

CHAPTER FOUR

INSTITUTIONAL CONSTRAINTS: THE BARRIERS TO THIRD-PARTY SUCCESS

Cataloging the social and political diversity of the American electorate and exploring the potential for mass political change raises an obvious question. With a social environment so conducive to a multiparty system, how has the two-party system remained dominant? It is not, after all, a consequence of lack of challenges to the two major parties. As Bibby and Maisel show, both parties have proved their staying power: "Each has sustained dramatic swings of fortune---landslide victories, demoralizing defeats, cliffhanger wins and losses, major splinter movements, and realignment of bases for electoral support."¹ Institutional constraints must be at work to keep the two-party system in place.

In searching for explanations, this chapter reviews the literature on comparative electoral systems, from Maurice Duverger's Law to more recent studies by William Riker (1982), Gary Cox (1997), Jae-On Kim and Mahn-Geum Ohn (1992), Alan Ware (1996), and Octavio Amorim Neto and Cox (1997). The review also includes studies by Howard Scarrow (1985) and Paul Abramson, John Aldrich, Phil Paolino, and David Rohde (1995) that adapt this literature to the American system and more general reviews of third-party history by Steven Rosenstone, Roy Behr, and Edward Lazarus (1984), John Bibby and

¹ John F. Bibby and L. Sandy Maisel, *Two Parties--or More? The American Party System, Dilemmas in American Politics*, ed. L. Sandy Maisel (Boulder, CO: Westview Press, 1998), 48.

Sandy Maisel (1998), and David Gillespie (1993). Finally, dissertations by Joan Bryce (1996) and Jimmie Rex McClellan (1984) that explicitly categorize the barriers for American third parties are combined with the literature on individual roadblocks and an overview by Theodore Lowi (1998) to present an overall map of the barriers facing third parties in the U.S.

There typically have been two explanations for the determinants of the number of parties in a country, one sociological and one institutional. Having dispensed with the sociological explanations for the American example, this chapter addresses the institutional barriers. This does not mean that social factors should not be considered. Mixed approaches, which emphasize the interaction of social and institutional factors, seem the most plausible. An interactive model assuming the need for both heterogeneity and proportional electoral laws is more predictive than an additive model.²

In Chapter Two, however, I discussed American social cleavages and the increasing diversification of the American electorate in great detail. Homogeneity of American culture thus does not seem to be a major barrier. According to Neto and Cox, "A polity can tend toward bipartism either because it has a strong electoral system or because it has few cleavages. Multipartism arises as the joint product of many exploitable cleavages and a permissive electoral system."³

As Neto and Cox prove, a predictive model using only institutional variables explains 61 percent of the variation in the effective number of parties among

² Octavio Amorim Neto and Gary W. Cox, "Electoral Institutions, Cleavage Structures, and the Number of Parties," *American Journal of Political Science* 41 no. 1 (1997): 155.

³ Neto and Cox, 167.

democracies.⁴ Combining those variables with ethnic heterogeneity improves the model. Cox continues: "Social cleavages thus seem to play no systematic role in determining the equilibrium number of parties. They do play a residual role."⁵ Cox concludes: "Increasing the diversity of the social structure in a non-proportional electoral system does not proliferate parties, whereas it does in a proportional system."⁶

Ware generally accepts the institutionalist approach to explaining party systems but notes that two major mistakes have been made in the approach: an extreme focus on electoral systems and a lack of consideration of the sociological approach.⁷ With sociological literature discussed earlier and the broad approach taken in this chapter, this paper should escape these problems. As Kim and Ohn point out, major social cleavages are probably not even necessary for predicting more than two parties: "Almost all the societies probably have enough social divisions to accommodate at least three political parties."⁸

Institutional barriers are the only remaining explanation for the American two-party system. The constraints work in combination rather than as isolated phenomena. Bryce's review found that no one barrier limits party development and that the relative importance of each barrier has changed over time.⁹ For example, lack of money hurt

⁴ Ibid., 164.

⁵ Gary W. Cox, *Making Votes Count*, Political Economy of Institutions and Decisions (Cambridge: Cambridge University Press, 1997), 16.

⁶ Ibid., 25.

⁷ Ware, 196.

⁸ Jae-On Kim and Mahn-Geum Ohn, "A Theory of Minor-Party Persistence: Election Rules, Social Cleavage, and the Number of Political Parties," *Social Forces* 70 no. 3 (1992): 585.

⁹ Joan Bryce, "The Preservation of a Two-Party System in the United States" (M.A. diss., University of Western Ontario, 1996), 3.

John Anderson but had no effect on Ross Perot. The Electoral College hurt both Anderson and Perot but did not hurt Strom Thurmond. Bryce found that institutional barriers such as the Electoral College and the direct primary had not changed in importance over the last half of the twentieth century; only the psychological barriers to third parties had decreased in importance.¹⁰

The barriers have different effects on each candidate and party. Bryce rated ballot access obstacles as the most important barrier for George Wallace, with cultural and psychological factors serving as an important check.¹¹ For John Anderson, ballot access and economic constraints were most important, and institutional and psychological barriers had some effect. According to Bryce, Ross Perot suffered most from institutional barriers and secondarily from ballot access. Whatever their relative importance for each candidate, the barriers combine to prevent a breakdown of the American two-party system.

Though there is disagreement on which barriers are most detrimental, there is a consensus that the constraints are quite high. According to ballot access expert Richard Winger, "The extreme disparity of the burdens placed on old, established parties versus new parties has no parallel in any other democratic nation in the world."¹² Rosenstone et al. divide the difficulties facing third parties into three categories: first, "barriers," such as

¹⁰ Ibid., 69.

¹¹ Ibid., 73.

¹² Richard Winger, "The Importance of Ballot Access to Our Political System," *Long Term View* 2 no. 2 (1994): 42.

constitutional and legal boundaries, second, "handicaps," such as fewer resources, and third, "major party strategies."¹³

This chapter generally follows these categories. First, there is a review of the barriers, including the legislative electoral system, the presidential electoral system, ballot access laws, and anti-fusion laws. The chapter next reviews the handicaps, including media coverage and financial constraints. Next, there is a review of major party strategies, including co-option and repression. Finally, there is an added category of constraints, the internal failures of third parties; it includes campaign decisions and failure to build coalitions.

The Legislative Electoral System

According to Bryce, "The electoral system is the environment in which parties either adapt, coalesce, grow, or die."¹⁴ An electoral system can be understood by district magnitude, the number of members elected from each legislative district, and electoral formula, the way votes are translated into seats. The current electoral system is based on winner-take-all, geographically defined single-member districts. America is divided into 435 congressional districts that each elects one member to the House of Representatives; similar geographic divisions are used for state legislative districts. This approach allows each region of the nation and of a state to be represented but only allows an ideological group to be represented if it is the most popular viewpoint in a particular district.

¹³ Steven J. Rosenstone, Roy L. Behr, and Edward H. Lazarus, *Third Parties in America: Citizen Response to Major Party Failure*, 2d ed. (Princeton: Princeton University Press, 1996), 15.

¹⁴ Bryce, 28.

The result has been a Congress where 533 of 535 representatives are from either the Democratic or the Republican Party even though one third of Americans do not identify with either party. As David Butler has said, "[The electoral system] shapes individual career structures and it influences the internal cohesion and discipline of parties and the general stability of the party structure."¹⁵

As early as 1881, English barrister Henry Droop was pointing out the role of the electoral system in developing parties: "I cannot explain [two-party systems] by any theory of a natural division between opposing tendencies of thought, and the only explanation which seems to me to account for them is that they... have been formed and are kept together by majority voting."¹⁶ From 1900-1925, a series of European countries adopted proportional representation systems, alternate voting methods that translate votes proportionally into seats in the legislature. Supporters often denied, however, that proportional representation would lead to multiparty systems.¹⁷

By most accounts, electoral systems seem to explain a great deal of party system development. According to Rosenstone et al., "The single-member-district plurality system not only explains two-party dominance, it also ensures short lives for third parties that do appear. [This is because] if they are to survive, political parties must offer tangible benefits to their supporters."¹⁸ According to Ordeshook and Shvetsova, "If district magnitude equals one, then the party system is relatively 'impervious' to ethnic

¹⁵ David Butler quote in Joan Bryce, "The Preservation of a Two-Party System in the United States" (M.A. diss., University of Western Ontario, 1996), 28.

¹⁶ William H. Riker, "The Two-Party System and Duverger's Law: An Essay on the History of Political Science," *American Political Science Review* 76, no. 4 (1982): 756.

¹⁷ *Ibid.*, 757.

¹⁸ Rosenstone et al., 15.

and linguistic heterogeneity."¹⁹ J. Grumm argued that the causes are reversed, that multiparty systems lead to proportional representation. However, according to Riker, "The few European countries that changed from plurality to proportional representation also changed from a two-party system to a multiple-party system."²⁰ Ireland, however, seems to be an exception: it adopted proportional representation and saw a high of seven parties but lost all but three.

Nonetheless, plurality systems clearly decrease the number of seats won by national third parties. John Sprague showed that parties in proportional systems had to win an average of 12 percent of the vote in legislative elections to get a proportional share of seats. In plurality systems, parties need to reach 32 percent of the vote to achieve the same share of seats.²¹ In Germany, S. L. Fisher found that third parties lost between 13 percent and 38 percent of their votes in plurality elections compared to the proportional elections.²²

Maurice Duverger began the institutional approach to explanations of party systems with his maxim: "The simple-majority single-ballot system favors the two-party system."²³ Duverger's Law is supported by a theory: the mechanical factor of conversion bias in non-proportional systems combines with the psychological factor, an aversion to vote wasting, to produce two-party systems. Duverger was quite confident that the American two-party system confirmed his law.

