The Failure of the Minor-Party Movement
Causes, Consequences, and the Way Ahead

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In October 2013 Gallup found 60% of the voting public agreeing that America needs a third party. However, very few Americans are willing to vote for such a party, let alone become an active member of one. After an upsurge of minor party electoral activity in the 1990s, there has been a marked decline thus far in the 21st Century. After the 2.7% of the vote for Green Party nominee Ralph Nader in 2000 threw the

The question asked was “In your view, do the Republican and Democratic parties do an adequate job of representing the American people, or do they do such a poor job that a third party is needed?” This wording is flawed, since one might disagree with both choices, but 60% is still a high figure. Jeffrey M. Jones, “In U.S., Perceived Need for Third Party Reaches New High,” Gallup Politics, 11 October 2013, Http://www.gallup.com/poll/165392/perceived-need-third-party-reaches-new-high.aspx.

country into crisis and changed the outcome of the election, no minor party or independent candidate has since been able to get as high as 1 percent.\(^3\) The two-party system is currently closed to challengers. This closing and the lack of electoral alternatives to the major parties has led many voters to conclude that elections do not offer a meaningful choice, and consequently to turn to various forms of mass protest to achieve their policy goals. After briefly reviewing the closing of the two-party system, this paper will examine three very different forms of such protest: the Tea Party, labor-based insurgency in Madison and elsewhere, and the Occupy movement.

The Collapse of Minor Party Electoral Support

Despite Duverger\(^4\) claim that a system of single-member legislative districts with plurality voting would lead to a robust two-party system, minor parties have done well in several earlier periods of US

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history, electing senators and governors and exerting strong influence on policy issues from slavery to paper currency to the federal deficit.\(^5\) However, the latest upsurge in minor-party activity has been thwarted. The story of this development is worth looking at in greater detail.

From Perot to Nader

H. Ross Perot’s independent presidential campaign in 1992 grabbed the attention of American voters. Despite dropping out in the middle of the campaign, then returning a few weeks later, Perot won participation in the presidential debates and finished with nearly 20 million votes, 19% of the popular vote.\(^6\) He did not win any electoral votes, but his presence on the ballot probably helped Clinton defeat George H.W. Bush, and his strong showing induced both major parties to consider how to win back the voters they lost to him.\(^7\)

After the campaign was over, many activist Perot supporters wanted to continue to work together with the aim of starting a new party. They organized under the name of United We Stand America, and

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eventually as the Reform Party, which became the vehicle for Perot’s second presidential campaign in 1996. This time around Perot was excluded from the debates, and got only 8 million votes, 8.4% of the total and less than half of his vote in 1992. However, his total was enough to earn the new party $13 million in Federal matching funds to be used in the 2000 election, giving it for the first time a financial foundation beyond Perot’s personal funds. Two years later the Reform candidate for governor of Minnesota, Jesse Ventura, won a surprise victory. The new party seemed to be on its way to organizational stability.

However, the Reform Party was never able to resolve the tensions between Perot, who wanted to retain personal control of the organization, and the independent activists who wanted a real party. For a time Ventura provided an alternate center of leadership, but the party ultimately spiraled into oblivion in a struggle between Perot and Ventura, neither willing to run himself, for control of the 2000 presidential nomination (and the matching funds that went with it). As Marx said about Napoleon III, history repeats itself, but the second time as farce. In an attempt to stave off Ventura, Perot encouraged conservative Republican Patrick Buchanan to seek the Reform nomination, realizing only too late that Buchanan meant to take over the organization competely. Perot looked for an alternate candidate, and could find only John Hagelin, the erstwhile nominee of the Natural Law Party, advocates of transcendental meditation and levitation as a cure for all problems. Buchanan won the nomination and vanished with the $13 million. Buchanan got only 450,000 votes, 0.43% of the total, placing him well behind not only Gore and Bush, but Green Party nominee Ralph Nader. The Reform Party was effectively finished as a national force. Some of its healthier state organizations disaffiliated, becoming the Independence Parties of New York and Minnesota; other states struggled on for a time. However, the leading minor party was now the Greens.

After a decade of local organizing, the Greens in the US had been mired in internal conflict over their future direction. One group, which had gained control of the Greens/Green Party USA (G/GPUSA),

8. Leip, "Leip Atlas"

9. Leip, "Leip Atlas"
wanted the Greens to be a movement organization, with membership based on dues payment and adherence to core principles and making decisions by consensus. The other side thought the Greens should organize themselves to compete in elections, which would require complying with state laws about party structure, with membership open to anyone who registered as a party member. Frustrated by a system of proxy voting which blocked adoption of what they felt to be a majority position, the latter group left the G/GPUSA and launched a new organization, the Association of State Green Parties (ASGP). One of the ASGP’s early decisions was to seek to make themselves known by nominating a well-known individual for president. After sounding out a number of people, the ASGP came to an agreement with Ralph Nader: he would accept the nomination, but would not campaign actively and would neither raise nor spend any money. Nader was deeply involved in a number of tax-exempt nonprofit organizations, and was not willing to commit the time and resources needed to disentangle their finances from those of a partisan electoral campaign. Under these restrictive conditions, Nader received 685,000 votes - far below Perot’s total, but 200,000 more than Libertarian candidate Harry Browne. More important, those state Green parties that managed to mount a campaign for him gained an influx of new members. Encouraged by these results, Nader decided to campaign more actively in 2000.

