Economy of Machine Politics, 4 Corruption and Reform 15, 30 (1989) (reporting that Mayor Daley ``sacked'' a black committeeman for briefly withholding support for a school board nominee whom civil rights activists opposed)).

Of course, we have firmly rejected any requirement that aggrieved employees ``prove that they, or other employees, have been coerced into changing, either actually or ostensibly, their political allegiance.'' Branti, 445 U. S., at 517. What is at issue in these cases is not whether an employee is actually coerced or merely influenced, but whether the attempt to obtain his or her support through ``party discipline'' is legitimate. To apply the relevant question to JUSTICE SCALIA's example, post, at 18, the person who attempts to bribe a public official is guilty of a crime regardless whether the official submits to temptation; likewise, a political party's attempt to maintain loyalty through allocation of government resources is improper regardless whether any employee capitulates.

More importantly, it rests on the long-rejected fallacy that a privilege may be burdened by unconstitutional conditions. See, e. g., Perry v. Sindermann, 408 U. S. 593, 597 (1972). There are a few jobs for which an individual's race or religion may be relevant, see Wygant v. Jackson Board of Education, 476 U. S. 267, 314-315 (1986) (dissenting opinion); there are many jobs for which political affiliation is relevant to the employee's ability to function effectively as part of a given administration. In those cases--in other words, cases in which ``the efficiency of the public service,'' Public Workers v. Mitchell, 330 U. S. 75, 101 (1947), would be advanced by hiring workers who are loyal to the Governor's party--such hiring is permissible under the holdings in Elrod and Branti. This case, however, concerns jobs in which race, religion, and political affiliation are all equally and entirely irrelevant to the public service to be performed. When an individual has been denied employment for an impermissible reason, it is unacceptable to balance the constitutional rights of the individual against the political interests of the party in power. It seems to me obvious that the government may not discriminate against particular individuals in hopes of advancing partisan interests through the misuse of public funds.

The only systemic consideration permissible in these circumstances is not that of the controlling party, but that of the aggregate of burdened individuals. By impairing individuals' freedoms of belief and association, unfettered patronage practices undermine the ``free functioning of the electoral process.'' Elrod, 427 U. S., at 356. As I wrote in 1972:

> Indeed, when numbers are considered, it is appropriate not

merely to consider the rights of a particular janitor who may have been offered a bribe from the public treasury to obtain his political surrender, but also the impact on the body politic as a whole when the free political choice of millions of public servants is inhibited or manipulated by the selective award of public benefits. While the patronage system is defended in the name of democratic tradition, its paternalistic impact on the political process is actually at war with the deeper traditions of democracy embodied in the First Amendment." Lewis, 473 F. 2d, at 576.

The tradition that is relevant in this case is the American commitment to examine and reexamine past and present practices against the basic principles embodied in the Constitution. The inspirational command by our President in 1961 is entirely consistent with that tradition: ``Ask not what your country can do for you--ask what you can do for your country." This case involves a contrary command: ``Ask not what job applicants can do for the State--ask what they can do for our party." Whatever traditional support may remain for a command of that ilk, it is plainly an illegitimate excuse for the practices rejected by the Court today.

JUSTICE SCALIA, with whom THE CHIEF JUSTICE and JUSTICE KENNEDY join, and with whom JUSTICE O'CONNOR joins as to Parts II and III, dissenting.

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Today the Court establishes the constitutional principle that party membership is not a permissible factor in the dispensation of government jobs, except those jobs for the performance of which party affiliation is an ``appropriate requirement." Ante,

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at 1. It is hard to say precisely (or even generally) what that exception means, but if there is any category of jobs for whose performance party affiliation is not an appropriate requirement, it is the job of being a judge, where partisanship is not only unneeded but positively undesirable. It is, however, rare that a federal administration of one party will appoint a judge from another party. And it has always been rare. See Marbury v.

