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Daniel M. Shea
dmshea@colby.edu

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COMMENTARY

The Independent Party Panacea?

by Daniel M. Shea

The prospects of billionaire and former Starbucks CEO Howard Schultz running for the presidency as an independent in 2020 has caused a stir, particularly among Democrats hungry for a one-on-one brawl with Donald Trump. Whether or not he decides to jump in, Schultz's flirtations have resurrected an important debate: Could the addition of another party redeem our faith in elections and cure the ills of governance? Is there any evidence to refresh our thinking about this perennial question? Might recent events in Maine, a state receptive to minor-party candidates, help our thinking about this issue?

We know that support for minor parties is on the rise. Survey after survey suggest Americans are hungry for more options on Election Day.¹ Many think it's finally time to ignite a genuine multi-party system. In a *New York Times* op-ed ("Are Republicans Ready to Join a Third Party?" January 29, 2018), Republican operative Juleanna Glover put it this way: "All kinds of previously unimaginable possibilities make a new kind of sense. A third-party presidency in 2020 is no less likely today than the prospect of Donald Trump's election appeared to be two years ago." But could a third-party candidate of any ideological stripe better represent Americans? Setting aside whether this could actually happen, given the myriad institutional barriers (such as ballot access and campaign finance rules), would a third party be a panacea for our ills?

The answer is no. It has probably never been true, but several new developments suggest a move in this direction would likely be disastrous.

To start, it's worth recalling the framers of our system were concerned, first and foremost, with the prospects of tyranny. They wanted to create a long-term, stable government where ambition would counter ambition. The breadth of *constitutional obstruction*, their cure for potential corruption, is staggering. To the framers' astonishment, the only force able to bridge checks and balances has been the two-party system. During most of American history, one party at a time has been in charge; the government has been unified and this is when change happened. When Jefferson displaced Adams, he brought with him a Republican-controlled Congress. The power behind Jackson and his sweeping agenda was his Democratic colleagues in the House and Senate. It was McKinley and the Republicans who stoked the fires of the Industrial Revolution, and of course, the speed and breadth of Roosevelt's New Deal was possible only because his party held huge majorities in Congress. The same can be said about Lyndon Johnson's Great Society. A Republican in the White House would never have been able to push civil rights legislation through the Democratic-controlled Congress in the 1960s.

Sure, some presidents in the twentieth century, like Eisenhower, Nixon, and Reagan, confronted divided government and were successful in advancing some of their policy initiatives. But that happened because conservative Democrats in Congress, mostly from the South, crossed over on occasion. Ronald Reagan's historic tax cuts were only possible because a large percentage of *boll weevils* and a few Upper Midwest

Democrats backed them. Likewise, Nixon's law-and-order agenda was supported by conservative Democrats. Harry Truman confronted a hostile Congress at the end of this first term, but he was able to nudge civil rights forward because he got help from a few moderate Republicans.

All that has changed. Record high party unity in Congress underscores the importance, even the necessity, of unified government (Jalan 2017). Barack Obama's Affordable Care Act and Donald Trump's tax reform each passed by a whisker and only because their partisan colleagues in Congress held a thin majority and stayed the course. Help from the other side was virtually nonexistent. Rigid party loyalty is a reality, and it has transformed our politics. Crossover legislators have virtually disappeared (Theriault et al. 2003). Susan Collins is sometimes tagged as being a swing vote, but a close look at her record tells how rare it is.

It was telling, certainly a sign of our times, that Nancy Pelosi was so successful in keeping her Democratic colleagues in line during the 35-day government shut down. Trump kept waiting for defectors, but they never came. Historically, Democrats have been more likely to stray, but not today. And on the other side, House Republicans are fused, and only a couple of Republican Senators seemed willing to break from the president.

Mainers would have something to say about this debate. Our state has a history of supporting minor-party candidates. In the 2010 race for governor, three viable candidates were on the general-election ballot, and each netted about one-third of the vote. The winner, with 38 percent, was conservative firebrand Paul LePage. In office, he pursued a far-right, Tea Party-like agenda that was at odds with many of the moderate

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Republicans in the legislature. The government split into three parties, of sorts: LePage's far-right group, moderate Republicans (many of whom were leaders in the House and Senate), and Democrats. To say Maine's government during LePage's tenure was acrimonious would be a grand understatement. LePage vetoed more bills than all the previous governors combined did since 1917, even though Republicans controlled at least one branch of the legislature during most of his time in office ("LePage's Vetoes Top Maine Governors Combined since 1917," *Times Record*, July 17, 2018).

Even when Maine voters passed ballot initiatives to legalize marijuana, expand Medicaid, and introduce ranked-choice voting, LePage somehow found an avenue to block these changes. One of the most notorious feuds during this period occurred between factions of the Republican Party.² In brief, Maine's latest foray into minor-party politics proved to be such a disaster that the citizens took a bold move to make the state first in the nation to use ranked-choice voting. Make no mistake; this change was a backlash against plurality winners, which of course would be much more possible with an additional party in the mix.

We should also consider trends in party identification, which have been unprecedented (Pew 2017). For one, there is very little intersection on most policy positions, and more importantly, each side views the other as dangerous. Why would voters sanction middle-ground solutions when they see the other party as crazy, a threat to the nation?

Although, according to Gallup, 39 percent of Americans consider themselves independent (nonpartisan), a few points should be raised.³ First, independents who lean toward one party or

another (which would be most), tend to consistently vote for that party (Sides 2009). They might say they are moderate, willing to move back and forth, but their voting behavior suggests otherwise. In fact as Philip Bump reports in the *Washington Post*, new data suggest independent leaners "fear and loathe" members of the other party just as strong partisans do ("Independent Leaners Hate the Other Party More Than They Like the One They Vote for," September 13, 2017).

