

PINSTRIPE PATRONAGE

POLITICAL FAVORITISM
FROM THE CLUBHOUSE TO THE WHITE HOUSE
AND BEYOND

MARTIN TOLCHIN AND SUSAN J. TOLCHIN

PINSTRIPE PATRONAGE

By the Authors

A World Ignited: How Apostles of Ethnic, Religious and Racial Hatred Torch the Globe

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To the Victor: Political Patronage from the Club House to the White House

By Susan J. Tolchin

The Angry American: How Voter Rage Is Changing the Nation

Women in Congress: 1917–1976

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BY MARTIN AND
SUSAN J. TOLCHIN

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*To Charles Tolchin DeMarchi,
Thomas DeMarchi,
and Karen Tolchin*

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CONTENTS

Preface

xi

1. “The Only Way to Run a Government” 1
2. Patronage Politics at the Grass Roots 17
 - A Two-Edged Sword 20
 - The Good Old Days 22
 - The End of an Era? 24
 - “Expeditors” and Patronage Politics in the Nation’s Capital 28
 - Patronage and Corruption 33
 - Mayoral Patronage Redux 37
 - “Earmarks” New York Style 40
 - County Patronage 43
 - Portrait of a County Leader 44
3. Statehouse Patronage 47
 - Highway Handouts: Everything That Isn’t Nailed Down 50
 - The Soprano State: How Patronage Can Lead to Corruption 54
 - Patronage in the Empire State and in Illinois 57
 - Statehouse Loot 60
 - Show Me the Money 62
 - Vermont: The “Antipatronage” State 65
 - Lobbyists, Patronage, and State Politics 68
 - Web of Cooperation 71
4. Congress: The Mother Lode 75
 - Congressional Largesse 79
 - What Have You Done for Me Lately? 83
 - Earmarks 87

VIII CONTENTS

Lobbyists and Earmarks	89
Committee Leadership and Earmarks	90
Indefensible Defense	91
Midnight Maneuvers	93
Presidential Favors	93
In Defense of Earmarks	96
“A Billion Here and a Billion There ... ”	97
A Patronage Puzzle	97
The Senator from Wall Street	98
The Polls and the Pols	100
Life After Congress: The Nine Lives of Patronage	101
Democracy’s Paradox	106
5. Justice on eBay	107
From the Clubhouse to the Bench	107
The Firing of U.S. Attorneys	112
Judgeships: The Ultimate Reward	117
Judgeships on eBay: Campaign “Finance”	123
Courthouse Patronage	125
Campaign Cash	128
Patronage and Justice for All	132
6. Presidential Patronage	135
The Carrot	139
Sticks	141
Ninety-Nine Enemies and One Ingrate	144
An Overseas Perspective	146
Presidential Patronage Styles: FDR to Obama	148
The Mother of Necessity	156
Follow the Money	158
7. Pinstripe Patronage: Outsourcing Government	163
While America Slept	163
Who’s in Charge?	166
What Is Government?	169
Circular A-76	170
The Costs of Contracting Out	172
Why Privatization Matters	174
Forever Quango: Learning About the Hybrids	175
Outsourcing, Bush Style	180

Privatizing Foreign Policy	181
Governing the “Quango,” Outside Contracts, and Other Hybrids	187

8. Harbinger of Change 189

Additional Resources

A. Judgeships in the United States of America	201
B. Defense Contributions	207
C. Contractors’ Political Contributions and Contract Earnings	209
D. A Brief History of Patronage	211

<i>Notes</i>	219
<i>Bibliography</i>	237
<i>Index</i>	261
<i>About the Authors</i>	271

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PREFACE

Pinstripe Patronage: From the Clubhouse to the White House and Beyond examines the financial rewards bestowed upon those involved in politics and how they have changed in the last quarter century. We found that the biggest rewards now go to those more at home in the boardroom than on the assembly line, as the Christmas turkey has been replaced by billion-dollar contracts. We were intrigued by the strategies created by politicians to circumvent five Supreme Court decisions, beginning in 1976, which severely restricted political patronage: the discretionary favors of government awarded to political supporters.

Each of those Supreme Court decisions cited our earlier book, *To the Victor: Political Patronage from the Clubhouse to the White House*, which originated at a 1968 meeting of *The New York Times* political reporters conducted by Arthur Gelb, the newspaper's legendary metropolitan editor, who later became managing editor. Gelb asked the assembled reporters why people risked their reputations by going into politics. Veteran reporters said that most of them had made their fortunes and wanted to "give back" to their fellow citizens.

This view was not universally shared, however. Martin, then a metropolitan reporter, had just returned from an interview with Stanley Steingut, Brooklyn Democratic leader and Speaker of the New York State Assembly. During the interview, Steingut had received several telephone calls, and Steingut's end of the conversation went as follows: "Yes, Max, you get the plumbing, but Harry gets the electrical work, Morris gets the engineering, Sam gets the cafeteria." Subsequent calls from Harry, Morris, and Sam elicited a similar recital. Eventually, Martin asked Steingut if the contracts related to a public or private building. His response: "Does it really matter?"

The inference was clear: Financial rewards awaited those involved in politics. Gelb assigned Martin to ferret out the many ways in which politicians enrich themselves and their political allies. The resulting articles led to a book written

with Susan (a professor of political science) and published in 1971. In that effort, we also were guided by an extraordinarily creative editor, Jason Epstein, at Random House. *To the Victor* was the first of our eight books, many of which took 180 turns from their original premises. Initially, we considered patronage somewhat sleazy, the coin of the realm of political machines, whose bosses did well to stay one jump ahead of the sheriff. Reams of articles and books focused on patronage in terms of corruption, party building, and illicit exchanges of campaign contributions for political rewards. But we shifted our opinions after scores of interviews in dozens of towns, cities, and visits to Washington, D.C., to talk to members of Congress, the judiciary and the executive branch, as well as to key figures in city halls and statehouses. We concluded that despite its considerable baggage, patronage continued to be a necessary tool of government, and that those who disdained its practices often proved ineffective public servants. The conundrum continues to this day: how to succeed in politics and retain one's integrity?

