

## **CHIT CHAT CLUB**

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### **“Primaries, Populism and *Citizens United*: How the Republicans Ended Up with Donald Trump”**

Gentlemen, for those of you who were hoping this essay would provide some respite from the nearly endless coverage of the 2016 presidential election, I have disappointing news. When I first began thinking about this essay, I was inclined to present a reexamination of Dwight Eisenhower, a president I admire and one whose skill at working behind the scenes has been underrated. Eventually, however, I decided that Ike would have to wait, and that instead, I should explore a topic I have been thinking about for nearly a year. That topic is how the Republican Party ended up with a presidential nominee who has never held political office, has little experience relevant to the job of president, and whose personality and work habits seem totally unsuited to the important position he is seeking.

When I first began the research for this new topic, I initially focused on how the role of primaries has changed in the presidential nominating process. The results of primaries now determine who the presidential nominees will be, but as we shall see, they did not play that role in each party half a century ago, and the primary system has evolved over time. I also began to wonder whether, if today’s Republicans had the same system of “superdelegates” that the Democrats have – superdelegates account for about 15% of all votes cast at a Democratic convention – these party professionals might have been able to avert the nomination of Donald Trump.

However, I eventually and reluctantly concluded that for several reasons, Trump’s march to the Republican nomination this year was unstoppable. First, there is now such a disconnection between the wealthy donors who fund the Republican Party and the working class voters who are among its most important supporters that the donor class did not understand the significance of the Tea Party revolt of 2010, or that positions which had been appealing to Republican voters in 2008 and (to a lesser extent) in 2012 would be much less appealing this year. Second, when Trump’s appeal to primary voters became obvious, the major Republican donors were unable to agree upon which of the other candidates had the best chance of stopping him. Third – and this is perhaps the murkiest area – Trump seems in many respects to be riding the crest of a nativist, populist wave that is motivating voters not only in the United States, but also in Britain and Europe, as demonstrated by the recent Brexit vote.

#### **The Triumph of the Primary System**

We begin with an examination of the primary system and how it has evolved. Primaries as we understand them today did not begin to play a decisive role in the nominating process until 1964, but they have been a significant factor in our presidential elections since the end of World War II. In 1948, for example, Governor Thomas Dewey

defeated his principal rival, Harold Stassen of Minnesota, after beating Stassen badly in a radio debate held just before the Oregon primary. In 1952, Dwight Eisenhower's write-in victory over Robert Taft in the New Hampshire primary and Harold Stassen in the Minnesota primary helped to convince wavering Republicans that Ike was their best bet for winning back the White House.

In 1960, primaries played an important role in the nomination of John F. Kennedy. Although it may be difficult to remember now, the question of whether a Roman Catholic could be elected president was a major issue that year. Many voters in 1960 still remembered the drubbing that Al Smith had taken in 1928, and the only way Kennedy had of disproving those who said he would suffer the same fate was by winning primaries in largely Protestant states. With his primary victories in Wisconsin and especially West Virginia, Kennedy largely reassured the doubters. Although he still had to persuade some of the bosses at the Democratic convention that he could be a winning candidate, his path to the Democratic nomination was much smoother after his primary victories.<sup>1</sup>

In 1964, it was again the Republicans' turn. The Eastern establishment's favorite at the beginning of the year was Governor Nelson Rockefeller of New York, and many of Rockefeller's supporters did not take the candidacy of Arizona Senator Barry Goldwater very seriously. That changed, however, when Rockefeller's supporters realized in the spring that Goldwater's successes at Republican state conventions and caucuses, especially in the West, had brought him within about a hundred votes of winning the nomination. After Rockefeller won the Oregon primary (as expected), the contest came down to who would win the California primary. In a close-fought contest that I remember well, Goldwater narrowly prevailed, largely because of his strength in Los Angeles and Orange Counties.<sup>2</sup> His victory at the 1964 San Francisco convention was the first evidence that the Republican Party was turning away from the pragmatic conservatism of the Eisenhower era, a shift that became complete with the victory of Ronald Reagan in 1980.

