

THREE

A Short History of Vote Splitting

The most popular take on the impossibility theorem has been stoicism: *voting isn't perfect—get past it.*

That imperfection is most visible in spoilers and vote splitting. As University of California at Irvine mathematician Donald Saari put it, the 2000 presidential election was "a beautiful example of Arrow's theorem at work."

How common is it for a presidential election to go to the "wrong" candidate because of a spoiler? The answer is complicated by the electoral college as well as by the imponderables common to any game of historical make-believe. Pundits have routinely assumed that a majority of Ralph Nader voters in 2000 "would have" voted for Al Gore. They're supposing that, had Nader's plane crashed a few days before the election, most of his supporters would have gone to the polls and voted for Gore. Ignored is the near-certainty that many Nader voters would not have voted at all had their candidate not been in the race.

The major parties go to an awful lot of trouble to get their supporters into the voting booth. Without a candidate and a get-out-the-vote effort, many people don't vote.

Rather than asking, "What if such-and-such a spoiler never ran?" it is more instructive to imagine a version of history in which the candidates and voters and campaigns were the same, the only difference being the system for counting the popular vote. Suppose that every third-party voter had been required to specify a "second choice" among the two front-running candidates. All the third-party-candidate votes would have been transferred to their supporters' second choices and wouldn't have gone wasted. (This is almost, but not quite, how the system known as instant-runoff voting works.) The adjusted popular votes would then determine the electoral votes, as they do now.

There was no popular vote in the first few presidential elections. The 1828 race was the first held under the modern rules; a two-party system, with popular and electoral college voting similar to today's. The first spoiler-determined election under these rules was that of 1844.

Both of the major parties were running slave-owners for president in 1844. The Democrats settled on James Polk, a Tennessee attorney and congressman largely unknown to the public. Polk sided with his party in approving a platform that championed the annexation of Texas as a slave state. The Whig Party nominated Henry Clay. It was his fourth run for president. Clay was both a slave-owner and an abolitionist. He opposed the annexation of Texas and advocated resettlement of freed slaves in Africa. Well known and Widely respected, Clay probably would have won, had it not been for James Birney.

Birney was an abolitionist attorney and publisher running on the Liberty Party ticket. Of the candidates, he alone called for an immediate end to slavery. Clay ended up getting 48.1 percent of the popular vote to Polk's 49.5 percent. Birney got 2.3 percent, more than Polk's

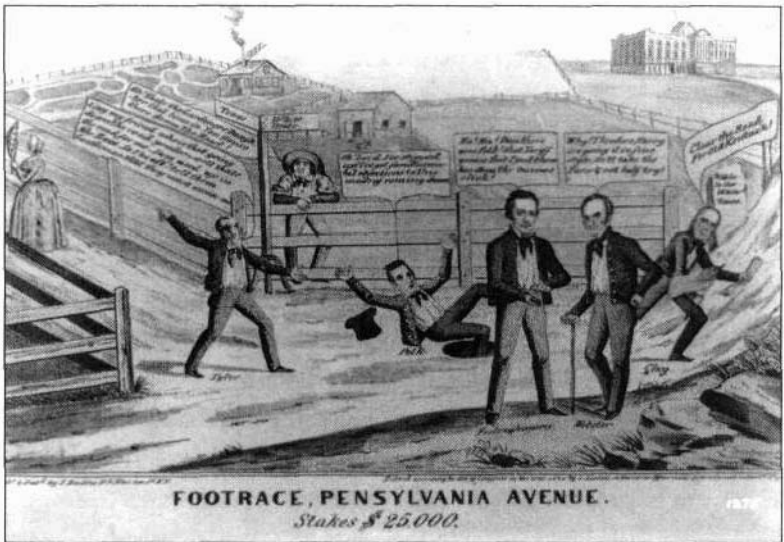
popular-vote margin of victory. That's significant because the vast majority of Birney's supporters presumably would have favored Clay over Polk.

Polk got 170 electoral votes to Clay's 105. Birney got no electoral votes at all. There were only a couple of states where the Birney vote might have made a difference. One was New York. Clay would have needed about 67 percent of the Birney vote to win New York. He almost surely would have gotten it, had Birney supporters been able to name a second choice. That would have shifted New York's 36 electoral votes from the Polk column into Clay's. Clay then would have won the election 141 to 134. He conceivably could have won Michigan, too, but this would have required practically all of Birney's supporters to favor Clay.

Despite owing his victory to an abolitionist, Polk refused to take the abolition movement seriously. In his diary, he complained that "the agitation of the slavery question is mischievous and wicked, and proceeds from no patriotic motive by its authors. It is a mere political question on which demagogues and ambitious politicians hope to promote their own prospects for political promotion. And this they seem willing to do even at disturbing the harmony if not dissolving the Union itself."

Finding himself in failing health, President Polk chose not to run for a second term. It was probably the right decision. He came down with cholera the night after he laid the cornerstone of the Washington Monument. Within four months of leaving office, Polk's slaves were placing their master in the cold, cold ground.

In 1848 both major parties courted Zachary Taylor, a hero from the battle of Buena Vista in the Mexican War. As a political creature, Taylor was uniquely malleable. He had never held office. He had never even voted.



Henry Clay (far right) has the lead on James Polk (limbling figure at center) in H. Buchholzer's cartoon of the 1844 election. Polk ultimately beat Clay owing to spoiler James Birney (not shown). The twenty-five-thousand-dollar stake was the president's annual salary.

Taylor agreed to run as a Whig. This left the Democrats scrambling for an alternative. Ex-president Martin Van Buren, then sixty-five, announced that he wanted to run again. (He had wanted to run in 1844., 100.) His party wouldn't have him. The Democrats nominated Lewis Cass of Michigan. Van Buren felt insulted and ran on the Free Soil ticket, taking a more antislavery stance than Cass did. Democrats were split between loyalty to their party's former president and the party's current candidate. This gave Taylor a victory he had done little to merit. Van Buren's 291,661 popular votes were more than double the margin by which Taylor beat Cass.

