

Progressive Passion: Reviving the Fighting Spirit of Nonpartisan Reform

BY MICHAEL MCGRATH

Former President Jimmy Carter has served as an election observer all over the world, often in impoverished, strife-ridden countries such as Haiti or Mozambique. When he travels abroad these days, he is sometimes asked what must be an embarrassing question: Why are there so many problems with election administration in the state of Florida? Carter offered a partial explanation in an op-ed published in the *Washington Post* shortly before the 2004 election. “Some of the basic international requirements for fair elections,” he wrote, “are missing in Florida.”

President Carter listed two such requirements in his article: (1) a nonpartisan, national election commission to ensure fairness, and (2) uniform voting procedures, so all citizens, no matter where they live or what party they support, will have the same opportunity to vote and have their votes counted. These requirements, by the way, are missing from elections in the other forty-nine states as well. Thirty years ago, when American voters were less polarized and politicians from the two major parties were more civil to one another, the absence of these formal assurances of fairness didn’t seem to matter. In recent years, however, inconsistent voting procedures and partisan bias among election officials have joined the priority list of political procedures in need of reforming, along with excessive campaign spending and chronically low voter turnouts.

A pessimist might suggest that current political trends—especially the increased polarization and hyper-partisanship—don’t bode well for a broad-based, nonpartisan movement of democratic change, but history provides a hopeful, if imperfect

analogy, the wave of reform that swept this country in the late nineteenth and early twentieth centuries. Progressive Era activists sought to change the structures and processes of government and politics to foster a more deliberative approach to representative democracy. Their efforts transcended traditional lines of party and geography. We could use more of that passion for nonpartisanship and innovation today.

The historical analogy is imperfect because some of the preconditions for the Progressive Era—a devastating depression in 1893, a Populist rebellion against the two-party system, violent conflicts between labor and management, bitter factional disputes within both major parties over monetary policy—don’t have modern parallels. But just imagine how improbable a dramatic transformation of political institutions must have seemed after the presidential election of 1896. The stolid William McKinley had defeated the reform-minded firebrand William Jennings Bryan. Populism lost steam as the country recovered from the depression. A business-oriented GOP emerged as the dominant national party, and the party of Andrew Jackson devolved into a regional organization with strongholds in the South and pockets of support in the urban, industrialized North and Midwest.

This historic party realignment, however, did not bring down the curtain on the Age of Reform. Progressive Republicans and anti-machine Democrats joined with independent political activists to adopt items on the Populist reform agenda and to add some proposals of their own. Women’s suffrage, direct election of U.S. Senators,

the popular initiative and recall, anti-trust legislation, labor laws, campaign finance reform, and conservation measures—all of these dramatic reforms that we now take for granted occurred during a Progressive Era that barely lasted twenty years—a time, as historian Richard Hofstadter wrote, when almost every aspect of American life was being reconsidered.

The tradition of nonpartisan reformism—a passionate belief in democracy for the sake of democracy—is alive and well in the nonprofit sector. Groups such as Common Cause, Demos, the National Civic League, the League of Women Voters, the Brennan Center for Justice, and the Center for Voting and Democracy are working diligently and effectively to promote greater civic engagement and social equity, adopt better voting systems, and provide easier access to ballots and voting machines. But outside the world of good government groups, the ethos of nonpartisan structural reformism has lost much of its appeal. It certainly doesn't help that the Progressive Era has been harshly scrutinized and reevaluated by generations of cynics, skeptics, Marxists, conservative constitutionalists, and self-styled political realists. Among historians and political theorists a skeptical view of the legacy of nonpartisan reformism is now the conventional wisdom.

Paradoxically, the word “progressive” continues to enjoy widespread use, but most often as an indicator of a group or individual's position on the left-right spectrum, less frequently as a nonpartisan (or multi-partisan) faith in the potential of social and political reform. Although individual reforms such as campaign finance restrictions often enjoy widespread public support, the ethos of nonpartisan reformism lacks two key ingredients for success in contemporary politics: a loyal and passionate political base and the backing of powerful interest groups.