All our subsequent books returned to our initial theme: the back story of politics in America reverted to the theme of government patronage. Although it appears today in many different guises—such as outsourcing, privatization, and earmarks—it all comes down to the rewards that hold political organizations together.

Our interviews with public officials persuaded us to abandon our initial view that patronage consisted mainly of jobs. We were told that key constituents often wanted favors ranging from a photograph with a mayor, governor, or president to display on an office wall; to zoning variances, bank deposits, earmarks, contracts, tax exemptions, guardianships, refereeships—in other words, a host of rewards available only from those in power. *Pinstripe Patronage* reflects the fact that political favoritism has been taken to a new and loftier level and affects every facet of government, even foreign policy and intelligence.

Our collaboration of journalist and political scientist dismayed many of our colleagues. In the world of academe, there is no more pejorative epithet than “journalistic.” To the cognoscenti, that is often code for superficial, anecdotal, and unreliable. Yet at the same time, academics rely very heavily for their own research on what they call “secondary sources,” which are often the very print media articles or blogs they have previously disdained. Similarly, working journalists hurl their own insults at the academic world, at times labeling research “academic.” Translation: ivory tower, poorly written, and, worst of all, irrelevant. On the other hand, journalists often quote academics to lend credibility to their articles. We aimed for the best of both worlds: extensive reporting enriched by insights and perspective. Journalism brings a fresh and innovative approach to solving the mysteries of political life; the academic approach affords the advantages of time and reflection, free from the burdens of daily deadlines and word

limits. In sum, this book is a collaborative effort in many ways, in addition to the obvious one of a “husband-wife team.” It builds on the thoughts, insights, and scholarship of generations of forefathers and foremothers to produce its very own way of looking at the world, and we hope that it benefits from both approaches.

Since *To the Victor* was published nearly forty years ago, the U.S. Supreme Court severely restricted both the hiring and firing of public employees on the basis of their party affiliation, and the awarding of contracts on the basis of campaign contributions. We decided to explore the impact of those Supreme Court decisions. Were they definitive? Did they end the hiring and firing of political supporters? Did they affect the way politicians awarded public contracts? Did they undermine political machines? Did they improve the quality of elected officials? Did they produce accountability and a fairer, more equitable, and more efficient form of government?

To find the answers, we retraced our steps and interviewed scores of current mayors and governors, as well as members of Congress, the judiciary, and the executive branch. Some were more forthcoming than others, but taken together they produced a rich tapestry of contemporary politics. They were partners in our endeavor to explore the often neglected underpinnings of politics and government, in the hope of illuminating how public policy decisions are really made. We hope we’ve broken new ground in describing how patronage works today, how it affects the nation’s politics and government, and its impact around the world.

Susan’s professional home at the School of Public Policy at George Mason University has been consistently supportive of her research efforts. Her students and colleagues have offered many ideas and critical perspectives. Special thanks to Dean Kingsley Haynes, Associate Dean James Finkelstein, Provost Peter Stearns, President Alan Merten, and Associate Ph.D. Public Policy Director Elizabeth Eck for providing an encouraging academic atmosphere and furnishing resources for research assistance.

At George Mason University, Susan’s research assistants provided extraordinary skills at checking facts, tracking down leads, constructing charts, editing, and solving computer mysteries. They are Ha Vu and Carol Whitney, both of whom did yeoman service in bringing this manuscript to fruition.

We also are grateful to the Woodrow Wilson International Center for Scholars, and especially Lee Hamilton and Mike Van Dusen, for providing Martin with an intellectual home, resources, and support. Many of our observations are the result of the collegial give-and-take for which the center is justly renowned. The center’s librarian, Janet Spikes, and her assistants Michelle Kamalich and Dagne Gizaw, were unflinchingly helpful; as were the center’s program directors Kent Hughes, Don Wolfensberger, Philippa Strum, and David Klaus; research assistants John Morrill and John Bohrer-Yardley; and fellow scholars, especially

Kate Lavelle, Samer Shehata, and Vladimir Tismaneanu. Elizabeth Byers provided all-around help. We also want to thank Diane Barry, archivist at the Ronald Reagan Presidential Library, and James Cornelius, archivist at the Abraham Lincoln Presidential Library. We also are indebted to Ray Scheppach and his staff at the National Governors Association, and Tom Cochran and his staff at the U.S. Conference of Mayors.

All the direct quotes in the book that are not cited as footnotes are drawn from interviews. We interviewed more than 200 people in researching this book and benefited from their insights. Especially helpful were Gary Ackerman, Scott Amey, David Anderson, Nan Aron, Michael Barbaro, Evan Bayh, James Blanchard, Michael Bloomberg, John Boffa, Richard Brown, David Burnham, Lou Cannon, Paul Charlton, Mary Cheh, David Chen, Pat Choate, Joseph Crowley, Mitch Daniels, Chet Culver, Anne Donahue, Jim Douglas, Ken Duberstein, Alan Ehrenhalt, Albert Eisele, Jack Evans, Alvin S. Felzenberg, Dan Glickman, Vincent Gray, Phyllis Hanfling, Robert Hanfling, John Hilley, Charles Hynes, David Keene, Marcy Kaptur, Robert Katzmann, Tom Kean, Colbert King, Ed Koch, Natasha Korecki, Kevin Kosar, John Koskinen, Madeline Kunin, Joe Manchin, Deborah Markowitz, Matt Mezzanotte, Abner Mikva, Ruth Ann Minner, Jedd Moscowitz, Peter Nickles, James Oberstar, Bob Packwood, Joyce Purnick, Ralph Regula, Donald Ritchie, Renee Roth, Warren Rudman, William Safire, Carol Schwartz, Michael Schenkler, Dick Simpson, Gaye Symington, Vladimir Tismaneanu, Henry Waxman, and David Yassky.

