

AUG 31 1977

LIBRARY OF
WASHINGTON & LEE UNIVERSITY
LEXINGTON, VA. 24450

Arch.
378.2
Giblin

Approved 5/20/77

John Hadala

W. J. [unclear]
Allos Hughes

Milton [unclear]

Edward [unclear]

Lewis G. [unclear]

A MATTER OF CHOICE:
REFORM OF THE NATIONAL NOMINATING CONVENTION

HONORS THESIS
WASHINGTON AND LEE UNIVERSITY

May 2, 1977

Stephen Q. Giblin

CONTENTS

Introduction	i
I. The Importance of the Nominating Process	1
II. The Origins of the National Convention	6
III. Convention Reform before 1968	11
IV. A Preliminary Assessment	22
V. Years of Reform: 1968-1972	28
VI. The Guidelines of the Commission	36
VII. Reform and the 1972 Democratic Convention	43
VIII. The Aftermath of 1972	51
IX. The Republican Experience	58
X. Why the Convention	64
XI. A Final Assessment	75
Appendix I	93
Appendix II	96
Appendix III	98
Footnotes	100
Bibliography	106

INTRODUCTION

One of the many political proverbs attributed to "Boss" Tweed exemplifies his astuteness in identifying the source of political power: "I don't care who does the electing, so long as I can do the nominating."¹ While this confession may be a reflection of Tweed's attitude towards his special role in electoral politics, it speaks to us by emphasizing the importance of nominations in democratic systems like the United States. While Americans have the right to elect their own rulers, they are severely limited as to the matter of choice. The candidates whose names are placed on the ballot represent the alternatives which are open to public decision. It is rare when a write-in candidate receives substantial support. The process leading up to nomination by one of the major parties is one of the realities of electoral politics for most candidates. Without the nomination, a potential office-holder must go through intricate, stringent and often insurmountable procedures in order to get his name on the ballot. If he earns a place on the ballot, a minor candidate most likely will be unsuccessful for want of identification with either the Democratic or Republican party. During the pre-election period of 1976, minor party candidates Eugene McCarthy and Roger MacBride, among others,

experienced many problems meeting the legal requirements for obtaining positions on state ballots.² But Gerald Ford and Jimmy Carter gained ballot positions solely on the basis of being the nominees of the Republican and Democratic parties. Hence nominations, as well as the events leading up to them, should be of special concern to those interested in democratic means of selection.

"When only two political parties have a real chance of winning the presidency, every citizen has a legitimate stake in the process by which they select their nominees."³

Over the past several years, many changes have occurred within the nominating procedures of these two parties. These changes have not been cosmetic. They have become the subject of close scrutiny and source of much controversy. The reforms of the Republicans and Democrats could conceivably mark a turning point in American electoral politics. This paper will look at the presidential nominating system as it now stands, how it has developed up to this point, and where it should be going. Preferences of the author will become clear in the course of the discussion. Hopefully, this paper will help fill a deficiency identified by Senator George McGovern, a prime mover in nomination reform, who said of the interest in delegate selection, "It was as if the American people, charmed by their electoral practices, cared nothing about the mystery of nominating a candidate."⁴

I

THE IMPORTANCE OF THE NOMINATING PROCESS

Every four years, the people of the United States select a man to lead them. In 1976, Jimmy Carter emerged from a field that numbered as high as fifteen to become the nominee of the Democratic party. Gerald Ford withstood a stiff challenge to become the Republican standard bearer. These two men, along with their many opponents, underwent a long and strenuous process which culminated in the effective limitation of public choice on Election Day in November. The exercise of the power of the presidency, the role of political parties and the continuance of a democratic form of government are all conditioned by the nominating process. The study of this process can be considered to be of fundamental importance to the study of American politics.

There are large differences in the way Calvin Coolidge, Franklin Roosevelt and Richard Nixon utilized the power of the Oval Office.¹ This is an indication of the variability in the quality of the products of our presidential nominating system. Matthews argues that the nominating system does not adequately test the leadership abilities of the candidates, but rather concentrates on electoral considerations.² The choice of the parties themselves is somewhat

limited by the perceived requirement of selecting someone who can win the election. Thus, those who have become major party nominees, with only a few exceptions, had one thing in common -- they were all professional politicians. Others are excluded from the presidential selection process.³

Keech and Matthews identify this as a "definition of the group of presidential possibilities" which is "more important than the formal and official stages of the nominating process."⁴ If we are not satisfied with the quality of executive leadership, we can turn to the normative process of changing presidential selection and make that process a better indicator of presidential performance.

The nomination of the presidential and vice-presidential candidates is a major function of parties on a national level. The process leading up to these nominations provides the major link between the state party organizations and the national party hierarchy. By joining together every four years with a common purpose, the state parties, which otherwise would be distinct entities, form a national organization which exists at all times and performs other valuable functions. Providing information, educating the public and setting goals for party members are just a few. Any change in the system which might upset this national organization or render it unnecessary might also hamper the performance of these secondary functions.

When faced with electoral defeat, the parties in the past have looked to the nominating system and have made

changes which hopefully would turn failure into success. Three instances illustrate this point. After William Howard Taft's defeat in 1912 due to the defection of Theodore Roosevelt, the Republican party made changes in apportioning votes for the national convention which, had they been in effect in 1912, would have stripped Taft of his major source of convention support. In 1968, the Democrats set in motion the machinery which would result in the massive reform produced by the McGovern-Fraser Commission. Dissatisfaction with delegate selection procedures resulting in the nomination of Hubert Humphrey was one of the reasons for the movement. Finally, after the debacle of 1972 in which the reform emanating from 1968 was seen as the reason for producing a candidate who could never win, the Democrats moved to reform the reform. Thus, party members do not just participate in selecting the party's candidates, they also participate in determining the rules governing that selection.

The final aspect of the American government system which the presidential nominating process touches is the very essence of that system -- its democratic nature. It is clear that the United States is not a pure democracy and the entire nominating process is just one of the many ways a direct democratic choice is removed from the people. On the basis of the constitutional requirements, millions of people qualify for the Oval Office. The nominating process is able to narrow this field down legitimately to

two nominees. Of course, each person is not considered during the process, but it does consider all of the leading contenders and make a final selection among them. This does not mean that we should be content with any method which performs this function. On the contrary, the American people have a real stake in whom the major parties nominate. "It is the essence of republican government," Robert La Follette once pointed out, "that the citizen should act for himself directly whenever possible. In the exercise of no other right is this so important as in the nomination of candidates for office."⁵ The design of the system can be shaped to make it more or less democratic, more or less equitable and more or less efficient. Any change which results in a change of these values should be examined and the advantages and disadvantages of the change should be weighed against these other important factors. Thus, the presidential nominating process directly effects the degree which democratic principles are or are not present in the electoral system.

Any subsequent changes to the system could have a direct relationship with who gets the nomination, who gets to nominate, who is elected, and what that person can and cannot do once in office.⁶ The following examination of the nominating process with its emphasis on the reforms of that process is an appropriate one in that it deals with an area which is all-encompassing. It deals with the heart of any political system -- the selection of a national

leader -- as well as secondary factors such as the power of the leader, the role of political parties and the scope of democracy.

II

THE ORIGINS OF NATIONAL CONVENTIONS

American political parties have selected national conventions as the means they will use to nominate their candidates for President and Vice President. The conventions which take place today are much different than the first party conclaves which were held in the early 1830's. Bain and Parris describe one of the earliest national conventions in terms which would sound strange to any convention delegate of today:

With little formal planning, the four-day National Republican gathering began with 130 delegates and continued with others who straggled in. Each state judged its own credentials. The convention nominated Clay as the candidate of those who opposed Jackson, selected Pennsylvanian John Sergeant as Clay's running mate, appointed a committee to draft an "address to the people" on the issues, and adjourned. (*Italics mine.*)¹

It is from gatherings such as this that the national conventions of today have evolved. While great changes have been made in matters such as number of delegates, prior planning and added functions of the convention, these early meetings have left their mark on the modern nominating conventions. Thus it would be helpful to take a brief look at the history of the national convention, noting the major changes in organization and procedures

which have taken place. In addition, the reasons for selecting candidates at national conventions rather than by other methods will be examined to see if they still apply today.

Prior to the 1830's, the presidential candidates were selected in several ways. Washington was not nominated in the sense that we think of political nominations. Rather, he was the natural choice of the members of the first Electoral College when they met to perform their duties as prescribed in the new constitution. It was not until Washington refused to serve for a third term that the necessity of designating nominees arose. By that time, visible party lines had begun to appear. At first, candidates were nominated by Congressional caucuses of the respective parties. By 1808, Federalist strength in Congress had dwindled to such a point that a caucus would be meaningless. Instead, Federalist leaders secretly met in New York in what could be seen as the forerunner of national conventions. By 1824, another nominating practice appeared. Candidates for the presidency were to be nominated by the legislatures of various states. At this time, there was also the appearance of state conventions which nominated candidates.

There were several difficulties with these early methods of nomination which would be answered by the national convention. First, nomination by Congressional

caucus did not provide representation for those areas which were not represented by Congressmen of the respective party. Likewise, early caucuses did not fully allow for differences of opinion within each party. A third shortcoming of the early methods was that they resulted in a proliferation of candidates, especially when state legislatures and conventions nominated their own choices. Thus the Election of 1824 involved five major candidates: William Crawford, the nominee of the Republican Congressional caucus, as well as John Quincy Adams, John Calhoun, Henry Clay and Andrew Jackson -- all of whom had been nominated by separate states. Finally, the greatest failure of these earlier methods was that they did not provide a national scope to the selection of candidates for a national office who would represent political parties which had grown to a national scale. The party which could unite the disparate state and local groups into a national effort would have an advantage in the election.

The first party to conduct an open national convention was not one of the two major parties of the time. Rather, it was the Antimason party which held a convention in Baltimore during September of 1831. The reason that this small, sectional party held a national meeting was that it saw an opportunity to survive and expand.

The decision to hold a national meeting for the purpose of selecting a candidate was undoubtedly dictated by need. The young party was frankly sectional and had so little representation in

Congress that it could not have nominated by congressional caucus had it desired to do so. Nomination by state legislature was possible, but would not have focused national attention upon the candidate. Further, since various groups among the party members were by no means in agreement as to who the candidate should be, a forum was needed where candidacies could be discussed and a decision reached. This same forum could be used to facilitate a national organization and to project a national party image.²

Unfortunately for the Antimasons, even the first national nominating convention was not enough to keep them alive.

