1. The Federalist No. 58 (excerpt on demagoguery) ........................................1
2. Wilson, “Leaders of Men,” 1889 .................................................................1
   President of the United States,” 1908 (on the role of the President) .................2
4. James Ceaser, “Political Parties and Presidential Ambition,” 1978 (recommended) ....6
   (recommended) .........................................................................................14
6. Anthony Corrado, “Federal Election Campaign Act
   Amendments of 1974: A Summary” ........................................................19
7. Ceaser and Busch, Red Over Blue, chapter 6, “Electoral Reform and
   the Future of the Parties” ......................................................................22
The Federalist No. 58

…In the first place, the more numerous an assembly may be, of whatever characters composed, the greater is known to be the ascendency of passion over reason. In the next place, the larger the number, the greater will be the proportion of members of limited information and of weak capacities. Now, it is precisely on characters of this description that the eloquence and address of the few are known to act with all their force. In the ancient republics, where the whole body of the people assembled in person, a single orator, or an artful statesman, was generally seen to rule with as complete a sway as if a sceptre had been placed in his single hand. On the same principle, the more multitudinous a representative assembly may be rendered, the more it will partake of the infirmities incident to collective meetings of the people. Ignorance will be the dupe of cunning, and passion the slave of sophistry and declamation…The countenance of the government may become more democratic, but the soul that animates it will be more oligarchic…

Woodrow Wilson, “Leaders of Men,” 1889

[Here Wilson argues that true “leaders” are able to move the mass of men into action for the sake of reform and progress. To do this, leaders must understand how to move them – and that is by not appealing to their reason, but to their passions and desires. Wilson dismisses fears of the founders that “demagogues” are dangerous precisely because they appeal to the passions rather than the reason of the people. – editor]

Those only are leaders of men, in the general eye, who lead in action…

That the leader of men must have such sympathetic insight as shall enable him to know quite unerringly the motives which move other men in the mass is of course self-evident; but this insight which he must have is not the Shakespearean insight. It need not pierce the particular secrets of individual men: it need only know what it is that lies waiting to be stirred in the minds and purposes of groups and masses of men. Besides it is not a sympathy that serves, but is a sympathy whose power is to command, to command by knowing its instrument…

The competent leader of men cares little for the interior niceties of other people’s characters: he cares much—everything for the external uses to which they may be put. His will seeks the lines of least resistance; but the whole question with him is a question as to the application of force. There are men to be moved: how shall he move them? He supplies the power; others supply only the materials upon which that power operates. The power will fail if it be misapplied; it will be misapplied if it be not suitable both in its character and in its method to the nature of the materials upon which it is spent; but that nature is, after all, only its means. It is the power which dictates, dominates; the materials yield. Men are as clay in the hands of the consummate leader.

It often happens that the leader displays a sagacity and an insight in the handling of men in the mass which quite baffle the wits of the shrewdest analyst of individual character. Men in the mass differ from men as individuals. A man who knows, and keenly knows, every man in town may yet fail to understand a mob or a mass-meeting of his fellow-townsmen. Just as the whole tone and method suitable for a public speech are foreign to the tone and method proper in
individual, face to face dealings with separate men, so is the art of leading different from the art of writing novels…

Society is not a crowd, but an organism; and, like every organism, it must grow as a whole or else be deformed. The world is agreed, too, that it is an organism also in this, that it will die unless it be vital in every part. That is the only line of reasoning by which we can really establish the majority in legitimate authority. This organic whole, Society, is made up, obviously, for the most part, of the majority. It grows by the development of its aptitudes and desires, and under their guidance. The evolution of its institutions must take place by slow modification and nice all-round adjustment. And all this is but a careful and abstract way of saying that no reform may succeed for which the major thought of the nation is not prepared: that the instructed few may not be safe leaders, except in so far as they have communicated their instruction to the many, except in so far as they have transmuted their thought into a common, a popular thought.

