

Tumbling Down into a Democratical Republick

Christopher H. Achen

Department of Politics,
Princeton University
achen@princeton.edu

Larry M. Bartels

Department of Politics and
Woodrow Wilson School of Public and International Affairs,
Princeton University
bartels@princeton.edu

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Abstract

We examine how the notion of popular sovereignty has animated the evolution of American political institutions. We argue that the triumph of democratic rhetoric at the Founding has left Americans with just one remedy in times of governmental failure, namely that reform should move toward greater democratization. More “democratic” institutions have generally emerged (1) when existing institutions have been strained by economic or political crises, (2) when powerful elites have discerned an immediate political advantage in “reform,” and (3) when new institutions could be established with only modest popular involvement. Initially, reform meant extending the franchise and reducing the role of political parties. With time, it has come to mean greater reliance on plebiscitary elements in government. The result has been a gradual ratcheting-up of democratic expectations, and attendant discontents. We illustrate this process in the evolution of the direct primary and the establishment of initiative and referendum procedures in the Progressive Era. We also explore a notable case of resistance to direct democracy: the repeated failure of Minnesota voters to approve a constitutional amendment establishing a statewide initiative and referendum process.

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Tumbling Down into a Democratical Republic¹

Critics of the magistrates are also responsible. Their argument is, ‘The *people* ought to decide’: the people accept that invitation readily; and thus the authority of all the magistrates is undermined.

— Aristotle, *The Politics* (1958, 168-169)

The Founding Fathers had an understanding of democracy quite different from that of twenty-first century America. For them, democracy was undesirable. Urban mobs had endangered colonial governors and others during the late eighteenth century. During the agitation over the Stamp Act, Massachusetts representatives of the Crown had their homes burned and their lives threatened by local thugs chanting popular political slogans. Local militia were unable or unwilling to stop them. Throughout the colonies, other officials resigned to avoid similar fates (Middlekauff 1982, 89-96).

All this was proof enough for responsible opinion: The common people were not a reliable foundation for government. Thomas Jefferson, often remembered as a dedicated democrat in a republican age, was himself anxious to limit the influence of the urban masses (Hofstadter 1974, chap. 1).

The anti-democratic feeling went deeper than a mere preference for civic order.

Elections [in Rhode Island] were bitterly fought, and fraud – stuffing the ballot box, for example – was not uncommon. At times voters were bought to vote the right way and some were bribed not to vote at all. In 1758, for example, only 400 out of 600 freemen in Newport

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voted; 'one third lie still,' Ezra Stiles noted, 'silenced by Connexions.' The Assembly itself was frequently the scene of disorder: shrill charges, deals, and undignified squabbles.

Most Rhode Islanders apparently enjoyed and valued all this political smoke, and the politicians played their parts with enthusiasm if not aplomb. But not everyone found the spectacle of brawling politicians and a large and apparently unstable electorate to his liking. (Middlekauff 1982, 97)

Rhode Island's tumultuous politics and frequent elections were frequently cited, in the Federalist Papers and elsewhere, as the classic signs of the unstable small democracy. Even in the absence of mobs, many of the Founders saw popular rule as a threat to property. Mobs might be stopped; legislatures could not be. The Founders wanted a stable government with a constitution that would protect the landowner, as Beard (1913) famously argued.

By the eighteenth century, political thought had long taken an anti-democratic line, and the Fathers found ready support for their political views in the histories and political treatises available to them. The Earl of Shaftesbury had argued in parliament that monarchy could be sustained only with an army or with the nobility. "If you will not have one, you must have the other, or else the Monarch cannot long support itself from tumbling down into a Democratical Republick." Morgan (1988, 103) comments: "It went without saying that no one wanted England to tumble down there."

Most theorists, reflecting the arguments that had emerged in Europe as emergent nation-states consolidated semi-independent principalities under powerful central authority, stood for a kind of virtual popular consent that imposed no practical limitations on kings, churches, or the few nascent aristocratic representative bodies. Such theoretical circumspection was wise.

Algernon Sidney was hanged in 1683 for unpublished notes "in which he assigned the origin and limitation of government to the people, with a right to depose rulers who betrayed their trust" (Morgan 1988, 104-105). Even Rousseau, the apostle of democracy writing just a decade before

the American constitution, argued that democracy was possible only in small states. His theories posed no direct threat to the French absolutism of his day.

Beyond their readings in theory and their dread of American mobs, supporters of the new constitution took a lesson from their understanding of more distant history. They feared the instability they associated with excessive popular control. Hamilton makes the argument in Federalist 9:

It is impossible to read the history of the petty Republics of Greece and Italy, without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions, by which they were kept in a state of perpetual vibration, between the extremes of tyranny and anarchy.

One might argue that history taught no such lesson. Aristotle's *Politics*, for example, had a more balanced and sophisticated treatment of the strengths and weaknesses of democratic government than the Founders' historical memories recognized. But there is no doubt that they evaluated the record of democratic government as fatally flawed.

Thus the new constitution provided for limitations on popular rule – a separation of powers, federalism, and indirect election of the president and the Senate – “A republic, Madam, if you can keep it.” Benjamin Franklin thus suggested that even a republic with limited democratic elements might be subject to the instabilities Hamilton feared.

The judgments and worries of the Founding seem rather distant from our own. Living in a proudly “democratic” country that has come to unchallenged wealth and international power in the late twentieth century, most American citizens would be hard pressed to define the difference between a democracy and a republic. Endless reiterations of the distinction in some conservative circles have made little difference, and the partisan motives may have devalued the topic further.

For the vast majority, democracy is good, and more democracy is better. Republics are associated with bananas, and banana republics with shopping.

The tensions between our current thinking about popular rule and the logic of the revered Constitution are psychologically manageable. Beard did us a favor: The republican leanings of the Founders are now conveniently dismissed as the elitist and aristocratic trappings of a bygone era. Coping with the Founders intellectually, which would not be easy, is happily unnecessary. No mental effort need be expended.

This conceptual laziness has consequences. Faced with the inevitable occasional failures of our political institutions, we cast about for curative measures. We have only one cure we trust. Throughout American history, the cry, “reform of the government,” has nearly always meant an appeal for greater democratization. But the medicine has rarely been applied thoughtfully. It is as if we prescribed penicillin for everything. Sometimes it has cured, sometimes it has been a harmless waste, and sometimes the patient has gone into shock.

In this paper, we trace the steps that brought us from the views and institutions of the Founding Fathers to the contemporary *Zeitgeist* and current American institutions. We shall argue that the steps taken through American history toward plebiscitary democracy were based on myopic retrospections much like those that dominate American electoral behavior. That is, in the midst of institutional failures, Americans have cast about for doctrines of government to guide their actions. In a country with only a naïve view of popular sovereignty to guide it, thoughts inevitably turned toward making democracy more effective. If “too much democracy” is a meaningless expression, if politicians are a disreputable breed, and if political parties are the refuge of the weak-minded, as popular American thought suggests, then American reform will proceed just as it has. Power will be steadily removed from political parties and elected

politicians, and will be given directly to voters. In consequence, American history will be celebrated as a conscious battle between ordinary people and a series of grasping oligarchies thwarting the popular will. And the story is told with a happy ending – a triumph of ever-expanding self-government and popular control.

It is this self-congratulatory tale that we wish to scrutinize.

After the Revolution

The American Revolution brought social turmoil along with the political upheaval. Colonial governors and military officials, often the focus of upper-crust social life in the colonies (even during the war in the areas they occupied), were gone. Domestic loyalists, too, were discredited; many had fled. A new government was in place; so was a new social order. Political rhetoric necessarily changed.