The National Republican party took note of the device employed by the Antimasons and called their own convention, ostensibly to give national backing to Henry Clay. However, the National Republicans would also go the way of the Antimasons after the election. For Andrew Jackson's Democratic party, the situation was a little different. The President had already been renominated by several state legislatures and only needed a running mate to complete his ticket. Jackson's own choice was Martin Van Buren; but Jackson could not depend on the usual system to fill his wish. If nominations for Vice President were left to the various states, there was a distinct possibility that several candidates would be nominated. Jackson thus arranged for a national convention which he could control in order to create an opportunity for party leaders in all states to commit themselves to his candidate.³

Although the nominations of the Democratic Convention were a foregone conclusion, this particular convention is

important because it established several precedents which ruled Democratic conventions for many years. Rules adopted at this convention and recognized by further conventions provided for apportionment of the delegate votes on the basis of state strength in the Electoral College, the announcement of votes by state delegations rather than by individual delegates, and the requirement that a candidate must receive two-thirds of the convention votes in order to receive the nomination.⁴

By mid-century, national conventions had become the method of nomination for all of the major party candidates. The idea of political parties as national organizations was fully established. The convention system had been tested and it had passed. All of the states were usually represented at these conventions and all factions of the party were given adequate opportunities to express themselves.⁵ State legislatures no longer inflated the pool of nominees. Most importantly, the nominees finally received the backing of national organizations formed for the purpose of promoting their candidacies.

III

CONVENTION REFORM BEFORE 1968

Over the years there have been several changes within the nominating convention system. The most ostensible changes would be those dealing with the growth of the convention into an unmanageable number of delegates, the infusion of the media, the development of advanced political techniques and the necessity for elaborate planning prior to each convention. While these changes have played some part in shaping the environment of the convention and thus in determining the nominee, there have been more important modifications in procedural areas which have altered the course of nominations. Most of these changes were instituted in the guise of reform. More often than not, however, these changes were political in nature in that they were used either to correct a weakness in the system or to improve the relative position of one faction of the party.

In their convention of 1840, the Democrats drew up the first platform, consisting of a statement of party purpose and nine resolutions addressing vital issues of the day. Prior to this time, some conventions had simply appointed committees to compose an "Address to the American People" after the convention had adjourned. With the

advent of platform deliberations before the nominees were chosen, the parties instituted open partisan discussion as an important part of the convention. Different platform proposals could become identified with specific candidates and the votes on these issues could be seen as an indication of that candidate's strength. While most of the early platforms were noncontroversial documents, there was the possibility of open hostility among delegates over particular planks. Several conventions have been marked by division over important issues, indicating the role platforms can play in the convention.

Another important development occurred in the Whig convention prior to the election of 1840. A rule passed by the delegates said in part, "That the vote of a majority of each delegation shall be reported as the vote of that state; and each state represented here shall vote its full electoral vote by such delegation in the committee."¹ This of course is a description of the unit rule. While both of the Democratic conventions prior to 1840 had allowed a delegation to follow the unit rule if it were so instructed, this was the first, and only, convention to impose the unit rule upon all delegations. However, the unit rule was to be a point of contention in many Democratic conventions of the future. The attacks upon it usually were unsuccessful, especially in those states where the state convention had instructed the delegation to vote as a unit. The 1860 convention passed a rule

which stated, "That in any State which has not provided or directed by its State Convention how its vote may be given, the Convention will recognize the right of each Delegate to cast his individual vote."² In 1912, presidential primaries came into practice in some states and thus a new question arose as to whether elected delegates could be held to the unit rule. The Democratic convention of that year responded with this ruling:

The Chair shall recognize and enforce a unit rule enacted by a State convention, except in such States as have by mandatory statute provided for the nomination and election of delegates and alternates to national political conventions in Congressional districts, and have not subjected delegates so selected to the authority of the State committee or convention of the party, in which case no such rule shall be held to apply.³

After 1912, there were several attempts to revoke the unit rule but none of them were successful until the 1968 convention in which a motion was passed to outlaw the unit rule for the 1972 convention.

In Republican conventions, all attempts to establish the unit rule have been rejected. In 1876, the chairman of the convention ruled that "it is the right of any and every member equally, to vote his sentiments in this convention."⁴ And in 1880, the convention rules were drafted so as to reject the unit rule and establish the right of any delegate to call for the polling of his state delegation. This rule has remained virtually unchanged. However, there have been instances of delegations voting to adhere to the unit rule. But as David and his associates

report, "These instances do not have the sanction of the national convention and can be voided whenever any minority delegate sees fit to avail himself of his rights under the national party rules."⁵ Thus presently neither the Republicans nor the Democrats recognize the unit rule as a legitimate method for a delegation to use when casting its convention votes. A practice which was once viewed as a method of promoting party unity and recognizing states' rights is now identified as a totally undemocratic and unacceptable practice.

The next step in the development of the convention system came in 1905 when the Wisconsin legislature, under the prodding of Governor Robert La Follette, passed a law requiring the direct election of convention delegates. Prior to this, all delegates had been selected by state party leaders or state conventions. By the time of the 1908 conventions, California and Ohio had passed legislation allowing, but not requiring, the state parties to set up primaries for the election of convention delegates. In 1910, Oregon voters accepted an initiative proposal which established the first two-stage primary. Voters would not only elect the convention delegates but they would also cast a separate advisory ballot, the results of which would indicate to the elected delegates the preferences of the state's voters. And by 1912, a quarter of the states had enacted some type of presidential primary legislation.⁶ The appearance of these presidential

primaries can be seen as a logical outgrowth of the direct primaries for local and state offices. These attempts to allow direct participation on the part of all citizens represented a branching out from local to national concerns. As Aylsworth put it, "It makes the loosening of the bonds of excess-control by national over state party organizations, and constitutes a long stride toward making national party machinery and nominations subject to legal regulation and more truly representative of the will of the rank and file of the party."⁷ Thus the reformers were striking out at the control exercised by party bosses and the resulting corruption in the nomination of candidates.

Another significant change in the convention system occurred in the aftermath of the 1912 Republican conclave. During that convention, Theodore Roosevelt received a great majority of the support from delegates elected in the primaries. However, he was overwhelmed by Taft's control of the non-primary states, especially those in the South which had not voted for the party in years. Taft's victory in the convention angered Roosevelt to the point that he split from the party and ran as an independent. This made it easy for Woodrow Wilson to become the first Democratic president in sixteen years. By the time of the 1916 convention, the Republicans were ready to mend their ways. Thus reform was born as a result of electoral defeat. The particular change instituted in the call for

the convention dealt with the apportionment of the convention votes. No longer would apportionment be based on a certain number of at-large delegates for each state as well as a certain number from each congressional district. Now each state would receive four delegates at-large; two additional at-large delegates for each representative in Congress; one delegate from each congressional district; and an additional delegate from each district which cast more than 7,500 votes for the Republican nominee in either the Congressional election of 1914 or the Presidential election of 1908.⁸ The effect of this reform was staggering. Overall, there were ninety-one fewer delegate votes in the 1916 convention than in the 1912 meeting. While most of the northern and western states retained the same strength as before, the southern states lost seventy-eight votes -- more than one-third of their strength in 1912. This system of apportionment was based on what has become known as the "bonus" vote which rewards indications of party strength.

The Democrats did not implement bonus votes until 1944 and then only as part of an agreement which had been struck in 1936. The report of the Rules Committee in that convention contained a clause which read:

That all questions, including the question of nominations of candidates for President of the United States and Vice President of the United States, shall be determined by a majority vote of the delegates to the convention, and the rule heretofore existing in Democratic conventions requiring a two-thirds vote in such cases is hereby specifically abrogated.⁹

The report of the Rules Committee passed by a voice vote only after two further resolutions were added. These said:

That the Democratic National Committee is hereby instructed to formulate and to recommend to the next National Convention a plan for improving the system by which delegates and alternates to Democratic National Conventions are apportioned.

And be it Further Resolved That in formulating this plan, the National Committee shall take into account the Democratic strength within each State, District of Columbia, and Territory, etc., in making said apportionment.¹⁰

The nature of this quid pro quo arrangement centered around the voting strength of the southern states. Under the two-thirds rule, which had survived from the first Democratic convention in 1832, the South could effectively block the nomination of any candidate. Thus power was taken from these states when the rule was dropped. In exchange, the southern states were to receive more delegate strength on the basis of the bonus vote plan which had been developed by the Republicans -- ironically to take voting strength away from these same states.

The bonus vote system of apportionment has developed since its first applications. The system revolves around the reward of party support in the form of additional convention votes, but there have been different approaches to the determination of party support. Systems have been used which reward a state for 1) giving its electoral votes to the party's candidate in the preceding election (Democrats, 1944); or 2) electing a candidate from the party in either a congressional or senatorial race (Republicans,

1944); or 3) giving a set amount of votes to the party's candidate in congressional races (Republicans, 1924); or 4) electing the party's candidate for governor (Democrats, 1956).¹¹ With all of these methods, it is possible to set requirements for bonus votes so low or so broad that they become relatively meaningless. In addition, the Democrats adopted a rule in 1960 which said that no state could be given less votes than it had had at the previous convention. Thus states were rewarded not only for successes of the previous four years, but also for those eight years in the past.

It was the repeal of the two-thirds rule which was the most significant change of the 1936-1944 period. This rule had survived for more than a hundred years and had played a major part in several conventions. In 1844, Martin Van Buren was denied the nomination after securing a majority of the convention votes due to the two-thirds requirement. In the 1860 convention, there was a mass of defections on the part of delegates until more than a third were absent. Thus it was impossible for any candidate to receive the required number of votes. Stephen Douglas, however, was declared the nominee. Champ Clark in his battle against Woodrow Wilson in 1912 got a majority but failed to get two-thirds of the delegates. The rule was also the cause of many convention deadlocks -- most notably, the 103-ballot marathon of 1924. While neither McAdoo nor Smith passed a simple majority, McAdoo

did reach a peak which was only twenty votes short of it. Had the two-thirds rule not been in effect, some delegates might have swung over to McAdoo, giving him the nomination. But the two-thirds rule was in effect and there were important reasons for it.

The guiding rationale behind the rule at that first convention in 1832 and at all subsequent ones was that this extraordinary majority would produce a candidate that the entire party could unite behind. But the rule would become an effective sectional tool thereby encouraging its own preservation. As regional interests developed and the Democratic party received a great amount of support from the South, these states, voting as a bloc, were able to prohibit the nomination of any candidate. Using arguments of states' rights and party unity, the proponents of the rule were able to continue its use until they ran into Franklin Roosevelt who was determined to abolish the rule in 1932 but was unable to do so until the 1936 compromise. The South would no longer be able to deny the nomination to any candidate and the party nominated candidates who were liberal on racial, social and economic issues thereafter.