Let us fairly distinguish, therefore, the peculiar and delicate duties of the popular leader from the not very peculiar or delicate crimes of the demagogue. Leadership, for the statesman, is interpretation. He must read the common thought: he must test and calculate very circumspectly the preparation of the nation for the next move in the progress of politics. If he fairly hit the popular thought, when we have missed it, are we to say that he is a demagogue? The nice point is to distinguish the firm and progressive popular thought from the momentary and whimsical popular mood, the transitory or mistaken popular passion…

Woodrow Wilson, *Constitutional Government in the United States, 1908*

…The makers of the Constitution seem to have thought of the President as what the stricter Whig theorists wished the king to be: only the legal executive, the presiding and guiding authority in the application of law and the execution of policy. His veto upon legislation was only his ‘check’ on Congress, — was a power of restraint, not of guidance. He was empowered to prevent bad laws, but he was not to be given an opportunity to make good ones. As a matter of fact he has become very much more. He has become the leader of his party and the guide of the nation in political purpose, and therefore in legal action. The constitutional structure of the government has hampered and limited his action in these significant rôles, but it has not prevented it…Greatly as the practice and influence of Presidents has varied, there can be no mistaking the fact that we have grown more and more inclined from generation to generation to look to the President as the unifying force in our complex system, the leader both of his party and of the nation...

The rôle of party leader is forced upon the President by the method of his selection. The theory of the makers of the Constitution may have been that the presidential electors would exercise a real choice, but it is hard to understand how, as experienced politicians, they can have expected anything of the kind. They did not provide that the electors should meet as one body for consultation and make deliberate choice of a President and Vice-President, but that they should meet “in their respective states” and cast their ballots in separate groups, without the possibility of consulting and without the least likelihood of agreeing, unless some such means as have actually been used were employed to suggest and determine their choice beforehand. It was the practice at first to make party nominations for the presidency by congressional caucus. Since the Democratic upheaval of General Jackson’s time nominating conventions have taken the place of
congressional caucuses; and the choice of Presidents by party conventions has had some very interesting results.

We are apt to think of the choice of nominating conventions as somewhat haphazard. We know, or think that we know, how their action is sometimes determined, and the knowledge makes us very uneasy. We know that there is no debate in nominating conventions, no discussion of the merits of the respective candidates, at which the country can sit as audience and assess the wisdom of the final choice. If there is any talking to be done, aside from the formal addresses of the temporary and permanent chairmen and of those who present the platform and the names of the several aspirants for nomination, the assembly adjourns. The talking that is to decide the result must be done in private committee rooms and behind the closed doors of the headquarters of the several state delegations to the convention...

In reality there is much more method, much more definite purpose, much more deliberate choice in the extraordinary process than there seems to be. The leading spirits of the national committee of each party could give an account of the matter which would put a very different face on it and make the methods of nominating conventions seem, for all the undoubted elements of chance there are in them, on the whole very manageable. Moreover, the party that expects to win may be counted on to make a much more conservative and thoughtful selection of a candidate than the party that merely hopes to win. The haphazard selections which seem to discredit the system are generally made by conventions of the party unaccustomed to success. Success brings sober calculation and a sense of responsibility...

If the matter be looked at a little more closely, it will be seen that the office of President, as we have used and developed it, really does not demand actual experience in affairs so much as particular qualities of mind and character which we are at least as likely to find outside the ranks of our public men as within them. What is it that a nominating convention wants in the man it is to present to the country for its suffrages? A man who will be and who will seem to the country in some sort an embodiment of the character and purpose it wishes its government to have, — a man who understands his own day and the needs of the country, and who has the personality and the initiative to enforce his views both upon the people and upon Congress. It may seem an odd way to get such a man. It is even possible that nominating conventions and those who guide them do not realize entirely what it is that they do. But in simple fact the convention picks out a party leader from the body of the nation. Not that it expects its nominee to direct the interior government of the party and to supplant its already accredited and experienced spokesmen in Congress and in its state and national committees; but it does of necessity expect him to represent it before public opinion and to stand before the country as its representative man, as a true type of what the country may expect of the party itself in purpose and principle. It cannot but be led by him in the campaign; if he be elected, it cannot but acquiesce in his leadership of the government itself. What the country will demand of the candidate will be, not that he be an astute politician, skilled and practised in affairs, but that he be a man such as it can trust, in character, in intention, in knowledge of its needs, in perception of the best means by which those needs may be met, in capacity to prevail by reason of his own weight and integrity. Sometimes the country believes in a party, but more often it believes in a man; and conventions have often shown the instinct to perceive which it is that the country needs in a particular presidential year, a mere representative partisan, a military hero, or some one who will genuinely speak for the country itself, whatever be his training and antecedents. It is in this sense that the President has the rôle of party leader thrust upon him by the very method by which he is chosen...
He cannot escape being the leader of his party except by incapacity and lack of personal force, because he is at once the choice of the party and of the nation. He is the party nominee, and the only party nominee for whom the whole nation votes. Members of the House and Senate are representatives of localities, are voted for only by sections of voters, or by local bodies of electors like the members of the state legislatures. There is no national party choice except that of President. No one else represents the people as a whole, exercising a national choice; and inasmuch as his strictly executive duties are in fact subordinated, so far at any rate as all detail is concerned, the President represents not so much the party's governing efficiency as its controlling ideals and principles. He is not so much part of its organization as its vital link of connection with the thinking nation. He can dominate his party by being spokesman for the real sentiment and purpose of the country, by giving direction to opinion, by giving the country at once the information and the statements of policy which will enable it to form its judgments alike of parties and of men.