The war had been fought by a minority of Americans, but not by any one region or social class. The revolution was justified in the Declaration of Independence and in much other rhetoric of the time as a legitimate uprising of a sovereign people against a tyrannical king – just the sort of hypothetical possibility envisaged in European theory, but not one that British officials of the time could take seriously as practical possibility. Yet as Morgan (1989, 306) put it, “From its inception in the England of the 1640s the sovereignty of the people has been filled with surprises for those who invoked it.”

Indeed, in America, popular sovereignty and the rule of the people seemed to have a muscular reality that would have frightened the authors of the original doctrine. Apparently minor grievances such as the Townshend Duties and the Stamp Act were received in a different political context in America, and in a different intellectual milieu (Bailyn 1967). Seventeenth

century English ideas put a glossy sheen on the customary human reluctance to pay taxes, and they also met the need of the colonial elites for greater moral authority against British power. Joined to the short-term grievances animating the populace, these notions of self-government set off an explosion:

An inflamed, unstable politics, incapable of duplicating the integration and control that “influence” had created in England, had called forth the full range of advanced ideas, not as theories simply, not as warnings merely of some ultimate potentiality, but as explanations of present conflicts ... (Bailyn 1968, 159-160)

In the new world created by the Revolution, Federalists played a critically important but short-lived role. Quasi-aristocratic leadership, often frankly contemptuous of ordinary citizens, was doomed. Their bitter opponent, Thomas Jefferson, became president in 1800. By the early nineteenth century, the Federalists were gone. Politics was dominated by the proudly self-proclaimed “Democratic Republicans.” America was tumbling down into a new experiment in large-scale democracy. According to Elkins and McKittrick (1993, 5),

It can probably be said that the principal components for a structure of norms and social values most appropriate to the working of a capitalist, democratic, equalitarian culture were fully in place by about 1830, though not very much before then.

As Elkins and McKittrick note, when Tocqueville arrived in the U.S., it was this new order of society that he so memorably described.

Arthur Schlesinger, Jr., characterized this period of American history as “the age of Jackson,” in honor of the man whose forceful presidency redefined American politics. Coming to the nation’s highest office from a frontier background and military success in the War of 1812, Andrew Jackson took additional steps toward democratizing the country. He was nominated for

his second term by the country's first national party convention, thus removing presidential nominations from congressional caucuses and party control. Jackson himself profited politically from the arrangement, of course, but the rationale was democratization:

The debasement of party government in the United States has been traced to the state and national nominating conventions, which replaced the party caucuses in the legislatures and in Congress; but in fact the convention was adopted because the legislative caucus was thought undemocratic. (Lowell 1913, 233-234)

Certainly Jackson's inauguration, with frontiersmen traipsing through the White House and leaving mud on the carpets, seemed to his countrymen to have begun, not just a new administration, but a new era in American politics. Of Jackson's battle with the National Bank, Schlesinger (1945, 123) remarks: "Everyone, from right to left, believed, with more or fewer qualifications, that sovereignty belonged to the people....The behavior of the banks in practice, moreover, violated the national faith in popular rule."

Popular rule had become more consequential due in part to the expansion of the franchise. Increasingly, the states modified or eliminated property requirements for voting. Jefferson's party, now known simply as the Democrats, had every incentive to mobilize immigrants and the poor; doing so meant reducing property qualifications. The Whigs, the completing party in this era, often moved in the same direction to avoid blame for obstructing the inevitable (Keyssar 2000, chap. 2).

The franchise extensions were a significant, if limited, step forward. "Rule by the people," which in practice had excluded women, African-Americans, many non-native born, and the propertyless, now excluded only women and blacks. Their causes would await the twentieth century. In Jackson's time, political exigencies were more limited.

The Post-Civil War Era

The convulsion of the Civil War swept away slavery in the South and created yet another set of democratizing reforms. More than any American war before or since, the entire country was caught up in a conflict fought on native soil. It had been a moral crusade for the North. The lessons taken from it were politically irresistible. African-Americans were legally enfranchised and increasingly allowed in practice to vote. Though the South would take a long step backward after Reconstruction was ended in the 1870s, the norm persisted in the North, including the many Northern states with a poor pre-war record in racial fairness.

The war helped develop northern manufacturing and Republican loyalties. A laissez-faire Republican ascendancy and an industrial jump-start set off a period of nation-building and great personal fortunes. Steamship lines, gold, silver, and copper mines, oil, railroads, lumbering, steel manufacture, banking – all of them added to the national wealth and created vast personal fortunes. Unimpeded by government regulation or income taxes, many “robber barons” soon succeeded in alienating large sectors of ordinary farmers, miners, and workingmen by their rapacious pricing, abusive labor relations, and bribery of elected officials. State legislatures frequently fell under their control, particular in the Western states. Standard Oil in California, the Anaconda copper mining company in Montana, and several others achieved near-strangleholds on their state governments (Spencer 1968; Clinch 1970).

The economic contractions of the second half of the nineteenth century enhanced the appeal of third parties. Farmers, facing the most volatile conditions and some of the worst monopoly exploitation by the railroads, were a particular source of political agitation and third-party movements. (Prominent alternate interpretations of this period include Hofstadter 1955 and Goodwyn 1976.) Combining with Western miners and Southern cotton farmers, the rural

protestors coalesced into a broad-based protest movement under the banner of Populism, mounting a substantial third-party presidential campaign in 1892 and becoming a major party in several states. Because they saw themselves in bondage to Eastern monopolies and big-city political machines, their platform was anti-monopoly. Less wisely, it was also anti-political party and pro-direct democracy. As before in American history, the solution to contemporary evils was seen as extension of popular control, with little understanding of the need for political power, organization, and coalition-building. Alas for the Populists, political naiveté was to prove expensive.

During the serious Panic of 1893, economic distress widened. William Jennings Bryan's fusion campaign in 1896, uniting Democrats and Populists, roared through the Western states, the South, and parts of the Midwest. Bryan received 80% of the vote in Montana, for example, and the fusion ticket swept Republicans from the state government that year. The campaign frightened the centers of Republican dominance, but McKinley held the East, the Pacific coast, and the upper Midwest. Bryan ultimately fell well short of the electoral votes needed for election. Though he was to run twice more as the Democratic nominee, the Populists declined rapidly in importance, and with the exception of the Wilson presidency, the Democrats soon returned to more staid ways.

The next period of extensive democratization took place in the first part of the twentieth century. Heavy immigration changed the character of American cities in this period, and urban political machines were powerful players in both political parties. Reformers, particularly the small-town white Protestants in the Republican Party who were the heart of the movement, saw boss control, big-city Catholics, and crooked machines as an unholy coalition that formed the chief obstacle to national reform. Occasional splits in the GOP ranks produced "progressive"

candidates running against both Democrats and Republicans. The Progressives became a third-party force, albeit with a distinctly anti-party inclination. The resulting tensions were to bedevil the Progressives' attempts to displace the two major parties; they also led to important changes in the way the two major parties conducted their own political business.

Party Reform

The advocates of the direct primary had a simple faith in democracy; they thought that if the people, the rank and file of the party membership, only were given an opportunity to express their will through some such mechanism as the direct primary, candidates would be selected who would be devoted to the interests of the people as a whole.

— V. O. Key, Jr. (1942, 373-374)

One continually hears the declaration that the direct primary will take power from the politicians and give it to the people. This is pure nonsense. Politics has been, is, and always will be carried on by politicians, just as art is carried on by artists, engineering by engineers, business by businessmen. All that the direct primary, or any other political reform, can do is to affect the character of the politicians by altering the conditions that govern political activity, thus determining its extent and quality. The direct primary may take advantage and opportunity from one set of politicians and confer them upon another set, but politicians there will always be so long as there is politics.

