

# An Illegitimate Election In the Perfect Democracy

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If anyone had dared to predict the circus that the U.S. presidential elections would become, he or she would surely have been branded naive, deluded or just plain ill willed.

Not even a hack author of best sellers could have thought up a plot like this one: in the world's most advanced democracy, no one knows who won the presidential elections.<sup>1</sup> Most believe that the popular vote favors the Democratic candidate. The majority of votes in the Electoral College may well go to

the Republican hopeful. The pivotal state, Florida, is governed by the brother of one of the candidates, and a badly designed ballot has caused 19,000 votes to be invalidated while another 3,000 people —most of them Jewish— voted by mistake for a candidate known for his anti-Semitic views whom they abhorred. The official who approved the confusing ballot design, which could mean Gore's defeat, is a member of his own party. The first recount came up with different numbers than the original count, but many are now alleging that if there were a manual recount, that result would also be different. The

absentee ballots took forever to arrive and when they finally did, they were not all counted. Both candidates' lawyers have rushed into battle in Florida, and the Republicans threaten to demand recounts in Iowa and Wisconsin if Gore does not accept defeat. Meanwhile, with no prompting from anyone, New Mexico has declared that its vote counts may be wrong due to computer errors.

The validity of the election is in doubt; three weeks after election day, no one knows who the next president will be. The whole world is laughing at the United States.

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Days and weeks are going by and what seemed a simple counting problem with a quick solution is becoming more and more complicated. Incredible, isn't it? And if the novel continued, revealing that on that same election day, the wife of the outgoing president was elected to the Senate—as was a dead governor—we would all think it was a work of science fiction—and a bad one at that.

And this science fiction novel wouldn't end there. The spectacle unfolding in the United States is truly impressive, not only because of the comedy of errors—that would be funny if it

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weren't taking place in the world's most powerful country—but also because of what it has shown us about the fragility of the U.S. institutional structure.

So, this political fiction has given birth to something truly worrying. In the world's most technologically, economically and—we thought—politically advanced country, nobody knows what to do about a close election. This is not just a problem of the dysfunctional electoral college system, which has shown itself to be a total anachronism, but something much more serious. In the perfect democracy, there is no mechanism for the agile, effective, unquestionable resolution of disputes.

Let's look at things one by one. First of all, we have the baroque, muddled electoral system, which not only makes it possible for the candidate who receives fewer votes to come out the winner in

the presidential election, but also exhibits severe organizational deficiencies before, during and after the elections. Let's start from the beginning.

Every four years, the United States makes preparations for its party well in advance. The presidential hopefuls prepare politically, emotionally and, above all, financially for their party primaries. Months beforehand, they flutter around the states of Iowa and New Hampshire, the sites of the first primaries, which, given such a short time for competition, can be critical. At the same time that they hold town meetings, the

hopefuls do fund raising, gathering the ammunition they need for the first battle, the battle of campaign funding, in which they need to show not only public presence and popularity, but also the ability to survive. The U.S. primaries are really the second test that these aspiring presidents must pass; the first is raising enough funding to be competitive, at least during the initial stages.

The most serious and recognized candidates begin this task well in advance and from the start have considerable funds at their disposal to be able to meet the needs of the whole process as well as to intimidate their less fortunate rivals. The millions needed for their war chests—which are poured in with no hope of recovery since they are not yet considered campaign expenses—automatically exclude many. Money, however, is no guarantee of success.

U.S. democracy, an example for many, has its peculiarities, and they are particularly noticeable in times like these: from the disproportional weight that money gives candidates making it possible for personalities like Ross Perot or Steve Forbes to become contenders to be feared, to the role the media plays, not only because of the scandals they uncover during campaigns, but also because of the negative influence of television newscasts which increasingly force candidates to encapsulate their messages and—at the same time—allows them to not have to explain them.

The system for campaign financing in the United States is incredibly complex, brimming with measures to limit the amount of contributions and at the same time full of chances to get around the rules.

Let's take, for example, "soft money," on which there is no limit. These funds—which cannot be used to support a candidate, but are allowed for supporting specific topics or issues—have to be donated to the parties, and that is what campaigns are made of.

Without soft money, the television battles would not last as long, nor would they be as intense. The particularly hard fought contest for the Congress, given that the Republicans had a majority of only six seats, also required substantial funding. Curiously, most congressmen or women have their reelection guaranteed: in the last election, a full one-fourth of the candidates had no one running against them. In the 2000 elections, at the most 40 districts were really hotly disputed. And, of course, that is where the money was concentrated.