Many of our friends and colleagues read selected chapters of the book—some even plowed through the entire manuscript—and were especially helpful in sharing their criticism and insights: Pat Choate, Thomas DeMarchi, A. Lee Fritschler, Kent Hughes, James Pfiffner, Karen Tolchin, Janine Wedel, Don Wolfensberger, and Carol Whitney. Linda Cashdan deserves special mention for lending her gimlet eye and editing skills to the manuscript.

Finally, we must express our gratitude to our editor, Jennifer Knerr. This is the third book we've done together, and her vision and professionalism have guided us throughout. We think she's the best in the business. Our thanks also to Nancy Sixsmith, copy editor par excellence, and Candace English, who skillfully shepherded this book through production.

All the sources and critics mentioned here have contributed mightily to our endeavor to produce a book on how government really works. Any errors are, of course, our own.

Susan J. Tolchin and Martin Tolchin
Washington, D.C.
Warren, Vermont



CHAPTER ONE

“THE ONLY WAY TO RUN A GOVERNMENT”

“Politics is the art of putting people under obligation to you.”

Jacob Arvey, Illinois Democratic leader

“Some people, when they want something from somebody, walk up and hit them with a two by four. I walk up and give them hugs and kisses.”

Michael Bloomberg, Mayor, New York City

Justice William Brennan and Speaker Thomas P. “Tip” O’Neill Jr., both liberal Irish Catholics, arrived in Washington in the 1950s and played major roles in shaping late twentieth century America. But during their forty years as powerful public officials in the nation’s capital, they never met except for handshakes at public events. Once they retired, however, they wanted to get to know one another. After several attempts that failed because of their various health problems, the great Supreme Court jurist and the consummate politician finally lunched together at Washington’s Cosmos Club.

Tip was in rare form. The old Boston “pol” regaled the self-effacing Justice with his successful effort, on behalf of President Bill Clinton, to persuade seventeen House Democrats to support NAFTA, the North American Free Trade Agreement. Tip recalled that when he was Speaker, President Jimmy Carter sought his help in passing an energy bill during a crisis Carter had called “the moral equivalent of war.” To obtain congressional votes, Tip said, he had urged Carter to “Call the fellows in, see what they want—a highway, a bridge, a veteran’s hospital, a post office.” But Carter considered himself above such mundane, pork barrel politics. He paid the price and obtained an energy bill that only vaguely resembled what he had sought.

When Tip offered the same advice to President Clinton to help round up congressional votes for NAFTA, he recalled, “Clinton understood.” Clinton bartered away highways, bridges, hospitals, post offices, and almost anything else he could get his hands on, and still the bill barely passed. Mary Brennan, the Justice’s conservative wife, was appalled. “Tip,” she said, “that’s a hell of a way to run a government.” The former Speaker beamed his most benign smile and told her, “Mary darling, that’s the *only* way to run a government.”

Political patronage, awarding the discretionary favors of government in exchange for political support—is alive and well in twenty-first century America. The enormous growth of government in the last century created a concurrent expansion of the discretionary powers of political leaders. Welcomed equally by Democrats and Republicans, these new patronage powers increased their ability to reward constituents and remained the lifeblood of politics and government. Jake Arvey, the late Illinois Democratic leader who fostered Adlai Stevenson’s political career, said there were many definitions of politics, including “the art of the possible” and “the art of compromise.” “But my definition,” he said, “is that politics is the art of putting people under obligation to you.”

Politicians put people under obligation to them through patronage, which cements loyalty up and down the political ladder. Former Michigan Governor Jim Blanchard, appointed ambassador to Canada by President Clinton, was not surprised when his phone rang at the start of the 2008 presidential primary season, and a raspy voice intoned “Mr. Ambassador, we need your help.” How could he refuse Bill Clinton? Blanchard explained, “I’ve had a 20-year relationship with the Clintons,” adding, “I’m intensely loyal.” Blanchard became a strong advocate for Hillary Clinton’s campaign for the Democratic nomination for president and even represented her before the Democratic Party’s Rules Committee. Another Democrat, Governor Ed Rendell of Pennsylvania, also rallied his troops on behalf of Hillary Clinton during the hotly contested 2008 Democratic primary. Rendell, previously mayor of Philadelphia, had received President Clinton’s support for revitalizing the Philadelphia Naval Shipyard and for federal funds to put more police officers on the street. President Clinton also appointed Rendell’s wife, Marjorie O. Rendell, to the district court in 1994 and to the Court of Appeals in 1997 and named Rendell chairman of the Democratic National Committee during the 2000 election. But some people are less loyal than others. Bill Richardson, whom Clinton appointed UN ambassador and Energy Secretary, and Robert Reich, his Labor Secretary, jumped ship and supported Barack Obama. Richardson evoked the scorn of Clinton attack dog and strategist James Carville, who denounced him as a “Judas.”

New York’s billionaire mayor, Michael Bloomberg, used both his private fortune and government perks to achieve his political goals. “Some people, when

they want something from somebody, walk up and hit them with a two by four," Bloomberg said. "I walk up and give them hugs and kisses."

This is the way the world works—usually—in politics and government, the business community, and even in families. The goal is to use favors to deprive recipients of their ability to make independent decisions. In government, those favors come in many forms—from a mayor's attendance at a wedding, to a governor's speech at a private dinner, to a president's invitation to spend a night in the Lincoln bedroom. More substantial favors include zoning variances, tax exemptions, judgeships, refereeships, appointments to boards and commissions, guardianships, insurance contracts, and bank deposits, as well as jobs and billion-dollar defense contracts.

