

Report from the Institute for

ISSN
1067-2478

Volume 14

Number 3/4

PHILOSOPHY & PUBLIC POLICY

Summer/Fall

1994

School of Public Affairs • University of Maryland
College Park, Maryland 20742 • 301-405-4753

Consultants and American Political Culture

In past generations, political party officials played a major role in electoral campaigns: they chose candidates, raised money, and provided expertise, labor, and voter lists. Today the parties play a diminished role, but political consultants often operate in their place. Consultants design and produce broadcast advertisements and mass mailings; they conduct fundraisers and contact donors; they maintain lists of voters and contributors; they manage campaign logistics; and they write speeches and position papers. They are major repositories of political experience and employers of skilled labor.

Campaign spending statistics give one indication of the consultants' importance. Some candidates pay consultants fees for advice; others buy advertisements, polls, and related services from consulting firms. According to the *Handbook of Campaign Spending*, political consultants in 1990 charged House and Senate campaigns \$188 million in fees and expenses: this was 45 percent of the total money that congressional candidates spent. The same year, consultants working for Senator Jesse Helms (R-NC) charged him \$10 million. Some House candidates spent close to \$1 million on consulting fees and expenses. Experts estimate that at least 5,000 people now work as political consultants full-time, and some 30,000 professionals are paid for consulting during peak periods.

Consultants sometimes imply that they could elect a fence post to Congress if they were paid enough money. However, it is difficult to verify their claim

To make its research readily available to a broad audience, the Institute for Philosophy and Public Policy publishes this quarterly newsletter. Articles are intended to advance philosophically informed debate on current policy choices; the views presented are not necessarily those of the Institute or its sponsors.

In This Issue

CONSULTANTS AND AMERICAN POLITICAL CULTURE

Peter Levine.....1

SENTENCING GUIDELINES, DISADVANTAGED OFFENDERS, AND RACIAL DISPARITIES

Michael Tonry.....7

CHASTITY, MORALITY, AND THE SCHOOLS

Robert K. Fullinwider.....14

JURIES AND HIGHER JUSTICE

Jeffrey Abramson.....19

that they profoundly influence election results. Granted, victorious campaigns generally employ consulting firms, and campaigns that do not employ consultants are generally defeated. But the more significant fact may be that winning campaigns are often many times *wealthier* than unsuccessful ones. In 1990, all but seven of the victorious House candidates spent \$100,000 or more on their campaigns; the median winner spent \$459,861. Since these campaigns typically bought broadcast advertising, produced professional mass mailings, and conducted elaborate polls, they almost always employed consultants. On the other hand, the median losing campaign spent just \$81,541, and 99 defeated candidates spent less than \$10,000 each. In this spending range, consultants are often unaffordable — but so are broadcast advertisements, mailings, and polls. Thus, the figures do not prove that consultants are a decisive factor in electoral victories. It is even conceivable that well-funded campaigns would be better off spending *less* on consultants.

The consultants' dearly bought advice presumably carries weight; their products certainly fill our airwaves and clutter our mailboxes during election season.

Still, the fact that consultants are widely employed by winning candidates suggests that they have a great influence on the *character* of elections, whether or not they affect outcomes. Victorious campaigns pay consultants a great deal of money for advice and services — often more than half their total budgets. The consultants' dearly bought advice presumably carries weight; their products certainly fill our airwaves and clutter our mailboxes during election season. Moreover, candidates act as if consultants are central figures in the electoral process. When a campaign hires a famous consulting firm, it may announce this triumph with a press conference, because the signing of a consultant can seem as important as a party nomination or a major endorsement. Sometimes, simply by choosing to support a particular candidate, consultants may frighten away opponents and attract contributors. For this reason, candidates occasionally pay consultants substantial sums to do nothing but lend their names to a campaign. In other cases, consultants actually recruit citizens to run for office, confident that the individuals whom they select will be able to raise money and attract votes.