Conservative Republicans take a dim view of the Progressive zeal for government regulation. Liberal Democrats dislike the Progressive bias against

strong local party organizations. Civil rights activists have a legitimate beef with certain aspects of the municipal reform model, especially the innovation of “at large” city council seats, which make it difficult for minority candidates to win local office. Political observers of all stripes hold Progressives responsible for the overuse (and in some cases, the misuse) of the recall and ballot initiative in states like California, which some commentators have been known to describe as “ungovernable.”

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—FORMER PRESIDENT JIMMY CARTER

Some critics think the Progressives were too democratic (or too directly democratic). Others think they were not democratic enough. Historians have judged Progressives both naïvely optimistic about the nature of political man and cynically manipulative in claiming to promote the “public interest” while enacting reforms that disfranchised immigrants and supporters of the Socialist Party. My purpose in this essay is not to refute any of these anti-Progressive critiques or to enter into a purely historical debate about the impacts of any given reform. My point is to suggest that both conventional wisdom and political reality have swung too far away from the nonpartisan “good government” tradition.

In this time of hyper-partisanship and “Red State,” “Blue State” polarization, when the inherent weaknesses of our electoral system have been ignored and in some cases intentionally exploited, the Progressive Era has important lessons to teach us, more important even than the American Revolution, the Civil War, or the New Deal. For all their flaws, the Progressives had an approach to political change that was imaginative, pragmatic, optimistic, and energetic. Progressives focused their civic energies on the structures of politics and

government in an effort to foster a more deliberative process that crossed the traditional dividing lines of party, region, and ideology. What was so terrible about that?

Jacksonian Democracy Versus Progressive Reform

The first great period of political innovation and reform in post-Revolutionary America was the early to mid-nineteenth century. During the age of Andrew Jackson the basic outlines of the modern party system came into view with the emergence of national nominating conventions, the abolition of property requirements for voting, and the development of popular, statewide party organizations. Jacksonian Democrats developed a “spoils system” of loyal party placeholders to discourage the entrenchment of a professional bureaucracy and to promote the party’s national agenda. Although the Jacksonian Democrats sought greater political and economic equality (if only for white males), theirs was a traditionalist and backward-looking struggle, a restoration of republican virtues that had been corrupted by an emerging politico-financial elite in Washington.

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The Progressive Era was partly a reaction to the abuses and corruptions of an overripe Jacksonian system. The Progressives were distrustful of powerful party organizations or “machines,” some of which were direct descendents of Jacksonian Democratic Party clubs. Nonpartisan by inclination, the Progressives mounted “fusion” tickets to unite anti-corruption forces across party lines and adopted reform charters at the local level to insulate municipal government from statehouse gangs and the political clout of trusts and utility companies. The Progressives were pragmatic, nontraditional, and future oriented. They proposed innovative

structural reforms to elevate the individual, informed voter above the party apparatus. They were modernists at heart, valuing scientific progress, professional expertise, and organizational efficiency. Most of all they were more interested in creating a democratic future than in restoring a pastoral republic that never really existed.

What the two traditions had in common was a willingness to innovate and an aversion to excessive concentrations of wealth and political power. What separated them were very different theories on how to bring about democratic change. The Jacksonian emphasis on party organization was antithetical to the Progressive’s neutral structuralism. The Progressive faith in deliberative democracy clashed with the ward captain mentality of late Jacksonian democracy. On a practical level, the Jacksonian approach was probably more effective in mobilizing voters, but the side effects—corruption and bitter partisanship—were corrosive. The downside of the Progressive emphasis on deliberative individualism was political disengagement, or as the scholarly critics like to say, “demobilization.”

One of the earliest (and certainly the most colorful) critics of Progressivism was a former assemblyman, alderman, police magistrate, and county supervisor named George Washington Plunkitt, known to the turn-of-the-century readers of the *New York World* as the “Sage of Tammany Hall.” According to journalist William Riordon, who recorded the sage’s musings for posterity, Plunkitt set an all-time record among New York politicians by managing to draw salaries from three separate public sector jobs at once. Standing at his “rostrum,” the bootblack stand at the New York County Courthouse, Plunkitt extolled the virtues of what he called “honest graft” and denounced the dangerous heresy of civil service reform. “How are you goin’ to interest our young men in their country if you have no offices to give them when they work for their party?” he asked. “I know more than one young man in past years who worked for the ticket and was just overflowin’ with

patriotism, but when he was knocked out by the civil service humbug he got to hate his country and became an Anarchist.”