In addition to traditional patronage, the new landscape now includes "pinstripe patronage"—billions of dollars in outsourcing, the privatization of services previously conducted by government. Pinstripe patronage also includes earmarks, which are government grants specified for the use of an individual, corporation, or community; and the highly-paid salaries for top executives and board members of hybrid agencies such as Fannie Mae and Freddie Mac, which are public-private partnerships.

It is called pinstripe patronage because it usually benefits those more at home in a boardroom than on an assembly line, who reciprocate by giving politicians the ever-increasing funds needed to conduct their political campaigns. Pinstripe patronage has replaced the Christmas turkey and snow removal jobs that politicians gave the less fortunate and includes billions of dollars in noncompetitive contracts for Halliburton, Blackwater, and other companies whose executives have given megabucks to both political parties. Their work in Iraq has made these companies American representatives on the world stage, where they have embarrassed America in the eyes of the world.

To critics, political patronage represents the dark underbelly of American politics, whose practitioners are fortunate to keep one step ahead of the sheriff. They believe that patronage breeds corruption, incompetence, and waste. They cite billions in wasted dollars spent on unneeded projects to win political support and the withholding of needed projects to punish political foes. The late Representative John Murtha, Pennsylvania Democrat and the powerful chairman of the House Appropriations Subcommittee on Defense, obtained \$150 million in federal payments for the John Murtha Airport in Johnstown, which has an average of fewer than 30 passengers per day. The airport has an \$8.5 million, taxpayer-funded radar system that has never been used and is less than a two-hour drive from the Pittsburgh airport.¹ A highly decorated ex-Marine, Murtha represented the twelfth district of Pennsylvania. The committee he chaired oversees appropriations for the Department of Defense, which includes the Air Force, Army, Marine Corps, Navy, and intelligence community.

To its practitioners, however, patronage is an essential ingredient of effective government, and those who disdain its use often find themselves unable to enact and implement their programs. They acknowledge the waste, fraud, and abuse inherent in some traditional patronage practices, but say that they represent the costs of living in a democracy, where people have freedom of choice.

On its most basic level, patronage cements political loyalty; politicians are loyal to those above them who bestow favors upon them, while receiving the loyalty of subordinates who in turn depend on them for favors. A district leader will usually be loyal to a county leader, who will be loyal to a state leader, who will be loyal to a national leader. Thus, a member of Congress often defers to his party leaders and committee chairmen, as well as to the political, business, and labor leaders back home that fund his campaigns.

But other factors sometimes come into play. Representative Bill Brewster, an Oklahoma Republican who served on the board of the National Rifle Association (NRA), switched his NAFTA vote for a promise that President Clinton would go duck hunting with him as a visible sign of support for the NRA. In 1993, two days after Christmas and five weeks after the NAFTA vote, Clinton and Brewster, clad in full hunting regalia, went duck hunting in Oklahoma in sixteen-degree weather. Photographs of the two men in their hunting gear, holding their shotguns, later appeared on the cover of the NRA's magazine.²

Movers and shakers have long used patronage to achieve their goals. President Franklin Delano Roosevelt created a raft of alphabet agencies, which became patronage havens. Instead, he could have placed these agencies in existing cabinet departments whose employees were subject to the civil service laws. In New York, the unelected power broker, Robert Moses (who was appointed to chair state park commissions and bridge and highway authorities), granted thousands of favors—including selecting general contractors for the building of highways, bridges, parks, and government buildings; hiring white- and blue-collar workers recommended by city councilmen, state assemblymen, and state senators; awarding architecture, engineering, underwriting, and insurance contracts to the politically connected; and placing toll receipts in banks owned by politicians. That's how Moses consolidated decades of his control over the shaping of both the city and state of New York. His favors included moving the Manhattan entrance of the Triboro Bridge from 96th Street to 125th Street to accommodate the media tycoon William Randolph Hearst, who owned real estate between the two streets.³

Indeed, as Tip O'Neill noted, patronage is an essential tool of governing. Those who turn up their noses, like President Carter, often have a difficult time achieving their policy goals. But patronage is also extremely susceptible to corruption—extortion, kickbacks, fraud, and waste, including “no-show” jobs and unnecessary services and projects.

There are so many legitimate ways for politicians to enrich themselves that those who resort to such behavior betray a poverty of imagination. Nevertheless, it sometimes seems that election to high office puts a politician on a glide path to a prison cell. Three former governors of Illinois, representing both parties, were convicted of corruption, and a fourth has been indicted for extortion and fraud. Three successive secretaries of state in New Jersey, also from both parties, wound up with convictions for fraud. Judges, senators, and House members have served time behind bars. A total of more than 20,000 public officials and private citizens were convicted of public corruption in the last two decades, totaling an average of 1,000 per year.⁴ Many have given a bad name to what so many consider an essential tool of government; indeed, it is surprising that with so many politicians behind bars, there hasn't been more political support for prison reform.

“The Jacksonian ideal was that patronage was efficient,” said Prof. Alvin S. Felzenberg of the University of Pennsylvania. “It ensured accountability because public dissatisfaction with the delivery of services inevitably led to a politician’s vulnerability at the polls.” President George W. Bush’s mishandling of Hurricane Katrina, for example, was traced to the Federal Emergency Management Administration (FEMA), which was riddled with inept political appointees. “Human nature suggests you can’t run government without patronage,” Felzenberg added, and when there is incompetence or corruption, “the fault isn’t patronage, but those who abuse it, and the purposes for which it is used.”