Grounds for Concern

The profound influence of consultants invites us to ask whether we should blame them for the rise of cer-

tain kinds of campaign tactics that alienate American voters. Admittedly, few of the disturbing aspects of modern campaigns were invented by consultants. Personal attacks, lavishly funded advertising campaigns, the reliance on divisive "hot-button" issues, and similar tactics were all present before the first consulting firm was founded in 1934, and they are still employed even when consultants are absent. It is also true that every form of political organization has disadvantages. The parties that once dominated politics were famous for smoky back rooms, patronage deals, financial corruption, and racial discrimination. Nevertheless, it appears that consultants have reasons to favor and encourage certain unsavory tactics that are now endemic to the political system. In part, this is because for-profit political experts have their own interests, distinct from those of candidates, activists, parties, and voters.

For example, many politicians are motivated by strongly held beliefs and policy commitments, and not only by the ambition to win elections. Though candidates often try to evade politically difficult questions, some will risk defeat rather than ignore or finesse the issues that prompted them to run in the first place. But the subculture of professional consultants is famous for a general lack of interest in ideology or the legislative process. Although consultants sometimes have ideological commitments, their main goal is to ally themselves with candidates who can win: after all, their careers depend upon their ratio of victories to losses. If they are overly fussy about the platforms of their potential clients, they may have difficulty finding work. In fact, few consultants even pretend that they select their clients on the basis of issues or values. Some express contempt for lawmaking; others state that they have chosen to work in campaigns rather than government because they find the legislative process baffling, tedious, or esoteric.

The subculture of professional consultants is famous for a general lack of interest in ideology or the legislative process.

The consultants' indifference to issues would not matter if candidates set the agenda. But in a recent survey of consultants, 44 percent agreed: "when it comes to setting issue priorities, candidates are neither very involved nor very influential." If candidates relinquish leadership in choosing issues, then consultants presumably fill that role — even though most consultants themselves admit that they are fairly uninterested in issues except as a means of attracting

uncommitted voters. Thus, they will select a campaign theme on the basis of polls and focus groups, and then concentrate on wooing the swing vote through commercials and mass mailings.

Unfortunately, this approach to issues militates against any careful, broad-based discussion of public concerns during an election campaign. In ideal cases, the process of public discussion can cause citizens to modify their initial beliefs as they exchange ideas and weigh pros and cons instead of expressing visceral preferences. However, public discussion of this kind is the last thing that most consultants want to see. After they have identified a divisive "wedge issue" on which their candidate happens to agree with the majority, they often want to *prevent* any shift in public opinion. Thus they are adept at using rhetorical formulas that discourage reflection and discussion, that freeze public opinion in place, and that polarize and inflame voters.

Several factors that sometimes work to keep politicians and parties honest do not apply to consultants.

Because consultants have little time to get to know the communities where they work, they often rely on themes and rhetoric that they have found effective elsewhere. Their national experience may compensate for their lack of familiarity with regional issues and values, but the result is a certain standardization of political rhetoric. The consultants' superficial knowledge of particular communities also makes it difficult for them to design positive campaigns, because a positive agenda often involves local issues and interests. Consultants are more adept at discovering weaknesses in opponents' voting records and resumé — so-called opposition research. The result is a heavy emphasis on negative campaigning.

Several factors that sometimes work to keep politicians and parties honest do not apply to consultants. For instance, campaigns have traditionally relied on volunteers, whose motives tend to be principled and even idealistic, and for whom winning a particular election is not always the most important goal. Volunteers can be overzealous at times, but usually they expect campaigns to maintain high ethical standards. Consultants, however, do not rely on volunteers. For one thing, they do not have the local connections and reputations that would enable them to recruit volunteers effectively. Instead, their major assets are money, national connections, expertise, and

technology. James Severin, a consultant who worked for George Bush, has said that it is important to project the appearance that a campaign has volunteer support, but volunteers actually have no substantive role in modern elections. Even if Mr. Severin is wrong, his comment reveals a great deal about consultants' attitudes toward volunteers.

Politicians may also be cautious about using obviously disreputable campaign tactics because they wish to retain the loyalty and respect of their constituents over the course of their careers. In the heat of battle, they may be able to get away with distortions, exaggerations, divisive rhetoric, unrealistic promises, or efforts at suppressing the vote. But once elected, they can to some extent be held accountable for these sins. The local media, for example, can investigate the conduct of their campaigns and challenge the accuracy of their statements. Adverse publicity may hurt their effectiveness in office and their chances of reelection; it may also besmirch their personal reputations in the communities where they (and their families) live. Consultants, on the other hand, move on soon after election day. Their reputations, particularly within a local community, are less important to them than their win-loss records.