Though Plunkitt must have seemed an amusing relic of the Gilded Age to early twentieth-century readers, over time his ideas have become part of the historical canon. Sociologist Michael Schudson quotes the sage in his 1998 history of American citizenship, *The Good Citizen*. Reformers, writes Schudson, “weakened the musculature” of American democracy by eliminating patronage and undercutting the power of party organizations (p. 155). Gone were the days when city employees paid a percentage of their salaries to the local party machine for the privilege of a government job and when ward heelers rounded up citizens at the corner beer hall on Election Day and handed them a slate ballot printed by the party. The heyday of beer hall democracy ended with the adoption of the standardized, government-printed “Australian ballot,” which encouraged citizens to weigh the merits of individual candidates, as opposed to the usual practice of blindly voting the party slate. Such reforms, argues Schudson, “helped transform voting from a social into a civic act, rationalizing electoral behavior and depriving elections of most of what made them compelling.” The outcome, he concludes, is a “world in many respects more democratic, inclusive and dedicated to public, collective goals, and for all of that, less politically engaging” (p. 147).

The Age of Consensus

Schudson’s skeptical view of nonpartisan reform recalls an earlier debunker of Progressivism, historian Richard Hofstadter, a brilliant scholar and wordsmith, who coined such memorable phrases as the “paranoid style in American politics.” More than any other historian, Hofstadter established the image of the Progressive reformer as a Protestant, middle-class moralist whose “ethos of political participation without self-interest set impossible standards.” Like the Populists before them, wrote Hofstadter in *The Age of Reform*, the Progressive

reformers fell prey to a “form of moral absolutism” (pp. 18–19). In his 1949 book *The Vital Center*, historian Arthur Schlesinger Jr. described Progressive liberalism as “inextricably linked with a picture of man as perfectible, as endowed with sufficient wisdom and selflessness to ensure power and use it infallibly for the general good.” To Schlesinger, who had made a name for himself in the 1940s with his breakthrough book *The Age of Jackson*, “The Soviet experience on top of the rise of fascism reminded my generation that man was indeed imperfect” (p. ix).

Hofstadter and Schlesinger are often linked with a group of scholars known as the “consensus historians” or the “counter-Progressives.” Disillusioned by the rise of totalitarian regimes in Europe and alarmed by McCarthyism here at home, the consensus historians were breaking with an earlier generation of “progressive” historians like Charles Beard, Vernon Parrington, and Carl Becker. The progressive historians were small “d” democrats, who tended to sympathize with political reformers. (Beard was at one time an editor of the *National Municipal Review*.) Their scholarship emphasized the clash of classes and interest groups, debtors and creditors, democrats and aristocrats, a conflict that resulted in democratic progress through agitation and reform. The counter progressives, on the other hand, viewed American democracy as more of a conservative tradition, the product of a broad “consensus” in a nation that lacked the stifling class structures and ideologies of the Old Country.

The idea of a classless national consensus was reassuring after the upheavals of the 1930s and 1940s and plausible enough in the post-World War II era, when political moderates within the two major parties had seemed to have achieved a rough consensus on important questions of domestic and foreign policy. (The exceptions to the rule were rabble-rousers like Joe McCarthy or the Southern segregationists, whom Hofstadter lumped together with Populists and, to some extent, Progressives, as part of the

paranoid strain in American politics.) With the emergence of Franklin Roosevelt's New Deal coalition, the dynamics of liberalism changed dramatically. Although most New Dealers, and F.D.R. himself, were deeply influenced by Progressive ideals, their approach to reform was quintessentially Jacksonian, a single, powerful political party with a charismatic leader at the top holding together a diverse array of sections and factions. Liberal New Dealers were changing the system from the inside with the assistance of party organizations, government bureaucracies, and a charismatic president.

In the post-World War II era systemic, structural, and nonpartisan political reforms of the Progressive sort seemed quaintly old-fashioned and unnecessary. Sociologist Daniel Bell wrote of "the end of ideology" and political scientist Anthony Downs proposed "an economic theory of politics." The Downs theory suggested that competition in a two-party, winner-take-all system tended to encourage political moderation and ideological agreement. But as Steven Hill points out in his book *Fixing Elections: The Future of America's Winner Take All Politics*, Downs had noted an exception. When the voters are polarized, politicians may move away from each other along the ideological spectrum to appeal to their respective constituencies at opposite poles.