— Henry Jones Ford (1909, 1-14)

The internal workings of political parties pose puzzling challenges for democratic theory. Elections may reflect “the will of the people,” but only within the limited compass of a fixed choice among candidates put forward by viable party organizations. Who gets to choose those candidates?

One view, put forth most forcefully and colorfully by E. E. Schattschneider (1942, 60), is that the role of ordinary citizens in selecting nominees is and can only be highly indirect: “The

sovereignty of the voter consists in his freedom of choice just as the sovereignty of the consumer in the economic system consists in his freedom to trade in a competitive market. ... Democracy is not to be found *in* the parties but *between* the parties.”

For better or worse, however, Schattschneider’s conception of parties as private associations of political elites, disciplined only by the competitive market of general elections, has fared poorly over the course of American history. Indeed, as V. O. Key, Jr. (1964, 395) noted in a textbook summary of procedural reforms over 150 years, “Each major step in the development of the nominating process has marked a further obeisance to the doctrine that the will of the rank and file of party membership should prevail.” According to Austin Ranney (1975, 105),

the earliest party reforms were intended to make parties more representative of their supporters. For the nomination of candidates for statewide offices, the legislative caucuses replaced mass meetings in the capital cities – mainly to better represent, it was said, the party faithful living in other areas. The legislative caucuses then generally gave way to ‘mixed’ caucuses to better represent party members in districts with no party legislators. And in the 1820s and 1830s delegate conventions replaced the legislative and congressional caucuses because they were thought to be even more representative since they sprang directly from the party rank-and-file.

The convention system was considered suitably “democratic” for some 80 years following its adoption, until it was superseded by “the most radical of all the party reforms adopted in the whole course of American history” (Ranney 1975, 121), the direct primary. The direct primary represented an unprecedented attempt to reflect the will of the people in the nominating process. In making the adoption of the direct primary a centerpiece of his 1900 gubernatorial campaign, Robert La Follette appealed to “the sovereign right that each citizen shall for himself exercise his choice by direct vote, without the intervention or interference of any political agency.” “No

longer,” La Follette promised, “will there stand between the voter and the official a political machine with a complicated system of caucuses and conventions, by the easy manipulation of which it thwarts the will of the voter and rules official conduct” (quoted by Ranney 1975, 124-125).

Alas, experience with the direct primary system was disheartening on this score. By 1910, an Iowa journalist complained that “the politicians already control the machinery more than they did under the old caucus system, and they are only kindergartners in the business as yet” (Horack 1910, 185). More than three decades later, the leading scholarly observer of political parties noted that, “whatever the nature of the nominating process, a relatively small, cohesive group tends to take the lead in organizing support for candidates. ... Under the direct primary the party organization remained and changed its methods so as to adapt them to the new machinery of nominations” (Key 1942, 390).

Ranney’s (1975) summary of the history of party reform emphasized the regularity with which principled debates about desirable electoral procedures have been entangled with struggles for substantive political advantage. In 1824, “politicos in all camps recognized” that the traditional congressional caucus system would probably nominate William Crawford; thus, “how people felt about the proper nominating method was correlated very highly indeed with which candidate they supported” (66). In 1832, “America’s second great party reform was accomplished, not because the principle of nomination by delegate conventions won more adherents than the principle of nomination by legislative caucuses, but largely because the dominant factional interests ... decided that national conventions would make things easier for them” (69). And in the early 1970s, George McGovern helped to engineer the Democratic Party’s new rules for delegate selection as co-chair of the party’s McGovern-Fraser Commission,

and “praised them repeatedly during his campaign for the 1972 nomination”; but less than a year later he advocated repealing some of the most significant rules changes. Asked why McGovern’s views had changed, “an aide said, ‘We were running for president then’” (73-74).

The Progressive Era was no exception in this regard. Ranney (1975, 122) noted that the most influential champion of the direct primary, Robert La Follette, was inspired “to destroy boss rule at its very roots” when the Republican Party bosses of Wisconsin twice passed him over for the gubernatorial nomination. A recent history of the period suggests that “Greater regulation of political parties and of the electoral process in general during the Progressive Era was accomplished by those who stood the most to gain under the new rules of the game,” including not only principled reformers but also well-known incumbents, urban interests underrepresented in existing convention systems, and partisans hoping to stymie third parties and independent candidates (Reynolds 2006, 230).

As with other elements of the Progressive reform agenda, enthusiasm for direct primaries was based in part on the reformers’ expectations that the new system would work to the advantage of people like them. According to Reynolds (2006, 160), “The reform element appealed for greater participation in the nominating process, particularly by those commonly referred to as ‘the respectable element.’ They condemned the influence of those they branded ‘the worst class of citizens’ at the caucuses and primaries.” A “National Conference on Practical Reform of Primary Elections” convened in 1898 was urged by Navy Secretary Theodore Roosevelt “to stir reputable citizens up to their duties, and to make those duties easy to perform, while at the same time depriving the less reputable portion of the community both of the chance to commit frauds in politics and the opportunity to be rewarded for committing them.”

Alas, experience with the primary system was disheartening on this score as well. A

political scientist studying turnout patterns in Michigan primaries reported that “In Detroit the vote in the four wards conceded to be the ‘worst’ in the city has always been markedly heavier than in the ‘best’ wards,” and concluded that “unfortunately the voting in the majority party is quantitatively best where the electorate appears to be qualitatively worst” (Millspaugh 1916, 715-716). The president of Cornell University (Jacob Gould Schurman, quoted by Reynolds 2006, 228) complained that “the system of direct nominations, discourages self respecting and independent men from entering the public service and encourage the demagogue, the self advertiser and the reckless and unscrupulous soldier of fortune.”

According to Reynolds (2006, 227-228),

Like many electoral reforms past and those to come, the direct primary proved to be a disappointment to its most avid supporters. ... Low voter turnout mocked the reformers’ image of a public-spirited John Q. Citizen impatient to make his voice heard. ... By World War I, enthusiasm for direct nominations had burned itself out across the country. During the 1920s, when political exposés denounced the enormous sums required to win a primary, a brief backlash induced three states to return to the convention system. Despite the disappointment and negative publicity that it aroused, the direct primary remained a fixture of American politics. A cohort of politicians had come to power through its mechanisms and they had no incentive to return to the convention system. If direct nominations chastened those who placed so much confidence in the electorate, the system did address the needs of the hustling candidates who placed it on the statute books.

Whether for these reasons or through simple institutional inertia, the direct primary has remained the predominant mechanism for nominating candidates at most levels of the American political system throughout the past century.

Ironically, the most dramatic expansion in the use of primaries since the Progressive Era seems to have occurred by mistake, in the aftermath of the political turmoil of 1968. That year saw a remarkably contentious contest for the Democratic presidential nomination marked by the

rise of antiwar insurgent Eugene McCarthy, the withdrawal under pressure of incumbent president Lyndon Johnson, race riots sparked by the assassination of civil rights leader Martin Luther King, Jr., and the assassination on the final night of the primary season of one of the leading contenders, Robert Kennedy. Despite this tumult, the Democratic convention delegates – most of whom had actually been selected before any of these events occurred – settled on Johnson’s political heir, Hubert Humphrey, as their nominee.

Unsurprisingly, the apparent unresponsiveness of the delegate selection process to the dramatic events of 1968 provoked demands for democratization. Advocates of reform echoed their predecessors in the Progressive Era, asking “the American people whether or not they will demand a greater voice in decisions affecting the world in which they live or whether they will leave such decisions to professional party elites, officeholders, bureaucrats, or others” (Saloma and Sontag 1972, 352). The Democratic Party’s McGovern-Fraser Commission itself announced that “popular control of the Democratic Party is necessary for its survival” (Commission on Party Structure and Delegate Selection 1970, 49).