The final series of convention reform prior to 1968 once again involved the Democrats and was important in that it set the stage for the authority which was subsequently exercised by the McGovern-Fraser Commission in its sweeping reform of the 1972 convention. Prior to 1956,

the reform of both parties had centered around such procedural matters as the apportionment and casting of votes. But in 1956, the Democrats opened the door to an entirely new area of reform. In the convention of that year, the Democrats adopted a new rule which would become part of all subsequent Democratic calls. It stated:

It is the understanding that a State Democratic Party, in selecting and certifying delegates to the Democratic National Convention, thereby undertakes to assure that voters will have the opportunity to cast their election ballots for the Presidential and Vice-Presidential nominees selected by said Convention, and for electors pledged formally and in good conscience to the election of those Presidential and Vice-Presidential nominees under the Democratic party label and designation.¹²

While this new rule was an attempt to solve the problems presented by the defection of the Dixiecrats in 1948, it represented a new direction taken by the party. Ranney recognizes the importance of the rule when he states that it "established the centralizing principle that henceforth the national party agencies will not only decide how many votes each state delegation gets at the national convention but will also impose national rules on what kind of persons can be selected."¹³ In 1964, the control of the national party would be extended one step further. A vote taken in that convention authorized the National Committee to include in the call for the 1968 convention a section which would address the particular manner of selection of the delegates. It was to read:

It is the understanding that a State Democratic Party, in selecting and certifying delegates to the Democratic National Convention, thereby undertakes to assure that

voters in the State, regardless of race, color, creed or national origin, will have the opportunity to participate fully in Party affairs. . .¹⁴

These additions to the calls for the conventions could become the basis of challenging any delegation. Thus they had the force of law since the credentials committee of any convention, with the vote of the entire convention, could deny seats to any or all delegates which it felt did not meet these additional requirements.

These moves of the Democratic party prior to 1968 signaled the start of a new trend in the convention system which would be picked up by the Republicans and expanded upon by both parties. This trend represented the further nationalization of the nominating process. While the states still had the right to determine its own method of delegate selection, the national party was beginning to set up guidelines for selection which the state parties would have to observe. Much more was yet to come.

IV

A PRELIMINARY ASSESSMENT

On the eve of the most monumental period of reform in its 136-year history, the presidential nominating convention had established itself as a valuable component of party politics. Besides selecting the two nominees of the party, the national convention performs many other functions which are crucial to the success of the party. Before discussing the major reforms which were to come, it would be helpful to examine these functions and to analyze how the convention performed overall.

By the time a convention comes to its end, it is important that party unity prevail. Even one of the most bitter conventions, that held by the Democrats in 1924, was able to decide upon a compromise candidate whom the entire party could support. In the course of a convention, there are many opportunities for the party to promote unity. The first comes in the planning of the convention. In selecting major officers and speakers for the convention, the national committee can present a semblance of party unity by placing key personages from all factions in these honorary positions. Other opportunities for maintaining unity come at the convention. In the drafting of the platform, differing sides are

brought together by passing broad statements of general agreement. By compromising on those planks which are controversial, the majority can draw the fringe supporters into the fold. Finally, unity is created through the nomination of the candidates. In deadlocked conventions, the compromise nominee represents the joining of divergent interests in order to achieve a common goal -- victory and power for the party. A major source of party unity comes in the selection of the vice-presidential nominee. While the second man on the ticket is often placed there to bring some geographical or ideological balance to the ticket, he often is either one of the presidential nominee's former opponents or one who supported an opponent. A prime example of such a selection was Lyndon Johnson in 1960.

The reason why unity does not naturally exist at the convention is obvious. While each of the delegates wants victory for the party, each has his own selfish ideas as to how victory can be achieved. Conflicting pressures work for conflicting purposes. Delegates support platform statements which mirror their own interests. They want their candidate to win the nomination so that they will reap the political benefits. But in spite of these realities, it is important that these selfish interests be cast aside so that by the last day of the proceedings, the convention can become a giant campaign rally, vocalizing support for the party's nominees.

With the institution of the acceptance speech by Franklin Roosevelt in 1932, the nominee no longer waits to be informed of his selection by some official delegation; rather, he now starts his campaign at the convention. With the electronic media covering the convention, the significance of the acceptance speech increases. It is not only a statement to the convention delegates, but also the first in a long series of campaign performances before the American public. And since first impressions are always important, it is necessary for the candidate and his party to project an image of optimism and support.

Another auxiliary function of the convention centers around the platform. Not only is it a basis for agreement among party members, but it is also a statement on which the electorate can base its decision. A common perception of platforms is that they are nothing but rhetorical statements which do not really tie the nominees down. This however is not the case.¹ It is important that elected nominees fulfil the majority of platform pledges, not because of some moral commitment, but to insure future campaign success. A party with a history of inaction or counteraction on platform pledges could hardly face the opposition, much less the American public. With the platform, campaign pledges are not just identified with a candidate who may not be around at the next election. Rather, these pledges become associated with the party itself. The record of fulfillment of platform statements

is surprisingly high. Pomper reports:

The most important conclusion to be derived from the mass of figures is that pledges are indeed redeemed. Even if we consider only commitments which are met by direct congressional or executive action, we find that slightly over half of the pledges are fulfilled. If we relax our standards and include similar actions or appropriate inaction, nearly three-fourths of all promises are kept. Perhaps most comforting to those who believe in party integrity is that only a tenth of the promises are completely ignored.²

Given party fulfillment of its pledges, the platform becomes important for another reason. It now turns the presidential election into an opportunity for indirect voter influence upon government policy.³ Thus, the existence of a party platform agreed upon by the convention has developed into an important part of presidential electoral politics.

Just as the functions of the national convention have evolved since 1832, methods of selecting the delegates to the convention have changed. During the early years of the conventions, most of the delegates were chosen either by caucuses of the state legislators or by a state convention. By 1968, convention delegates were selected either by state conventions, state central committees, local caucuses or primaries. It is the development of the latter of these four methods which is most important to the nominating process. As was pointed out earlier, the first attempt at increasing the representativeness of the conventions through the direct election of delegates occurred in Wisconsin. Over the years there have been differences in

the number of states, which would have some type of primary. There were three primaries prior to the 1908 conventions. By 1916, the number had risen to twenty-two. Between 1936 and 1948, the number hovered around sixteen. For the 1956 conventions there were twenty-one primaries including those in Alaska and the District of Columbia. And by 1968, the total number had dropped back down to sixteen. Just as the number of primaries varied over the years, so had the types: advisory, binding, open, closed, etc. But the rationale behind all of the primaries remained the same. Each was a way to bring the selection of the nominee closer to the party members rather than allow party leaders to be the sole determiners. However, the existence of caucuses and state conventions still left some room for influence from these leaders.

Not only had the method of delegate selection differed somewhat from convention to convention, but each meeting became bigger than the previous one. As David and his colleagues describe it:

In its origins, a national convention was intended to be a delegate body approximately the size of the Senate and House of Representatives when sitting in joint session. . . . (But) the pressure to provide convention seats for distinguished party members, together with the adoption of patchwork bonus systems, has led to a vast expansion of the conventions.⁴

In 1956, the Democratic convention consisted of 2,477 delegates, casting a total of only 1,372 votes. In 1976, the number of delegates and alternates participating in the Democratic meeting totaled 4,944. With a large number of

delegates, it becomes difficult for a convention to conduct its business efficiently. Most of these seats represent political rewards and are unnecessary as far as selecting a nominee is concerned. However, when preparing for an upcoming campaign, it is important to repay those who have been helpful in the past.

We have now set the scene for 1968 as the Republicans prepared to meet in Miami Beach and the Democrats in Chicago. The Republicans seemed content with their nominating procedure which was basically the same since the institution of bonus votes in 1916. The Democrats however, in their attempt to bring the convention up-to-date, were still in the midst of a period of reform which stretched back to 1936. The focus of the Democratic reform was now beginning to change. After the abolition of the two-thirds rule and the institution of the bonus vote, the Democrats were trying to bring some order to the indeterminate methods of delegate selection which were as varied as the number of states. Accompanying these developments in the convention system were the increase in the number of delegates and the intrusion of television coverage which made the entire process visible to the public. The picture which the parties were presenting to the American people was not a favorable one. By 1968, the conventions were ready for some changes. As things were to turn out, the Democrats were going to continue the wave of reform in their party while the Republicans would once again start making moves.

YEARS OF REFORM: 1968-1972

The Democratic convention of 1968 will long be remembered as the convention marred by protest -- both inside and outside the convention hall. Thus, it would seem likely that this convention would plant the seed for the most extensive reforms of the nominating process to date. It was this convention which passed a minority report of the Rules Committee which read in part:

Be it resolved, that the Call to the 1972 Democratic National Convention shall contain the following language:

It is understood that a state Democratic party, in selecting and certifying delegates to the National Convention, thereby undertakes to assure that such delegates have been selected through a process in which all Democratic voters have had full and timely opportunity to participate. . . .¹

The same convention also passed a resolution of the Credentials Committee which called for the establishment of a committee to reform and improve the delegate selection process governing future conventions. Perhaps it could only be a convention like the one in Chicago which would be able to produce such resolutions. The delegates had other things on their minds and they really did not know what they were doing. As Theodore White so vividly describes it:

Delegates were listening by portable television or radio to stories of violence in the city outside; politicians were darting through the aisles trying to stop or further the candidacy of Teddy Kennedy; and all were girding for the battle over resolutions on the Vietnam war. The words of the majority and minority reports of the Rules Committee floated almost unheard above the noise as the sound system squawked incomprehensively through the fog, the smoke, the din. Had anyone cared to listen, he would have noted that the minority report, which favored the abolition of the unit-rule system of voting, did not simply urge or recommend a change; its language was stark. It "required" that the next convention conform to the stipulations laid down for reform. But few delegates were listening.²

Thus reform was born out of chaos and the Democratic party would never be the same again.

The malfunctions of the delegate selection process were not new to the party. It was just that they were so evident during the pre-convention period of 1968. Supporters of Eugene McCarthy were continually frustrated in their efforts to break into the party machinery and win delegate positions for their candidate. The unit rule had only been one of the tools of the party regulars. Secret meetings, proxy voting and appointment of delegates were some of the others. It was finally clear to all those who cared to look that the Democratic party was not living up to its name. The victory of the minority forces at the convention was the first one of their long and grueling fight. They were not about to give up now. And after the defeat of Humphrey in the election, the party leaders were ready to make a change. If the Democrats were to regain power, they thought, they would have to

begin now to revise its practices and branch out, seeking new constituencies and recapturing old ones.

Two commissions were established by the 1968 convention. The first group, the Commission on Rules, would apportion delegates and review procedures for the next convention. It was to be headed by Representative James O'Hara of Michigan. The second, more important commission was the Commission on Party Structure and Delegate Selection and was placed in the hands of Senator George McGovern of South Dakota. It would be up to the McGovern Commission to carry out the "mandate for reform" established by the 1968 convention.