¹⁹ Neto and Cox, 155.

²⁰ Riker, 758.

²¹ *Ibid.*, 762.

²² *Ibid.*, 763.

²³ Ware, 191.

At the district level, Cox found that Duverger's Law is supported almost every time. According to Riker, the part of Duverger's theory indicating that plurality systems cause two-party systems is more defensible than the part that says proportional systems lead to multiparty politics. Riker said Duverger's Law just needs to be modified to exempt cases where a national third party is a second party in some localities or where one centrist party is the dominant party.²⁴ The revised Duverger's law, however, still does not seem to explain how the American major parties have sustained their dominance over such a long period or how regional parties have also failed.

The Wasted Vote

Rational choice theory is implicit in the psychological barriers identified by Duverger that prevent voting for minor parties. The barriers can be divided into two separate phenomena: the avoidance of "wasting" one's vote and avoidance of "the spoiler effect" where one's least favorite candidate is elected through defection. There is clear evidence of distaste for "wasted votes" in American elections. The campaigns of Robert LaFollette, William Lemke, Henry Wallace, Eugene McCarthy, and John Anderson all followed the traditional path of an early peak and a trend downward by Election Day.

In 1948, President Truman used the wasted vote argument against the Progressive Party, calling it powerless. Twenty years later, only 4.3 percent of voters believed that George Wallace "stood a chance" to be elected president and the major parties used the wasted vote argument to lure potential supporters away from his campaign.²⁵ In 1980, voters thought, by a two-to-one margin, that Anderson would lose by a landslide; less

²⁴ Riker, 761.

²⁵ Bryce, 57.

than 1 percent believed he would win.²⁶ Support for Anderson rose 9 points in polls if voters were told to assume that Anderson had a "real chance of winning." Forty-five percent of 1980 voters who had considered voting for him ended up voting for someone else because of fear of a wasted vote.²⁷ According to post-election polling, only 57 percent of voters who ranked Anderson highest voted for him. Polls also showed that only 84 percent of those who ranked Wallace as the best candidate actually voted for him and only 79 percent of Perot supporters voted for him.²⁸

Black and Black argued that Perot would have won the 1992 election had polls not predicted his defeat; this conclusion was based on exit polling that showed 36 percent of voters would have supported Perot if he had a chance to win.²⁹ Others believe that this is just evidence of voter frustration. The Condorcet winner test put forth by Abramson et al. shows that Perot would have lost in head-to-head races. This does not prove that he would have lost the election if voters did not fear a wasted vote, however; it was a three-way race and Perot did not need to be the Condorcet winner to come in first.

The Spoiler Effect

Some voters do not fear the "wasted vote" and are willing to vote for a candidate that has little chance of winning but are unwilling to support a minor candidate if they believe that it may change the outcome of an election, electing the candidate they least prefer. There is a great deal of evidence that people vote strategically to avoid the

²⁶ Rosenstone et al., 39.

²⁷ Ibid., 39.

²⁸ Paul R. Abramson, John H. Aldrich, Phil Paolino, and David W. Rohde. "Third Party and Independent Candidates in American Politics: Wallace, Anderson, and Perot," *Political Science Quarterly* 110 no. 3 (1995): 360.

"spoiler effect." Voters have been more likely to vote for third-party candidates in elections where one party has a large lead.³⁰ Over half of those who had considered a John Anderson vote told pollsters after the election that they had not voted for him because they feared he would act as a spoiler.³¹ In 2000, news stories repeatedly told potential Nader voters that a vote for Nader would help elect George W. Bush.

Two independent regressions found that the closer the race is between the major party candidates in Britain, the more likely third-party voters will be to select their second preference in order to affect the outcome.³² In Canada, Black found that between 37 percent and 62 percent of third-party voters in close districts switched their votes but only about 10 percent of third-party voters in safe districts did.³³ Evidence from the German Bundestag, the British House of Commons, the Liverpool City Council, and the Canadian House of Commons shows that people do indeed vote strategically.³⁴ British evidence indicates that if it does not make sense to vote strategically, voters are more apt to stick with their first preference. Candidates may be able to avoid the spoiler effect, however, if they have a threshold degree of public support. According to Gold, 1992 voters who thought the election was close were just as likely to support Perot.³⁵

²⁹ Ibid., 359.

³⁰ Howard Gold, "Third Party Voting in Presidential Elections: A Study of Perot, Anderson, and Wallace," *Political Research Quarterly* 48 no. 3 (1995): 753.

³¹ Bryce, 59.

³² Riker, 762.

³³ Ibid., 763.

³⁴ Cox, 80.

³⁵ Gold, 761.

Partisan Alignment

In part because of systemic constraints from the electoral system, the forecasted dealignment has not been as pronounced as it sometimes appears. Gold found that a base of weak partisans is a necessary condition for third-party success but does not make it inevitable: "By this measure alone, every presidential election since 1968 produced a partisan environment hospitable to a third-party challenge."³⁶ According to Gold, "If third-party success is rooted in declining partisanship, then it is not because of public disaffection from the parties but rather because of the obsolescence of parties in the eyes of the electorate."³⁷

Dealignment, however, is a key factor moving people toward third parties. According to Gold, "In 1992, there were six factors that influenced one's probability of voting for Perot. Strength of partisanship and assessments of the major party candidates were the most influential explanatory variables. Distrust toward government, issue awareness, age, and region also showed significant effects."³⁸ Partisan identity, though weakening, is still strong. From the 1980 to the 1992 presidential election, strong Democrats voted for the Democratic candidate 90 percent of the time, and weak Democrats did 67 percent of the time; strong Republicans voted Republican 93 percent of the time, weak Republicans did 81 percent of the time.³⁹ Most independents also lean toward one of the major parties.

³⁶ Ibid., 765.

³⁷ Ibid., 759.

³⁸ Ibid., 764.

³⁹ Bibby and Maisel, 64.

Elite Motivations

Voting is only one step in the process of party development, however. According to Cox, there are three stages of party system development: one that turns social cleavages into party identity, one that turns party identity into votes, and the third that turns votes into legislative representation.⁴⁰ Social groups have four basic options in the realm of electoral politics. They can choose not to enter the process, they can try to influence selection of candidates for a major party, they can create a new long-term party, or they can create a protest party.⁴¹ According to Neto and Cox,

The creation of parties and the advertisement of their positions would be key points at which a reduction of the number of political players occurs. The multiplicity of possible or imaginable parties is reduced to an actual number of launched parties even before the electorate produces an effective number of vote-getting parties, and the electoral mechanism produces an effective number of seat-winning parties.⁴²

Elite actors can make strategic decisions at all steps in the process. Abramson et al. claim that strategic voting did not effect the outcome of any recent Presidential election, but admit that their evidence does not take account of the psychological effect on elites; the lack of institutional support for the independent candidates still may have prevented some victories.⁴³ Elite actors are more likely to pay attention to the chances of winning than the populace. According to Cox,

The problem is that any class of agents who care about the outcome of the election - not just voters but also activists, contributors, and candidates - will tend

⁴⁰ Cox, 26.

⁴¹ *Ibid.*, 162.

⁴² Neto and Cox, 152.

⁴³ Abramson et al., 364.

to allocate whatever resources they control (labor, money, etc.) to front-running candidates, where they are more likely to affect the outcome.⁴⁴

As Riker explains, politicians form political parties if they share a common interest, ideology, or group identification along with a desire to win elections. "Since one motive for the common appeal is the desire to win," he says, "it is not surprising that the constitutional definitions of winning have an effect on the parties thereby generated."⁴⁵ As Cox has said, "Elites typically act first: Contributions and endorsements are sought before votes are."⁴⁶ Political leaders react to the institutional effects that best allow them to create coalitions among themselves and among the electorate. Various social cleavages may be present but institutions determine how politicians can best use those cleavages to form parties and define themselves in a way that allows them to emerge victorious.⁴⁷

According to Riker, the psychological effects on third-party leadership are also important: "A potential leader buys a career, and as a rational purchaser he has no interest in a party that may lose throughout his lifetime."⁴⁸ Since making the jump to a third party can easily be a career-ending move, few politicians are willing to take that leap of faith. For instance, Robert LaFollette decided not to put together a Progressive Party organization until after the election because he could not successfully run progressive partisans in Congress on the new party label.⁴⁹

⁴⁴ Cox, 89.

⁴⁵ Riker, 755.

⁴⁶ Cox, 30.

⁴⁷ Ware, 197.

⁴⁸ Riker, 765.

⁴⁹ Rosenstone et al., 95.

The electoral system is not the only institutional block on third parties. According to Cox each of the major institutional barriers, including both the electoral system and disallowance of fusion, is necessary to prevent success of third parties on a local level. As Theodore Lowi has put it, "Interestingly enough, although many scholars present the two-party system as being inevitable, it has never been left to accomplish its wonders alone."⁵⁰

Kim and Ohn point out that other factors influence the party system including "conditions affecting coalition formation," "availability of other grievance channels," "ability of existing parties to respond to new demands," "the existence of a strong executive office," and "the past history of the party system."⁵¹ This shows that the electoral system is not singularly determinate. Cox's econometric model predicts the effective number of political parties in a country by multiplying social heterogeneity and institutional factors including the electoral system and the nature of presidential elections.⁵²

The Presidential Electoral System

The presidency also has stifled a transition to multiparty democracy in the U.S. According to Cox, the U.S. maintains two parties in the legislature because of the linkage to presidential elections, the value of the presidency, and the electoral rules that

⁵⁰ Theodore J. Lowi, "Toward a Responsible Three-Party System: Prospects and Obstacles," in *A Republic of Parties? Debating the Two-Party System*, ed. Theodore J. Lowi and Joseph Romance (Lanham, MD: Rowman & Littlefield Publishers, 1998), 4.