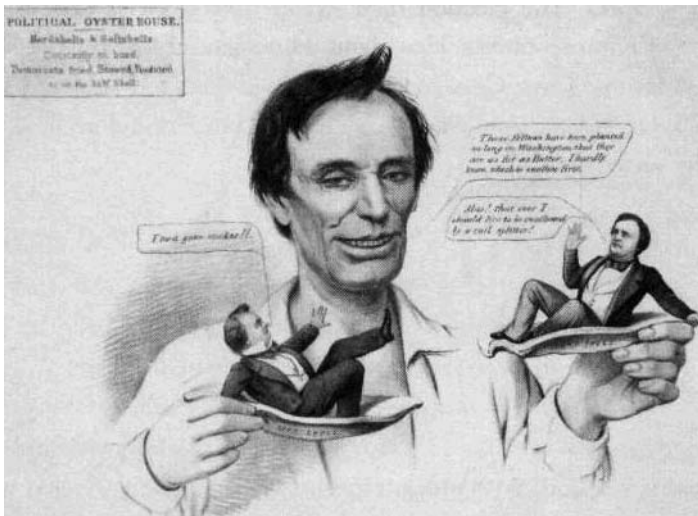
Taylor won 163 electoral votes to Cass's 127. Van Buren got no electoral votes. Had 90 percent of the Van Buren vote favored fellow Democrat Cass over Taylor, Cass could have picked up Massachusetts and Connecticut. This would have had him tied with Taylor 145 to 145.

electoral votes. The election then would have been settled in the House of Representatives. Had about 94 percent of Van Buren's supporters favored Casso Cass could **have** gained New **York** and Vennont as well. Lewis Cass then would have won 187 to 103 and become the twelfth president.

The 1860 Democratic convention was a disaster. **Meeting** in Charleston, the Democrats immediately began bickering over the federal **government's** right to restrict **slavery**. Unable to decide on a candidate, the party called a time-out. They reconvened **weeks later** in the more neutral venue of Baltimore. Another deadlock followed, and the southerners bolted. With only northerners left, Stephen Douglas won the nomination. Douglas **was** the architect of the Kansas-Nebraska bill permitting the admission of new slave **states**. The southern Democrats



Zachary Taylor (right) catches all the electoral vote "fish," leaving none for Martin Van Buren (far left), the Liberty Party's John Hale (center left), or Democrat Lewis Cass (center). An 1848 Currier and Ives print.



HONEST ABE TAKING THEM ON THE HALF SHELL _

This 1860 Currier and Ives lithograph is one of the more surreal illustrations of vote splitting. Published after the politically suicidal split of the Democratic Party, it shows "Honest Abe" ready to slurp down helpless Democrats Stephen Douglas and John Breckinridge.

regrouped in Richmond and nominated the strongly pro-slavery John Breckinridge,

The split greatly advanced the fortunes of the Republican nominee, Abraham Lincoln. Though a lukewarm abolitionist during the campaign, Lincoln was the only candidate who did not have good things to say about the institution of slavery. He ceded some of his potential support to the new Constitutional Union Party and its candidate, John Bell. Bell's platform could be described as "anyone but Lincoln." He appealed to people who sensed that a Lincoln victory would break up the union, and who couldn't see themselves voting for a Democrat. Bell drew most of his support in border states, where the threat of war was keenly felt.

All four of the candidates won some electoral votes and double-digit popular vote percentages. Despite that, it was not an especially close race. Lincoln was way ahead.

	Popular Vote (%)	Electoral Votes
lincoln	39.8	180
Breckinridge	18.1	72
Bell	12.6	39
Douglas	29.5	12

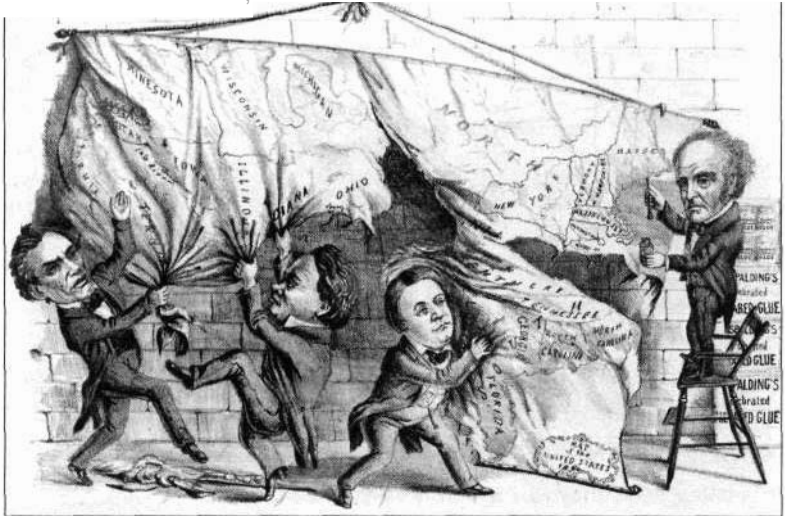
Historians have long questioned the legitimacy of Lincoln's victory. For that matter, so did the seven Confederate states that seceded between Election Day 1860 and Lincoln's inauguration. They were protesting what they saw as a flawed voting system.

A candidate who won the North, and *only* the North, would have enough electoral votes to win. The Lincoln campaign had made a strategic decision to write off the South entirely. Back then, parties printed and distributed their own ballots. The Lincoln campaign did not bother to print ballots for the Deep South. Douglas alone ran a nationwide campaign, and (unusual for the time) the candidate himself traveled widely. In the absence of reliable polls, he thought he had a shot at winning the South. This misjudgment may have cost him the election.

The motivations of Bell and Breckinridge have fascinated historians. Both knew there weren't enough electoral votes in the South for them to win. Bell seems to have wanted to use the spoiler effect to preserve the union. His objective apparently was to prevent Lincoln from getting a needed majority of electoral votes. This would throw the election to the House of Representatives, where Bell might have been a power broker in electing someone more moderate than Lincoln.

By one speculative theory, Breckinridge intended to use the spoiler effect to break up the union. He hoped to take enough votes from Douglas so that Lincoln would win. This would provide a pretext for

N A T I O N A L



1860 again, John Bell (right) vainly glues the map back together as Lincoln and Douglas claw apart the West and Breckinridge clutch... Dixie & his hean. Published by Rickey, Mallory and Co., Cincinnati.

the South to secede, securing a final solution to the abolitionist problem. A more believable analysis, advanced in William Davis's 1974 biography of the politician, is that Breckinridge (who accepted the nomination reluctantly, on the urging of Jefferson Davis) concurred with Jefferson Davis's belief that Bell would be a spoiler, taking votes mainly from Douglas and causing the detested Lincoln to win. Breckinridge entered the election in order to strike a deal with Douglas and Bell. They would all pull out in favor of a suitable compromise candidate to be determined. The plan ran aground when Douglas, and perhaps Bell, refused to go along—so goes the theory.

Had it not been for the vote splitting, Douglas certainly would have beaten Lincoln in the popular vote (a vote of unenslaved males only). Virtually all of Breckinridge's and Bell's supporters would have sided with Douglas rather than Lincoln. Douglas still would have lost the

electoral vote, though. He was the second most popular candidate in many states—a significant distinction in this election—but second place counts for nothing in the electoral vote. Douglas won just two states, New Jersey and Missouri. Four of New Jersey's electors cast their votes for Lincoln, so Douglas got only 12 electoral votes.