The McGovern Commission would not have to start from scratch. Prior to the 1968 convention, the Democratic National Committee had created the Commission on the Democratic Selection of Presidential Nominees, headed by Senator Harold Hughes. In its final report, which was accepted by the convention, the Hughes Commission concluded, "State systems for selecting delegates to the National Convention and the procedures of the Convention itself, display considerably less fidelity to basic democratic principles than a nation which claims to govern itself can safely tolerate."³ In order to combat this situation, the Commission made recommendations to promote the following conditions: 1) that there be meaningful access to all local meetings and caucuses leading up to the convention; 2) that it be clear to participants what was going on at all levels

of the delegate selection process, especially to voters who elect party officials who act as ex officio delegates to the convention; 3) that delegates be selected within a reasonable time period not too far in advance of the convention; 4) that there be fair apportionment of votes within the separate states; and 5) that there be some representation of minority preferences at all stages of the nominating process. These recommendations were based on a close examination of procedures within each state and were aimed at attacking several perceived problem areas.

The McGovern Commission made a similar study and found similar deficiencies in the state systems. After a series of public hearings throughout the country and an intensive research effort by the staff, the Commission reported that we had in this country "a varied nominating process in which no two states choose their delegates in exactly the same way."⁴ Yet, the Commission identified a set of problems which were not unique to any one selection system: procedural irregularities, discrimination and structural inadequacies.

In the category of procedural irregularities, the report identified six distinct deficiencies. The first was the observance of the unit rule at some level in at least fifteen states. By imposing the unit rule on a party meeting, the party effectively required elected delegates to vote against their wishes and stripped the minority of any power whatsoever. The Commission also found fault

with the recognition of proxy votes at state party meetings. Proxy voting led to many abuses prior to the 1968 convention. The report mentions an occasion where a party official in Missouri cast 492 votes -- more than three times the total number present at the meeting. Needless to say, his candidate, who had been in the minority, won the election. A third irregularity was identified as a lack of public notice concerning the nominating process itself. The Commission found that in many states occurrences such as secret meetings were quite common. In addition, the Commission found fault with the practice of electing state party officials without "adequate notice to the voter that one of the responsibilities of the committee would be the appointment of delegates to the National Convention." The fourth procedural irregularity concerned the process of slatemaking. The Commission identified three problems in this area: that the official slate 1) was made in a manner in which participation was not open to all; 2) was given preferential status on the ballot; or 3) was effectively protected from challenges by rules or tradition. Another complaint of the report dealt with the requirements for quorums at party meetings. The Commission found that in several instances, "committees are permitted to reach decisions affecting procedures related to the nominating process or the actual appointment of delegates with a small number of eligible representatives present." The final procedural irregularity which the Commission found was

the lack of sufficient provisions for selection of alternates, who sometimes became voting delegates.

In the area of discrimination in past nominating processes, the Commission targeted three groups as being "significantly lacking in representation." Blacks, the Commission found, accounted for only 5.5 percent of the 1968 convention while comprising 11 percent of the total population. Thirteen state and three territorial delegations had no black members. Another group which had been discriminated against according to the report was the youth of the country. The Commission noted the increased participation of those under thirty during the 1968 nominating process, but was dismayed that only 4 percent of the convention delegates came from this group. Finally, a group which comprises over half of the voting-age population -- women -- supplied only 13 percent of the voting delegates. The Commission called for more representation for each of these three groups.

The final area for improvement covered "practices which, though seldom intentionally discriminatory, had the effect of limiting access to the delegate selection process." The Commission found five such practices. The main problem was untimely delegate selection. In its research, the Commission determined that 38 percent of the delegates to the 1968 convention were selected before the beginning of the calendar year. "By the time the issues and candidates that characterized the politics of 1968 had clearly emerged,"

the Commission concluded, "it was impossible for rank-and-file Democrats to influence the selection of these delegates." The second structural inadequacy involved the costs, fees and assessments imposed upon potential participants in the delegate selection process. Thus many groups could be excluded from the process right from the start. The Commission was also disturbed with the appointment of ex officio delegates to party meetings as well as the national convention. The problem with such delegates was that they were not subject to popular appraisal vis-à-vis presidential preference. A fourth matter of concern to the Commission was the appointment of entire delegations, or parts thereof, by state party officials. The report found fault with this practice because voters usually were not aware when voting for such officials that they would hold this power. The final complaint of the Commission was the absence of fair representation of minority opinions. The application of majority rule was seen as unfair and divisive. The disparity between presidential preferences as indicated by the public and actual representation in the state delegation could not be reconciled by the Commission.⁵

These then were the problem areas which the Commission identified and set out to relieve. A comparison of these findings with the recommendations of the Hughes Commission shows an agreement between the two that significant measures would be needed to bring the nominating

process closer to the people. But the McGovern Commission had been given the power to do something. It was not going to disappoint those ready for change. "But few Democratic politicians doubt," one Commission member wrote, "that the reforms radically altered the party's ways of selecting its national convention delegates, . . . or that the reforms produced a 1972 national convention very different from any in history."⁶

VI

THE GUIDELINES OF THE COMMISSION

After almost a year of hearings and research, the McGovern Commission was ready to issue its report, Mandate for Reform. Along with the assessment of the particular problems of the delegate selection process, the Commission presented two categories of guidelines. The first of these was a list of sixteen specific measures with which each state would have to make "all feasible efforts" to comply. These were followed by a set of six recommendations which were "urged" upon the state parties. With the acceptance of the report without debate by the Democratic National Committee in November of 1969, the eighteen guidelines became binding upon the states and territories. In other words, non-compliance would be grounds for refusal of seats to a particular delegation at the 1972 convention.

First, the Commission called for each of the state parties to adopt explicit rules governing the selection of convention delegates. These rules were to open up the entire delegate selection process to all those interested in participating, increasing the participation of previously underrepresented groups. A summary of the guidelines as presented by the Commission can be found in the appendix. Most of the guidelines came as direct responses

to the problems which the Commission came across during the pre-report period. For example: "The Commission requires State Parties to add to their explicit written rules provisions which forbid the use of proxy voting in all procedures involved in the delegate selection process."¹ The group of six recommendations "urged" upon the state parties covered a disparate set of problems which the Commission was not quite ready to require the states to deal with. Included in this group were proposals to help ease the financial burden on delegates and alternates and to relieve restrictive registration laws.

After serving as a member of the Commission, Austin Ranney reports, "I can testify with conviction that conflicting theories of representation were the wellsprings both of the commission's greatest internal disagreements and of the principal difficulties our guidelines created for the Democratic party."² The results of the representation question were the following two guidelines:

The Commission requires that . . . State Parties overcome the effects of past discrimination by affirmative steps to encourage minority group participation, including representation of minority groups on the national convention delegation in reasonable relationship to the group's presence in the population of the State.

Furthermore, the Commission requires State Parties to overcome the effects of past discrimination by affirmative steps to encourage representation on the national convention delegation of young people -- defined as people of not more than thirty nor less than eighteen years of age -- and women in reasonable relationship to their presence in the population of the State. (Italics mine.)³

With these two requirements, the Commission seemed to be committing itself to the imposition of quotas. However, the footnote to both of these guidelines states, "It is the understanding of the Commission that this is not to be accomplished by the mandatory imposition of quotas."⁴ One member of the Commission summed up the reaction to this attempt at compromise by remarking, "They won't buy that in Texas."⁵

With its guidelines the McGovern Commission had now established the requirement of quota representation of women, youth and racial minorities. The motivation of the Commission in establishing quotas is hard to determine. The reasons given by the Commission in its report include the fulfillment of resolutions of earlier conventions with regards to minority discrimination and dedication to the idea of "full and meaningful opportunity to participate" for women and youth. In addition, political gains were to be had. "I can't think of anything more attractive or a better way to get votes with media politics," one Commission member argued, "than to have half of that convention floor made up of women." He continued, "We're talking about winning elections, we've got to provide the symbols. . . which will activate women. . . activate young people, which will appeal to them, and this is a tangible device for doing just that."⁶ One observer however faulted the Commission regardless of its motives:

The idea that a truly representative body should mirror

biological characteristics was "in the air" in the late '60's, and it seems likely that it was adopted by the McGovern Commission without much scrutiny of its foundations, its implications, its relationship to the doctrine of democratic representation, still less of its probable consequences.

The plan barely passed the Commission on a 10-9 vote. The reaction to the plan was such that by the end of the 1972 Democratic convention, "quota" would be a dirty word.

The question of the imposition of quotas is a difficult one and necessarily entails an examination of the intricacies of democratic representation. Faced with the task of opening up the delegate selection system and thereby hopefully increasing representation, the McGovern Commission had two related decisions to make. First, the Commission would have to determine exactly what was to be represented. Next, the means to the end would have to be decided upon. With regards to the first question, the Commission was faced with a conflict between two opposing viewpoints. These can be labeled the proportional demographic position and the preferential proportional position. The first calls for representation on the basis of biological characteristics, while the second supports representation of minority presidential preferences. While there were several members of the Commission who favored the second position, the Commission saw its duty as one of insuring the first. However, it may have been nearsighted in this decision. The mandates from the 1964 and 1968 conventions did not call for insured representation of minority groups; rather, the Commission was actually charged

with the responsibility of insuring against any concerted efforts of discrimination. To quote from the resolution of the 1964 convention which became part of the call for 1968:

It is the understanding that a State Democratic Party, in selecting and certifying delegates to the Democratic National Convention, thereby undertakes to assure that voters in the State, regardless of race, color, creed or national origin, will have the opportunity to participate fully in Party affairs. . . .⁸

The resolution of the 1968 convention which gave birth to the Commission contained similar language. That language is not the same as the language of the Commission guidelines. Thus the Commission went beyond its original mandate when it established quotas.

The Commission's second question involved the methods of representation. One observer of the Commission's deliberations brings attention to the group's inability to distinguish between "representative" and "representativeness." Kirkpatrick classifies the latter as a characteristic which "concerns the relative distribution, as between two groups, one larger, one smaller, of such personal characteristics as sex, age, color, foot size and political opinions." Meanwhile, "representative" is the "outcome of a process that includes the choice of persons to act as representatives, their subsequent interactions and decisions, and their continuing relation to those they represent."⁹ It is evident that the McGovern Commission settled on the concept of representativeness when it decided on quotas.

And, as Austin Ranney would remind us, the Commission did not consider political opinions in the form of presidential preferences as a personal characteristic to be represented, thus imposing "damage done to the competing principle of preferential representation."¹⁰ By choosing quotas as a method of representation, the Commission denied the possibility that the views of blacks, women, and youth could indeed be expressed by those who did not happen to be black, female, or young. Kirkpatrick concludes, "The more accurate representation of sex, age or race groups does not therefore result in the more accurate representation of political opinion."¹¹ Thus the Commission was mistaken in its choice of representativeness as the basis for the representation of political viewpoints.