⁵¹ Kim and Ohn, 583.

⁵² Cox, 220.

established two major parties in the presidential elections.⁵³ Cox also shows that having an upper legislative chamber contributes to bipartism in countries with a presidency.⁵⁴

The presidency is clearly the most prominent electoral contest in America and it cannot be formed via party coalition government. Because the presidency is a national but legislatively linked election, potential candidates often look to endorsements from current legislators and attempt to work with groups of potential legislators.⁵⁵ Well-organized groups are more likely to be able to link their executive candidates with legislative ones.

As Ware has said, "Undoubtedly, presidentialism in the United States was an extremely powerful force that helped to generate an otherwise puzzling outcome--a two-party system within a highly heterogeneous society."⁵⁶ According to Riker, "In the election of single executives, if sophisticated voting occurs, it always works against third parties."⁵⁷ Neto and Cox found that presidential electoral rules work with cleavage structure to produce the number of parties in competition for the presidency and that the close proximity of presidential elections produces legislative party systems influenced by the presidential party system.⁵⁸

Third parties have not performed well in presidential elections; third-party candidates and independents have received over 10 percent of the vote only seven times

⁵³ Ibid., 189.

⁵⁴ Ibid., 221.

⁵⁵ Ibid., 187.

⁵⁶ Ware, 194.

⁵⁷ Riker, 762.

⁵⁸ Neto and Cox, 160.

since 1832, and over 20 percent only once.⁵⁹ Thirty years of French presidential races with runoffs have yielded more third-party candidates finishing with over 5 percent of the vote than in all of U.S. history.⁶⁰ The presidency may also disrupt third-party breakthroughs by allowing the electorate to split their votes between the two parties; Americans seem to be satisfied with, or even in support of, divided government.⁶¹

The Electoral College

The presidential electoral system is structured around the Electoral College. With the exception of Maine and Nebraska, all states award all of their electoral votes to the presidential candidate that wins a plurality of the votes in their state. Third parties are almost always disadvantaged by this system. Perot came in second in 343 counties, gaining 20 percent of the vote in 28 states, but did not win a single electoral vote.⁶²

The only third-party candidate clearly advantaged by the Electoral College was John C. Breckinridge, the Southern Democrat in 1860. He received 23.8 percent of the electoral vote and 18.1 percent of the popular vote, mostly because the slave states were overrepresented in the Electoral College under the three-fifths rule.⁶³ Even George Wallace, who had a regional base, received only 8.5 percent of the Electoral College vote

⁵⁹ Bryce, 27.

⁶⁰ Abramson et al., 366.

⁶¹ Herbert Alexander, "Lifeblood of American Politics of Lock-Up of American Government? The Meaning of the Two Party System." Panel discussion at a conference entitled "The Two-Party System and Its Discontents." American University, Washington, DC, 13 May 1999.

⁶² Bryce, 60.

⁶³ Abramson et al., 354.

for 13.5 percent of the popular vote.⁶⁴ John Anderson also finished third in every state except Alaska, where he ran behind Libertarian Ed Clark, and gained no electoral votes.⁶⁵

The Electoral College compels voters to consider the "spoiler effect" if they are in any state where the vote is likely to be close. Even many of Ralph Nader's supporters urged him not to campaign in swing states during the 2000 election. R. Bense and E. Sanders found that only 4 percent of those who favored Wallace in states where he was strong voted for a major party candidate, compared to 17 percent in states where he was not strong.⁶⁶ Voters in the other states may be less likely to vote at all because they are told that their state is already safely in the hands of one of the major party candidates.

Riker argues that the Electoral College may actually help third parties because a President must win a majority of electoral votes to be elected president and third parties have a chance to send the election to the House of Representatives. Upon leaving the presidential race in 1992, however, Ross Perot said that fear of throwing the election into the House of Representatives had caused him to quit.

The Direct Primary

The direct primary, though encouraged by third-party reform movements, has also become a major barrier for third-party success. American parties, unlike their European counterparts, are not ideological or social groups but large, umbrella organizations held together by the likelihood of winning elections. Cox demonstrates that groups are more likely to choose to influence a major party rather than start a third party based on "the

⁶⁴ Ibid., 353.

⁶⁵ Ibid., 353.

⁶⁶ Riker, 764.

permeability of the major parties' endorsement process" and "the advantage of possessing one of the major parties' labels."⁶⁷

The direct primary has made it much easier for dissidents to have a role in controlling major party agendas in an electoral system that makes it hard to otherwise gain a foothold.⁶⁸ National conventions and the direct primary have allowed dissidents, such as Pat Robertson and Jesse Jackson, to work for reform within one of the two major parties. The direct primary also contributes to the creation of a voting population that is accustomed to narrowing the choices down to two candidates. Finally, it encourages many voters not to register with a third party so as to vote in the primary.⁶⁹

Ballot Access Laws

Qualifying to appear on the ballot is a major chore for third parties. Signature gathering in every state in 1980 took about 100,000 hours of labor.⁷⁰ According to Natural Law Party Press Secretary Robert Roth, all third-party operatives, whether they work on media, fund-raising, or event planning, must spend time and energy on ballot access. According to Winger, only 50,000 signatures were needed to put a new party on the ballot in 48 states in 1924. By 1994, a third party needed 1,593,763 signatures.⁷¹ In contrast, the total required for the major parties is about 140,000.

⁶⁷ Cox, 166.

⁶⁸ Bryce, 5.

⁶⁹ *Ibid.*, 33.

⁷⁰ Jimmie Rex McClellan, "Two Party Monopoly: Institutional Barriers to Third Party Participation in American Politics" (Ph.D. diss., Union for Experimenting Colleges and Universities, 1984), 112.

⁷¹ Winger, "The Importance of Ballot Access to Our Political System," 43.

To get only a presidential candidate on the ballot in all 50 states, a party needs to collect over 700,000 signatures.⁷² Many believe that Abraham Lincoln could not have been elected in 1860 under the current ballot access rules. According to Winger, the Republican Party was able to win more seats in the House of Representatives soon after the founding of the party only because ballot access laws did not exist until 1888.⁷³

Federalism allows ballot access laws to be made at the state-level and several states have been very strict. As Roth said before the requirements were recently changed, "The number of signatures required for a new party to get on the ballot in Florida alone exceeds the signature requirements that a new party would have to collect if it wanted to get on the ballot in all the countries in Europe, as well as Canada, Australia, and New Zealand combined."⁷⁴ The U.S. is the only major democracy that does not have the same ballot access requirements for every party and has by far the largest number of signatures required.⁷⁵

Several obstacles make the signature-gathering process even more problematic. First, candidates typically collect at least 130 percent of the required signature total to make sure the petitions are not declared invalid.⁷⁶ Second, it is often difficult to petition because most businesses do not want their customers to be asked to sign petitions and even public libraries have refused to allow petitioners. Third, almost all successful

⁷² Bryce, 34.

⁷³ Winger, "The Importance of Ballot Access to Our Political System," 43.

⁷⁴ Robert Roth, *A Reason to Vote* (New York: St. Martin's Griffin, 1999), 20.

⁷⁵ *Ibid.*, 25.

⁷⁶ Bryce, 35.

petition drives use paid signature-gatherers and third parties often lack the funding to collect or authenticate the signatures.

Ballot access restrictions were detrimental to George Wallace; 16 states had filing deadlines before summer and researching the laws in every state was difficult. Many voters also had to change their party affiliation in order to sign the petitions. The candidate had to spend considerable time and over one million dollars just to get on the ballot in California alone.⁷⁷ Anderson spent two million dollars on ballot access, going into debt; as a result, he was forced to pull all advertisements at the crucial period at the end of the summer and could not afford any polling.

Michael Lewis-Beck and Peverill Squire prove that the strength of a state's ballot access law is a significant predictor of likelihood that a third party gains access. Winger shows that third parties are more prominent in American states with lenient electoral laws, winning elections in Alaska, Connecticut, New York, New Hampshire, Tennessee, and Vermont.⁷⁸ Stephen Ansolabehere and Alan Gerber find that ballot access requirements are generally problematic: "Higher ballot access requirements significantly increase the frequency of uncontested seats and decrease the frequency of retirements. Contrary to Supreme Court opinions, petitions pose as great a burden on potential challengers as filing fees do."⁷⁹ Even for major party candidates, Ansolabehere and Gerber say, ballot access requirements are troubling: "In states with neither fees nor

⁷⁷ Ibid., 55.

⁷⁸ Richard Winger, "Institutional Obstacles to a Multiparty System," in *Multiparty Politics in America*, ed. Paul S. Herrnson and John C. Green (Lanham, MD: Rowman & Littlefield Publishers, 1997), 160.

⁷⁹ Stephen Ansolabehere and Alan Gerber, "The Effects of Filing Fees and Petition Requirements on U.S. House Elections," *Legislative Studies Quarterly* 21 no. 2 (1996): 249.

petitions, the predicted frequency of uncontested seats is 6.9 percent; in states requiring \$1,000 fees and 1,000 signatures, the predicted frequency of uncontested seats jumps to 24.7 percent."⁸⁰

Filing fees are also sometimes difficult for underfunded third parties. Even low filing fees reduce the number of candidates. According to Gillespie, "Anderson spent more than half of the \$7.3 million his campaign collected between March and September on petition drives and legal fees."⁸¹ Ansolabehere and Gerber further show that there is a trend toward harsher ballot access requirements, with more states increasing than relaxing their requirements.⁸²

Petition Regulations

Collecting the signatures would not be as difficult if states did not regulate the minute details of signature gathering. All 50 states have different definitions of a political party and different petitioning requirements. Some states require petition signers to join the party or announce that they intend to help organize the party. Many states require separate petitions for each third-party candidate. Each voter may even have to use a separate page for his or her signature. In some states, petition signers have to know their precinct or voter registration numbers.⁸³ Montana requires separate petitions for

⁸⁰ Ibid., 259.