Adjusting for the Breckinridge-Bell spoiler effect, Douglas might have gained all the southern states and picked up California and Oregon from Lincoln. This would have given him about 130 electoral votes. (I am throwing in South Carolina's 8 electoral votes even though the state still didn't hold a popular vote.) Lincoln would nonetheless have had 173 electoral votes and the victory.

The best explanation for why Lincoln won is the electoral college.

Between the Civil War and the Great Depression, the Democrats won only three presidential elections. At least two, and possibly all three, were due to spoilers.

James G. Blaine was a two-time secretary of state who had served in both houses of Congress. He is today remembered for championing what was then a Republican core value, the separation of church and state. Blaine might instead have been remembered as the twenty-second president, had it not been for another wedge issue, the prohibition of alcohol.

The temperance movement thrived in the years of Reconstruction. Its supporters tended to be Republican women. They couldn't vote; they could write and give speeches. Judith Ellen Foster's pamphlet "The Republican Party and Temperance" cast the 1884 race, Grover Cleveland v. James Blaine, as a referendum on moral values, temperance above all. Foster termed the Democratic Party the "open ally of the saloon." "We want the Democratic Party to bite the dust," wrote another crusader, Frances Willard of the Woman's Christian Temperance Union, "and will do the utmost to work its final overthrow."

Despite this zeal for crushing Democrats, the male Republican

leadership kept the temperance movement at arm's length. The latter was pressing for an anti-alcohol plank in the Republican platform. That would have been political suicide. Too many voters drank.

There was a growing Prohibition Party, founded in 1869 and lately showing muscle in state races. In 1884, it nominated John St. John, a former Kansas governor who had helped make the state dry. As a presidential candidate, St. John did surprisingly well. He drew most of his support from Republican ranks. After it became clear that the race between Blaine and Democrat Grover Cleveland was a tight one, the Republican Party asked St. John to drop out. He refused.

There was such a thing as opposition research even back then. The Republicans learned that St. John had had an early marriage he didn't talk about. In other words, he was divorced. This was considered a dreadful scandal. The Republicans launched a vitriolic attack on St. John's character.

St. John was so incensed that he focused his campaign on New York, a state where he had a chance of tipping a raft of electoral votes to Grover Cleveland. More remarkably, the Democrats quietly funded 51. John's New York campaign. They got their money's worth. Cleveland won *only* because of 51. John's spoiler candidacy.

Cleveland achieved a slim plurality of the popular vote (48.5 percent) and 219 electoral votes to Blaine's 182. St. John was unquestionably a spoiler. In New York he pulled 24,999 votes, while Cleveland's margin of victory over Blaine was only 1,047. Flipping New York's 36 electoral votes to Blaine would have put Blaine in the White House.

(There was also Greenback candidate Benjamin Butler, who got more votes nationally than St. John did. The Greenback Party started with many Republican supporters [in the 1870s] and ended up merging into the Democratic Party [in the 1890s]. Some have argued that Butler hurt Cleveland more than Blaine, Yet even if *all* of Butler's votes had come out of Cleveland's total, which no one believes, Blaine would have won New York and the election-had it not been for St. John. De-



James G. Blaine: "I will turn, in violation, people!"

Republican "magician" James Blaine attempts to turn beer into water in an 1884 Thomas Nast cartoon. Looking on skeptically is Prohibition Party candidate John St. John, the spoiler who made Blaine's presidential ambitions disappear

pending on your estimates, Blaine could have picked up Connecticut and New Jersey as well.)

In 1892 Grover Cleveland, who had been ousted after one term, ran against the Republican incumbent Benjamin Harrison. Cleveland re-

gained office with only 46.0 percent of the popular vote. There were two strong third-party candidates. Populist James Weaver is often considered a spoiler. He commanded 8.51 percent of the popular vote and 22 electoral votes. Prohibition candidate John Bidwell received 2.24 percent of the popular vote and no electoral votes.

Bidwell's support would have come largely out of the Republican vote. The sympathies of Weaver's voters are less clear. Weaver had been an abolitionist and Republican. After the Civil War, the Republicans increasingly became the party of big business. This left some of its supporters, Weaver among them, feeling abandoned. In 1878 he joined the Greenback Party. This called for silver coinage and an eight-hour workday. Weaver served in Congress with the backing of the Greenback and Democratic parties.

The Democratic Party gradually swallowed up most of the Greenback Party. Weaver again resisted. He helped organize the Populist Party circa 1891. This promoted direct election of senators, government ownership *of* railroads and telephone and telegraph lines, and a graduated income tax (a double novelty because there was no federal income tax at the time). Though the forty-hour workweek and federal income tax were considered radically leftist, the party also had a nativist, *reactionary* streak. The Populists endorsed Democratic candidates in local Western races and Republicans in the South.

In 1892 Weaver probably hurt the Republicans most by siphoning off the African American vote. Blacks had voted Republican in past elections. Weaver was the first presidential candidate to court the black vote as seriously as he did. In some southern states, he captured practically all of the "Republican" vote-meaning blacks who were willing to walk past the hooded Klansmen at southern polling stations to vote against the Democratic machine. Weaver polled 36.6 percent in Alabama, versus just 3.95 percent for Republican Benjamin Harrison.

Harrison would have needed something like 84 percent of the Weaver vote in swing states to win. He then might have gained the four

states Weaver won (Colorado, Idaho, Kansas, and Nevada); wrested Illinois, Indiana, West Virginia, and Wisconsin from Cleveland; and picked up the 10 electoral votes cast for Weaver or Cleveland in the split-vote states of California, North Dakota, and Oregon. Harrison then would have squeaked past Cleveland 227 to 221. But probably the Weaver vote was *not* decisive because none of the swing states were in the South.

Tycoons J. P. Morgan and Henry Clay Frick raised two million dollars for Teddy Roosevelt's 1904 reelection campaign. It was a bad investment. The fiercely independent Roosevelt's trust-busting continued unabated. At the end of his second term, Roosevelt announced his intention to retire, and the big capitalists were glad to see him go. His vice president, William Howard Taft, became the Republican candidate in 1908. Taft vowed to continue Roosevelt's policies, ensuring the outgoing president's endorsement. Roosevelt began his retirement with a safari in Africa, where J. P. Morgan hoped that "a lion would do its duty."

