled independents. Some voters at least want to select their candidates and issues, to bargain for their activity, to target their political support, and, if necessary, to punish selectively.

PAC's, therefore, must be viewed as the product of at least three major trends in American politics:

—candidate centered, media-transmitted campaigns;
—a newly powerful, durable, and independent legislative party;
—increasingly fragmented and differentiated voter loyalties.

PAC's, the parties in government, and single-issue citizens have found the climate supportive of the new legislative politics each has in mind. They are little interested in a more embracing, coalitional politics, one capable both of linking candidates and voters together behind some measure of common commitment, and of building majorities in the electorate and in legislatures.

If this is where we now find ourselves, what of the future? One possibility is a continuation of the status quo. Political parties would try to sustain their increasingly anomalous position, and PAC's would continue largely to limit themselves to dispersing campaign funds in order to pursue their legislative strategies.

Such a status quo seems unlikely to persist, however, if for no other reason than that it is basically unstable. Political parties are losing their ability to mobilize the American electorate, both in the overt sense of stimulating collective action and in the social-psychological sense of providing cues and symbols through which to trigger voter loyalties and thus their choices. Moreover, no other political organization seems to be moving to fill the void the parties leave as electorate

56. G. POMPER, *supra* note 27, at 178.

mobilizers. Is it possible in a democratic political system of virtually universal adult suffrage that no political organization will respond to the opportunity of mobilizing those voters? It may be possible, but it is unlikely, and that is the source of the instability in the status quo.

If the status quo is unstable, we may scan alternative scenarios. For one, there is always the possibility that the parties might shore up their electoral roles. A number of scholars have noticed signs of increased centralization within the party organizations.[57] Assuming that these scholars are correct, it is not at all clear that centralization within the party organizations will cure party miseries. These problems are rooted in the party organization's loss of position in relation to the party in government. To centralize authority within the organization is not necessarily to strengthen its hand in dealing with the party in government. PAC's prefer to give their money to candidates rather than party organizations, and many candidates prefer to take money from PAC's rather than the party organizations.

A second scenario provides that the parties begin to develop their own issue organizations. Political parties in other democratic countries have done so, even to the extent of alliances with trade unions and business organizations.[58] American parties have already begun to develop caucuses of women and minorities, and club organizations of the ideologically involved are a generation old in many of the parties.[59] Such a move would, of course, presume the ability of parties to recruit far greater numbers of members and adherents.

The most tantalizing scenario—at least for a symposium on PAC's—is the one that sees PAC's expanding their present role and becoming mobilizers of the electorate. Labor PAC's have already shown the way. They have developed a range of mobilizing activities far beyond the channelling of money to candidates.[60] Even in the deployment of those funds, they have followed a far less pragmatic legislative strategy than have corporate PAC's. They give overwhelmingly to Democratic candidates, and they apply tests of issue voting.[61] In both respects, therefore, labor has adopted, instead of a legislative strat-

57. *See, e.g.*, Kayden, *The Nationalizing of the Party System*, in PARTIES, INTEREST GROUPS, AND CAMPAIGN FINANCE LAWS 257 (M. Malbin ed. 1980). Kayden attributes the centralization to the effect of election finance legislation. Others have spoken of greater centralization in connection with the reform of the national conventions. *See, e.g.*, A. RANNEY, CURING THE MISCHIEFS OF FACTION 180 (1975).

58. *See, e.g.*, G. GALLI & A. PRANDI, PATTERNS OF POLITICAL PARTICIPATION IN ITALY 166-226 (1970).

59. The club movement is of longer duration and thus better documented. *See generally* J.Q. WILSON, THE AMATEUR DEMOCRAT (1962).

60. See text & notes 47-48 *supra*.

61. To be sure, the real test of the overwhelming support of labor PAC's for Democratic candidates would occur if the Republicans were to control both houses of the Congress and wield the power of incumbency.

egy, what one might call a strategy of voter mobilization. There is less of the legislative lobbyist and more of the political party in labor PAC's than one finds in corporate, professional, and associational PAC's. For example, as with political parties, COPE takes stands on far more than a single issue or issue cluster. It endorses candidates for office, and it mobilizes a loyal following in support of such candidates; that is, COPE nominates candidates and tries to elect them.[62] Like political parties, COPE literally organizes voters both by making sure they are registered and that they vote. Only a formal place and designation on the ballot has escaped it.