The results of Nader’s decision are well known. He won the Green Party nomination at its convention in Denver, and launched a campaign that featured huge stadium rallies, enthusiastic volunteers, and creative but limited television advertising. The Green Party grew significantly during the campaign, and Nader votes increased to 2.8 million, or 2.7% of the total. This was more than four times the vote he

10. Leip, "Leip Atlas" Berg, "Beyond a Third Party"

received in 1996, and enough to affect the outcome in New Hampshire and, crucially, Florida.\textsuperscript{12} Although the campaign did not achieve the 3\% threshold for a higher level of matching funds, and Nader was excluded from all the campaign debates, the party still seemed to be in a position to disrupt the stability of the party system in the years ahead. Instead, it faded into relative obscurity over the next 8 years.

Growth and Collapse from 2000 to 2012

As had been the case with Perot and the Reform Party, the Greens\textendash;decline was partly due to the tensions between those wanting to promote Nader and those seeking to build a strong party organization. Nader\textendash; votes on the Green Party ticket had qualified the party for ballot status in several states, and party insiders wanted to consolidate that status by holding presidential primaries in those states; Nader seemed to find the idea of competing in primaries demeaning to his status, and refused to enter them. He declared that he would not run as the Green candidate, but invited the party to endorse, rather than nominate him.

Meanwhile, a number of long-time Green electoral activists, motivated partly by the tensions with Nader that had developed during the 2000 campaign and partly by a desire to avoid any blame for the possible reelection of George W. Bush, began to argue that the party should nominate a candidate who was actually a Green, and endorsed the candidacy of David Cobb, who had previously served as General Counsel to the Green Party and in 2002 had run on the Green ticket for Attorney General of Texas, but had since moved to California. At the Green Party 2004 convention in Milwaukee, Nader\textendash; supporters argued against any nomination - which would have left state parties free to endorse Nader - but Cobb won on the second ballot.

The struggle left the party badly divided - Peter Camejo, a leading California Green, agreed to run with Nader as candidate for Vice President - the combination of Cobb’s obscurity, the polarization of the electorate by George W. Bush, and the ongoing Green-Nader feud drastically reduced the party’s impact. Cobb finished with only 120,000 votes, 0%, on the Green ticket, while Nader’s vote declined to 465,000, 0.38%. Although the Greens continue to be active locally in some states, their influence on national elections has dwindled to insignificance. In 2008 they nominated an African American former member of Congress, Cynthia McKinney, only to find themselves facing an African American Democrat. McKinney received 161,000 votes (12%) roughly one vote for every 429 received by Barack Obama. The 2012 Green nominee, Massachusetts physician Jill Stein, did a little better - 470,000 votes (0.36%) - but was invisible during the campaign. It seemed that the Greens’ time had come and gone. In fact, the space for a national minor party had dwindled severely. The string of presidential elections with no popular majority ended in 2004. Republicans and Democrats together received 99% of the popular vote in that year, followed by 98% in both 2008 and 2012. No minor party has been able to cross the one percent level since 2000.

Such a minor party decline would be expected following a realignment. However, neither voting patterns nor policy positions indicate that a realignment has occurred. Instead, the Democratic and Republican parties are deeply divided over a few highly polarized issues (taxing the rich vs. cutting spending), while on other issues, arguably more important ones (globalization, national security) neither party gives voice to concerns held by large numbers of Americans. On still other issues (health care, climate) the parties are polarized over relatively minor differences, while serious alternatives (single-payer, an end to coal mining) actively pursued by strong campaigns are excluded from the debate. Minor parties


have been unable to turn support for these alternative views into support at the polling place. The next section will consider the reasons for this failure.

Why Can’t Minor Parties Break Through?

The most common explanation why there are only two major parties in the US is Duverger’s Law, which holds the two-party system to be the rational result of electing the legislature from single-member districts by plurality vote.15 This is not the place to consider the vast literature that debates this law, or the many modifications that have been proposed. It doesn’t seem to apply to Canada, India, or the United Kingdom; but in any case the question at hand is not why most of the time US politics is dominated by two major parties, but rather why the temporary eruptions of smaller parties no longer have the impact they once did.

A strong argument can be made that minor parties do not grow as large or last as long as they did formerly because the major parties have tightened their grip on the laws regulating elections, and use those laws to preserve what David Gillespie has called the two-party duopoly.16 Peter Argersinger has demonstrated that the adoption of the Australian ballot required state governments to make choices about whose names would be printed on that ballot, giving the major parties the opportunity to make rules that would protect their dominant position.17 Occasionally a minor party or independent candidate is seen as so legitimate that the legal restrictions are loosened, but such loosening never lasts long. The long-term trend has been for ballot access to become ever more restricted by high signature requirements, residency restrictions on who can sign nominating petitions, “sore loser” laws, discriminatory public finance laws,

15. Duverger, Political Parties; Duverger, Duverger’s Law: Forty Years Later.


17. Peter H. Argersinger, Electoral Reform and Partisan Jugglery, Political Science Quarterly 119, no. 3 (Fall 2004): 499–520.
and exclusion of almost all minor party candidates from the presidential debates.\textsuperscript{18} There were many reasons Ralph Nader's vote fell off so drastically from 2000 to 2004; but one of those reasons was the amount of time and money he had to spend, not always successfully, in legal battles to get his name on the ballot.\textsuperscript{19}

Ballot restrictions are not the whole story. The national news media play a role in convincing the public that the two-party system is a law of nature, and George W. Bush's plurality victory in 2000, followed during his first time by the invasion of Iraq and the adoption of massive tax cuts convinced many on the left that there really were only two choices - Bush or not Bush - in presidential elections. As a result of all these things, minor parties have not been able to open up the political system. In the 2012 presidential election we saw debates in which each candidate claimed to be more in favor of burning coal while climate change threatened to pass the point of no return, where neither candidate questioned the use of drone aircraft to kill US citizens and civilian bystanders in other countries, where the candidates argued about spending cuts or tax increases as a way to balance the budget with no one suggesting that a budget deficit in time of recession might be a good thing, and where important questions of racial disparities in imprisonment, education, end employment were excluded from discussion.\textsuperscript{20}

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to open up this party system, we might ask if there are other ways of doing so. That question is addressed in the remainder of this paper.