⁸¹ J. David Gillespie, *Politics at the Periphery: Third Parties in Two-Party America* (Columbia: University of South Carolina Press, 1993), 35.

⁸² Ansolabehere and Gerber, 250.

⁸³ Rosenstone et al., 22.

each state legislative district. As Bryce found,

Many states have detailed requirements governing the collection of petition signatures. For example, in Connecticut, no page of the petition may contain signatures from more than one town. In Kentucky, each signer must include his or her birth date or social security number. In Illinois, petitions may only be circulated during the ninety days prior to the filing deadline. In Washington, only signatures gathered at properly called conventions are accepted. In Texas and Nebraska, petitions may be signed only by people who did not vote in one of the presidential primaries.⁸⁴

West Virginia law has been especially problematic. First, the state established punishment of a year in jail for voting in a primary and then signing a petition.⁸⁵ Second, West Virginia has approved only about one-third of all submitted signatures.⁸⁶ Third, in 1980, West Virginia petition signatures had to be organized by magisterial district, a political subdivision unknown even to the state election officials.⁸⁷

Requiring signature collection by district can be detrimental. The Utah Human Rights Party collected three times the number of required signatures, for instance, but since the count was by county, the Secretary of State merely invalidated a few of the signatures on the petition for a very small county.⁸⁸ Ballot access deadlines can also be problematic; third parties often hold their conventions up to a year before the election in an effort to avoid early filing deadlines.

Merely understanding ballot access laws can be difficult. The American Civil Liberties Union has said that "vagueness and imprecision" in ballot access laws is the

⁸⁴ Bryce, 35.

⁸⁵ McClellan, 123.

⁸⁶ Roth, 28.

⁸⁷ McClellan, 123.

⁸⁸ *Ibid.*, 121.

greatest barrier.⁸⁹ In 1976, Eugene McCarthy's five lawyers all came up with different interpretations for one Arizona law.⁹⁰ McCarthy blamed the failure of his 1976 independent campaign on "lack of money for organizing petition drives" and "state laws that were interpreted and enforced against us."⁹¹

According to Lewis-Beck and Squire, "States tinker with these rules, changing the number of signatures or altering the filing procedures. Indeed, each state has, at some time or other, rewritten its ballot access rules."⁹² The major parties are sometimes involved in these efforts, according to McClellan: "The Democratic National Committee, at the urging of the Carter White House, budgeted \$225,000 to search election statutes for technicalities that could be used to keep John Anderson off the general election ballot."⁹³ Robert Roth even noted that one Secretary of State told the Natural Law Party: "We don't care what the rules say; we're not putting you on the ballot."⁹⁴

The ballot access regulations originated with the Australian ballot, an idea that had been pushed by third-party reformers. Petition requirements, however, have clearly been advanced as a burden for third parties. In 1912, Theodore Roosevelt could still leave the Republican Party after the convention and get on the ballot in every state but one. After his campaign, states began to crack down. Between Roosevelt's and LaFollette's campaigns, signature requirements were increased or initiated in ten states.

⁸⁹ Ibid., 132.

⁹⁰ Ibid., 132.

⁹¹ Ibid., 109.

⁹² Michael S. Lewis-Beck and Peverill Squire, "The Politics of Institutional Choice: Presidential Ballot Access for Third Parties in the United States," *British Journal of Political Science* 25 (1995): 419.

⁹³ McClellan, 141.

⁹⁴ Roth, 32.

Partially as a result, the Prohibition Party was on the ballot in 44 states in 1916 but only on the ballot in 25 states by 1920.⁹⁵ Before World War II, many more states added filing fees and changed petitioning dates.

Lewis-Beck and Squire demonstrate that restrictions on ballot access do not correlate with state lobbying laws or social heterogeneity but that they do correlate with strategic advantages of the party in power.⁹⁶ They find that parties that have more stable organizations will require fewer signatures for third-party opponents. According to their evidence, dominant major parties create more barriers for third parties that threaten their vote totals and have a similar view on issues.⁹⁷ As Lewis-Beck and Squire put it,

Ruling major parties... act with differential aggressiveness to keep third parties out. It is in vote-rich states, where one party is electorally dominant but lacks a traditional organizational base, that signature restrictions are most likely to be high. By way of contrast, vote-poor states with highly competitive, well-organized parties are most open to third parties.⁹⁸

When a third party is popular with the ruling state officials, the rules can change dramatically. Legislatures in the south eased requirements for third parties in the Dixiecrat campaign, amending ballot requirements in Florida and Georgia after the Democratic Convention.⁹⁹

Major Party Status

Even after obtaining a place on the ballot for one election, third parties often are unable to stay on the ballot because they do not reach the minimum percentage of votes

⁹⁵ McClellan, 106.

⁹⁶ Lewis-Beck and Squire, 425.

⁹⁷ *Ibid.*, 421.

⁹⁸ *Ibid.*, 426.

required to be classified as a major party. Many states have tough requirements for obtaining major party status. In order to stay on the ballot for the next election in the District of Columbia, for instance, a third party must elect a President.¹⁰⁰

As a result, third parties rarely have longevity. Fifty-eight percent of the third-party Presidential candidates receiving multi-state votes since 1840 have run in only one election; 87 percent have run less than four times.¹⁰¹ Even when third parties run in subsequent elections, they rarely do as well as the initial try. Wallace's American Independent Party, for example, continued in 1972 with a congressman named John Schmitz but received only 1.4 percent of the vote.¹⁰² Perot was the first third-party candidate since the Republicans to receive over 5 percent of the popular vote in consecutive elections, but even his percentage was cut by more than half.¹⁰³

The advantages of major party status for ballot access include savings of time and money. Libertarian Party Chairman Steve Dasbach noted that since achieving major party status in many states, the Libertarians are spending less of their budget on ballot access, down from 25 percent to 17 percent over two election cycles.¹⁰⁴

Unfortunately, major party status can also be problematic because several states have signature requirements for primary candidates. Once a party qualifies for the ballot in Maine and Massachusetts, it becomes more difficult to get a candidate on the ballot

⁹⁹ McClellan, 110.

¹⁰⁰ *Ibid.*, 142.

¹⁰¹ Rosenstone et al., 18.

¹⁰² Gillespie, 106.

¹⁰³ Bibby and Maisel, 3.

¹⁰⁴ Dasbach, Two-Party System

due to tougher primary signature regulations. For example, the Libertarian Party was unable to run candidates for statewide office in Massachusetts because the primary signature requirement was 10,000 registered members of the party and the party only had 9,000 members.¹⁰⁵ Winger notes that under these circumstances, major party status can literally make it impossible for third parties to nominate any candidate.

Ballot access provisions also make maintaining party identity difficult. Third parties are often forced to change names from state to state or run some candidates as independents. Many states have separate ballot access laws for independents and third parties, with no pattern as to which are more lenient. Until a 1976 court challenge by McCarthy, independents were barred completely from many state and local ballots. Wallace's inability to file for the presidency under the same party banner in all states hampered his ability to achieve nationwide recognition, according to his campaign staff. Anderson elected to run as an independent after being told by his media specialist that voters were too used to the two-party duopoly; these kinds of strategic decisions cannot be made under many state laws, however, because campaigns must choose the easiest method of getting candidates on the ballot.¹⁰⁶

Ballot Access in the Courts

A third party normally has to challenge ballot access laws in court in at least a quarter of the states; several campaigns have launched legal claims in virtually all the states. "We won our ballot access cases," John Anderson said, "but only by a dint of losing a lot of momentum in the sense that our attention was distracted and our funds

¹⁰⁵ Winger, "Institutional Obstacles to a Multiparty System," 168.

¹⁰⁶ Bryce, 50.

were poured into that effort."¹⁰⁷ When Anderson announced his independent run, he had already missed filing deadlines in six states but won a Supreme Court case overruling the deadlines. States responded by strengthening other requirements. North Carolina, for example, increased their signature requirement by 800 percent.¹⁰⁸

Perot did not have as much trouble with ballot access due to unlimited funding but was forced to maintain a staff of election lawyers and devote time and resources to the challenge.¹⁰⁹ Not only can the legal problems hamper campaigns, many times the important cases are lost. In *Jeness v. Forston* (1971), the Supreme Court said that the First and Fourteenth Amendments were not implicated by a law requiring signatures from 5 percent of registered voters. In *American Independent Party of Texas v. White* (1974), the Court said that Texas could ban signatures from members of one of the major parties.¹¹⁰

Even if third-party candidates do manage to appear on the ballot, many times third-party votes have not even been counted. Martin Van Buren, for example, received 10 percent of the popular vote in 1848 but only nine votes were counted in Virginia.¹¹¹ State governments failed to count many of the votes for third-party candidates in 1980 and often did not even report totals. Even if the states count the votes, the television networks do not announce the results of minor party candidates, making their voters feel about as important as those who did not vote at all.

¹⁰⁷ Ibid., 58.

¹⁰⁸ McClellan, 118.

¹⁰⁹ Bryce, 61.

¹¹⁰ Ibid., 36.

¹¹¹ McClellan, 75.