Madison, 1 Cranch 137 (1803). Thus, the new principle that the

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Court today announces will be enforced by a corps of judges (the Members of this Court included) who overwhelmingly owe their office to its violation. Something must be wrong here, and I suggest it is the Court.

The merit principle for government employment is probably the most favored in modern America, having been widely adopted by civil-service legislation at both the state and federal levels. But there is another point of view, described in characteristically Jacksonian fashion by an eminent practitioner of the patronage system, George Washington Plunkitt of Tammany Hall:

``I ain't up on sillygisms, but I can give you some arguments that nobody can answer.

``First, this great and glorious country was built up by political parties; second, parties can't hold together if their workers don't get offices when they win; third, if the parties go to pieces, the government they built up must go to pieces, too; fourth, then there'll be hell to pay." W. Riordon, Plunkitt of Tammany Hall 13 (1963).

It may well be that the Good Government Leagues of America were right, and that Plunkitt, James Michael Curley and their ilk were wrong; but that is not entirely certain. As the merit principle has been extended and its effects increasingly felt; as the Boss Tweeds, the Tammany Halls, the Pendergast Machines, the Byrd Machines and the Daley Machines have faded into history; we find that political leaders at all levels increasingly complain of the helplessness of elected government, unprotected by ``party discipline," before the demands of small and cohesive interest-groups.

The choice between patronage and the merit principle--or, to be more realistic about it, the choice between the desirable mix of merit and patronage principles in widely varying federal, state, and local political contexts--is not so clear that I would be prepared, as an original matter, to chisel a single, inflexible prescription into the Constitution. Fourteen years ago, in Elrod v. Burns, 427 U. S. 347 (1976), the Court did that. Elrod was limited however, as was the later decision of Branti v. Finkel, 445 U. S. 507 (1980), to patronage firings, leaving it to state and federal legislatures to determine when and where political affiliation could be taken into account in hirings and promotions. Today the Court makes its constitutional civil-service reform absolute, extending to all decisions regarding government employment. Because the First Amendment has never been thought to require this disposition, which may well have disastrous consequences for our political system, I dissent.

I

The restrictions that the Constitution places upon the government in its capacity as lawmaker, i. e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U. S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O'Connor v. Ortega, 480 U. S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA,

J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, 392 U. S. 273, 277-278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, 461 U. S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public Workers v. Mitchell, 330 U. S. 75, 101 (1947); CSC v. Letter Carriers, 413 U. S. 548, 556 (1973); Broadrick v. Oklahoma, 413 U. S. 601, 616-617 (1973).

Once it is acknowledged that the Constitution's prohibition against laws ``abridging the freedom of speech'' does not apply to laws enacted in the government's capacity as employer the same way it does to laws enacted in the government's capacity as regulator of private conduct, it may sometimes be difficult to assess what employment practices are permissible and what are not. That seems to me not a difficult question, however, in the present context. The provisions of the Bill of Rights were designed to restrain transient majorities from impairing long-recognized personal liberties. They did not create by implication novel individual rights overturning accepted political norms. Thus, when a practice not expressly prohibited by the text of the Bill of Rights bears the endorsement of a long tradition of open, widespread, and unchallenged use that dates back to the beginning of the Republic, we have no proper basis for striking it down.

Such a venerable and accepted tradition is not to be laid on the examining table and scrutinized for its conformity to some abstract principle of First-Amendment adjudication devised by this Court. To the contrary, such traditions are themselves the stuff out of which the Court's principles are to be formed. They are, in these uncertain areas, the very points of reference by which the legitimacy or illegitimacy of other practices are to be figured out. When it appears that the latest ``rule,'' or ``three-part test,'' or ``balancing test'' devised by the Court has placed us on a collision course with such a landmark practice, it is the former that must be recalculated by us, and not the latter that must be abandoned by our citizens. I know of no other way to formulate a constitutional jurisprudence that reflects, as it should, the principles adhered to, over time, by the American people, rather than those favored by the personal (and necessarily shifting) philosophical dispositions of a majority of this Court.