In 1968, primaries played a large role in the competition for the Democratic nomination. President Johnson withdrew from the contest in late March after he was nearly defeated in the New Hampshire primary by Senator Eugene McCarthy, an antiwar write-in candidate. Senator Robert Kennedy then reconsidered his refusal to challenge

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<sup>1</sup> See, Theodore H. White, *The Making of the President 1960* (New York: Atheneum Publishers 1961), pp. 92-97, 99-101, 105-114 and Chapter Four generally.

<sup>2</sup> A good history of the fight for the 1964 Republican nomination is set forth in Theodore H. White, *The Making of the President 1964* (New York: Atheneum Publishers 1965). The events leading up to the California primary are described at pages 120-128. On Goldwater's successes at Republican state conventions and caucuses, and the role of F. Clifton White in these successes, see pages 131-138.

It is worth noting that Rockefeller's quest for the nomination was damaged by his 1962 divorce and 1963 remarriage to Margaretta Fitler Murphy. California's Republican voters were reminded of these events when, three days before the primary, the new Mrs. Rockefeller gave birth to the couple's first child, Nelson A. Rockefeller, Jr.

President Johnson, which led to a split between the Kennedy and McCarthy forces. Meanwhile, Vice President Hubert Humphrey declared his candidacy, although he refused to enter any presidential primaries, preferring to rely instead on “favorite sons” to amass delegates.

Kennedy and McCarthy competed in primaries through the spring, but it became clear that the key primary contest would again be in California. As we all remember, Robert Kennedy won the California primary, but was shot in the kitchen of the Ambassador Hotel shortly after making his victory speech, and died soon thereafter.<sup>3</sup>

Although Gene McCarthy’s name was placed in nomination at the 1968 Democratic Convention and he received about one-fourth of the delegates’ votes, Hubert Humphrey was easily nominated with President Johnson’s backing. That contributed not only to the huge demonstrations in Chicago, but after Humphrey’s November defeat, to a movement to change the party’s rules so as to create more open procedures for selecting delegates.<sup>4</sup>

The body that tackled these issues was chaired by Senator George McGovern of South Dakota and was informally known as the McGovern-Fraser Commission. The result of the commission’s work was that the Democratic Party’s delegate selection procedures were required to be open; party leaders would no longer be allowed to handpick convention delegates in secret.

A major (and apparently unforeseen) result of these rule changes was a large shift toward state presidential primaries. Whereas prior to the reforms, Democrats in two-thirds of the states had used state conventions to choose convention delegates, after the reforms, over three-quarters of the states came to use primary elections to choose their delegates. Today, over 80% of the Democrats’ convention delegates are selected in primaries.

In 1972 and 1976, the Democratic Party had mixed results with these rule changes. The primary process resulted in the nomination of George McGovern in 1972, and he went down to a historic defeat at the hands of Richard Nixon. In 1976, the same rules resulted in the nomination of Jimmy Carter, a former Georgia governor and the first presidential candidate of a major party in modern times to be from the Deep South. He went on to a comfortable victory over Gerald Ford in the November election.

As we all remember, however, things did not go smoothly for Mr. Carter once he

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<sup>3</sup> For a history of the fight for the 1968 Democratic presidential nomination from President Johnson’s withdrawal to Robert Kennedy’s death, see Theodore H. White, *The Making of the President 1968* (New York: Atheneum Publishers, 1969), pp. 106-125, 150-183.

<sup>4</sup> For a good summary of how Humphrey amassed his delegates, see White’s *The Making of the President 1968*, pp. 269-272. White vividly describes the impact of the Chicago street riots on the 1968 convention at pages 295-303 and 307-311. The proposal of the 1968 Credentials Committee for reconsidering the Democrats’ delegate selection process in time for the 1972 convention is set forth at pages 273-274, and White offers his own reflections on how the nominating process should operate at pages 311-313.

entered the White House. Between runaway inflation and the Iranian hostage crisis, as well as another oil embargo, he was a deeply unpopular incumbent in 1980, so much so that Senator Edward Kennedy challenged him for the nomination. After a bitter contest, Carter eventually defeated Kennedy at the 1980 convention, but he went down to a historic defeat by Ronald Reagan in November.

