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## The Necessity of Political Parties and the Importance of Compromise

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David B. Magleby, BYU's 2015 Karl G. Maeser Distinguished Faculty Lecturer, presenting the forum address on May 19, 2015, in the de Jong Concert Hall. Photo courtesy of Brigham Young University.

# The Necessity of Political Parties and the Importance of Compromise

*David B. Magleby*

*BYU Studies has a long history of publishing the annual lecture given by the recipient of the Karl G. Maeser Distinguished Faculty Lecturer Award, BYU's highest faculty honor. It is with great pleasure that BYU Studies Quarterly publishes this year's lecture by Dr. David B. Magleby, a professor of political science. His speech was delivered as a forum address on May 19, 2015, at Brigham Young University.*

Vice President Webb, other members of the administration, deans, colleagues, friends, and students, I am honored and humbled to be recognized in this way. The occasion invites introspection and appreciation.

I have been greatly blessed by the opportunity to study, teach, and write for now thirty-three years on the faculty at Brigham Young University. There is a sense of mission about teaching at BYU, which for me is personified by you students and your predecessors—those I have known and taught in classes, those I have worked with as teaching or research assistants, and those who have been members of BYU wards or stakes in which I have served. You are smart and good. You have lifted me and my family. You motivate me to be a better person. You will do remarkable things in your families, church, community, and occupation. I hope my remarks today will encourage you to make civic engagement a part of who you are.

I teach in a discipline whose name some find presumptuous: political science. Politics seems so disorganized, messy, personal, and sometimes even evil that it can hardly be seen as science. Politics can be all

of that, but as Alexander Hamilton put it in Federalist Paper no. 9, “The science of politics, however, like most other sciences, has received great improvement.”<sup>1</sup> Similarly, James Madison wrote in Federalist no. 37 of “political science” and “science of government.”<sup>2</sup> Or as John Adams wrote to his wife Abigail in 1780, “I must study Politicks and War that my sons may have liberty to study . . . Mathematicks and Philosophy, Geography, natural History, Naval Arichitecture, navigation, Commerce and Agriculture, in order to give their Children a right to study Painting, Poetry, Musick, Architecture, Statuary, Tapestry and Porcelaine.”<sup>3</sup> To Adams, Hamilton, Madison, Jay, and the other framers of our grand experiment with self-government, the data for their science came from their *experience* in colonial legislatures and the Continental Congress; and from their *study* of religion, history, and science. Think of the Constitution as an engineering blueprint for the design of a functioning and enduring government. By that standard, their blueprint has stood the test of time—and they were remarkable social scientists.

Today, I would like to address two seemingly contradictory elements of politics that are relevant to our times; indeed, I would argue they will always be relevant: the necessity of political parties and the importance of compromise.

### The Necessity of Political Parties

With respect to political parties I will argue an idea widely accepted in political science: that political parties are essential to modern democracy. This view runs counter to popular opinion, which is often anti-party. Concerns about parties include that they corrupt participants, foster contention, and turn their supporters into unthinking followers rather than informed citizens. Today, I hope to persuade you that parties serve important functions and that you should not only vote in

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1. Alexander Hamilton, Federalist, no. 9, “The Union as a Safeguard against Domestic Faction and Insurrection,” available online at [http://avalon.law.yale.edu/18th\\_century/fed09.asp](http://avalon.law.yale.edu/18th_century/fed09.asp).

2. James Madison, Federalist, no. 37, “Concerning the Difficulties of the Convention in Devising a Proper Form of Government,” January 11, 1788, available online at [http://avalon.law.yale.edu/18th\\_century/fed37.asp](http://avalon.law.yale.edu/18th_century/fed37.asp).

3. John Adams to Portia [Abigail Adams], May 12, 1780, Adams Family Papers, Massachusetts Historical Society, available online at <http://www.masshist.org/digitaladams/archive/doc?id=L1780o512jasecond>.

elections but become involved in political parties. So, how do parties facilitate democracy?

First, parties organize democracy. They recruit and nominate candidates and structure the competition. Without them, voters would face the daunting task of choosing from among scores of candidates. In this sense, parties simplify democracy and voting.

Second, parties in a broad sense stand for a particular view of the role of government. They stake out positions on issues like health care, energy, the environment, foreign and defense policy, and at times issues like civil rights. The orientation of parties can change, and it is easier to change a party's direction than to start a new party. Parties also play an important role for citizens in a democracy by providing important cues to voters about the electoral competition.

