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The Art of Sore Losing: The Effect of Outsider Candidates on the Democratic Nomination System

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Abstract: *The 2016 election posed a series of interesting questions about outsider candidates: Who are they? Why do they run? How do they affect the party? What party mechanisms either foster or hinder outsiders? To answer these questions, I look at every election after 1968-- the year the McGovern-Fraser reforms flipped the Democratic nomination system on its head. I classify every competitive candidate in every post-1968 election as an outsider, an establishment-like, or an establishment candidate, evaluating their political experience and reliance on small-donors. I find that Iowa and New Hampshire serve a pivotal point for all candidates, encouraging a retail-politics campaign strategy. The two states are unrepresentative of the United States, and therefore their stronghold over the nomination system is undemocratic. Furthermore, I find that in the post-reform era, there are more outsider candidates, and they are increasingly competitive with establishment candidates. The research suggests that the longer an outsider remains competitive, the more likely they are to become a sore loser.*

Introduction

The 2016 presidential election presented voters with a choice between two historically unpopular candidates (Holyk et al, 2016). Donald Trump, who railed against the political establishment, and Hillary Clinton, who was opposed in her nomination contest by Bernie Sanders, a candidate who opposed the establishment as much as did Trump (though from a different perspective), each emerged from a rancorous fight without a united party. Since 1990, the percentage of Americans who feel like neither party represents their views has risen to 61% (Holyk et al, 2016).

How did this happen? How did Donald Trump and Hillary Clinton secure the nominations from their respective parties? What impact did Trump's outsider challenge and the opposition he engendered from establishment Republicans have on the general election? How did the refusal of nearly 20 percent of Bernie Sanders's supporters to vote for Clinton affect her candidacy (Frankovic, 2016) Is there something about the presidential nominating process that encourages outsider candidates and leads to a divided party with a "sore loser" after a nominating contest is resolved? Is the current system structured to allow outsider candidates to excite an element of the party's voters who then become disappointed when their candidate loses? Does the system disadvantage establishment candidates who might have more supporters but supporters whose loyalty is less fervent?

In this thesis I will explore outsider candidates in the presidential nominating process. When have they run? Why are some candidacies successful or influential and others not? And, most consequentially, when does these candidacies impact on the general election result? The causes and effects of these candidates are the phenomena which I seek to explain. What factors determine their roles and their influence? What

roles do the rules of the nominating process, emerging technology, public opinion or other factors play in the fate of these candidacies? In what ways have previous outsider candidates been similar to or dissimilar from Donald Trump and Bernie Sanders? In the course of this study, I will define and explore outsider candidates, seeking to understand how and why they have emerged in American politics—and whether that emergence is a positive, neutral, or negative influence on our governance.

To understand the role of outsider candidates, we need to look at the interplay of such candidacies and changes in nominating rules and campaign techniques as they have evolved in the modern era. The rules of the nominating process changed fundamentally after the 1968 Democratic Convention; in that year Vice President Hubert Humphrey was nominated without having won a single primary. The party establishment acceded to the demands of those who had supported either Senator Eugene McCarthy or the late Senator Robert Kennedy that the party form a commission to reevaluate nominating rules. The resultant McGovern-Fraser Commission produced a series of reforms that guaranteed that the nominating process would be timelier, more representative of party constituents, and democratic in the sense of the delegates to the nominating convention reflecting the views of those who participated in primaries and caucuses. The current system, with notable additional reforms that will be discussed, adheres to those basic principles (Maisel 2002, Ch. 9).

In this research, I will consider all the elections since 1972. Most of my research is centered around primaries rather than caucuses because the historical primary records are more reliable. When were outsider candidates prevalent and when were they not? What rules were in place, and how did the various candidates navigate rule

changes? What were the techniques candidates used to raise money and to campaign? When did outsider candidates emerge and what explains their success or failure? Can we isolate when “sore losers” emerged from the process? Can a pattern of failed candidate rhetoric be identified?

II, The History of the Party Nominating Process

The Framers' Vision of the Presidency

If one is concerned about how candidates for president are selected, it makes sense to look at the job these nominees seek. While we are concerned about the modern presidential nominating process—and the consequences of the ways it has evolved over the past half century—we also note that the presidency is not now what it once was thought to be. The process has shifted away from what Hamilton once suggested it ought to be, and in turn, has fostered a different type of system. So, what did Hamilton suggest and how can we keep that in mind while thinking about the current system? The Constitution is a living document that was born from the fears, skepticism, and ambition of statesmen; but it also provides us with a constant. The document can be analyzed and contextualized to understand what this single office of the executive was intended to be. The Framers wanted to create a government that was strong enough to perform basic function, while not so strong as to threaten individual freedoms. It must be noted the Framers were predominantly fighting to protect the rights of voters, defined at the time as white landowning males. To do this, they needed to create a document that established a national government that was stronger than that created by its predecessor, the Articles of Confederation, which lacks an executive authority. In 1787, after nearly a decade of trial

and error in governing under the Articles, fifty-five delegates convened at the Philadelphia Convention (Milkis 2019, 1). The convention led to the drafting of the Constitution and the creation of the presidency, a uniquely American idea at the time. It was unprecedented to have a single authority that was not a king or a dictator, especially an elected executive that could successfully transition power.

The delegates were all too familiar with the British system, which, as even the Framers would admit, bore a few admirable qualities. However, the decision for a single executive to govern alongside the judiciary and legislature proved divisive and contentious at times. Each state legislature took a single state-centric view in the ten years following the Declaration of Independence. Each state legislature focused on its own interests and economy rather than serving the whole union (Milkis 2019, 9). The need for an effective executive became evident during the Confederal period but also terrifying. The fifty-five men gathered in Philadelphia to form a stronger government. While under British colonial rule, the American statesmen learned that tyranny was the result of individual greed that threatened liberty and, ultimately, the country. Opponents of the single executive argued the proposed president bore an eerie resemblance to a king. The Cato Letters by John Trenchard and Thomas Gordon argued that "if the president is possessed of ambition, he has power and time sufficient to ruin his country" (Trenchard 1720, 2). The president would be surrounded by like-minded individuals, endless resources, and admirers who would ultimately force the president to fall victim to his own hubris, the fate that befell the monarchs and their countries with whom they were familiar.

While most of the Framers rejected the English model and repeatedly distanced themselves from the European monarchies, they countered the Anti-Federalist's objection by arguing that a strong executive was necessary for an effective government. They created a single executive who is held accountable to the people by a fixed term, limited in power, and, most of all, a master of unity (Hamilton No. 70, 1788). According to Hamilton, an admirable executive is a pillar of good government (Hamilton No. 70, 1788), and without one:

A feeble Executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution, and a government ill executed, whatever it may be in theory, in practice, a bad government (Hamilton No. 70, 1788).

There needs to be a single executive to prevent ill governance, an executive that would make decisions, act, hold secrets, dispatch, and above all, unify and energize the nation (Jacobs, 2019).

Although the Federalist Papers serve as a defense for a single executive, they warn readers of the potential downfalls. In Federalist Paper No. 68, Hamilton was incredibly skeptical of elections. He feared that by allowing the common man to vote directly and requiring a majority, it would create an inappropriate relationship between voters and politicians. He argued that politicians would be more focused on popularity than creating a proper administration. The Electoral College, with electors chosen in the states according to state rules, was a compromise on many counts, especially among the states, but it also served as a guard against the ill-intended men.

In determining how the president would be chosen, the Framers first dealt with the issue of tumult and disorder. The Framers knew they had to address the fact that there would be a severe backlash if it were up to one person to select the president, so the

Framers proposed a body of electors, some from each state. Furthermore, the Framers envisioned electors voting in their respective states, not convening together. The Framers wanted to spread out the process geographically, so "heats and ferments" of the public would not amass as much as if all the electors came together at the same time and place (Hamilton No. 6, 1788).

Next, the Framers dealt with the issue of corruption. The Framers addressed the fact that foreign nations may try to corrupt the United States government, and established mechanisms that would protect the integrity of the United States government from such an attack. It was a requirement that the multiple electors spread out across their respective states were not affiliated with any office in the government. Hamilton wanted to spread out these electors and have enough of them that a foreign nation would not have the time nor resources to corrupt these individuals. The other type of corruption that the Framers take up is domestic corruption. Hamilton warned:

The executive should be independent for his continuation in office on all but the people themselves. He might otherwise be tempted to sacrifice his duty to... Those whose favor was necessary to the duration of his official consequence (Hamilton, No.6, 1788).

The ill-intentions that Hamilton warns of are the exact reasons Hamilton does not trust the general public with voting directly for the president. In Hamilton's view, the people select electors who are smart enough to elect the president. A series of institutional checks protect the integrity of the system. For example, each elector casts two votes, one of which must be for someone outside of his state, in order to protect against state parochialism. The assumption was that the electors would vote for recognized leaders—those fit to serve, not “candidates” in anything like today’s sense. If

no single candidate were to get a majority of electors, the top five presidential candidates would go in front of the House of Representatives, who would then select the person whom the House collectively viewed as most qualified to serve as president, with each state having one vote in the process and a majority of state votes needed to elect. The Framers were incredibly skeptical of the public's ability to discern the difference, if any, between good leadership and a good candidate. The system of electing officials laid out by Hamilton reflected the Framers insecurities and puts forth a compromise between elitist control and public preference. After all, Hamilton did suggest "the true test of a good government, is its ability to produce a good administration" (Hamilton No 70, 1788).

The selection processes, in its original form, lasted only a few years. Parties, not unlike the ones we know today, began to form shortly after the inauguration of Washington. Stark differences between key political leaders such as John Adams and Alexander Hamilton as opposed to Thomas Jefferson, on issues such as the funding of the debt from the Revolutionary War and the national government's assumption of state debts, gave rise to two distinct parties. As political parties formed, in the first decades of the 19th century, men closely associated with Congress, such as Martin Van Buren (through King Caucus [Maisel 2002, 36]) chose the person they thought would be the best candidate.

The Nominating Process as Parties Develop

In 1796 the parties decided it would be Adams and the Federalists versus the Jeffersonian Republicans. John Adams prevailed over Thomas Jefferson, marking the importance of

partisan support early in our nation's history (Maisel 2002, 36). However, shortly after Adams' presidency, the Federalist party found themselves internally divided by policy views and clashing personalities. Ultimately, the Federalist party never gained enough national traction to continue as a major party contender, and by the 1820s, the first competitive party system died out (Maisel 2002, 39).

But parties persisted. In the first decades of the nineteenth century, proponents of party-like organizations, such as Martin Van Buren, developed a powerful voice in our governance. Van Buren, a powerful New York State politician, served as secretary of state and then Vice President under Andrew Jackson. Van Buren was later elected as the eighth president of the United States. He was adamant that the political structure of the United States relied on mass participation, sectional dependence and the idea of permanent opposition to mainstream ideas that created dialogue around ideas involving social welfare (Siry 1991, 1168).

After the fall of the first party system, the second party system gave rise to National Conventions (Maisel 2002, 40). King Caucuses were officially dead, and Congress lost direct control over the nomination process. The National Conventions called for delegates from each state to meet and decide their respective party's presidential nominee. As party officials determined who the delegates would be, these party leaders had sole discretion over the nomination process. At this time, the structure of parties did not allow the time, resources, or national following for more Democratic forms of presidential nominee selection. Party leader dominance developed in the second party system and remained largely unchanged for more than a century.

Political parties dominated American politics from the 1830s to the 1890s. By the 1890s the progressive era swept through American politics and redefined how we thought about politics (Maisel 2002, 51). The progressive era, among other things, brought direct primary elections. The direct primary elections directly nominated candidates for office through ballot box voting, effectively taking back some power from parties. Parties continued to lose power until the mid-1950s (Maisel 2002, 61). By then, the presidential nomination process had become somewhat of a spectacle for the American public. There were parades to generate excitement, military heroes evoking emotions by throwing their support behind candidates, and catchy slogans to energize the nation. Politics became less about major issues and more about creating a pastime that every voter could relate to on a surface level (Maisel 2002, 41). Since the 1950s, political scientists argue that the nation has moved to a “post-party” stage, with a much stronger focus on individual candidates (Silbey 1998, 17).

The basic principle developed in the second party system of allowing party officials the sole control over their nominees for president, even if they lost control of state and local nominations in many areas, held for nearly 150 years; despite the innovations in communication and the readily changing demographics of the United States that was mostly unrepresented by party officials. The party leaders looked for candidates who could win the general election, who would get along with elected officials, and generally—but not always who had the experience to lead the nation. When push came to shove, they wanted a presidential candidate who could win the election—and understood that he was beholden to them for his nomination.

1968: A Pivotal Year

1968 not only marked the beginning of the end of party leader dominance, it also marked the year of extreme violence, both nationally and internationally. There were coups in Peru, Iraq, Mali, and Panama, the Soviets invaded Czechoslovakia, the Vietcong launched an attack in South Vietnam on the Tet Holiday, the My Lai massacre unfolded, riots closed universities in Paris, Poland and Mexico, and a terrorist attack killed civilians in Jerusalem. (Rosenwald, 2018). Within the borders of the United States, turmoil ruled. Martin Luther King Jr. was killed in Memphis and then Robert Kennedy was assassinated in Los Angeles just a few months later. Columbia University, like many other universities and cities, experienced thousands of protestors marching its campus over issues related to the Vietnam War and the treatment of minority students. In the mist of all this, President Lyndon B Johnson announced he would not seek reelection; in his place, his right-hand man, sitting Vice President Hubert Humphrey, would seek the nomination.

Soon after the Vice President, without entering a single primary, swept the largely undemocratic pre-nomination season and walked away with the party's blessing to run for President in 1968, because the party leaders favored him over the two anti-War insurgent candidates, Minnesota Senator Eugene McCarthy and South Dakota Senator George McGovern, who had inherited the supporters of Robert Kennedy (Maisel 2002, 267). However, in this time of turmoil, neither the vanquished candidates nor their followers in the public would sit back and let the elites dominate the elections; ordinary people wanted control, and 1968 would mark one of the first steps in the pivot away from party dominated politics.

Before 1968, reliable polling and primary results mattered, but party leaders' preferences mattered more. Party leaders could override the wishes of the ordinary citizens, which is exactly what occurred when Humphrey secured the Democratic nomination in 1968 (Jewitt 2018, 4). All of that was to change, because the party was unresponsive to its followers on the critical issue of the day.

Early in the 1968 presidential race, incumbent president Lyndon B. Johnson announced he would not seek reelection (Jewitt 2018,2). The Vietnam War was a focal point of the race, and anti-war candidate Eugene McCarthy had just finished second in the New Hampshire primary, a finish that many saw as a blow to Johnson. However, McCarthy's early feat did not result in his nomination. Only 15 states had primaries, and in many cases, the connection between primary results and convention delegations was extremely blurred. In 35 states, delegates were chosen through some variation of caucuses and appointments (Maisel 2002, 268). Often, the delegation was decided in a backroom, and only the individuals making the appointments and the appointees knew how the selection process unfolded (Maisel 2002, 269).

In August of 1968, protesters rioted outside the Chicago Convention Hall, where inside, Hubert H. Humphrey had just secured his name on that presidential ballot as the official Democratic nominee. Humphrey easily won the nomination, despite the fact he did not participate in a single primary and was clearly not the favorite of party followers in polling data (Jewitt 1, 2018). At the time of his nomination, Humphrey was the sitting Vice President, a former senator, and President Lyndon B Johnson's chosen successor. Police dressed in riot gear as violence erupted on the streets of Chicago, and convention attendees motioned for adjournment because of the pandemonium ensuing outside the

Convention Hall (Jewitt 1, 2018). Nonetheless, the convention carried on; Humphrey accepted the nomination, and the public rejected the nomination process as it stood. To ease tensions, Democratic National Chairman Lawrence O'Brian complied with the delegates' demand that a process be established to reform the rules.

III. The Reform Commissions

In the section to follow, I delineate the reforms of the Hughes Commission, the McGovern-Fraser Commission, and reform commissions that followed those, seemingly after every iteration of the nominating process.

Although a major focus, as it has been in many other scholarly works, the McGovern-Fraser Commission was not the first reform effort as a response to the chaos that the 1968 election created amongst Democrats. Rather, it was the 1968 Harold Hughes Ad Hoc Committee that paved the way for the McGovern-Fraser Commission.

Ad Hoc Commission (The Hughes Committee), 1968

After it was clear that Hubert Humphrey was going to be the nominee, the disenfranchised members of the party spent the last few weeks before the convention putting together a plan to change the presidential nomination system. The result was the seven-member Ad Hoc Commission (Crotty 1983, 47). Harold Hughes, then Iowa Governor and later Senator, chaired the Ad Hoc Commission on the Democratic Selection of Presidential Nominees. At the time, the Democratic party began to adopt the Civil Rights platform, and a major critique of the nomination processes was the fact the party leaders and people selecting candidates were not representative of the

demographics of the country. In 1964, the Special Equal Rights Committee, chaired by New Jersey Governor Richard Hughes, created rules to break down the racial barriers associated with being active members of the Democratic party. This committee was in response to the exclusion of African Americans from the delegations in many southern states. The committee opened and publicized meetings to everyone, banned membership tests, worked to increase participation across racial lines, and overall promote equality within the party (Crotty 1983, 56). The special committee demanded compliance with these rules; otherwise, states would lose their seats at the national convention. The McGovern Fraser reform would use these same tactics to require compliance with their reform as well. Even with the committee, and the stated goal of quality, like everything else, white men continued to dominate party leadership in 1968. The Ad Hoc Commission echoed the concerns of the 1964 special committee and pulled together a report on the diversity of the state nominating practices and their discriminatory aspects (Crotty 1983, 47). The report aided reform leaders by painting the picture of the current state of the Democratic party and the need for change. The Ad Hoc Commission provided an analysis that the Democratic party had never seen before and could no longer ignore. Many of the areas of concern highlighted by the Ad Hoc Commission fed through to the McGovern-Fraser reforms. Harold Hughes served as the Vice-Chair of the McGovern-Fraser Commission, and Donald Fraser, who later chaired the McGovern-Fraser Commission, served as Vice-Chair of the Hughes Commission -- solidifying the relationship between the two reforms (Crotty 1983, 48).

The Commission of Party Structure and Delegate Selection (The McGovern-Fraser Commission), 1969- 1972

To soothe tensions within the party and prevent another riot like the one that surrounded the Chicago convention hall, the DNC supported the creation of The Commission on Party Structure and Delegate Selection. George McGovern, the senator from South Dakota who had taken up the mantle of the Kennedy campaign, chaired the reform effort. Donald Fraser would later chair the commission after McGovern stepped aside to run for president. The commission's findings are summarized as stating that: the current system is unrepresentative of the preferences of rank and file Democrats, exclusive across many demographic groups , and generally undemocratic (Jewitt 2019, 30) The final report required all states to adopt the following changes:

- Write rules about the delegate selection and make them widely available;
- Assure that the demographics of the electorate are reflected in the demographics of the delegate pool (women, people of color, youth);
- Establish a calendar so that delegate selection is done within the year of the national convention;
- Allocate delegates so that 75% of delegations are selected at the congressional district level or lower;
- Select no more than 10% of national convention delegations through state committees;

- Ban the Unit Rule;¹
- Require adequate public notice of all-party meetings concerning delegate selection.