I will not describe at length the claim of patronage to landmark status as one of our accepted political traditions. Justice Powell discussed it in his dissenting opinions in Elrod and Branti. Elrod, 427 U. S., at 378-379 (Powell, J., dissenting); Branti, 445 U. S., at 522, n. 1 (Powell, J., dissenting). Suffice it to say that patronage was, without any thought that it could be unconstitutional, a basis for government employment from the earliest days of the Republic until Elrod--and has continued unabated since Elrod, to the extent still permitted by that unfortunate decision. See, e. g., D. Price, Bringing Back the Parties 24, 32 (1984); Gardner, A Theory of the Spoils System, 54 Public Choice 171, 181 (1987); Toinet & Glenn, Clientelism and Corruption in the ``Open'' Society: The Case of the United States, in Private Patronage and Public Power 193, 202 (C. Clapham ed. 1982). Given that unbroken tradition regarding the application of an ambiguous constitutional text, there was in my view no basis for holding that patronage-based dismissals violated the First Amendment--much less for holding, as the Court does today, that even patronage hiring does so.

II

Even accepting the Court's own mode of analysis, however, and engaging in ``balancing'' a tradition that ought to be part of the scales, Elrod, Branti, and today's extension of them seem to me wrong.

A

The Court limits patronage on the ground that the individual's interest in uncoerced belief and expression outweighs the systemic interests invoked to justify the practice. Ante, at 5-9. The opinion indicates that the government may prevail only if it proves that the practice is ``narrowly tailored to further vital government interests.'' Ante, at 10-11.

That strict-scrutiny standard finds no support in our cases. Although our decisions establish that government employees do not lose all constitutional rights, we have consistently applied a lower level of scrutiny when ``the governmental function operating . . . [is] not the power to regulate or license, as lawmaker, an entire trade or profession, or to control an entire branch of private business, but, rather, as proprietor, to manage [its] internal operatio[ns] . . . .'' Cafeteria & Restaurant Workers v. McElroy, 367 U. S. 886, 896 (1961). When dealing with its own

employees, the government may not act in a manner that is ``patently arbitrary or discriminatory,'' id., at 898, but its regulations are valid if they bear a ``rational connection'' to the governmental end sought to be served, Kelley v. Johnson, 425 U. S., at 247.

In particular, restrictions on speech by public employees are not judged by the test applicable to similar restrictions on speech by nonemployees. We have said that ``[a] governmental employer may subject its employees to such special restrictions on free expression as are reasonably necessary to promote effective government.'' Brown v. Glines, 444 U. S. 348, 356, n. 13 (1980). In Public Workers v. Mitchell, 330 U. S., at 101, upholding provisions of the Hatch Act which prohibit political activities by federal employees, we said that ``it is not necessary that the act regulated be anything more than an act reasonably deemed by Congress to interfere with the efficiency of the public service.'' We reaffirmed Mitchell in CSC v. Letter Carriers, 413 U. S., at 556, over a dissent by Justice Douglas arguing against application of a special standard to government employees, except insofar as their ``job performance'' is concerned, id., at 597. We did not say that the Hatch Act was narrowly tailored to meet the government's interest, but merely deferred to the judgment of Congress, which we were not ``in any position to dispute.'' Id., at 567. Indeed, we recognized that the Act was not indispensably necessary to achieve those ends, since we repeatedly noted that ``Congress at some time [may] come to a different view.'' Ibid., see also id., at 555, 564. In Broadrick v. Oklahoma, 413 U. S. 601 (1973), we upheld similar restrictions on state employees, though directed ``at political expression which if engaged in by private persons would plainly be protected by the First and Fourteenth Amendments,'' Id., at 616.