One consequence of the McGovern-Fraser reforms was to dramatically increase the share of convention delegates selected in primaries, from 40 percent in 1968 to about 60 percent in 1972 and more than 70 percent by 1976 – a dramatic shift in the mixed system of primaries, caucuses, and conventions that had persisted since the Progressive Era. This consequence seems not to have been intended, or even foreseen, by the reformers themselves. According to Ranney (1975, 205), himself a member of the McGovern-Fraser Commission,

most of the commissioners strongly preferred a reformed national convention to a national presidential primary or a major increase in the number of state presidential primaries. And we believed that if we made the party’s nonprimary delegate selection processes more open and fair, participation in them would increase greatly and consequently the demand for more

primaries would fade away. But quite the opposite happened.

What Ranney and his commission colleagues failed to foresee was that party regulars unenthusiastic about widespread public participation in local party affairs would simply insulate themselves from the effects of the new rules by establishing separate primaries for delegate selection, leaving them free to retain their old-style caucuses and conventions for other party business. Thus, primaries came to dominate the presidential selection process not because anyone decided that they should, but because they expressed “a simple faith in democracy” in the face of substantial institutional strains created by the dramatic political events of 1968.

As Ranney (1975, 203-204) put it, “If the time is ripe, as it was in the late 1820s, the early 1900s, and the late 1960s, then party rules can be changed quickly and even radically. In such times, indeed, the advocates of almost any reform appear to have more élan – and a better press – than their opponents. The whole *Zeitgeist* seems to support the feeling that, while some reforms may be better than others, any reform is better than no reform at all.” To that we would add, “especially if that reform can plausibly be billed as ‘more democratic’ than the status quo.”

Summarizing the history of American party reform through the early 1960s, Key (1964, 393) wrote that, “The direct primary came in on a wave of belief that here was a means by which the ‘people’ might rule without much interposition by ‘politicians.’ Second thoughts have tended toward the view that ways and means should be found by which party organization might play a legitimate and effective role in nominations, a recognition of the elemental necessity for organized leadership in a democratic politics.” Nonetheless, a few years later, in the pressure of the next political crisis, those second thoughts about the legitimate role of organized leadership were readily set aside in one more attempt to invent “a means by which the ‘people’ might rule.”

The Initiative and Referendum

The chief function of the initiative and referendum is to restore the absolute sovereignty of the people – to make this in fact as well as in name, a government of, for and by the people. ...

It is the battle for popular government, at the foundation of which lies the initiative and referendum – the power of the people to make laws. Once this power is secured the other popular government features will be added, until conventions, the ready instrumentality of the political dictator, will be abolished and the direct primary, corrupt practices act and recall will be established. Then may we speak truly of the ‘sovereignty of the people,’ for then will exist their power to make or unmake laws, to select candidates and elect public servants, to dismiss from service any elected officer who proves unfaithful, incompetent or otherwise unsatisfactory. Nothing short of this can fulfil the idea of supreme rulership which the word ‘sovereign’ conveys.

— Senator Jonathan Bourne, Jr. (1912, 3-4)

While Senator Bourne has been almost the sole propagandist in the eastern sections of the country of Oregon’s system of ‘progressive’ reforms, it is Mr. W. S. U’Ren, of that state, who is known in that section as the father and chief apostle of the system.

In an interview published in the New York *Herald* of September 10, 1911, Mr. U’Ren told how, as the result of a ten-years’ campaign of agitation and ‘educating up to it,’ ‘we got the question of amending the constitution to include the initiative and referendum submitted to the people, and the people of Oregon voted for it.’ And ‘just as soon as we got the initiative and referendum through we organized the ‘People’s Power League’ to back up measures we wanted the people to vote on.’

‘Do the people of Oregon always vote the way you want them to?’ I asked.

‘They always have thus far,’ replied U’Ren modestly.

— Charles M. Hollingsworth (1912, 39-40)

Just as the direct primary represented an attempt to circumvent the power of party bosses and allow every citizen to “exercise his choice by direct vote,” the contemporaneous movement to establish initiative and referendum procedures represented an attempt to circumvent the power

of elected legislatures and allow “the people to make law.” Certainly there was much to dislike about the legislatures of the Gilded Age, which were often severely malapportioned in favor of rural interests, heavily influenced by party machines, and directly or indirectly controlled by powerful corporate interests. Perceptive observers recognized the initiative and referendum movement as a reflection of dissatisfaction with the day-to-day realities of legislative politics. A. Lawrence Lowell’s influential study of *Public Opinion and Popular Government* (1913) proceeded directly from a chapter on “Loss of Confidence in Representative Bodies” to one on “Direct Popular Action.” According to Lowell (1913, 131), “The growing distrust of legislative assemblies is due partly to the actual defects they have displayed, and partly to popular exaggeration of their faults.” Henry Jones Ford (1912, 72) was less measured in his assessment, arguing that “The American people despise legislatures, not because they are averse to representative government, but because legislatures are in fact despicable.”

Of the leaders of the initiative and referendum movement in Oregon, Ford (1912, 70) wrote,

To talk to them of the superior advantages of representative government would be like talking to a man in a swamp about the superiority of an automobile to a scow. He would grant you that, but he would say: ‘Just now I need the scow; after I get out of this swamp I will use the automobile.’ They do not seek to destroy representative government; they want to get rid of a base imitation and introduce the real thing. When they accomplish the reorganization of public authority that they intend, they expect to drop the initiative and referendum out of ordinary use. They will then be kept in reserve simply for emergency use.

Presumably Ford would be surprised to discover that the “emergency” afflicting Oregon’s representative government has now lasted for more than a century. In 2000, for example, Oregon had 18 statewide ballot measures – including one that would have prohibited increasing the expense and difficulty of the initiative process except through the initiative process.

Political scientists of the Progressive Era recognized that it might be “wiser ... to confine the referendum to questions involving general principles alone, and to the class of matters where the public is normally familiar with the facts required for a decision, than to extend it promiscuously to questions where a rational opinion can be formed only by a knowledge of details with which the ordinary man does not readily become acquainted” (Lowell 1913, 161). Unfortunately, they could suggest no reliable means for distinguishing matters on which ordinary citizens might be expected to have rational opinions from those that would be best left to legislatures. Nor could they count on the public itself to exercise restraint when political entrepreneurs were ready and willing to harness popular enthusiasms through agitation and “educating up.”

Lowell (1913, 184-185) argued that “the size of the vote is a measure of public interest in the matter; and hence an indication of the extent to which the people are likely to have studied the facts necessary for a decision, and thereby formed a genuine opinion about the law. A decision by a majority of the votes actually cast upon a question is doubtless the most natural method to pursue in the case of a popular vote, but that such a result expresses public opinion may sometimes be a political fiction rather than a fact.” In extreme cases, this sort of “political fiction” might be obvious to all; Lowell (1913, 188) pointed to cases in both Massachusetts and Michigan where constitutional amendments were adopted despite being approved by fewer than 3% of those who went to the polls. However, that sort of judgment could only be made in retrospect, and in any case an initiative procedure justified as a way “to restore the absolute sovereignty of the people,” as Senator Bourne had it, could not easily be reconciled with any systematic recognition of the possibility that “public opinion may sometimes be a political fiction rather than a fact.”

Ironically, the institutions of direct democracy themselves were often established on the basis of less than overwhelming popular support. Table 1 provides a summary of statewide votes on measures establishing initiative and referendum procedures, popular recall of public officials, and related Progressive institutions from 1904 through 1912; these measures are culled from Lowell's (1913) complete list of statewide initiatives and referenda during this formative period. In each case, the table shows the Yes and No votes as percentages of the total election turnout, as well as the "roll-off" – the percentage of voters who went to the polls but did not vote on the specific measure listed.