The tools of patronage have changed since the glory days of the old political machines, whose leaders happily dispensed food for the poor and jobs for ward heelers, those on the lowest level of the political ladder. But as money continues to flow into political campaigns despite major reform efforts, politicians continue to reward supporters despite five decisions by the U.S. Supreme Court that placed severe restrictions on hiring, firing, and promoting government employees, as well as awarding government contracts, on the basis of party affiliation and political support. The Court ignored warnings from many quarters that patronage was the lifeblood of politics and government. Nature abhors a vacuum, and despite all the new laws against “politics as usual,” the empty spaces were quickly filled. In other words, patronage didn’t go away; it just took new forms.

In the first of those cases, in 1976, the court ruled in *Elrod v. Burns*⁵ in 1976 that the newly elected Cook County (Illinois) sheriff, a Democrat, could not discharge non-civil service employees because they were Republicans. Such discharges violated the First and Fourteenth Amendments’ guarantees of freedom of speech and association, as well as various statutes including the Civil Rights Act of 1871, concluded Justice William Brennan, who wrote the court’s decision. In the second case, in 1980,⁶ Justice John Paul Stevens ruled in *Branti v. Finkel* that the public defender in Rockland County, New York, a Democrat, could not

discharge assistant public defenders who had been satisfactorily performing their jobs solely because they were Republicans. The third case was handed down later, in 1990: *Rutan v. Republican Party of Illinois*.⁷ At this time, the court ruled that Governor James Thompson of Illinois, a Republican, could not base hiring and promotions on financial contributions and service to the Republican Party. “To the victor belong only those spoils that may be constitutionally obtained,” Justice Brennan wrote. Using political affiliation as a basis for hiring and firing, he added, is unconstitutional because it places “burdens on free speech and association.” This protection was finally extended to government contractors in the fourth case, in 1996. Justice Sandra Day O’Connor, who delivered the court’s opinion in *Board of County Commissioners, Wabaunsee County, Kansas v. Umbehr*,⁸ ruled that a county could not terminate a contract to haul trash because the contractor was an outspoken critic of the Board of County Commissioners. The court held that the First Amendment protected independent contractors from governmental retaliation against their speech. This opinion was echoed in the fifth case, *O’Hare Truck Service vs. City of Northlake*,⁹ in a decision by Justice Kennedy delivered the same day.¹⁰

Many assumed that these decisions would have sounded the death knell of political patronage. Not so. In Illinois, New Jersey, New York, Louisiana, and Kentucky, among other locales, old-fashioned patronage practices—such as placing supporters in non-exempt government jobs—were thriving well into the twenty-first century. Indeed, examples of political patronage can be found in every state. Although some of its practitioners have recently wound up behind bars, many experts believe that the system is deeply embedded in the culture of many communities and continues to thrive.

But patronage lives on, often in disguise, thanks to soaring government budgets and the phenomenal increase of earmarks on the local, state, and federal level for everything from the arts and sciences to the infamous “Bridge to Nowhere.” At the same time, there has been a great increase in privatization, outsourcing everything from state hospitals, prisons, and transportation to the war in Iraq. Both earmarks and privatization have provided grist for the patronage mill. There were more contract employees in Iraq, for example, than there were military personnel.

The Supreme Court decisions also coincided with the rise of television, with its increased use in political campaigns. In addition to volunteers needed to obtain signatures on petitions to place a candidate’s name on the ballot and escort voters to the polls, candidates needed megabucks to underwrite their increasingly expensive campaigns. A decision by the U.S. Supreme Court in early 2010 added even more fuel to the controversy. *Citizens United v. Federal Election Commission* gave corporations carte blanche in financing elections: to restrict them, said the court, was tantamount to violating the free speech clause of the First Amendment of the

U.S. Constitution. In effect, the Court declared vital sections of the McCain-Feingold law on campaign finance unconstitutional and opened the floodgates to corporate money. The decision reversed decades of precedent.¹¹

The cost of television commercials escalated, especially as contests became increasingly negative. Big donors were often rewarded with pinstripe patronage such as lucrative contracts to provide government services and other highly imaginative forms of "boodle"—an old-fashioned word for political patronage. Mayors, governors and even presidents could then call on these contractors to employ political supporters in private sector, nongovernment jobs, thus circumventing the Supreme Court's restrictions on government employment.

Efforts at privatization and contracting out government services affected local, state, and federal governments. Today it is estimated that more than 50 percent of all federal functions are "contracted out," most of them without competitive bidding. In fiscal 2006, the U.S. government spent more than \$415 billion on contracts with 176,172 companies. About one-quarter of that total, \$100 billion, went to only six companies. More than 60 percent of these contracts, most of them with the Department of Defense, were awarded without competitive bidding. "The rapid growth in no-bid and limited competition contracts has made full and open competition the exception, not the rule," reported Robert O'Harrow.¹² State and local governments followed suit, with soaring budgets for both privatization and "earmarks" that all too often rewarded political supporters. Defense Department contracts dwarf those awarded by state and local government.

To politicians, government remains the spender of first resort. When James Willmot, a contractor, was unable to sell condos or cooperatives, or even rent several high-rise apartment buildings he had built in his native Rochester, New York in 1976, he sought federal rent subsidies. The fact that he was also chairman of the Democratic National Committee's Finance Committee meant that help was only a phone call away. Tip O'Neill badgered Carla Hills, Secretary of Housing and Urban Development in the Ford administration, on the status of Willmot's application for \$2.2 million in federal funds. "What's the status of the subsidies?" O'Neill asked in numerous telephone calls to Hills. Willmot got his subsidies. For exactly one year, O'Neill shunned *New York Times* reporter Martin Tolchin, who broke the story and then finally granted an interview. At the end of the session, O'Neill leaned back in his chair and said, "You know, Marty, I'm Irish, and we Irish never carry grudges." Tolchin replied, "The thought never occurred to me, Mr. Speaker." O'Neill then retorted, "But that article you wrote was such a piece of s ____." But the incident was an example of access, influence, and the perks enjoyed by the chairman of the Democratic Party's Finance Committee.