One main point which is apparent from the beginning of its report is the Commission's strong support of the national convention as the method for selecting the party's nominee. To quote the report:

The face-to-face confrontation of Democrats of every persuasion in a periodic mass meeting is productive of healthy debate, important policy decisions (usually in the form of platform planks), reconciliation of differences, and realistic preparation for the fall presidential campaign.¹²

Senator McGovern expressed his support for the convention also:

I believe our nominating system should allow for leadership to be tested and would-be Presidential candidates to be publicly scrutinized in a variety of circumstances. Our present mixed system, properly conducted, is likely to perform these functions and ensure popular participation.¹³

Finally, Austin Ranney, speaking for himself and other members of the Commission, writes that they "strongly preferred a reformed national convention to a national presidential primary or a major increase in the number of state presidential primaries."¹⁴

VII

REFORM AND THE 1972 DEMOCRATIC CONVENTION

The laboratory in which the experiments of the McGovern-Fraser Commission were to be carried out was the Democratic convention of 1972.¹ While the Commission hoped for and expected eventual compliance to its guidelines, the members, along with the Democratic National Committee, recognized the short period in which the states would have to revamp the rules of their respective parties. In fact, ten states were required to adopt a new set of party rules. After having completed an "unprecedented national invasion of their [the state parties'] right to make their own rules," the Commission waited for a response.² In January of 1970, Senator McGovern wrote, "We know, of course, that the state parties, even with the best of intentions, cannot in all cases achieve these objectives by 1972. We recognize that conditions in some states may make such changes impossible."³ After all, several of the changes would have to be made in state legislatures, a process which can be very lengthy.

In spite of these realizations, some standard needed to be drawn up in order to judge prospective delegations to the upcoming convention. Therefore, the report contained the requirement that each state party make "all

feasible efforts" to implement the new guidelines. What would be required was that "the State Party had held hearings, introduced bills, worked for their enactment, and amended its rules in every necessary way short of exposing the Party or its members to legal sanction."⁴ Thus the Wisconsin delegation, which had been elected in a prohibited open primary, could still be seated since the state party had tried to change the law. With the requirement of "all feasible efforts" presented to them, each of the state and territorial parties established reform commissions within the states. These state commissions not only worked for compliance to the McGovern-Fraser guidelines, but also made significant changes in state party structure and rules outside the scope of the requirements.

The outcome of the states' activity was more than any of the Commission officials had expected. By the time of the convention, most of the states had complied with the guidelines. In Miami there were several minor credentials challenges, none of which were initiated by the Credentials Committee itself. However, three significant challenges which centered around the reforms did arise. The major one of the convention was the Humphrey challenge of the California delegation which had been elected in a winner-take-all primary that had been approved by the Democratic National Committee as being in compliance with the guidelines. After much legal maneuvering prior to the convention, the delegation was awarded to McGovern. However,

Humphrey brought a challenge before the Credentials Committee, which ruled in his favor. When the move came before the entire convention, the delegates returned the delegation to McGovern. The challenge of the South Carolina delegation revolved around the question of adequate representation of women. This challenge was defeated on the floor after the McGovern forces provided crucial votes against the women. The nature of this vote was not really concerned with the representation of women as much as it involved intricate political maneuverings leading up to the more important California challenge. The third significant challenge concerned the seating of Mayor Richard Daley's slate of delegates which had been organized in violation of several McGovern-Fraser guidelines. The Credentials Committee voted to unseat the delegation and received support from the entire convention. While each of these challenges involved the new guidelines, the votes can not be seen entirely as an indication of support or rejection of the guidelines. Rather, they are properly viewed as votes slowly leading to the nomination of George McGovern.

There is no question but that the reforms instituted by the Democrats changed the composition of the 1972 convention. In the targeted areas of blacks, youth and women, the proportions of the delegation comprising these groups increased dramatically. In the case of black representation, the 15 percent figure, an increase of ten points

over the 1968 convention, was greater than the proportion of blacks in the entire population. One observer noted that a total of twenty-eight states sent more racially representative delegations in 1968 than they did in 1972. In these states, blacks were actually overrepresented.⁵ With respect to the case of women, who make up 51 percent of the population, 40 percent of the delegates in 1972 were females as compared to 13 percent in 1968. Finally, the representation of those in the 18-30 years age bracket moved closer to their actual 27 percent share of the population. In 1968, youth only made up 4 percent of the convention. By 1972, that figure had increased to 21 percent. Although the actual representation of these three groups was not completely reflected in the 1972 convention, the Democrats were successful in their attempt to present a more demographically balanced convention.

In areas other than demographic representation, the fears of the anti-quota group of the Commission were realized. The degree of political resemblance between the convention delegation and the party as a whole was minimal. Different studies have shown various points of divergence. Over half of the delegates classified themselves as "liberal" or "very liberal" while only a third of all Democrats are willing to ascribe these descriptions to themselves. Likewise, 29 percent of all Democrats call themselves "conservative" while only 6.5 percent of the delegates put themselves in this category.⁷ In her study, Kirkpatrick

compares the relationship between the positions of Democratic delegates and identifiers in five policy areas. Her figures show that "the difference between the Democratic party's elite [convention delegates] and mass so far exceeded the norm that, on a range of issues central to the policies of that year, the Democratic elite and rank and file were found on opposite sides and the Republican elite held views that were more representative of rank and file Democrats than were the views of Democratic delegates."⁸ More striking figures were reported by Ranney in his study:

Nearly two-thirds of the convention's delegates were chosen or bound by presidential primaries but 57 percent of its first ballot votes and the nomination went to a candidate who won only 27 percent of the popular vote cast in the primaries and who had only 30 percent of the first choice preferences in Gallup's last pre-convention poll of Democrats.⁹

While it is likely the case that previous conventions had not accurately reflected the political characteristics of party identifiers, the discrepancies of the 1972 convention show the lack of true representation in the convention despite the reforms of the McGovern-Fraser Commission. Kirkpatrick writes, "Comparing the Republican and Democratic conventions of 1972 demonstrates that an unreformed convention may be more representative of voters and responsive to them than one whose processes are hailed as a model of democracy."¹⁰

As things were to turn out during the period of compliance, the Commission's guidelines failed to fulfil

another objective. Recall that Ranney expressed the feeling of the Commission as being opposed to an increase in the number of state primaries. Just the opposite happened. One loophole in the compliance standards was that they did not rule out the institution of primaries for delegate selection. Thus several states found that it would be easy to comply with the new rules without disturbing the party structure by adopting a primary law. Speaking of the institution of these state primaries, Keech and Matthews write, "In 1972 it allowed state Democratic parties to separate the selection of national convention delegates from the remainder of party affairs and thus escape the organizational and procedural strictures of the McGovern-Fraser Commission."¹¹ Overall, there were twenty-three state primaries in 1972, accounting for almost two-thirds of the delegates. The reason for such a large percentage was that eleven of the twelve largest delegations were selected through primaries. In 1968, there had been only sixteen primaries, electing only a little over forty percent of the convention delegates. Thus, as far as holding down the number of state primaries is concerned, the Commission completely missed the mark.

The reforms of the McGovern-Fraser Commission clearly left its mark upon the Democratic party. After the debacle of the 1972 election, it was evident that further changes would have to be made. The candidate of the "reformed" convention had made a poorer showing than the

candidate of the "corrupt" convention of 1968. Had McGovern or another candidate made a better showing in November, the reforms of the Commission might have survived intact. But this was not to be. In the world of nominating politics, it is electoral success which makes the final judgment. McGovern's massive defeat constituted a rejection of the reforms which bore his name. However, there are several aspects of the reforms which have remained in effect. Probably the most important point which needs to be made is that the reforms represented a direct involvement of the national party organization in the selection of convention delegates. Prior to the McGovern-Fraser reforms, the national party had expressed only minimal interest in the process each state used in determining the members of its delegation. After 1972, it is doubtful if the national party will ever fail to provide specific guidelines for delegate selection. Another important contribution of the reforms concerns the opening up of the process. There is no question but that the Commission unlocked the door to involvement in the nominating process. Having been given a direct taste of participation, local participants will be slow in relinquishing the power conferred upon them by McGovern-Fraser. Likewise, the type of participant was changed by the reforms. No longer will seasoned political veterans dominate the nominating system. The number of first-time and issue-oriented participants increased dramatically between 1968 and 1972.¹² Most of

these "amateurs" were younger participants who were unwilling to compromise over their issue positions. The Democrats' first taste of this type of delegate came in 1968 with the McCarthy supporters. Now, the Commission has made it easier for such a participant to establish a position in the process. Finally, the work of the McGovern-Fraser Commission indicated the Democrats' willingness to deal with identified problems and to change in those areas where change is necessary. Thus, the reforms of the McGovern-Fraser Commission, although they are no longer followed as a whole, represent a turning point in the history of the Democratic party.

VIII

THE AFTERMATH OF 1972

The members of the McGovern-Fraser Commission were never sure that their proposals would work for the Democratic party. One of the major reasons for their apprehension is that "no political scientist or party leader or political journalist enjoys more than a limited and imperfect ability to forecast the consequences of adopting particular reform proposals."¹ It is doubtful that the Commission's proposals would have been completely implemented had the party envisioned the massive defeat of 1972. Once the shock of November had worn off, the Democrats were hard at work revamping the results of the Commission on Party Structure and Delegate Selection. Taking over the work of reform would be the new Commission on Delegate Selection and Party Structure. (The reason for the change in order is unknown.) Selected to chair this group was Councilwoman Barbara A. Mikulski who now represents the city of Baltimore in Congress. In addition to the work of the Mikulski Commission, there was also to be a mini-convention of the party in December of 1974 whose main task it would be to draw up a new charter for the party. Sections of the new charter would deal with participation in party affairs and selection of convention delegates.

Thus it would embody the remaining reforms of the McGovern-Fraser Commission as well as the work of the Mikulski Commission.

There were three main areas in which the Mikulski group needed to concentrate: 1)quotas, 2)minority participation and 3)representation of minority candidates at all levels of the delegate selection process. This last problem needed to be dealt with since the Commission had been instructed by the 1972 convention to do something about the matter. In addition, the Commission would also deal with two minor items -- slatemaking and ex officio delegates. The work of the Mikulski Commission began in the Fall of 1973 and its recommendations were accepted by the Democratic National Committee on March 1, 1974.