***** Table 1 *****

One fact that stands out in Table 1 is that direct democracy almost always garnered plurality support when put to the voters. Indeed, in 16 of the 17 cases listed in Table 1, Yes votes outnumbered No votes; the sole exception is a 1910 effort to expand the role of initiatives, referenda, and recall in Oregon, which had already accumulated extensive experience with those institutions.² On the other hand, it is also striking that a third or more of voters failed to vote on many of these measures, and most of the measures that were adopted actually failed to win support from a majority of the voters who showed up at the polls. For example, proposals for a general initiative procedure and recall of public officers on the 1912 Nevada ballot garnered pluralities of eight- and ten-to-one among those who cast votes, but still failed to win absolute majorities because almost half the voters who went to the polls declined to support or oppose them. Maine adopted its direct primary law in 1911 by a three-to-one plurality, but with 38% roll-off. And Colorado in 1912 adopted three separate measures (to provide for recall of public

² Lowell (1913, Appendix B) lists two statewide initiatives in 1904, 11 (including constitutional amendments) in 1906, 19 in 1908, and 32 in 1910.

officers, non-partisan ballots, and popular review of judicial decisions), no one of which was endorsed by as many as a quarter of the voters who cast votes for presidential electors that year.

The record of voting behavior summarized in Table 1 may seem to suggest that the mechanisms of initiative and referendum only rarely registered what Lowell referred to as “genuine opinion.” However, it is instructive to contrast the parallel record of voting behavior in a domain in which public interest seems to have been a good deal higher. Table 2 presents the results of all 15 statewide initiative and referendum votes between 1904 and 1912 pertaining to prohibition, local option, and liquor licensing and regulation. On most of these votes, more than 85% of those who went to the polls voted Yes or No; the average roll-off was less than half that in Table 1. In Maine in 1911, repeal of prohibition won almost as much support from the voters as the establishment of a direct primary, but went down to defeat in a close vote with less than 15% roll-off. In Colorado in 1912, more than twice as many voters saw fit to express their views about prohibition as about popular recall of public officers or non-partisan ballots. Clearly, voters could be moved to vote on issues they viewed as important in their day-to-day lives; but for many, the political institutions and procedures of “direct democracy” did not rise to that level, even in an era of unusual political ferment.

***** Table 2 *****

A Surprising Case of Resistance: How Minnesota Failed to Take the Initiative

Nineteen states adopted the initiative process between 1898 and 1918. A variety of analysts have asked, as Bridges and Kousser (n.d., 1) did in a recent study, “What led their leaders to surrender policymaking power to voters? Why did this institutional innovation ... occur in only

nineteen states while the republican form of government stood unaltered in the rest of the union at this time? And what accounts for the peculiar regional pattern of direct democracy, which is confined mostly to the West and Midwest?”

Bridges and Kousser grounded their answers to these questions in a view “of reformers as strategic politicians pursuing policy goals, rather than as idealists motivated by an abstract desire to expand democracy” (n.d., 1). “Elites gave up power to voters,” they concluded (n.d., 26), “when they could expect those voters to share their policy preferences, and when empowering them provided an avenue to advance a policy agenda that had been blocked in the legislature.”

Bridges and Kousser’s statistical analysis emphasized two key factors in the adoption of the initiative process. First, they found that states with moderate levels of malapportionment were much more likely than those with higher or lower levels to adopt the initiative process. (Low levels of malapportionment obviated the need for reform, they reasoned, while high levels empowered small town and rural interests to block reform.) Second, states with low turnout rates *and* low percentages of Catholics and tenant farmers were much more likely to adopt the initiative process than states in which turnout was high (suggesting that ordinary citizens were already politically empowered) *or* in which Catholics or tenant farmers – the sorts of ordinary citizens Progressive reformers were generally unenthusiastic about empowering – were numerous.

Together, the factors identified by Bridges and Kousser implied low probabilities of adoption (less than 20%) in twenty states, and only three of these twenty actually adopted the initiative process during the Progressive Era.³ On the other hand, ten states had implied probabilities of adoption in excess of 80% – Colorado, Idaho, Utah, Oregon, North Dakota,

Washington, Arizona, California, Maine, and Minnesota. Of these ten states, nine had indeed adopted the initiative process by 1914. The sole exception was Minnesota (.82) – a Progressive state with moderate malapportionment and an upstanding Protestant electorate. What accounts for this notable exception to the national pattern of support for the institutions of direct democracy?

As it happens, a constitutional amendment to establish initiative and referendum did come before the voters of Minnesota in 1914, and those who cast votes on the measure supported it by a resounding four-to-one margin. However, more than 40 percent of the voters who went to the polls did not cast votes for or against the amendment. Thus, under the provisions of the Minnesota constitution, the amendment failed because it was not endorsed by an absolute majority of those who voted in the election.⁴

One contemporary observer (Connors 1916, 321) concluded that “The people of Minnesota are apparently determined to have the initiative and referendum in their constitution,” and noted that a similar measure would be “on the ballot again” in the next general election, in 1916. So it was. However, the determination of the people once again proved insufficient to overcome the constitutional provision requiring an absolute majority of support for an amendment to be adopted. The popular plurality in support of initiative and referendum was almost as strong as it had been two years earlier, with 45% of the voters in favor and only 12% opposed. Nevertheless, the substantial roll-off – slightly higher even than in 1914 – doomed the measure once again.

As the tabulation presented in Table 3 suggests, the absolute majority requirement for

³ Bridges and Kousser (n.d., Table 3) listed Ohio (.05) and Oklahoma (.19) as incorrect predictions of non-adoption. However, Mississippi (.03) also adopted statewide initiative and referendum in 1914, only to have the measure ruled unconstitutional by the state’s Supreme Court in 1922.

⁴ A separate amendment to authorize popular recall of “every public official in Minnesota, elective or appointive,” was also on the 1914 ballot. It was supported by a three-to-one margin; but it, too, failed due to an even higher roll-off: 48%.

amending the state constitution greatly stifled the amending activity of Minnesota voters in these years. Of the 19 proposed amendments on the ballot in 1914 and 1916, *every one* received plurality support, but only three achieved the absolute majorities necessary for adoption. Only one of those three – a proposal “to authorize a revolving fund for improving state school and swamp lands” – garnered more than 51% of the total votes cast. Not coincidentally, this was the only one of the 19 proposed amendments on which as many as two-thirds of the voters bothered to express a view.

***** Table 3 *****

A comparison of the voting patterns in Table 3 with those presented in Table 1 suggests that the response of Minnesota voters to proposals for more direct democracy were similar in kind to the responses of voters in other states to similar measures throughout the Progressive Era. (If anything, there was less opposition to direct democracy in Minnesota than elsewhere.) The difference, of course, was that Minnesota’s provision for constitutional amendment required absolute majority support rather than a simple plurality. As one perhaps-frustrated commentator wrote, “an elector not voting for an amendment in Minnesota is counted as voting against it” (Conners 1916, 321).⁵

Having twice failed to generate sufficient public support to carry their measure, Minnesota’s Progressive Era reformers appear to have abandoned hope of establishing direct democracy through the mechanism of direct democracy. In any case, the national “Zeitgeist” for reform alluded to by Ranney seems to have been ebbing at just this time. Massachusetts would

⁵ Similar provisions frustrated plurality support for initiative and referendum amendments in Mississippi and Wyoming in 1912. An absolute majority of Mississippi voters did adopt statewide initiative and referendum in 1914, but the measure was later invalidated by the state’s Supreme Court. A more

adopt the initiative procedure in 1918, but none of the remaining 29 states that had failed to adopt the process by that point would do so in the next half-century.