At times, a politician will block a patronage request to settle a score. When Senator Warren Rudman, a New Hampshire Republican, was about to graduate

from Syracuse University, he was outraged to learn that there was an \$8 diploma fee. He refused to pay the fee, and when he marched onto the stage of the auditorium he received an empty cylinder. He did, however, receive his Second Lieutenant's bars as a result of serving in the ROTC, and shortly after graduation found himself leading a platoon in Korea. One night, in a brief respite in a mountain foxhole, he wrote to the university president describing his perilous position and asked that the diploma be sent to his parents. The president responded by saying that the university would gladly send his parents the diploma, after receiving the diploma fee. Rudman declined. After his election to the Senate, a Republican colleague, Senator Alfonse M. D'Amato of New York, sought a multimillion-dollar grant for a new facility at Syracuse University. Despite the personal pleas of both D'Amato and the university president, Rudman blocked the appropriation each of the twelve years he served in the Senate. You don't have to construct a cost-benefit scale to weigh an \$8 diploma fee against a multimillion-dollar federal grant!

A president's vast patronage powers explain why he almost always controls his party. Barring an overriding national issue, patronage powers, usually vested in party elders, explain why politics is usually oriented more to the past than to current movements, and more toward conservative than to innovative programs. Congress especially rewards longevity with power, allowing those with long service to collect numerous IOUs and to obtain the lion's share of new ones. Even those members motivated by ideological commitment quickly discover, in the words of the legendary Speaker of the House Sam Rayburn of Texas, "To get along, you have to go along." Mr. Rayburn never expected a congressman to vote against the interests of his constituents, but often advised members that "anyone should find a way to go along with his leaders 70 percent of the time." Although the cards are stacked against them, it is sometimes possible for those who seek significant change to prevail and bypass party elders.

The patronage system thrives as one of the occupational hazards of government, in both democracies and authoritarian regimes. But in a land where most people have freedom of choice, incentives are often required to bestir them to public action. Patronage also ensures that ideology plays a relatively small role in the decisions of government, because soaring rhetoric often conceals the hard, cold, unemotional realities of political ambitions meshing into place.

Not surprisingly, the ideological approach to politics and government is encouraged by the politicians themselves, who would much rather portray themselves as motivated more by principle than by the quest for power or personal profit. The ideological approach to government also receives sustenance from the mass media, which finds it easier, less costly, and infinitely safer to report campaign speeches or depict members of Congress standing toe-to-toe in angry debate than to learn, for example, why a lawmaker changed a vote during

a closed committee meeting, or to predict the financial crisis of 2008–2009. These theatrics, especially beloved by the electronic media, often obscure the patronage system of debts incurred and IOUs held, accompanied by the silent but overriding theme of political ambition.

Patronage power is defended as a necessary and legitimate extension of the power of elected officials, who must overcome inertia, powerful interest groups, and recalcitrant legislators. A president is not a general whose orders must be obeyed; on the contrary, his greatest power, according to presidential scholar Richard Neustadt (who had been an aide to President Truman) was the power to persuade. Patronage is a potent tool in that arsenal, with the American people and their elected representatives the obvious targets. When the late Mike Mansfield (who had been Senate majority leader) was ambassador to Japan, large photographs of congressional leaders hung on his office walls. He explained that many Japanese believed that the president had the authority to make unilateral decisions. That's why Mansfield showed his guests the faces of those a president must convince to translate his wishes into laws.

Patronage defenders claim that their system is more humane than a meritocracy in which individuals are appointed on more neutral criteria and have little investment in the success or failure of an administration. Who has not been frustrated by clerks at a city's tax or licensing bureau, who seem to spend most of their time chatting with their colleagues, oblivious of the long lines at their desks? This leads to the argument that patronage encourages conscientious work habits because poor performance by public officials could lead to public outrage that brings down their patrons, and could cost them their jobs. In addition, in many places the "merit system" can also be phony; only the names are changed: from patronage to "mentor, network, or protégé."

The good news is that patronage drives public policy. The bad news is that patronage drives public policy. And the worst news is that patronage is beginning to drive U.S. foreign policy in ways that undermine America's stature in the world. Private corporations that represent the U.S. in Iraq and Afghanistan have committed abuses that have outraged the local citizenry and undermined the nation's ability to win the hearts and minds that are so vital to our success in that region.

Patronage has long been a two-edged sword. It has been used to enact healthcare legislation and prolong wars, prohibit smoking in public places and end term limits, enact programs for the poor, and deprive opponents of jobs. Unquestionably, patronage distorts government priorities, and one's view of this distortion depends on how one feels about the policy involved. If one supported NAFTA, Clinton's use of patronage was a worthy use of presidential prerogatives. But Representative Marcy Kaptur, an Ohio Democrat, was in tears on the House floor during the vote, when she discovered that many colleagues who

had pledged to support her opposition to NAFTA had yielded to the White House's blandishments.

But the kind of pork Clinton provided to win enactment of NAFTA was assailed in 2009 by the Tea Party movement. Its members, alarmed by the soaring deficits created by congressional earmarks, placed fiscal stability and tax reduction above the need for the wide-ranging projects. Although the nation's infrastructure was crumbling with collapsing bridges and deteriorating highways, and despite the need for hospitals, schools, and other government services, Tea Party members set their sights on both Republican and Democratic congressmen who had prided themselves on bringing home the bacon. Their early victims included Senator Bob Bennett of (R-Utah), an unquestioned conservative whose grandfather was a president of the Mormon Church, and Representative Alan Mollohan, (D-West Virginia), both members of congressional appropriations committees. The Tea Party also succeeded in gaining a victory in Kentucky for Rand Paul, who easily defeated Trey Grayson, the establishment candidate in the Republican primary for U.S. Senate.