Ways Ahead: Mass Protest and Electoral Politics

The period between the elections of 2008 and 2012 saw three large national outbreaks of mass protest. Although the three outbreaks varied in the specificity of their demands, each was generalized to the extent of demanding an overall change in government. They differed in many other ways, but each had an effect on elections, and at least an indirect effect on the party system. After looking briefly at each in turn, this paper will conclude by making some comparisons.

The Tea Party: Election-focused Protest

The Tea Party began as a protest against President Obama’s stimulus package of 2009, the American Reinvestment and Recovery Act (ARRA). However, it was really about more than that—it drew from resentment over the Toxic Assets Relief Program (TARP), seen as a bailout of Wall Street bankers, and soon developed into opposition to Obama’s health-care plan, the Affordable Care Act (ACA).

The legend of the Tea Party ascribes its origins to two spontaneous events: an on-air speech (usually referred to as a "rant") by news commentator Rick Santelli, and a local protest in Seattle organized by a special needs teacher, Keli Carender.

Speaking from the floor of the Chicago Board of Trade, to approving cheers from the assembled traders, Santelli denounced a provision in the ARRA to assist homeowners who were in mortgage difficulty, asking the traders rhetorically, "This is America! How many of you people want to pay for your neighbors’ mortgage that has an extra bathroom and can’t pay their bills? ... President Obama, are you listening?"

Santelli called for a Chicago Tea Party that July to protest the ARRA. It is worth noting at


this point that Santelli delivered his rant to an audience of derivative traders, who might arguably be regarded as the profession more responsible than any other for the collapse of 2008; Securities and commodities brokerage is the highest paid industry in the US, with average incomes equal to 366% of the average for the US as a whole (down from 409% just before the crash);\textsuperscript{23} Santelli described them as \textenquote{a pretty good statistical cross section of America,\textsuperscript{24} and somehow they came to be perceived as such in Tea Party circles.}

A similar story had been told in a pseudonymous video posted on the website of Senator Jim DeMint in September 2008, shortly before the first House vote on the Bush bailout (the Emergency Economic Stabilization Act of 2008), which was viewed by millions in its first few days. The video asserted that the collapse of the credit markets was caused by the Community Reinvestment Act, which allegedly required banks to issue \textit{trillions} of subprime mortgages.\textsuperscript{25} This assertion distorts the facts drastically. The worst offenders were not banks but mortgage companies, which are not subject to the Community Reinvestment Act. In any case, the market in mortgage-backed derivatives collapsed because investors discovered that such securities had been rated falsely by the securities-rating services, not because some families defaulted on their mortgages. However, the video offers a narrative that seems plausible, blaming a combination of the undeserving poor and government bureaucrats for the crisis, while ignoring the investment bankers who created and sold fraudulently rated mortgage-backed securities.

As these examples show, the Tea Party tells a story of a nation collapsing under the weight of people who demand government support, rather than earning their keep through their own efforts. This


\textsuperscript{24} Kate Zernike, \textit{Boiling Mad: Inside Tea Party America} (New York: Times Books, 2010), 21.

group includes the poor, immigrants, African Americans, labor union members (particularly unionized public employees), but also investment bankers and corporate executives who seek government bailouts. Williamson, Skocpol, and Coggin found that Tea Party members make a fundamental division between workers and people who don’t work, and include themselves in the former (even though about one-third of those they surveyed did not actually hold a job at the time of their survey). In contrast, union members and immigrants who shape up on street corners for day labor were grouped with those seen as not working. Once these mental categories are established, government policies from health care to the bailout can be framed as taking from the deserving to give to the undeserving. Democrats (or perhaps socialists) want to take your money to give to irresponsible people: poor African Americans who live in a culture of dependency, overpaid bureaucrats, and a variety of contractors who have learned to get federal subsidies for shoddy goods, ineffective services, and bridges to nowhere. In the Tea Party’s view, the solution is simple; we must go back to strict observance of the Constitution, which does not authorize any such activity by the federal government. However, the Tea Party activists want to see themselves as inspired by options traders, so they have developed a second myth, one of grassroots organizing.


27. A New York Times poll found that 52% of Tea Party identifiers, compared to 28% of everyone, replied yes when asked in recent years, has too much been made of the problems facing black people? Kate Zernike and Megan Thee-Brennan, Poll Finds Tea Party Backers Wealthier and More Educated, New York Times, 14 April 2010, Http://www.nytimes.com/2010/04/15/us/politics/15poll.html?_r=1&ref=teapartymovement.