Taft succeeded Roosevelt as president. Once in office, he sided with Wall Street interests. That and an assortment of personal slights, real and imagined, led Roosevelt to feel betrayed. He ran against Taft in the 1912 Republican primaries, calling the sitting president a "fat-head" and "dumber than a guinea pig." Taft's partisans dominated the 1912 Republican convention in Chicago. When Roosevelt failed to win the nomination, he and his supporters stormed out and held their own convention a few blocks away. They founded a Progressive Party, with Roosevelt as its candidate.

The 1912 race has become a textbook case of vote splitting. Roosevelt may have been more universally admired than any American president since George Washington. He had the satisfaction of beating Taft by 27.4 percent to 23.2 percent of the popular vote. That adds up

to a slim majority for the combined "Republican" vote. *Yet* Democrat Woodrow Wilson had a plurality, with 41.8 percent. Wilson won the electoral vote contest easily, getting 435 votes to Roosevelt's 88 and Taft's 8. In the usual analysis, Roosevelt would have beaten Wilson, had the Republicans nominated him instead of Taft. Taft could have beaten Wilson, too, had he run without Roosevelt's challenge.

The situation is less pat than it is often presented. The Socialist Party's Eugene V. Debs got an impressive 6.0 percent of the 1912 popular vote. In his campaign speeches, Debs attacked the Democratic Party nearly as much as the robber barons. "Where but to the Socialist Party can these progressive people turn?" he asked. "Every true Democrat should thank Wall Street for driving them out of a party that is democratic in name only and into one that is democratic in fact." Debs clearly took votes from Wilson, while Taft and Roosevelt took votes from each other. Furthermore, a Prohibition Party candidate, Eugene Chafin, got 1.4 percent, most of which probably came from the Republicans.

If Debs's votes were reassigned to Wilson, and Chafin's to the Republicans, Roosevelt would have needed to pick up 94 percent or more of Taft's votes to win. Or vice versa: Taft could have won by picking up 94 percent of the Roosevelt vote. The former scenario is more plausible. Had they been forced to choose between Wilson and Roosevelt, Taft's capitalist base would have preferred a moderate Republican to a liberal Democrat. Were Roosevelt's supporters required to name a second choice, some probably would have favored Wilson over Taft.

Let's focus on Wilson v. Roosevelt, then. With 94 percent or more of the Taft vote counting toward Roosevelt, Roosevelt would have picked up Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Illinois, Iowa, Kansas, Nebraska, North Dakota, Montana, Wyoming, New Mexico, Idaho, and Oregon. Roosevelt would have *lost* California. This is one of the six states that Roosevelt did, in reality, win. He won it (over Wilson) by a mere

174 votes. The main reason Roosevelt did so well in California was that Taft didn't make the ballot. Roosevelt was listed as a Republican *and* a Progressive, leaving Taft to pick up a handful of write-in votes. But California was a strong state for Debs. The Socialist got 79,201 votes. Wilson would easily have won California had it not been for Debs.

California split its electoral vote. Eleven votes went for Roosevelt and just two for Wilson. Let's assume that had Wilson won the state's popular vote, he would have received all 13 electoral votes. Roosevelt then would have picked up 191 electoral votes and lost it. He would have been elected president 268 to 266. Had California's electors still cast a few votes for Roosevelt (which seems likely), his margin would have been a few votes larger.



The bust of Lincoln scowls at the scandalous behavior of William Taft and Teddy Roosevelt in a 1912 Edward Kemble cartoon. The "Grizzly Bear" was a dirty-dancing craze of the early 1900s.

Ross Perot was a Dallas IBM salesman who chafed at the computer company's bureaucracy. With a thousand-dollar loan from his wife's savings, Perot founded Electronic Data Systems. When EDS went public in 1968, the company's value increased by a factor of ten, and so did Perot's net worth. Perot sold his stake to General Motors for \$700 million in 1984.

Perot ran EDS as a tight ship. The dress code was enforced by checking skirt lengths with a *tape* measure. But EDS took care of its own. In 1979 Perot organized a daring mission in which EDS employees and a Green Beret rescued two EDS staffers from an Iranian prison. Suddenly Perot was a swashbuckling corporate folk hero. He had served no elective office when he announced on CNN's *Larry King Live* that he was willing to run for president in 1992.

In June, the high point of Perot's popularity, some polls ranked him ahead of both George H. W. Bush and Bill Clinton. Perot spent about sixty-five million dollars of his own money on the campaign. This gave him the luxury of quitting the race in midsummer, pouting eleven weeks, and then plunging back in at the start of October. As to why he'd quit, he claimed that Republican dirty tricks experts were attempting to wreck his daughter's wedding by circulating a faked nude photo of her. It was this sort of talk that led critics to charge that Perot was unstable and the notion of him as president downright scary.

"In the final analysis, Perot cost me the election," George H. W. Bush wrote. Though Perot got not a single electoral vote, he polled 19.7 million popular votes. That is nearly four times the margin by which the incumbent Bush lost to Bill Clinton. Senator Bob Dole pointed out, accurately enough, that 57 percent of the electorate had voted *against* Clinton. Democrats countered that 62 percent had voted *for* a change. Clinton confided to consultant Dick Morris that the Republicans in Congress "never saw my presidency as legitimate. They see me as accidental, illegitimate, a mistake in a three-way race."

Perot was hard to pigeonhole ideologically. Some saw in his pro-abortion rights stance a "moderate," others a "libertarian." Perhaps more than anything, he played off a broken campaign promise. "Read my lips: no new taxes," went the most memorable line of Bush's acceptance speech at the 1988 Republican convention. Then, in 1990, Bush did raise taxes, for complex political reasons. Most of the hardcore Perot supporters wanted to limit taxes and also wanted to believe that politics was simple, not complex. They felt Bush had betrayed them.

Had at least 67 percent of Perot votes gone to Bush in key states, and the rest to Clinton, Bush would have won. The Republican would have picked up Maine, New Hampshire, Connecticut, New Jersey, Ohio, Wisconsin, Iowa, Kentucky, Georgia, Colorado, Montana, and Nevada, for an additional 106 electoral votes. That would have given Bush 274 votes to Clinton's 264.

Despite the widespread conviction that Perot hurt Bush more than Clinton, scant poll data supports this. A survey by Gerald M. Pomper asked Perot voters to name their second choice. Pomper reported that 38 percent of Perot voters favored Bush as second choice, 38 percent favored Clinton, and the others said they would not have voted at all, had they not been able to vote for Perot, or they would have voted for still another third-party candidate. If this is anywhere close to being accurate, the Perot vote was not decisive.

Polls can be misleading, of course, and those asking for "second choices" of people voting for potential spoilers may be particularly troublesome. The media was branding Perot an egotist for not stepping down and letting the two-party system take its course. Pomper's subjects could have anticipated that the poll's results would be trumpeted as evidence of Perot-as-spoiler. Some may have tried to protect their candidate by insisting that they would sooner have voted for Clinton than Bush.