In the limited space available, I do not intend to go into great detail about the baroque workings of campaign

funding. Suffice it to explain “soft money” to see how ineffective the barriers are in stopping the river of dollars that threatens to overflow the system. The upper limit of contributions for each donor to a candidate in a federal election is U.S.\$1,000. The idea, both clear and praiseworthy, is to make sure that certain donors cannot try to influence the candidates unduly. It sounds good, but in addition to those U.S.\$1,000, the generous donor can give U.S.\$5,000 to a political action committee which can in turn use it for the campaign.

Well, some would say, it still is not very much money. But that is just the beginning of the story. The limits on contributions apply only to federal campaigns, so additional money can be sent along to associations or groups that promote specific policies and that can also support certain candidates. Unions, religious groups and organizations of all kinds can raise funds and use them in favor or against a party or a candidate. Donors can also, of course, give money to local campaigns, not covered by federal limits, so in a given state a party can receive all the funds needed to indirectly support its federal candidates.

That is soft money, so difficult to control that it has already caused several major scandals. In 1996, the controversy around campaign donations reached a crescendo. It became public that Asian businessmen had made donations in the millions to both the Democrats and the Republicans, although it was the Democrats who were in the limelight. That same year there was a quite a flurry in the media about invitations to big Democratic Party donors to have coffee at the White House and sometimes even stay over-

night. It was common practice, both then and now—but to be fair, it was common in other administrations also—for the president or other high officials to attend party fund-raisers.

To get an idea of campaign costs, we should remember that in 1996, the bill for the presidential election was close to U.S.\$500 million. On a single night in January of that year, the Republicans raised U.S.\$16 million at a Washington dinner. The money, of course, is not used to buy devotion or votes, but it does smooth the way. While the candidate who spends the

up with U.S.\$21 million, and the tobacco industry gave U.S.\$7 million. The whole question of money naturally leads us to question the democratic essence of the system. Just as an example: a Houston law firm raised U.S.\$185,000 among its lawyers and partners. From one company to the next, the democratization of individual donations is slowly being eroded. But even beneath the surface, the whole process of the primaries presents other, much more serious and profound questions.

These are questions that go to the heart of the electoral system itself in

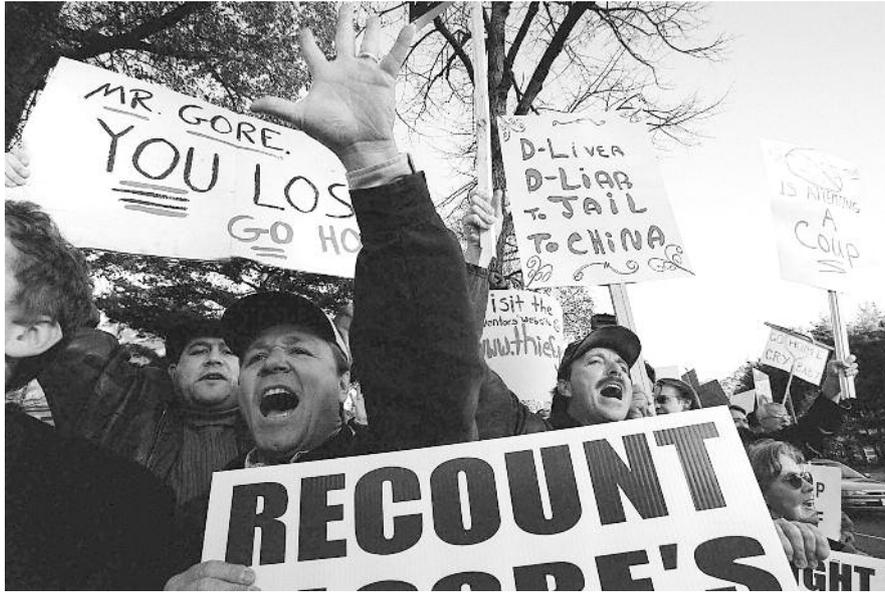
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most does not always win, it is certainly the case that no candidate can survive the exhausting round of the primaries if he/she does not have strong economic backing. There are many examples of talented, imaginative hopefuls who have had to withdraw in the first stages of the process for lack of funds.

So, where does this money go? With the supposed limits on individual donations, you might think for a moment that hundreds of thousands, if not millions, of U.S. citizens participate in the exercise of democratically financing campaigns. But that is not the case. Money comes mainly from large companies, particularly those with something to win or lose in Washington. According to a CNN report, in 1996, the financial, insurance and real estate sector kicked in with U.S.\$45 million. Communications and electronics came

the country that sets itself up as an example of a democracy to the world. And the answers lead us to conclusions that can only make us more skeptical.