The reform era of the late 1960s and early 1970s saw initiative procedures adopted in Wyoming, Illinois, and Florida; but the next serious proposal for a constitutional amendment establishing the initiative and referendum in Minnesota did not emerge until 1978. The state's modern movement for a statewide initiative process was pioneered by Robert Benedict, a newly-elected state senator. When the issue emerged in the 1978 gubernatorial campaign, all three of the leading candidates endorsed the proposal for a constitutional amendment establishing the initiative and referendum. The election winner, moderate Republican Al Quie, duly pushed the amendment through the state legislature in April 1980, in time to appear on that fall's general election ballot.⁶

In the meantime, however, confidence in the merits of direct democracy suffered a serious blow in April 1978, when voters in a special election in St. Paul “approved an initiative to repeal a city ordinance banning discrimination on the basis of ‘affectionate or sexual preference’ – a stunning defeat for gay rights advocates and the entire liberal community” (Initiative & Referendum Institute, 2006). In the wake of the St. Paul gay rights vote, a wide variety of political leaders and groups lined up in opposition to the proposed constitutional amendment. Just as their grandfathers in the Progressive Era had hesitated to empower Catholics and tenant farmers, the pillars of the Minnesota establishment in 1980 clearly had strong misgivings about establishing a direct democracy in which public policy might respond to the preferences of Christian conservatives or those who simply disliked gay people. The “Vote No” coalition

restrictive procedure was finally adopted by popular vote in 1992. Wyoming voters ratified an initiative and referendum amendment in 1968.

⁶ Our account of the 1980 vote and its political context follows that of the Initiative & Referendum Institute (2006).

included the Democratic-Farmer-Labor Party, the Minnesota Association of Commerce and Industry, the Minneapolis Chamber of Commerce, the state AFL-CIO, the United Auto Workers, the Minnesota Education Association, the League of Women Voters, the Urban Coalition, and most of the state's major newspapers.

Given this line-up, it is perhaps unsurprising that popular opposition to the initiative and referendum amendment proved to be much more widespread in 1980 than it had been in the Progressive Era. Forty-one percent of those who went to the polls voted No, as compared with only 12% in 1914 and 1916. On the other hand, popular support for the amendment in 1980 was virtually identical to what it had been in the first two attempts to pass the amendment, more than six decades earlier: 47%. The remaining 12% of voters neither supported nor opposed the amendment; thus, for the third time, the constitutional provision requiring an absolute majority of all those who came to the polls for an amendment to be adopted proved to be decisive in frustrating the supporters of direct democracy.

Disappointed proponents of the amendment blamed its defeat on the “long-dead legislators of 1897” who had supported the constitutional amendment establishing the absolute majority threshold. (According to the Initiative & Referendum Institute, those legislators’ “actual objective was to block passage of a Prohibition amendment, which was bitterly opposed by brewery interests.” The 1897 amendment, sponsored by a state representative who was also an attorney for the Hamm Brewing Company, was ratified by the voters in 1898. “The amendment could not have passed under its own standard for voter ratification, but it did pass under the old standard. Of those who voted on the question, 68 percent favored it – but less than one-third of those voting in the election voted on this question.”)

Proponents of direct democracy offered a variety of additional explanations for its startling

defeat. For example, the Initiative & Referendum Institute suggested that “Former governor Elmer Anderson and Governor Quie had run a lackluster pro-initiative campaign,” then added that “a University of Minnesota political scientist, Charles H. Backstrom, identified another reason for the loss: many voters failed to cast ballots on the I&R question because they were not tall enough to see it on their voting machines. This factor alone, Backstrom found, could have changed the outcome of the election.” That seems unlikely, since vertically challenged voters would have had to account for more than half of the total roll-off in order to be decisive (assuming that they would have supported the amendment in the same proportion as those who actually voted on it). Moreover, unless there were significant differences from county to county in the heights of voters or the layouts of voting machines, Backstrom’s hypothesis seems hard to square with the fact that the roll-off rate varied substantially in different parts of the state, from less than 1% to more than 17%.

Nor is there any evidence that roll-off reflected sheer inattentiveness or confusion on the part of voters. For example, the five rural counties with the state’s lowest proportions of high school graduates had a slightly-higher-than-average roll-off rate of 13.8%; but the five urban and suburban counties with the highest proportions of college graduates had an identical 13.8% average roll-off rate. Across the entire state, the (turnout-weighted) correlation between college graduation rates and the amendment roll-off rate was strongly positive (+.43), as the scatterplot in Figure 1 suggests. This pattern suggests that roll-off on the 1980 amendment vote may have reflected ambivalence as much or more than inattentiveness – a conflicted response to the uncomfortable clash between the simple democratic ideal of popular sovereignty represented by the initiative amendment and the fear of wayward policy consequences stimulated by the 1978 St. Paul gay rights vote.

***** Figure 1 *****

The regression analyses presented in Table 4 provide a somewhat more elaborate picture of the social bases of voting on the 1980 initiative amendment. The columns of the table provide parallel analyses of the percentages supporting, opposing, and not voting on the amendment in each of Minnesota's 87 counties. The explanatory variables include a variety of county-level social characteristics from the 1980 Census, the percentage of voters in each county who had supported Governor Quie (the most prominent proponent of the 1980 amendment) when he ran in 1978, and a dummy variable for the five densely-populated counties containing the Twin Cities and their immediate suburbs.⁷

***** Table 4 *****

As with the simple scatterplot in Figure 1, the regression results in Table 4 suggest that counties with large numbers of college graduates had higher, not lower, roll-off rates than those with less-schooled populations. (Indeed, the inclusion of additional explanatory variables in Table 4 produces a relationship more than twice as strong as the bivariate relationship shown in Figure 1.) Counties with high levels of residential stability and high percentages of people living in unrelated households also had relatively high roll-off rates, though the latter difference is too imprecisely estimated to be statistically reliable.⁸

In each of these instances, high roll-off seems to have come primarily at the expense of Yes

⁷ Together, these five counties accounted for almost half of the 2,078,951 votes cast statewide in the 1980 election. Hennepin County (Minneapolis) cast 511,288 votes, Ramsey County (St. Paul) 235,267, and the three suburban counties (Anoka, Dakota, and Washington) 240,167.

⁸ Our measure of residential stability is the percentage of people over the age of five who were living in the same house five years earlier. As the descriptive statistics presented in Table A1 indicate, this

votes: counties with high percentages of college graduates, stable residents, and non-related households were all substantially less supportive of the initiative amendment. On the other hand, counties with high levels of support for Governor Quie were much more supportive of the amendment, and voters in the Twin Cities area were also significantly more supportive. It is tempting, though speculative, to attribute the latter difference to defensiveness on the part of voters in the St. Paul area regarding the implications of the 1978 gay rights vote.⁹ The former difference may reflect the influence of Quie's own campaigning on behalf of the amendment, or simply a higher level of support among Republicans.

Table 5 provides a different, complementary perspective on the bases of voting behavior on the 1980 amendment. Here the counties are distinguished on the basis of their 1980 presidential voting patterns. The results suggest that Republican counties were much more supportive of the initiative amendment than Democratic counties were, with Reagan voters splitting 61-31 in favor of the amendment but Carter voters splitting 36-55 against it. This difference reinforces the impression that elite cues were highly influential in shaping the outcome – after all, a Republican governor was the primary proponent of the amendment, while the DFL (Democratic) Party had taken a public stand against it.