It is also important to recognize that many Perot supporters *did* vote for Bush. The ones who didn't were more likely to have some particular reason to dislike Bush. Perot himself fell into this category.

Perot believed, as did many Americans, that large numbers of U.S. POWs were still being held in Vietnam. The sad fact now appears to be that most of the "missing" were shot down while flying secret missions over Cambodia and Laos. The United States did not want to admit to illegal missions and had therefore listed soldiers as missing when they would have otherwise been presumed dead. Perot became an advocate for getting to the bottom of the POW/MIA question. The Reagan administration tried to quiet him, first by letting him see classified documents, and then by having Vice President Bush give him a tactfully stem talking-to. Perot took *that* the wrong way. He concluded that George Herbert Walker Bush was his enemy.

So were the Vietnamese. And the Black Panthers. Perot accused the Vietnamese of hiring Black Panthers to assassinate him. Perot also came to believe that his own campaign consultant, Ed Rollins, had signed a lifetime contract with the CIA when it was run by Perot's old nemesis, George H. W. Bush. In Perot's mind, Rollins was actually a mole for the Bush campaign.

Perot could have pulled out of the race. He could have thrown his support behind Bush, with or without exacting political promises. He didn't do that because of his grudge against Bush. "In politics, nothing ever happens by accident," said Franklin Delano Roosevelt. "If it happened, you can bet it was planned that way." Being a spoiler is not just about the math of voting. It is about *spite*. And there is no better illustration of that than the 2000 election.

Harry Levine is a sociologist at Queens College. An ardent liberal, he long admired Ralph Nader and had used one of Nader's books in his classes. But Levine was alarmed at the prospect of Nader becoming a spoiler in the 2000 election. Unlike most Nader supporters, Levine saw a way out.

Toward the end of World War II, the United States contemplated an alternative to the bombing of Hiroshima and Nagasaki. It was to

take Japanese observers to a remote part of the Pacific for a demonstration of the atomic bomb. Once they grasped what they were dealing with, and that the same thing could be used on Japan, they would surrender. No bombs need have been dropped on the cities.

Levine thought that Nader could do much the same thing. Nader could withdraw from battleground states such as Florida to avoid taking crucial votes from Al Gore. He could put all his energy into the "safe" states where he couldn't possibly affect the electoral outcome. Nader would get a big turnout in those states, bigger than he could by spreading his resources all over the map. He could then point to the



The Bush family has seen the spoiler effect from both sides. implies Mike Lane's 2004 cartoon. (Reprinted with permission of PoliticalCartoons.com)

states where he withdrew and claim that Gore won *only* because he had pulled out. Assuming that Gore won, this would give Nader clout with the new administration. He could then use that to advance his environmental and progressive causes.

What could be simpler? All Levine had to do was get the message to someone close to Nader. He got his chance when Nader made a campaign swing through New York. In Levine's words, this turned out to be a voyage into "Nader's own Lewis Carroll alternate reality-to the other side of the looking glass,"

It was Nader who started the Carrollian allusions. In a Madison Square Garden rally that Levine attended with his teenage son, Nader likened Al Gore and George W. Bush to Tweedledee and Tweedledum. Gore's and Bush's politics were so close that it made no difference which won.

The next day, Levine attended a smaller political meeting, in Greenwich Village. Leaning against the wall was filmmaker Michael Moore. Moore was then best known for *Roger and Me*, a film that Nader had backed. Levine introduced himself to Moore and mentioned being upset about the Tweedledee and Tweedledum line. Bush and Cheney were real right-wingers, he said. Al Gore and Joe Lieberman were far from perfect, but anyone who cared about what Ralph Nader stood for had to find them preferable.

Moore nodded without saying much. Levine went on. There should be a website telling progressives in which states it was safe to vote for Nader. Moore said there was going to be a site like that. They also planned to encourage vote swapping. People in safe states could agree to vote for Nader instead of Gore, in return for people in battleground states voting for Gore instead of Nader. "We're going to do it," Moore said.

"Great," Levine said. "But the web site also needs to tell people the states where it is too close to vote for Nader-so people know to hold their nose and vote for Gore in those states."

As Levine remembers it, "Moore instantly turned and looked hard

at me. His face got Aushed, red, and he puffed up like one of those fish that expand when threatened. In this red, puffed up and *very* angry state he started yelling at me, leaning into me, and repeatedly poking his finger into my face.

"You can't say that!" Moore blustered. You can't say that! You can't say that! You can't say that!"

Going by some polls, the most popular presidential candidate of 2000 was Arizona senator John McCain. At one point, McCain's CNN! Gallup approval rating was 66 percent. That put him ahead of Al Gore (59 percent) and George W Bush (57 percent). In another poll, a quarter of the public said they would vote for McCain *even as a third-party candidate*. Hardly anyone was willing to go out on that kind of a limb for Gore or Bush. That the third most popular candidate ended up in the White House is testimony to the skills of Bush's strategist, Karl Rove.

Much of what American political consultants do amounts to exploiting the mathematical quirks of the plurality vote. One of those quirks is that the way people vote generally depends on how they think *other* people will vote. The plurality ballot is not kind to those who "throwaway their vote" on someone who can't win. Most voters try to make sure they *vote* for someone that a lot of other people will be *voting* for.

One of Karl Rove's major themes during the Republican primaries was that McCain didn't have a chance. "At the end of the day, there will be 30 members of the 55 Republicans in the U.S. Senate for George W. Bush, despite the fact that one of their own is running," Rove declared. "If you are the establishment choice on the Republican side, you are the inevitable nominee. No ifs, ands, or buts." In short, Bush was "inevitable." Republicans who happened to prefer McCain needed to face reality and switch their vote.

The Bush campaign raised far more money than McCain's, allow-

ing Bush to enter every primary. McCain had to concentrate his resources on a few states. One of the states where both candidates ran was New Hampshire. There McCain beat Bush by nineteen points.

The next state was South Carolina. The Bush TV ads turned nastier, claiming that McCain was a creature of corporate PACs, an odd charge in a Republican-versus-Republican fight.

"Y'all haven't even hit his soft spots," South Carolina state senator Mike Fair told Bush.

"We're going to," Bush promised, but we're "not going to do it on TV."

Negative campaigning is highly effective for reasons psychological, political, and mathematical. In the various primaries in 2000, Bush ran against McCain, Steve Forbes, Alan Keyes, Gary Bauer, and Orrin Hatch. Suppose a primary voter likes McCain best, and Bush almost as much. McCain would most likely win that vote. The fact that the voter likes Bush almost as much, and better than a whole field of other contenders, counts for nothing. That leaves the Bush campaign with two remedies: do either something to make Bush *more* popular or something to make McCain *less* popular.