Of course, politicians are supposed to be the bosses of their own campaigns; they hire the consultants and establish standards of behavior. However, if candidates believe that they can win by listening to consultants, then it is difficult for them to ignore their advice. It is all very well to run an issue-oriented, grassroots, positive, low-budget campaign; but if it appears that such campaigns are almost always defeated by teams of pollsters and media consultants, then they can begin to seem rather quixotic.

Elusive Values

The success of political consultants creates a paradox. Their methods seem to work: voters elect politicians who use consultants, and usually they reject candidates who do not. Whatever the precise impact of consultants on election results, clearly voters do not punish candidates for employing consultants to manage their campaigns. At the same time, however, most Americans view elections in general as shameful exercises in mudslinging, obfuscation, and demagoguery. As individual voters, they apparently respond to the tactics of professional consultants; but as a public, they are alienated by the political culture that consultants have helped to create.

This phenomenon is not altogether surprising. In the economy at large, the individual choices of consumers often produce aggregate results that they dislike; this is sometimes the occasion for government regulation. For instance, consumers may want to see certain products banned as hazards to the environ-

ment, but as long as companies are allowed to market those products, people will continue to buy them. In the absence of regulation, there may be no attractive alternatives, and it may seem foolish to shun the harmful products unilaterally. In the political arena, as in the general economy, regulation is an option. But before we can devise a regulatory framework, we must decide what values we want the electoral process to serve.

Many people assume that candidates should come alone before the bar of public opinion to be judged as fit or unfit for political office. This seems to be the purest concept of electoral democracy — the ideal that is taught in civics class. But in a mass society, it is impossible for candidates to win elections literally on their own. They need at least some of the following: donors, parties, volunteers, the media, interest groups, other politicians, a personal fortune, matching funds from the government, and professional advisors.

In a mass society, it is impossible for candidates to win elections literally on their own. We must accept the existence of elaborate political organizations.

It is not surprising, then, that whenever one form of political organization declines or is suppressed, another always seems to take its place. For example, the dissolution of traditional party structures has created a vacuum that is increasingly being filled by individual politicians who use campaign money to provide expertise and support to candidates in other states or districts. In 1990, one incumbent congressman raised \$270,000 to defeat an opponent with a budget of \$2,498. Although his challenger posed no threat to him, he paid \$109,750 to outside consultants. In addition, he maintained a permanent campaign organization and hired qualified election specialists on a full-time basis, assigning these employees to help other candidates as consultants during election season. In effect, he ran his own consulting service, exacting political influence (rather than money) as his price. A responsible campaign finance reform bill would presumably restrict or abolish arrangements of this kind. Nevertheless, we must accept the inevitability of elaborate political organizations in a mass society, even as we seek to make politicians accountable to the electorate rather than to political operatives.

In addition to distrusting political organizations, many Americans also express a dislike of professionalism in the electoral and legislative processes. There is a widespread suspicion of lobbyists, campaign consultants, and other political professionals. These figures

seem unsavory, in part, because they have a reputation for working for the highest bidder. But some people's distrust of professionalism extends even further: they are offended not only by consultants, but also by career legislators and activists. This suspicion may arise from the belief that democratic leaders should not have to acquire specialized skills: politicians ought to be just like everyone else. However, it is difficult to manage a huge modern country without allowing someone — bureaucrats, legislators, lobbyists, journalists, or election specialists — to develop professional expertise. Therefore, the only realistic question is: Who should our political professionals be?

We can begin to address this question by noting that the word "professional" is ambiguous: it can describe someone who is highly skilled and experienced, or it can denote a paid employee as opposed to a volunteer. Some people who are paid to work on campaigns are completely inexperienced and even incompetent, whereas some volunteers are seasoned veterans of past campaigns, and some bring impressive skills from their work in fields such as commercial advertising and journalism. If we object to the fact that candidates pay campaign workers, then we should ask how people are supposed to afford to participate in campaigns full-time without compensation. Surely we would not want to create a system in which only wealthy or retired people can engage in sustained campaign activity. Or, if we object to having people with skills and expertise play any role in campaigns, then we must ask why a culture that values professionalism in so many fields should prefer to entrust the management of political campaigns to amateurs.