These rules were aimed at achieving the stated goal of granting all voters "full, timely, and meaningful representation" in the nomination process (McGovern and Fraser 1968); in their view "meaningful representation" meant that all Democrats could participate in the nominating process and that the preferences of those participating would be reflected in the delegates eventually nominating the party's candidate. The reform took away some power from the establishment party favorite candidates and gave a glimmer of hope to establishment- like candidates, or even outsiders. The commission was aggressive and took a bold stance to serve as a building block for future reform. In the first year, it laid out guidelines for democratizing the process, which states could interpret and then claimed to be "reformed"; whether that was true or not was up to interpretation. But the reformers were not stopping there; in the following years the reformers said they would demand compliance with these guidelines and used the media as a mechanism for forcing change (Crotty 1983, 54). The anti-reformers warned about the issues of taking the power away from the party leaders and giving it to the general public, critiques that might have been supported by Hamilton's earlier warning about the "arts of popularity."

The McGovern-Fraser reforms took a number of initiatives to symbolize their commitment to change; all of its meetings were open to the public, each commission member got an equal voice, the decision making process was open, the files on the

¹ A rule that stated that all of a state's national convention delegates would vote for the plurality winning candidate in that state, also known as "winner-takes- all."

commission were open to the public, and public volunteer help was encouraged (Crotty 1983, 58). The idea of democratizing the nomination process painted the reformers as the "good guys," and the leaders against reform were the "bad guys" in the eyes of the public. The anti-reformers never quite got around the issue of the public's disapproval (Crotty 1983, 59). In essence they encouraged candidates and campaigns that appealed directly to the people motivated by the issues of the day, not those whose primary objective was merely to achieve electoral success.

However, the McGovern-Fraser commission did not unfold without unintended consequences. McGovern-Fraser reforms caused the spread of primaries and caucuses. In 1968 only fifteen states held primaries; by 1976, 27 states held primaries (Mezey 2016, 61). Each of the reforms promulgated by the Commission came with its own set of unintended consequences, and with those consequences came the need for further change, which would leave room for additional commissions and reforms. Even with subsequent reforms, however, McGovern-Fraser would later be referred to as "the greatest systemic change in presidential nominating procedures in all of American history" (Jewitt 2018, 32).

The Commission on the Rules (The O'Hara Commission), 1968-1972

The O'Hara Commission was a commission that operated in the same time frame as the much more well-known McGovern-Fraser Commission. Representative James O'Hara of Michigan chaired the O'Hara commission. This reform commission focused on the much less glamorous aspects of nomination reform, such as the size, procedures, and standing committees of national conventions and the delegate apportionment among states

(Jewitt 2019, 33). Although the O’ Hara commission lived in parallel to the McGovern-Fraser Commission, it was much slower to make recommendations. The most notable aspect of the O’Hara reform was that Democrats now had concrete rules for governing convention deliberations (Crotty 1983, 41). Like the McGovern-Fraser Commission, the O’Hara team left room for more changes, as O’Hara stated in *Report on the Commission on Rules of the Democratic National Committee*:

If the recommendations of the Commission on Rules are adopted in every detail, without alteration, omission or addition by the 1972 Convention, I would be the first to agree that subsequent Conventions will have to continue to update and improve their rules. Our work is not sacrosanct. It is not complete. It will not withstand the ravages of time and the tectonic forces of political change. There are political parties of whom it may be said that they forget nothing, and they learn nothing. But our Party will continue to change, as the times change, and our rules will change with the Party, with the times, and with the problems that confront us (as quoted in Jewitt 2019, 33).

Both the O’Hara Commission and the McGovern-Fraser Commission fostered an era of reform, for better or for worse. Neither commission thought it would rewrite and, therefore, “fix” the process for all time; instead, the two commissions set an expectation of continually reassessing, redefining, and rewriting the rules.

The New Delegate Selection Commission (The Mikulski Commission), 1972- 1974

A time to reassess, redefine and rewrite came sooner than expected with the embarrassing loss of the White House in 1972. The Mikulski Commission was the first attempt by party regulars to create a “reaction reform” (Maisel 2002, 271). The 1972 Democratic Convention turned into a tumultuous embarrassment for party regulars. At the convention, a large number of delegates were challenged and unseated for not abiding

by the newly imposed rules. One of the most powerful local leaders, Mayor Richard Daley of Chicago, even lost his place in the delegation (Crotty 1983, 63). To say party leaders were furious would be an understatement.

The Mikulski Commission would set the stage for party regulars and reformers again to battle over the direction of the Democratic party. Like the earlier commissions, the Mikulski Commission came down on the side of the reformers. The commission made two major contributions. The first was it got rid of the Unit Rule without exception; instead the group suggested that the states use proportional representation with a 10% threshold (Jewitt 2019, 34). The other major contribution of this reform was to outlaw “open” primaries, requiring that only Democrats participate in the party’s nominating process.

However, what made the Mikulski Commission notable was not in the recommendations it put forward; instead, the commissions' significance lies in the fact that Mikulski Commission generally accepted the principles and rules outlined in the previous two commissions. The Mikulski Commission gives us the first real taste that reforms are not monotonic. Rather it is a constant push and pull between reformers and party elites. It did not give into the cries from critics that the McGovern-Fraser reforms had led to the 1972 electoral debacle, but rather held that the rules needed to be adjusted in detail, not principle. In doing so, the commission continued a trend that gave non-establishment candidates a way into the nominating process.

Democratic Charter Commission (Sanford Commission), 1972- 1974

The Democratic Charter Commission dealt primarily with national party organizations, which was the first of its kind. It adopted several reforms, but overall had little long-term effect (Crotty 1983, 41). This niche nature of the Sanford Commission and its relatively little long-term impact excludes it from most of the literature on party commissions. However, the commission is significant in the fact that it adds another piece to the timeline, illustrating just how much the nomination rules were modified in such a short period.

The Commission on Presidential Nomination and Party Structure (The Winograd Commission), 1974-1978

The Winograd Commission originated as a vehicle for party regulars to try to walk back some aspects of the McGovern-Fraser reforms. In 1974, while the nomination process for the 1976 election was well underway, DNC Chairman Robert Strauss appointed another committee to look at the proliferation of primaries. In essence Strauss felt that caucuses gave party organizations more of a role; he was concerned that the party was becoming too democratic and too open to outsiders.

The proportion of delegates elected in primaries and bound to a presidential candidate had grown exponentially since the 1960s. In the 1960s, the public only elected a handful of delegates, and even fewer of those delegates were bound to a contender. However, by 1976 over 75 percent of national convention delegates were elected and bound (Crotty 1983, 74). Party leaders and anti-reformists were fearful of who the grassroots members would choose to lead the party and how little influence these party

regulars had. The commission had one aspect that made it particularly distinct from its predecessors: it did not originate at a convention and, therefore, received little attention from the media. The original goal of the commission was to lessen of the impact of primaries (Jewitt 2019, 35). However, in its first year, the commission made relatively little progress. After the national convention of 1976, the commission was renamed and expanded to include representatives from Jimmy Carter's bloc of supporters (Crotty 1983, 75).

Even though Jimmy Carter was elected under reform rules, and generally benefited from them, his camp of supporters intended to use the Winograd Commission to help protect President Carter in his reelection campaign. His bloc of supporters was not sympathetic to an open and competitive process, despite the fact that Carter was the beneficiary of previous reforms (Crotty 1983, 74; Maisel 2002, 273). The Winograd Commission came forward with a number of recommendations for the party, many of which included striking down parts of previous reforms. The Winograd Commission:

- Shortened the primary season to three-month window from Early May to Early June;
- Reinstated the Winner-take-all Primary (Unit Rule) at the congressional district level;
- Allowed for states to choose for themselves between a caucus and a primary;
- Required candidates to file their campaigns at least 55 day prior to delegate selection (Jewitt 2019, 35; Maisel 2002, 273);

- Pushed for a modification on the floor of votes needed to earn delegates from primaries and caucuses based on a “step” method (Crotty 1983, 81; Jewitt 2019, 35; Maisel 2002, 273).²

Each of these rules was adopted for the 1980 election. The new rules all ran counter to the principles the McGovern-Fraser and subsequent commissions had adopted to democratize the process. The Winograd Commission [and later the Hunt Commission] were deliberate attempts by party regulars to take back the power they conceded between 1968 and 1976. The party leaders, as well as the White House, took advantage of the fact that only a few reformists from the original McGovern-Fraser era were still active with their efforts to change the nomination system (Crotty 1983, 76). In addition to the dwindling number of active reformists, the media had lost interest in covering the party bickering, allowing party regulars to push harder to close the system. A candidate could no longer model their campaigns after the successful nomination campaign that President Carter had run in 1976. He had focused on a single state and used that momentum to propel himself forward; now the shorter window and closing of the nomination process helped weed out outsider candidates, the very type of candidate Carter had been in 1976.

The Commission on Presidential Nomination (The Hunt Commission), 1980-1982

In 1980 the Democrats, once again, lost the White House and a number of seats at the congressional level. In order to prepare for the 1984 presidential election, DNC Chairman Charles T. Manatt commissioned North Carolina Governor James Hunt to lead

² A proposal to require 15 percent of the vote in a primary in the first month of primaries before a candidate could claim any proportional votes, 20 percent in the second month, and 25 percent in the third month

a reform that would place power back into the hands of party officials (Jewitt 2019, 35). The Hunt Commission had three main objectives: to strengthen the party, to help the party win elections, and to ensure that the party could govern once elected. Seventy officials from all wings of the party comprised the Hunt Commission. If one thought that this was the Democratic party embodying the shift toward heightened democracy within the party, that would be wrong. All seventy people invited to serve on the reform commission had one thing in common; they were all vetted by Charles T. Manatt, to ensure they had no strong reservations about expanding the role of the party (Crotty 1983, 89). Manatt was concerned with the fact that he, and his fellow party leaders, felt that the presidential nomination process had proceeded without enough influence from the party (Jewitt 2019, 40). At the time of the Hunt Commission, even Donald Fraser (the second chair of McGovern-Fraser) began to question the original premise of granting the nominating power to the people, as he stated:

I like to think of a political party as kind of the nominating committee for the nation as it does its business. A political party is the nominating committee to which citizens refer the question of who the candidate should be, and I think the political parties have got to take that and accept that responsibility and not give it back to people until they have at least made a “recommendation. ... Somehow, we have to get people back into serious, thoughtful evaluations of candidates, and presidential primaries just go 180 degrees in the wrong direction. And that’s where I think our biggest problem is today (as quoted in Jewitt 2019, 40).

Donald Fraser was one of the men credited with taking power away from party leaders and “giving it back to the people.” Still, even he began to see the implications of giving too much power to the rank-and-file Democrats.

The solution of the Hunt Commission took three major reform positions. The first unbound delegates and returned to using “good conscience” as the mechanism for

keeping delegates from switching from the contender whom they had been pledged to (Maisel 2002, 275). The 1980 election played a primary role in the argument for unbinding the delegates. Many of the delegates in 1980 were pledged to Carter, long before his weaknesses as a candidate for reelection came to light. By the time the delegates realized Carter's shortcomings, it was too late (Maisel 2002, 275). Allowing delegates the ability to switch candidates for whom they pledge could help lesser known candidates because delegates could switch to these candidates as they gain traction (Crotty 1983, 94).

Second, the Commission relaxed the rules around proportional representation requirements (Crotty 1983, 100). By doing so, they effectively reinstated the "loophole" primaries at the congressional district levels, which would have a major impact on the 1984 elections (Maisel 2002, 275).

Finally, and most significantly, the Hunt Commission created what would later be known as "superdelegates." The party leaders felt that the nomination process needed to bring back party officials as delegates, despite the fact that over half of the delegates in 1976 and 1980 held some sort of office (Crotty 1983, 99). The commission proposed expanding the number of "add-on" delegates to 25%. The group decided that this was the minimum number of party officials needed to represent the interest of the party officeholders and officials. States would receive "add-ons" to include governors, senators, U.S representatives, and mayors of cities over 250,000 (Crotty 1983,100). The commission recommended that these delegates remain unbound, free to change their minds throughout the process, with no obligation to reveal their selections before the national convention.

In all, many of the recommendations the Hunt Commission made would be considered counter-reforms, and it responded to the unintended consequences of the previous reforms and the 1980 presidential election loss. Even in its earliest phases, Manatt, in an effort to regain the parties' ability to win the general presidential election, worked to restore power to party leaders.

The Fairness Commission (The Fowler Commission,) 1984-1985

Ten years after the McGovern-Fraser, there were clear attempts underway to roll back the full extent of the democratization from the prior reforms. And with that attempts, came challenges, this time in the form of the Fairness Commission. Don Fowler, Democratic party Chair of South Carolina, chaired the task force that would, yet again, reevaluate the nomination rules. The losing candidates for the 1984 nomination, Senator Gary Hart and Reverend Jesse Jackson, claimed that the delegate allocation rules and the new superdelegates were disadvantageous to their campaigns (Jewitt 2019, 43). Jackson testified in front of the commission that “despite receiving 21% of the popular vote, he received just 11% of delegates at the National Convention” (Jewitt 2019, 43). But at the time of the commission, the goals of the party had expanded beyond “full, timely and meaningful representation” to include selecting candidates who can win a general election.

Like the previous commissions, the Fairness Commission made a number of significant changes. One, as a compromise with Jackson, the party reduced the threshold of delegate proportionality requirement to 15 percent (Maisel 2002, 277). Democratic National Chairman Paul Kirk wrote in a letter to Jackson: “The threshold had been

increased from 15 percent in 1980 to a higher percentage in 1984; some wanted to retain the 1984 threshold at least; others wanted to increase it even higher in 1988; you [Jackson] wanted the 1984 threshold reduced” (Jewitt 2019, 45). The other recommendations the commission made included increasing the number of superdelegates, to include all members of the Democratic National Committee and up to 80 percent of all Democratic members of congress, as well as reaffirming the winner-take-all primaries (Maisel 2002, 277). In preparation for the 1988 election, party officials wanted all members of the Democratic party to rally behind the candidate, someone who received the blessing from party officials. The party tried to breakdown any obstacles standing in the way of Democrats being happy with the process while maintaining party power. Wisconsin got to reinstate its open-primary, and Iowa and New Hampshire got to keep their early dates. Overall, the party was working within its robust framework, to appease the grassroots members they just took power from.

The Commission on Presidential Nomination and Timing and Scheduling (The Price-Herman Commission), 2004-2005

By 2004, reform commissions were a distant memory to most Democrats. At the same time, most people, both party regulars and reformers, had given up on the fight over Iowa and New Hampshire’s primary preeminence. But not Senator Carl Levin of Michigan. Levin argued that the two states held an unfair advantage over others, say manufacturing states like Michigan. Iowa put agricultural issues at the forefront of every potential presidential nominee’s mind, and New Hampshire gave an unfair regional advantage to the northeast. To calm Levin, and to keep Michigan from moving its

primary, DNC Chairman Terry McAuliffe authorized the Commission on Presidential Nomination and Timing and Scheduling. Representative David Price (NC) and former Labor secretary Alexis Herman chaired the new commission.

Elaine Kamarck delivered remarks on the history of presidential candidates conceding to blackmail from Iowa and New Hampshire and how voter preferences in these two states differed from the nation as a whole (Kamarck 2019, 79). Howard University Professor Ron Walters, a former Jesse Jackson aid, testified on the racial implications of Iowa and New Hampshire going first. What started seemingly as a small state vs. big state issue morphed into the very real problem of diluting minority votes and those of other key Democratic constituencies by giving predominately rural, white states a preferred status in the current nomination system. New Hampshire and Iowa are not racially, economically, or geographically representative of the nation or of the Democratic party as a whole.

Opponents of the change fought vigorously, arguing that any change would push the front-loading issue over the edge. The New Hampshire Democratic Chairwomen Kathy Sullivan told the *New York Times*, “We are heading into a process where we are cramming a few states into a few days: You will have candidates who stumble at an early event and don't have time to recover, I worry about that” (Nagourney 2006). Similarly, longtime Rules and By Laws Committee member Harold Ickes stated that “we are just exacerbating the front-loading of the system: we are going to end up with an eight-month general election, which is just nuts” (Nagourney 2006). Despite the lobbying by New Hampshire, Iowa and various other opponents, the chilling testimony from Ron Walters

made it clear: the commission was looking at a much broader issue about party values and racial minority representation.

Ultimately, the commission decided that rather than take Iowa and New Hampshire head on in a renewed fight over their nomination dates, the commission would recommend one or two racially, economically, and geographically diverse states to join Iowa and New Hampshire in the pre-primary window (Kamarck 2019, 80). In 2006 the Rules and By-Laws committee concluded that South Carolina and Nevada would move to the pre-primary window because of their racial, economic, and geographic diversity (Kamarck 2019, 81).

The Unity Reform Commission (Dillion Commission), 2016-2017

The 2016 election, perhaps a one-time phenomenon that was the result of the perfect storm of political forces, or maybe the new norm, forced the Democrats to revisit their nomination rules once again. Certainly, the Republican presidential nomination did not turn out as many expected. But the Democratic primary also had its own abnormalities. After all, an independent running on the Democratic ticket got nearly twelve million popular votes, while the clear establishment candidate, Hillary Clinton, received around sixteen million votes. Clinton, the clear party favorite, dominated primary states while Bernie Sanders was the clear favorite in in a majority of caucus states. The relatively close race between Sanders and Clinton would not have been possible without the reform era rule changes, because party officials likely would have

thwarted Sanders campaign long before the nomination.³ However, allowing anti-establishment candidates like Sanders and Trump to have a shot is not always a good thing, according to some political scientists such as Elaine Kamarck, who argues:

The party doesn't decide anymore....What we lost after '68 was a review of presidential candidates by people who actually know them. To be sure, the first time that actually mattered was Trump. Before then, parties had managed to nominate plausible presidents. But these rule changes encourage anybody to run. It's a system tailor-made for demagogues, reality TV stars, people who have no business being president—including this one (Greenfield, 2018).

Despite this kind of criticism, the Democratic party is undergoing more reforms to take even more power from their party leaders, to respond to criticism from progressives like Sanders. Those efforts force the question that Kamarck herself asks, "Who does the nomination belong to?" She writes:

In both parties the question is: Do nominations belong to the institutional party, or to the primary voters who happen to show up each year? Right now, the zeitgeist is for the primary voters, unlike just about every other country. Elsewhere, there is some level of party membership that does not exist here. There were Bernie voters and Trump voters that had absolutely no allegiance to either party (Greenfield, 2018).

The question of who the nomination belongs to bares an eerie resemblance to the Mikulski Commission when the DNC had to dissect what it meant to be a Democrat and who got a say in their process.

At the 2016 convention roll call, Clinton had won about 55 percent of the popular vote, carried first place in 40 states/voting-eligible regions, and received 60 percent of the

³ However, the Sanders camp argued that Clinton would not have won had it not been for the undue (in their minds) influence of the superdelegates, whose role emerged from the commissions that began to bring power back to the party.

total delegates, including 609 superdelegates.⁴ Sanders, on the other hand, received about 45 percent of the popular vote, carried 13 states/voting-eligible regions, but only 40 percent of delegates, including a mere 47 superdelegates. Sanders was outraged by the apparent impact of superdelegates, and he blamed his eventual loss on the existence of these superdelegates. His supporters, including 2020 Democratic candidate Elizabeth Warren, argued that although the Clinton campaign did nothing illegal, the system was “rigged” against Sanders (BBC, 2017).