The major problem with patronage is not that it builds political empires or private fortunes, but that it encourages public officials to compromise the public interest for private gain and to sacrifice the interests of citizens on the altar of a politician's needs. Why should a neighborhood lose a playground because it voted against a mayor or elected a councilman who refuses to bow to a mayor's wishes? How much of the soaring military budgets (\$663.8 billion in 2010) are actually needed to protect the country, for example, and how much is allocated to reward political supporters? The late Jamie Whitten, a Mississippi Democrat who chaired the Defense Appropriations Subcommittee, once testified, "I am convinced that defense is only one of the factors that enter into our determination for defense spending."¹³ In 2008, hearings conducted by the House Government Operations Committee confirmed that such skepticism remains well-founded; in fact, many military contractors in Iraq were chosen less for their expertise and professionalism and more for their financial and political support of the administration.¹⁴ One wonders how long the Iraq war would have continued if it were *against* the patronage interests of the nation's political leaders, or if it imposed hardships, such as substantially increased taxes and fees. Indeed, former Chief Justice Earl Warren explained why the Vietnam War protest was led by young people: "So long as youth carry the burden of the war while their elders seem in no hurry to end it, and, indeed, seem to profit financially from it, they have a right to complain."¹⁵ Unlike Vietnam, the Iraq and Afghanistan wars were fought by a volunteer army instead of draftees. America's middle class remained largely untouched by military service or additional taxes, which partly explained why the nation was reluctant to end both conflicts.

Patronage also plays a crucial role in determining the quality of the nation's public officials, an interesting balancing act between the forces of obligation and the interests of professionalism. A spirited defense of judicial mediocrity was made by the late Senator Roman L. Hruska, Nebraska Republican, who defended President Nixon's nomination of G. Harrold Carswell as a Supreme Court Justice by arguing, "Even if he were mediocre, there are a lot of mediocre judges and people and lawyers. They are entitled to a little representation, aren't they, and a little chance?"¹⁶

Patronage powers also give politicians the power to determine the quality of law enforcement, one of the most coveted powers of government. The discretionary aspects often surface when a new administration prosecutes public officials who previously enjoyed immunity while their own party controlled the administration. Few presidents have used these powers in a more partisan manner than George W. Bush, whose attorney general fired prosecutors considered overly aggressive in pursuing Republican officials and too sluggish in prosecuting Democrats. The Bush Justice Department prosecuted a former Alabama governor who was a leader of the state's Democratic Party. Dozens of state attorneys general of both parties expressed outrage over the case.¹⁷

Patronage affects the quality of life of most Americans. Even neighborhood projects, such as parks, playgrounds, and traffic lights, which seem apolitical on the surface, can be used to reward supporters and punish opponents. Mayor Adrian Fenty of Washington, D.C. openly rewards his supporters among the city council members with projects in their districts, while withholding them from districts represented by political opponents. After his reelection in 1973, Mayor John Lindsay of New York jokingly denied being a practitioner of this strategy. At the 1974 dinner of the Inner Circle, a group of political reporters, he said, "How can Queens (a county that voted for his opponent) complain that I haven't given them any new facilities? My new budget clearly shows plans to build a sewage treatment plant there." Of course, a sewage treatment plant is not exactly the kind of public works project sought by most neighborhoods.

A voter who fails to vote his conscience in a general election out of gratitude to a party official for a personal favor, or a traffic light, or a playground can hardly be critical of the councilman, state legislator, or congressman who fails to "vote his conscience" on an issue, but instead goes along with his party's leadership out of gratitude for past favors and the expectation of new ones. It may be argued, however, that a voter who supports a congressional candidate who has solved his problems with a federal agency is at least acting on the basis of concrete performance, whereas a candidate's position on Iraq or tax reform may be a good deal less dependable.

Many patronage practices have changed very little. The successful patronage seeker is well aware that government must bank its money, insure its property,

and construct office buildings—all on a noncompetitive basis because bank and insurance rates are uniform and there are no objective standards for architecture, engineering, and (often) construction contracts. This means that officers of the bank that was “selected” can expect to be called upon for future campaign contributions, and were probably selected in the first place for their past generosity. Most important, city and state controllers reap political power by deciding where to invest government funds. Government buildings need furniture, stationery, plumbing systems, heating, wiring and vending machines—franchises often worth millions of dollars to the recipients of this patronage.

Politicians today have opportunities undreamed of by George Washington Plunkitt, the colorful turn-of-the-century Tammany boss, and his political heirs. Today’s Plunkitts can choose among a vast array of favors for loyalists. Through privatization, a public official is freed from the judicial constraints on his ability to reward supporters with government jobs and noncompetitive contracts. A mayor can pick up a telephone and find a job for a supporter in a sanitation or engineering company that he has given a lucrative contract. Plunkitt defined the difference between what he called “dishonest graft” (bribery and extortion) and “honest graft” (availing oneself of inside information and political networking). With a verve that does honor to the politicians of his day, Mr. Plunkitt noted that he had made a fortune in politics by purchasing real estate with the advance knowledge that a new subway line would soon enhance its value. “I seen my opportunities and I took ’em,” boasted Plunkitt, in the best definition to date of honest graft. Although some reformers tend to regard all patronage as “dishonest graft” because it grants favors on the basis of favoritism, not merit, orthodox politicians consider patronage the vehicle that balances the pressures and interests on which a democracy rests. They are well aware that a politician whose patronage is so inflexible that he cannot accommodate rising new interest groups may find himself displaced by them at election time. The successful politician relies not only on his ability to satisfy organized local pressure groups but also on his sensitivity to the political desires of the broad base of constituents who are not organized.