Let us remember the 2000 primaries. Everything pointed to close races, races that could shake up the rigid schema of the two main parties. Well, the pleasure only lasted two months. What promised to be an exciting primary campaign in which the Democratic and Republican Parties would pick their candidates for the presidency in an exemplary exercise of democracy with the participation of all sectors of U.S. society ended abruptly. The byword was “the independent vote,” and that is just what the two candidates and the two big parties set out to get. John McCain showed during his short challenge the enormous importance that this almost forgotten sector of the



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U.S. electorate can have. Since Ross Perot launched his campaign to shake up the system with his millions and ended up being a presidential candidate twice, and with the creation of the Reform Party, Democrats and Republicans alike had alternated between discrete flirtation and disinterest in this group that is so diverse and unconventional that it seemed impossible to court.

Once they got over their shock at Perot's first campaign in 1992, when he received a respectable number of votes and probably cost George Bush, Sr. his reelection, both the Democrats and the Republicans apparently thought that those votes were irretrievably lost, rebel ballots that would be impossible to recapture.

That reasoning persisted until Jesse Ventura, an ex-wrestler and now governor of Minnesota, appeared on the scene. Ventura shook up the establishment of his state with his victory at the polls, but even then he was seen as more of a colorful phenomenon than

anything else, and in no way as a sign that a sufficiently important sector of the electorate was sufficiently disenchanted to vote for someone like him to put him in the state house.

John McCain's strategy of ignoring the party organization and leaders seemed to destine him for political demise long before he actually disappeared from the game. Declared a non-competitor from the start by George W. Bush and the Republican leadership, the senator from Arizona was able to spark surprising interest and sympathies among a part of the public who would not normally have bothered to vote in the primaries, much less in the Republican primaries.

At times, it seemed that McCain's insurgent campaign was going to revive interest in politics among people who had been alienated from it. Democrats and independents voted for him, but so did young and old disenchanted with the predominance of big money and the lack of concrete pro-

posals for changing the system of campaign funding. With no more of an innovative proposal than that, and with an even more conservative agenda than Bush on everything else, McCain was able to kindle enthusiasm the likes of which had not been seen for a long time among voters in more politically unsophisticated areas.

For many, McCain represented a return to the basics, a nostalgic look at a past—in reality, non-existent, or at least idealized—in which politics was a more noble endeavor and money had less influence.

The current system of primaries failed all these prodigal sons who were suddenly interested in politics again. Not only because less than half the convention delegates had been elected when the convention's outcome was already a foregone conclusion, or because almost half the electorate had still not decided whom it was going to vote for in November, but because the very peculiar system and tight schedule

of candidate selection practically ensure the victory of whoever raised the most money earliest and got the support of the party patriarchs (and matriarchs) in the key states, who are, naturally, the first to choose their delegates.

The defeats of Bill Bradley and McCain were preordained from the start, even though McCain managed to strike a few blows before succumbing to the organization, capital and Bush's contacts. The rules for the primaries, which vary from state to state, also made his life difficult; in New York, he even had to fight to get his name on the ballot. Born to lose? Perhaps. But the challenge from the insurgents simply underlined just how baroque and unequal this selection process is.

It's not that any of this is by any means strange or special. In the last analysis, everywhere in the world, the system or party old guards try to hold on to their influence and privileges. What makes the U.S. process different is that, amidst growing disinterest and apathy, this time there seemed to be a light at the end of the tunnel for people who wanted to hook up to their country's political process. In the end, though, the light was the head lamp on the train of big money and special interests that ran over more than one naive spectator.

So those were the primaries. Then came the formal campaign, and we saw both candidates try to turn themselves into apostles of the center. Seldom has it been so difficult to differentiate the two candidates for president, and the reason is that, in addition to trying to get the independent vote, both men decided to seek out the votes of the political center, that undefined, political Nirvana.

The social mobility that so characterizes the United States does not seem to apply in politics. The two presidential hopefuls are proof: Gore, in addition to being vice president, is the son of a very famous Tennessee senator, a legend in Washington. George W. Bush makes great use of his middle initial to try to differentiate himself from his father, former President Bush. So, the two contenders for office are not precisely revolutionaries. Not just because of their family history —after all, they cannot be blamed for that— but more because they are two men who have

self, but not too much. In the end, nobody in the United States is fighting against the economic growth and prosperity that have accompanied this administration, and these are perhaps Gore's main strong points. So, he was left only with the possibility of pointing to the enormous moral difference between himself and Clinton, without actually criticizing him: Gore's administration would be "for the family," with no big breaks with the past.

George W. Bush was also his party's clear favorite, having only recently come onto the political scene when he

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gotten as far away as possible from any political extreme; both are the "most centrist" men of their own parties.