For he is also the political leader of the nation, or has it in his choice to be. The nation as a whole has chosen him, and is conscious that it has no other political spokesman. His is the only national voice in affairs. Let him once win the admiration and confidence of the country, and no other single force can withstand him, no combination of forces will easily overpower him. His position takes the imagination of the country. He is the representative of no constituency, but of the whole people. When he speaks in his true character, he speaks for no special interest. If he rightly interpret the national thought and boldly insist upon it, he is irresistible; and the country never feels the zest of action so much as when its President is of such insight and calibre. Its instinct is for unified action, and it craves a single leader. It is for this reason that it will often prefer to choose a man rather than a party. A President whom it trusts can not only lead it, but form it to his own views.

It is the extraordinary isolation imposed upon the President by our system that makes the character and opportunity of his office so extraordinary. In him are centred both opinion and party. He may stand, if he will, a little outside party and insist as if it were upon the general opinion. It is with the instinctive feeling that it is upon occasion such a man that the country wants that nominating conventions will often nominate men who are not their acknowledged leaders, but only such men as the country would like to see lead both its parties. The President may also, if he will, stand within the party counsels and use the advantage of his power and personal force to control its actual programs. He may be both the leader of his party and the leader of the nation, or he may be one or the other. If he lead the nation, his party can hardly resist him. His office is anything he has the sagacity and force to make it.

That is the reason why it has been one thing at one time, another at another. The Presidents who have not made themselves leaders have lived no more truly on that account in the spirit of the Constitution than those whose force has told in the determination of law and policy. No doubt Andrew Jackson overstepped the bounds meant to be set to the authority of his office. It was certainly in direct contravention of the spirit of the Constitution that he should have refused to respect and execute decisions of the Supreme Court of the United States, and no serious student of our history can righteously condone what he did in such matters on the ground that his intentions were upright and his principles pure. But the Constitution of the United States is not a mere lawyers’ document: it is a vehicle of life, and its spirit is always the spirit of the age…

Some of our Presidents have deliberately held themselves off from using the full power they might legitimately have used, because of conscientious scruples, because they were more
theorists than statesmen. They have held the strict literary theory of the Constitution, the Whig theory, the Newtonian theory, and have acted as if they thought that Pennsylvania Avenue should have been even longer than it is; that there should be no intimate communication of any kind between the Capitol and the White House; that the President as a man was no more at liberty to lead the houses of Congress by persuasion than he was at liberty as President to dominate them by authority…The President is at liberty, both in law and conscience, to be as big a man as he can. His capacity will set the limit; and if Congress be overborne by him, it will be no fault of the makers of the Constitution, — it will be from no lack of constitutional powers on its part, but only because the President has the nation behind him, and Congress has not. He has no means of compelling Congress except through public opinion…

The political powers of the President are not quite so obvious in their scope and character when we consider his relations with Congress as when we consider his relations to his party and to the nation…And yet the Constitution explicitly authorizes the President to recommend to Congress “such measures as he shall deem necessary and expedient,” and it is not necessary to the integrity of even the literary theory of the Constitution to insist that such recommendations should be merely perfunctory…The Constitution bids him speak, and times of stress and change must more and more thrust upon him the attitude of originator of policies.