In a 2017 interview with MSNBC’s Kasie Hunt, Sanders was asked about how some people were criticizing him for staying in too long and potentially hurting the Clinton campaign. Sanders quickly fired back with, “ Well, some people say if maybe that system wasn’t rigged against me, I would have won the nomination” (Tur, 2019). Sanders and his supporters took their outrage to the media, which once again put the DNC in the limelight. At the 2016 Democratic National Convention, delegates unanimously authorized the Unity Reform Commission. The Commission had four stated areas of review:

- Increasing participation in primaries;
- Making caucuses less burdensome and more inclusive, transparent and accessible;
- Reviewing the role of unpledged delegates;
- Broadening the party’s base and expanding the party’s donor base (O’Malley and Cohen Unity Reform Commission, 2016)

⁴ The DNC has since changed the name of superdelegates to automatic delegates. I will continue to use superdelegate for the sake of clarity in talking about these delegates overtime.

The review included members from both the Clinton and the Sanders's campaign. Most importantly, the twenty-one-member commission made a number of important recommendations. The first recommendation will result in the reduction of over 400 superdelegates, which will cut the number of superdelegates by nearly 60 percent. In the 2020 election, superdelegates consist of a smallest percentage in history. Second, Democratic members of Congress, governors, and other party leaders will remain unpledged delegates, but their votes will not count unless first ballot of the presidential roll call does not result in a nominee. Finally, the DNC will ensure that the party officials administering the caucus and primary process will remain neutral. Additionally, the caucus will allow absentee voting, marking a shift toward a more inclusive caucus. Again, some DNC members did not want to relinquish their power, but with the commission's support from DNC Chairman Tom Perez, Sanders, and the media, the party leaders saw the handwriting on the wall. After the reform passed, Sanders issued a statement:

Today's decision by the DNC is an important step forward in making the Democratic party more open, Democratic and responsive to the input of ordinary Americans," Sanders said in a statement. "This has been a long and arduous process, and I want to thank Tom Perez and all of those who made it happen (Axelrod, 2018).

Under the new rules he help create, Sanders once again sought the Democratic presidential nomination, though his attempt seems to have come up short in the 2020 election year.

IV. Campaign Finance Reform

Major campaign finance reforms, specifically the Federal Election Campaign Act (FECA) of 1971 and the amendments to that act in 1974 and 1976 and the Bipartisan Campaign Reform Act (BCRA), impact the role and success of both establishment and outsider candidates. While the Democrats worked to reform their presidential nomination, Congress was working to reform campaign finance laws. At various times in the early and mid-20th century, Congress tried to reduce the role of a small pool of wealthy patrons in the presidential selection process. However, their efforts were largely circumvented and brought with them a number of unintended consequences.

The campaign finance reforms would set the rules for both parties and impact the presidential nomination. The backdrop to the campaign finance reforms was the rising costs of campaigns, the prevalence of secret money, and the infamous break-in into the Democratic National Committee headquarters at the Watergate. The Watergate scandal eventually led to the end of Nixon's presidency, but it also exposed secret and illegal campaign contributions by major corporations. Candidates then used these contributions to support their reelection campaigns. In 1974 and 1976, at the same time as the Democratic party was reforming its nominating process, Congress rolled out a new set of ground rules aimed at curtailing the money laundering, illegal corporate funds, paid-for-positions within administrations, and secret money in presidential campaigns (Alexander 1979, 12). The nation's trust in the elections and the federal government as a whole was plummeting, while campaign costs were on the rise. The Senate Watergate Committee brought forth a number of these recommendations as a response to the events that unfolded in 1972; the House

passed the legislation, and the Senate approved the bill, just hours before Nixon announced his resignation (Alexander 1979, 12). President Ford then signed the bill into law.

The 1970s revealed the secretive, and lucrative, nature of campaign finance. Corporations gave “bonuses” on election years that were passed to deserving candidates, and union members “voluntarily” solicited millions from their workers to support candidates (Maisel 2002, 173). In order to generate millions toward their increasingly pricy campaign, candidates needed to persuade these corporations and labor unions that they were “deserving.” In an attempt to curtail the influence of corporations and labor unions, Congress passed the Federal Election Campaign Act of 1971 (FECA). In response to Watergate and obvious flaws in the 1971 Act, Congress amended FECA in 1974; in those amendments, Congress created the Federal Elections Commission (FEC) to oversee campaign finance information and enforce FECA. Originally, the FEC would have members partially appointed by the President and partially by Congress. The original act set a limit to media expenditures and called for an increase in donor disclosure, including name, occupation and address. In theory, disclosure was transparency, which was a means of control (Maisel 2002, 173).

Even after the FECA of 1971, costs were on the rise. Phone banking, television, radio, the primary calendar, and several other variables made the cost of running for president shoot up exponentially. As Anthony Corrado notes, President Eisenhower and his Democratic competitor Adlai Stevenson spent a combined \$11.6 million in their pursuit of the White House in 1952. By 1972 presidential candidates spent a combined \$90 million (Corrado 1993, 220). The issue was not necessarily how much campaigns

were costing, but rather who was footing the bill. In the 1952 election, 100 individuals combined to contribute over \$1.9 million; by 1972, 1,254 individuals each donated over \$10,000 to combine for \$51.3 million (Corrado 1993, 221). These high net worth individuals who give tens-of-thousands, if not millions, of dollars are known as “fat cats.” To keep up with the skyrocketing costs of campaigns, candidates would try to appeal to the finite pool of fat cats for financing, rather than try to rely on the costly accumulation of small donors. Soliciting small donations often required mailing people pleas for their money, with a relatively low hit rate. Instead, candidates could approach a select pool of high net worth donors and raise a great deal of money in a very short period.

In 1974, Congress amended FECA and set contribution limits and established a federal fund for candidates seeking public office, creating a public funding mechanism for presidential campaigns. Individual limits were set at \$1000 to candidates and \$2500 to PACs. PACs could then donate up to \$5000 to a candidate. The restriction included candidates donating to their own campaigns. The law set a spending ceiling for all levels of the election process, the prenomination, the convention, and the general election. The federal funds were a voluntary program that was funded by an opt-in program on tax forms. The Federal government would match all donations up to \$250. To qualify for this, candidates needed to raise \$5000 in contributions \$250 or less in at least 25 states. The Federal government would match up to one half of the aggregate spending level. It also set a finite limit to how much a candidate could give to their own campaign (Corrado 1993, 222).

The public funding provisions of the FECA was challenged in front of the Supreme Court in the case *Buckley V. Valeo* 242 U.S 1 (1976). In 1975 the Supreme Court ruled that the ways representatives were appointed to the FEC as well as restricting how much a candidate could donate to their own campaign violated Article One and Article Two of the Constitution. The complete reconstruction of FECA took 111 days (Alexander 1979, 35). Ultimately, the most critical change *Buckley V. Valeo* made was that candidates could donate an unlimited amount of their personal funds to their own campaigns.

FECA aimed to make it impossible to raise massive sums of money very quickly by soliciting it from only a select group of people; instead FECA tried to shift the focus to small donors. There is no evidence that FECA made elections any cheaper; in fact in 1988 sixteen candidates combined to spend over \$200 million, and by 2004, major party candidates were raising over a billion dollars in the pursuit of the White House (Corrado 1993, 225; Green 2019, 131). However, the FECA did for a time help more outside, ideologically driven candidates get the much-needed seed money to get off the ground.

Well-known candidates also benefit from FECA. Since well-known candidates have more name recognition and generally a more extensive support base, they are more likely to get more funds that qualify for match funding and then even further widen their gap over their competitor over time. One measure of a frontrunner in this period was their ability to qualify for match funding early.

By 2000, candidates realized they could raise much more money and sidestep spending limits if they did not take public funding. Republican nominee George W. Bush

forwent partial match funding in the prenomination process. He proved candidates could raise hundreds of millions of dollars and sidestep the strict spending limits by appealing to private donors (Milkis 2003, 28). His Democratic challenger, Al Gore, accepted the prenomination public funds and the limitations that came with it. Bush eventually received public funds for the general election; nonetheless, the standard was set. By 2004, Democratic nominee John Kerry easily surpassed Gore's funding figures, mainly because Kerry declined prenomination public funds (Green et al 2006, 10). But 2004 would be governed by a new set of campaign laws.

A second important piece of campaign finance reform came nearly 30 years after the amendments to FECA. The Bipartisan Campaign Reform Act (BCRA), introduced by Republican Senator John McCain (AZ) and Democratic Senator Russ Feingold (WI), worked to reduce the impact of "soft money" on elections. Soft money effectively rendered most campaign laws useless (Brewer et al. 2019, 170). Soft money is spent entirely outside of FEC guidelines. Donors do not give directly to a specific candidate. Instead, they give money to efforts such as electioneering communications, particularly by political action committees (PACs). Wealthy patrons could donate hundreds of millions of dollars to influence an election. Evidence shows that trade businesses and corporations are the largest donors of soft money. Twenty-three of the 25 people who gave six and seven-figure checks in 2000 were chairpersons, presidents, or CEOs of major companies (Brewer et al. 2019, 171). Similarly, in 2000 52 percent of all funds raised by the DNC were considered soft money (Green et al 2006, 4). McCain and

Feingold, holding similar fears about campaign finance that drove the initial FECA legislation, were determined to tighten the restrictions on soft money.

In 1995 when the two senators initially introduced the legislation, their goals included: banning soft money, restricting “issue advocacy ads” contributions to PACs, and granting free television time to candidates willing to limit spending (Brewer et al. 2019, 145). Free television time and less wealthy patron influence would be a win for outsider candidates. The Democratic establishment already established a network of wealthy donors to support their candidate, a barrier for every outsider candidate, and the candidate would have access to a much-needed media platform. Unfortunately, the bill did not seem likely to pass. Like the 1974 FECA amendments, it would take a scandal to push the piece of legislation through Congress and across George Bush’s desk. In 2001 just that happened – a scandal revealed that Enron Corporation was giving millions in soft money to both parties. The media frenzy that ensued shortly after pushed the passage of BRCA (Brewer et al. 2019, 146).

The final bill had several important implications for the 2004 election. Most importantly, for primaries, the BRCA banned any entity controlled by a party or officeholder from taking or giving money to any individual not subject to the FEC guidelines. To reinforce this, the BRCA regulated all funds by federal officeholders, candidates, or national party organizations active in federal elections (Green et al 2006, 33). The legislation was big for outsider candidates; it would effectively help lower the barriers to entry into a presidential race. However, in the midst of all of this, candidates were officially turning their back on public funding. In 2008, then-candidate Barack

Obama declined federal funds, and their limits, all together. In an interview with the *New York Times*, Anthony Corrado lays out the implications of Obama's decision, he says:

Obama's decision may not be the death knell of public financing, but it certainly is close to it...Public financing has become a system of last resort, rather than the jewel of the campaign finance system. Rather than being a source of funds, candidates accept public money kicking and screaming. (Wayne, 2008, *New York Times*)

2000 and 2004 proved that candidates did not need public funds for the prenomination phase, and Obama showed federal funding was not needed at all to win! The war on campaign finance laws was in full swing.

Instead of public funding, Obama opted for a new route: Internet Fundraising. Internet fundraising was not heavily relied on at this point, although John McCain used the internet to raise a moderate amount in his 2000 campaign. John McCain eventually opted for public funding, but Obama proved that internet funding provided small donations that combined to amounts far greater than any federal funding option. Obama raised \$287.5 million during the primary season, more than five times his closest Democratic challenger, Hillary Clinton (Green et al. 2011, 95). Of the \$287.5 million, \$134.2 million came in increments of \$200 or less, mainly from internet donations. Donors were easily targeted by email or online advertisements. The costs compared to soliciting mail-in donations were extremely low, and it reached far and wide through the use of internet sharing and posting. On Facebook, Obama amassed 953,000,000 followers, more than six times his closest competitor's; on Myspace Obama, had seven times more followers than his competitors (Stern, 2008). In total, Obama's videos reached 50 million views, compared to 4 million views by his competitors; Obama's

campaign used the internet in a way it had never been done before. The internet is a low-cost option to interact with a large number of potential voters. Obama forever solidified the importance of political internet fundraising and advertising.

By 2010, a series of Supreme Court cases, including *Citizens United vs. Federal Election Commission* 130 S. Ct. 876, gutted BCRA legislation. The *Citizens United* decision removed the restriction on corporate-funded electioneering communications and also struck down a restriction on the use of corporate or labor union money to explicitly campaign for and against candidates (Brewer et al. 2019; Green et al 2006). The decision opened the door for Super PACs, an added obstacle for outsiders. A Super PAC is an independent expenditure only committee. They cannot contribute directly to campaigns but can spend an infinite amount of soft money and are not subject to FEC limits or disclosure laws, dubbing the money that runs through these organizations as “dark money” (Brewer et al. 2019, 173). The rise of Super PACs is a post-2010 movement, which gives scholars two elections to see the implications for outsider candidates. With a Democrat incumbent running in 2012, the powerful nature of Super PACs revealed themselves. During the 2012 nomination campaign, candidate-linked Super PACs accounted for over 17 percent of candidate expenditures and receipts (Green et al. 2014, 97). The issue with these Super PACs is not primarily in how much they spend, but in how the Super PACs raise the money they spend. In 2012, 82 percent of donations to Super PACs were over \$50,000 (Green et al. 2014, 97). But without an incumbent president, 2016 would serve as the real testament to Democratic prenomination races.

2016 gave the Democratic party its first sense of how the nomination process would unfold: no public funds and an abundance of Super PACs. Neither Sanders nor Clinton took matching funds. O'Malley, however, did, to which a Democrat official said: "No campaign that is serious can win taking that money" (Ballhaus 2015). At this stage in campaigning, with rising costs, public funds do not allow establishment nor outside candidates the resources to win.

However, Super PACs would help provide the resources to win a nomination. Hillary Clinton embraced Super PACs; in the 2016 primary season pro-Clinton Super PACs spent \$42 million on her behalf, 21 percent of total expenditures (Green 2019, 150). Martin O'Malley raised and spent less than a million dollars. Outsider Bernie Sanders did not have the support of a Super PAC, in which he proclaimed, "I do not have a Super PAC, and I do not want one" (Green 2019, 150). Instead, Sanders's focused on the using the internet as his primary source of fundraising. Sanders followed the lead of John McCain and Barack Obama. Sanders launched an internet campaign that propelled his grass roots campaign into the next round of nomination contests. In the April 2016 Democratic debate, Sanders highlighted the fact his campaign received an average donation of \$27 from over 7 million individuals, largely due to his strong internet presence (Thomas, 2019).

To outsiders, such as Obama and Sanders's the internet could be their replacement for a Super PAC. Outsiders can spark a grassroot movement, and the internet can help them reach thousands of potential donors, and resulting in millions of dollars, for little to no cost. Soliciting small donations, via mail or directly, hindered outsiders,

they could never amount to their establishment counter parts – but not anymore with the use of internet.

The implications of Super PACs on outsider candidates cannot be understood simply by looking at the 2016 election. Issue Super PACs could support an outsider candidate running primarily on an issue platform, for example, racial justice, abortion, LGBTQ rights. However, it can be reasonably assumed, by looking at where big donors gave throughout history, that Super PACs will primarily help establishment candidates. Corporations and unions favor incumbents and have a vested interest in giving to the “most likely” candidate to maximize their legislation influence. This phenomenon is likely to push more money into the hands of establishment candidates, who benefit from additional resources such as name recognition. However, the relationship for ideologically or issue-based Super PACs and candidates is not yet tested.

V. The Outsiders

Throughout this thesis, I have distinguished establishment candidates from outsider candidates. The argument is that the various rule changes have at times favored and at other times worked against outsider candidates. Some early changes that were made to forward basic Democratic principles had the unintended consequence of encouraging outsiders to run and to do well. Other changes, like those of the Hunt and Winograd Commissions were designed to make the playing field more difficult for outside candidates

To explore these effects, we must first define outside candidates. Under the pre-1968 rules, it is clear that most nominees were favored by the establishment; those who opposed the candidates who sought the nomination by appealing to party leaders were by definition not establishment candidates, but rather outsiders. In the modern era, when the influence of party leaders has waned, that distinction is less clear.

There are the obvious outsider candidates, such as Jesse Jackson, George Wallace, and Bernie Sanders. Each of them publicly opposed the establishment, whether it was by their involvement in other parties, their lack of formal political experience, or the anti-establishment sentiments they expressed on the campaign trail through the media. On the establishment side, it is clear that Walter Mondale and Al Gore were establishment candidates; the two were sitting vice-presidents and had a plethora of donors and endorsements from the traditional Democratic establishment. But what about the candidates in the middle? Was Jimmy Carter an outsider candidate when he first ran, despite his service as Georgia's governor? Was Barack Obama, running during his first term in the Senate?

To categorize every Democratic presidential candidate from 1972 through 2016, I evaluate each potential nominee on a set of criteria. The criteria rest on two assumptions. First, I assume that candidates are establishment candidates to the extent that they follow traditional career paths, that they run when it is their "turn" to do so. Establishment Democrats operate under the assumption that time dedicated to office holding as a member of the party translates to the best fit for office. The second assumption is that more-establishment candidates will rely on large donors to fund their campaigns, arguing

that those who contribute heavily to the party do so in an effort to forward the candidacies of those favored by party leaders.

Until 2016, every president since James Garfield (who served in the House), had served as a Vice-President, Cabinet member, Governor, or United States Senator. Running for the highest office requires a network of support. In each state, candidates need to mobilize a team of supporters, often get endorsements from officials holding state office, and raise enough money to stay viable. Democrats have usually nominated candidates who followed a traditional path, who waited their turn, implying that officials that have been around the longest or held the highest office are the most “fit” to run the party.

FECA created a voluntary public funding program in the 1970s. Every major candidate until the early 2000s opted in for this campaign finance program. The primary objective of the plan was to reduce the fundraising burden on candidates as well as encourage small donations (Corrado 1993, 223). To qualify for the program, candidates needed to raise \$5000 in contributions of \$250 or less in at least 25 states. Then, candidates would be eligible for matching funds on a dollar-for-dollar basis on the first \$250 of a contribution (Corrado 1993, 224). The limit for the amount a candidate can receive in match funds is one-half the total limit for the presidential pre nomination campaign. In 1976, the limit for match funds was \$5.5 million for the prenomination phase; by 1992, it had risen nearly \$13.5 million (Alexander 1979, 15). Candidates were also subject to state by state funding limits. Once a candidate qualified for match funding, they were incentivized to solicit donations of \$250 or more. \$250 would maximize the amount of money the government would match. Candidates could solicit

donations greater than \$250 and often did, frequently from large donors known for supporting Democrats. Our assumption is that outsider candidates, with fewer establishment connections, were those who ran campaigns funded with a greater reliance on smaller donations.

Public financing lost popularity in the early 2000s when Republican George W. Bush proved an ability to raise sums of money that were greater than the available public funds; because he did not accept public funds, he was not subject to the spending limitations imposed on candidates who did so. Bush raised money largely through contacts in Texas and the Republican Establishment, of which his father was a key party of. Bush could outspend his opponents, and his campaign demonstrated to future candidates that accepting public funds would put a candidate at a competitive advantage. John McCain and later Barack Obama's reliance on internet fundraising allows small donations to remain a viable criterion for identifying outside candidates throughout the study.

Figure 1 and Table 1 categorize all candidates from 1972 – 2016 as outsiders, outsider-like, and establishment candidates. There will be a specific emphasis on a subgroup of outsider candidates, indicated in Table 2. The group of importance is outsider candidates that were competitive for more than 100 days.

Figure 1. Categorizing Democratic presidential candidates by their experience and reliance on large donors, 1972 – 2016.