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Today this notion of a grand, national consensus emerging from the mediations of interest groups and two-party competition seems laughable. Contemporary political leaders appeal to their "bases" and try to eke out narrow victories by carving small wedges of voters from the other side by emphasizing divisive issues. With the development of new technologies and strategies, professional campaign managers have become experts at gaming the sys-

tem, engineering safe districts in which to run, exploiting the loopholes in election administration to depress the opposition vote, and, if all else fails, appealing to the judiciary for rulings on electoral disputes. Under conditions of excessive polarization and super-partisanship, can we really rely on party leaders to foster some sort of national consensus? In the world of perpetual campaigning, policy debates and legislation are merely part of the arsenal of partisan warfare.

Nor can we expect the media to forge a consensus. In the past two decades, we have gone from a country with an oligopoly of three television networks providing news to a mass audience of viewers to a "narrow-casting," 500-channel world of cable, satellite, and Internet technologies. Market changes and new technologies have opened up new media for expression, communication, and information gathering, but they have also led to further polarization as more and more consumers of "news" select partisan sources such as talk radio or opinionated "blogs" for their information. There has been—some would say—a degradation of the values of fairness, and civility and professionalism (journalistic ethics being another notion popularized during the Progressive Era). "We have also seen more and more high-profile political uses of the media as a reflection of the owner's opinion," said Common Cause President Chellie Pingree in a recent interview. "A line between journalism and opinion seems to have been blurred. It seems to be cheaper to have two people of different political views argue with each other on television rather than to produce a thirty-minute in-depth broadcast on all the different perspectives."

Increased polarization and partisanship among political leaders and media outlets have put greater pressure on the electoral system. In other words, the system has to work. Qualities such as fairness and transparency become more and more necessary for a functional representative democracy. The self-righting mechanisms of the two-party system are

nowhere in evidence, so the tradition of nonpartisan, good government reform, the “ethos of political participation without self-interest,” seems less naïve than the idea of two-party competition as a vehicle for consensus building.

It may seem fanciful or overly theoretical to focus on these historical debates about politics and reform. The average Joe isn’t sitting around the dinner table arguing the relative merits of Jacksonian democracy versus those of Progressive reformism or quoting Richard Hofstadter to refute Charles Beard. Nor are you likely to see any explicit references to “consensus historians” among journalists or political activists. But it seems to me the skeptical view of the nonpartisan tradition has become the conventional wisdom. Observers of the contemporary political scene are implicitly siding with the Jacksonians when they use arguments like “politics ain’t beanbag” or “you can’t take the politics out of politics” to justify or simply ignore practices and procedures that are blatantly corrupt and unfair.

Attack of the Gerrymanders

I can’t think of any single abuse of process that better symbolizes excessive partisanship and unfairness than the corruption of the legislative redistricting process in some states. Gerrymandering is nothing new. It dates back to the earliest days of the Republic, carrying the namesake of one of the non-signers of the U.S. Constitution, Elbridge Gerry. While Gerry was governor of Massachusetts, the commonwealth assembly drew a district so misshapen that one journalist remarked its resemblance to a salamander. “No,” said another observer. “It’s a Gerrymander.” Both the name and the practice stuck. Over the years Democrats and Republicans have freely indulged in partisan gerrymandering, but modern geographic information systems software has turned an impressionistic art form into a digital science. Any consultant with a laptop can now provide instant analysis of voting patterns within a margin of error of a few percentage points. One result is fewer competitive districts.

In 2003, Texas Republicans added a new twist to what used to be an every-ten-year affair linked to the most recent census. Gaining a majority in the statehouse, they threw out a court-ordered plan based on the 2000 census that had already been accepted and engaged in a second round of redistricting, egregiously gerrymandering U.S. Congressional districts for partisan gain. Senate Democrats fled in protest across the state line to Ardmore, Oklahoma, temporarily denying the gerrymanderers a quorum, but ultimately the re-districting plan prevailed. Although Republicans tried and failed to rally public opinion against the runaway senators, the Democrats were no more successful in convincing the Texas voters that the plan was especially brazen, possibly because Texas Democrats in past years had engineered some of the worst gerrymanders in the country. Colorado Republicans also passed a midnight re-districting plan in 2003, but the Colorado Supreme Court tossed it out. More recently, Republicans in Georgia passed a re-districting plan, and it will likely be challenged in state courts.