A third party might have made sense when split-ticket voting was high, but here again that has changed. A generation ago, roughly one-third of voters regularly split their vote choice between a presidential candidate of one party and a congressional candidate of the other. In the last few elections, that figure has been cut in half. In 1988, 16 states split their outcome between a presidential candidate of one party and a Senate candidate of another. That did not happen in a single state in 2016.⁴

Perhaps more notable, while the *overall* American electorate might be moderate, this is not true at the state, district, and community level. State legislatures today are more unified (both chambers of the same party) than they have been in more than 100 years. Only one state, Minnesota, has a divided legislature. In the 1990s, that figure stood at about 15.⁵

In the 2016 presidential election, a stunning 71 percent of counties had a landslide outcome (where the winner netted more than 60 percent of the vote). Even though the overall outcome was close, there was a blowout in nearly three-quarters of the roughly 3,200 counties (or county equivalents). Hillary Clinton won 199 counties by 60 percent or more, and Donald Trump won a staggering 2,035 by that margin. A whopping

40 percent of counties yielded a winner who received over 70 percent of the vote. Flipping it the other way and keeping in mind the additional drag of minor-party candidates, the losing presidential candidate received less than one-third of the vote in an astonishing 62 percent of counties. The red/blue divide in America has expanded significantly.⁶

And it is more than just vote totals. A Pew Research Center (2014) survey found that roughly 50 percent of true conservatives and hardcore liberals thought it was important to live in a place where most people share their politics.

And of course there is sorting of a different kind—on the internet, where we are flooded with concordant information and our circle of "friends" (through social networks) is carefully defined. Early thinking about the internet was that nearly unlimited information and the ability to connect with diverse citizens would broaden knowledge and shrink tribal instincts. But we've come to learn that it also offers opinions to reinforce every prejudice.

But how might this inform our thinking about a third party? Voters in highly sorted districts, gorging on piles of cozy news, will compel their representatives to hold the line; moderation and compromise will be out of the question. That is to say, can we really imagine primary voters (the most engaged and partisan) to somehow give their elected officials license to find neutral ground with two other parties? Triangulation would be okay? Again, Americans might be moderate in the aggregate—there is a great swath of moderates out there—but it's not true at the state, district, and local level. The introduction of another party would grind things to a halt, leading to ever-increasing hostility toward the other side(s) and increased levels of cynicism.

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The introduction of a viable third party would likely wreak havoc with the Electoral College, given the unit rule. The prospects of one candidate not receiving a majority of Electoral College votes would increase greatly, as would the prospects of elections being settled by the House where each state has a single vote. The smallest 25 states now make up just 23 percent of the population—a percentage that will dramatically *drop* in the years ahead.⁷ One might wish for reforms, but why would rural states dominated by Republicans cede their power? If future presidential contests are resolved in the House, it's likely that the men and women who represent a fraction of the American public would put their candidate in power.

What would that do to the legitimacy of government? The *Washington Post* conducted a poll of 3,000 respondents during the waning days of the 2016 election. Among much else, they found that 40 percent of respondents claimed to have “lost faith in American democracy.” Asked if they would accept the results if their candidate lost the election, just 31 percent said they definitely would see the outcome as legitimate. According to the ANES, in the 1960s about two-thirds of Americans believed elections made government pay attention “a good deal of the time.” In recent years that figure has dropped to about 25 percent. What would happen to these figures if plurality winners become the norm—as we saw with Governor LePage?⁸

There is a host of reforms that might compel major-party candidates to better reflect the interests of votes in the ideological middle. The most viable avenue would be changes in the nomination process, where today candidates on the fringes make their way to the general election ballot, leaving moderates out in

the cold. Ranked-choice voting is picking up steam, as are nonpartisan redistricting commissions. Both would help, a lot. So all is not lost. But looking to a third party to solve our election woes will lead to disappointment, even higher levels of frustration and anger, and a crisis of legitimacy. 🐼

ENDNOTES

1. The Gallup website reports on the desire for election choices: <https://news.gallup.com/poll/219953/perceived-need-third-major-party-remains-high.aspx>
2. This feud is described in detail in this *Portland Press Herald* article: http://www.people-press.org/2017/10/05/8-partisan-animosity-personal-politics-views-of-trump/8_01/
3. Gallup data on party affiliation can be found here: <https://news.gallup.com/poll/15370/party-affiliation.aspx>
4. More discussion on split-ticket voting can be found on American National Election Studies (ANES) website (<https://electionstudies.org/resources/anes-guide/top-tables/?id=111>) and in an article by Jeff Stein on *Vox* (<https://www.vox.com/policy-and-politics/2016/11/17/13666192/>)
5. More information on party control of state legislatures after the 2018 election is available on these websites: <https://www.nytimes.com/2019/01/28/us/democrats-gun-control-healthcare.html> and <https://psmag.com/news/only-one-state-legislature-is-now-under-split-party-control>
6. The *New York Times* created an analysis of the partisan divide in the 2016 election: <https://www.nytimes.com/interactive/2016/11/10/us/politics/red-blue-divide-grew-stronger-in-2016.html>
7. NPR provides a guide to the Electoral College: <https://www.npr.org/2016/11/02/500112248/>
8. The results of the *Washington Post* poll can be found on the website <https://www.washingtonpost.com/>. The ANES data can be found at the website listed in endnote 4.

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Daniel M. Shea is a professor of government at Colby College. He has written widely on American politics. His forthcoming book, *Why Vote?*

Essential Questions about the Future of Elections in America, will be published by Routledge Press in 2019.