Anti-Fusion Laws

Fusion, a process by which several parties can nominate the same candidate for office, helps eliminate the psychological effect of wasted votes. Using fusion, third parties can nominate the major party candidate of their choice if the candidate fits their preferences or third parties can nominate a separate candidate if there is no candidate to their liking. Fusion parties are more likely to become involved in power-sharing partnerships once in power.

Fusion candidacies were common in late nineteenth century America. Anti-fusion laws were enacted mostly in states where Democrat-Populist fusion was most likely to pose a threat. After the 1890s, the number of states permitting fusion was cut in half. More states outlawed the practice after the Progressive campaign of 1912.¹¹² As Theodore Lowi has said, "No one disputes that anti-fusion laws were passed to squelch minor parties, or that they've been successful in doing so."¹¹³ Anti-fusion laws were challenged early on; the New York Supreme Court struck down an anti-fusion law in 1911, which is the only reason fusion remains in New York. Unfortunately for third parties, the Supreme Court ruled in favor of anti-fusion laws in *Timmons v. Twin Cities Area New Party*. The Supreme Court accepted the need to secure the two-party system against factionalism as a legitimate government interest.¹¹⁴

¹¹² Howard A. Scarrow, "Duverger's Law, Fusion, and the Decline of American 'Third' Parties," *Western Political Quarterly* 38 (Winter 1985): 639.

¹¹³ Theodore J. Lowi, "A Ticket to Democracy," *New York Times*, 28 December 1996, sec. 1, p. 27.

¹¹⁴ Bibby and Maisel, 63.

Anti-fusion laws were a key factor in the decline of third parties. According to Howard Scarrow, "Institutional reforms enacted at the turn of century had the effect of eliminating fusion candidacies, and with them the more complex party system they helped sustain."¹¹⁵ Even with anti-fusion laws in some areas, third parties still continued to thrive through fusion. "Despite the reduction in the number of states where fusion candidacies were allowed," Scarrow points out, "in states where they were still possible the number of [fusion] candidacies reached an all-time high during the decade 1910-1919, reflecting Progressivism."¹¹⁶

Once fusion was outlawed, reformers were less likely to start third parties. The Non-Partisan League did not take the third-party route, in part because the states where it had concentrated support had anti-fusion laws.¹¹⁷ Cross-filing in California was less successful; it was most often used by candidates to campaign in both major party primaries and was eliminated in 1960. A New York law designed to limit third-party candidates' access to major party primaries required that party leadership give permission to a candidate to enter their primary. Its results were actually the opposite of what was intended because they put the power of endorsement in the hands of minor party leaders.¹¹⁸

Fusion is a key factor in the success of several state parties. All of the Libertarian members of the New Hampshire legislature, for instance, were also nominated by a major party. New York, the major current example of fusion, maintains a multiparty system

¹¹⁵ Scarrow, 634.

¹¹⁶ Ibid., 640.

¹¹⁷ Ibid., 640.

¹¹⁸ Ibid., 643.

with the Conservative, Liberal, Working Families, Right-to-Life, and Independence parties.

The Costs of Fusion

Fusion is not necessarily the right third-party tactic, however. Historically, it has been a blessing at some times and a counterproductive strategy at other times. Fusion became quite popular with the Populists in the mid-1890s but its practice was distinct in each region. In the South, Populists worked with Republicans against the Democratic administration and local entrenched parties. In the North, Populists allied with Democrats against the Republican state parties.

The decision to use fusion also divided the party. By 1890, southern farmers succeeded in obtaining control over many southern Democratic parties but northern farmers had decided to pursue independent third-party action. In 1892, farmers had gained power in virtually every southern state but the Democratic national convention re-nominated Grover Cleveland, choosing not to accommodate the uprising and leading the way to mass dissention towards the People's Party.¹¹⁹ Four years later, the Southerners switched sides in the fusion debate; they were not ready to give up the fight they had waged against the Democrats and wanted to pursue the independent route. The Populists even fused with the Democrats on the national level and with the Republicans on the state level in several southern states. Fusion also reached the Populists in Congress, where few members identified themselves as Populist and more preferred to be known as Republicans and Democrats due to the legislative advantage of larger caucuses.

¹¹⁹ John Hicks, *The Populist Revolt: A History of the Farmers' Alliance and the People's Party* (Minneapolis: University of Minnesota Press, 1931), 241.

The 1896 fusion strategy with William Jennings Bryan essentially ended the Populists' role as an independent political force. In 1897, two rival People's Party meetings, one of fusionists and the other of independents, met and agreed only to disagree. In 1898, Populists lost five of their 14 congressional seats and individual Populists switched parties, some to the Democrats and others to the Republicans.¹²⁰ By 1900, the Democrats ignored the Populists as fusion partners and the independent Populists won no major victories.

The existence of fusion should be considered another qualification to Duverger's Law, but fusion alone cannot guarantee success. According to Scarrow, "Laws relating to fusion candidacies provide neither a necessary nor sufficient condition for a particular type of party system."¹²¹ The manner of fusion employed also matters a great deal. When the New York ballot had a single check box alongside a candidate with multiple party names, the number of third parties declined. Almost no fusion mayoral candidates ran when this "office-block format" was used. Fusion candidacies and the power of third parties increased again when the State switched back to a ballot with separate check boxes for the same candidate and different parties.¹²² This is because third parties can negotiate with major parties using their block of voters as bargaining power.

¹²⁰ Gene Clanton, *Congressional Populism and the Crisis of the 1890s* (Lawrence: University Press of Kansas, 1998), 157.

¹²¹ Scarrow, 644.

¹²² *Ibid.*, 642.

Media Coverage

Third parties face non-institutional barriers to success as well; lack of media coverage is a prime example of such a handicap. The media sets much of the agenda of public debate and frames the stories about the election. Rather than providing information about all the candidates, the media works to meet production values and keep up with its competitors in tracking the major parties.

America's first third party, the Anti-Masons, started 124 newspapers, saying that they had to respond to the media: "Honest men mistake this [media] clamor for public opinion," they said.¹²³ The Anti-Masonic Party used the *Enquirer* as the centerpiece of a media propaganda strategy. Other third parties also relied on their own publications, including the 700,000 circulation *Voice* of the Prohibitionists and the 300 Socialist Party newspapers.¹²⁴

The mass media, however, has increased in importance and tended to monopolize particular markets over the latter half of the twentieth century. According to Herbert Alexander, the professionalization of the media and the supplanting of parties as the primary political educators has left the media as the gatekeeper to the political debate, leaving third parties unable to gain a foothold.¹²⁵ Campaigns that do not reach a television audience most likely will not be seen by the vast majority of the public. The Fairness Doctrine and Equal Time Doctrine have been either repealed or unenforced so as to avoid working in any way that would lead to third-party exposure.

¹²³ McClellan, 185.

¹²⁴ Rosenstone et al., 36.

¹²⁵ Alexander.

Coverage of all eleven third-party candidates in 1980 combined was about one-tenth of the coverage given to Carter and Reagan.¹²⁶ As a result, 28 percent of 1980 voters did not have any information about John Anderson and even more knew nothing about the other third-party candidates.¹²⁷ Seventy-eight percent of voters had not heard of Anderson's Vice Presidential Candidate. Perot was able to use television and talk radio to get his message out, making 47 appearances in the first leg of the campaign.¹²⁸ Pat Buchanan used this type of free media even more effectively in 2000, however, and was still unsuccessful.

Third-party problems are not confined to electronic media. The daily newspaper is now close to a monopoly in virtually every major city in the U.S. Because of the dominance of the two-party system, many newspaper editors believe that their readers are uninterested in third-party politics or that third parties are not newsworthy. Political editors, according to Roth, believe they have a stake in maintaining the two-party system and several papers have policies against covering third-party nominees.¹²⁹ Even though minor candidates issue press releases and position papers, the press fails to take notice. Ross Perot, with his additional financing, received considerably more media attention than John Anderson and it clearly paid off. His support in public opinion polls over the campaign was closely related to his level of media exposure.¹³⁰

¹²⁶ McClellan, 189.

¹²⁷ Rosenstone et al., 38.

¹²⁸ Ibid., 264.

¹²⁹ Roth, 12.

¹³⁰ Gold, 766.

Media Tactics

The media's idea of covering only "significant" candidates is a double bind because the only way to become "significant" is through media coverage. As McClellan puts it, "[Third parties] have been at best ignored and at worst vilified by the press."¹³¹ Anderson faced a verbal onslaught from the press and stories about pranks at his campaign stops. As Rosenstone et al. explain, "The media's tendency to focus on the horserace soon brought stories highlighting the hopelessness of Anderson's cause. They no longer viewed Anderson as a serious challenger, but a 'certain loser.'"¹³² "Obituaries" of his candidacy were printed in the *New York Times* and *Washington Post*. Since third parties lack initial notoriety, they are charged with finding a way to appear credible and legitimate. Media campaign coverage is confined almost exclusively to "horse-race" style updates, with little discussion of issues.¹³³

The belief that third-party failure is inevitable is reinforced by media coverage. Institutional barriers to U.S. third parties have also not seemed to be a serious problem to the public because electoral laws and constitutional frameworks are believed to be quite resistant to change. If the population perceives that electoral law is easily changeable, the effect of the electoral laws may not be as pronounced in limiting the number of political parties, as demonstrated in Greece.¹³⁴ Thus, lack of media coverage of the efforts by the two parties to restrain their competitors also contributes to third-party failure.

¹³¹ McClellan, 225.

¹³² Rosenstone et al., 34.