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Gerrymandering is a contact sport that brings out the natural hypocrisy in politicians. Party loyalists rarely complain if the redistricting plan benefits their side. Turn the tables and they recover their concern for fairness. When former victims of a gerrymander do manage to turn things around, they often argue that the practice is perfectly fair if both sides are equally guilty. Apologists for gerrymandering seemingly forget that it is voters, not parties, who are the victims of redistricting abuse. It is the public interest, not the party interest, they should be keeping in mind. The first casualty of redistricting wars is political accountability. In Congressional races, voters

rarely cross party lines to punish their elected officials for poor performance. Special interest groups are among the prime beneficiaries of gerrymandering. Often the “go to” guy for some pernicious piece of special interest legislation is the representative who runs unopposed or in a district with a 20 to 30 percent margin of victory.

The U.S. Supreme Court has had opportunities to crack down on gerrymandering, but thus far the majority has not found any constitutional basis for objecting to partisan gerrymandering, so the reform movement will probably have to fight redistricting abuse from state to state. One of the best working models for a less partisan system is in Iowa, where the nonpartisan Legislative Services Bureau draws the district lines. Although a majority in the legislature approves the final plan, there are strict guidelines and criteria: population equality, contiguity, unity of counties, and compactness. Political considerations are expressly barred from the redistricting process. If the legislature does not approve the first three plans by the bureau, the Iowa Supreme Court takes responsibility for state districts. The governor has veto power over both plans.

As I write this, advocates of nonpartisan redistricting are following with interest developments in California, where Governor Arnold Schwarzenegger has proposed a ballot initiative known as the Voter Empowerment Act. If successful, the initiative would overturn the “pay-to-play” incumbency protection plan that Democratic consultants mapped out in 2001 and turn over the process to a panel of retired judges. Not all reformers view this move as wholly positive, noting that it would be yet another mid-decade redistricting effort and would amount to a partisan policy wrapped in a good government package. Democrats in the California Senate are proposing an alternative amendment to create a seven-member independent redistricting commission and negotiating with the governor on a possible compromise.

Nonpartisanship, Professionalism, and Fair Election Administration

On Election Day in 2004, Common Cause, the Fels Institute for Government at the University of Pennsylvania, the Hispanic Voter Project at Johns Hopkins and the National University, and the National Constitution Center operated a telephone hotline to take calls from voters who experienced problems at the polls. The hotline received more than 200,000 calls. Almost everything that could go wrong did go wrong. In some precincts, the machines tallied more votes than voters. At other polling places, the machines gave votes for the wrong candidate. Ten-hour lines greeted would-be voters in one college town, while other voters breezed through polling places in half an hour or less. Misinformation and inconsistent rulings issued forth from officials and election workers across the land, sowing public confusion about everything from registration forms to the use of provisional ballots.

Many Americans support the idea of political change and fair process in theory but lack the zeal for nonpartisan reform and the capacity for outrage when confronted with evidence of systemic corruption or bias.

In 2002, Congress passed the Help America Vote Act (HAVA) to deal with some of the problems that had been raised by the 2000 election. The law allocated \$3.9 million to states to be disbursed over a three-year period to pay for improvements in voting equipment and election administration. But HAVA implementation was flawed by lack of adequate funding and inconsistent application. One of the most significant features of HAVA was the introduction of “provisional ballots” for those voters who showed up at their polling places to find that their names did not appear on the voter roles. Unfortunately, Congress did not create a uniform procedure for determining the circumstance under which those ballots would be counted. In Ohio and

Florida election officials did not count provisional ballots unless they were cast in the proper polling place. Other states only allowed provisional votes to be cast in federal races.

In spite of these weaknesses, Miles Rapoport, president of the reform group Demos, says there are reasons for optimism. Billions of dollars have been appropriated by states to improve election equipment and administration, and HAVA is a tentative step in the direction of a national election commission. “We have the potential mechanism for it in the Election Assistance Commission that was set up under HAVA,” he said in a recent interview, “but it was set up to be weak, to have no teeth, and it wasn’t funded or even appointed. The commission ought to be allowed to work, but I think there should be a real debate about how much of this process should be nationalized, which could mean any one of three things—voluntary guidelines, national standards locally administered, or national standards with a federal election agency.”