Keli Carender, at the time a 28-year old teacher of math in adult education classes, organized a series of protests in Seattle against the American Reinvestment and Recovery Act (ARRA), President Obama's economic stimulus bill. The first, on February 16, 2009, drew 120 people, but she drew 300 one week later, and 600 in April for a Tax Day protest. Carender initially called her rally a protest against the "porkulus" bill, using a word coined a few weeks earlier by radio talk-show host Rush Limbaugh, but following the publicity for the Santelli rant, she adopted the Tea Party name. The movement grew rapidly, but it was not as spontaneous as it appeared on the surface; it was heavily promoted by two right-wing organizations, FreedomWorks and Fox News.

Brendan Steinhauser and Adam Brandon of Freedom Works, a Republican PAC at that time presided over by former House leader Dick Armey, saw Santelli’s rant live. By the end of the day they had set up a website with instructions for organizing a local protest, and organized conservative bloggers to link to it. The Fox News network also publicized the protests, and the movement grew rapidly through 2009 and 2010. The 600 people at Carender’s Tax Day protest on April 15, 2009, were joined by more than 250,000 other protestors at more than 200 events across the country. When members of Congress returned to their districts to hold public "Town Hall" meetings about national health insurance, many of them were faced with groups of angry protestors organized to condemn the plan. A number of organizations, including some Tea Party groups, sponsored the "Taxpayer March on Washington," or "9/12 Tea Party." A large number of Tea Party groups, some of which were affiliated with FreedomWorks, organized and publicized the protests, with FreedomWorks providing resources and support.


32. Williamson, Skocpol, and Coggin, Tea Party.
demonstration in Washington DC on September 12, 2009; estimates of attendance at this event ranged from 60,000 to two million.\textsuperscript{33}

However false these two myths may have been, the counterarguments were complicated; it’s a lot easier to understand a missed mortgage payment than to understand a credit default swap. The idea of a group of ordinary citizens coming together spontaneously to demand that government get off their backs resonated powerfully in American popular consciousness. This resonance combined with the willingness of Tea Party activists to challenge other Republicans, even if the result would be a loss to the Democrats, gave the movement an influence that was at least temporarily far beyond its numbers.

It is doubtful that the Tea Party could have risen to such prominence without the active support of Freedom Works and Fox News. These two organizations provided the internal communication and external publicity that enabled people who did not know each other to come together, create a movement, and have a real impact on American political life. Although they did not provide direct financial support in any significant amount, these two organizations functioned as what Jack L. Walker called \emph{patrons}- entities willing and able to commit the resources to help a new movement organize itself.\textsuperscript{34} Although the Tea Party did not arise spontaneously, it is a real movement, contrary to the claim of Anthony DiMaggio that \emph{The


Tea Party Does Not Exist.³⁵ It has chapters, it holds meetings, and it is able to mobilize large numbers of people to take action, as could be seen in the elections of 2010.³⁶

The Tea Party first appeared as an electoral force in a 2009 special election in the 23d Congressional District of New York. When the local Republican leadership nominated a candidate whom conservatives considered too liberal the Tea Party helped mobilize support for the candidate of the Conservative Party. The campaign became so bitter that the Republican nominee, Dede Scozzafava, withdrew from candidacy and endorsed the Democrat, Bill Owens, who won the election (and won again in 2010 and 2012), thereby giving the Democrats a seat that had been held continuously by the Republican Party since its creation in the mid-nineteenth century. However, the Tea Party was unrepentant, and its next effort was more positive for the party; it went on to mobilize for Scott Brown, the Republican candidate for US Senate from Massachusetts, who won a surprising special-election victory in January 2010. February brought a national Tea Party Convention in Nashville, attended by only about 600 people, but addressed with high media coverage by the 2008 Republican candidate for Vice President, Sarah Palin.³⁷

The Tea Party had now become a significant factor in Republican party candidate selection. It defeated establishment favorites, including some incumbents, to nominate its own candidates for US Senate in Alaska, Colorado, Delaware, Florida, Kentucky, Nevada, Pennsylvania, Tennessee, Utah, West


Virginia, and Wisconsin; it also supported incumbent Senator Jim DeMint (R-SC). Tea Party endorsees for Governor won the Republican nominations in Colorado, Maine, Minnesota, New York, South Carolina, and Texas; the Tea Party supported 137 candidates for the House of Representatives.\textsuperscript{38}

It is difficult to assess the net effect of the Tea Party on the partisan balance in Congress. It can be argued that the Tea Party cost the Republicans control of the Senate, since their candidates defeated more electable Republicans in Colorado, Delaware, Nevada, and West Virginia, and then lost to Democrats in the general election.\textsuperscript{39} On the other hand, it can also be argued that President Obama and the Democrats in Congress would have had more support had it not been for the relentless attacks on them from the Tea Party over virtually the entire length of Obama’s first two years in office. However, for the Tea Party the argument about whether they helped or hurt the Republican Party is irrelevant. Their goal was not to give the Republicans a majority but to elect people who stood for what they believe in. There is no question that they succeeded in this goal.

The Tea Party’s approach to the crisis of the American party system is to try to drive the Republican Party to the right. They believe that this would give voters more of a choice, and that the choice would go in their direction. Much of the Tea Party’s effectiveness comes from its commitment to working within the Republican Party while refusing to moderate its positions for the sake of defeating the Democrats. This approach leaves Republican candidates with a choice between moving to the right and possibly losing their


\textsuperscript{39} The Tea Party also defeated incumbent Senator Lisa Murkowski in the Alaska Republican primary, but Murkowski filed as an independent candidate and retained her seat. Murkowski stated during the campaign that she continued to be a Republican, and joined the Republican caucus in the Senate.
seats in the general election, or remaining in the center and possibly losing their seats in a primary. Initially, at least, this approach was effective; most notably, the Tea Party elected several of its candidates to the House and helped give the Republican Party the majority there.