To the same effect are cases that specifically concern adverse employment action taken against public employees because of their speech. In Pickering v. Board of Education of Township High School Dist., 391 U. S. 563, 568 (1968), we recognized:

> [T]he State has interests as an employer in regulating the speech of its employees that differ significantly from those it possesses in connection with regulation of the speech of the citizenry in general. The problem in any case is to arrive at a balance between the interests of the [employee], as a citizen, in commenting upon matters of public concern and the interests of the State, as an employer, in promoting the efficiency of the public services it performs through its employ-

ees."

Because the restriction on speech is more attenuated when the government conditions employment than when it imposes criminal penalties, and because ``government offices could not function if every employment decision became a constitutional matter," Connick v. Myers, 461 U. S., at 143, we have held that government employment decisions taken on the basis of an employee's speech do not ``abridg[e] the freedom of speech," U. S. Const., Amdt. 1, merely because they fail the narrow-tailoring and compelling-interest tests applicable to direct regulation of speech. We have not subjected such decisions to strict scrutiny, but have accorded ``a wide degree of deference to the employer's judgment" that an employee's speech will interfere with close working relationships. 461 U. S., at 152.

When the government takes adverse action against an employee on the basis of his political affiliation (an interest whose constitutional protection is derived from the interest in speech), the same analysis applies. That is why both the Elrod plurality, 427 U. S., at 359, and the opinion concurring in the judgment, id., at 375, as well as Branti, 445 U. S., at 514-515, and the Court today, ante, at 8-9, rely on Perry v. Sindermann, 408 U. S. 593 (1972), a case that applied the test announced in Pickering, not the strict-scrutiny test applied to restrictions imposed on the public at large. Since the government may dismiss an employee for political speech ``reasonably deemed by Congress to interfere with the efficiency of the public service," Public Workers v. Mitchell, supra, at 101, it follows a fortiori that the government may dismiss an employee for political affiliation if ``reasonably necessary to promote effective government." Brown v. Glines, supra, at 356, n. 13.

While it is clear from the above cases that the normal ``strict scrutiny" that we accord to government regulation of speech is not applicable in this field,
phasis added). This suggestion is incorrect, does not aid the Court's argument, and if accepted would eviscerate the strict-scrutiny standard. It is incorrect because even a casual perusal of the cases reveals that the governmental actions were sustained, not because they were shown to be ``narrowly tailored to

further vital government interests," ante, at 10-11, but because
they were ``reasonably'' deemed necessary to promote effective government. It does not aid the Court's argument, moreover, because whatever standard those cases applied must be applied here, and if the asserted interests in patronage are as weighty as those proffered in the previous cases, then Elrod and Branti were wrongly decided. It eviscerates the standard, finally, because if the practices upheld in those cases survived strict scrutiny, then the so-called ``strict scrutiny'' test means nothing. Suppose a State made it unlawful for an employee of a privately owned nuclear power plant to criticize his employer. Can there be any doubt that we would reject out of hand the State's argument that the statute was justified by the compelling interest in maintaining the appearance that such employees are operating nuclear plants properly, so as to maintain public confidence in the plants' safety? But cf. CSC v. Letter Carriers, 413 U. S. 548, 565 (1973) (Hatch Act justified by need for government employees to ``appear to the public to be avoiding [political partiality], if confidence in the system of representative Government is not to be eroded''). Suppose again that a State prohibited a private employee from speaking on the job about matters of private concern. Would we even hesitate before dismissing the State's claim that the compelling interest in fostering an efficient economy overrides the individual's interest in speaking on such matters? But cf. Connick v. Myers, 461 U. S. 138, 147 (1983) (``[W]hen a public employee speaks . . . upon matters only of personal interest, absent the most unusual circumstances, a federal court is not the appropriate forum in which to review the wisdom of a personnel decision taken by a public agency allegedly in reaction to the employee's behavior''). If the Court thinks that strict scrutiny is appropriate in all these cases, then it should forthrightly admit that Public Workers v. Mitchell, 330 U. S. 75 (1947), Letter Carriers, Pickering v. Board of Education of Township High School Dist., 391 U. S. 563 (1968), Connick, and similar cases were mistaken and should be overruled; if it rejects that course, then it should admit that those cases applied, as they said they did, a reasonableness test.