In contrast with his boss, Clinton, Al Gore is much less passionate about social policy, although he does share Clinton's pro-business leaning. A conservative in family matters, the only passion Gore is known to have is for science and technology.

Addicted to the most complex, convoluted details, Gore can get totally immersed in technical discussions with technicians and win. His interest in the environment, his calling card for years, is less visible today. Gore faced the difficult dilemma of wanting to follow an enormously successful, popular president who at the same time had lots of vulnerable spots. So, as a candidate, he tried to differentiate and distance him-

was elected governor of Texas. When he won, at the Republicans' darkest hour, he sought to distinguish himself from his party's radical wing, proclaiming himself a "compassionate conservative." He never denied his party's main positions, but he tried to "soften them" to make himself more inclusive. Some people remember how his father tried to distance himself from the excesses of Reaganism by describing himself as kinder and gentler. His son tried to find the political center without distancing himself from his electoral base. He was betting on reclaiming moderate voters who disliked the Clinton scandals but did not share the crude discourse of many other Republicans.

Why was the race so close? If politics were logical, in a country at peace,

prosperous as never before, victory seemed served up for the vice president. But it didn't work out like that.

Gore decided to break with the past and distance himself from Clinton, demanding that the latter stay away from the floodlights for the whole campaign. A risky strategy: if there is anything Clinton knows how to do, it's campaign.

Bush bet on his personal charm, above and beyond national issues. And his bet seems to have paid off. The "compassionate conservative" was convincing.

Secondly, third party candidates can aspire to nothing more than aiding in the defeat of one of the two main hopefuls. Except in the recent case of Ross Perot, who spectacularly financed his own campaign, there is no decent space available for other political alternatives. Nader's vote count is pathetic if we compare it to the attention he got in the media or what his candidacy cost Gore. And Buchanan and his Reform Party are better off not even being mentioned.

The McCain phenomenon was temporary and ephemeral. His con-

in Florida has put it all in even greater relief. Neither the Electoral College nor the courts seem to be up to dealing with such a disputed, contentious and contested election. The results are not very transparent and the possibilities for manipulation countless.

This doesn't involve only Florida, although some would like to think it does. If vote-counts and procedures were reviewed in other states, we would undoubtedly be faced with more than one disagreeable surprise. U.S. democracy and its until recently exemplary electoral system have shown their vulnerability. An Achilles heel the size of an entire state.

But it's not clear whether Americans actually realize this. In its December 3 editorial, *The New York Times*, traditionally acerbic and skeptical, said, "...disgruntlements will take place against a backdrop of full public confidence in the resilience of the political process.... Any wise observer —domestic, foreign, or interplanetary [sic]— has to conclude that Americans' final verdict...will be that theirs is a country in need of new voting machines, not a new electoral system."

With this degree of self-criticism on the part of a media institution, it will be difficult to expect that anyone — even a cynical New Yorker— will have learned anything from this incredible election that just went on and on. **NVM**

This election's lesson should be that the U.S. electoral system is out of date, ineffective and perhaps even not very democratic. The results were not very transparent and the possibilities for manipulation countless.

Even with the uncertainty about the final outcome, we can point to certain decisive elements: Ralph Nader, the Green candidate, who took votes away from Gore; the power of special interest groups, like unions or the National Rifle Association; and, of course, the parties' ability to mobilize their sympathizers. Despite the decline of politics and ideology, parties still seem to be good for something in the United States.

Regardless of the parties' effectiveness —or lack thereof— the fact is that this election has revealed a political system which, first of all, is incapable of getting more than half the voters out on election day. No topic on the U.S. electoral agenda is important enough to interest the other half of the voters: not tax issues and not abortion, much less a reform to the electoral system or campaign funding.

Continued presence in the Senate is no guarantee that his favorite issue, campaign finance reform will be examined, much less after the post-electoral bloodletting.

No matter who wins, he will sit in the Oval Office in such a weakened state and with such a shaky mandate that he will not be able to initiate great reforms or even try to be a proactive president. The balance of forces in Congress would make it difficult in any case, but the lack of legitimacy or the smidgen of it that the winner will have will make his victory a pyrrhic one.

This election's lesson should be that the U.S. electoral system is out of date, ineffective and perhaps even not very democratic. Money plays too big a part, as does handling the media. We already knew that. But the quagmire

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#### NOTES

<sup>1</sup> When this issue went to press, the U.S. Supreme Court had voted 5 to 4 to stop the recount of votes in Florida and return the case to the state Supreme Court. The next day Albert Gore accepted defeat and congratulated George W. Bush as president-elect of the United States.