Are there other PAC's capable of mobilizing voters? The PAC's of the New Right would seem at the moment to offer the likeliest possibility.[63] They have already demonstrated the capacity for a mobilization strategy, and they are already reinforced by a complex of political organizations attempting to organize that part of the American electorate that resonates to the issues of the political right, whether New or Old. If organizations of the right can forget old quarrels and differences, if they can marry their fund-raising skills (*i.e.*, the PAC's) to a broader capability in electoral politics, they might very well approach the power of organized labor on the political left.

As for corporate political organization, Edwin Epstein predicts that corporate PAC's in the 1980's will expand their activities beyond the funnelling of campaign contributions. He seems, in fact, to see that expansion of activities as a result of the natural maturing of PAC's.[64] If PAC mobilization of voters is simply a matter of maturity and developing political skills, there might very well be other PAC's anxious and able to expand their electoral activities.

We may, in other words, be drawing from the PAC ranks a political organization that functions midway between the party and the PAC. Its range of concerns will be neither limited to a single issue nor fully comprehensive in its program, and its electoral role will combine the activities and strategies of voter mobilization with those of legislative influence. Some of the new recruits may also be drawn from the

62. See text & note 47 *supra*.

63. The "New Right" appears to be characterized by allegiance both to the "old" conservative issues (social and economic primarily) and to the "new" conservative issues of life-style (e.g., opposition to abortion and the ERA). On the New Right in 1976, see H. ALEXANDER, *supra* note 33, at 714.

64. Epstein, *supra* note 28, at 126. Epstein notes:

> My discussions with managers of corporate and other business-related PACs indicate that they will explore such involvements for 1980 but do not anticipate extensive business activity in these areas before 1982 or 1984, by which time their more mature PAC solicitation and contribution programs will have developed, thereby permitting greater resources and opportunites for experimenting with new forms of electoral involvement.

Id.

ranks of interest groups as well as those of PAC's. Some of them—the National Committee for an Effective Congress [NCEC], for example—are already operating in this intermediate mode.[65] In other words, in the face of diminishing party power in electoral politics, we may be on our way to developing a set of political organizations which in scope and range of electoral activities stand between political parties on the one hand and PAC's and individual contributors on the other. How they would relate to the two major parties is only a matter of conjecture. In time the parties might well draw some of the groups into semi-alliance, a supportive and yet independent relationship not unlike that of organized labor and the Democrats at present.[66] In all of this there is only one certainty: if this scenario is played out, American politics will be complicated by a quantum step.

CAN ANYTHING BE DONE? OUGHT ANYTHING BE DONE?

Political parties were in decline by the 1970's, and it is unlikely that any of the drafters of the Federal Election Campaign Act of that decade intended to cause them further trouble. What harm they may have done the parties was unintended, the unplanned consequences of post-Watergate reform. That sort of inattention, however, often threatens social institutions just as surely as it threatens biological species. Neither has a life guaranteed forever, and both are threatened more and more by the unintended consequences of new initiatives in public policy.[67]

If, to carry the analogy further, we may think of the political party as an "endangered species," what must we do? Possibly nothing at all. One point of view accepts the decline of the party and the rise of new political organizations as perfectly natural and generally healthy. It sees no harm or threat in the new organizations:

> Hundred of thousands of thoughtful Americans, not satisfied with parties, turned off on politicians, find political expression by contributing through a reference group. It may be a union, a corporation, a professional association, or an ideological group. Whatever it is, they have some confidence in it. Yes, PAC's are growing because people like them. They find PAC's a convenient way to participate in the political processes of this Nation.[68]

This position may reflect at least two basic views about change in the American polity. It may be a case of acknowledging the always supe-

65. On the NCEC, see generally H. SCOBLE, IDEOLOGY AND ELECTORAL ACTION (1967).
66. Kayden, *supra* note 57, at 268-69.
67. *See* Epstein, *supra* note 28, at 109.
68. 125 CONG. REC. H9291 (daily ed. Oct. 17, 1979) (remarks of Rep. William Frenzel (R.-Minn.) in House debate on the Obey-Railsback proposal to reduce the spending limits on PAC's).

rior wisdom of the voters: *vox populi, vox Dei.* Or it may be an acknowledgement of the irreversible evolution of social institutions, regardless of whether the selection of the fittest be by nature or legislature.