The Court's further contention that these cases are limited to the ``interests that the government has in its capacity as an employer,'' ante, at 7, n. 4, as distinct from its interests ``in the structure and functioning of society as a whole,'' ibid., is neither true nor relevant. Surely a principal reason for the statutes that we have upheld preventing political activity by government employees--and indeed the only substantial reason,

with respect to those employees who are permitted to be hired and fired on a political basis--is to prevent the party in power from obtaining what is considered an unfair advantage in political campaigns. That is precisely the type of governmental interest at issue here. But even if the Court were correct, I see no reason in policy or principle why the government would be limited to furthering only its interests ``as employer.'' In fact, we have seemingly approved the furtherance of broader governmental interests through employment restrictions. In Hampton v. Mow Sun Wong, 426 U. S. 88 (1976), we held unlawful a Civil Service Commission regulation prohibiting the hiring of aliens on the ground that the Commission lacked the requisite authority. We were willing, however, to ``assume . . . that if the Congress or the President had expressly imposed the citizenship requirement, it would be justified by the national interest in providing an incentive for aliens to become naturalized, or possibly even as providing the President with an expendable token for treaty negotiating purposes.'' Id., at 105. Three months after our opinion, the President adopted the restriction by Executive Order. Exec. Order No. 11935, 3 CFR 146 (1976 Comp.). On remand, the lower courts denied the Mow Sun Wong plaintiffs relief, on the basis of this new Executive Order and relying upon the interest in providing an incentive for citizenship. Mow SunWong v. Hampton, 435 F. Supp. 37 (ND Cal. 1977), aff'd, 626 F. 2d 739 (CA9 1980). We denied certiorari, sub nom. Lum v. Campbell, 450 U. S. 959 (1981). In other cases, the lower federal courts have uniformly reached the same result. See, e. g., Jalil v. Campbell, 192 U. S. App. D. C. 4, 7, 590 F. 2d 1120, 1123, n. 3 (1978); Vergara v. Hampton, 581 F. 2d 1281 (CA7 1978), cert. denied, 441 U. S. 905 (1979); Santin Ramos v. United States Civil Service Comm'n, 430 F. Supp. 422 (PR 1977) (three-judge court).

the precise test that replaces it is not so clear; we have used various formulations. The one that appears in the case dealing with an employment practice closest in its effects to patronage is whether the practice could be ``reasonably deemed'' by the enacting legislature to further a legitimate goal. Public Workers v. Mitchell, supra, at 101. For purposes of my ensuing discussion, however, I will apply a less permissive standard that seems more in accord with our general ``balancing'' test: can the governmental advantages of this employment practice reasonably be deemed to outweigh its ``coercive'' effects?

B

Preliminarily, I may observe that the Court today not only declines, in this area replete with constitutional ambiguities, to give the clear and continuing tradition of our people the dispositive effect I think it deserves, but even declines to give it substantial weight in the balancing. That is contrary to what the Court has done in many other contexts. In evaluating so-called ``substantive due process'' claims we have examined our history and tradition with respect to the asserted right. See, e. g., Michael H. v. Gerald D., 491 U. S. ---- (1989); Bowers v. Hardwick, 478 U. S. 186, 192-194 (1986). In evaluating claims that a particular procedure violates the Due Process Clause we have asked whether the procedure is traditional. See, e. g., Burnham v. Superior Court of California, Marin County, 495 U. S. ---- (1990). And in applying the Fourth Amendment's reasonableness test we have looked to the history of judicial and public acceptance of the type of search in question. See, e. g., Camara v. Municipal Court of San Francisco, 387 U. S. 523, 537 (1967). See also Press-Enterprise Co. v. Superior Court of California, Riverside County, 478 U. S. 1, 8 (1986) (tradition of accessibility to judicial proceedings implies judgment of experience that individual's interest in access outweighs government's interest in closure); Richmond Newspapers, Inc. v. Virginia, 448 U. S. 555, 589 (1980) (BRENNAN, J., concurring in judgment) (``Such a tradition [of public access] commands respect in part because the Constitution carries the gloss of history''); Walz v. Tax Comm'n of New York, 397 U. S. 664, 678 (1970) (``unbroken practice of according the [property tax] exemption to churches'' demonstrates that it does not violate Establishment Clause).