This intransigent posture was carried over into the House Republican Conference in Congress; it moved the Republican Party as a whole to the right, and enabled them to win significant concessions from President Obama and the Congressional Democratic leadership, the first of these coming in the December 2010 lame-duck session of Congress before the new Tea Party representatives had even been sworn in. Tea Party intransigence leading to the government shutdown and threatened default in the fall of 2013 caused the popularity of Congressional Republicans to decline to new lows, which has led many to speculate that the Tea Party would now lose influence in the Republican Party. This may be so; however, it should be born in mind that a Republican loss of seats in 2014 would be likely to hurt the moderate wing of the party more than the right.

After the initial shock of the Tea Party in Congress wore off, however, progressives did begin to organize various responses. The most important of these began as an answer to attacks in Wisconsin on public employees' right to organize.

The Wisconsin Union Movement: From Protest to Elections

The full story of the pro-union protests in the winter of 2011 is yet to be told.40 My purpose here is not to tell that story, but rather to evaluate the relation of those events to the crisis of the American party system. What follows is a brief summary of the relevant features.

On February 11, 2011, the newly-elected Republican Governor of Wisconsin, Scott Walker, introduced what he called a “budget repair bill” to help fix the state’s $136 million deficit. In addition to concessions from unionized public employees on wages and benefits, the bill included an attack on the organizational integrity of public employee unions. They were to lose the right to negotiate on anything other than wages, and they would be prevented from collecting dues by payroll deduction and subjected to a decertification election every year.\(^{41}\) In a response that surprised everyone, union members and others mobilized tens of thousands every day to surround the Capitol in Madison.\(^{42}\) A group from the University of Wisconsin teaching assistants’ union occupied the Capitol itself, creating a liberated zone; a contingent of firefighters, who had been exempted from the bill, joined the demonstrations, as did contingents from many unions outside the public sector; thousands demonstrated in other communities around the state; and the 14 Democratic members of the State Senate left the state, thereby depriving the Republicans of the quorum needed to pass a budget bill.\(^{43}\) Similar protests broke out, in response to similar attacks, in a number of other states, particularly Ohio, Indiana (where Democratic legislators also left the state), and


41. Meric, “Showdown in the Heartland”


Michigan. On March 8, following three weeks of continuous and growing protest, the Republican legislative leaders introduced a new bill that included the loss of union rights but no budget provisions, and therefore was not subject to the super quorum required for a budget bill, and cleared the State House by force. Implementation of the bill was suspended by a court, pending resolution by the Wisconsin Supreme Court, but it eventually went into effect late in the summer of 2011.

In a manner in some ways similar to the 2009 Tea Party intervention in the New York 23d district, this initial struggle ended in tactical defeat, but also produced new levels of mobilization among activists, union members, and voters. This mobilization was then redirected into electoral activity, the next stage of the struggle.

As with the Tea Party, the energy of the Madison protests was channeled into electoral activity. Since labor unions were the organizational core of the protests, and since American unions have long been oriented toward electoral politics, this is not surprising. While the new progressive activism has not appeared to sweep all before it, as the media sometimes suggested of the Tea Party, it has made important gains. This activity came in four stages: the Wisconsin judicial election in the spring of 2011; the Wisconsin recall elections that summer; a number of ballot questions and recall elections in various states in November of the same year; and a second round of recall elections, including one for Governor Walker, in June 2012.

There are many accounts of the Wisconsin protests. Here are three:


As mentioned above, the Walker anti-labor bill was immediately challenged in the courts, on various grounds. The case was sure to end up in the state's Supreme Court, which had a 4-3 conservative majority. However, Wisconsin elects its judges, and one of the conservatives, David Prosser, was up for reelection. Prosser, a former Republican Speaker of the Wisconsin Assembly, was perceived as a political ally of Governor Walker, so the unions and other progressive activists decided to campaign for his opponent, Jo-Ann Kloppenburg, an Assistant Attorney General with a progressive record on issues. Prosser had led Kloppenburg 55% to 25% in the first round election on February 15, but the progressive activists hoped that reaction to Walker's bill might change things. The candidates had each accepted public funding of $300,000, but outside groups on both sides began to spend money, and the officially nonpartisan election turned into a bitterly partisan one.\(^47\) The April 5 runoff provided a dramatic finish when Kloppenburg appeared to win by 204 votes, only to have victory snatched from her when the Clerk of Waukesha County discovered that she had overlooked 14,000 votes; when these were counted Prosser led by 7,500. Despite considerable suspicion - the Waukesha Clerk, Kathy Nickolaus, had previously worked for the Republican Caucus in the Assembly, while Prosser was Speaker - these results held up, surviving recounts and legal challenges. Prosser remained in office (and later helped to uphold the Walker bill), but the Democrats and the labor movement had shown their rising strength.\(^48\) This strength was next deployed in attempts to recall state senators.

Wisconsin law allows recall attempts to be initiated against elected officials who have served at least one year in office. If enough signatures are filed, the recall is simply a new election, with primaries if


needed to choose party nominees and a general election between those nominees. There were recall campaigns against a number of senators of both parties (the Democrats were charged with not doing their job when they left the state, and with being pawns of the unions; the Republicans with attacking middle-class living standards and being pawns of Walker). Ultimately, recall elections were approved against three Democrats and six Republicans. All the challenged Democrats were reelected, while two of the six Republicans were replaced by Democratic challengers. This changed the voting balance in the Senate from 19-14 to 17-16, but left a slight Republican majority in place. Once again the progressives had shown strength and made gains, but had not won the tactical battle; the Walker bill went into force.