Political scientists use the term "party identification" to describe how citizens identify with parties. The enduring, subjective identity people develop with a political party helps explain their voting behavior. It is not the same as party registration, the legal process where you declare a party for purposes of voting in primaries. Nor is it a reflection of how a voter feels about parties in a particular election. Rather, we measure party identification with a series of questions that first ask people to identify themselves as Democrat, Republican, Independent, or something else. Those who answer Republican or Democrat are then asked if they consider themselves strong or not so strong in that attachment. For purposes of simplification, scholars label the not-so-strong partisans as weak partisans. Those who answered Independent to the first question are asked if they consider themselves as closer to the Republican or Democratic party. There are then three types of Independents: those who lean Democratic, those who lean Republican, and pure Independents. Respondents who say "other" to the initial question are typically about 2 percent of the American voting-age public.

Looking at the distribution of party identification using the KBYU-Utah Colleges Exit Poll shows this to be the case in Utah since 1982 (see fig. 1). In this figure, I have combined Independent leaners with the party toward which they lean. I will demonstrate why in a moment. Note the stability of the response. National data is similarly stable but with Democrats outnumbering Republicans.

Party identification is important because it is the single best predictor of how we vote. Figure 2 illustrates this with voting in the 2012 presidential election, but the same generalization applies to voting in partisan candidate elections generally.

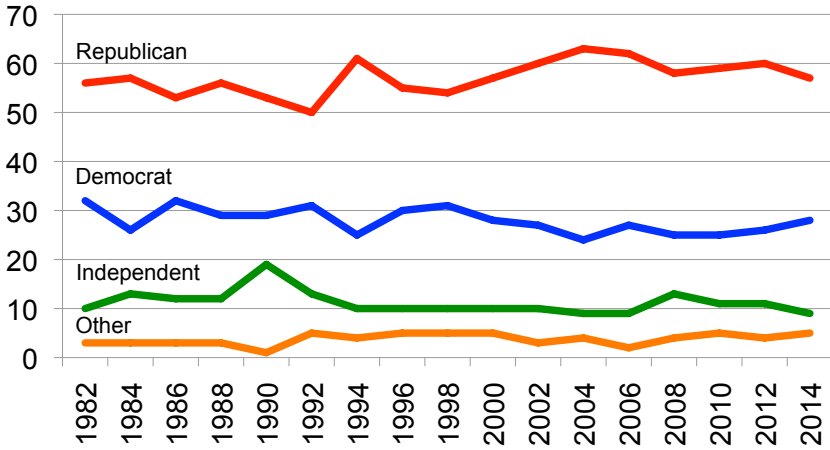


FIGURE 1. Utah party ID (1982–2014). KBYU–Utah Colleges Exit Poll Data.

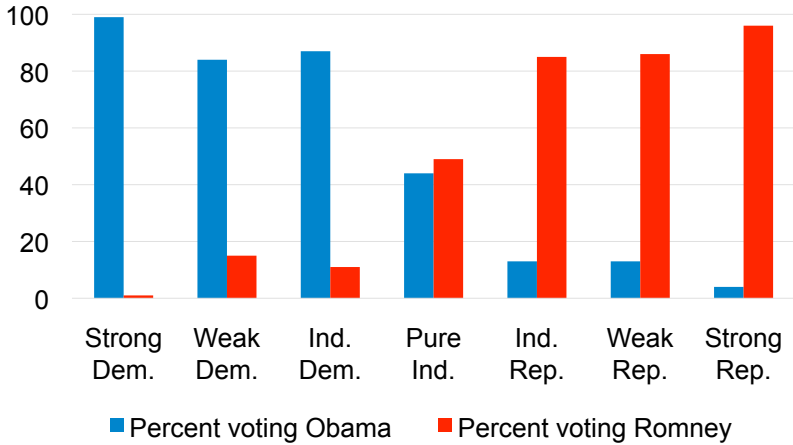


FIGURE 2. 2012 presidential vote. 2012 American National Election Study Data.

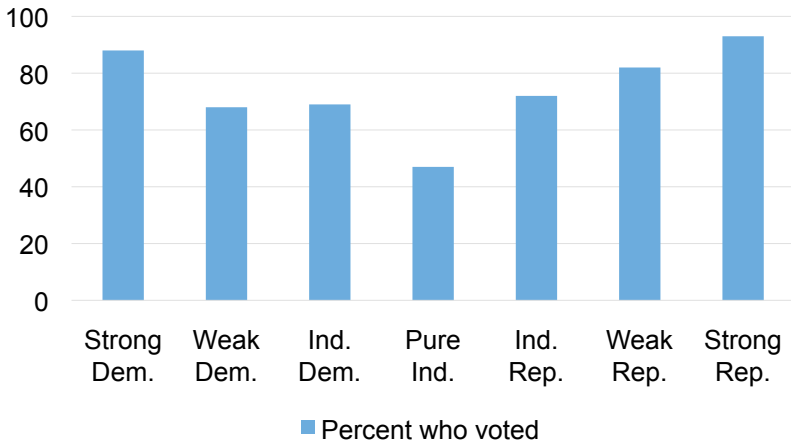


FIGURE 3. Party ID and turnout in 2012 election. 2012 American National Election Study Data.