The question of quotas before the Mikulski Commission was not one of whether they should be kept. Saddled with the blame for the troubles of 1972, quotas were summarily rejected by the Commission as an effective course of action. The discussion turned to deciding what would replace quotas as the policy of the party towards minority participation. As the party associated with representation of minorities and ethnics, the Democrats could not deny these groups a proper role in party affairs. In the words of the Commission, it was necessary to encourage minorities, women and youth to participate "as indicated by their presence in the Democratic electorate."² The solution which was decided upon instructed that "in all

party affairs, the national and state parties must have an affirmative action program that will encourage full participation of all Democrats with particular concern for minority groups, Native Americans, women and youth."³ The matter of quotas was not left to a footnote which few people would read as it had been with the McGovern-Fraser guidelines. Rather, Article 10, Section 5 of the new party charter was to read:

The goal [of minority participation] shall not be accomplished either directly or indirectly by the national or state Democratic Parties' imposition of mandatory quotas at any level of the delegate selection process or in any other party affairs, as defined in the by-laws.⁴

Thus quotas were replaced by affirmative action. However, it was rather nebulous what affirmative action was required of the state parties. Obviously, efforts were to be made in encouraging participation of the targeted groups; it was not so obvious what shape these efforts should take. Each state was to submit its affirmative action plans to a compliance commission by March 15, 1975 and to implement the plans, as approved, by July 15, 1975. The majority of the plans involved measures to provide adequate publicity for party meetings, campaigns to increase voter registration and special efforts to recruit members of minority groups into activities of the party.⁵ It is important to note that there was not the stated goal of representation of these minority groups on the national convention delegation as there had been in the guidelines of the McGovern-Fraser Commission. Clearly, the Mikulski

Commission was backing away from actual representation of blacks, youth and women.

Meanwhile, there was a shift towards fuller representation of minority presidential candidates. Previously, there had been no provision for proportional representation of these interests. Delegates were selected in such a way that in many cases, candidates with less than 50 percent support at a particular level of the process could be effectively denied representation on the next level. This type of arrangement where the representation of minorities is not continued throughout the process could result in a convention where the final majority of delegates will represent only a minority of the party members throughout the country.⁶ To cope with this problem, the Mikulski Commission recommended that there be a fair reflection of candidate preferences at all levels of the delegate selection process by providing for representation on each higher level to all candidates who receive at least 10 percent support on the level below it. The final figure was ultimately 15 percent. Thus candidates who received 15 percent of the primary vote would have to be represented on the state delegation. In non-primary states, each candidate would have to receive the support of at least 15 percent of the participants in local caucuses in order to be represented at district conventions. This requirement would continue through the final meeting where the state's national delegation would be determined. With

this new guideline, the Mikulski Commission guaranteed that there would be greater representation, not of minority characteristics, but of minority presidential preferences. The forces which had failed to sway the deliberations of the McGovern-Fraser Commission were finally successful with the Mikulski Commission.

There were two other significant changes which the Commission made in the delegate selection process. Perhaps in response to the unseating of Mayor Daley at the 1972 convention on a charge of private slatemaking, the Commission recommended that private meetings could indeed form a slate in those states which require slates on the ballot. However, the prohibition against the designation of any slate as the "official slate" still remained in force. Finally, the Commission ruled that state party organizations could select up to 25 percent of the at-large delegates allocated to its state. However, in the spirit of its earlier action, the Commission stipulated that these selections must "reflect the decision of preference of the publicly selected delegates."⁷

An evaluation of the work of the Mikulski Commission shows that it was not as earth-shaking as that of its predecessor. Indeed, it did not need to be. Much of the basic reform of the earlier commission remained in force, providing stability and fairness to a system which had been lacking both. Where there had been no rules, McGovern-Fraser guidelines instituted them. Where there

had been secrecy and chicanery, McGovern-Fraser guidelines opened doors. The role of the Mikulski Commission was primarily one of turning the Democrats away from those guidelines of the previous commission which had caused the party the most problems and to emphasize representation of interests rather than representation of biological characteristics.

The meeting of the Democrats at Kansas City in December of 1974 was the first party conference held other than to nominate presidential and vice-presidential candidates. The goal of this meeting, which was called a mid-term conference on policy and organization, was to rededicate the party to those principles and ideals it had always supported and to draw up a national charter. Among other things, the charter addressed the matter of nominating conventions. Section 4 of Article 2 expresses the general position of the Democrats concerning delegate selection:

The national convention shall be composed of delegates who are chosen through processes which (I) assure all Democratic voters full, timely and equal opportunity to participate and include affirmative action programs toward that end, (II) assure that delegations fairly reflect the division of preferences expressed by those who participate on the presidential nominating process, (III) exclude the use of the unit rule at any level, (IV) do not deny participation for failure to pay a cost, fee or poll tax, (V) restrict participation to Democrats only and (VI) begin within the calendar year of the convention. . . .⁸

Other sections of the Charter, which are listed in the appendix, deal with other aspects of delegate selection

and nominations in general. The overall tone of these sections is to establish further the authority of the national party in telling the state parties what procedures they may use in the process leading up to the national convention. The significance of these sections is that they embody a permanent set of requirements which will apply to all Democratic conventions in the future. Previously, the rules of delegate selection for a convention were contained in the call for the convention, a document drawn up for that convention alone and binding on no others.

With the work of the Mikulski Commission and the 1974 midterm conference, the Democrats settled on the rules which would be used during the 1976 nominating process. These new rules had to undergo the same test which the McGovern-Fraser guidelines had failed so miserably. With the success of Jimmy Carter's election to back them up, it is doubtful that there will be any significant changes in these rules. The McGovern-Fraser guidelines grew out of the many problems leading up to and surrounding the 1968 convention. The necessity of the Mikulski Commission was evident after the performance of 1972. With its immediate past colored by success, the Democratic party does not see a need for further reform at this time. However, there is much more which still needs to be done. The nominating process is still deficient in several respects. But before discussing future changes, it is time to take a brief look at the other side of the picture.

IX

THE REPUBLICAN EXPERIENCE

The history of reform within the Republican party certainly has not been as active as it has been for the Democrats. Prior to 1968, the last major change was the institution of the bonus vote in 1916. However, the need for reform was not as great for the Republicans. As Anne Armstrong, then co-chairperson of the Republican National Committee, put it, "Many of the reforms the Democrats are just now getting around to discussing were accomplished without fanfare years ago by our own party."¹ Indeed the Republicans had accomplished much. The unit rule, which was finally abolished on all levels of the Democratic process by the Mikulski Commission, was rarely used by Republicans and has never been enforced at their national conventions. Republican delegates were never allowed to be selected prior to the issuance of the convention call, which comes out early in the presidential election year. Thus delegate selection had been timely. And historically, the Republican national organization tended to have more control over a more homogeneous group of state parties. It was the lack of oversight and direction, in addition to the heterogeneity of their party which led to many of the problems among the Democrats.

However, there was one area in which the Republicans had not yet acted prior to 1968 -- the question of discrimination.

The Republican convention of 1968 passed a rule forbidding barriers to participation in the delegate selection process based upon race, religion, color or national origin. To insure that this new rule would be carried out, the convention authorized the formation of a committee composed of selected members of the Republican National Committee. The Delegates and Organization Committee, or the DO Committee, was formed with a double purpose. Besides tackling the problem presented to it by the convention, the group was to make recommendations concerning procedural rule changes for the national convention. Thus the DO Committee was a combination of the efforts of the Democratic McGovern-Fraser Commission and the O'Hara Commission. Unfortunately, there is no published personal account of the group's deliberations along the same lines as the work of Austin Ranney. Therefore, we must rely solely on the recommendations of the DO committee for an explanation of its work.

These recommendations, unlike those of the Democratic commissions, were to be voted on by the national convention rather than the national committee. Thus there would not be any changes in the 1972 convention. Any reform would not become effective until 1976. The committee made a total of ten recommendations which would be

presented to the 1972 convention. Some of these recommendations were similar to the minor reforms urged by the McGovern-Fraser Commission. In this category were changes banning proxy voting, putting an end to required assessments of delegates and alternates, instituting the same manner of selecting delegates and alternates, and prohibiting ex officio delegates. Another recommendation of the DO Committee urged state parties to strive to attain equal representation of men and women in its convention delegation as well as the inclusion of delegates under the age of twenty-five. It is important to note that this last recommendation constituted only a suggestion to the state parties, not a requirement. It was when the Committee tried to force particular action upon the states that it ran into trouble. In an effort to present the Republican party as one representing the interests of all segments of the population, the DO Committee urged that the rules to the convention be changed so that each state would be required to name "one man and one woman, one Delegate under the age of 25, and one Delegate who is a member of a minority ethnic group" to each of the major convention committees.² This attempt to impose "mini-quotas" was not appreciated by most segments of the Republican party, especially after the Republicans were able to see the divisive effects which quotas had wrought on the Democrats at their convention.

When the Republicans finally voted on the

recommendations of the Delegates and Organization Committee, the requirement concerning the membership of the convention committees was defeated. However, most of the other recommendations of the committee became embodied in the rules of the 1976 convention. As expected, the major rule dealing with the issue of discrimination and minority participation was much less restrictive than the guidelines instituted by the Democrats. One section of Rule 32 reads:

The Republican National Committee and the Republican state committee or governing committee of each state shall take positive action to achieve the broadest possible participation by everyone in party affairs, including such participation by women, young people, minority and heritage groups and senior citizens in the delegate selection process.³

However, lest anyone get the wrong impression about the meaning of this particular rule, the Republicans included a section which said, "The provisions of Rule 32 are not intended to be the basis of any kind of quota system."⁴ In addition, state Republican parties would not be required to submit plans which outlined their efforts to achieve the mandate of Rule 32. Therefore, the enforcement of the Republican measures was left up in the air.

Unlike the Democrats, the Republicans were involved in a different type of controversy during their 1972 convention. The main question facing the party was the method of apportioning the seats for future conventions. The fight of 1972 was almost a replay of the 1916 convention except for the fact that the respective sides were arguing

different positions. In 1916, the liberal and moderate faction of the party proposed the bonus vote method of apportionment. In 1972, it was the conservative members of the party who argued to retain the plan adopted in 1916. On the opposite side, the liberals and moderates, led by the Ripon Society, moved for apportionment based primarily on state population. While both sides argued in terms of fairness and democracy, it was clear that each side believed its proposal to benefit potential candidates from its side of the party. Ultimately, the conservative forces were victorious. The significance of this particular fight among the Republicans is that it indicates the importance of apportionment in the nominating process. As different population areas become identified with certain ideological stances, the balance of voting power among the states becomes crucial to the selection of the party's nominee. For example, the "Sunbelt" seems to be the stronghold of Republican conservatism while more moderate Republicans can be found in the more populous Northeast. A method of apportionment which favors population would definitely be an advantage to the moderate wing of the party.