Although the recall campaign was clearly driven by opposition to Walker’s anti-labor agenda, debate of that agenda was not very present in the campaign, as the Democratic Party focused its efforts on negative attack ads. As Labor Notes reported:

> It seems that the “message people” saw the union question as a divisive issue. The only ads that discussed union rights came from the other side.
> The millions of dollars in commercials in support of the Democrats did not talk about unions, the history of the labor movement, what we have done to create our modern society, or why it is important for our collective future that unions thrive. This in a state that has some of the richest labor history in the nation.

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49. Presumably minor parties can also nominate candidates, but they were not a factor in these elections.

The commercials didn’t address the fact that Governor Scott Walker had taken away public employees’ union rights despite the fact that it was the living and personal knowledge of that history that drove many to the streets.

The other side was consistent in its message: They needed to whack workers’ rights to balance the budgets. Our side, the side that is being whacked, did not defend itself. Too often the theme seemed to be, “Why can’t we all just get along?”

Meanwhile, new progressive organizations, such as We Are Wisconsin and the Wisconsin Wave, took root in the state. The electoral struggle then moved to other states, most notably Ohio.

Following the Tea Party-driven Republican victories in several states in 2010, anti-labor laws similar to the Wisconsin “Budget Repair Act” had been passed in a number of states, stimulating similar if smaller protests. One such bill was Governor John Kasich’s SB 5 in Ohio, which would have drastically restricted the bargaining rights of 230,000 public employees. The Ohio state constitution provides that new laws can be sent to a referendum by a popular petition, and the unions decided to use this tool to fight SB 5. The law requires 231,000 signatures to put a referendum on the ballot; the union-led “We Are Ohio”


campaigned delivered 1.3 million signatures on June 29. While both sides campaigned hard, the pro-labor forces gained ground steadily, ultimately winning a 61% majority, a margin of over 700,000 votes.\(^{53}\)

Elsewhere, the electorate of Maine voted to restore election-day voter registration,\(^{54}\) while Mississippi rejected a constitutional amendment to declare that human life began at the moment of conception, and Arizona Republican State Senator Russell Pearce, chief sponsor of that state’s draconian immigration law, lost a recall election to a fellow, but more moderate, Republican.\(^{55}\) Each campaign was different, and involved a different coalition of forces. It cannot be claimed that all were based on organized labor, or inspired by the Madison protests. It can be said, however, that there is a new surge of electoral activism on behalf of progressive causes, which should be an important factor over the next few years.\(^{56}\)

Unlike the Tea Party, however, the new union electoral activism has not targeted moderates in the Democratic Party, but has concentrated on helping Democrats win. It has also been less ideological than the Tea Party. As noted above, while the Wisconsin state senate recalls were clearly motivated by labor issues,

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\(^{56}\) See Sandusky, \textit{Beyond Wisconsin}.\[\text{\ldots}\]
there was remarkably little discussion of those issues in the actual recall campaigns. The union answer to the crisis of the American party system seems to be simply to strengthen the Democratic Party. A very different approach was taken by the next wave of protest to break, the movement that began as Occupy Wall Street.

Occupy Wall Street: Anti-electoral Protest

On September 17, 2011, somewhere between 500 and 2,000 protesters converged on Wall Street, home of the New York Stock Exchange and a major center of financial power, for a U.S. Day of Rage, modeled on similarly-named actions in Cairo and other Middle Eastern cities. The immediate inspiration for the event, and the specific date, came from an article published in the Canadian magazine *Adbusters*. However, the more basic impetus, and the planning for the action, came from the New York City General Assembly (NYCGA), a group that included activists with experience of similar movements in Spain and Greece. The NYCGA had come together that spring and had begun to hold outdoor General Assemblies—basically public discussions following the rules of consensus-based decision making—on August 2, 2011, initially in Bowling Green Park and then every Saturday in Tompkins Square Park in the East Village. The group was in touch with *Adbusters*, and decided to adopt the September 17 date. Although kept out of Wall Street by police with metal barricades, the protesters marched and chanted all afternoon, and eventually established a tent encampment in nearby Zuccotti Park, where they remained.


for several months. The core group of protesters in the tents was supplemented by much larger numbers who marched during the daytime, particularly when special events were organized. During one of these, on October 1, police trapped about 700 protesters trying to cross the Brooklyn Bridge in orange nets, arrested them, and held them first in buses and then in cells until the early hours of the next morning. A police spokesperson said the protesters had been arrested because they had used the roadway on the bridge; many protesters felt that the police had deliberately led them into the road, then trapped them in the middle of the bridge.\textsuperscript{60}

The Brooklyn Bridge arrests and other instances of police overreaction - notably including the spraying with pepper spray of a group of women trapped behind orange netting on September 24 by Deputy Inspector Anthony Bologna\textsuperscript{60} aroused considerable public sympathy. To the surprise of the authorities, the mainstream media, and perhaps the protesters as well, huge numbers of people identified with the protesters’ statement that \textit{“We are the 99%.”} Occupations modeled after New York\textsuperscript{60} sprang up across the country, with occasional dramatic acts of suppression and resistance. Many labor unions endorsed the protests. When New York\textsuperscript{60} Mayor Bloomberg ordered the police to evacuate Zuccotti Park - supposedly so it could be cleaned\textsuperscript{61} on October 12, some unions mobilized their members to surround the park in solidarity from 6 AM on, and the Mayor backed down.\textsuperscript{61} In Oakland, unions joined the call for a one-day