Note that very nearly 100 percent of strong Democrats voted for Barack Obama and very nearly 100 percent of strong Republicans voted for Mitt Romney. Over 80 percent of weak partisans voted for their preferred party nominee. What my colleagues and I discovered in the 1970s is that the Independent leaners are as loyal to the party toward which they lean as are the weak partisans, and sometimes they are more predictably partisan. Only the pure Independents appear without partisan moorings, what we titled “The Myth of the Independent Voter.”<sup>4</sup>

It is important to emphasize that the strong partisans are the most informed and interested citizens, who vote more frequently than others, as shown in figure 3. But it is also true that the Independents with party leanings are more informed, interested, and participatory than the weak partisans or pure Independents. Let me illustrate this with data from recent elections.

Strong partisans have been consistently the most interested in politics and presidential campaigns. In 2012, as seen in figure 4, 63 percent of strong partisans said they pay attention to politics and elections always or most of the time. On this measure of civic virtue, strong partisans are the most attentive citizens. Just under half of Independent leaners pay attention all or most of the time, while 39 percent of weak partisans do

4. Bruce E. Keith and others, *The Myth of the Independent Voter* (Berkeley: University of California Press, 1992).

so. Pure Independents have always been the least interested in politics and campaigns.<sup>5</sup>

Another characteristic of civic virtue is the extent to which Independents and partisans are knowledgeable about politics. Data from 2012, as seen in figure 5, show that strong partisans are the most likely to know which party has a majority in the House of Representatives. Leaners are more knowledgeable than weak partisans. Pure Independents were notably the least knowledgeable; only one in four answered correctly.

Many think that being a partisan means a person is unthinking or uninformed, but the opposite is true. The most active and attentive citizens are strong partisans. While Independent leaners shun the party label in their personal self-identification, they behave much more like strong partisans than pure Independents.

A widely held misconception is to view strong partisans, or any partisan, negatively while viewing an Independent positively. The data we found in the 1970s, which I have shown remains unchanged, leads to a different conclusion. Independent leaners are behaviorally partisans and exhibit positive citizenship traits, while pure Independents are the least active and engaged citizens. It is part of our national mythology that Americans vote for the person and not the party. The reality is that the person we prefer is from our party, and about 90 percent of Americans have a party preference. While many are aware of our findings, others, like the Gallup Poll, continue to release reports, as recently as January of this year, claiming a “New Record 43% [of Americans] Are Political Independents.”<sup>6</sup> Buried in the Gallup release was the datum that 11 percent of their 2014 sample were pure Independents, while the other 32 percent were “leaners,” who—as research done by my colleagues and me has shown—are consistently partisan in their behavior and attitudes.

Parties also play an important role in government. The only state in the U.S. with a nonpartisan state legislature is Nebraska. While the legislature is officially nonpartisan, both major parties endorse candidates.

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5. Thomas Patterson conducted weekly interviews with one thousand Americans to tap their interest in the 2000 presidential campaign and found that leaners were no more likely than pure Independents (or weak partisans for that matter) to be interested in the campaign. Thomas E. Patterson, *The Vanishing Voter: Public Involvement in an Age of Uncertainty* (New York: Vintage, 2003), 43–44. Patterson’s findings support our own.

6. Jeffrey M. Jones, “In U.S., New Record 43% Are Political Independents,” *Gallup*, January 7, 2015, available online at <http://www.gallup.com/poll/180440/new-record-political-independents.aspx>.