If, however, we think political parties worth saving, there is a strong case for making their protection an active consideration and goal in policy decisions touching our politics. Unhappily, it is easier to state the goal of protection than to devise ways of reaching it. In the early months of 1980, the two Houses of Congress are deadlocked on the Obey-Railsback Bill,[69] a proposal to reduce the expenditure ceilings for PAC's from $5,000 to $3,000 per election, to a total of $6,000, that is, for the primary and general election campaigns of a candidate. It would also set a new ceiling of $70,000 for the total contributions any congressional candidate might accept from PAC's. But even if these new restrictions should pass the Senate and win a presidential signature, the effect on political parties would not be substantial. The influence of PAC's might well be held at their 1978 or 1980 levels, but none of the basic causes or results of the decline of political parties will have been addressed.

If political parties are to beat PAC's at their own game and recapture part of their former position in campaign politics, they must command a greater share of the money needed for campaigning than they do now. From 1972 to 1976 no more than eleven percent of the funds spent on campaigns for the House of Representatives came from party organizations.[70] The capacity of political parties to raise additional sums for their own organizational use and for dispersal to party candidates seems uncertain.[71] But even if the parties do raise more money, there is no assurance that it will be at the expense of PAC fundraising. At the best, the parties will have achieved a mixed financing of candidate campaigns, with the risk that candidates will play one source of funds off against the other.

One public policy option exists that will assure party organizations control of campaign funds while denying them to PAC's: public funding of campaigns with the public funds going to party organizations rather than to candidates. Nine states, as of late 1979, collected funds

69. H.R. 4970, 96th Cong., 1st Sess., *added to* S. 832, 96th Cong., 1st Sess., 125 CONG. REC. H9303-04 (daily ed. Oct. 17, 1979).

70. Adamany, *Commentary*, in PARTIES, INTEREST GROUPS, AND CAMPAIGN FINANCE LAWS 320 (M. Malbin ed. 1980).

71. All experts agree that the Republican National Committee and its associated committees raise considerably greater sums than do comparable Democratic bodies. They disagree on whether Republicans enjoy the greater success because of better organization and access to possible contributors, or because of the advantages of being able to make the often negative appeals of a party out of power. *See, e.g.*, Kayden, *supra* note 57, at 263.

either by surcharge or check-off on state income tax returns and allocated the monies collected to the parties.[72] Depending on the applicable state law, the state party in turn uses such monies for paying general organizational expenses, running leadership seminars, providing general advice and services to candidates, or allocating cash grants to specific campaigns.[73] The experience with such state laws is limited, and it is too early for definitive assessment, especially in the absence of detailed accountings of how the state parties use the funds. While the public funds do help the party organizations to secure a role in the campaigns, Ruth Jones writes that it is premature to conclude that "parties, as political institutions, can be revived and/or strengthened with publicly generated and administered campaign subsidies."[74]

The prospect for additional public financing of campaigns, especially of congressional elections, however, hardly seems very promising. That we might have such funding with the administration of funds by party organizations rather than candidates seems even less likely.[75] Few issues are as political or partisan as one that touches simultaneously on election politics and the fortunes of political parties. At the national level, at least, any such proposals will be enmeshed in three partisan issues. There is, first of all, the wariness of congressional parties of giving any advantage to the national committees. It is the battle of the party in government against the party organization all over again. Congress would seem to have tipped its hand on this question by setting aside the ill-fated Long plan before it went into effect.[76] Second, there is always some hesitancy among the majority Democrats in Congress about bolstering party organizations, if only because the Republicans have traditionally relied more on national party organizations than the Democrats. Finally, a good many Republicans will oppose any public funding proposal for fear that it will further entrench the incumbent Democratic majority by denying challengers the extra

72. The nine states are: Idaho, Iowa, Kentucky, Maine, North Carolina, Oklahoma, Oregon, Rhode Island, and Utah.

73. Jones, *State Public Financing and the State Parties*, in PARTIES, INTEREST GROUPS, AND CAMPAIGN FINANCE LAWS 292-93 (M. Malbin ed. 1980).