As a result of the 1980 defeat, many Democratic office-holders and party officials (especially congressional Democrats) called for a change to the rule that rigidly bound Democratic delegates to vote for the presidential candidate to whom they were pledged. These same office holders and officials also sought to increase their role in the selection of the presidential nominee. Joined by Governor Jim Hunt of North Carolina, chairman of the commission in charge of writing delegate selection rules for 1984, they argued that 30% of the delegates at the Democratic convention should be uncommitted office-holders or party officials. After strong opposition developed to this proposal, Congresswoman Geraldine Ferraro crafted a compromise under which 14% of total convention delegates would be uncommitted, but the congressional members of the uncommitted delegates would be selected by the House and Senate Democratic caucuses. These uncommitted delegates eventually came to be known as “superdelegates,” a term coined by Susan Estrich.<sup>5</sup>

In the Democratic party, the number and role of superdelegates has remained largely unchanged since 1984. The most significant change in the Democrats’ nominating process has been the creation of “Super Tuesday,” which was supposed to increase the influence of Southern states by having most of them hold their primaries all on the same day, thus enabling a moderate front-runner to emerge and consolidate his or her lead.

In the Republican Party, primaries have worked pretty well since the late 1960s, with the winner of most of the primaries in a particular year emerging as the eventual presidential nominee.<sup>6</sup> As a result of this success, the Republicans do not have a formal “superdelegate” system comparable to the Democrats’, although office-holders and party officials often attend Republican conventions as uncommitted delegates. However, these professionals comprise nowhere near 15% of the total number of Republican delegates.

### **The Republican Party at the Start of the 2016 Presidential Season**

The state of the Republican presidential race that started in 2015 was greatly influenced by the aftermath of the Great Recession of 2008, the Tea Party Revolt of 2010, and how that revolt was interpreted by Republican officials and donors. The race was also influenced by the so-called “autopsy report,” the analysis of Mitt Romney’s

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<sup>5</sup> In 1988, Susan Estrich was the campaign manager for the Democratic nominee, Michael Dukakis.

<sup>6</sup> For example, Ronald Reagan lost most of his primary battles with President Ford in 1976, and Ford narrowly defeated Reagan at the 1976 convention. In 1980, George H.W. Bush won the Iowa caucuses, but after Ronald Reagan defeated him in the New Hampshire primary and subsequent primaries, Reagan’s momentum continued to increase, and he received the Republican nomination and was ultimately elected. See H.W. Brands, *Reagan: The Life* (New York: Doubleday, 2015), pp. 201-205, 221-225.

2012 defeat that the Republican National Committee issued in March 2013.

In a March 2016 article in the *New York Times*, Nicholas Confessore gave the following description of the plight of white, working class voters after the 2008 crash, and their response to these events:

While the [Republican] party was drawing more of its money from an elite group of the wealthy, it was drawing more votes from working-class and middle-income whites. Between 2008 and 2012, according to the Pew Research Center, more lower-income and less-educated white voters shifted their allegiance to Republicans.

These voters had fled the Democratic Party and were angry at Mr. Obama, whom they believed did not have their interests at heart. But not all of them were deeply conservative; many did not think about politics in ideological terms at all. A 2011 Pew survey call them the “Disaffecteds.”

Older white voters with little education beyond high school, under enormous economic stress, the Disaffecteds surged to the Republican Party early in Mr. Obama’s first term. But they were as cynical about business as they were about government. They viewed immigrants as a burden and an economic threat. They opposed free trade more than any other group in the country.<sup>7</sup>

In a recent article in *The Atlantic*,<sup>8</sup> David Frum paints a similar picture of these voters, whom he calls White Middle Americans:

White Middle Americans express heavy mistrust of every institution in American society: not only government, but corporations, unions, even the [Republican] party they typically vote for . . .

They aren’t necessarily superconservative. They often don’t think in ideological terms at all. But they do strongly feel that life in this country used to be better for people like them – and they want that older country back.

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These populists [in the U.S. and also in Europe] seek to defend what the French call “acquired rights” – health care, pensions, and other programs that benefit older people – against bankers and technocrats who endlessly demand austerity; against migrants who make new claims and challenge accustomed

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<sup>7</sup> Nicholas Confessore, “How G.O.P. Elites Lost the Party’s Base to Trump: Rupture Emerged as Working-Class Voters Felt Ignored by Republican Leaders,” *New York Times*, March 28, 2016. Hereinafter, this article is referred to as “Confessore”.