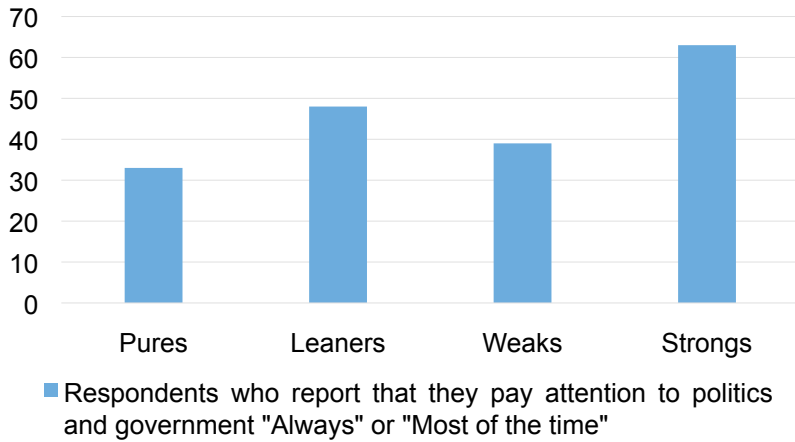


FIGURE 4. Party ID and attention to politics/government. 2012 American National Election Study Data.

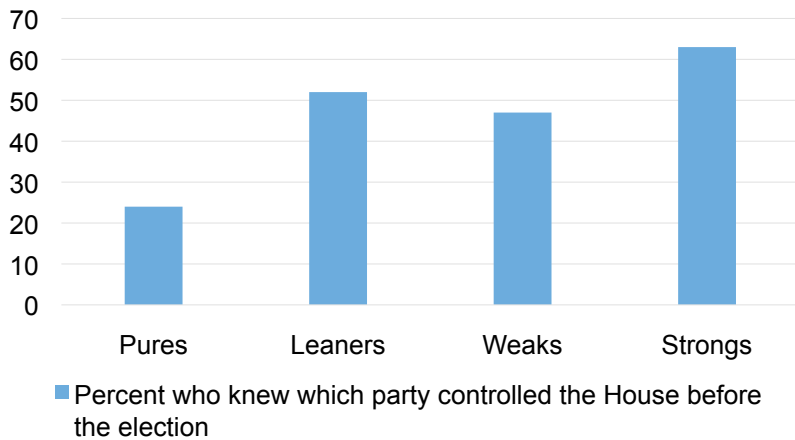


FIGURE 5. Party ID and political knowledge. 2012 American National Election Study Data.



FIGURE 6. Independents incorrectly seen as one group. Gallup poll, <http://www.gallup.com/poll/180440/new-record-political-independents.aspx>.

Rarely is a legislator not known as a Democrat or Republican, and the news media tallies the number of legislators elected from each party.<sup>7</sup> The absence of parties appears to lessen accountability because voters may not be able to hold a party accountable when they do not like what the legislature is doing.<sup>8</sup> Within government, parties help structure the governing processes and bridge the separation of powers, and they can either lead to more polarized politics or help to moderate policy.

The current reality in the U.S. is that we live in a time of heightened party polarization. The internal cohesion on issues and policies within parties has led to a widening of the ideological gap between the parties. Today, as seen in figure 6, there are relatively few representatives in Congress who are moderate. These data are from Keith Poole and Howard Rosenthal, who have developed widely used measures of ideology among elites<sup>9</sup> and the

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7. Martha Stoddard, "GOP Pads Majority in Officially Nonpartisan Nebraska Legislature," *Omaha World-Herald*, November 6, 2014, available online at [http://www.omaha.com/news/politics/gop-pads-majority-in-officially-nonpartisan-nebraska-legislature/article\\_9b00ac9d-8910-5e34-a32b-13f98c9a3060.html](http://www.omaha.com/news/politics/gop-pads-majority-in-officially-nonpartisan-nebraska-legislature/article_9b00ac9d-8910-5e34-a32b-13f98c9a3060.html).

8. See John C. Comer, "The Nebraska Nonpartisan Legislature: An Evaluation," *State and Local Government Review* 12 (September 1980): 102.

9. Keith T. Poole and Howard Rosenthal, "The Polarization of American Politics," *Journal of Politics* 46 (November 1984): 1061–79.

mass public over time.<sup>10</sup> The chart shows that since the 1980s members of Congress have become more and more polarized in comparison to those serving in Congress from the 1930s through the 1970s.

The legislative districting process has also led to more and more solidly partisan districts, which means that today's representatives worry more about being "primaried"—that is, being defeated by a fellow partisan in a primary—than they are about a general election opponent from the other party. The result in recent years has been government shutdowns, brinksmanship, and a dwindling number of members of Congress who are willing to work with the other party.