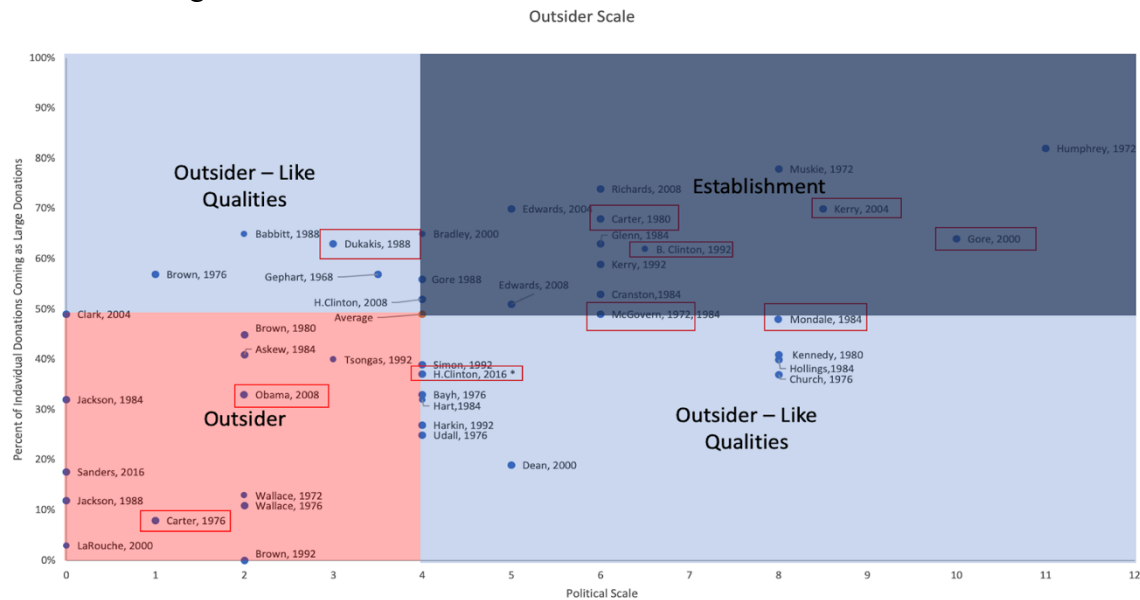


Table 1. Categorization of Democratic Candidates, 1972 – 2016

Outsiders	Outsider-like Candidates	Establishment Candidates
George Wallace, 1972, 1976	Dick Gephardt, 1968	Hubert Humphrey, 1972
Jimmy Carter, 1976	Frank Church, 1976	George McGovern, 1972, 1984
Jerry Brown, 1980, 1992	Jerry Brown, 1976	Edmund Muskie, 1972
Reubin Askew, 1984	Mo Udall, 1976	Jimmy Carter, 1980
Gary Hart, 1984	Birch Bayh, 1976	John Glenn, 1984
Jesse Jackson, 1984, 1988	Ted Kennedy, 1984	George McGovern 1984
Paul Tsongas, 1992	Fritz Hollings, 1984	Alan Cranston, 1984
Lyndon LaRouche, 2000	Michael Dukakis, 1988	Al Gore, 1988
Wesley Clark, 2004,	Bruce Babbitt, 1988	Bill Clinton, 1992, 1996
Barack Obama, 2008	Paul Simon, 1992	
Bernie Sanders, 2016	Tom Harkin, 1992	Al Gore, 2000
	Bob Kerrey, 1992	Bill Bradley, 2000
	Howard Dean, 2000	John Kerry, 2004
	Hillary Clinton, 2016 ^a	John Edwards, 2004, 2008
		Hillary Clinton, 2008, 2016 ^a

A= Hillary Clinton had considerable experience as an active first lady and appointments to the Legal Services Corporation that is unaccounted for by the graph. Her focus on internet fundraising amplified the number of small donors in her 2016 campaign, pushing her near outsider territory. Hillary Clinton was an establishment Candidate

Table 2. Number of days outsider candidates were active

Candidate	Days competitive
Bernie Sanders, 2016	154
Jesse Jackson, 1988	153
Barack Obama* , 2008	147
Jerry Brown, 1992	146
Jerry Brown, 1976	139
Gary Hart, 1984	139
Jesse Jackson, 1984	139
Jimmy Carter* , 1976	121
George Wallace, 1976	118
Jerry Brown, 1979	35
Paul Tsongas, 1992	30
Gary Hart, 1988	24
Wesley Clark, 2004	14
Reubin Askew, 1984	2

Days competitive is the days from the first primary to the candidates respective drop out or nomination secure date

Source: Drop out data is from William G Mayer, The Making of Presidential Candidates, 2012 and the New York Times.

Outsiders who remained in the race for over 100 days had some of the most significant effects on the Democratic platform. Some highlighted the inequalities existing within the party, others pushed for change in the reform process, and a select group reminded the mainstream Democratic party of its values.

Outsiders and establishment candidates alike are affected by several aspects of the nominating process that have been contentious over the last half century. The key issues facing all candidates are delegate allocation systems, the preferred role given to some states, sequencing, and frontloading of nomination events. In the review of the nominating process, it is clear there are cases in which the party has taken deliberate action to step back from the democratization of the early reforms. The role and success of the outsider candidate depends on navigating not only the reforms but also the issues that all candidates face. To properly understand this challenging task for outsider candidates, it is important to review delegate allocation systems, sequencing, and frontloading.

VI. Issues in the Current Nominating System

Primary and Caucus Systems

Exactly *how* delegates are allocated is an important factor in the eventual success, or downfall, of a candidate. The main focus will be on Winner-take-all, Winner-take-more, proportional, and loophole contests. Each of them is a result of a long succession of debate among party regulars, reformers, and activists. Each of them also has its benefits and drawbacks to outsider candidates. Below is a brief explanation of each system, as well as an example that is relevant for this analysis.

- Winner-take-all (WTA): The candidate with the plurality of votes gets all of the delegates for that state. In 1972, George McGovern garnered all 271 delegates by winning 43.50 percent of the primary vote in California. His closest competitor, Hubert Humphrey, won 38.58 percent of the vote and received 0 delegates (Cook 1973,42).
- Winner-take-more (also known as “Bonus-System.”): The candidates that meets the minimum threshold of votes received is allocated delegates based on a proportional allocation system. Then, the winner is given a handful more of delegates, in addition to the ones that candidate earns proportionally, as a bonus. This system was devised in the 1980s during the hunt commission. The system was used by a number of states in 1984 and 1988 until it was banned in 1992. (Green Papers, 2020). In 1984 Walter Mondale won 4 of the five winner-take-more primaries. He was able to turn narrow victories into major delegate hauls. In Pennsylvania, he won 45 percent of the vote, and nearly 80 percent of delegates (Orren 1985, 36).
- Proportional Representation (PR): The candidates receive a proportion of delegates that is proportional to the percent of votes they win in a respective state. If this were in place in California (with a zero percent threshold), McGovern would have received 118 votes, Humphrey 105, George Wallace 21, and the others 27 (Calculated by author from America Votes)
- Loophole primaries: The loophole primary got its name in 1976. Loophole primaries were a way around the abolition of Winner-Take-All primaries. McGovern-Fraser banned WTA primaries at the congressional level, but the Winograd allowed WTA primaries to occur in single member district states. This was the loophole primary. The Hunt commission later reinstated WTA at the congressional district level (Maisel et al 2002, 283). In 1976, Carter won 14

loophole primaries, including Texas. In Texas, Carter won 96 percent of delegates, with 47.6 percent of the vote. Loophole primaries had the potential to swing an entire election before the party banned this system in 1980, except for Illinois and West Virginia which maintained the right to hold loophole primaries (Green Papers 2020; Kamarck 2019). Loopholes were completely banned in 1992.

The 1968 convention did not take a hard stance on the unit rule or, as we know it, winner-take-all nomination contests. WTA allowed for all of the entire state's delegation to be based on the preference of the plurality, effectively eliminating support for candidates who did not emerge on top in any state. Winner-take-all, and later loophole primaries often helped more well known, typically, establishment candidates. Throughout the 1970s, reformers pushed for proportional representation, arguing that it could help outsider candidates gain momentum early on to compete with the establishment and favorite-son candidates. In 1976, the Winograd Commission finally dealt with the issue of replacing WTA and loophole primaries with proportional representation. It is evident that WTA and loophole primaries helped establishment candidates. However, in addition to dealing with the political contentious topic of Delegate Allocation, the Winograd Commission had to deal with the weight of the White House. After Jimmy Carter's 1976 victory he wasted no time considering his prospects for a 1980 reelection campaign – one that would be run like a true establishment candidate.

The Carter administration was worried that a strictly proportional system would create an abundance of candidates who would try to influence the now-incumbent front-runner's campaign with their delegate bargaining chips. For example, people could enter the race to bring attention to an issue, in hope that it would gain enough momentum for the party platform to take the issue on. But how else could the Winograd Commission and the Carter White House stifle the effects of proportional representation? Thresholds.

They created a threshold of votes that each candidate must obtain to receive any delegates in order to receive delegates. The idea stuck, and by 1992 the national party mandated a 15 percent threshold where it has remained ever since (Jewitt 2019, 171).

Table 3 breaks down the prevalence of each system throughout the reform era and into the current system. The table graphically lays out the changes that occurred throughout the reform era, specifically throughout the Sanford, Mikulski, and Winograd Commissions.

Table 3. The breakdown of state delegate allocation from 1972-2016

Year	Proportional Representation	Direct Election of Delegates	Winner-take-all by congressional district	Winner-Take-All by state
1972 ^a	13 states ^b (16%)	9 states (33%)	6 states (14%)	5 states (12%)
1976	41 states (58%)	14 states (41%)	1 state (1%)	
1980	54 states (94%)	2 states (6%)		
1984	38 states (47%)	8 states (29%)		
1988	39 states (54%)	7 states (15%)		
1992	55 states (99%)	1 state (1%)		
1996	56 states (100%)			
2000	56 states (100%)			
2004	56 states (100%)			
2008	56 states (100%)			
2012	56 states (100%)			
2016	56 states (100%)			

- Source: A replica of Elaine C Kamarck's work in *Primary Politics*, pg. 89.
- a= only includes primary states
- b=the word states includes six US territories

Table 3 can be misleading because it implies a complete swing toward proportional representation. As outlined in the history section, a core pillar of the McGovern-Fraser Commission is "fair reflection" of voters' preferences throughout the primary season. However, the 1988 primary season brought with it a new surge of delegates, known as Superdelegates.

Superdelegates

After the 1980 election and the establishment of the Hunt Commission, party regulars got their way with the creation of superdelegates. Superdelegates came to the convention officially uncommitted. The Hunt Commission asked for 30 percent of delegates to be superdelegates, but eventually settled for 14 percent. The number of superdelegates gradually increased to about 20 percent in 2008, before settling back down to around 15 percent in the 2016 election (Green Papers, 2020). Table 4 indicates the superdelegate's strong preference for Establishment Candidates. After all, superdelegates are essentially Establishment figures casting these votes.

The interesting case highlighted in 2008 is an anomaly in which we see a clear establishment candidate, Hillary Clinton, receive fewer votes than outsider Barack Obama. However, Obama deployed an establishment strategy. He enlisted John Kerry, the 2004 Democratic nominee, former Senate Majority leader Tom Daschle, and several other high-ranking establishment figures to help court the remaining superdelegates (Nagourney et al., 2008). Obama also benefited from an unprecedented superdelegate switch, in which several dozen superdelegates switched from Clinton to him. Clinton's acceptance demonstrates the establishment candidate's willingness to accept the role of

superdelegates, a role which outsider Bernie Sanders would later attack in his race against Clinton in 2016.

Table 4. Superdelegate pledges per candidate from 1992 – 2016

Year	Type of Candidate	Total Super Delegates	Super Delegates pledged to Candidate
2000			
Al Gore (Winner)	Establishment	800	673 (84%)
Bill Bradley	Establishment / Outsider- Like	800	8 (1%)
Uncommitted	-	800	119 (15%)
2004			
John Kerry (Winner)	Establishment	802	234 (29%)
John Edwards	Establishment	802	-
Howard Dean	Outsider – Like	802	-
Wesley Clark	Outsider	802	-
Al Sharpton		802	-
Other	-	-	566 (71%)
2008^a			
Hillary Clinton	Establishment	852	251.5 (31%)
Barack Obama (Winner)	Outsider	852	502.5 (59%)
2016			
Hillary Clinton (Winner)	Establishment	712	568.5 (80%)
Bernie Sanders	Outsider	712	43.5 (6%)
Other (Available)		712	100 (14%)

Source: Green Papers

A = in 2008, Clinton initially lead the count in super delegates, before a large and unexpected switch, when it became clear Barack Obama would be the nominee.

The importance of delegate allocation and superdelegates works in tandem to the political calendar, particularly the roles of the invisible primary, front-loading, and the preferred status held by Iowa and New Hampshire.

The Role of the Early States

The calendar plays a vital role in determining a presidential candidate's realistic chance at the nomination. The schedule was not set in stone by the McGovern-Fraser commission; however, the Commission did mandate that all aspects of the nominating process must begin in the calendar year of the election.

Numerous reforms have dealt with the two key issues of the contests' calendar—states' preference to go first and front-loading the calendar. The Winograd Commission set the primary season to the three-month window from early March to early June. However, Iowa and New Hampshire were given their traditional early slots. As they were unrepresentative states—in terms of racial composition and economic bases—other states were envious and traditional Democratic constituencies felt slighted. The local Iowa newspaper, *The Des Moines Register* correctly points out, “[Iowa] is not first because it is important, is important because it is first” (Ulmer, 2019).

The media attention, the money spent, and candidate visits are among the many reasons states want to hold their contests early in the window. In New Hampshire, a woman was asked how she felt about a particular candidate, to which she responded: “I don't know, I have not met him yet!” (Kamarck 2019, 69). The states that go last often feel as if they have no say in the fate of early candidates. Many candidates will have dropped out, someone may have locked up enough delegates to secure the nomination, or

in a contested race, where later states may have the most influence, candidates may have exhausted all of their resources because they spend so much in Iowa and New Hampshire. The depletion of resources was a much bigger problem in the era of public funding. Still, even under modern political finance culture, the nomination does not last long enough for the later states to have the influence of the states permitted to have their contests before the window opens.

Some states have tried to move in on Iowa and New Hampshire. In 1971, Florida tried to overtake New Hampshire's preferred status by moving its presidential primary in advance of New Hampshire's. In 1976, New England tried to create its own regional Super Tuesday on the very day that New Hampshire was to hold its primary (Mayer 2004, 10). And in 2008 Michigan and Florida attempted to move their primaries to before or near Iowa's and New Hampshire's. Why? William Mayer suggests it is an envy of Iowa and New Hampshire (Mayer 2004, 24). The money, recognition by candidates, and the media attention serve as a strong motive for states.

And what is in it for the candidates? A small number of states having early contests—particularly if they are states that exhibit retail politics and are not overly expensive to campaign in—provide a clear advantage to outsider candidates. They can show a good measure of viability, a potential boost in fund-raising, and more media attention for what is perceived as an early victory, even if the candidate loses!

There are clear benefits for both states and candidates to going earlier in the primary window. However, no state will ever likely take over Iowa and New Hampshire's preferred placement in the calendar. Thus, states seek to maximize the impact of their delegates, usually resulting in front-loading. Front-loading occurs when a

large number of primaries and caucuses take place early on in the political year or clustered on the same day (Maisel et al., 2008 ; Mayer 2004). States can cluster their primaries with other states in their region to make that region of the country more attractive for candidates to visit and appeal to.

Nomination Contest Sequencing

Before one can truly understand front-loading, it is important to understand its roots: Sequencing. The sequence of primaries after the early contests is clearly important. As Elaine Kamarck points out: sequence matters (Kamarck 2019, 27). One of the pioneers of the idea of sequence strategy was Hamilton Jordan. Jordan was Jimmy Carter's chief strategist in his successful outsider campaign of 1976 (Kamarck 2019, 27). The pair understood, perhaps more than anyone, that an early win in Iowa would be crucial to show Carter's viability. Beyond that, understanding that the Democratic party rules gave delegates in proportion to their share of the vote to any candidate who ran in a primary, Jordan and Carter decided to campaign everywhere. Carter went on to run in 30 presidential primaries, the most by any candidate, to that time (Kamarck 2019, 28). Contesting every contest as Carter did was a revolutionary idea at the time but now a modern campaign staple.

The Carter camp also saw that the sequence of the primary contests mattered. If a campaign could do well in the early primaries and then pile up a string of victories in a short period of time, that campaign could secure the nomination before any of the other candidates garnered momentum.

The foundation sequencing is rooted in political clout. Outsiders and first-time candidates rarely have the political influence over state party organizations to get states to move their entire contest. The ability to move a primary can help a candidate by creating a calendar in which they will do well early in the process. But moving a state's primary or caucus is no easy task. In 1980, as a sitting President, Jimmy Carter faced nomination challenges from California Governor Jerry Brown and Senator Edward (Ted) Kennedy. Tom Quinn, chairman of the Brown for President Committee, predicted that President Carter would be the first to drop out of the 1980 race; he told the *New York Times*, "My guess is that this will narrow down after the Illinois primary to Brown and Kennedy (*New York Times* 1976). The challengers feared each other more than the sitting president. It was clear that politically Carter could be in trouble, even within his own party. Carter's camp, the outsiders in 1976 but a clear establishment campaign by 1980, needed to form a primary calendar that was advantageous to the incumbent campaign's strengths and lessened the influence of the weaknesses. Ultimately, what strategic politicians like Carter and eventual establishment candidate Walter Mondale realized is that they could reduce the impact of the victories of their opponents by pushing their losses onto the same day as significant victories. Carter, using the power of the White House, pushed Mississippi, South Carolina, and Oklahoma to move their contests up. He created a front-loaded calendar.

Front-Loading

Carter laid an early base for front-loading, but Walter Mondale took it to new extremes. Mondale, a sitting Vice-President with strong establishment ties, went so far as

promoting straw polls to get his financially strapped opponents to spend just a little bit more. The 1984 calendar was front-loaded, but with predominantly southern states, which would likely help Jesse Jackson because of the strong African American voting blocs in the south. Mondale used his power to push Massachusetts and Rhode Island to move their contests up, as those states would give him an advantage.

Al Gore used a similar strategy in 2000. Like Mondale, a former Vice President, Gore, the sitting Vice President, was the clear establishment candidate. He used his influence to push state officials to create a calendar that was conducive to his candidacy. The establishment candidate encouraged delegate-rich California to move their competition up and successfully lobbied the Rules and By-Laws committees to deny South Carolina and Michigan the right to move their primaries up, a shift that would have hurt Gore's efforts (Kamarck 2019, 35). South Carolina wanted to move its primary up to mirror the Republican race in their state, but the Gore camp was worried that, since Bradley was within striking distance of him before the New Hampshire primary, his campaign needed to move other contests back further. That way, in a worst-case scenario for Gore, Bradley would win New Hampshire, but it would be over a month before he got another shot. In that case, the Gore team hoped Bradley would fizzle out (Kamarck 2019, 35). Gore had infinite establishment connections and resources from the White House, and the By-Laws committee was generally sensitive to the desires of establishment candidates like Gore. Eventually, South Carolina canceled its primary, and many traditionally Democratic voters chose to vote in the Republican Primary (Firestrone, 2000).