But even laying tradition entirely aside, it seems to me our balancing test is amply met. I assume, as the Court's opinion assumes, that the balancing is to be done on a generalized basis, and not case-by-case. The Court holds that the governmental benefits of patronage cannot reasonably be thought to outweigh its ``coercive'' effects (even the lesser ``coercive'' effects of patronage hiring as opposed to patronage firing) not merely in 1990 in the State of Illinois, but at any time in any of the numerous political subdivisions of this vast country. It seems to me that that categorical pronouncement reflects a naive vision of politics and an inadequate appreciation of the systemic effects of patronage in promoting political stability and facilitating the social and political integration of previously power-

less groups.

The whole point of my dissent is that the desirability of patronage is a policy question to be decided by the people's representatives; I do not mean, therefore, to endorse that system. But in order to demonstrate that a legislature could reasonably determine that its benefits outweigh its ``coercive'' effects, I must describe those benefits as the proponents of patronage see them: As Justice Powell discussed at length in his Elrod dissent, patronage stabilizes political parties and prevents excessive political fragmentation--both of which are results in which States have a strong governmental interest. Party strength requires the efforts of the rank-and-file, especially in ``the dull periods between elections,'' to perform such tasks as organizing precincts, registering new voters, and providing constituent services. Elrod, 427 U. S., at 385 (dissenting opinion). Even the most enthusiastic supporter of a party's program will shrink before such drudgery, and it is folly to think that ideological conviction alone will motivate sufficient numbers to keep the party going through the off-years. ``For the most part, as every politician knows, the hope of some reward generates a major portion of the local political activity supporting parties.'' Ibid. Here is the judgment of one such politician, Jacob Arvey (best known as the promoter of Adlai Stevenson): Patronage is `` `a necessary evil if you want a strong organization, because the patronage system permits of discipline, and without discipline, there's no party organization.' '' Quoted in M. Tolchin & S. Tolchin, To the Victor 36 (1971). A major study of the patronage system describes the reality as follows:

> [A]lthough men have many motives for entering political life . . . the vast underpinning of both major parties is made up of men who seek practical rewards. Tangible advantages constitute the unifying thread of most successful political practitioners'' Id., at 22.

> ``With so little patronage cement, party discipline is relatively low; the rate of participation and amount of service the party can extract from [Montclair] county committeemen are minuscule compared with Cook County. The party considers itself lucky if 50 percent of its committeemen show up at meetings--even those labeled `urgent'--while even lower percentages turn out at functions intended to produce crowds for visiting candidates.'' Id., at 123.

See also W. Grimshaw, The Political Economy of Machine Politics, 4 Corruption and Reform 15, 30 (1989); G. Pomper, Voters, Elections, and Parties 255 (1988); Wolfinger, Why Political Machines Have Not Withered Away and Other Revisionist Thoughts, 34 J. Politics 365, 384 (1972).

