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Steve Ballard

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The Margaret Chase Smith Essay: Ethics and Election of 1996

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The real story of the 1996 elections, in Maine and nationally, has less to do with winners and losers and more to do with citizen reactions to the process. This point has been missed in most post-election critiques. Campaigns have become controlled by monied interests, candidates are immune to a serious discussion of the issues, and a strong majority of voters believe no correlation exists between campaign promises and behavior in office. How can we reconnect the electoral process to the people, if we still believe in a government of the people, by the people, for the people? Can representative government be made to work again?

Steve Ballard

Understanding our distress about representative democracy begins with acknowledging the power of elected office and the personal aggrandizement available for so many office holders at the federal level. Given this, it is not hard to understand the importance of elections for the candidate, the party, and the special interest groups that primarily fund them. In some ways, our electoral system has been constant since the founding.

However, two things are new. The first is the quantity of money and the power of special interest groups. The American people believe, with just cause, that most candidates for federal office have sold out to special interests. Most candidates believe they cannot win without accepting money from these interests. The second fundamental change within the last generation is the design and control of elections by marketing firms and media consultants. Having personally used these services, I can identify four of their operating characteristics that significantly impact our electoral process.

First, the ends always justify the means. For these consultants, there are no standards of integrity by which to judge their approach to elections. They are as far removed from the values and ethics of Margaret Chase Smith as one can get. Second, they believe fear is the best marketing device. Faced with a tight race, their method of choice is to make the voter afraid of the other candidate--through such practices as push polling, fuzzy images, stereotyping, and innuendo. Third, they justify their negative advertisements by the classic cold war approach--it must be done because the other side also will do it. In fact, both sides typically start a campaign with libraries full of "canned" ads available to respond to any contingency dictated by the polls or the opponent. Fourth, and perhaps most cynically, these consultants believe the voter quickly will forget the way the election was conducted. Hence, they see few long-term costs to doing whatever is necessary to win the election.

We have enough evidence to understand the impacts of negative campaigns better. Former U.S. Senator George Mitchell summed it up very well shortly after leaving office. Because of the cumulative effect of the pervasive negativism, he said, it is quite logical for most voters to believe that ALL candidates for office are dishonest, corrupt, and probably worse. It is not surprising so many Americans distrust what happens in government, given their views of who runs government.

Even more important are the long-term impacts of negative campaigns. Indicators of alienation and cynicism on the part of the voter are widespread. Term limits continued to be supported by large majorities. This year, in seven of nine states in which a vote was called by citizen initiative, the electorate forced future candidates to be identified on the ballot for their support or opposition to term limits. In 1996, we witnessed an unprecedented number of citizen initiatives across the country--slightly more than 300. In spite of the generally recognized risks associated with policy making by citizen initiatives (Spruce, 1996), such efforts must be seen as rational responses by voters to reclaim some influence in governance. Voter participation rates in 1996 were the lowest in fifty years--fewer than half the eligible voters turned out. Some politicians still in denial choose to refer to this as apathy, yet public opinion polls clearly point to the conclusion that voters typically were dismayed by the choices presented to them on the ballot. The vote of the minority who do participate is usually against a candidate rather than for a candidate.

A sampling of recent bestsellers tells an important story--"The Death of Common Sense, Arrogant Capital," and "Who Will Tell the People: The Betrayal of American Democracy." In Maine, a pre-election survey by Market Decisions

showed that Maine is not removed from the national trends. For example, 91 percent of Mainers believe politicians listen too much to special interest groups and not enough to the people. Eighty-five percent believe politicians don't level with citizens regarding the country's problems, and 58 percent believe the American dream is becoming harder to achieve (Carrier, 1996).

Against this background, the state of Maine took an innovative leadership role in bringing elections back to the people this year. Based on a town meeting at the Margaret Chase Smith Library in Skowhegan and an idea by Merton Henry, a draft code of election ethics was prepared during the summer, revised by the candidates for federal office, and signed by all ten candidates by early September.

Why is this code important, and did it work? Its importance is related partially to its approach. It is based on common sense and fundamental values, not regulatory bureaucracy. The ten candidates agreed to respect the voter as well as the opponent when they signed this code--exactly the kind of thing that cannot occur when campaigns are controlled by media consultants. Secondly, it is important because of candidate participation. They helped write it, they agreed to it, and they risked the voter response if it was violated. Thus, it is the shared understanding of the importance of ethical campaigns that makes Maine's approach unique in the country.

Did it work? Yes, but imperfectly. Until the last two or three weeks of the campaign, the candidates abided by the code and engaged in a substantive campaign. The Senatorial debate I moderated in September was rich, vibrant, and informative. I learned more about the issue stances and character of all four candidates in this one debate than from all the advertising combined. The candidates focused on their ideas and the difficult "how to" questions and remained on the ethical track.

It indeed was unfortunate during the last few weeks that these commitments were eroded in the Senatorial campaign and the 1st Congressional District campaign. Largely attributable to the influx of out-of-state money, the influence of special interests, and the arrogance of the national Senatorial campaign committees of both major parties, these races changed their tone dramatically at the end. Unquestionably, the major candidates in these races violated several principles related to responsibility and respect for the code. Did such behavior determine the winners? Our focus groups suggest not. In fact, the negativism seems to have decreased the respect for each major candidate on whose behalf it was used.

What of the future? The Margaret Chase Smith Library in Skowhegan, the Margaret Chase Smith Center for Public Policy at the University of Maine, and the Institute for Global Ethics are committed to making the code work better next time and to expanding it to state legislative races. Elections can be improved by limiting or eliminating out-of-state financing and, perhaps, eliminating television advertising altogether. More opportunities for live, substantive debates across the state will help, and we also will explore approaches for closer media and independent scrutiny of the campaign and adherence to the code. The good news is that campaigns can be conducted ethically. Candidates Baldacci, Saucier and Young are to be congratulated for maintaining their commitments throughout the campaign. We recognize this year's code was only a first step. However, it was a major and positive first step that showed we can run honest and fair campaigns demanded by the people.

Note: The Maine Code of Election Ethics was a joint effort of the Margaret Chase Smith Library, the Margaret Chase Smith Center for Public Policy at the University of Maine, the Institute for Global Ethics, and the candidates. The draft code was co-authored by Steve Ballard, Pat Brousseau, Greg Gallant, and Merton Henry.

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