<sup>8</sup> David Frum, “The Great Republican Revolt,” *The Atlantic*, January/February 2016, pp. 48-59. Hereinafter, this article is referred to as “Frum”.

ways; against a globalized market that depresses wages and benefits. In the United States, they lean Republican because they fear the Democrats want to take from them and redistribute to Americans who are newer, poorer, and in their view less deserving . . . (Frum, p.50.)

According to Frum, it was the economic stagnation experienced by these voters that led to the Tea Party's strong opposition to Obamacare. Tea Partiers saw the Affordable Care Act as an attack on the funding of Medicare, and thus as an attempt to redistribute money from a program benefitting them to a program benefitting people who were often foreign-born and poor. At the same time, many of the Tea Partiers were open to much higher taxes on the wealthy (according to Gallup), and only about 20% of them favored cuts to Medicare and Social Security (according to Pew). Even more significantly, less than a third of these ordinary Republicans supported a pathway to citizenship for illegal immigrants, and a majority favored stepped-up deportation. (*Id.* at 53.)

However, Frum continues, "as a class, big Republican donors could not see any of this, or would not. So neither did the politicians who depend on them. Against all evidence, both groups interpreted the Tea Party as a mass movement in favor of the agenda of the *Wall Street Journal* editorial page." (*Id.*)<sup>9</sup> It is not surprising that major donors held this view, because the Supreme Court's 2010 decision in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), had greatly increased their weight within the Republican party, even amid indications that the party's more downscale voters were demanding a greater voice.<sup>10</sup>

Major donors and Republican politicians were particularly wrong about how their voters viewed immigration. While the autopsy report of March 2013 generally avoided policy recommendations, it concluded that as a party, Republicans "must embrace and

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<sup>9</sup> In his article, Confessore reaches the same conclusion. He observes that with respect to the Tea Party's opposition to Obamacare, the Republican leadership mistakenly saw it as a rejection of entitlement programs:

In Washington, Republicans read Tea Party anger over Mr. Obama's health care law as a principled rejection of social welfare programs, despite evidence that those voters broadly supported spending they believed they deserved, like Social Security and Medicare. Amid intense anger at Wall Street, Republicans urged voters to blame the recession on excessively generous federal home-lending policies, while moving to roll back regulation of one of the biggest sources of campaign money, the financial industry.

<sup>10</sup> Frum cites Jeb Bush's fundraising as an example of how much *Citizens United* had tipped the scales in favor of large donors by 2016:

. . . Bush's fund-raising genuinely inspired awe. In his financial disclosure for the second quarter of 2015, Bush reported raising \$11.4 million for his formal campaign and another \$103 million for his super PAC. These funds were provided by a relatively small number of very wealthy people. Of Bush's presidential-campaign dollars, only 3 percent arrived in amounts of \$200 or less. Almost 82 percent arrived in the maximum increment of \$2,700. Nearly 80 percent of Bush's super-PAC take arrived in increments of \$25,000 or more; about a quarter of the haul was made up of donations of \$1 million or more. (Frum, p. 54.)

champion comprehensive immigration reform,” or else “our party’s appeal will continue to shrink to its core constituencies only.”<sup>11</sup> Thus, when the new Congress convened in 2013, Republicans in the Senate sought to strike a deal on immigration. As Frum notes, a bipartisan “Gang of Eight” that included Senator Marco Rubio of Florida agreed on a plan that would create a path to citizenship for millions of illegal immigrants, and also substantially increase legal-immigration limits for both high-skilled and low-skilled workers. (*Id.* at 54.)

The Gang of Eight’s immigration plan proved a complete failure; it was never even brought to a vote in the Republican-controlled House of Representatives. Instead, says Frum, as the months after the 2012 election wore on:

. . . Republicans’ approval ratings slipped and slid. Instead of holding on to their base and adding Hispanics, Republicans alienated their base in return for no gains at all. By mid-2015, a majority of self-identified Republicans disapproved of their party’s congressional leadership – an intensity of disapproval never seen by the Republican majority of the 1990s nor by Democrats during their time in the majority after the 2006 midterm elections. (*Id.*)

What the Republican leaders failed to understand was that many of their voters “saw illegal immigration not only as a cultural and security threat, but also as an economic one, intertwined with trade deals that had stripped away good manufacturing jobs while immigrants competed for whatever work remained.” (Confessore.) Eventually, the opposition to immigration reform proved so powerful that Senator Rubio repudiated the Gang of Eight deal he himself had sponsored.