His is the vital place of action in the system, whether he accept it as such or not, and the office is the measure of the man, — of his wisdom as well as of his force. His veto abundantly equips him to stay the hand of Congress when he will. It is seldom possible to pass a measure over his veto, and no President has hesitated to use the veto when his own judgment of the public good was seriously at issue with that of the houses…

How is it possible to sum up the duties and influence of such an office in such a system in comprehensive terms which will cover all its changeful aspects? In the view of the makers of the Constitution the President was to be legal executive; perhaps the leader of the nation; certainly not the leader of the party, at any rate while in office. But by the operation of forces inherent in the very nature of government he has become all three, and by inevitable consequence the most heavily burdened officer in the world. No other man’s day is so full as his, so full of the responsibilities which tax mind and conscience alike and demand an inexhaustible vitality. The mere task of making appointments to office, which the Constitution imposes upon the President, has come near to breaking some of our Presidents down, because it is a never-ending task in a civil service not yet put upon a professional footing, confused with short terms of office, always forming and dissolving. And in proportion as the President ventures to use his opportunity to lead opinion and act as spokesman of the people in affairs the people stand ready to overwhelm him by running to him with every question, great and small. They are as eager to have him settle a literary question as a political; hear him as acquiescently with regard to matters of special expert knowledge as with regard to public affairs, and call upon him to quiet all troubles by his personal intervention. Men of ordinary physique and discretion cannot be Presidents and live, if the strain be not somehow relieved. We shall be obliged always to be picking our chief magistrates from among wise and prudent athletes, — a small class…
The Federal Election Campaign Act Amendments of 1974 (Public Law 93-443), were signed into law by President Gerald Ford on October 15, 1974. Though technically a set of amendments to the 1971 Federal Election Campaign Act (FECA) (document 2.8), this legislation stands as the most comprehensive reform of the campaign finance system ever adopted. It significantly strengthened the disclosure provisions of the 1971 law and enacted unprecedented limits on contributions and expenditures in federal elections. It introduced the first use of public financing at the national level by establishing optional public funding in presidential general election campaigns and a system of federal matching grants in presidential primary campaigns. It also created an independent agency, the Federal Election Commission, to administer and enforce campaign finance regulations.

The 1974 law was a direct result of the experience in the 1972 elections. The abuses revealed by the investigations surrounding the Watergate scandal and the continuing increase in campaign costs convinced the Congress that a more extensive regulatory scheme than that adopted in 1971 was necessary. Accordingly, the media spending ceilings established by the 1971 act were abolished and replaced with stringent limits on campaign expenditures. Under the new provisions, Senate candidates could spend no more than $100,000 or $0.08 times the voting-age population of the state in a primary election, whichever was greater, and no more than $150,000 or $0.12 times the voting-age population in a general election, whichever was greater. House candidates in multidistrict states were limited to total expenditures of $70,000 in each primary and general election. Those in states with a single representative were subject to the ceilings established for Senate candidates.

Presidential candidates were restricted to $10 million in a nomination campaign and $20 million in a general election. The amount they could spend in a state primary election was also limited to no more than twice the sum that a Senate candidate in that state could spend. All of these ceilings were indexed to reflect increases in the Consumer Price Index, and candidates were allowed to spend up to an additional 20 percent of the spending limit for fundraising costs. This latter provision was instituted in recognition of the added fundraising burden placed on candidates as a result of the contribution limits imposed by the act, which required that they finance their campaigns through small contributions.

The amendments also set limits on the amounts national party committees could expend on behalf of candidates. These organizations were allowed to spend no more than $10,000 per candidate in House general elections; the greater of $20,000 or $0.02 times the voting-age population for each candidate in Senate general elections; and $0.02 times the voting-age population (approximately $2.9 million) for their presidential candidate. The amount a party committee could spend on its national nominating convention was also restricted. Each of the major parties (defined as a party whose candidates received more than 25 percent of the popular vote in the previous election) was limited to $2 million in convention expenditures. Minor parties (defined as parties whose candidates received between 5 and 25 percent of the popular vote in the previous election) were limited to lesser amounts.