***** Table 5 *****

The bottom panel of Table 5 presents a slightly more elaborate analysis in which Reagan's vote in 1980 and Quie's vote in 1978 appear as separate explanatory variables. Support for Quie appears to have had a small independent impact on the Yes vote and a larger (negative) impact

percentage varied considerably across counties, from a low of 45% to a high of 72%. In contrast, the percentage of residents living in non-related households only varied from 0.4% to 5%.

⁹ Voters in Ramsey County (St. Paul) supported the initiative amendment by a 48-35 margin. The corresponding margin in the remainder of the Twin Cities was 47-40, and in the rest of the state 46-43.

on the No vote, over and above the partisan effects captured by the 1980 presidential voting pattern. While the Initiative & Referendum Institute may have been correct in asserting that the governor ran “a lackluster pro-initiative campaign,” his personal prestige does seem to have contributed, albeit modestly, to stemming the anti-initiative tide.

Finally, it is striking to note that both panels of Table 5 suggest very low rates of support for the initiative amendment, and very high roll-off rates, among voters who supported independent candidate John Anderson or other minor candidates in the 1980 presidential race. These results would seem to undercut any attempt to interpret the 1980 initiative amendment vote as a straightforward revival of Progressive Era politics. In the first decades of the twentieth century, the initiative process was offered by political entrepreneurs as a way out of the “swamp” of flawed representative government. It took hold most strongly in the vast, sparsely settled states of the West, where established political leadership was either barely existent or flagrantly corrupt. But Minnesota in 1980 was a very different place. Those voters who rejected the established political parties of the day – Anderson and other minor candidates garnered 11% of the statewide vote – either declined or ignored the opportunity to take law-making into their own hands.

That is not to suggest that the independent voters of Minnesota will prove immune to the allure of “the ‘sovereignty of the people’” under other circumstances. Indeed, we see little reason to doubt that the children or grandchildren of the voters who rejected direct democracy in 1980 will eventually come to embrace it. American political culture has not much else to offer whenever existing institutions are strained to the breaking point. Thus, as John Dewey (1927, 84) once observed, “Political democracy has emerged as a kind of net consequence of a vast multitude of responsive adjustments ... to remedy evils experienced in consequence of prior

political institutions.”

What is most unusual about the 1980 Minnesota initiative campaign is that it happened to occur in a context where political elites and ordinary voters alike were strongly reminded that “the ‘sovereignty of the people,’” insofar as it can have practical effect, may also produce strains and, sometimes, evils. The narrow failure of the 1980 amendment was surely due, in part, to the constitutional provision requiring support from an absolute majority of voters for adoption. By grouping the ambivalent and the indifferent with the outright opposed, Minnesota’s “long-dead legislators of 1897” raised the hurdle for political entrepreneurs to empower popular sentiment. However, what is more striking is that so many ordinary voters – possibly chastened by the shadow of the St. Paul gay rights vote, and certainly faced with the notably unified opposition of leading business and labor organizations, civic groups, newspapers, and the state’s largest political party – actually rejected the proposition that popular sentiment should be directly translated into public policy.

Conclusion

Most of the objections raised against primaries apply to elections as well as to universal suffrage, and to the whole plan of democracy. Disbelievers in popular government are constantly asserting that many are incompetent, that many are indifferent, that many are lax, lazy, and drifting, that nothing can come from this mediocre mass of yokels and boobs, that the mass should abdicate in favor of the few and kiss the rod that condescends to rule them, thanking God that they are allowed to live and be cared for by their betters – these are common charges among those to whom modern democracy is unwelcome.

— Merriam and Overacker (1928, 355)

Merriam and Overacker’s shrill dismissal of the critics of direct democracy illustrates nicely the rhetorical advantage their views enjoy. However, we have argued for an

understanding of American democratic history quite different from theirs. Early American movement toward greater power for ordinary citizens began as an overdue corrective against centuries of domination by military, economic, religious, and cultural elites in Western societies. “More democracy” was a good idea for centuries. But nothing that simple is a defensible all-purpose theory of government.

In time, democratization cured many of the evils it had initially been aimed at. Despotic governments, corrupt aristocracies, and restrictive suffrage were swept away. But because popular understandings of democracy made no room for political skill and competent leadership, the cure went on being applied in every crisis and after every bungled governmental policy. The result has been a slow but steady drift toward plebiscitary democracy in American political institutions, particularly at the state level.

Nor have the consequences been confined to the political arena. Beginning with Miller and Stokes’ (1963) pathbreaking work, many scholars have used interviews and recorded votes of legislators to assess how well they mirror the opinions of their constituents. The implicit model of representation is that of the instructed delegate, someone who goes off to the legislature to mechanically vote the (average or median) preferences of the district. On the purest version of this view, embodied in much Progressive thinking at the turn of the twentieth century, legislative bodies are an unfortunate second best, necessitated by the inconvenience and expense of frequent plebiscites. As we have shown, the growth of initiatives, referenda, and primaries in American political life demonstrates the influence of this viewpoint. Recurrent abuses of plebiscites should have taught a painful lesson (Broder 2003), but their popularity continues largely unabated.

We are not arguing the foolish notion that every aspect of American life has been sufficiently democratized. Voter turnout is too low, campaign finance is too biased toward the

prosperous, and foreign policy is almost entirely out of popular or even congressional control. Much remains to be done to make popular rule more effective.

Our point is rather that contemporary ideas have fallen well below the intellectual standard set by the Federalist Papers. As Madison, Hamilton, and Jay repeatedly noted, competent government requires popular control, but it also needs leadership sufficiently free from myopic political pressures to make effective governmental policy. Setting the balance is the challenge. Simple-minded calls for “more democracy” miss the point.

Students of representation have long recognized that an alternate model of representation was favored by Edmund Burke, James Madison, and many others, namely the trustee model. On this view, legislators ought to use their own judgment to look out for the best interests of their district and their country, regardless of what their constituents believe. This perspective is less influential with the public than it was at the American Founding, and its scholarly importance has declined as well. As a final indignity, empirical researchers have usually set it aside on grounds of unmeasurability.

Recent formal-theoretic work has begun to give us leverage on the role of political leadership subject to period elections (e.g., Canes-Wrone, Herron, and Shotts 2001). Combined with a sound empirical understanding of the informational limitations of the average voter, this line of research would bid fair to bring our thinking about democracy back to the level of sophistication of the Founding Fathers and to extend it with modern social science tools. In the longer term, nothing short of that will break the cycle of political crisis and blind plebiscitary reforms.

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Table 1: Referendum and Initiative Votes on Direct Democracy, 1904-1912

Including votes on initiative and referendum, recall of public officials, non-partisan ballots, primaries, and direct election of U.S. Senators.

	Yes	No	Roll-Off
To extend the recall to all public officers, Arizona, 1912.	68.6	15.6	15.8
To provide for the recall of all elective officials, Arkansas, 1912.	42.4	34.6	23.0
To provide for recall of public officers, Colorado, 1912.	20.4	15.0	64.6
To provide that ballots at elections shall not contain party lists of candidates, Colorado, 1912.	16.5	15.0	68.5
To provide for recall by the people of judicial decisions holding laws unconstitutional, Colorado, 1912.	21.1	15.5	63.4
Direct primary law, Maine, 1911.	46.7	15.4	37.9
To create direct primaries, Montana, 1912.	58.2	16.1	25.6
For direct nomination of United States Senators, Montana, 1912.	57.2	15.6	27.2
For direct vote on party preferences on candidates for President, Montana, 1912.	58.0	15.2	26.8
To introduce a general initiative for constitutional amendments and laws, Nevada, 1912.	49.7	5.1	45.2
To subject all public officers, state and local, to recall, Nevada, 1912.	48.1	5.9	46.0
Direct primary law, Oregon, 1904.	56.6	16.5	26.9
For direct legislation on local affairs, Oregon, 1906.	49.4	17.3	33.3
Act instructing legislators to vote for United States Senator receiving highest popular vote, Oregon, 1908.	59.7	18.1	22.1
To make all public officials subject to recall, Oregon, 1908.	50.1	26.6	23.4
To extend the initiative, referendum and recall, Oregon, 1910.	30.8	36.9	32.3
Direct primary law proposed by Initiative, but enacted by legislature, South Dakota, 1912.	45.7	25.8	28.5
Average	45.8	18.2	35.9

Source: Tabulations based on data provided by Lowell (1913, Appendix B).