There is a real asymmetry here. Plausible negatives are easier to fabricate. You can hardly start a *positive* rumor. ("Psst! Bush was a war hero, just like McCain, only he's too modest to talk about it.") Voters are much more likely to believe a negative rumor, a dark secret the candidate and the "liberal media" (or "right-wing media") are covering up. Delivered just before Election Day, a rumor can have more credibility than news.

The rumor mill began turning in South Carolina. Bob Jones University law professor Richard Hand sent out an e-mail message claiming that McCain "had chosen to sire children without marriage." Church flyers took a different tack, identifying McCain as "the fag candidate." South Carolina voters also began receiving mysterious phone calls, supposedly from pollsters, offering further insinuations about the Arizona senator. It was implied that McCain's wife, Cindy, was a drug ad-

diet; that McCain was one of those crazy Vietnam vets who might go berserk at the slightest provocation; and, again, that McCain had an illegitimate black child. The faint connection to reality was that the McCains had adopted Bridget, a dark-skinned Bangladeshi child, from Mother Teresa's orphanage.

When Professor Hand was told that McCain had *not* fathered an illegitimate child, Hand replied, "Wait a minute, that's a universal negative. Can you prove that there aren't any?"

The press generally assumed that Karl Rove was behind the smear campaign. If correct, Rove did a good job of keeping his fingerprints off it. 'We had no idea who made the phone calls, who paid for them, or how many calls were made," said McCain's campaign manager, Richard H. Davis. "We never did find out who perpetrated these smears, but they worked."

Bush and McCain met face to face at a debate. McCain turned to Bush and shook his head.

"John," Bush answered, "it's politics."

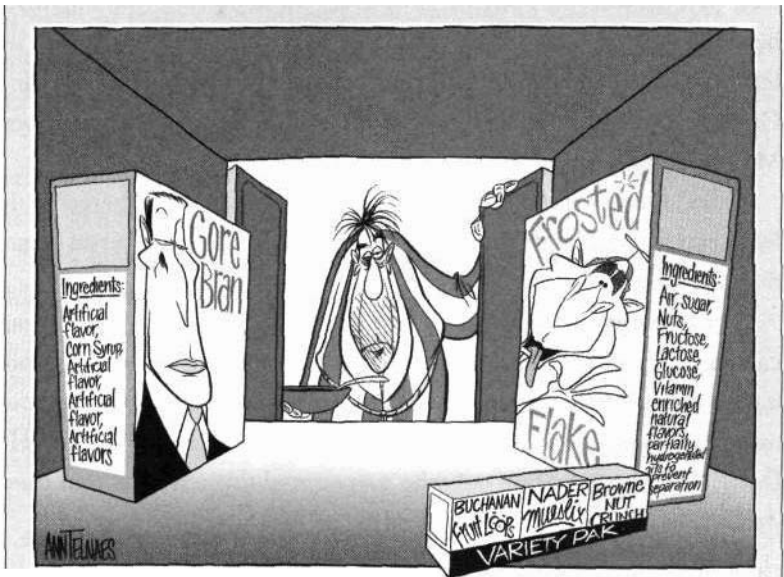
"George, everything isn't politics."

During a commercial break, McCain went on about the smear campaign. Bush insisted he knew nothing about it. He said they should put this behind them, and he offered his hand.

"Don't give me that shit," McCain said. "And take your hands off me."

Like most politicians in a two-party system, McCain ultimately withdrew from the race and endorsed his fanner opponent. But he likely would have beaten Gore more decisively than Bush was able to do.

Ralph Nader had a hard time keeping political consultants. Like a Mafioso, he had decided he could trust only blood. He had anointed a nephew, Tarek Milleron, as his principal campaign advisor. Milleron looked eerily like a younger clone of his uncle. He was about thirty, handsome, and smart. He dressed as if he were applying for a job on General Motors' legal staff. Harry Levine ran into Milleron at another



THE CHOICE

Ann Telnaes's Pulitzer Prize-winning cartoon finds slim pickings for the "flier in the middle." The electoral process often eliminates the most popular candidate. (In 2000 that may have been John McCain.) (© 2000A"" Telnaes. All rights reserved Reprinted with permission of A"" Telnaes in conjunction with the Cartoonist Group)

Nader event and made one more pitch. He repeated the story about the atomic bomb and Japan. Nader need only demolls/rate his spoiler effect, not use it as a weapon of mass destruction.

ivlilleron's body language sent the wrong signals, He told Levine that a Bush victory might be a good thing for progressives. It is a well-known fact, he said, that it is easier to raise money for environmental causes when people feel threatened.

Levine countered that a Core administration would still be better for environmental causes overall than a Bush administration. They should help Nader's voters to avoid being spoilers.

"We are not going to do that," Milleron snapped.

"Why not?"

"Because we want to punish the Democrats, we want to hurt them, wound them."

Milleron's remarks would have been no surprise to those who followed Nader's career closely. Not many voters did.

Nader came to public attention in 1965 with the publication of a bestselling book, *Unsafe at Any Speed*. In it, he attacked the automobile industry for putting profits above customer safety. The title was intended literally. Nader told of a boy who had gored himself on a Cadillac tail fin and died. It was a parked car.

Nader was soon testifying regularly before Congress. He became such a popular figure that, in 1968, Democratic presidential hopeful George McGovern asked him to be his running mate. Nader refused.

In 1972 novelist Gore Vidal (a cousin of Al Gore's) was cochairman of a group calling itself the New Party. Vidal thought Nader would be an ideal presidential candidate. Nader again begged off. He said he was afraid he might split the Democratic vote, leading to the reelection of Richard Nixon. In his opinion, that would *not* be a good thing.

Nader could do the political math as well as anyone. He knew the Republicans were less sympathetic to his causes than the Democrats. What happened between 1972 and 2000? The country turned right, and Nader didn't. Reagan, a hugely popular president, preferred to staff his regulatory agencies with executives from the industries being regulated. Washington became a hostile environment for consumer activists.

In 1992 Nader campaigned briefly in the New Hampshire primary, then dropped out of the race. It might have been expected that the return of a Democrat to the White House would restore Nader's influence. It didn't. Bill Clinton refused to have anything to do with Nader. Just before Clinton signed a bill relaxing the fifty-five-mile-an-hour speed limit, Nader practically begged for five minutes of face time. He wanted to make his case that a higher speed limit would cause hundreds of additional fatalities. Clinton never responded.