To protect their patronage, politicians have often searched out and nominated outstanding candidates to head their tickets: Franklin D. Roosevelt was enthusiastically supported by Ed Flynn’s Bronx machine, Harry S Truman was the protégé of the Thomas Pendergast machine in Kansas City, and Adlai Stevenson was handpicked by the powerful Chicago Democratic machine led by Jacob Arvey. A distinguished, popular candidate at the top of the ticket often carries into office the judges, sheriffs, and local legislators who are the lifeblood of a machine. Hymie Shorenstein, a Brooklyn district leader nearly a century ago, was once confronted by a worried Assembly candidate who had not received the funds he needed to campaign effectively. Shorenstein calmed him: “You see the

ferryboats come in?" Shorenstein asked. "You see them pull into the slip? You see the water suck in behind? And when the water sucks in behind the ferryboat, all kinds of dirty garbage comes smack into the slip with the ferryboat? Go home. Al Smith [the candidate for New York governor] is the ferryboat. This year, you're the garbage."

With the advent of television, which enables politicians to speak directly to voters, members of Congress, governors, and mayors might seem to need fewer troops to get out the vote. In fact, however, some of the mightiest machines are run by members of Congress, governors, and mayors.

Conventional wisdom holds that political machines are obsolete. As is often the case, conventional wisdom is wrong. Today's political machines provide would-be candidates with access to the ballot. They continue to have much to say about which candidates are on the top of the ticket, as well as the selection of judges. They are more businesslike than their predecessors, whose bosses had colorful nicknames like John "Bath House" Coughlin, "Red Mike" Hylan, Michael "Hinky Dink" Kenna, "Slippery Dick" Connolly, "Old King Cole," "King" James McManes, and "Iz" Durham.¹⁸

Ward bosses sometimes took credit they didn't deserve. In the late 1980s, John Boffa, now a successful businessman in Washington, D.C., decided to run for the city council in Albany, New York. Boffa rang doorbells to introduce himself to the voters, and as a courtesy, shared his experience with Nicholas Sacca, the Democratic leader of the Center Square neighborhood adjoining the state capital. One of the things Boffa learned was that there were many burned-out street lights in the district. Sacca checked the registration of those who lived in houses near the street lights, and had Niagara Power replace those near houses that belonged to Democrats. When Boffa offered to call Niagara Power, he was informed that only the ward boss would make those calls and take credit for restoring the street lights in the process. Without the support of Sacca, Boffa was defeated.

Also defeated in a race for city council was Phyllis Hanfling, who sought vainly to gain the support of Arthur T. Barbieri, Democratic leader of New Haven, Connecticut "Why do you want to run?" Barbieri asked. "I believe in good government," Hanfling replied. "We don't want any 'goo goos,'" said Barbieri, who later installed Bartholomew Guida, who ran a gas station, as the city's mayor.

In the last several decades, as whites fled to the suburbs, African Americans and Hispanics have entered the inner-city machines long dominated by Irish and Italian politicians. These machines have proven every bit as venal as their ethnic ancestors. They also have become more personal, with elected officials often creating their own machines. In addition to Newark and Detroit, African American politicians have developed machines in most major cities. Harlem's Herman "Denny" Farrell is a Manhattan Democratic leader, and Maxine Waters

has developed a formidable machine in Los Angeles. Also, under old-style ethnic leadership, the suburbs continue to have some of the strongest political machines.

Voters still know only those candidates at the top of the ticket and usually have little knowledge of the dozens of judges, commissioners, council, board members, propositions, referenda, and amendments at the bottom of the ticket. How did they get there? Usually, through the good offices of political machines, which provide the manpower to get the thousands of signatures needed to get on the ballot. Lawyers continue to dominate the political arena because of the many rewards they can reap, from clerkships to executorships, trusteeships, and judgeships. These rewards are usually distributed by political bosses.

Political machines assure that in the last century little has changed in the selection of judges. A *New York Times* editorial lamented that “New York’s Supreme Court judges—who are trial level judges, not members of the state’s highest court, the Court of Appeals—are nominated through an archaic system of judicial conventions. These conventions are dominated by delegates handpicked by party bosses, who vote however the bosses tell them.” Was this editorial written in the 1930s, 1950s, or 1970s? No, it was the lead editorial on Oct. 2, 2007, and entitled “Real Judicial Elections.”¹⁹ Similarly, the *Washington Post*²⁰ lamented an administration that “increasingly emphasized partisan political ties over expertise in selecting the judges who decide the fate of hundreds of thousands of immigrants, despite laws that preclude such considerations.” The 1800s? The 1900s? No. The article described the administration of President George W. Bush.

Another newspaper article²¹ lamented that a big city mayor built a political machine through cult of personality. Was it referring to Jimmy Walker, Richard J. Daley, or Carmine DeSapio? No, the article described former Mayor Sharpe James of Newark, New Jersey. James was found guilty of defrauding the city by selling a lady friend nine parcels of city land for \$46,000, which she quickly resold for \$665,000. “This was among the mayor’s many stark examples of the greed and arrogance of unchecked power,” said U.S. Attorney Christopher J. Christie. James was convicted of fraud and conspiracy and sentenced to twenty-seven months in prison. That same year, Detroit Mayor Kwame Kilpatrick, who built a formidable patronage machine, pleaded guilty to fraud, corruption, and obstruction of justice. He resigned as part of a plea agreement that also brought him four months in jail and a \$100,000 fine. Other recent political machines, including the Richard M. Daley machine in Chicago, the Jim Dimora machine in Cleveland, and the George Norcross machine in New Jersey, have also run afoul of the law.

The president governs from the apex of the political structure and makes the ultimate decisions on federal judgeships (subject to Senate approval),