Without the political clout, two other issues keep candidates from shaking up the calendar too much. As Kamarck notes, the first includes the fact that state legislatures set the dates more than a year in advance. Second, some state legislatures do not care enough (Kamarck 2019, 35). Some contests are rooted in state tradition or too closely tied to state races, which are far more relevant to local officials.

Table 5a illustrates the increase in the number of primaries, but also highlights the post-Carter increase of front-loading.

Table 5a. Number of Democratic Primaries Held Each week from 1976 – 2016

Weeks	1968	1972	1976	1980	1984	1988	1992	1996	2000	2004	2008	2012	2016
1	1	1	1	1	1	1	1	2	1	1	1	1	1
2	0	1	1	1	0	1	1	0	0	6	1	0	1
3	0	1	1	3	5	0	4	9	0	2	1	0	1
4	1	0	1	1	1	16	8	7	0	1	1	1	10
5	0	1	1	2	1	1	2	3	0	1	16	1	2
6	0	0	0	3	1	0	1	1	14	9	3	0	5
7	1	0	2	0	1	1	0	0	6	4	1	0	1
8	1	2	0	0	0	1	3	0	1	1	0	2	0
9	4	6	0	1	0	0	0	0	0	0	4	7	1
10	2	2	2	0	3	1	0	1	2	0	1	2	0
11	0	2	4	4	4	1	1	0	0	0	0	2	1
12	2	2	2	2	2	3	3	3	0	0	0	0	5
13	3	0	2	1	0	2	2	2	0	0	0	3	1
14	1	4	6	3	0	1	1	1	3	1	0	0	2
15	1	0	3	8	5	0	2	1	2	1	0	0	1
16		1	3			0	6	4	1	2	0	6	1
17	1	1				4			2	3	1	0	0
18	0	1							0	0	0	3	0
19									5	2	1	2	5
20										2	2	2	1
21											0	1	
22											2	5	

Source: William Mayer for data from 1968 – 2000, 2004-2016 collected by author.

Table 5b. Percent of total delegates won after respective week

Week s	1968	1972	1976	1980	1984	1988	1992	1996	2000	2004	2008	2016
1	2	1	1	1	1	1	1	1	1	1	1	1
2	2	5	5	6	1	1	1	1	1	14	5	1
3	2	13	9	14	18	1	8	15	1	20	7	1
4	8	13	17	22	27	42	31	44	1	22	13	23
5	8	17	19	36	29	49	41	59	1	23	66	28
6	8	17	19	41	41	49	43	73	47	52	74	48
7	15	17	35	43	49	51	43	73	65	70	77	50
8	22	29	35	43	49	54	56	73	71	76	77	50
9	43	43	35	51	49	54	56	73	71	76	89	52
10	49	51	43	51	53	63	56	80	79	76	90	52
11	49	61	54	61	74	70	62	80	79	76	90	60
12	58	64	57	64	77	79	68	86	79	76	90	71
13	84	64	65	66	77	81	70	88	79	76	90	73
14	88	85	73	70	77	83	72	90	79	82	90	75
15	100	85	76	100	100	83	75	92	86	85	90	77
16		100	100			83	100	100	88	87	90	79
17						100			89	92	96	79
18									92	92	96	79
19									92	94	97	99
20									100	100	99	100
21											99	
22											100	

Source: William Mayer for data from 1968 – 2000, 2004-2016 collected by author.

However, the concept of front-loading is not just moving primaries and caucuses to the front of the calendar but also clustering the contests together (Brewer et al. 2019, 255). In the years 1968 – 1976, each of the first six weeks had at most one primary. In 1980 we see the beginning of what we now know as Super Tuesday. Then in 1984, we see Mondale’s gradual progress at balancing out the southern Super Tuesday that Carter fostered with the addition of two northern states to end week three with five contests. However, it is not until 1988 when we see a real uptick in primaries held in a single week. In 1972, 22 percent of primary states held their contests in the first five weeks of

the political calendar; by 2008, 57 percent of nomination events occurred in the first five weeks. The 57 percent of primaries was spread across 13 days, with a high of 15 primaries held on a single day (March 5).

The well-documented conventional wisdom is that concentrating too many events too early on can decide the nomination too soon (Jewitt 2019; Mayer 2008). It would render the rest of the primaries irrelevant and, more importantly, not grant timely and meaningful representation, as the McGovern-Fraser Commission hoped for. The Hunt Commission referred back to these goals when committee members criticized the ability of a handful of states to decide the nomination early on (Jewitt 2019, 93). However, there are two ways to think of the McGovern-Fraser goals within this context. The second is front-loading could promote the stated purposes of timely and meaningful representation amongst the states. First, more states can participate earlier. A long procession of contests does not skew the statewide results so that the contest is decided before the later states participate. Candidates' viability is unclear, and more importantly, voter participation is high. Second, in 2008 there were six candidates and a heavily front-loaded calendar. Still, the contested nomination lasted until June 3. In total, the race for the 2008 presidential nomination was competitive for 152 days until Barack Obama secured the nomination. Obama won enough delegates to secure the nomination, but not until week 22. Every primary and caucus up until that point had an opportunity to influence the nomination in a meaningful way.

To understand this phenomenon further, we can compare Table 5a and Table 6. Looking at the relative front-loading and comparing it with the days competitive can draw some interesting conclusions. In 1976 when outsider Jimmy Carter won, the

nomination was contested for 142 days from the start of the primary and caucus season to the time Carter won. According to Table 5a, 2000 saw a relatively fair amount of front-loading, and still, that nomination was wrapped up in 45 days when Al Gore was the last candidate standing on March 14. It is clear that there is more to the story when a candidate drops out, but for now, it is worth noting how full, meaningful, and timely representation can evolve and be interpreted in multiple ways.

Table 6. Democratic primary race candidates and number of competitive days

Year	Candidates	Days Competitive
1976	Jimmy Carter (<i>Winner</i>)	121
	Jerry Brown	
1980	Jimmy Carter (<i>Winner</i>)	98
	Ted Kennedy	
1984	Walter Mondale (<i>Winner</i>)	112
	Gary Hart	
	Jesse Jackson	
1988	Michael Dukakis (<i>Winner</i>)	112
	Jesse Jackson	
1992	Bill Clinton (<i>Winner</i>)	105
	Jerry Brown	
1996	Uncontested	
2000	Al Gore (<i>Winner</i>)	42
	Bill Bradley	
2004	John Kerry (<i>Winner</i>)	45
	John Edwards	
2008	Barack Obama (<i>Winner</i>)	147
	Hillary Clinton	
2012	Uncontested	
2016	Hillary Clinton (<i>Winner</i>)	119
	Bernie Sanders	

Source: New York Times, “The Primary Rules” by Caitlin Jewitt

Table 7 indicates the years in which races ended before the convention because all, but one candidate dropped out, or a single candidate secured enough a majority of delegates. Viewing Tables 6 and 7 together, we can see the years in which there was substantial front-loading and which states had a meaning role in deciding the nomination (i.e., what percent had yet to hold their contests before the nomination was decided). In

2008, Super Tuesday saw the lowest number of primaries in the post-2000 era; yet that election had the lowest number of states whose primaries were held before the result was determined. In Table 6 we can see the days a race was competitive. In 2008, the clear establishment candidate, Hillary Clinton, lost a heavily front-loaded calendar in what would be the longest competitive race in the post-reform era.

Table 7. Percent of primaries that occurred before the nomination was called

Year	Date Called	Percent of Nominations before the call date	Reason for Calling
1976	June 9, 1976	100%	Opponent Withdrew
1980	June 3, 1980	100%	Opponent Withdrew
1984	July 16, 1984	100%	Opponent Withdrew
1988	April 21, 1988	79%	Majority of Delegates
1992	March 19, 1992	46%	Majority of Delegates
1996		Uncontested	
2000	March 9, 2000	41%	Opponent Dropped out
2004	March 4, 2004	56%	Opponent Dropped out
2008	March 4, 2008	80%	Majority of Delegates
2012		Uncontested	
2016	May 4, 2016	74%	Majority of Delegates

Source: *New York Times*, “The Primary Rules” by Caitlin Jewitt, *American Votes Volumes 1-27*,

Caitlin Jewitt points out in her research on front-loading that heavily front-loaded elections could force candidates to do more work in the invisible primary. The invisible primary is the extended period between the last election of a president and the first round of primaries. Aspiring candidates must travel, particularly to New Hampshire, Iowa and other early key states in an attempt to court voters and state officials. It is where they can generate support, raise money, and look for platform ideas. A strong showing in these states comes with great rewards for the candidacy. The invisible primary is often focused on building a strong relationship with these early states (Buell 1996, 2). The earlier states, the more work in the two to three years leading up to the first primaries. If the events were more back loaded, the media could do more in-depth coverage of each candidate,

and theoretically, give outsider candidates more time to make up ground (Jewitt 2019, 84). Instead, the media does surface-level coverage. It must cover the candidates, the polling before and after each contest, the momentum candidates gain, and the quitters. After all, in 2008, the media had to cover six candidates, 20 primaries, several additional caucuses, and try to provide an in-depth analysis of candidates, all within five weeks.

The Winograd Commission was a group of reformers working distinctly to give power back to the parties. It felt the pressure from the Carter White House to foster an environment for the incumbent. Ultimately, the commission created the three-month primary window, and with that came front-loading the modern primary and caucus calendar. Frontloading does require more upfront costs. Candidates need to be in more places at once. They need people on the ground, campaign staff, and to reach large, diverse blocs of voters. This could perhaps discourage outsider candidates. There is a large body of literature to support such a claim (Mayer 2004). But still, outsiders are entering the nomination race, and in some instances, putting up a great fight. For now, it is clear that front-loading does play a part in outsiders' success but is not all of the story.

VII. Hypotheses and Data

Hypotheses

The reform process outlined in the prior section, combined with the scholarly literature references, raise a number of questions, the more significant of which I am going to address in the sections below. I will examine three hypotheses. Before I discuss the first hypothesis, recall that financial data and endorsement data, such as the number of small donors a candidate has, the amount of committee money, and the number of

super delegates a candidate garners have been used to differentiate establishment candidates from outsider candidates, as depicted in Figure 1 and Tables 1 and 2. These categories are not mutually exclusive as we will see in the case of Jimmy Carter, who transformed from an outsider candidate to an establishment candidate between 1976 and 1980. We also now add another way of categorizing candidates, specifically those who do not win the nomination —sore losers. How candidates respond to losing, the number of events that they attend for their opponent after the election, the date on which they endorse the winner, and a losing candidate's attempt to reform the rules after the election cycle will serve as indicators for sore losers.

- H1: The prominence of Iowa and New Hampshire as early caucus and primary states emphasizes retail politics and draws participation from populations that are unrepresentative of the Democratic party. The results of these early contests reverberates throughout the nation and have the potential to encourage outsider candidates, because it is easier for them to gain momentum in these smaller states on which they can concentrate their campaigns.

In H1, the dependent variable will be the outsider candidate and the length of their campaigns. It is measured by taking the number of days between the first primary contest and the day the candidate drops out. The independent variable will be the rules, more specifically, the threshold candidates must reach in a primary or caucus to receive any delegates at all. To test this hypothesis, we will collect data on the percentage of votes a candidate receives that the percentage of delegates that

candidates has at the national convention. We will compare the number of delegates a candidate received or would have received under various thresholds, arguing that winning more delegates will encourage a candidate to stay in the race. This data will come from the *New York Times* Archives, Green Papers, America Votes and a computer code by Natalie Maus.

- H2: Party rules, particularly lowering the proportional representation thresholds, leads to more outsider candidates running and staying in for longer than might have occurred under other rules

In H2, the dependent variable will be the candidate that wins the Iowa caucus and New Hampshire primary. The independent variable will be *who* is voting in the nomination process. To get this data, I rely on the work of William Mayer and exit poll data compiled from Roper (originating from polls from various news outlets).

- H3: Outsider candidates who remain in the contest for a long period of time are more likely to become sore losers than those candidates who drop out earlier or whose support is more closely aligned with the establishment.

In H3, the dependent variable will be how candidates respond to the outcome of the nominating process (i.e. whether or not the candidate becomes a sore loser), and the independent variable will be how long these candidates stay in for and how far of an outsider they are. The data for this analysis will come from several sources. Green

Papers will serve as the source for when candidates entered or left a race, major news outlets (*New York Times*, *Washington Post*, etc.) archives, and Rhodes Cook Newsletters will distinguish how a candidate responded to losing the election. The same metrics for categorizing establishment candidates will be used to determine how the candidates responded to their loss, did they blame the party? The rules?

VIII. Iowa and New Hampshire: By The Numbers

Throughout this thesis and any discussion of presidential nominations, the role of Iowa and New Hampshire draw emphasis. The role of the two states was discussed by many of the reform commissions and was a point of national contestation in the Price-Herman Commission; Their role has been discussed as one of the important considerations in determining who wins Democratic nominations. Iowa and New Hampshire were crucial for candidates gaining momentum, specifically Jimmy Carter. But the importance of these states stretches well beyond just outsider candidates; every candidate in recent contests has seen them as pivotal.

With that importance, and because of the two states' political environments, candidates take a retail politics approach to Iowa and New Hampshire, unlike most states. Retail politics is a campaign approach that involves candidates attending local events and targeting voters on a small-scale, "door to door" style. If Iowa and New Hampshire were representative of the demographics of the nation, those elections could signal to the nation a prospective candidate's viability, platform, and electability. However, Iowa and New Hampshire are disproportionately white, affluent, and old; they are largely rural and

have few manufacturing industries; but the states still have a disproportionate advantage over other states in picking the nominee.

In 1988, Michael Dukakis spent 28.7 percent of his time in Iowa, while his rival Jesse Jackson spent 21.1 percent of his time in Iowa. The Price-Herman Commission tried to give more regional and racial diversity to the early contests. Theoretically, the retail politics should have also spread to Nevada and South Carolina, the two first contests after Iowa and New Hampshire. Still, Nevada and South Carolina do not get nearly as much attention from candidates as do Iowa and New Hampshire. In 2020, Joe Biden held 117 events in 59 days in Iowa, and Bernie Sanders held 138 events in 62 days. By comparison, Joe Biden held 30 events in South Carolina and just 9 in Nevada. Bernie Sanders made 41 stops in South Carolina and only 11 visits to Nevada (The Nevada Independent 2020; The Post and Carrier 2020). There is still a bias towards the first two contests. Historically, it pays for candidates to focus on Iowa and New Hampshire (Table 8)

Table 8. Iowa and NH Finishes by Democratic Nominees

Election	Nominee	Iowa	NH
1972	George McGovern	3	2
1976	Jimmy Carter	2#	1
1980	Jimmy Carter*	1	1
1984	Walter Mondale	1	2
1988	Mike Dukakis	3	1
1992	Bill Clinton	4	2
1996	Bill Clinton*	1	1
2000	Al Gore	1	1
2004	John Kerry	1	1
2008	Barack Obama	1	2
2012	Barack Obama*	1	1
2016	Hillary Clinton	1	2

Source: Rhoades Cook News Letter, January 2020

= He is often credited with winning the Iowa Caucus, although he finished behind "Uncommitted"

Aside from Bill Clinton in 1992 and presumably Joe Biden in 2020, every eventual nominee has finished in the top 3. In 1992 Iowa Senator Tom Harkin handily won the Iowa Caucus with 76.6 percent of the vote (Des Moines Register). “Uncommitted” finished second, while Paul Tsongas and Bill Clinton finished a respectable third and fourth. A candidate's performance in Iowa and New Hampshire has a significant effect on national polls (Table 9). Table 9 shows that unexpected performances, even losses, can boost candidates' national standings and propel relatively unknown candidates into the spotlight. In 1984, for instance, Gary Hart made 60 stops in Iowa, more than any of his competitors, and rallied to a second-place finish in Iowa, despite polling at 1 percent before Iowa (Busch 2008, 53). In 1988, Hart only visited Iowa 34 times, the second least of any competitor. Dukakis, on the other hand made 84 stops in Iowa in 1988. Suggesting a relationship between the number of stops a candidate makes and their finish.⁵

⁵ The Des Moines Register is a local newspaper that keeps a database of visits from every candidate for every presidential election since 1972. New Hampshire does not have as reliable historical data.

Table 9. Candidate polls before, during and after the first two nomination contests

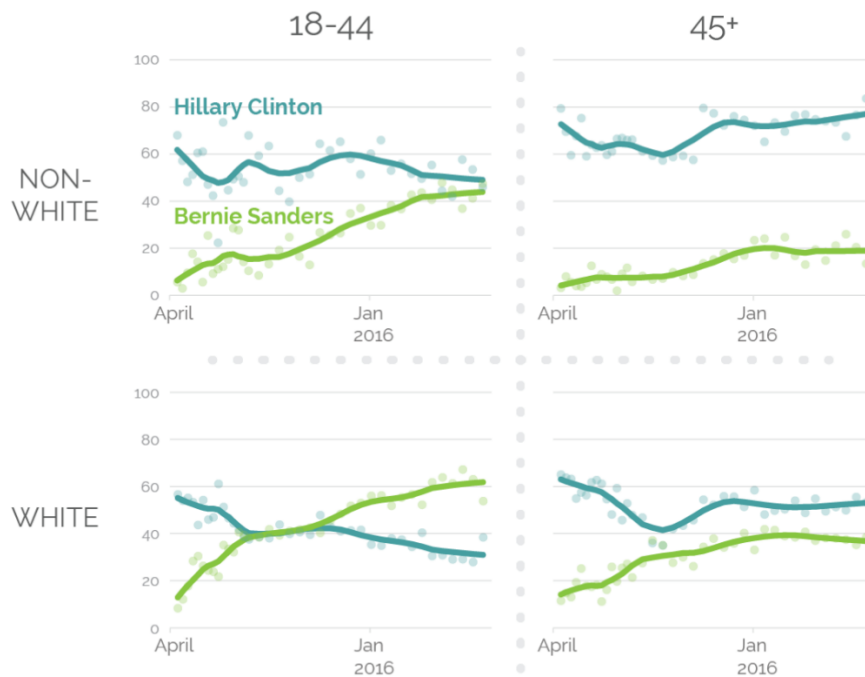
Candidate	Last Poll before Iowa (%)	Poll between Iowa and New Hampshire (%)	First Poll After New Hampshire (%)	Total Change (%)
1980				
Carter*	51	61	66	+15
Kennedy	37	32	27	-10
1984				
Mondale*	43	57	31	-12
Glenn	16	7	7	-9
Jackson	12	8	7	-5
Hart	1	7	38	+37
1988				
Hart	17	9	7	-10
Dukakis*	13	16	22	+9
Jackson	13	12	14	+1
Gephardt	9	20	13	+4
1992				
B.Clinton*	42	-	41	-1
Brown	16	-	7	-9
Kerrey	10	-	6	-4
Tsongas	9	-	31	+22
2000				
Gore*	60	67	65	+5
Bradley	27	21	24	-3
2004				
Dean	25	-	14	-11
Clark	19	-	9	-10
Kerry*	9	-	49	+40
Lieberman	8	-	5	-3
Edwards	6	-	13	+7
2008				
H.Clinton	45	33	45	0
Obama*	27	33	13	+6
Edwards	15	20	13	-2

Source: *The Making of Presidential Candidates*. William G. Mayer, 2016 calculated by author

- = Winner.

Iowa and New Hampshire provide a much-needed bump for candidates who excel at reaching voters through retail politicking. However, that makes candidates hyper-aware to the issues that pertain specifically to Iowa and New Hampshire. In addition to regional differences, there are differences among demographics. For example, Figure 2 shows nationally the demographic voting differences in the 2016 race between non-whites and whites, broken down individually by age.