It was the same story with Al Gore. "The vice president has no time to meet with Mr. Nader," he was told. This was surprising because

Nader had worked with Gore and had rated him one of the ten senators most sympathetic to his views. Nader got on the phone and was put through to the vice president. Gore would not commit to a meeting. The call ended with Gore saying, "Well, I'll see." He never called back.

Nader ran for president on the Green Party ticket in 1996. He told *Mother Jones* magazine that Clinton ought to be known as George Ronald Climon—a recombinant political monster. Asked by the *Mother Jones* reporter whether his candidacy wouldn't actually help elect Bob Dole, Nader pointed out that in the 1992 New Hampshire primary, 52 percent of his votes came from registered Republicans. That statistic needs some context. In 1992 Nader was promoting the idea that ballots should have a choice marked "none of the above." In the event that "none of the above" got a plurality of votes, no one would win, and another election (or elections?) would be held. Nader told the New Hampshire voters to vote for him *if* what they really wanted to say was "none of the above." Many of the 6,311 voters who voted for Nader were probably registering their distaste for the other candidates. New Hampshire is a conservative state, and it is not surprising that just over half the Nader voters were Republicans.

The New York Times also tried to pin Nader down on the spoiler scenario. "If I really wanted to beat Clinton," Nader said, "I would get out, raise \$3 or \$4 million, and maybe provide the margin for his defeat. That's not the purpose of this candidacy."

As his 2000 campaign commenced, Nader announced plans to raise five million dollars for his most intense fight yet. A *Rolling Stone* reporter confronted Nader with what he'd said in 1996. "Since you're planning to raise \$5 million and run hard this year, does that mean you would not have a problem providing the margin of defeat for Gore?"

"I would not-not at all," Nader answered. "I'd rather have a provocateur than an anesthetizer in the White House. Remember what [Reagan secretary of the interior] James Watt did for the environmental movement? He galvanized it. Gore and his buddy Clinton are anesthetizers."

By all accounts, Nader viewed George W. Bush as something less than human. It was Al Gore who was a moral being accountable for his actions. In Nader's mind, Gore needed to be punished, and the country was better off with Bush because a Bush presidency would be such a catastrophe that it would send the country veering leftward. Many of Nader's associates thought this reasoning was insane. One of them, Gary Sellers, created an uncomfortable moment at a Washington, D.C., fund-raiser in August 2000. "Ralph, this is shaping up to be Ross Perot all over again," Sellers charged. "You'll be the Perot of the left. It will be very destructive."

The room went silent, "Oh, Gary," Nader said, "I wish I could be as clairvoyant as you. Don't you worry. George Bush is so dumb, Gore will beat him by 20 points."

Sellers told biographer Justin Martin that Nader "had a personal animus toward Gore. Gore had moved to the center and that enraged Ralph. Gore also did not return his phone calls. It was clear that Ralph's feelings were hurt. This was the kind of thing you'd expect from an adolescent. It was embarrassing. He was furious and he was going to teach Gore a lesson."

Vote-swapping websites sprang up in the campaign's final weeks, Nader stonily refused to endorse them. "We opposed it," Nader's campaign manager Theresa Amato explained. "Our campaign theme was, vote your conscience, not your fears. Ralph Nader's position was that people should vote for who they want and not engage in elaborate schemes."

A week before the election, California attorney general Bill Jones, a Republican, sent a cease-and-desist letter to the creators of one such site, VoteSwap2000.com. It said that vote trading was a felony punishable by three years in prison. For aiding thousands of such crimes, site creators Jim Cody and Ted Johnson were looking at multiple consecutive life sentences.

Jones cited California Election Code sections 18521 and 18522, which ban buying and selling votes. Applying this to Internet vote trading to avoid a spoiler effect was, to say the least, creative. To avoid trouble, Cody and Johnson shut down the site. Five other state officials elsewhere, all Republican, filed similar complaints.

Liberal forces came down equally hard on Nader himself. *The New York Times* editorialized on "Mr. Nader's Misguided Crusade." The paper had little problem with Nader's positions, only with his "engaging in a self-indulgent exercise that will distract voters from the clear-cut choice presented by the major-party candidates." As *Nation* columnist Christopher Hitchens remarked, the *Times's* editorial position was the exact opposite of Voltaire's: "I respect what you have to say, but I will fight to the death to prevent you from saying it."

In August, Robert F. Kennedy, Jr., wrote an op-ed piece for the *Times* claiming that Nader had said that he would vote for Bush, were he compelled to choose between Bush and Gore. This was an urban legend zipping around the Internet. Nader wrote the *Times* to deny it (sort of). "I have never said I would vote for George W. Bush, whom I have strongly criticized across the country, if forced to choose between him and Al Gore. Indeed, I have never stated for whom I have ever voted or expect to vote for since the 1960s, though it can be assumed that I **will** vote for Green Party candidates this year."

"I will not speak his name," James Carville said of Nader. "I'm going to shun him, and any good Democrat, any good progressive ought to do the same thing." Within the Gore campaign, the Green Party candidate was known as "~~That~~ Bastard" or "the Grim Reaper."

By one hopeful theory, Nader was playing a game of chicken. He was trying to pressure Gore to move to the left. Then he would drop out of the race. By midsummer Nader still hadn't blinked. Gore made overtures to Nader via intermediaries, Myron Cherry, a Gore aide who had worked with Nader in the 1970s, called Nader and laid out the options. If Nader withdrew from the race, Gore would listen to what he

had to say. He would give Nader real power in the administration, such as helping decide the head of the Environmental Protection Agency.

Nader "responded like I'd joined the devil," Cherry said. "He would not talk to me and indicated we had nothing to offer him. It was like we were pariahs,"

It was not just the Democrats who had to worry about a spoiler. Two right-wing candidates were competing for Bush's conservative base. Pat Buchanan was running on what was left of Ross Perot's Reform Party, and Harry Browne was running as a Libertarian.

In recent years, the Libertarians have been as much a thorn in the side of the Republicans as the Greens have been to the Democrats. This fact gets overlooked perhaps because there has not been a libertarian spoiler in a presidential election (yet). In congressional races, however, the Libertarians have accomplished a lot—for the Democratic Party. The most powerful Democrat in the Senate would not be there had it not been for a Libertarian spoiler. In 1998, Nevada's Harry Reid, now the Senate majority leader, squeaked by Republican John Ensign by a mere 428 votes. A Libertarian named Michael Cloud drew 8,044 votes in the same race. Similar scenarios elected Democratic senators in Georgia (Max Cleland in 1996) and Washington (Maria Cantwell in 2000). Libertarian spoilers also tipped two 2000 House races to Democrats (Jane Harmon of California and Rush Holt of New Jersey).