The view of parties I am articulating—that they are vital to the functioning of democracy, that they serve important governmental purposes, and that they are unavoidable—was not shared by many of the Founders at the time of the Constitutional Convention in 1787 or thereafter. In his presidential farewell address, George Washington described parties as a "fire" that could "consume" government, which would elevate candidates seeking "absolute power," thereby endangering "liberty."<sup>11</sup> John Adams wrote in a letter to Jonathan Jackson that parties were "to be dreaded as the greatest political evil under our Constitution."<sup>12</sup>

The Framers, who were visionaries in many respects, were mistaken in assuming their system would work well without parties. Even during Washington's presidency, two parties had organized around competing perspectives on politics and government. John Adams, our first vice president, as noted, dreaded parties but helped form one—his Federalist Party—and ran against Thomas Jefferson and his Democratic Republican Party in 1796. Jefferson, like Alexander Hamilton, saw parties as a natural extension of politics. He wrote, "In every free and deliberating society, there must, from the nature of man, be opposite parties, and

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10. See Royce Carroll and others, "'Common Space' DW-NOMINATE Scores with Bootstrapped Standard Errors," September 2, 2015, *Voteview.com*, [http://voteview.com/dwnomin\\_joint\\_house\\_and\\_senate.htm](http://voteview.com/dwnomin_joint_house_and_senate.htm); see also Nolan McCarty, Keith T. Poole, and Howard Rosenthal, *Polarized America: The Dance of Ideology and Unequal Riches* (Cambridge, Mass.: MIT Press, 2006).

11. George Washington, "George Washington's Farewell Address," *American Daily Advertiser*, September 19, 1796, available online at <http://www.liberty1.org/farewell.htm>.

12. John Adams, "To Jonathan Jackson," in *The Works of John Adams, Second President of the United States*, ed. Charles Francis Adams, 10 vols. (Boston: Little, Brown, 1856), 9:511.

violent dissensions and discords; and one of these, for the most part, must prevail over the other for a longer or shorter time.”<sup>13</sup>

James Madison, who also had been averse to parties, later embraced them in his opposition to Hamilton’s proposed First Bank of the United States.<sup>14</sup> Political parties became a means for Madison and other early leaders to check the actions of the opposing party.<sup>15</sup>

Why were parties inevitable? Because we often don’t agree on policies or priorities, and as humans we organize into groups to pursue common aims and interests. As Nancy Rosenblum has written, “Someone must create the lines of division over social aims, security, and justice. Party rivalry is constitutive. It ‘stages the battle.’”<sup>16</sup>

There are also constitutional roots for our decentralized, two-party system. The Framers designed a system with single representative districts where the candidate with the most votes in the election represents the district or state. Such winner-takes-all elections have long been seen as leading to two-party systems. Maurice Duverger, a French political scientist, stated what has come to be known as Duverger’s law. As translated from the original French it is: “1. The plurality (1 winner) voting system tends to lead to a 2-party system. 2. The proportional representation (multiwinner) system tends to lead to many mutually independent parties.”<sup>17</sup>

Our party system is decentralized because of the constitutional provisions for federalism. Elections in the United States are organized around the unit of competition, and most competition is at the state level. U.S. senatorial, gubernatorial, presidential (because of the Electoral College) and even congressional elections (because they do not cross state boundaries) have a state focus. The political culture of the

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13. “Thomas Jefferson to John Taylor, 1798,” in *The Works of Thomas Jefferson*, ed. Paul Leicester Ford, 12 vols. (New York: G. P. Putnam’s Sons, 1904), 8:430–33.

14. William T. Hutchinson and others, eds., *The Papers of James Madison*, 10 vols. (Chicago: University of Chicago Press, 1962–77), 1:197–98.

15. John Ferejohn and Roderick Hills, “Publius’s Political Science,” remarks presented at Empire Lecture Series, Midwest Political Science Association Annual Conference, Chicago, April 15–19, 2015, 50–51, available online at <http://www.vanderbilt.edu/csdi/Ferejohn.pdf>.

16. Nancy L. Rosenblum, *On the Side of the Angels: An Appreciation of Parties and Partisanship* (Princeton: Princeton University Press, 2008), 457.

17. Warren D. Smith, “Duverger’s Three Laws of Political Party Development,” *RangeVoting.org*, <http://rangevoting.org/DuvTrans.html>.

state, its history and politics, impacts the kind of Republican or Democratic Party the state has. Oregon Republicans, for example, are likely more liberal than Utah Democrats on at least some issues.

In my view, competitive parties reinforce the Founders' desire to "check ambition with ambition"<sup>18</sup> and provide the accountability intended in free and fair elections. In this sense, parties are an extra-constitutional check and balance, one not intended by the Framers.

Are there negative consequences from a one-party system? In the U.S. case, the region most identified with one-party rule was the South, the eleven former Confederate states once known as the "Solid South" because they were dominated for several decades by Democrats. Some voters in the South were known as "Yellow Dog Democrats," which was understood to mean they would vote for a yellow dog before they would vote for a Republican.