Figure 2. National voting preferences by age and race, April 2015 – June 2016



Source: William Jordan, YouGov

Younger white people were more likely to favor Sanders, while older people of color were more likely to support Clintons. However, the groups that supported Sanders were overrepresented and those that supported Clinton underrepresented in Iowa and New Hampshire. Tables 10 and 11 show the extent to which these states do not reflect the demographic composition of the nation. African Americans and Hispanic are underrepresented in three of the first four contests, while white Americans are overrepresented three of the first four contests (Frey, 2020). The representation not only has an effect on voters of color's interest, but also those of candidates of color. In 2017, Neil Visalvanich found that white voters less likely to vote for Hispanic and Black candidates because these voters perceive the minority candidates as less competent and more ideologically extreme (Visalvanich, 2017). With data supporting the conclusion that

minority candidates struggle with white voters, it is undemocratic to have predominately white states go first and have disproportionately strong influence in the nomination process.

Table 10. Racial Distribution of Iowa, New Hampshire, and the United States

Race	Iowa	New Hampshire	The United States
2016			
Not Hispanic or Latino	95.5	96.7	83
White alone	89.4	91	62
Black or African American alone	2.7	1	12
Asian alone	1.6	2	5
Hispanic	4.5	3.3	17.3
2010			
Not Hispanic or Latino	95	96.4	84.3
White alone	88.7	93	64.7
Black or African American alone	2.9	1	12.2
Asian alone	1.7	2	4.6
Hispanic	5.6	3.3	15.7
2000			
Not Hispanic or Latino	97.2	98.3	87.5
White alone	92.6	95.1	69
Black or African American alone	2.5	1	12.3
Asian alone	1.5	1.6	3.6
Hispanic	2.8	1.7	12.5

Source: US Census Bureau of Statistics

Table 11. Median Age Distribution of Iowa, New Hampshire and the United states

	Median Age
2016	
Iowa	38
New Hampshire	42.7
The United States	37.7
2010	
Iowa	38.1
New Hampshire	40.3
The United States	36.9
2000	
Iowa	36.6
New Hampshire	37.1
The United States	35.5

Source: US Census Bureau of Statistics

To candidates, success in Iowa and New Hampshire is imperative to a long, healthy and hopefully successful candidacy. The importance of these two states creates a retail political atmosphere in Iowa and New Hampshire. Voters in these states get a disproportionate number of visits and small intimate gatherings with prospective candidates; in 2020, that trend continued. Many candidates did not even make it past Iowa or New Hampshire, giving these states undue influence over who stays and who goes. Unfortunately for the nation, Iowa and New Hampshire are not representative of the diverse interests of every individual in the United States. The stronghold these two states have over the nomination system is undemocratic.

IX. Case Studies

It is clear that the rules create a space for outsider candidates to compete for the Democratic nomination, and at times, even win. Outsider candidates running are not new phenomenon, but in the post-reform era, there seem to be more of them, yielding a new result: sore losers. It is not to say there were no bitter losers in the pre-reform era, but these candidates did not have the platform to become the sore losers that we see in post 1968 candidates. In this section, I discuss some of the prominent outsider candidates, looking at why they ran, the impact of the rules of their candidacies, and the success or failure of those candidacies. The factor which will distinguish some outsider candidacies from others is whether the losing outsider was a “sore loser.” For this purpose, I define sore loser as candidates who refuse to pledge their support to the winning candidate in a

timely or enthusiastic fashion and blame their eventual loss on the nomination rules written by the party establishment.

Before turning to the outsiders in the period under study, I begin with a discussion of Estes Kefauver, an outsider candidate from an earlier era, to demonstrate the road that outsiders had to take before the rule changes begun after the 1968 convention.

Estes Kefauver

Outsider candidates existed long before the rule changes of 1968 that gave modern outsider candidates heightened visibility and viability. As Andrew Busch notes in his work (Busch 1997, 109). the current political outsider phenomena is similar to older outsider campaign models, with a spotlight (Busch 1997) .

In 1904, William Randolph Hearst sought the Democratic presidential nomination. Hearst was a first-term congressman with little party clout, as the process was still in the “turn” structure stage. The rookie did have one thing going for him– he was a successful businessman with a huge media presence Hearst owned nine newspapers and amassed enough wealth to offer the DNC \$1.5 million “to relieve the national committee from the necessity of appealing to the trust magnates” (Busch 1997, 130). The party was appalled by such an offer; leaders called it “an open and unblushing effort of a billionaire to purchase the presidential nomination” (Busch, 1997, 130). However, a millionaire seeking to influence the party and voters, with his money and connections, is not too far-fetched of an idea in modern politics, regardless of party; yet in 1904, Hearst failed miserably.

Nearly fifty years after Hearst, another outsider emerged: Estes Kefauver. In the early 1950s, Kefauver was a junior senator from Tennessee. In 1950-1951 Kefauver

attracted nationwide attention for his role as chairman of the Special Committee to Investigate Organized Crime; the committee's televised hearings would eventually embarrass both President Truman and the Democratic party (Grant 1972, 372). Kefauver was one of the first people to become a political contender based on massive television publicity, a revolutionary idea at the time. As mentioned earlier, in the 1950s party bosses controlled significant voting blocs, and therefore generally asserted a great deal of influence over the nomination process. The Special Committee implicated several prominent Democrats and highlighted the Truman Administration's lackadaisical approach to eliminating corruption within the federal government. On January 23, 1952, Kefauver made two shocking announcements. First, he announced that he would seek the Democratic nomination for president. Second, he announced that he would enter most of the upcoming primaries, starting with the New Hampshire primary (Grant, 1972, 372).

Kefauver ran his campaign on a populist, anti-trust platform. He stressed personal contact, connecting with voters, and making broad general claims to entice a mass following, but he lacked concrete policy proposals. Presaging a criticism that would be leveled at Jimmy Carter nearly 25 years later, Kefauver was said to have "too much form, too little substance" (Busch, 1997, 133). Most of his appeal stemmed from his anti-corruption agenda and his personal charm as he sought to generate a voter base (Busch, 1997, 133).

At the time, President Truman had not announced if he would seek reelection. Kefauver's announcement pushed Truman also to enter the New Hampshire primary, although he vowed to do no campaigning in New Hampshire. After all, the President

noted, “all these primaries are just eyewash when the convention meets, as you will find out” (Grant, 1972, 373). The president was not just right, he was *painfully* right.

Over 36,999 New Hampshire Democrats showed up to vote in their state primary, a very high number for the time. The results captured the eyes of millions of Americans—the official count of the primary: Kefauver 19,800; Truman 15,927. Kefauver’s victory secured him all twelve of the state’s delegates, as well as prime time news coverage. According to estimates by experts, ninety percent of the nation’s major news outlets printed stories on the New Hampshire primary (Grant 1972, 373). Eventually, Truman decided not to run. He was facing declining favorability ratings and a possible challenge from a beloved general, Dwight Eisenhower. The decision not to seek reelection did not mean Truman would support Kefauver. In fact, Truman despised Kefauver and gladly tossed his support behind almost any other candidate, including Adlai Stevenson, who took over as the establishment candidate (Fried 1970, 176). By the end of the primary season, Kefauver had won twelve of fifteen primaries. In addition to the primary victories, he dominated public opinion polls in the days leading up to the convention. Polls showed Kefauver leading the pack with 45%, compared to Stevenson’s 12% (Busch 1997,132).

Kefauver faced several problems that eventually denied him the nomination. First, he confronted a political environment where primaries chose only two-fifths of convention delegates. Second, he was not attached to any organized wing of the party, instead relying on his charisma and populist tactics to win favorability. He did not have a body of supporters to call upon as delegate candidates. In essence, he could not turn his popular votes into delegates, which ultimately highlighted what Busch notes as “the non-

plebiscitary nature and pro-organizational bias of the mixed-system” (Busch 1997, 134). The third and final, problem was the rules and the way his competitors played these rules. Stevenson did not compete in a single primary in 1952. This lack of competition discounted the significance of Kefauver’s victories and helped party officials write off his popularity.

The hopeful Kefauver camp even went so far as preparing an acceptance speech that circulated through Kefauver’s top staff. It is unclear if Kefauver himself ever read the address, but there is a copy of the speech with markings that are believed to have been made by an enthusiastic Estes Kefauver. The speech attacked General Eisenhower, came out guns blazing, and vowed not to go down easily. One of the most relevant aspects of the speech called for a change in the nomination process. It stated “Your participation in the process of selecting a president should not be limited to election day. Your vote, your voice, your letters, your prayers, have blazed this path which a Democratic convention has Democratically followed.” (Fried 1970, 179). The speech called for opening the process, bringing it into every home in America, and longed for a time in which people would reflect on the previous conventions and reject their actions. Kefauver would later call for a national primary (Busch, 1997, 134).

After losing the 1952 primary, Kefauver ran again in 1956. He still did remarkably well in primaries but struggled to turn them into delegates. Once again, Kefauver faced Stevenson, and once again, he lost to Stevenson. Stevenson again, went on to lose the general election to Eisenhower. One thing did change; however; in 1956, Kefauver was named the candidate for Vice-President. In 1956 Stevenson lost by an even

bigger margin than in 1952. Unlike Kefauver, Stevenson “went down with grace – one of the most revered losers in history” (Fried 1970, 178).

It cannot be said that for certain that Kefauver would have won the nomination in 1952 under different rules. However, it cannot be ignored that an increase in primary importance and strengthening the connection between grassroots voters and the national convention, which followed the post-1968 reforms, would have aided Kefauver’s efforts. It is evident that Kefauver’s campaign struck eerie similarities to the eventually successful campaign of Jimmy Carter. Kefauver *did* intend to change the rules, he intended to change the establishment, he was in a sense a sore loser, but a loser without a voice; he had no platform to push overarching party change.

George Wallace

Eight years after Kefauver, George Wallace entered the presidential race for his first attempt at the presidency. The case of George Wallace is unique, both in the substance of the campaign and in the timing. Wallace ran for president as a Democrat seeking the nomination in 1964, as an independent in 1968, again as a Democrat in 1972 in 1976. George Wallace ran before, during, and after the historic 1968 election. He was a Democratic Governor from Alabama, although Wallace famously said, “There’s not a dime’s worth of difference between the Democrat and Republican parties” (Gillespie 2012, 118).

In 1964 the Civil Rights movement was in full swing, and the mainstream Democratic party began promoting inclusion and racial equality. While many Americans generally accepted and supported this shift, some did not; and that is the niche George

Wallace appealed to. Wallace was a populist candidate that ran on a state's rights platform. By 1972 Wallace shifted into a more moderate candidate, but a description from the *New York Times* rang true for all of his candidacies,

His admirers have called him an indomitable fighter for the best of American tradition. His enemies have labeled him a stubborn opportunist calling up the darkest impulses of the American spirit (McFadden, 1972).

George Wallace was polarizing and divisive, and he fed on appealing to the emotions and fears of a select group of Americans. At times that nature of George Wallace held him back, and at times it propelled him forward. He never gained the respect or support from either establishment party to run competitively in a major party, but managed to run one of the most successful third party bids ever.

In 1964 Wallace, running against President Johnson and stressing the difference between his avowed segregationist views and LBJ's civil rights legacy, showed support from socially conservative Democrats but had no real effect on the party's renomination of an incumbent president. Four years later, Wallace headed his own third party, the American Independent Party, a party of conservative white voters eager to slow the social progress of African Americans (Gillespie 2012, 119). He did extremely well as a third-party candidate, winning five southern states and 49 electoral votes, and showing the success of his appeal.

After 1968, Wallace decided to run for president again, as a Democrat. In 1972, Wallace took a more centrist approach and said he no longer believed in segregation (Lowndes 2008, 100). Instead, Wallace ran as a champion of the middle class, to fight against the "lazy welfare loafers" and the super-rich (Lowndess 2008, 100). Wallace won

five primaries in 1972 and placed second in five others. Although, like other outsiders, his primary wins did not translate directly to delegate votes (Figure 2).⁶

Figure 2. Delegate allocation for George Wallace under various thresholds, 1976⁷

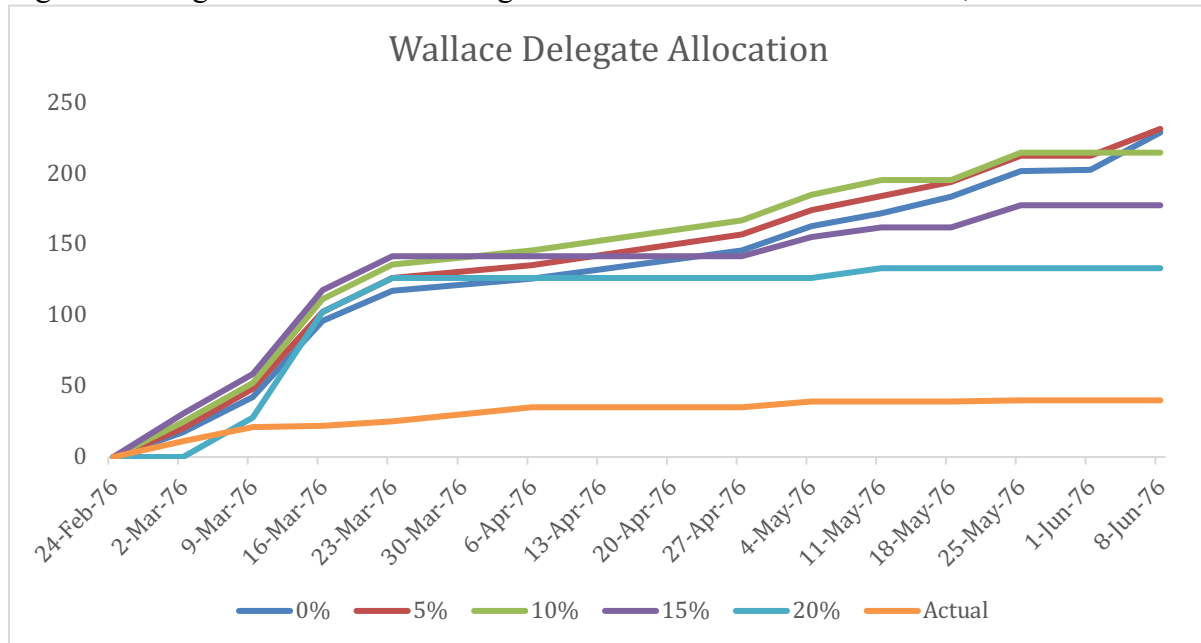


Figure 2 represents 5 hypothetical outcomes. Wallace’s delegate allocation under a proportional 0 %, 5%, 10%, 15% threshold system.⁸ As an outsider, it is expected that the lower the threshold, the higher the delegate count. As an outsider, Wallace is not expected to have “land-slide” victories or win more than 15-20 percent of the vote in the early competitions as he is just gaining momentum; especially running against establishment candidates like Hubert Humphrey. In general, we would expect that outsider candidates experience this trend, while establishment candidates win more

⁶ Reliable data information for 1986, 1964 is not available.

⁷ Nomination rules made primaries and caucus in most states irrelevant, and many nominees did not even run most primary and caucuses. Additionally, campaigns might well have been run differently if the rules had been different but that these figures are presented to estimate the impact of rule changes.

⁸ Historical data collection is less reliable than that of primaries, for these calculations, delegate counts are solely based on primary votes. Since 1976, a majority of states have held primaries, in the 2020 election over 85 percent of states held binding primaries accounting for over 96 percent of delegates.

delegates under higher thresholds because delegates are not given to smaller candidates, and more often than not the establishment candidates are getting high percentages of votes.

Wallace would have benefited from universal proportional representation and a 0 percent threshold. It would have likely advanced his campaign, although his viability was hindered by a force that was greater than any nomination rules. On the eve of the Michigan and Maryland primaries, Wallace was shot. Wallace lived but never regained full mobility. He dropped out shortly after the attack, never throwing his weight behind the establishment.

Wallace's 1972 candidacy shows that the delegate allocation rules – both winner-take-all and proportional – can benefit an outsider candidate. As Andrew Busch notes, in 1972 Wallace won 91 delegates from the states that switched from Winner-Take-All in 1968 to proportional representation, up from the 64 delegates he would have won from these contests under the pre-reform rules (Busch 1997, 142).

At the 1972 convention, Wallace supporters dissented from several platform plank, tried to put forth a motion on school prayer, and generally made Wallace's presence felt despite his physical absence. Wallace remained paralyzed from the waist down after the shooting. Wallace was held back by the rules of 1972, and the party knew it. The 1972 Democratic Convention authorized the Mikulski Commission. In December of 1974, George Wallace said he was generally pleased with the charter the party adopted, but maintained that the party needed to mandate a national primary to let the people decide the nomination (*New York Times*, 1974), a fundamental change in

nominating procedures that would help a candidate like Wallace, whose platform was run on personally connecting with voters and appealing to their current emotions.

The candidacy of George Wallace had a lasting effect on the decision of the Mikulski Commission and the ongoing debate over proportional representation. Both the party officials and reformers wanted a mechanism to block a candidate like Wallace, whose appeal was divisive not unifying, from taking control of their party.

Wallace ran again in 1976. However, the issues such as bussing in Florida, that he emphasized in 1972 had fizzled down by 1976. Wallace again was well suited to benefit from the rules. FECA allowed candidates to receive match funding from the government, something that outsiders like Wallace who rely heavily on small donors, would benefit from. But the rules did not help Wallace enough. The nomination of 1976 shows that happens when a less divisive, centrist candidate enters the race. Jimmy Carter attracted not only centrist Democrats, but the southern conservative voters that once supported Wallace. Finally, on June 13, 1976, George Wallace endorsed Jimmy Carter for president. The endorsement meant the end of a 12-year chase for the presidency that covered four election cycles, two parties, and millions of supporters. Wallace blamed his demise on public misconceptions about his health.

Wallace was a sore loser, for his time. He outwardly spoke out against the party, the progressive platform and its leadership. For many years Wallace fought the Democratic establishment, attempted to change its platform, and was increasingly critical of the party shifting to accept a more progressive social platform. Like many outsiders, in his final failed attempt at the Oval Office, he conceded quickly and enthusiastically endorsed the nominee, Jimmy Carter, in his case just four days after .

Jimmy Carter

Jimmy Carter was a unique outsider, the only one to win the presidency and then run an establishment reelection campaign. Like Kefauver, he was from the South, but the two outsiders had vastly different approaches to the issue of racial equality. Carter presented himself as an advocate for racial equality. Carter sought the respect of prominent civil rights leaders, such as Dr. Martin Luther King Jr. Carter was the first successful southern presidential candidate since the issue of slavery divide the Union. After George Wallace dropped out, Carter presented himself as the only moderate in a cluttered field of liberals.

In 1975, Jimmy Carter's first tenure as governor of Georgia ended. In the years between the governorship and the 1976 Democratic primary, Carter traveled the country, establishing a personal network of supporters in every state. He specifically targeted areas where traditional party organizations were weak and political leaders were amenable to an outsider candidate, such as Pennsylvania (Busch 1997, 10). Carter benefitted not only from having more time to travel than his competitors, such as Congressman Mo Udall, but also in the fact he learned from McGovern's 1972 campaign.