That the Republicans would concentrate on problems of apportionment and the Democrats on problems of increased participation and representation is not surprising. The Democratic party historically is identified as the party of minorities. Thus it was up to it to make certain that these minority groups could play a significant role in

the party's functions. It was this type of thinking which led the party to institute demographic characteristics as the initial basis of representation. On the other hand, the Republican party has never been identified as one actively recruiting the support of different segments of the population. Instead, it has recently been more interested in presenting itself as the representative of a more homogeneous, unified group. Thus efforts in that party have been directed more at asserting an ideological image by strengthening the ties within the party. But perhaps a more accurate analysis of the situation would be that one which centers around electoral performance. The majority of Democratic reform came during those years when the Republicans were in the White House. There is nothing like electoral defeat to spur a party on to take a close look at its procedures and to make changes which hopefully will lead to victory. One observer writes, "It may well be that the passion for changes in the rules always accompanies those who believe that their goals will not be achieved unless the ground rules are modified."⁵ If this analysis is correct, then the years to come will see movement within the Republican party in the direction of reform, while the Democrats sit back and enjoy the fruits of victory.

X

WHY THE CONVENTION

Up to this point, the presidential nominating process has been examined from the viewpoint of past performance and reform. More specifically, I have dealt with the history and development of the national nominating conventions. As the culmination of the presidential nominating process, these gatherings of party members mark the end of "the most elaborate, complex and prolonged formal system of nominating candidates for chief executive in the world."¹ The process begins up to two years before the election and involves intricate machinations in fifty-four separate jurisdictions. But the national convention is more than just the end of a long process; it represents the summit of party power in the United States. "Once assembled and organized, the convention is the repository of all party power, unencumbered in the exercise of that power by past conventions, state laws, court decrees, or its own national committee."² This powerful, seemingly irresponsible body which meets every four years has come under attack from many sides recently. Most of the attacks upon the convention system conclude with a call for a national presidential primary. There has been popular support for the national primary concept, with the Gallup

Poll indicating approximately a 70 percent approval level since 1952. However, proposals in Congress have made little headway. Aspects of the nominating process which center around the national convention, which are worth preserving, and which would not be accommodated by the national primary plan provide the main basis of support for nomination by convention.

Probably the most striking characteristic of the convention, along with the state primaries, caucuses and conventions leading up to it, is that the entire process takes so long. While the first caucuses are held during the January of the convention year, candidates start making moves as much as two years prior to the convention.³ George McGovern declared his candidacy for the Democratic nomination of 1972 in January of 1971. He must have started to think seriously about the presidency six months before, and he may have had it on his mind soon after the 1968 convention. Presidents who are serving their first terms begin to think about re-election the first time they sit in the Oval Office. Aides to Jimmy Carter speak about what the President will do in eight years rather than the four of his designated term. Nevertheless, the formal process lasts from January to late summer -- some seven to eight months. Critics compare the American system to some parliamentary government such as Great Britain's where the time between the declaration of new elections and the day of balloting is as little as two months.

Perhaps the major advantage to the extended nature of the process is that it allows adequate time for narrowing the field of candidates down to a manageable number before a final selection needs to be made. In parliamentary systems, the choice is usually between two parties and their respective leaders who have been chosen prior to the election. In the United States, the initial field of candidates may total close to twenty. In the 1976 battle for the Democratic nomination, Bayh, Shriver, Shapp, Jackson, Harris and others were eliminated in the early primaries and caucuses. While these candidates did not directly endorse any of the leading candidates, there was still time for their supporters to work for the others during the balance of the nominating process. This coalition of former opponents in support of the remaining candidates represents the first step in the unifying process within the party. Hopefully, it will culminate in the total support of the nominee. This tendency towards unity would not be present if the nominee were selected in a national primary. All of the candidates would be in the race up to the last minute and perhaps would be so embittered by a close defeat that future support of the winner might not be forthcoming. Gerald Pomper explains the reason for this absence of unity on the basis of the type of candidate who would emerge victorious from a national primary. He writes, "The task of unifying the parties would be further complicated by the likelihood that the primary victor

would represent a particular faction, rather than a moderate compromise choice."⁴ Pomper seems to be correct in his observation that national primary winners would most likely be an extreme candidate (or at least perceived as such by the rest of the party) and thus undeserving of blanket support. A national primary would most likely draw a fair number of candidates with one or two at either end of the political spectrum and the rest bunching up in the middle. These moderate candidates would split the vote among the middle-of-the-road segment of the electorate, thus giving the extreme candidates, one from each end, a place in the runoff, since no candidate would be likely to receive the required majority. It is not hard to accept the fact that candidates receive less support from their party the further they are from the political center. George McGovern, the nominee of a convention which did not rally round its candidate, lost support primarily because of his liberal positions, although some loss of votes can be attributed to his handling of the Eagleton affair.

Most conventions close with a strong sense of party unity, which carries over into the fall campaign. The Democratic convention of 1976, which came at the end of a process involving one of the largest groups of active candidates, was pervaded with unity from the very start. Carter was fortunate to have the nomination in his hands before the convention began and thus could direct his efforts towards coalescing different segments of the party

behind his candidacy. Thus this convention, like most in the past, achieved what some say is its main goal -- "to select candidates of each party in such a way as to unite the party for the election contest to follow."⁵

The basic reason why the convention system fosters party unity while the national primary would not is that the former centers around the concept of compromise while the second leaves little room for this necessary political component. Prior to the convention, each of the candidates can get an idea concerning his potential vote strength and can appraise his chances of winning. A group of candidates, each of whom lacks enough support to win the nomination, could possibly join forces in order to control the nomination. Included in the arrangement would be concessions from all sides which would form the basis for unity after the convention.

The situation would be different under a national primary system. Very few candidates would be able to assess their strengths or weaknesses prior to the vote. If they did think that they had little support, candidates would hesitate to admit it. Therefore, there would not be the opportunity for candidates to join forces against the front runner, making compromises along the way. A candidate cannot control votes the way he can control his convention delegates. In addition, there would not be the chance for the entire party to compromise behind a dark-horse candidate should a true stalemate occur. Rather

than going outside the body of announced candidates for a nominee who might satisfy a lot of party followers, the best the national primary system can do is have a runoff involving the top two or three candidates. This situation could result in a nominee who was originally satisfactory to only a small segment of the party. A convention's greatest asset, something which is absent in a primary system, is its ability to be flexible and adaptable to a whole range of situations.

Another reason which supports the convention system over the national primary centers around the federal nature of the American system. Just as the United States consists of a national government along with state and local governments, the major political parties have a national structure as well as state and local organizations. The convention system allows each state party to determine nominee preference in its own way within established guidelines. A national primary would preclude the participation of the state and local parties on a national level. Yet this participation does present some problems. Due to the federal nature of the American system, there are certain divergent interests among members of the same party; therefore, in order to settle these differences, "some sort of party conference is necessary to provide an opportunity for conciliation, deliberation, and compromise of differences."⁶ Hence, the national convention can be seen as a necessary outgrowth of the federal system.

Presently, delegates are selected in one of three general ways: by primary, state convention or a series of local caucuses. There are several different forms that each of these three can take. The basic point is that under the convention system, there are numerous ways to determine presidential preference, while the national primary would offer only one choice. The mixed system is desirable for several reasons. The first two concern the desirability of expanding the candidate pool so that the system is open to more types of candidates. The current system performs this function in two ways which would be absent if there were a national primary. First of all, since the states select delegates on a staggered basis, a candidate can build up his support after coming from an unknown position. Jimmy Carter has become the prime example of this type of candidate. It is doubtful if Carter or another candidate of equally unknown status could gather enough support to win a one-shot national primary. The current system allows candidates like Carter to start on a local basis such as the Iowa caucuses or the New Hampshire primary and increases his stature until he gets into the national spotlight. The national primary would be biased towards those candidates who had already achieved national recognition. A similar argument can be made with reference to the financing of presidential campaigns. Under the present structure, a candidate can start running with a relatively small amount of money with

the hope that large contributions will be forthcoming if and when he achieves preliminary success. If he fails from the start, he will be unable to continue due to lack of funds. This is the way the natural weeding-out process should operate. With a national primary, necessitating a national campaign more rigorous than the one prior to the General Election, candidates would have to have access to great amounts of money from the start. In addition, there would not be any measure of past success on which candidates can base pleas for financial support. Once again, the national primary system is biased towards a particular type of candidate -- the one with a lot of money.

Another asset of the mixed system is that it provides a better test of the presidential aspirants than a national primary would. This point is based on the assumption that it is possible to get some indication of presidential qualities from the nominating process. While the campaign prior to a national primary would be just as grueling if not more so than the present mixed system, the latter calls for the use of a combination of political skills which would be needed in the White House. Primaries basically gauge the popularity of the candidates, while conventions and state caucuses require the candidates to work closely with other politicians in order to build support. In addition, primaries lead to only a casual examination of the candidates by the general public. The political regulars who participate in but cannot

entirely control the state conventions and caucuses would tend to take a closer look at the merits of the candidates and their fitness for office. Thus the mixed system provides a closer and more balanced look at the prospective candidates than would the national primary. A candidate is exposed to both popular opinion through the several state primaries and the demands of party politics through the state conventions.

One of the major points which proponents of the national primary constantly make is that it would produce an accurate representation of the nation's presidential preferences. While this assertion appeals to our democratic senses and may be true, we have no way of telling whether it is correct. The only studies concerning turnout and representation in presidential primaries are based on state primaries. Interestingly, these studies show just the opposite of what would be expected. One concludes, "It is clear that presidential primary electorates, like those in primaries for lesser offices, are demographically quite unrepresentative of their nonvoting fellow partisans."⁷ With respect to representation of political interests, the conclusion is quite the same. "Presidential primary electorates are also unrepresentative in issue orientation, at least to the degree that differences in the intensity with which opinions are held are politically as significant as differences in the direction of those opinions."⁸ Thus it is clear that presidential primaries

fall well short of any ideal of perfect representation. While the mixed system is not any more representative than a national primary would be, we cannot afford to give up the known benefits of the mixed system for a promise of greater democracy which may remain unfulfilled.

While the main job of the national convention is to determine the party's nominees, there are other important functions which the quadrennial gathering performs. We have already mentioned the importance of tying the distinct state parties together. In addition, the convention represents the beginning of the campaign and provides the public with an eyewitness view of the workings of the political process. The parties draw up their platforms at the convention and thereby present their basic policy positions to the public. Furthermore, the conventions in the past have made important decisions dealing with the workings of the parties. Were a national primary to replace the convention as the mode of nomination, the performance of these functions would likely be left to the national committee, thereby removing them from the public. By combining these activities with the preeminent task of presidential nominations, they are given the importance and public access they deserve and require.

The final argument in favor of the national nominating convention is that it has usually resulted in the selection of capable leaders. While it would be difficult

to attribute the quality of some nominees to the method of nomination, it is fair to say that the national convention has earned its rightful spot among America's traditional political institutions. The acceptance which the convention has received has afforded it a sense of legitimacy as the way to nominate presidential candidates in the United States. The national nominating convention began with the undisciplined and unorganized meetings of the 1830's and has developed into a stable institution surviving the test of time. However, this development has not occurred without some basic changes in the convention. It is the ability to adapt and improve which recommends the convention system over the static concept of a national primary.