The Court simply refuses to acknowledge the link between patronage and party discipline, and between that and party success. It relies (as did the plurality in Elrod, 427 U. S., at 369, n. 23) on a single study of a rural Pennsylvania county by Professor Sorauf, ante, at 13--a work that has been described as ``more persuasive about the ineffectuality of Democratic leaders in Centre County than about the generalizability of [its] findings." Wolfinger, supra, at 384, n. 39. It is unpersuasive to claim, as the Court does, that party workers are obsolete because campaigns are now conducted through media and other money-intensive means. Ante, at 13. Those techniques have supplemented but not supplanted personal contacts. See Price, Bringing Back the Parties, at 25. Certainly they have not made personal contacts unnecessary in campaigns for the lower-level offices that are the foundations of party strength, nor have they replaced the myriad functions performed by party regulars not directly related to campaigning. And to the extent such techniques have replaced older methods of campaigning (partly in response to the limitations the Court has placed on patronage), the political system is not clearly better off. See Elrod, supra, at 384 (Powell, J., dissenting); Branti, 445 U. S., at 528 (Powell, J., dissenting). Increased reliance on money-intensive campaign techniques tends to entrench those in power much more effectively than patronage--but without the attendant benefit of strengthening the party system. A challenger can more easily obtain the support of party-workers (who can expect to be rewarded even if the candidate loses--if not this year, then the next) than the financial support of political action committees (which will generally support incumbents, who are likely to prevail).

It is self-evident that eliminating patronage will significantly undermine party discipline; and that as party discipline wanes, so will the strength of the two-party system. But, says the Court, ``[p]olitical parties have already survived the substantial decline in patronage employment practices in this century." Ante, at 12-13. This is almost verbatim what was said in Elrod, see 427 U. S., at 369. Fourteen years later it seems much less convincing. Indeed, now that we have witnessed, in 18 of the last 22 years, an Executive Branch of the Federal Government under the control of one party while the Congress is entirely or (for two years) partially within the control of the other party; now that we have undergone the most recent federal election, in which 98% of the incumbents, of whatever party, were returned to office; and now that we have seen elected officials changing their political affiliation with unprecedented readiness, Washington Post, Apr. 10, 1990, p. A1, the statement that ``political

parties have already survived" has a positively whistling-in-the-graveyard character to it. Parties have assuredly survived--but as what? As the forges upon which many of the essential compromises of American political life are hammered out? Or merely as convenient vehicles for the conducting of national presidential elections?

The patronage system does not, of course, merely foster political parties in general; it fosters the two-party system in particular. When getting a job, as opposed to effectuating a particular substantive policy, is an available incentive for party-workers, those attracted by that incentive are likely to work for the party that has the best chance of displacing the ``ins,'' rather than for some splinter group that has a more attractive political philosophy but little hope of success. Not only is a two-party system more likely to emerge, but the differences between those parties are more likely to be moderated, as each has a relatively greater interest in appealing to a majority of the electorate and a relatively lesser interest in furthering philosophies or programs that are far from the mainstream. The stabilizing effects of such a system are obvious. See Toinet & Glenn, Clientelism and Corruption in the ``Open'' Society, at 208. In the context of electoral laws we have approved the States' pursuit of such stability, and their avoidance of the ``splintered parties and unrestrained factionalism [that] may do significant damage to the fabric of government.'' Storer v. ------ Brown, 415 U. S. 724, 736 (1974) (upholding law disqualifying ----- persons from running as independents if affiliated with a party in the past year).

Equally apparent is the relatively destabilizing nature of a system in which candidates cannot rely upon patronage-based party loyalty for their campaign support, but must attract workers and raise funds by appealing to various interest-groups. See Tolchin & Tolchin, To the Victor, at 127-130. There is little doubt that our decisions in Elrod and Branti, by contributing to the decline ----- ------ of party strength, have also contributed to the growth of interest-group politics in the last decade. See, e. g., Fitts, - - The Vice of Virtue, 136 U. Pa. L. Rev. 1567, 1603-1607 (1988). Our decision today will greatly accelerate the trend. It is not only campaigns that are affected, of course, but the subsequent behavior of politicians once they are in power. The replacement of a system firmly based in party discipline with one in which each office-holder comes to his own accommodation with competing interest groups produces ``a dispersion of political influence that may inhibit a political party from enacting its programs into law.'' Branti, supra, at 531 (Powell, J., dissenting).

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