Three Reform Proposals

These observations suggest that it is not easy to establish realistic and coherent principles to guide reform. Nevertheless, several concrete reform ideas have been proposed. Some critics of the consulting industry (the most prominent of whom is Larry Sabato) argue that we ought to give power back to the political parties, since their demise led to the rise of consultants in the first place. In principle, a system of strong parties has a number of advantages over a system dominated by consultants. Since parties stand to suffer from criticism of any particular campaign, they may try to avoid disreputable tactics. Unlike consultants, they must develop coherent national agendas. In addition, Mr. Sabato argues that if parties were given greater control over campaign financing, challengers would benefit. Parties have an incentive to allocate resources to their candidates in proportion to their needs, because they want to win as many seats as possible. In contrast, consultants almost always work for incumbents, who can pay their high fees and who have the greatest chance of winning.

However, the parties' power was curtailed for good reasons. Traditionally, the main source of authority for party organizations was their ability to raise and spend money. This power was reduced after Watergate because of evident and systematic corruption in party fund-raising. Corruption — or at least the appearance of corruption — is inevitable whenever parties solicit and allocate large sums of private money.

Even if the parties were given "clean" public money to allocate, their control of the purse strings would still raise issues of fairness. Party officials would have to make crucial decisions about whom to support (and with how much money), thereby becoming a kind of shadow government. If these officials were chosen by current officeholders, then they would generally serve the incumbents' interests. Although Mr. Sabato believes that parties are mechanisms for improving competition, in fact party officials often channel money to their political patrons, who are usually entrenched incumbents, while slighting the needs of challengers in more competitive races. On the other hand, if party officials were made directly accountable to the membership, then they would have to conduct campaigns for office, complete with contributors and consultants. This would only shift the problems caused by consultants to a new domain.

Another reform strategy is to regulate the consulting industry directly. Many powerful professions (law,

medicine, journalism, and so on) operate under a range of institutional safeguards; they have specialized training programs, credentials and licenses, and codes of conduct. A similar approach could be applied to political consultants. The American Association of Political Professionals (AAPC) has in fact adopted a code of ethics, but no one has ever been disciplined under it, nor do consultants have to join the AAPC. "We've never come up with anything that is workable," said the AAPC's founder, Joseph Napolitan. In a 1994 poll, 84 percent of political consultants rated their own profession's ethics as either "fairly high" or "very high"; but their standards may not be rigorous enough. In the same poll, 62 percent of political consultants said that there was no need for a well-enforced code of professional ethics.

The Chair of the AAPC Ethics Committee, Ralph Murphine, has said that he favors "a real Code of Ethics that's taken seriously." But writing such a code would require a clear sense of what constitutes appropriate campaign behavior. A concept of political leadership must be realistic: politicians operate in a highly competitive field, one that rarely tolerates fastidious ethical standards or unrestrained idealism. On the other hand, just because saints cannot win elections, it does not follow that all kinds of behavior are equally acceptable. In order to judge political consultants and their clients, we would need a realistic yet demanding concept of democratic leadership. In addition, serious



THEY CHANGED THE WAY CAMPAIGNS ARE WON

**"GREAT FUN
...CLIFFHANGING SUSPENSE."**
— Janet Maslin, THE NEW YORK TIMES

**"THE DOCUMENTARY
OF THE DECADE"**
— Graham Fuller, INTERVIEW MAGAZINE

**"A SURPRISINGLY
ENTERTAINING TALE."**
— David Handelman, VOGUE MAGAZINE

THE WAR ROOM
A FILM BY CHRIS HEGEDUS AND DA PENNEBAKER

Photo: David Burnett

© 1993 OCTOBER FILMS. ALL RIGHTS RESERVED

October Films/
Reprinted with permission

First Amendment and antitrust issues would have to be addressed before any ethics code could be enforced.