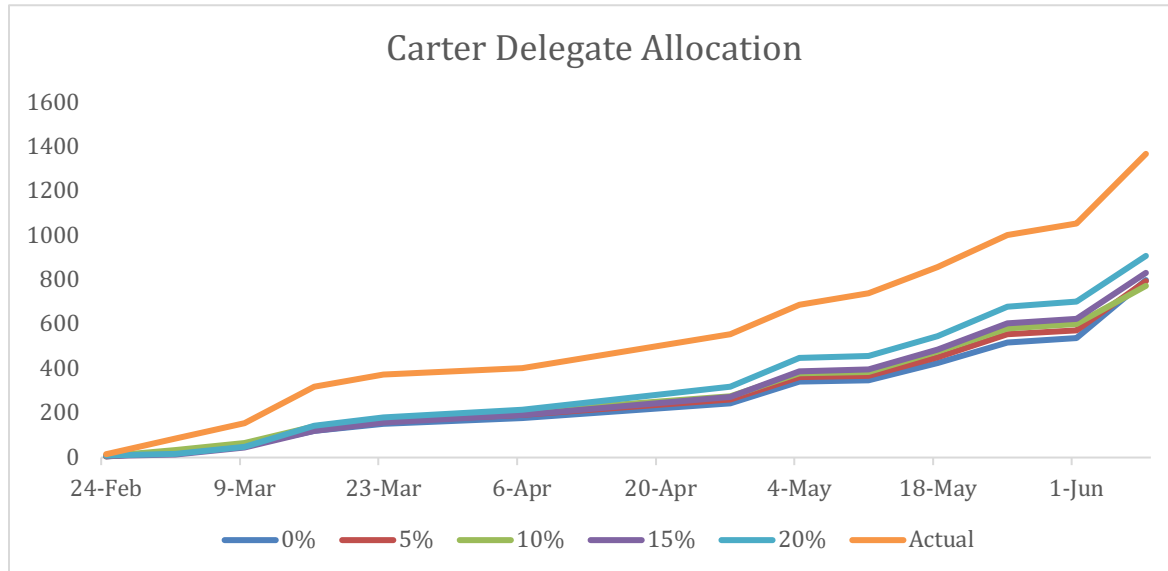
In all, Carter's 1976 victory came from skill, the effect of the new rules, a few mistakes from his closest competitors, and the Supreme Court shutting down the Federal Election Commission and ending matching funds, in the middle of primary season. His broad claims appealed to every faction of the party; suddenly, he was capturing the Wallace voters as well as minority groups in the South – which was imperative for a white post-Wallace candidate. Like Wallace, Carter thrived on popular alienation, except

Carter was less divisive and generally vague on most issues. It should not be mistaken, Carter had plenty of policy ideas, but they were not the pillar of his campaign.

After a triumph over Wallace in Florida, Carter virtually eliminated the right-wing competition, leaving him the only “good old boy” in the race. A series of narrow Carter victories in Wisconsin (aided by Udall’s not having matching funds on which his campaign was counting), Michigan, and South Dakota took out Congressman Udall, and by the time former Vice President and 1968 candidate Hubert Humphrey joined the race, it was too late. Carter’s broad appeal, the changing financial landscape after *Buckley v. Valeo*, and miscalculations by opponents propelled him forward; with each victory, Carter climbed a bit higher in the national polls. Carter benefitted from gaining momentum as the primary calendar progressed—and picking up delegates even in late primaries that he lost.

The rules turned out to be the perfect storm for Carter. Carter benefited not only from proportional representation but also from several critical victories in loophole primaries. Carter won 14 loophole primaries, most notably, In Texas Carter picked up 92 delegates on 47.5 percent (Kamarck 2019, 101). However, proportional representation also helped Carter when he lost five of the last seven primaries and still managed to pick up a significant number of delegates, enough to put him over the top. Carter’s ability to understand the rules and the effect of Iowa and New Hampshire superseded his status as an outsider, creating a delegate allocation chart that more closely responds to an establishment candidate.

Figure 3. Delegate allocation for Jimmy Carter under various thresholds, 1976



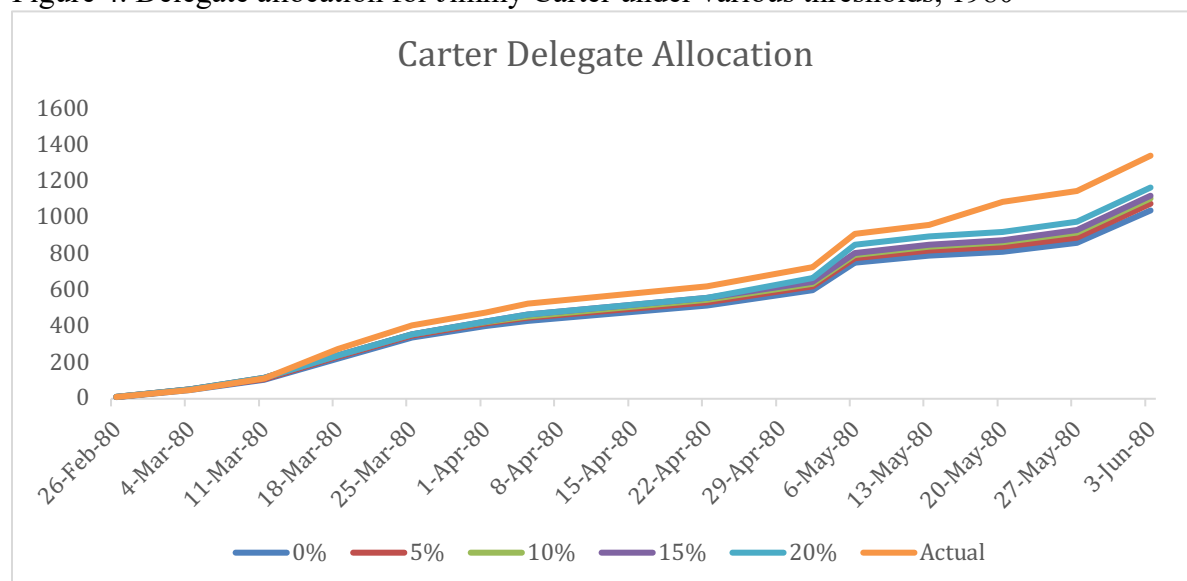
Source: Delegate total compiled by author from data found in America Votes Volumes 1 -3

Still, Carter would not have substantially benefited from a higher threshold (Figure 3). He was profiting from something else: loophole primaries, the suspension of public matching funds from the FEC, careless mistakes from his competitors, and the fact establishment candidate Senator Hubert Humphrey was running an old-school campaign. Humphrey did not realize the extent of the nomination shift from his last nomination campaign in 1968.

Carter's 1980 campaign was nothing like his 1976 campaign. Instead, Carter took an insider approach to secure the 1980 nomination. In 1974 the DNC authorized the Winograd Commission, and in 1976, after Jimmy Carter had been elected, the commission expanded to include his bloc of supporters. His supporters on the commission did not want an open and competitive process; instead, they pushed for the reinstatement of the unit rule, a shortened primary season, and a requirement for 15 percent of the primary vote to receive delegates.

Carter did not want his competitors to do precisely what he did in 1976, win early on in the primary season and have enough time to collect resources to challenge the President (Kamarck 2019, 30). As mentioned, Carter used the full weight of the Whitehouse to create a calendar that best suit him, running as an establishment candidate against another establishment candidate, Senator Ted Kennedy. Carter shorted the primary season, encouraged states to hold their nomination contests on dates that were conducive to him, and pushed for a party-wise 15 percent threshold. The threshold meant that candidates needed to receive 15 percent of a primary or caucus vote to be awarded any delegates. The threshold would be a barrier to outsider candidates. Figure 4 shows that as an establishment candidate, Jimmy Carter did benefit from a higher threshold.⁹

Figure 4. Delegate allocation for Jimmy Carter under various thresholds, 1980



Source: Delegate total compiled by author from data found in *America Votes Volumes 1 -3*

⁹ but the real loser was outsider Jerry Brown. Jerry Brown received 0 delegates in the early stages of the race, unable to gain momentum he eventually dropped out, also becoming a sore loser. Interestingly, Kennedy, as an establishment candidate, did the best under a 15 percent threshold, even while challenging an incumbent president.

Carter's 1980 campaign benefitted from one more unexpected event, Iran taking 43 Americans as hostage in their Tehran embassy. In 1979, Carter's approval rate plummeted; a poll in July showed that Carter's approval hovered just around 26 percent; barely above the historic low set by Harry Truman during the Korean War and Nixon before he left office amid the Watergate scandal (Pomper 1981, 6). That approval shifted with the emergence of a crisis. On November 4, 1979, rebels seized the American Embassy in Tehran, taking more than 50 hostages. Carter presented himself as a calm, collected leader, while his opponents within the Democratic party could only offer patriotic solidarity and support for the President. In June of 1979, Gallup asked a sample of national adults:

Suppose the choice for President in the Democratic convention in 1980 narrows down to Jimmy Carter and Edward Kennedy. Which one would you prefer to have the Democratic convention select?

Only 27 percent of respondents said Carter, while 62 percent said, Kennedy. By November, Gallup found that nearly 40 percent of respondents said Carter, and 50 said Kennedy. Finally, in December, when Gallup asked the same question, over half of the respondents said Carter, while 34 percent said, Kennedy (Gallup Polls, 1979).

The Iran crisis shifted the perceptions of Carter's leadership qualities, which is a typical phenomenon in times of crisis, known as the "rally around the flag effect". Carter used the momentum and his duties in the White House to run his 1980 candidacy like a true insider.

In addition to manipulating the rules, Carter used the full power of the White House. Federal grants correlated with causes and primary events; he personally called nearly 20 people a day in contested states, granted exclusive interviews to the media in

contested primary states and used news conferences and speeches to promote himself and attack his challengers (Pomper 1981, 22).

The rules change, the crisis, and the press generated by being president worked for Carter – he won the nomination and secured a shot at four more years in the White House. Throughout his presidency, the nation questioned Carter’s leadership abilities, competence, and general ability to be president. However, just as he and his campaign staff skillfully used the 1976 to benefit his outsider candidacy, by 1980 he had consolidated power as the establishment candidate and pushed for new rules that helped him win renomination, running as the incumbent with all of the benefits of the office of the presidency.

Jesse Jackson

The Reverend Jesse Jackson ran for president in 1984 and 1988. Rev. Jackson was the clear outsider in both races but had a significant impact on the Democratic party and its platform. Jesse Jackson was an active force in the civil rights movement and continues to be a strong advocate for racial equality. Jackson had no formal political leadership experience. He spent the majority of his time in the 1960s working for the Southern Christian Leadership Conference (SCLC). Jackson’s work on SCLC impressed Dr. Martin Luther King Jr. Jackson soon became Dr. King’s right-hand-man. After Dr. King’s death, Jackson followed in King’s footsteps; he became an ordained Baptist Minister, focused on progressing the civil rights movement, and growing in national prominence.

In 1984 he announced his intentions to run for president. It was clear from the beginning that Rev. Jackson's objective was not to win the nomination, but rather to unify and to solidify minority voters. As Lorn Foster noted "the Jackson Campaign was an extension of the civil rights movement and can best be understood in that context" (Busch 1997, 110). Shortly after Jackson announced his 1984 candidacy, the *New York Times* noted:

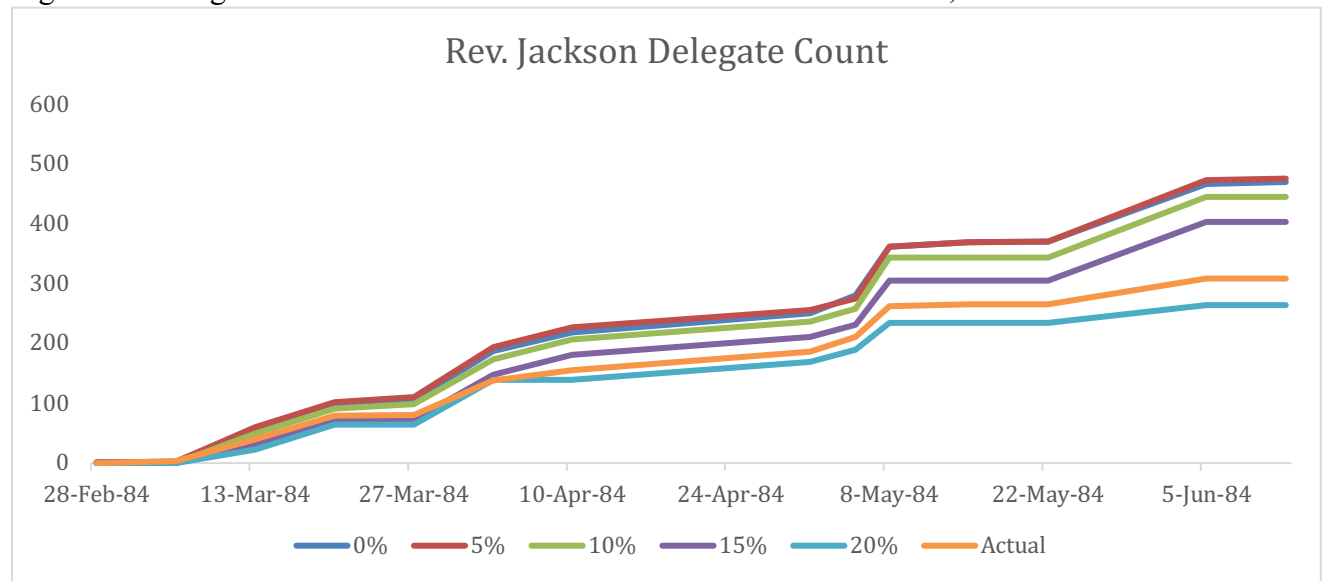
Mr. Jackson had referred to his potential candidacy as an attempt to register more voters, assist in the election of local black and other minority candidates, secure a bloc of delegate votes that could become influential in a close convention and focus attention on issues of concern to those "locked out" of the political process. He has rarely talked of winning the nomination (Smothers 1983).

Jackson was campaigning to be a voice for the "blacks in white society." His focus was to break down the barriers for black people, women, Hispanic people, Jewish people, and everyone else who was discouraged from running based on race, religion, and sex (Smothers 1983).

In this sense, Jackson's 1984 campaign was a success. Ultimately, the 1984 race was primarily a two-person race between Gary Hart and Walter Mondale. Walter Mondale was an establishment favorite. He was the vice president under Jimmy Carter in 1976, and Carter's running-mate in the 1980 election. Hart on the other hand, was a liberal challenger that drew more progressive independents and more highly educated Democrats. Hart was McGovern's campaign manager, an author of the McGovern-Fraser reform, and generally well versed in the reform movement. However, Jackson secured enough of the popular vote to have an impact on both candidates, and the platform. Jackson won nearly 21 percent of the popular vote, compared to Mondale's 39 percent and Hart's 36 percent. Jackson was held back by allocation and threshold rules of

1980, and he was quick to point it out. Figure 5a shows the difference in the number of delegates Jackson would earn under the different thresholds and using strictly proportional representation. Mondale, the clear establishment candidate, benefitted the most from the rules as they stood (Figure 5b). The higher the threshold, the more delegates Mondale won. Still, because of the allocation system, winner-take-all, loophole, etc. Mondale ended the race with more delegates than his portion of the popular vote would predict.

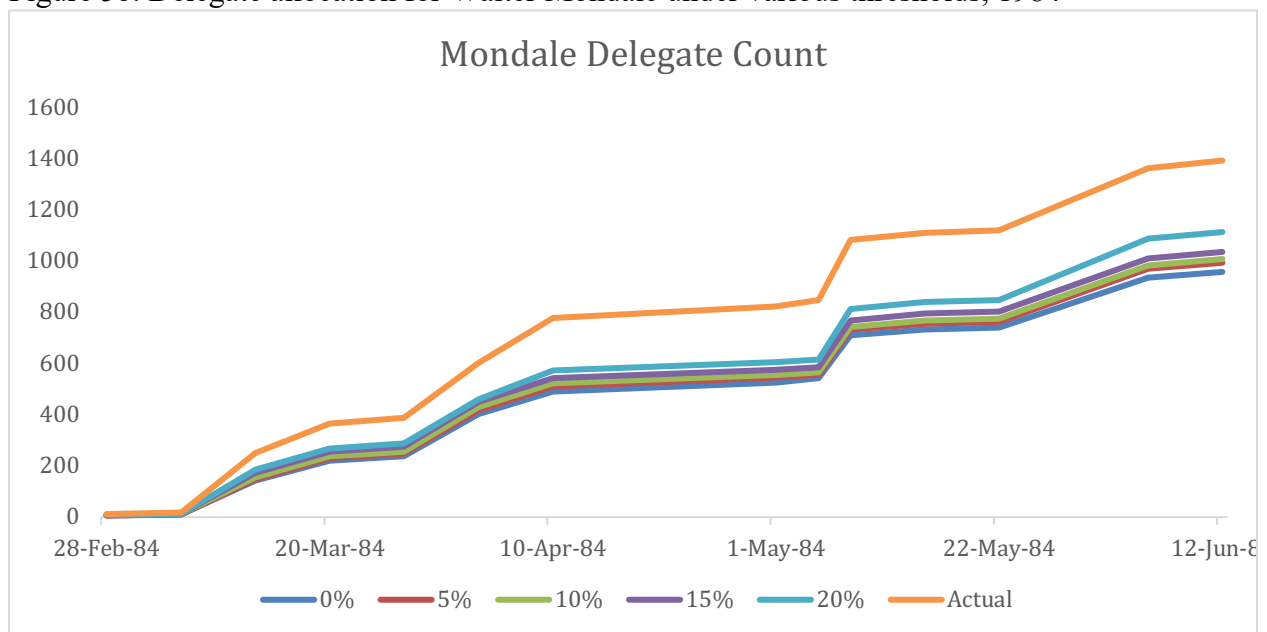
Figure 5a. Delegate allocation for Jesse Jackson under various thresholds, 1984



Note: the 0% and 5% are roughly the same and overlap. It causes some difficulty in identifying the 0% line

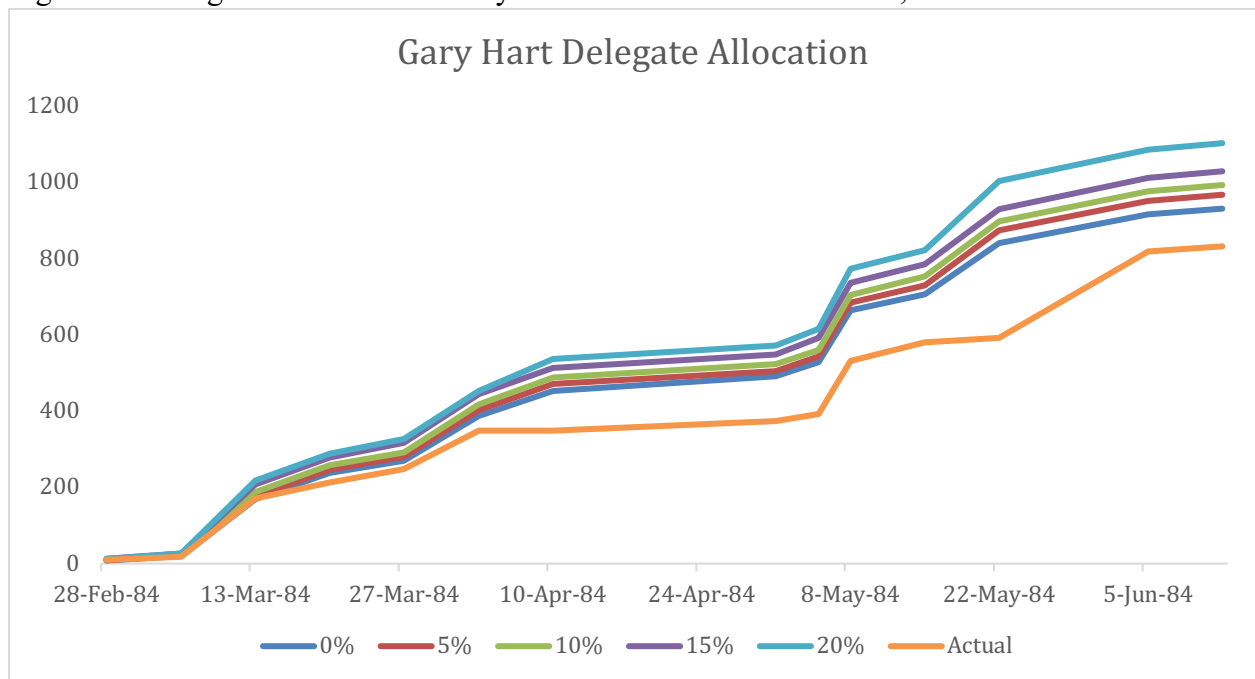
Source: Delegate total compiled by author from data found in America Votes Volumes 1 -3

Figure 5b. Delegate allocation for Walter Mondale under various thresholds, 1984



Source: Delegate total compiled by author from data found in America Votes Volumes 1 -32

Figure 5c. Delegate allocation for Gary Hart under various thresholds, 1984



Source: Delegate total compiled by author from data found in America Votes Volumes 1 -32

Jesse Jackson particularly struggled with the 20 percent threshold. Although Gary Hart also suffered a significant setback with the delegate allocation rules. Jackson attacked the nomination rules early and often in his 1984 campaign. In January of 1984, he supported a party motion to lower the threshold candidates must achieve to receive delegates from 20 percent to 10 percent (Marcus, 1985). The motion was denied. On July 18, the start of the Democratic National convention, it was clear Jackson was not the nominee. Jackson, along with unsuccessful candidate Gary Hart, complained that the rules were discriminatory. To soothe tensions at the convention, DNC Chairman Paul Kirk authorized the Fairness Commission (Maisel 2002, 276)

On August 29th, 44 days after the convention and months after it was clear Jackson would not be the nominee, Jackson announced he would campaign for the Mondale – Ferraro ticket. Jackson added, “My support will be broad-based, and my involvement will be intense” (Weinraub, 1984). However, in the 25-minute press conference with Mondale, Jackson was purposely vague about the number of times the two would campaign together. Jackson embraced the Mondale ticket but shifted his attention to the Fairness Commission.