Strong national standards go against the American grain of state and county control of election procedures, but the recent problems with voting equipment, ballot design, unequal resources, and arbitrary enforcement argue for a uniform set of minimum standards. Equally critical is the issue of partisan bias in election administration. For election officers to be on the boards of campaign committees is clearly a conflict of interest. The League of Women Voters, among other groups, has called for professionalism in election offices. In the modern world of computerized voting, election administration should be a job for which technical expertise and professionalism are important qualifications.

As author Steven Hill, cofounder of the Center for Voting and Democracy, said in a recent interview. “It doesn’t matter what sort of mechanism you have, whether it is paper ballots or touch screen voting. If you can’t trust the election administrators, you’ve got problems.”

A New Age of Reform

“One thing you can say,” noted Common Cause President Chellie Pingree when asked about the recent failings of our American election administration, “is that reform itself has come back as an issue. People see the danger of having a broken system. Honestly, we can’t answer all the questions we get about electoral reform. Do the machines work? Do their votes count? It is a huge topic of conversation among activists and citizens.”

Founded in 1970 by former National Civic League Chairman John Gardner, Common Cause is best known for its tireless advocacy of campaign finance reform and ethics in government, but like other reform groups, the organization has broadened its focus in response to contemporary events. “Obviously campaign finance reform will continue to be a big concern for us,” says Pingree, “but we are also very interested in these questions of electoral reform, and we’ve become increasingly concerned about the role of the media in terms of providing information in a democracy and how people access that information.”

Looking ahead, Demos President Rapoport identifies three priorities for a twenty-first-century reform agenda. The first is better election administration. “We need to continue to move forward on changing the election machines themselves,” he says. “In addition to machines, we need more poll workers and a better ratio of machines to voters. A big issue will be national standards for many issues that are now decided on a state to state or even a county to county basis—provisional ballots, what forms of I.D. are acceptable, what are the standards for computerized voting lists.”

The second priority is making the electoral system more accessible to groups that have been discouraged from voting or frozen out of the process. Among those reforms are the full implementation of the National Voter Registration Act, specifically, ensuring that social service agencies offer opportunities for clients to register as mandated by law;

Election Day registration or automatic registration; early voting; mail-in voting and creating an Election Day holiday; easing voting restrictions on former felons; and opening up opportunities for immigrants to vote.

The third area of concern, says Rapoport, is making room in the system for “more voices and choices,” a category that includes campaign finance reform, redistricting reform, easier ballot access for independent or third party candidates, and “fusion” tickets that allow the endorsement of a candidate by more than one party. Other reforms include changing the Electoral College and instant run-off voting.

Such an ambitious reform agenda rivals that of the Progressive Era itself. There is certainly no lack of will or imagination among contemporary reform advocates. The question is whether voters and the political leaders they elect will pay more than lip service to the need to reform the system. Many Americans support the idea of political change and fair process in theory but lack the zeal for nonpartisan reform—democracy for the sake of democracy—and the capacity for outrage when confronted with evidence of systemic corruption or bias. During the Age of Reform, intellectuals and best-selling muckrakers had a well-developed sense of outrage. Reformers routinely challenged the status quo, but their views were well within the mainstream of early twentieth-century political thought. Popular heroes of the reform movement had pugilistic nicknames like Robert “Fighting Bob” La Follette. Progressivism, in other words, had a fighting spirit. It wasn’t a bloodless exercise in moral perfectionism.

It may be, as Michael Schudson and others have argued, that nonpartisan reforms of the Progressive

Era dampened public enthusiasm for electoral politics, but enthusiasm is not the only requirement for a healthy democracy. As Jimmy Carter argued persuasively in his opinion piece in the *Washington Post*, transparency, fairness, and consistency are also important. “It is unconscionable to perpetuate fraudulent or biased electoral practices in any nation,” said the former president, channeling the spirit of forgotten reformers. “It is especially objectionable among us Americans, who have prided ourselves on setting a global example for pure democracy.”

NOTES

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