### **The Republican Presidential Candidates in 2016**

By August 2015, 17 candidates had announced they would seek the Republican presidential nomination. Of that number, nine or ten were considered plausible candidates. In the first tier were Jeb Bush, Marco Rubio, Chris Christie and Scott Walker. Further down but still credible were Ted Cruz, Carly Fiorina, John Kasich, Lindsey Graham, Rand Paul, and Mike Huckabee. For various reasons, the least plausible candidates were considered to be Dr. Ben Carson, Rick Santorum, George Pataki and, of course, Donald Trump.

Trump quickly scrambled that lineup. When the first televised Republican debate

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<sup>11</sup> In his *Atlantic* article, Frum points out that immigration is far more beneficial for upper-income voters than for those further down the economic scale:

Owners of capital assets, employers of low-skill laborers, and highly compensated professionals tend to benefit economically from the arrival of immigrants. They are better positioned to enjoy the attractive cultural and social results of migration (more-interesting food!) and to protect themselves against the burdensome impacts (surges in non-English-proficient pupils in public schools). A pro-immigration policy shift [after the 2012 election] was one more assertion of class interest in a party program already brimful of them. (Frum, p. 53.)

was held in August 2015, Trump’s aggression and use of sarcasm and other tactics clearly knocked Bush and Walker off their strides, and Walker withdrew from the race in September. After poor showings in the Iowa caucuses held on February 1, 2016 (which Ted Cruz narrowly won), Huckabee, Santorum, and Paul all exited the race. Following the New Hampshire primary on February 9, Christie and Fiorina ended their campaigns. After his fourth-place showing in the South Carolina primary, Jeb Bush ceased active campaigning. Of the final three candidates besides Donald Trump, Marco Rubio withdrew after losing the March 15 primary in Florida, his home state, and Kasich and Cruz both withdrew after losing the May 3 Indiana primary to Trump.

Calling Donald Trump’s rapid rise in the polls beginning in late 2015 “new and astonishing,” Frum explains it as follows:

[Trump] jettisoned party orthodoxy on issues ranging from entitlement spending to foreign policy. He scoffed at trade agreements. He said rude things about Sheldon Adelson and the Koch brothers. He reviled the campaign contributions of big donors – himself included! – as open and blatant favor-buying. Trump’s surge was a decisive repudiation by millions of Republican voters of the collective wisdom of their party elite.

When Trump first erupted into the Republican race in June, he did so with a message of grim pessimism . . .

That message did not resonate with those who’d ridden the S&P 500 from less than 900 in 2009 to more than 2,000 in 2015. But it found an audience all the same. Half of Trump’s supporters within the GOP had stopped their education at or before high-school graduation . . . Only 19 percent had a college or postcollege degree. Thirty-eight percent earned less than \$50,000. Only 11 percent earned more than \$100,000.

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What set [Trump voters] apart from other Republicans was their economic insecurity and the intensity of their economic nationalism. Sixty-three percent of Trump supporters wished to end birthright citizenship for the children of illegal immigrants born on U.S. soil . . . More than other Republicans, Trump supporters distrusted Barack Obama as alien and dangerous: Only 21 percent acknowledged that the president was born in the United States . . . Sixty-six percent believed the president was a Muslim. (Frum, p. 57.)

In other words, Trump voters were made up to a significant degree of the working class and middle income voters who had switched their allegiance to the Republican Party after the 2008 election. In addition to promising these voters better job opportunities and protection from entitlement cuts, Trump also promised his supporters that he would work to prevent the U.S. – and thus his supporters’ children – from being

drawn into another war in the Mideast.<sup>12</sup> That his promises often seemed unrealistic and contradictory, and that he seemed very ignorant of the foundations of modern U.S. foreign policy, did not seem to bother his supporters at all.