Table 2: Referendum and Initiative Votes on Prohibition, 1904-1912

Including votes on prohibition, local option, and liquor licensing and regulation.

	Yes	No	Roll-Off
Prohibition law, Arkansas, 1912.	40.1	49.3	10.6
Amendment for state-wide prohibition, Colorado, 1912.	28.9	44.4	26.7
To enforce liquor laws by search and seizure, Colorado, 1912.	24.6	30.1	45.3
Repeal of prohibition of the sale of liquor, Maine, 1911.	42.6	43.1	14.2
Prohibition of the sale of liquor, Missouri, 1910.	30.9	63.3	5.8
To provide a state agency for sale of liquor, Oklahoma, 1908.	41.3	47.6	11.1
To introduce local option, Oklahoma, 1910.	41.2	49.5	9.3
Local option liquor law, Oregon, 1904.	43.6	40.5	15.9
For local option, Oregon, 1906.	36.6	46.7	16.7
To give local governments exclusive power to grant licenses for sale of liquor, etc., Oregon, 1908.	33.8	44.9	21.3
To regulate the sale of intoxicating liquors, Oregon, 1910.	35.5	52.9	11.7
To prohibit manufacture and sale of intoxicating liquors, Oregon, 1910.	36.2	50.9	12.9
To give to cities and towns the exclusive right to regulate liquor licenses, Oregon, 1912.	44.3	42.2	13.4
For licensing, restricting, and regulating manufacture and sale of intoxicating liquors, South Dakota, 1908.	34.3	36.4	29.3
On intoxicating liquors, South Dakota, 1910.	40.1	52.3	7.6
Average	36.9	46.3	16.8

Source: Tabulations based on data provided by Lowell (1913, Appendix B).

Table 3: Minnesota Constitutional Amendment Votes, 1914 and 1916

	Yes	No	Roll-Off
1914			
To authorize certain public lands to be set aside as state forests.	50.1	12.3	37.5
To authorize a revolving fund for improving state school and swamp lands.	45.7	13.4	40.9
To establish initiative and referendum.	47.1	11.6	41.3
To authorize investment of school and university funds in first mortgages on improved farms.	44.7	10.7	44.6
To authorize special dog taxes and use of proceeds to compensate owners of animals injured by dogs.	38.3	16.8	45.0
To increase number of justices of supreme court and to authorize the court to appoint its clerk.	35.7	19.3	45.0
To extend terms of probate judges to four years.	36.0	18.0	46.0
To repeal the requirement as to publication of treasurer's report annually in a St. Paul newspaper and also in the biennial session laws.	36.8	16.5	46.8
To authorize the recall by the voters of "every public official in Minnesota, elective or appointive."	39.2	12.6	48.2
To limit size of state senate and number of senators from any county.	27.5	23.7	48.8
To authorize state bounties for reforestation.	30.4	17.9	51.8
1916			
To authorize a revolving fund for improving state school and swamp lands.	57.9	14.0	28.1
To authorize investment of school and university funds in first mortgages on improved farms.	50.8	13.5	35.7
To extend terms of probate judges to four years.	44.9	17.4	37.7
To authorize the state to mine ore under public waters.	44.1	15.4	40.5
To establish initiative and referendum.	45.1	12.4	42.5
To increase number of justices of supreme court, and to authorize the court to appoint its own clerk.	31.3	25.9	42.7
To authorize condemnation of private lands for construction of private drainage ditches.	31.9	23.4	44.7
To authorize the governor to cut down items in appropriation bills.	32.8	20.0	47.1

Source: Tabulations based on data provided by Anderson (1921).

Table 4: Regression Analyses of Minnesota Constitutional Amendment Vote, 1980

Ordinary least squares regression parameter estimates (with standard errors in parentheses).
N = 87 counties, weighted by turnout.

	Yes	No	Roll-Off
College Degrees (%)	-.291 (.143)	-.174 (.176)	.465 (.142)
Residential Stability (%)	-.433 (.082)	.022 (.100)	.411 (.081)
Non-related Households (%)	-.695 (.488)	.165 (.597)	.530 (.483)
1978 Quie Vote (%)	.240 (.045)	-.243 (.055)	.002 (.044)
Twin Cities	3.6 (1.1)	-2.3 (1.4)	-1.3 (1.1)
Constant	66.2 (5.5)	53.3 (6.7)	-19.5 (5.4)
Standard error of regression	2.6	3.2	2.6
Adjusted R-squared	.42	.36	.36

Source: Tabulations based on data provided by Election Division (1978; 1980) and U.S. Census Bureau.

Table 5: Partisan Bases of Minnesota Constitutional Amendment Vote, 1980

Ordinary least squares regression parameter estimates (with standard errors in parentheses).
 N = 87 counties, weighted by turnout.

	Yes	No	Roll-Off
Carter Vote (%)	.361 (.035)	.554 (.040)	.085 (.037)
Reagan Vote (%)	.610 (.028)	.311 (.032)	.080 (.030)
Other Vote (%)	.158 (.174)	.412 (.200)	.430 (.186)
Twin Cities	4.6 (1.0)	-5.1 (1.1)	.4 (1.0)
Standard error of regression	2.9	3.3	3.1
Adjusted R-squared	.29	.31	.08
Carter Vote (%)	.365 (.035)	.545 (.039)	.090 (.037)
Reagan Vote (%)	.541 (.061)	.466 (.068)	-.007 (.065)
Other Vote (%)	.101 (.179)	.541 (.199)	.358 (.191)
1978 Quie Vote (%)	.087 (.068)	-.200 (.076)	.110 (.073)
Twin Cities	4.4 (1.0)	-4.6 (1.1)	.2 (1.1)
Standard error of regression	2.9	3.2	3.1
Adjusted R-squared	.29	.35	.09

Source: Tabulations based on data provided by Election Division (1978; 1980) and U.S. Census Bureau.

Table A1: Descriptive Statistics for 1980 Minnesota Amendment Vote

N = 87 counties, weighted by turnout.

	Mean	Standard Deviation	Minimum	Maximum
Amendment Yes Vote (%)	46.7	3.4	37.9	59.3
Amendment No Vote (%)	41.1	4.0	31.1	54.6
Amendment Roll-Off (%)	12.2	3.2	.02	17.5
College Degrees (%)	17.4	6.3	7.0	25.1
Residential Stability (%)	55.6	5.2	44.6	71.6
Non-related Households (%)	2.4	1.3	.4	5.1
1978 Quie Vote (%)	39.9	6.9	24.8	63.3
Carter Vote (%)	46.5	6.6	30.4	60.5
Reagan Vote (%)	42.6	7.8	29.1	61.8
Other Vote (%)	10.9	2.5	5.3	14.4

Data Sources: Amendment votes and 1980 presidential votes, Election Division (1980). 1978 Quie Vote, Election Division (1978). Residential mobility, College degrees, and Non-related households, 1980 Census.

Figure 1: Educational Attainment and Amendment Roll-off in Minnesota Counties, 1980