¹³³ Alliance for Better Campaigns, "Dollars vs. Discourse," Thomas J. Johnson, Carol E. Hays, and Scott P. Hays, ed., *Engaging the Public: How Government and the Media Can Reinvigorate American Democracy* (New York: Rowman & Littlefield Publishers, Inc., 1998), 69-71.

¹³⁴ Cox, 18.

The media is also focused on style and sensationalism, ignoring new perspectives on issues. Jesse Ventura responded to this media culture with an ad touting his action figures. Nader used a parody of the MasterCard ad "Priceless," for which he was sued, to gain attention.

Polls make it even harder for American third-party candidates to seem viable. Gallup pollsters, for example, list only the candidates they deem viable and if someone names another candidate, they follow up with a question about whether the respondent is leaning toward any of the major candidates.¹³⁵ Extensive coverage of public opinion polls probably increases the "wasted vote" argument in American elections. Third place candidates often dispute poll findings, claim positive internal poll results, emphasize the long-term value of building a movement even if they lose, and heavily publicize instances where they are coming close to challenging for second place.

The Debates

The Presidential debates are another key platform for candidate visibility where third parties are typically excluded. The FCC ruled in 1976 that the debates would be exempt from the Equal Time Doctrine. This is problematic because televised debates have been shown to substantially increase viewer knowledge about candidates.¹³⁶ The Vanishing Voter Project has documented the impact of the debates: "On a typical day in the 2000 election, 22 percent of adults reported having a campaign-related conversation. The level jumped to 44 percent and rose above 50 percent on the days immediately

¹³⁵ McClellan, i.

¹³⁶ David H. Weaver, "What Voters Learn from Media," *The Annals of The American Academy of Political and Social Science* 546 (July 1996): 41.

following both the first presidential and the vice-presidential debates."¹³⁷ A Vanishing Voter Project press release quotes Harvard Professor Thomas Patterson: "Debates meet the water-cooler test. The day after a debate, millions of Americans in homes and at work discuss with others their impressions of what they saw the night before in the debate."¹³⁸

The only recent third-party candidate to be invited to participate in the debates was Ross Perot and even he was excluded in 1996. Even if third-party candidates are invited to the official debates, one of the major party candidates could still boycott the debate as Jimmy Carter did in 1980. Even when invited, third-party candidates will still be at a disadvantage. When Perot was included in 1992, it was from an agreement among the major parties and he had no say in any of the negotiations relating to format.¹³⁹

Financial Constraints

Financial constraints are closely related to inadequate airtime and coverage in the media. No minor party or candidate has had access to equal funding for their campaign except Ross Perot in 1992.¹⁴⁰ Excluding a dozen successful third-party candidates, major parties have outspent minor party candidates at least 50 to 1.¹⁴¹ In 1976, eight third-party

¹³⁷ The Joan Shorenstein Center on the Press, Politics, and Public Policy, "Debates Get People Talking About Campaign," *Vanishing Voter Weekly Updates*, 12 October 2000. Available: <<http://www.vanishingvoter.org/releases/10-12-00.shtml>>. Accessed 1 March 2001.

¹³⁸ Thomas Patterson quoted in The Joan Shorenstein Center on the Press, Politics, and Public Policy, "Debates Get People Talking About Campaign," *Vanishing Voter Weekly Updates*, 12 October 2000. Available: <<http://www.vanishingvoter.org/releases/10-12-00.shtml>>. Accessed 1 March 2001.

¹³⁹ Bibby and Maisel, 61.

¹⁴⁰ Bryce, 6.

¹⁴¹ Rosenstone et al., 29.

presidential campaigns combined only spent 1.3 percent of the total money spent on the campaign.¹⁴²

Third parties are inherently at a fundraising disadvantage because money is typically given with an assumption of access to an elected official and third-party giving rarely provides such returns. The rise of political action committees helps to entrench the two-party system because only those who currently hold power and are willing to practice incremental reforms will receive funding. In addition, lenders almost always turn down third-party loan applications because of the extreme risk.

Lack of advertising is a major disadvantage for third parties. Third parties usually buy no more than 5 percent of the radio and television time that the major party candidates buy.¹⁴³ Even when they do have the resources, it does not often work out well. The Libertarians had to use lawsuit threats even to get the networks to broadcast their paid advertisements in 1980. Ross Perot could have accepted a \$147 million media campaign organized by his consultants, but he did not get along with the consultants and did not like the ads.¹⁴⁴ Third-party advertising, however, can be effective if the resources are available and utilized. Nielsen Media Research noted that "the ratings and average minute audiences for Ross Perot's presidential campaign infomercials consistently earned competitive ratings against regularly scheduled primetime entertainment shows."¹⁴⁵

¹⁴² McClellan, 153.

¹⁴³ Rosenstone et al., 30.

¹⁴⁴ Ibid., 240.

¹⁴⁵ Nielsen Media Research, *Nielsen Tunes in to Politics: Tracking the Presidential Election Years (1960-1992)* (New York: Nielsen Media Research, 1993), 10-11.

The problems of third-party funding become apparent when contrasted with this one independent candidate that did not have problems with funding. Gold concludes that all of the systematic explanations for the Perot vote are not useful because they parallel the conditions in the 1980 election. The difference in the relative success of Perot over Anderson must be due to the \$69 million to \$12 million advantage Perot had in resources: "By process of elimination, one must conclude that the candidate's ability to spend money... was indeed the single most important factor in explaining the Perot phenomenon."¹⁴⁶

Rosenstone et al. agree: they found that "allegiance to the major parties did not decline between 1980 and 1992," "the American people were no more disenchanted with the major parties' nominees in 1992 than they were in 1980," the economy was better, and Perot's personal appeal was not as high as Anderson, leaving only increased resources for organization, ballot access, and media as the reason his campaign was more successful.¹⁴⁷ Perot spent 62 percent of his budget on media, compared to 10 percent for Anderson, making his media budget sixteen times the size of Anderson's.¹⁴⁸ Several scholars believe this accounts for their different rates of success.

Campaign Finance Law

This does not mean that additional campaign finance laws would help third parties. Campaign finance reform has actually hurt third parties far more than it has helped them. Third-party candidates must follow Federal Election Campaign Act

¹⁴⁶ Gold, 767.

¹⁴⁷ Rosenstone et al., 257.

¹⁴⁸ Ibid., 261.

(FECA) disclosure requirements and contribution limits even if they do not receive public financing. Eugene McCarthy's campaign treasurer rated the \$1,000 contribution limit the campaign's "most serious obstacle."¹⁴⁹ Anderson said FECA prevented him from accepting "seed money" from a few contributors; instead, he was forced to spend most of his time on fund-raising and still could not raise enough money to compete.¹⁵⁰

Campaigns must also keep detailed records of contributor names, contact information, and occupations and must organize their accounting databases in the same way as a well-funded candidate. Disclosure always hurts those parties with divergent political opinion more than those with mainstream views because the threat of reprisal is greater. FECA also added tremendous additional legal fees and accounting budgets to third-party campaigns. Independents face even more constraints than third parties. They cannot accept the \$20,000 contributions that can go to national parties and they are unable to use "party-building" soft money; thus, they must devote even more time to fund raising.

The presidential public financing scheme also harms rather than helps third parties. Major parties are defined under FECA as those that get 25 percent of the vote in the last election; they are guaranteed over \$60 million dollars in subsidies in addition to convention expenses. The 5 percent FECA threshold for minor party public financing provides a smaller amount of funding; it would mean, however, that only 10 out of the 148 third-party candidates that have received votes in multiple states since 1840 would have been reimbursed.¹⁵¹

¹⁴⁹ McClellan, 157.

¹⁵⁰ Bryce, 59.

¹⁵¹ Ibid., 38.

To get federal primary matching funds, candidates must raise \$5,000 in increments of \$250 or less in 20 states. The Federal Election Commission (FEC) ruled against Eugene McCarthy receiving these federal funds on a party-line vote. The Green Party had trouble getting its national committee designated by the FEC because the definition of a party committee is geared toward the major parties. As a bipartisan commission, the FEC does not represent the interests of minor parties and independents and yet maintains a nonpartisan image. If one looks at current campaign finance reform proposals as models, future changes to campaign finance law will be more likely to exacerbate the problems of third parties than to level the playing field.

Major party conventions, which are also publicly funded, can hurt third-party chances by decreasing their relative visibility. Anderson had 23 percent support in the summer of 1980 but lost considerable ground through the conventions, slipping to eight percent.¹⁵² The conventions often help the major parties because of the enhanced media coverage. Clinton gained 13.6 percent after his convention in 1992 and Bush gained 8.4 percent after his convention in 1988.¹⁵³ Cities often contribute to the funding of the major party conventions, in addition to the subsidies from the national government. In contrast, the City of Albuquerque prevented a New Party convention altogether in 1968.

Major Party Strategies

Third parties are not always distinct entities with no relation to the major parties; many have been the products of disputes within major parties. The parties V.O. Key

¹⁵² Ibid., 51.

¹⁵³ Bibby and Maisel, 60.

called "continuing doctrinal parties" such as the Socialists and the Libertarians, have never received over 6 percent of the popular vote in a Presidential election.¹⁵⁴ The "short-lived" parties that splinter from one of the major parties, including the Populists, Progressives, and American Independents, have been more successful. The most third-party votes have come for viable alternative candidates who usually splinter from one of the two major political parties.¹⁵⁵

Theodore Roosevelt, the most successful of the third-party Presidential candidates in the twentieth century, had been a Republican president and led a progressive coalition within the party that defected. Henry Wallace had been Secretary of Agriculture and Commerce under Franklin Roosevelt. Harry Truman fired Wallace, leading him to found a progressive movement in response; the dispute was mostly in regard to foreign policy and the beginning of the Cold War. In 1948, Southern Democrats left only after the Progressives had left and Truman had tried to co-opt part of their program. The Dixiecrats defected from the Democratic Party as a result of Truman's civil rights policies. Before becoming an independent candidate, George Wallace entered Democratic primaries in 1964 to test his popularity, winning over a third of the votes in three northern states.¹⁵⁶ John Anderson was targeted by his own party in congressional primaries and decided to run in the Republican primaries for retaliation and survival. He started planning an independent candidacy even before losing the early primaries.