As I have noted, Trump won the New Hampshire primary and came in a close second to Ted Cruz in the Iowa caucuses. By the end of March, he had won most of the other primaries and amassed significantly more delegates than any other candidate. Despite the threat Trump posed to the policies they preferred, the major Republican donors could not agree on which of the remaining candidates – Marco Rubio, John Kasich, or Ted Cruz -- had the best chance of stopping him. As a result, although there were many news stories that these major donors were prepared to spend tens of millions of dollars to stop Trump and deny him an outright majority of delegates, neither the promised spending nor the consensus candidate ever materialized.

My own view is that an important reason for this was that, since the wealthy donors had supported so many different candidates and had strong individual policy views of their own, they could not agree – to the extent they even tried to determine – who the most viable alternative to Trump would be.

In short, even if the Republicans had had a “superdelegate” system like that of the Democrats, which increases the role of party professionals, it is doubtful they could have produced an alternative nominee in 2016. Although many of Trump’s supporters had reservations about him, none of the other candidates advocated positions that those voters found appealing. Thus, owing to his unique appeal and the inability of his opponents to band together, as well as an enormous amount of free media, Trump continued to win primaries, and by early May he had become the Republican Party’s presumptive nominee.

Further evidence of the appeal of Trump’s message emerged in late June, when the United Kingdom voted by a narrow margin to leave the European Union. Interviews with those who had voted to leave – some of whom seemed to have buyers’ remorse after the vote – showed that many of them, like Trump’s voters, felt left behind by European economic integration. Like Trump’s supporters, they also wanted back the kinds of lives they had lived 40 or 50 years earlier, no matter how unrealistic that wish might be.

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<sup>12</sup> In a November 3, 2016 article in the *New York Times* entitled “Trump Holds Strong Appeal With Veterans: Praised for His Blunt Talk on War’s Costs,” Nicholas Confessore summarizes Trump’s electoral strength with this group as follows:

There are 22 million living veterans in the United States, and many love or loathe Mr. Trump for the same reasons other Americans do. But polling, interviews with dozens of veterans and those who study their political views indicate a strong preference for Mr. Trump over Mrs. Clinton. He now leads Mrs. Clinton by 19 points among veterans registered to vote, while trailing her among all voters by three points, according to a Fox News poll released Oct. 18.

Veterans are more likely than other Americans to view Mr. Trump favorably, and less likely to rate Mrs. Clinton positively. In mid-October, 43 percent of veterans expressed a favorable view of him in a Gallup tracking poll, while just 30 percent saw Mrs. Clinton positively.

What may be most telling about Trump's appeal to Americans are the comments of two businessmen quoted in the March *New York Times* article by Nicholas Confessore that I mentioned earlier. The first businessman is Burl Finkelstein, and in 2015, he confronted Senator Johnny Isakson of Georgia at a luncheon in Atlanta about recent trade deals. According to Confessore:

[Finkelstein] said trade policies with Mexico and China were strangling the family-owned kitchen-parts company he helped manage, and imperiling the jobs it provided. Mr. Isakson politely brushed him off, Mr. Finkelstein recalled, as he had many times before.

So when the Georgia primary rolled around [in March], Mr. Finkelstein, along with many others in his town, pulled the lever for Donald J. Trump, who made him feel that someone had finally started listening. "He gets it," Mr. Finkelstein said in a recent interview. "We've sold ourselves out."

The second businessman quoted in the article is Chris Collins, who is now a congressman. Confessore gives the following description of his situation:

In 2013 in western New York, one of the last remaining American manufacturers of dinnerware went out of business, adding 110 lost jobs to the Rust Belt toll. Representative Chris Collins, a Republican from the Buffalo area, had been the plant's majority owner until the previous year, when voters elected him to Congress. His former firm had been undercut by Chinese imports that were a third cheaper, propped up by Chinese currency manipulation.

"I've seen what happens when a country is allowed to undersell the U.S.," said Mr. Collins, who was the first member of Congress to endorse Mr. Trump. "Those jobs were stolen. And the politicians let it happen."

We have all witnessed the chaotic and under-resourced campaign that Trump has run since becoming the Republican nominee, including his troubling performances in the three debates with Hillary Clinton. But he didn't become the Republican nominee merely because he was entertaining, and it would be foolish to underestimate the appeal that his positions have for many Americans. Later tonight, we may learn which carries more weight, the concerns about Trump's character and temperament, or the appeal of his positions. But whatever the outcome of the election, I doubt that the issues Mr. Trump has raised are going away.