Much of the Libertarian rhetoric is a looking-glass version of Nader's. In a 1997 issue of *The Libertarian Enterprise*, L. Neil Smith proposed that the Libertarian Party zero in on Republican incumbents who had won by a margin of 5 percent or less. The Libertarians should put all their resources into running strong candidates against the vulnerable Republicans, "the object being to ~~deny~~ them their five percent and put Democrats in office in their place."

It wasn't that Smith wanted tax-and-spend Democrats to run the country. Rather, he expected the Republicans to come crawling to the Libertarians and adopt their liberal views on social issues. Exactly how that would sit with the religious right was left unsaid.

Fortunately for George W. Bush, Harry Browne and Pat Buchanan together polled less than a third of the votes that Ralph Nader did. In the final days of the race, Buchanan stopped campaigning in battleground states. He chose not to risk being responsible for a Gore victory. At least some of Nader's team proposed a similar tactic.

Nader's longtime goal had been to win 5 percent of the popular vote. That would qualify the Green Party for federal funding in 2004. Nearly all Greens also wanted Gore to beat Bush, barely. These two goals depended on Gore's having a greater-than-5-percent lead on Bush. That was looking less and less possible. Nader's advisors suggested that he spend the last days in New York, California, and possibly Texas. California and New York are the two most populous states; their liberal populations were receptive to Nader's message; and since they were firmly in Gore's camp, progressives in these states could vote for Nader with a clear conscience. Texas was just as certainly Bush's, and Nader had enough support in Austin to make that a logical stop.

Nader brushed aside these ideas. His final itinerary included the contested states of Florida (November 4), New Hampshire (part of November 6), and Pennsylvania (Election Day, November 7). He "went into the swing states thinking that's where the press was, that's where he would get publicity," explained Nader's media consultant Bill Hillsman. "But I warned him, 'Only if you want more stories about being a spoiler:'"

The spoiler label didn't bother some Nader voters. On the night of the election, blogger Matt Welch heard one Nader supporter boasting, "I wouldn't vote for Al Gore if he was running against Adolf Hitler!"

Bill and Hillary Clinton watched the 2000 election returns in New York City in the company of publisher Harold Evans. As states blinked red or blue on the TV screen, the president supplied statistics on how badly Nader had penalized Gore in each state. A little after 8:00 p.m., the networks retracted their premature projection that Florida would go to Gore.

"I want to kill him," Evans seethed, meaning Nader. Hillary, who had just been elected senator, replied, "That's not a bad idea."

She was not the only Democrat turned homicidal. Perhaps the most shocking line came from Michael Dukakis: "Til strangle the guy with my bare hands." The longtime foe of capital punishment was talking about Ralph Nader, of course.

For weeks, Nader campaign workers had existed in a bubble of denial. They hoped that Gore would win, Bush would lose, and Nader would somehow make a respectable showing. Cheering erupted at the Nader headquarters whenever the networks declared that Gore had won a contested state. After the networks retracted the Florida projection, NBC's Tom Brokaw asked Nader some pointed questions about his role in the election. "Screw the corporate media," one Nader staffer said, off camera.

In the wee hours of the day after the election, Nader went home to watch further returns on his black-and-white TV set.

The morning after the election, Matt Welch recorded this exchange between Nader and Pat Buchanan at the National Press Club. Nader arrived with a big grin on his face. He had won only 2.73 percent of the popular vote. No matter; he had made a difference after all.

"Fearless leader!" Buchanan called. "Hey, fearless leader!" Nader finally understood what was going on, and the two shook hands warmly.

"Congratulations, you ran a terrific campaign," Buchanan said.

"Well, Pat, you know how hard it is to challenge this entrenched two-party system!"

For nearly everyone, a message of the 2000 election was how *inexact* a science vote counting is. Republicans and Democrats bickered over mismarked and absentee ballots *in* Florida and other battleground states. Ultimately, the Supreme Court ruled on procedural details of the Florida count, Bush won by five electoral votes (and lost in the popular vote).

Ralph Nader's 2,883,105 votes were concentrated in liberal states on the coasts that Gore already had locked up. There are only two states where Nader was a plausible spoiler, Florida and New Hampshire. In *every* other state that went for Bush, the Nader vote was smaller than the Bush-Gore difference.

The official Florida count credited Bush with 2,912,790 votes and Gore with 2,912,253. Bush won the state by just 537 votes. The disputed hanging chads, dimples, butterfly ballots, and absentee ballots might have changed these figures either way by hundreds, conceivably thousands. Nader got 97,488 votes, Buchanan received 17,484, and Browne got 16,415.

That leaves little doubt that Gore would have won under a spoiler-proof voting system. Had the Nader voters favored Gore over Bush by *even* a 51 percent margin (with similar figures for Buchanan and Browne voters favoring Bush), that would have been enough to tip the vote to Gore. Or, had 100 percent of the Buchanan and Browne votes gone to Bush, and just 68 percent of the Nader vote to Gore, Gore would have won.

A nationwide *ABC News* poll taken just after the election asked Nader voters whom they would have voted for between the two front-runners. Forty-seven percent said Gore, 21 percent said Bush, and the rest said they would not have voted at all. This poll was taken as Nader voters were being reviled for spoiling the election, and they must have known that any Nader voter who admitted favoring Gore over Bush would look foolish to most of America. Even so, and excluding the abstainers (as we're doing throughout this analysis), the ABC numbers

imply that 69 percent of Nader voters favored Gore, and 31 percent favored Bush. That implies that Gore would have won Florida.

A similar calculation shows that Gore could have won New Hampshire provided that over 72 percent of Nader voters there favored Gore over Bush. The most likely electoral outcome for the 2000 election, had it not been for the Nader (-Buchanan-Browne) spoiler effect, is that Gore would have picked up Florida and conceivably New Hampshire, winning by at least 291 electoral votes to Bush's 246.

Let me recap. Five presidential elections were probably decided by spoilers (1844, 1848, 1884, 1912, 2000). At least two others (1892, 1992) are questionable cases. In still another race (1860), four-way vote splitting and the electoral college created such ambiguity that it was a factor in precipitating civil war.

In 1844, an abolitionist spoiler put a slave-owner in the White House.

In 1848, a former Democratic president sabotaged the Democratic Party's chances.

In 1884, a Prohibition Party candidate helped elect a supposed "ally of the saloon,"

In 1912, a former Republican president prevented the reelection of a Republican president.

In 2000, a consumer and environmental advocate elected the favored candidate of corporate America.

There have been 45 presidential elections since 1828. In at least five, the race went to the second most popular candidate because of a spoiler. That's over an 11 percent rate of catastrophic failure. Were the plurality vote a car or an airliner, it would be recognized for what it is - a defective consumer product, unsafe at any speed.