\textsuperscript{60} Al Baker, Colin Moynihan, and Sarah Maslin Nir, \textit{“Police Arrest More Than 700 Protesters on Brooklyn Bridge,”} \textit{New York Times}, 1 October 2011, 

\textsuperscript{61} \textit{Times Topics: Occupy Wall Street,} \textit{New York Times}, 8 November 2011, 
general strike, which closed down the Port of Oakland, after protester Scott Olsen, an Iraq-war veteran, was struck in the head by a police projectile and hospitalized in critical condition with a fractured skull. There have been confrontations between protesters and police, with arrests, in many cities besides New York and Oakland, including Boston, Nashville, Portland (OR), and elsewhere. Nate Silver of the New York Times found news reports of protests in about 150 cities on October 15, 2011, with sizes ranging from 1 (Myrtle Beach, SC) to about 7,000 in New York City.\(^\text{62}\)

By late November, discussion in the General Assemblies of the encampments had begun to turn to the question of what to do next. In Boston, for example, a proposal was being prepared to maintain the camp until the first day of spring (in part, to provide a warm place to sleep for those without homes who had joined the movement) and then remove it, moving on to actions in local communities. However, this proposal never reached the stage of formal discussion, as the police raided the camp, confiscated all remaining tents, and arrested those who refused to leave. Similar raids took place in many other cities, so that few encampments remained by mid-December.

Occupy activists had always maintained that the encampments were only one form taken by their struggle. Following the evictions, General Assemblies continued to meet and plan actions. In many cities, Occupiers turned to Occupy Our Homes, an anti-foreclosure movement. Protesters have escorted homeless

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families into vacant foreclosed houses, have set up encampments in the front yards of families threatened with eviction, and have formed alliances with housing activists in such groups as Boston’s City Life/Vida Urbana.\(^63\)

Over the winter, while continuing the General Assemblies, the Occupy movement carried out a series of actions with more focused targets. One such target was foreclosures by predatory (or perhaps simply incompetent) banks. Such actions have included both sit-ins at Bank of America offices and occupations or blockades of houses scheduled for foreclosure.\(^64\) On Earth Day (April 22, 2012), Occupy the Farm took over a the Gill Tract, 10 acres of undeveloped public land in Albany CA managed by the University of California-Berkeley, and began to till the ground, plant vegetables, and raise chickens in an attempt to preserve it as farmland and stop the planned construction of a Whole Foods supermarket.\(^65\) At this point it is not clear what organizational ties there may be between Occupy the Farm and other Occupy movements, or if they used the General Assembly; but the name, and the commitment to direct action and self-government, point to at least a spiritual link.

Meanwhile, a coalition of progressive organizations tied to the Democratic Party, including MoveOn.Org, Rebuild the American Dream, a number of major labor unions, and others launched a


\(^64\) Doyle Canning, “Can the #Occupy Movement Be a Turning Point?” RESIST Newsletter 20, no. 6 (November-December 2011): 4, 10.

program it called The 99% Spring. The program's declared aim was to tell the story of our economy: how we got here, who's responsible, what a different future could look like, and what we can do about it; 2. Learn the history of non-violent direct action, and 3. Get into action on our own campaigns to win change. The program reportedly consisted of widely-publicized training sessions in non-violent action. However, it raised a good deal of suspicion among Occupy activists, who resented its appropriation of references to the 99% and the Arab Spring and thought that it might be a ploy to draw activists into the Obama campaign. In any case, it never became a major factor as an organization.

The key activists of the Occupy Movement appear to have two central purposes. One is to popularize the idea that government, society, and the economy had all been corrupted by the power of the 1% - those at the top of the income and power distribution. In this, they have been extremely successful. If we can use the concept of memes, the 99% vs. 1% meme has gained near universal currency, even if everyone does not accept its implications as the activists see them.

The core activists' second, grander purpose is to develop and model a new, more democratic way of organizing society. This purpose can be seen in the emphasis placed on the General Assembly (always capitalized, frequently abbreviated as GA), in the pride the various encampments took in providing homes and services to the homeless, and in their continuing efforts to provide food, health care, libraries, and other communal services within the encampments. The occupiers at the original encampment in Zuccotti Park

66. Excerpted from The 99% Spring's manifesto, online at http://the99spring.com/who-we-are/.

67. A debate about this question can be found on the website of Occupy Los Angeles, http://occupylosangeles.org/?q=node/9061.

68. For more about the meme concept, see Doyle Canning and Patrick Reinsborough, Re:Imagining Change: How to Use Story-Based Strategy to Win Campaigns, Build Movements, and Change the World (Oakland, CA: PM, 2010).
had gathered a library of 5,000 volumes, and were indignant that most of these were destroyed when the police raided the camp.

Sometimes these efforts at self-government were used symbolically. For example, when the Boston occupiers were told that their food preparation did not meet public health standards, they purchased an industrial gray-water sink and attempted to bring it into the camp, ridiculing the police efforts, which were successful, to "arrest the sink" instead. Similarly, when told that their tents were a fire hazard, they bought a military-style fireproof winterized tent and invited the Mayor and the Fire Marshal (who refused) to come and inspect it.