Some states outlaw members of either major party from running as a minor party candidate for a year after they switch to the minor party. When New Mexico's former

¹⁵⁴ Gillespie, 10.

¹⁵⁵ Bibby and Maisel, 13.

¹⁵⁶ Bryce, 46.

lieutenant governor tried to switch to the Green Party, the legislature changed the law to add these restrictions. Courts have sometimes upheld these "sore loser laws" that prohibit major party candidates from running as independents after they lose the party primary.

The Co-Option of Third-Party Agendas

Co-option has been the major parties' primary strategy for responding to third-party success. The major parties have tried to absorb third parties through support of their policies, use of their rhetoric, and appointment of their candidates to public office. As Historian John Hicks put it, "Let a third party once demonstrate that votes are to be made by adopting a certain demand, then one or other of the older parties can be trusted to absorb the new doctrine."¹⁵⁷

Because the barriers to third parties are set high, many third-party members take the offers. As Gillespie has put it, "Successful politicians learn that in America the rewards of co-optation far surpass those of confrontation."¹⁵⁸ According to Rosenstone et al., Truman responded to the Henry Wallace threat: "In an effort to win over Wallace supporters, administration rhetoric grew more liberal. Truman proposed a 50 percent increase in social security benefits and an extension of coverage, as well as national health insurance."¹⁵⁹ The Democrats reached out to bring the Dixiecrats back in after 1948 and held them until the Wallace uprising that eventually allowed the Republicans to make progress in the south. Nixon responded to George Wallace by associating himself

¹⁵⁷ John Hicks quoted in Steven J. Rosenstone, Roy L. Behr, and Edward H. Lazarus, *Third Parties in America: Citizen Response to Major Party Failure*, 2d ed. (Princeton: Princeton University Press, 1996), 8.

¹⁵⁸ Gillespie, 140.

¹⁵⁹ Rosenstone et al., 105.

with southern partisans, especially Strom Thurmond. Republicans copied Wallace's "law and order" views in their platform and Nixon tried to present himself as unopposed to segregation.

The major parties have been slow to adopt some third-party ideas, especially the complaints of the agrarian movements of the late nineteenth century, but they eventually work to co-opt the movements. As Theodore Lowi has put it, "New ideas develop or redevelop parties, but parties, particularly established ones, rarely develop ideas or present new issues on their own."¹⁶⁰

Co-option has continued to be an important major party response to recent third-party successes, according to Bibby and Maisel: "Few decisions were made in the aftermath of the 1992 election without considering their impact on Perot and his supporters."¹⁶¹ Ten potential 1996 Republican nominees and many Clinton supporters, for instance, went to visit the United We Stand organizational conference to plead their case.

The threat of co-option, according to Scarrow, serves to prevent coalitions: "A problem for a minor party relying on a coalition strategy is that it will always be in danger of being swallowed up by its major coalition partner."¹⁶² Small European parties operating under parliamentary systems often face this problem. The co-option strategy also helps the two-party system maintain its legitimacy. Because American major parties follow pragmatic missions, they can adapt and re-establish their credibility in times of

¹⁶⁰ Lowi, "Toward a Responsible Three-Party System," 5.

¹⁶¹ Bibby and Maisel, 72.

¹⁶² Scarrow, 642.

trouble.¹⁶³ For example, the Republicans were able to convince Perot voters that the Democratic Congress was responsible for deficits and that they favored reform. As Theodore Lowi says, "The 1994 congressional elections produced a spectacular reaffirmation of the party system."¹⁶⁴

Repression

If the major parties choose not to respond to third-party uprisings by incorporating their beliefs, they often try to repress the agents of social change. Even if they do co-opt the ideas of the resistance, they may still try to harass the messengers. The rise of "bipartisanship" has coincided with two-party collusion to keep third-party foes from gaining strength. As McClellan puts it, "This hostility is not simply a passive bias stemming from the nature of the constitutional order; it is an aggressive enmity that involves the government, the major parties, and other institutions in an effort to prevent the emergence of third parties."¹⁶⁵

The major parties have harassed third-party speakers and distributed anonymous negative campaign literature at third-party rallies.¹⁶⁶ According to McClellan, "The United States has resorted to violence, intimidation, incarceration, surveillance, infiltration, harassment, and smear tactics in an effort to subvert its third parties. It has denied the victorious candidates of third parties the opportunity to hold office; it has

¹⁶³ Gillespie, 4.

¹⁶⁴ Lowi, "Toward a Responsible Three-Party System," 15.

¹⁶⁵ McClellan, ii.

¹⁶⁶ Bryce, 42.

employed election fraud and the undercounting or non-reporting of votes to minimize their showing at the polls."¹⁶⁷

The Populists faced abuse and violence in the South and 15 blacks were killed in anti-Populist riots.¹⁶⁸ Party-changers in the South were sometimes faced with ruined credit or job loss.¹⁶⁹ In 1924, newspapers called for college professors to be fired for their association with the Progressives.¹⁷⁰ Mobs marched on Progressive houses and the *Omaha Tribune* even changed its endorsement of LaFollette after selling advertising to the Republicans. The government successfully prosecuted Eugene Debs and other socialist leaders for espionage and socialists were kicked out of the New York State legislature in 1920. A Henry Wallace staff member was even stabbed in 1948.¹⁷¹

Uncovered Federal Bureau of Investigation (FBI) memos regarding the "Socialist Workers Party Disruption Program" show that law enforcement had infiltrated minor parties in an attempt to prevent their election to power.¹⁷² During the red scare, Communists were attacked by both law enforcement and private groups that they enlisted to do battle alongside them in what Noam Chomsky called an attempt "to incite organized crime."¹⁷³ The Communist Party was outlawed in many states and suffered continual persecutions and over 150 convictions. In New York City, proportional representation was eliminated to prevent Communist leadership. J. Edgar Hoover had a

¹⁶⁷ McClellan, 95.

¹⁶⁸ Ibid., 58.

¹⁶⁹ Rosenstone et al., 42.

¹⁷⁰ McClellan, 61.

¹⁷¹ Ibid., 58.

¹⁷² Ibid., 67.

plan to use the FBI to crush the potential independent campaign of Martin Luther King and Benjamin Spock in 1968.¹⁷⁴

The FBI's COINTELPRO operations involved infiltration and suppression of the Black Panthers and the American Indian Movement along with the white supremacist and neo-nazi campaigns on the far right.¹⁷⁵ In 1968, the Nixon campaign donated money to a Wallace primary opponent, paid off a California official to take Wallace party voters off the electoral rolls, and leaked smear stories to the press.¹⁷⁶ Third parties tried to present evidence of harassment at the Watergate hearings but one congressional staff member apparently responded that the committee was not concerned about third-party harassment.¹⁷⁷

Campaign Errors

Third parties also face self-inflicted wounds. Their candidates, issues, and internal disputes have often been seen as their real reason for failure. Since ticket splitting and voting based on candidate personality have become normal procedures for most voters, third parties would seem to have a chance if they produced candidates that were appealing to voters.

Relying on the "feeling thermometers" taken in polls after the election, Paul Abramson et al. find that independent candidates were not beaten unfairly: "It seems

¹⁷³ Ibid., 65.

¹⁷⁴ Ibid., 64.

¹⁷⁵ Gillespie, 207.

¹⁷⁶ Rosenstone et al., 45.

likely that [Wallace, Anderson, and Perot] would have finished second in head-to-head contests against either of the major party candidates they faced. Moreover, it seems likely that Richard Nixon, Ronald Reagan, and Bill Clinton were all Condorcet winners."¹⁷⁸ Of those who do support minor party candidates, many are just using the ballot to cast a protest vote. Half of Anderson voters, for example, reported that they had selected him in order to vote against the other candidates.¹⁷⁹

In part due to the systematic constraints discussed above, many potential candidates elect not to take the independent route. Prominent leaders, including Angus King, Lowell Weicker, Bill Bradley, Gary Hart, Paul Tsongas, and Tim Penney, received attention as potential third-party candidates before the 1996 election but chose not to pursue that option. Jesse Jackson, Lowell Weicker, and Pat Buchanan all considered third-party runs for the presidency that year and Richard Lamm actually contested the Reform Party primary but lost to Perot.¹⁸⁰ Colin Powell was the most famous independent candidacy that never was; he not only decided to avert the third-party route but cast himself as a born-again Republican.

If a third party presents advantages for a potential candidate, it almost always has drawbacks as well. The 2000 Reform Party offered public financing but lacked grassroots organization and a coordinated agenda. The 2000 Green Party had almost the opposite problem: plenty of volunteers but a lack of resources. The credibility problem is most evident in the search for vice presidential running mates by third-party or

¹⁷⁷ McClellan, 227.

¹⁷⁸ Abramson et al., 355.

¹⁷⁹ Gold, 756.

¹⁸⁰ Bryce, 4.

independent candidates. Perot asked James Stockdale to be his "stand-in" running mate in March but could not find anyone else.¹⁸¹ He was rejected by Weicker, King, Penney, Rudolph Giuliani, David Boren, and Marcy Kaptur.¹⁸² In 1996, he still had to settle for the unknown Pat Choate. Despite obtaining 20 percent support in polls, John Anderson was also unable to find an adequate running mate.