The legislation retained the contribution limits placed on candidates and their immediate families by the FECA and established additional restrictions designed to eliminate the potentially corruptive influence of large donors. An individual was allowed to contribute no more than $1,000 per candidate in any primary, runoff, or general election and could not exceed $25,000 in annual aggregate contributions to all federal candidates. Donations by political committees—in
particular, the political action committees that the law sanctioned for use by labor unions and other groups of individuals—were limited to $5,000 per election for each candidate, with no aggregate limit. Independent expenditures made on behalf of a candidate were limited to $1,000 a year, and cash donations in excess of $100 were prohibited.

The most innovative aspect of the 1974 law was the creation of a public financing system for presidential election campaigns financed from the tax checkoff receipts deposited in the Presidential Election Campaign Fund. The legislation established a program of voluntary public financing for presidential general elections in which major party candidates could receive the full amount authorized by the spending limit ($20 million) if they agreed to eschew private donations. Minor party candidates could receive a proportionate share of this amount, with the size of their subsidy determined on the basis of the proportion of the vote they received in the previous election compared with the average vote of the major parties. New parties and minor parties could also qualify for postelection funds on the same proportional basis if their percentage of the vote in the current election entitled them to a larger subsidy than the grant generated by their vote in the previous election.

In the primary election, presidential candidates were eligible for public matching funds if they fulfilled certain fundraising requirements. To qualify, a candidate had to raise at least $5,000 in contributions of $250 or less in at least twenty states. Eligible candidates would then receive public monies on a dollar-for-dollar basis for the first $250 contributed by an individual, provided that the contribution was received after January 1 of the year before the election year. The maximum amount a candidate could receive in such payments was half of the spending limit, or $5 million under the original terms of the act. In addition, national party committees were given the option of financing their nominating conventions with public funds. Major parties could receive the entire amount authorized by the spending limit ($2 million), while minor parties were eligible for lesser amounts based on their proportion of the vote in the previous election.

Finally, the bill included a number of amendments designed to strengthen the disclosure and enforcement procedures of the 1971 act. The most important of these was the provision creating the Federal Election Commission, a six-member, full-time, bipartisan agency responsible for administering election laws and implementing the public financing program. This agency was empowered to receive all campaign reports, promulgate rules and regulations, make special and regular reports to Congress and the president, conduct audits and investigations, subpoena witnesses and information, and seek civil injunctions to ensure compliance with the law.

To assist the Commission in its task, the amendments tightened the FECA’s disclosure and reporting requirements. All candidates were required to establish one central campaign committee through which all contributions and expenditures had to be reported. They were also required to disclose the bank depositories authorized to receive campaign funds. The reporting procedures mandated that each campaign file a complete report of its financial activities with the Federal Election Commission within ten days of the close of each quarter and ten days before and thirty days after every election, unless the committee received or spent less than $1,000 in the quarter. In nonelection years, each committee had to file a year-end report of its receipts and expenditures. Furthermore, contributions of $1,000 or more received within fifteen days of an election had to be reported to the Commission within forty-eight hours.

The initial implementation of the act was complicated first by President Ford’s delay in appointing members to the Federal Election Commission and then by the Supreme Court’s
decision in *Buckley v. Valeo*, 424 U.S. 1 (1976) (document 3.1), which deemed certain provisions unconstitutional and forced Congress to adopt further amendments in the midst of the 1976 elections. In particular, the Court ruled against the spending limits established for House and Senate candidates and the contribution limit for independent expenditures, which substantially weakened the potential efficacy of the act. The decision also struck down the original method of appointing members of the Federal Election Commission. Under the 1974 legislation, the president, the Speaker of the House, and the president pro tempore of the Senate each appointed two of the six commissioners. The Court ruled that this method was unconstitutional since four of the six members were appointed by Congress but exercised executive powers. As a result, the Federal Election Commission was prohibited from enforcing the law or certifying public matching fund payments until it was reconstituted under a constitutional appointment process. The law was changed to provide for appointment by the president with confirmation by the Senate. In May 1976, the Commission was reconstituted and resumed full activity.