This second purpose, I think, explains a seeming paradox. Many public figures, such as Boston’s Mayor Menino, stated that they agreed with many of the aims of the protesters but could not allow the camps to stay. There is no real reason why they could not have allowed them to stay forever - the Boston camp, for example, was on a small patch of land surrounding giant ventilation shafts of an underground highway, used for parking food trucks at lunch time and as a passage for walking from one side of it to the other activities which continued to be possible throughout the occupation. However, to have left the camps in place would have accepted the possibility that people could govern themselves directly, a basic threat to the premise that modern government is built on. Few mayors were willing to do that.

For core activists, the General Assembly is the heart of the Occupy movement. It is not merely a way to make decisions; it is the democratic way of life the movement seeks to create. General Assemblies continued to meet throughout the winter after most encampments were dispersed by police, and are now beginning to return to the outdoors. General Assemblies are based on consensus, but they are more than that. They involve a commitment to respect all points of view, to discuss all topics, and to act without leaders. The Occupy activists hope that the General Assemblies will grow in numbers and influence until they blossom into People Power, transforming our top-down capitalist society into something more equal, democratic, and caring.

The Occupy Wall Street protests have struck a surprisingly responsive chord, not only with the public but with elected officials, or at least those from the Democratic Party. From state representatives up to President Obama, many officials have said that they share at least the frustrations of the protesters, if not
necessarily their goals— even if they did so while ordering them arrested (as did Boston’s Mayor Tom Menino). More generally, the Occupy movement has had a huge impact on the terms of debate. One recent study found that the phrase “income inequality” was now appearing in public discourse about 6 times as much as it had during the previous summer.69 The right as well as the left labeled the apparent Republican presidential nominee, Mitt Romney, as part of the 1%, while President Obama began to speak more assertively on behalf of protecting homeowners threatened with foreclosure and young people with heavy student loan burdens, while demanding more of rich people who paid less than a fair share of taxes. As I have said elsewhere, the goal of the Occupy movement is not to change the agenda of Congress; it is to change the agenda of the American people.70

Conclusion: What’s Next?

The three protest movements we have just examined differ from each other in some crucial respects. The Tea Party is fundamentally an electoral movement reinforced by mass protests, it is funded by typical conservative funders, and its immediate goal is to increase the influence of extreme conservatives within the Republican Party, with a long term goal of reversing the welfare state. The Wisconsin movement was fundamentally a mass protest which was redirected into electoral activity, funded initially by the contributions of participants and sympathizers but eventually by the unions, with the goal of restoring labor rights, and eventually an instrumental goal of seeing Democrats elected to office. Occupy was a mass protest movement that eschewed electoral politics, funded by crowdsourcing but supported as much by

69. This information is from one of those Twitter feeds mentioned above.

volunteer labor as by money, with twin goals of dramatizing the servitude of government to the very rich and of modeling an alternative form of social organization.

As of this writing, both the Tea Party and the Occupy Movement have got what they wanted. The Tea Party wanted to put more of those it considers true conservatives into office, and it wanted to create a situation where Republican elected officials fear a primary challenge from the right more than they fear defeat by a Democrat. As the government shutdown demonstrated, this is now the case. However, they are unlikely to win control of government with this program. Moderate Republicans seem to be growing more aware that the conservative dominance of the party may cost them their House majority and any chance of regaining control the Senate or the presidency, and are currently trying to find ways to regain control of the party in the House.

The Occupy Movement wanted to inject awareness of economic inequality into the national discourse. They succeeded in this. References to the 99% and the 1% are now ubiquitous, and it can reasonably be argued that the growing awareness of inequality and of government’s role in increasing it changed the dynamic of the 2012 presidential campaign, turning Romney’s claim that his business experience had taught him how to create jobs into a widespread belief that he had made money by outsourcing jobs and firing workers. They were not nearly as successful in propagating the General Assembly, though certainly many more people are now familiar with it, so that it is likely to return in future protest actions.

The Wisconsin protests did not succeed in ousting Scott Walker, winning Democratic control of the Wisconsin legislature, nor stopping the implementation of Walker’s labor laws (although they did help inspire the repeal by referendum of similar laws in Ohio). They also failed to find an avenue for political influence by the labor movement other than slavish support of the Democratic Party. Looking back, their major success was simply to show that there was a mass movement, capable of militant protest, on the left as well as the right.

What about the crisis of the party system? Neither the Tea Party nor the Wisconsin movement has succeeded in making parties and elections relevant to issues of fiscal policy, coping with globalization, preventing climate change, or creating a health care system that works for everybody. The combination of
restrictive ballot access and pressure to win a majority continues to suppress these questions from the electoral debate. Change is not likely to come from within the party system; it is only likely if future protests, like Occupy Wall Street, change public awareness.
Bibliography


Argersinger, Peter H. “Electoral Reform and Partisan Jugglery.” *Political Science Quarterly* 119, no. 3 (Fall 2004): 499–520.


Canning, Doyle. “Can the #Occupy Movement Be a Turning Point?” *RESIST Newsletter* 20, no. 6 (November-December 2011): 4, 10.


Http://www.rushlimbaugh.com/home/daily/site_012809/content/01125110.guest.html.


Williamson, Vanessa, Theda Skocpol, and John Coggin. ÓThe Tea Party and the Remaking of Republican Conservatism.Ó *Perspectives on Politics* 9, no. 1 (March 2011): 25ï 43.