A third approach to reform suggests that instead of strengthening political parties or imposing ethics regulations on political consultants, Congress could pass campaign finance legislation that would put consultants out of business altogether. Several existing systems of campaign finance provide public benefits to candidates who agree to limit their spending. This is the arrangement that governs presidential primaries, as well as elections in New Jersey, Michigan, New York City, Los Angeles, and other jurisdictions. A similar system has been proposed for congressional campaigns. Under these arrangements, almost all candidates opt to receive public benefits in return for obeying spending limits. The benefits take the form of vouchers for mailings, broadcast time, printing, and other expenses. If the vouchers offered to candidates covered a high proportion of their costs, and if participating campaigns were forbidden to use vouchers to pay more than a modest per-hour fee for services, then the professional consulting business would shrink dramatically and possibly disappear. Candidates could continue to hire students and other low-skilled employees, but the experts would be forced out of business. Though a few personally wealthy candidates might choose to forgo the public vouchers, their patronage would not be sufficient to support a consulting industry.

This approach to reform might redistribute power from professional campaign experts to the candidates themselves. Then again, it might also produce a dramatic shift in power toward journalists, lobbyists, bureaucrats, and other experts who could profoundly influence the results of elections in the absence of professional campaigners. The law of unintended consequences governs all efforts at political reform.

The Permanent Campaign

Though many consultants profess no interest in law-making or the process of governing, others find that the professional skills they employ during campaigns are also effective after election day. Some consultants now work as lobbyists between campaigns, using their skills to influence legislation and benefiting from their relationships with former clients who now hold office. Several consulting firms have adapted election strategies — and even specific computer software — to lobbying efforts. As in campaigns, the role of political consultants in legislative battles can diminish the importance of the independent citizen, who is now treated as a commodity.

Bonner & Associates, a Washington firm that specializes in "grassroots lobbying," charges \$350-\$500 for each letter that it generates from a "community leader," and \$5,000-\$9,000 for each meeting it sets up

between a community leader and a member of Congress. In 1991, Bonner charged its clients \$400,000 to generate 10,000 calls in four days from constituents of House Banking Committee members, thus helping to kill legislation that would have forced banks to lower their interest rates on credit cards. One advertisement in a magazine for political professionals reads:

You're known by the company you keep. Many business-oriented ballot issue and public relations campaigns fail because of the company they *don't* keep! A grassroots coalition of thousands of individuals can mean the difference between success and failure. That's why WCG/Claussen builds and manages effective coalitions throughout the nation. So give us a call, and we'll help you start keeping better company.

Most of us understand "grassroots" politics and the process of building "coalitions" in a very different way from that now advanced by political consultants. Confronted with this advertisement, we may decide not merely that consultants have fallen short of our ideals for American political culture, but that they are creating a parody of those ideals. And this perception may persuade us to accept the risks of reforming an unacceptable status quo.

— Peter Levine

Sources: Sara Fritz and Dwight Morris, *Handbook of Campaign Spending: Money in the 1990 Congressional Races* (Congressional Quarterly, 1991); Nicholas J. O'Shaughnessy, *The Phenomenon of Political Marketing* (St. Martin's Press, 1990); Walter de Vries, "American Campaign Consulting: Trends and Concerns," in *PS: Political Science & Politics* (March 1989); James P. Sterba, "Democracy Inc.: Politicians at all Levels Seek Expert Advice, Fueling an Industry," *The Wall Street Journal* (September 1, 1992); Federal Election Commission data; David Lee Rosenbloom, *The Election Men: Professional Campaign Managers and American Democracy* (Quadrangle Press, 1973); Gillian Peele, "Campaign Consultants," *Electoral Studies*, vol. 1, no. 3 (December 1982); Mark P. Petracca, "Political Consultants and Democratic Governance," *PS: Political Science & Politics* (March 1989); Celinda Lake, "Political Consultants: Opening Up a New System of Political Power," *PS: Political Science & Politics* (March 1989); Larry J. Sabato, *The Rise of Political Consultants* (Basic Books, 1981); Sabato, "Political Influence, the News Media and Campaign Consultants," *PS: Political Science & Politics* (March 1989); Sidney Blumenthal, *The Permanent Campaign: Inside the World of Elite Political Operatives* (Beacon Press, 1980); Andrea Spring, "AAPC: The First 25 Years," *Campaigns & Elections* (December/January 1994); "The Political Pro Poll," *Campaigns & Elections* (March 1994); Ralph Murphine, "Guest Column," *Campaigns & Elections* (April/May 1993); Peter H. Stone, "Green, Green Grass," *The National Journal* (March 27, 1993); an advertisement in *Campaigns & Elections* (February 1992).