Noted political scientist V. O. Key wrote a book in 1949, called *Southern Politics*, which remains the best summary of a one-party system in operation.<sup>19</sup> Key found that one-party politics tends to be highly personalized or to rely on strong individual leaders rather than ongoing groups, to have limited accountability because there is not a viable electoral alternative, to have erratic and chaotic changes in personnel and policy, to face challenges in disciplining rogue actors, and to experience low levels of voter participation. I would posit that some of our problems in Utah politics in recent years have the same root causes that Key found in the American South, including declining voter participation, serious ethical breaches and possibly illegal acts in the office of attorney general, and a politics organized more around particular political figures than enduring groups. Having two competitive parties moderates outcomes and reduces corruption.

So what do you do as a citizen if you don't like either of the parties? You work to change the one you dislike the least. Parties are permeable organizations. Citizens and leaders can change the orientation of a party. Barry Goldwater and, even more, Ronald Reagan changed the focus and agenda of the Republican Party. Goldwater lost the 1964 election in a

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18. Lance Banning, *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic* (Ithaca, N.Y.: Cornell University Press, 1995), 7; see James Madison, *Federalist*, no. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances between the Different Departments," February 8, 1788, available online at [http://avalon.law.yale.edu/18th\\_century/fed51.asp](http://avalon.law.yale.edu/18th_century/fed51.asp).

19. V. O. Key, *Southern Politics in State and Nation* (New York: Knopf, 1949).

landslide, but Reagan, following in his path, built a coalition in California and then the nation that reshaped the Republican Party. Similarly, Bill Clinton reshaped the Democratic Party in 1992 and 1996, moving it more to the center. The most visible example of this was welfare reform, but it was not limited to that.

### **The Necessity of Compromise**

Government is necessary because people need it to resolve their conflicts. If we all agreed with each other, we would not need government. As Madison wrote in Federalist no. 51, paraphrasing Locke, “But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”<sup>20</sup> Government thus has as one of its primary purposes to ensure basic freedoms and liberties against foreign enemies, against domestic factions, and even against majority tyranny.

Compromise has been and will remain vital to sustaining our two-hundred-year-long experiment with self-government. Compromise is a process of give and take, of blending and adjusting, of accommodating competing interests and views in order to find a position most acceptable to the largest number or, at a minimum, the majority. It is not consensus, for rarely is consensus possible, and to make it the standard makes self-government untenable. The important issues of our time like immigration, taxation, health care, the size of government, and justice are all issues upon which disagreement and divisions are deep.

But compromise is often criticized as being unprincipled, too conciliatory, a slippery slope away from core values. It is important to underscore that not all compromises are good or right. Chamberlain’s compromise with Hitler over parts of Czechoslovakia, for example, was a mistake. But to label all compromises as bad is to learn the wrong lesson from history. On many important issues, resolution of a disagreement was only possible with compromise.

The media loves conflict and seeks to reinforce it, so it is not surprising that TV and radio commentators often criticize compromise. We also live at a time when our nation is evenly divided, and both sides are

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20. Madison, Federalist, no. 51.

seeking to exploit any weakness in the other side for electoral advantage. The high cost of our campaigns and the pressure to raise lots of money also push politicians to take a hard line on issues in order to appease groups who would spend against their reelection if they were to compromise.

Compromise is not wrong in public life; it is the way we reconcile our differences. To acknowledge the importance of compromise is to recognize that we have different preferences, priorities, and approaches. It is also to acknowledge that everyone knows something and no one knows everything. Nor is it unprincipled. As U.S. Senate Republican leader Everett Dirksen, one of the principal architects of the 1964 Civil Rights Act and 1965 Voting Rights Act, said, "I am a man of fixed and unbending principles, the first of which is to be flexible at all times."<sup>21</sup>

A good example of how compromise achieved something important is the Great Compromise between the large and small states at the Constitutional Convention in 1787. James Madison had arrived in Philadelphia with a plan for a new and stronger national government. His Virginia Plan set the terms of discussion once the delegates decided to jettison the Articles of Confederation. Madison's plan provided for a bicameral legislature, an executive chosen by the legislature, and a strong judiciary. Power in the new bicameral legislature was proportionate to the population of the states, an advantage for large states and a disadvantage for small states. The Virginia Plan would have given the national government more power than it has today. For example the national government could veto virtually any state law.