Even if good candidates are nominated for office, they often make catastrophic mistakes. Perot's exit from the 1992 presidential race is the most commonly cited example. Some say Perot's exit was an intentional plan to divert negative media attention, noting that he decided to continue ballot access work and publish a book. Whether the plan was intentional or not, it did not help his campaign and cost him momentum. When Perot quit, he was chided with headlines like "What A Wimp" from the *New York Post* and "Quitter" on the cover of *Newsweek*.¹⁸³

Campaign Organizations

Defective organization is also a key internal barrier to third-party success. Third-party organizations are often ad-hoc groups that have little experience building coalitions, talking with the media, and campaigning on a national scale. Among Populist farmers, poverty and lack of political experience prevented a merger into an effective political force; Populist power was never proportional to the number of farmers in the electorate. Internal disputes have also arisen that have torn apart various third parties. The Free Soil Party suffered from an attempt by many of its members to work with the Democrats in

¹⁸¹ Ibid., 52.

¹⁸² Bibby and Maisel, 82.

¹⁸³ Bryce, 54.

New York, Ohio, and Indiana; as a result, the independent movement was left to the more extreme abolitionists.¹⁸⁴

Regional political differences undercut Populism in both the Far West and the South. In 1889, the Farmer's Alliances in the North and South held a joint meeting but irreconcilable differences over race and secrecy prevented consolidation.¹⁸⁵ The St. Louis conference proved that the alliances shared common political interests but could not join forces easily. The first Populist ticket included former Greenbacker James B. Weaver and ex-Confederate general James Field in a largely unsuccessful attempt to satisfy northern and southern forces. In the Far West, the populist agenda was not a powerful draw but their advocacy of silver coinage was popular enough to mold the organization into a single-issue party. Some middle states, such as Oklahoma, were the setting for intra-party fights between the southerners and western farmers.¹⁸⁶ Reports by Bull Moose party members also indicate that internal rivalries and lack of patronage were key to its inability to continue after Roosevelt.

More recently, many centrist state parties formed after Ross Perot's 1992 campaign but the national organization was split by factions including a failed integration of the Patriot Party and the New Alliance Party. For a long period, both the Reform Party and the Green Party actually had two competing national committees. The Reform Party squabbles made front page news at the 2000 convention after a Perot faction that

¹⁸⁴ Ibid., 22.

¹⁸⁵ Hicks, 119.

¹⁸⁶ Worth Robert Miller, *Oklahoma Populism: A History of the People's Party in the Oklahoma Territory* (Norman: University of Oklahoma Press, 1987), 188.

supported John Hagelin staged a walk-out over the Buchanan campaign's alleged ballot stuffing in the party primary.

The Reform Party's shifting alliances have been difficult for many of its members even to keep track of. After 1996, the group that supported Richard Lamm splintered off to found the American Reform Party. When Jesse Ventura won the governor's office in Minnesota, a split erupted with the Dallas-based leadership. When Buchanan joined the party in 2000, he created a rift on social issues within the party. The Lenora Fulani faction actually switched sides in the midst of the 2000 primary election from Buchanan to John Hagelin, the Natural Law Party candidate who had entered the primary. Past third-party organizational efforts have been more successful, however, and did not necessarily produce better results. The Socialists had up to 118,045 members and 2,000,000 newspaper subscribers, but Norman Thomas's best showing was 2 percent of the vote in 1932.¹⁸⁷

Coalition Failure

Internal third-party disputes are a product of the inability to form coalitions among the various groups disadvantaged by the current party structure. Marginalized groups must organize together if they are to be successful, as they do not form a majority alone. Most of the third parties up to the time of the Wallace campaign were considered by their activists to be movements that would work to replace the regime in power. The lack of short-term efficacy for building coalitions outside the major parties, however, has

¹⁸⁷ Gillespie, 183.

largely prevented coalitions between labor, minorities, and women.¹⁸⁸ Many of the largest third parties, most notably the Populists, have been based around anti-industrial platforms designed to appeal to farmers and laborers.¹⁸⁹

Populists failed to forge consensus, however, among the diverse constituencies that industrial society had left behind. Like the Greenbackers and the Grangers of an earlier era, the People's Party aimed to recruit the downtrodden to support systemic reform for their benefit. Early Populist parties found many different partners: North Dakota farmers worked with prohibitionists, Michigan farmers allied with labor, and Indiana farmers combined with former Greenbackers.¹⁹⁰

The Populists, however, were unable to develop alternatives to industrialization that satisfied these groups and created a large and enduring coalition. Farmers tried to partner with industrial labor but disagreements over the inflation issue, business attempts to divide farmers and laborers, and the Socialist Labor Party's attack on Populism guaranteed the failure of those efforts.¹⁹¹ Some Populists in the South tried to use economic issues to unite the black and white lower classes but that enabled southern Democrats to use images of black Populist leaders to lure white Populist voters back to the white supremacist party.

Progressive Robert LaFollette was the only candidate to gain the endorsement of the American Federation of Labor but, even then, they backed off their support after he

¹⁸⁸ Ron Walters, "Lifeblood of American Politics of Lock-Up of American Government? The Meaning of the Two Party System." Panel discussion at a conference entitled "The Two-Party System and Its Discontents." American University, Washington, DC, 13 May 1999.

¹⁸⁹ Bryce, 23.

¹⁹⁰ Hicks, 158.

became a less viable candidate.¹⁹² In 1924, Labor promised LaFollette \$3 million but little money ever came. Farmers decided to fight through the Non-Partisan league in the early twentieth century after third-party efforts had failed. The Minnesota Farmer-Labor Party is the only success story in the coalition work; it accomplished the nationwide plan to join agricultural interests with laborers on a statewide level and became a major regional party.¹⁹³

Economics

Some believe that coalition potential is merely a product of hard economic times, implying that the problem of modern third parties is our basic prosperity. It is true that economic changes unique to the Populist era explain much of the People's Party's short-lived success. When an economic downturn in the 1880's caused crop liens, low sale prices, and excessive transportation expenses, the farmers of the region began to organize.¹⁹⁴ The worst depression in American history to that point and the economic upheaval of industrialization created an environment conducive to political change. The drought in the plains also coincided with the Populist period of success, lasting from 1887-1897.¹⁹⁵ By 1898, the year of the Populist meltdown in congressional elections, the

¹⁹¹ Norman Pollack, *The Populist Response to Industrial America* (Cambridge: Harvard University Press, 1962), 64.

¹⁹² Rosenstone et al., 96.

¹⁹³ Gillespie, 246.

¹⁹⁴ A. James Reichley, *The Life of the Parties: A History of American Political Parties* (Lanham, MD: Rowman & Littlefield Publishers, 1992), 138.

¹⁹⁵ *Ibid.*, 134.

economy was performing much better; crop yield and sale price had increased and gold had become plentiful.¹⁹⁶

Economic prosperity, however, is probably not the largest barrier to third-party success. Rosenstone et al. theorize that economic performance and "agricultural adversity" increase the potential for third-party success but conclude that it is not the key factor: "There are striking instances where economic adversity did not lead to much third-party activity. The most obvious example is 1932... Third parties have also done well in prosperous years."¹⁹⁷ In their analysis, economic and agricultural adversity are predictive factors for third-party success only in combination with institutional variables; economic adversity is also unnecessary for third-party formulation.

Even if economic upheaval is to be used to build coalitions among the downtrodden, an effective platform must be built to respond. The Populists failed to control the political realignment of the industrial age despite the movement's role as its primary instigator. Class and occupational cleavages were not as apparent in the 1870s and 1880s as they later were in the twentieth century. Civil War feelings and competition between localities and ethnic and religious groups dominated the politics of the time.¹⁹⁸ The 1896 election re-created the left-right cleavage on economic issues that had been evident in the Jacksonian era.¹⁹⁹

¹⁹⁶ Hicks, 388.

¹⁹⁷ Rosenstone et al., 138.

¹⁹⁸ Stanley B. Parsons, *The Populist Context: Rural Versus Urban Power on a Great Plains Frontier*, Contributions in American History, no. 22 (Westport, CT: Greenwood Press, 1973), 4.

¹⁹⁹ Reichley, 150.

This realignment was not an inevitable product of industrialization; instead, it grew out of the political choices made at the time. Populism chose not to oppose industrialization in favor of remaining in the agrarian age; instead, the Populists were trying to find a way to compete in the new economy by modifying fiscal and monetary policy.²⁰⁰ They did not oppose railroads or factories but wanted to mold their development to satisfy the community. However, the feeling of inevitability surrounding industrialization made it difficult to mobilize people against its downsides; Populist supporters merely appeared hostile to change. The Progressives later advanced many of the same ideas more successfully through urban and middle-class spokespeople.²⁰¹ If modern third parties are to use the social upheaval described earlier to build coalitions for third-party alternatives, they will need to develop a coherent agenda to respond to technological development.

Minor party failures and major party co-option thus work in combination with varied institutional constraints to maintain the two-party system. The barriers enshrined in electoral law form the basis of a strong set of obstacles to third-party success. The institutional barriers produce decisions by the media, the financiers, and the public that make it difficult for third parties to compete, and the parties themselves fail to take advantage of their few opportunities. Far from demonstrating the inevitability of the two-party system, however, this analysis shows just how many minor party constraints are necessary to keep the system in place.

²⁰⁰ Pollack, 3.

²⁰¹ Gene Clanton, *Kansas Populism: Ideas and Men* (Lawrence: University Press of Kansas, 1969), 243.