The Fairness Commission had its first organizational meeting on June 26, 1985. Jackson, nearly a year after his loss, continued to attack the establishment. He used his platform to call for change and push the DNC to discontinue “its present course of resisting and being dragged along kicking and screaming into the future [of the diversifying the party]” (Marcus, 1985). Jackson testified that,

'We objected to the rules from the very beginning... we said they were unfair and predicted the likely outcome at the start. Yet we were ignored and rebuffed. Our appeal to the Democratic party is for it to learn a lesson

from the mistakes of 1984 and urge that you not make the same mistakes again in 1988 (Marcus, 1985).

Jackson was quick to point out that in many states, his proportion of delegates did not translate to the same percentage of delegates awarded to him. Jackson wanted universal proportional representation and a reduction of superdelegates. In a small concession to Jackson, the commission recommended lowering the threshold to 15 percent. The commission also recommended increasing the number of superdelegates, much to Jackson's dissatisfaction. In 1984 Jackson was more than a sore loser, he was a sore candidate, and perhaps to him, that was the goal all along.

Jackson ran again in 1988. This time, Jackson appeared ready to drop the fight with the Democratic party over the nomination rules he attacked in 1984. Instead, he focused on meeting with farm groups, leaders of organized labor, and other Democratic constituencies. The 1988 election, Jackson received about 95 percent of the black vote, as compared to 50 – 60 percent in the previous election (Busch 1997, 111). In the 1984 nomination contest, some black voters preferred to support the more established candidates. This time, Jackson found himself in a two-person race with Michael Dukakis. In the end, Jackson won 29 percent of the primary vote while Dukakis won 42 percent of the popular vote in the 1988 nomination race.

Despite a warm embrace on the National Convention stage, Jackson did not appear on Dukakis's behalf until September 16th. A full 60 days after the convention, and 148 days after Dukakis secured enough delegates to win the nomination.

Jesse Jackson was never going to concede before a convention; he was trying to make a statement, especially in 1984, but still in 1988. He wanted the media platform to push his agenda, to force Dukakis to listen to his platform. If Dukakis wanted Jackson's

supporters, he was going to have to work for it, and he did. Dukakis promised to ban all nonproportional representation and reduce the total number of superdelegate by 250. The DNC rejected the ban on all nonproportional representative, but the number of superdelegates was lowered to 10 percent of all delegates for the 1992 nomination competition. Jackson regarded the change as “ a victory for the people... A new Democratic party is dawning” (Dionne, 1988).

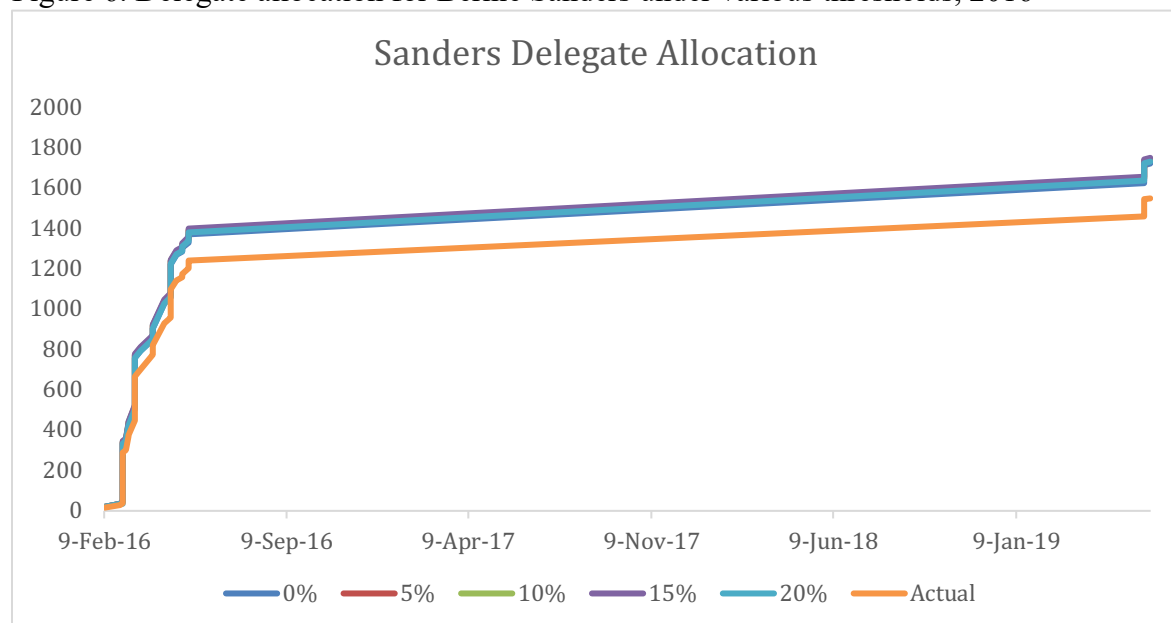
Jackson was an outsider, he had no formal political experience, ran a grassroots campaign, and was vocally against the establishment throughout the 1984 and 1988 races. He was also a sore loser, it took Jackson nearly 42 days to pledge his support for Dukakis and in the months and years after the election, Jackson was vocally against the rules of 1988. Even though he lost, he had an impact on all future establishment. He has forced a change that led to a lower threshold and fewer superdelegates, a move that would benefit all long-shot candidates- including one he would later endorse.

Bernie Sanders

On April 29, 2015, Bernie Sanders announced he would challenge Hillary Clinton for the 2016 Democratic presidential nomination. Bernie Sanders had been elected to several public offices before announcing his presidential bid. From 1982 – 1987, he was mayor of Burlington, VT from 1988- 2004, a member of the House of Representatives, and since 2006 , he has been a United States Senator. However, he held each of these offices he held as an independent, not as a Democrat, referring to the party with whom he always caucused in the Congress as “ideologically bankrupt” (Thrush, 2019). Sanders is a self-proclaimed Democratic Socialist. Thus, he has self-defined as an outsider.

Sanders ran a progressive grassroots campaign. Unlike Jackson, proportional representation and thresholds did not hinder Sanders too severely (Figure 6). Instead, Sanders was particularly hurt by superdelegates, closed primaries, and, as he says, “the party favoring Hillary”(Alcindor, 2016). Clinton received endorsements from 225 Democratic representatives, senators and governors. The pool of endorsements includes 15 governors, 41 senators and 165 representatives. Only 9 Democratic officials endorsed Bernie: 8 representatives and 1 senator (Nate Silver, 2016). Recall that superdelegates are governors, congresspeople, and elected members of the Democratic National Committee. As expected by the endorsement race, the super delegate race favored Clinton, she won 607 super delegates, while Sanders won 47 (Nate Silver, 2016). The campaign argued the establishment pushed the media to cover Clinton while engaging in what they called “a Bernie Blackout” (Horowitz, 2016).

Figure 6. Delegate allocation for Bernie Sanders under various thresholds, 2016



Source: Delegate total compiled by author from data found in America Votes Volumes 1 -32

On June 3, Hillary Clinton won enough delegates to be the presumed nominee. Bernie Sanders refused to concede for another 38 days. In comparison, in 2008 Hillary Clinton conceded to Barack Obama two days after Obama reached the minimum number of delegates, in a much closer race than that of 2016.

Sanders appeared either with Clinton, or on her behalf ,several times, including stops in Iowa, four stops in Michigan, a stop in Maine, and two events in Philadelphia. In his speeches, Sanders was more passionate about his distaste for Republican nominee Donald Trump than his enthusiasm for Clinton or her qualifications (Meckler, 2016). Still, nearly 20 percent of Bernie supporters did not vote for Clinton in the 2016 general election (Frankovic, 2016). To unify the party and deal with the Sander's growing concerns about superdelegates, the DNC Chairman Tom Perez authorized the Unity Commission. The commission resulted in 400 fewer superdelegates in the 2020 campaign, the lowest number in history. Additionally, superdelegates would only count on the second ballot, that is, only if the delegates selected in primaries and caucuses did not result in a majority winner. However, Sanders did not champion the commission the way Jackson did; to him it was not a "Democratic awakening". He continued to push the superdelegates matter, long after the commission concluded.

Perhaps Sanders, like Jackson, was not running a campaign to win a nomination, but instead advocating for a movement. Both outsiders stayed in until the convention, took a considerable amount of time to endorse the establishment winner, and forced a rule change to pave the for future outsiders.

Of course, Bernie Sanders ran again in 2020. The current bid is shaping up to be similar to that of 2016. He continued his crusade on the establishment and the nomination

rules. In the February Democratic debate, Sanders was the only Democratic candidate to say, “the candidate with the most delegates at the end should win, regardless of if they have a majority or not” (CNN, 2020). At the time, Bernie Sanders was the clear front-runner in a scenario that many felt would lead to a brokered convention. He continued to attack the Democratic party on social media with tweets such as this one: “ I’ve got news for the Republican establishment. I’ve got news for the Democratic establishment. They can’t stop us” (Bernie Sanders Personal Twitter 2020).

However, after the establishment candidates dropped out and moved to support vice-president Joe Biden, it was clear the party did stop him. On April 8, 2020 Sanders withdrew from the race. In his concession speech, Sander’s highlighted the grassroots nature of his campaign, attacked the corrupt organization, criticized the establishment for limited vision, and made one last push for his progressive agenda. He added a note to his supporters, “we have never been just campaign, we are a grass roots multiracial, multi-generational movement that has always believed that real change comes never from the top down but from the bottom up... while this campaign is coming to an end, our movement is not”. He congratulated vice-president Biden, whom he called a decent man and ended with –

While vice-president Biden will be the nominee... we must work to gather as many delegates as we can at the Democratic convention where we will be able to exert significant influence over the party platform and other functions. Then we will move forward to unite to defeat Donald Trump (Bernie Sanders, 2020).

Sanders stopped short of a full-fledge endorsement of Biden. Instead, he urged his supporters to help him continue his influence over the party. In a speech similar to Jesse Jackson’s Sanders made it clear he was furthering a movement and he will not stop.

Bernie Sanders is an outsider, both by the metric I've derived and by self-identification. He regarded the 2016 election as "stolen" from him, he pushed for reforms and continued to denounce the Democratic party, all while seeking a 2020 Democratic nomination. He became a sore loser in 2016, but similar to Jackson and Wallace, concede much sooner, and seemingly more authentically, in what is likely his last bid for president.

It is clear the post reform era has paved the way for not only outsiders, but sore losers, and even a sore winner. In the case of Sanders with Jackson, candidates build upon each other; or in the case of Carter, campaigns become a master of the ever-changing rules, either way these outsider candidates are an ever-important part of the nomination system as we know it. There is a clear benefactor of thresholds, but with a little luck and a strategic campaign outsider too can reap the benefits of a threshold system. Overall, what Section VIII finds, that in the post reform era, with a more democratized nomination system, there will always be outsiders; and so long as there are outsiders, there will likely be sore losers. The sore loser campaigns bear a resemblance to one another, they take the shape of seemingly radical ideas and try to spark more of a movement than a campaign.

Lessons from the case studies

It is clear that even if a candidate does not win in Iowa and New Hampshire, , these early contests can help an outsider candidate build momentum for future contests. It is imperative for candidates to perform well in Iowa and New Hampshire to display a

measure of visibility and viability. If less well-known candidates can get even a sliver of delegates early on, it is likely they will stay in longer.

The case studies us teach us that outsiders benefit from a lower, or no, voter threshold to receive votes (H2). Thresholds serve as a deterrent from less well-known candidates gaining momentum in early state contests. The case studies also reveal that the outsider candidates who remain in the nomination contests the longest, often become sore losers (H3). However, after subsequent attempts for the nomination, the outsiders are more likely to throw their political weight behind the establishment and more easily concede, as seen in the final campaigns of George Wallace, Jesse Jackson, and Bernie Sanders.

X. Conclusion

The conclusion from this research is not criticism of outsiders. Instead, it is a better understanding of them. Understanding outsider candidates, and their prevalent role in the nomination system is key to a successful process moving forward. A number of factors influence the nomination system, but no factors seem to influence the system as greatly as the roles of Iowa and New Hampshire, and the outsiders that challenge the two-party system as we know it.

We have shown that Iowa and New Hampshire are not representative of the United States (H1). Campaigning in those states requires a level of retail politics that is unseen in the rest of the nation's contests; while some see this prominence of small states early in the nominating process as a way to give outsider candidates an opportunity to get known, that advantage does not offset the disadvantage inherent in the

unrepresentativeness of the two states' electorates. Although the Price-Herman commission tried to curb the two states' influence, Iowa and New Hampshire still hold a disproportionate influence over the nominating process. Because the two states' electorates are unrepresentative of the Democratic party and the nation, their prominence is detrimental to the interests of minority voters and candidates of color—and that constitutes a serious continuing problem. Iowa and New Hampshire can serve as a springboard for outsider candidates—or a dead end. These outsiders play a crucial role in our two-party system, and that should not be ignored. Outsiders help foster crucial political debate. They push both parties to re-examine their platforms, shift their views, and think critically about the state of not only the presidency but also the union. This role that does not go unnoticed. Former President Barack Obama gave a nod to 2020 outsider Bernie Sanders in his endorsement of Obama's own vice president, Joe Biden. In his taped endorsement, Obama said:

Joe will be a better candidate for having run the gauntlet of primaries and caucuses alongside one of the most impressive Democratic fields ever. Each of our candidates were talented and decent with a track record of accomplishment, smart ideas and serious visions for the future, and that is certainly true of the candidate who made it farther than any other, Bernie Sanders. Bernie is an American original, a man who has devoted his life to giving voice to working people's hopes, dreams and frustrations. He and I haven't always agreed on everything, but we have always shared a conviction that we have to make America a fairer, more just, more equitable society.

Obama, a former outsider himself, took the time to acknowledge the importance of Sanders's campaign. Although Obama endorses the establishment candidate, he points out the smart ideas, serious visions, and patriotic nature of the outsider who has moved the national discussion of key issues.

Outsiders will always have a place in this increasingly democratic nomination process, and perhaps that is good for democracy. Candidates like Jackson and Sanders create a dedicated following because they are speaking for not just a few people, but for a large segment of the party's base that the party needs to hear. Outsider's likelihood to become sore losers pushes not only parties, but individuals to continually reassess and reevaluate their values and positions.

Even with an appreciation for outsiders, we cannot lose sight of the Framer's warning. As a nation, we cannot let candidates manipulate the emotions of people and secure the nomination running on false promises, fears, and the temporary emotions of the public. Proportional representation is the most democratic system and should be used universally in primary and caucuses, with a lower threshold. As hypothesis two correctly predicted, thresholds hurt outsider candidates; a threshold should be low enough to foster outsider candidates, but not so low it encourages a flurry of candidates who drown each other out. It will allow out outsiders a much-needed platform. However, the party should retain essential influence.

Good candidates and good leaders are not synonymous, and the party can help the public differentiate the two. Party leaders and elected officials play the role of helping the public reach a decision that acknowledges the contributions of outsider candidates but nominates a candidate who can both win an election and lead the nation. A 15 percent superdelegate system does that. Historically, dedicating 15 percent of delegates as unbound party members bodes well for candidates, the party, and the public. Since the creation of superdelegates, they have never taken the nomination from a candidate with a plurality and given it to another candidate or provided the deciding votes at a brokered

convention. Early on, many pundits speculated that 2020 could be the first brokered convention in 70 years; and before Super Tuesday fivethiryeight predicted a 6 in 10 chance of a brokered convention. Yet, the system worked; Joe Biden secured the nomination nearly three months before the Democratic National Convention. Party leaders and elected officials, those who would serve as superdelegates at a convention, served as guides to their followers and safeguards of the system; that was the role that Congressman James Clyburn played in South Caroline, that defeated candidates Pete Buttigieg and Amy Klobuchar played before Super Tuesday. These leaders, at the state and national level serve to guide voters, but they can also demand the attention of candidates who seek their support. Thus, they are a critical link between the party and the public.

As hypothesis three correctly predicts, the outsiders who remain in the race the longest, and most competitively, are likely to become sore losers. Democrats must embrace these outsiders, for their vision, their intelligence, and above all their commitment to finding the best solutions for the intractable problems facing our nation. The party does not to adopt uncritically the outsiders' positions, but it must hear them. Regardless of how the party proceeds, or what subsequent reforms decide, outsiders will always be a reality. So long as outsiders have a viable platform, there will be sore losers. Reformers democratized the process, but reaction reforms have subsequently placed influence and ultimately power back in the hands of the establishment, where it will likely remain. As any organization does, the Democratic Party strives to sustain itself in order to reach their stated goal. For the Democratic party that goal is electing candidates to office. The party democratized the nomination process to gain followers, but has rolled

back those reforms to produce, in its view, more electable candidates. Future Democratic success is a not a function of *if* the Democratic establishment and outsiders can coexist; but of *how well* they learn to work toward shared goals.

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