Many of the small states were already suspicious of the designs of the large states, and being perpetually outnumbered in the national legislature was not acceptable to them. They proposed a small state plan, known as the New Jersey Plan, with a unicameral legislature, an executive removable by state majority, and a more limited judiciary. This plan did not go nearly far enough for Madison and those seeking a stronger national government.

The debate between the large and small states became so heated that Madison threatened to dissolve the Union if small states insisted on retaining a disproportionate share of power, and these states would be left at the mercy of their large neighbors.<sup>22</sup> Gunning Bedford of Delaware countered

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21. Kenneth Ashworth, *Caught between the Dog and the Fireplug, or How to Survive Public Service* (Washington, D.C.: Georgetown University Press, 2001), 11.

22. David Brian Robertson, *The Original Compromise: What the Constitution's Framers Were Really Thinking* (New York: Oxford University Press, 2013), 31.

that the small states would, in that event, find foreign allies.<sup>23</sup> The intensity of the differences in Philadelphia in 1787 prompted George Washington to say, “To please all is impossible, and to attempt it would be vain.”<sup>24</sup>

How was this conflict between the large and small states resolved? With what was known as the Connecticut Compromise, or Great Compromise. As David Brian Robertson has recently written:

They compromised on the contentious question of representation by devising one legislative chamber based on population and another based on the states as political units. They constructed a new kind of federalism, in which the national and state governments would share political authority. They also invented the system of presidential electors and the vice presidency to deal with the problem of presidential selection and replacement. They resolved some intractable disputes simply by delaying implementation (the slave trade), by using symbolic language (the House of Representatives’ control of money bills), and by writing ambiguous words and phrases to paper over differences about specific powers (with such deliberately imprecise phrases as “general welfare” or “necessary and proper”).<sup>25</sup>

What lessons can we learn from the Great Compromise for politics today? First, neither side got all of what it wanted; each had to concede something to achieve a shared objective. It is hard to imagine the delegates accomplishing anything had they been in today’s 24–7 news cycle with Twitter and other modern media operating. Had the positions of the large and small states before the Great Compromise been repeatedly aired, it likely would have made it harder for both sides to compromise and would have reinforced negative perceptions of the other side. The Framers needed time and secrecy to carry out their work. They also provide a model for us by not solving every problem. In some areas, like judicial review, they are simply vague. In others, they agreed on what we see today as an unjust solution, the Three-Fifths Compromise, where slaves counted as 3/5 of a person for purposes of apportionment. Sadly, it took decades for the new nation to resolve the issue of states’ rights and slavery. Given the intensity of the views on both sides, the Founders made the right political choice to postpone that question.

In our celebration of the Constitution, we forget that the Framers were themselves politicians who recognized the need to compromise to

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23. Robertson, *Original Compromise*, 101.

24. Robertson, *Original Compromise*, 26.

25. Robertson, *Original Compromise*, 14.



achieve the important broader goal to form a more perfect union (note that they do not say they were forming a perfect one), establish justice, insure domestic tranquility, and provide for the common defense. Evidence that the Framers knew there was more work to be done in improving the Constitution is that they provided for a means of amending it. Again, quoting Robertson: “The resulting Constitution—this original compromise—has proved remarkably durable and authoritative. It has anchored the national government through spectacular economic growth, social changes, and expansions of democracy and rights that were inconceivable in 1787. It is easy to forget that politicians produced this remarkable document—talented, often idealistic politicians, but politicians nonetheless.”<sup>26</sup>

There are many examples of compromise in our history. But in recent years our politics has been marked by a resistance to compromise and a view that to compromise is inappropriate.

In addition to the Great Compromise, which I have already discussed, I will point to a more local and quite recent compromise, one that has gained national attention and is labeled by some as the “Utah Compromise.” The law that passed by overwhelming majorities in both houses of the legislature bans employers or landlords from discriminating against employees or tenants on the basis of sexual orientation or gender identity while simultaneously excluding religious organizations and their affiliates, such as colleges and charities, from the law. More broadly, the law protects employees from being fired for discussing their religious beliefs, so long as such speech is nonharassing and not disruptive.

The Utah legislature had previously debated and voted on bills banning discrimination against lesbian, gay, bisexual, and transgendered individuals, but those efforts had not won passage. What was different here was a series of compromises and a willingness to include in the Utah compromise protections both for religious freedom and for housing and employment rights regardless of sexual orientation or gender identity.

I would like to share with you a couple of quotes from President Hugh B. Brown’s 1968 commencement address at BYU. President Brown was called as an Apostle in 1958 and served in the First Presidency of The Church of Jesus Christ of Latter-day Saints between 1961 and 1970. The quotes are from a talk you may know as the “God Is the Gardener” talk. If you have not listened to it, I urge you to do so. Here is what President Brown said about politics in May 1968:

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26. Robertson, *Original Compromise*, 8.