74. *Id.* at 301-02.

75. H.R. 1, a bill for public financing of House Elections, was never reported out of committee. *See* Alexander, *The Obey-Railsback Bill: Its Genesis and Early History*, 22 ARIZ. L. REV. 653, 659 (1980).

76. The plan, fathered by Sen. Russell Long (D-La.), provided for federal subsidies for presidential elections to be administered by the national party committees and their officers. Both houses passed the legislation in the last hours of the 89th Congress with little debate or publicity. Presidential Election Campaign Act of 1966, Pub. L. No. 89-809, § 303, 80 Stat. 1587 (repealed 1971). Congress quickly had second thoughts, however, particularly about the authority it had vested in the national party committees and chairmen, and it decided not to implement the plan. Act of June 13, 1967, Pub. L. No. 90-26, § 5(a), 81 Stat. 58.

edge in spending they need to become electorally competitive.[77]

CONCLUSION

Since we seem disposed not to alter very much the status quo in campaign finance and party organizations, we ought at least to be clear about the short run future we have created. Two related points stand out, one about styles of electoral politics, the other about majority-building.

Without necessarily intending to do so, we have devised an anomalous and bifurcated system of funding our national electoral politics. Presidential nominations and elections we now fund largely by public subsidy,[78] thus closing off private and group contributors to a great extent. Congressional elections, on the other hand, remain in the control of private political entrepreneurs, with specialized groups replacing individual contributors to some degree in recent years. Each of those funding policies reflects and heightens different trends underway in the separate parts of our electoral politics.

Although party role has diminished in both presidential and congressional elections, the quest for the presidency is by its nature an expression of the national party. In any event, the national party has always been what the presidential candidate or the president has made it. Public funding has both minimized the incumbent's advantage and shut out the merchants of single issue politics. Campaigns for Congress, on the other hand, are becoming more decentralized and constituency based; they are also increasingly being decided by an entirely different politics—one of local advantage, incumbent power, and special issues. Congressional candidates increasingly are isolated from presidential politics and the national party the presidential candidate forms. The presidential victor and the majority in Congress in effect represent different coalitions of voters, and the success of one has less and less to do with the success of the other. The gulf between the two branches is widened, and the old bridge across it—loyalties to and concern for a common poltical party—is greatly weakened. We therefore find it harder to unite the executive and the legislature in pursuit of coherent programs of public policy.

Majority building remains the basic business of any democratic polity. Simply put, both in our campaigns and elections and in our legislative assemblies, we amass aggregates of voters behind a small number of options so that the candidates and policy alternatives we

77. Jacobson, *The Effects of Campaign Spending in Congressional Elections*, 72 AM. POL. SCI. REV. 469, 489 (1978).

78. *See* I.R.C. §§ 9001-9013.

finally choose will have the support of majorities. In a vast and heterogeneous nation, of course, that process requires difficult compromises and seemingly endless accommodation. Political parties, for all of their failings and inadequacies, have traditionally been able to contribute more to that majority building than any other type of poltical organization. They win their measure of success both through the power of their symbols and the effectiveness of their organizing.

If, however, the parties decline further, or even languish in their present condition, we might well see a newly complicated coalitional politics develop around them. Since major groups would probably be far more comfortable with one major party than the other,[79] they would in most instances have no option but to support most of the party's candidates in the general election or to remain silent. Such a degree of commitment suggests that bargaining, the use of group leverage, would take place at the nomination step, especially in primary election contests. Majority building thus would become more complex and less efficient as the number of steps and the number of participants in it are increased. The picture, then, is one of a group of intermediate electoral organizations clustering around each of the major parties and trying to influence and mediate its building of majorities. In electoral politics, at least, it is a picture that suggests a shift in American practice to some point between two-party and multi-party electoral politics.

The significance of the PAC is clearly more as symptom than as cause. It is at bottom a reflection of and an addition to a more fragmented American politics. It is in many ways the quintessential political organization of a time in which refinement and nuance of political expression have, at least for the moment, become more important than the capacity to govern.

79. The Democratic proclivities of organized labor are illustrative. *See* G. TYLER, THE LABOR REVOLUTION 226 (1967).