President Hugh B. Brown speaking at Brigham Young University in 1972. Courtesy of Brigham Young University.

You young people are leaving your university at a time when our nation is engaged in an abrasive and increasingly strident process of electing a president. I wonder if you would permit me—one who has managed to survive a number of these events—to pass on to you a few words of counsel.

First, I'd like you to be reassured that the leaders of both major political parties in this land are men of integrity and unquestioned patriotism. Beware of those who feel obliged to prove their own patriotism by calling into question the loyalty of others. . . .

Strive to develop a maturity of mind and emotion and a depth of spirit that will enable you to differ with others on matters of politics without calling into question the integrity of those with whom you dif-

fer. Allow within the bounds of your definition of religious orthodoxy a variation of political belief. Do not have the temerity to dogmatize on issues where the Lord has seen fit to be silent.

I have found through long experience that our two-party system is sound. Beware of those who are so lacking in humility that they cannot come within the framework of one of our two great parties.

. . . Strive to develop that true love of country that realizes that real patriotism must include within it a regard for the people, for the inhabitants of the rest of the globe. Patriots have never demanded of good men hatred of another country as proof of one's love for his own.<sup>27</sup>

The advice of President Brown seems as timely today as it was in 1968. The Framers left us with a remarkable structure, one that has been improved through amendment and application. By design, the Constitution fostered a two-party system and the need for compromise.

My talk today has emphasized that political parties play an important role, one that should be celebrated rather than ridiculed. I also speak today in defense of sensible and principled compromise. The reality in life is that we do not get everything we want. Part of resistance to compromise

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27. Hugh B. Brown, "God Is the Gardener," Commencement Address, Brigham Young University, Provo, Utah, May 31, 1968, available online at [https://speeches.byu.edu/talks/hugh-b-brown\\_god-gardener/](https://speeches.byu.edu/talks/hugh-b-brown_god-gardener/).

comes from a lack of mutual respect and a false sense of confidence in our very real human fallibility. President Brown added that we have a tendency to “dogmatize” where we have no basis to do so. Mutual respect is necessary for a democracy to function, and denigrating another’s patriotism, misrepresenting an opponent’s positions, and refusing to cooperate even on matters on which there is agreement undermine the relationships needed to resolve differences. Such actions not only deny the country the benefit that would result from accommodation but also diminish the prospects for future compromises and rigidify conflict.

But the inspired structure of the Constitution is insufficient if we do not appreciate it and use it through our own engagement in politics and government. Soon after the drafting of the Constitution was complete, a lady asked Benjamin Franklin as he left Independence Hall, “Well Doctor what have we got, a republic or a monarchy?” ‘A republic,’ replied the Doctor, ‘if you can keep it.’”<sup>28</sup>

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David B. Magleby is nationally recognized for his expertise on direct democracy, voting behavior, and campaign finance. He received his BA from the University of Utah and his PhD from the University of California, Berkeley. He is currently Distinguished Professor of Political Science. Prior to coming to BYU, Professor Magleby taught at the University of California, Santa Cruz, and the University of Virginia. From 1982 to 2000 and again from 2012 to 2014, Professor Magleby organized and directed the KBYU–Utah Colleges Exit Poll, a statewide poll involving the coordinated efforts of hundreds of students from several Utah colleges and universities. His books include *Direct Legislation* (1984), *The Money Chase: Congressional Campaign Finance Reform* (1990), *The Myth of the Independent Voter* (1992), and several editions of *Government by the People*, an American government textbook. He has edited or coedited eleven books and published numerous articles in political science or law journals. He is a former Congressional Fellow of the American Political Science Association, Fulbright Scholar at Oxford University, and past president of Pi Sigma Alpha, the national political science honor society. Professor Magleby is the recipient of many honors, including the BYU Karl G. Maeser Distinguished Teacher Award, the 1990 Utah Professor of the Year award from the Council for Advancement and Support of Education and Carnegie Foundation, and the Rowman & Littlefield Award for Innovative Teaching in Political Science. At BYU he served as chair of the Political Science Department and dean of the College of Family, Home, and Social Sciences. As has been the case with much of his work at BYU, he was assisted by BYU undergraduates in preparing this lecture. He expresses appreciation to Caroline Black, Geoff Cannon, Andrew Jensen, Kirsten Hinck, and Madeleine Read for their assistance.

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28. Robertson, *Original Compromise*, 229.