The national nominating convention has shown itself to be superior to the concept of a national primary. The convention promotes unity within the party. It provides a fairer process for all potential candidates and leads to a better testing of these candidates. The convention supports the federal nature of our government and party system while performing important duties other than nomination of candidates. It is questionable if the main asset of the primary -- increased representativeness -- would actually be realized. Finally, the national nominating convention is a dynamic tradition which makes a healthy contribution to the American system.

XI

A FINAL ASSESSMENT

"Within the limits of American institutions," Gerald Pomper writes, "the parties have evolved a functional nominating system."¹ In the course of this paper, there has been an analysis of the evolution of this system, beginning with the national conventions of 1832 and concluding with the latest reforms of 1976. In order to complete my task, I must turn my attention to the future. However, I do not propose to predict the further changes of either the Democrats or Republicans. Rather, I intend to suggest additional reforms which need to be made if the national convention is to remain a viable method of selecting this country's presidential candidates. These suggestions arise from a hope to eliminate several deficiencies which still exist in the presidential nominating system.

At present, there are several conditions which detract from the process leading up to and including the national convention. While the reforms of the past several years, especially a majority of those instituted by the Democrats, have gone a long way in improving the state of our current system, there is still work which needs to be done. Changes are needed in order to contribute to the democratic nature of the system, as well as its efficiency and equality.

These standards apply both to the process prior to the convention and the convention itself. Not only must the national convention perform its functional duties ascribed to it by the parties, but it must perform them in such a way as to conform to the expectations and requirements of American society.

Democracy has long been the guiding concept of the American experience. Although we are not quite sure of the degree of democracy which we want reflected in our political institutions, we do know when there is not enough present. One of the standard arguments against the convention system is that it does not reflect democratic principles. Criticism, much of which has been legitimate, has revolved around three areas of the democratic ideal: participation, representativeness and accountability. It is true that in the past the convention delegations were mostly selected and controlled by the dominant forces of the party. Much of the work of the McGovern-Fraser Commission has dispelled the effect of these forces in the Democratic party. The requirement for open meetings and the prohibition of discrimination has opened the way for increased participation by all interested party members. There were signs during the 1976 pre-convention period that the local caucuses and meetings which in the past were dominated by party regulars are now the scene of significant grass roots participation. In those states which have primaries, the problem of participation is not as

acute. With the civil rights legislation of the past fifteen years, it can be assumed that every qualified voter is allowed to cast a ballot. However, there is a problem concerning the matter of primary voting. There must be a standard to determine which party ballot a person should have a right to vote on. Since presidential primaries are party affairs, I feel that actual party membership should be the sole criterion for making the determination. In other words, crossover voting should not be allowed. Neither should registered independents be allowed to vote in primaries. This requirement would necessitate those states which do not have partisan registration to institute such a procedure.

If the delegates are not allowed to participate fully and effectively in the convention's decision-making, the degree of participation in the selection of these delegates does not make a difference. Major decisions having a direct bearing on the selection of the nominee and the determination of party policy should be left to an open vote of the convention delegates. While it is necessary that certain administrative decisions be made by the party hierarchy, it is important to insure that this power does not carry over into the official business of the convention. Delegates should not be bound by any restrictions to vote against their consciences, except as part of a legal obligation to a particular candidate. In this case, the pledge need only apply to presidential ballots.

A second aspect pertaining to the democratic nature of the nominating system is the degree of representativeness which the system embodies. Not only must we decide how much representation is ideal, but we must first decide what is to be represented. During the discussion of the institution of quotas by the McGovern-Fraser Commission, the difference between demographic representation and representation of presidential preference was examined. That the Mikulski Commission rejected the quota system in favor of proportional representation of presidential preference is a good sign of the presence of a democratic viewpoint. Participation of all segments of the population is to be allowed and encouraged; however, it is not proper to force this upon the party. The role of the convention is to select a presidential candidate representative of party opinion, not to provide an opportunity for the party to highlight its concern for all segments of society by embracing all groups as delegates. Presidential preference is best indicated by the results of party members' participation in primaries and caucuses, not by the perfect reflection of biological characteristics on the convention floor.

There are two general methods used to select delegates to the national convention who will represent the party members of the particular state. These are presidential primaries and state conventions preceded by local meetings and caucuses. There are numerous adaptations

upon the basic ideas of both of these processes. For example, primaries can differ according to several factors such as access to the ballot, binding nature of the primary and preferential or advisory status. There were thirty-one primaries in 1976, each different from the other. Obviously, some of these primaries are more representative than others. The same is true of state convention and caucus systems. Some of these systems make partial use of primary elections. In addition, the systems can differ according to the number of steps between the first and final levels. Both of these systems, the primary and convention, can also allow the outright appointment of some portion of the delegation.

The merits of state primaries versus conventions are rather difficult to weigh. There seems to be several advantages and disadvantages to each. It is the combination of both of these systems culminating in the national convention which recommends the convention over the national primary. However, if we are to allow a mixed system, I think that it is important that both of these processes be made as representative as possible. Therefore, I would suggest that the national parties be bound to implement a model primary and a model state convention system which maximizes the representativeness of the system. However, in order to preserve the federal nature of the parties, each state should continue to select the type of system it will use and to determine the date or dates of primaries

and meetings.

The form which the model primary and convention system should take can be a question of great debate. On the basis of past and present examples of these two types of delegate selection, I think it is possible to identify several desirable and undesirable characteristics. Remember that the value to be served is the increase of representativeness so that the nominating process might be more democratic.

One problem of many of the primaries is that they do not provide for an accurate representation of the voters' preferences. In some states, the primary is in reality two primaries, one to elect delegates and the other to indicate presidential preference. The results of these two separate ballotings can be entirely contradictory. A good example of this was the Maryland primary of 1976. In the presidential preference vote, Jerry Brown received 48 percent of the votes compared to 37 percent for Carter, 5 percent for Udall and 2 percent for Jackson. However, since Brown entered the race too late, he did not have time to file slates for the delegate elections. The result of this election showed 32 delegates for Carter, 10 for Jackson and 7 for Udall! In order to prevent occurrences like this in the future, double balloting should be prohibited. Our model primary should call for a single indication of presidential preference through a vote for a candidate's slate of delegates. Delegate slates pledged

to a particular candidate would be allowed on the ballots only after receiving the permission of the candidate. In addition, uncommitted delegates could form a slate and file for a ballot position after meeting certain requirements. Under such a system, no candidate would be represented on the ballot without his specific approval. The final determination of delegates should be along the lines of proportional representation. Since the political make-up and preferences of a state can vary greatly, voting should be counted on the basis of congressional districts rather than on a statewide basis. The 15 percent figure established by the Democrats as the minimum amount of support necessary to be awarded delegates seems to be a reasonable one. A primary set up along these lines would serve two purposes. While it would provide an accurate representation of voter preferences, it would also indicate the direct strength which each candidate has in separate areas of the country.

While state primaries should be broken down into congressional districts, it would be necessary to begin the process leading to the final selection of delegates in caucus states on a more local level. I would suggest a three tier process with the initial set of caucuses occurring at the precinct level. Delegates would be elected in proportion to the support for their candidate to participate in county meetings. At the second level, representatives would be selected to proceed to

congressional district meetings. This would be the last step in the process. The national convention delegates for that district would be selected at that meeting on the basis of proportional strength. Once again, throughout the process, 15 percent would be the minimum amount of support necessary for delegates pledged to a particular candidate to progress to the next level. The necessity of state conventions has been eliminated so that the unit of representation will remain the congressional district, just as it is in those states with primaries. The rules surrounding each of these caucuses should correspond to those put forth by the McGovern-Fraser Commission. For both the state primary and caucus system models, there should be no provisions for at-large delegates which would be appointed by the state party. Neither should there be any ex officio delegates. Both of these practices work to move the decision of presidential nomination further from the people.

There still exists one other problem which must be solved if our system is to be truly democratic. Not only must the delegates be representative of their constituencies, but there must be some provision for accountability. However, since a delegate does not face re-election, he is not threatened by the possibility of future defeat. Therefore, special measures need to be taken in order to insure that the delegates will carry out their entrusted mandates. To this purpose, I would implement a policy whereby each

pledged delegate is bound to vote for his or her candidate through the first three ballots. If at any time the candidate fails to receive 15 percent of the total convention votes, his delegates would be released. Finally, a candidate can release his delegates at any time. At no time would delegates be required to vote according to specific directions on any procedural or platform votes of the convention. Nor can they be formally instructed to vote for another candidate. Delegates who had been duly elected in primaries or selected through the convention process as uncommitted would be allowed to vote in any manner at all times. Only through strong enforcement of binding requirements can accountability be preserved in the national convention.

A companion of the concept of democracy is that of equality. As far as the nominating system is concerned, equality brings to mind the question of vote apportionment. The importance of apportionment was discussed earlier. Apportionment must be dealt with not only with respect to the national convention and the respective delegations, but there is also the task of apportioning the votes within each state. The problem of apportionment centers around the task of assigning equal weight to each delegate vote. The ideal situation is to make each vote represent the same contribution of party support in electoral contests. Since conventions are party meetings, apportionment should not be based solely on

population. With the institution of bonus votes, apportionment has been based on a combination of state population and party strength. I argue that apportionment should depend solely on the strength of the party in each state vis à vis the other states. However, any such plan would necessarily reflect the differences in state populations since most large states would likely have a greater number of party members than smaller ones.

The difficulty arises in trying to accurately determine party strength within a particular state. There are several indicators of this including party registration, votes received in local and state races, votes received in past presidential elections or a combination thereof. An example which shows the complexity of determining party strength can be found in the rule governing apportionment for the 1976 Republican convention. Delegates were granted to a state on the basis of the number of Republican members in the House of Representatives, Republican Senators and Governors, and the outcome of the voting in the 1972 presidential election. Each of these indicators of party strength, other than registration, is necessarily based on previous conditions and therefore is suspect as an indicator of present party strength. Registration is not presently used because all states do not require partisan registration. However, even if partisan registration was mandatory, registration figures would not accurately reflect party strength on a national level due to the

difference in state parties and their national counterpart. In other words, local conditions might result in registration in favor of one party while presidential election figures might indicate greater support for the other party. For a similar reason, election results from congressional, senatorial and gubernatorial races should not be used in apportioning votes to a presidential nominating convention. If we are to base party strength on past elections, results from presidential elections are the only relevant figures.

Under my proposal, delegate votes should be apportioned according to the following specifications. The base number of delegates would be set at a reasonable figure -- for example, 1,000. These delegates would be divided according to the proportion of the popular vote each state contributed to the party's nominee in the previous election. Thus, if New York supplied 10 percent of the total vote for the Democratic candidate, the state would be given a base of 100 delegates. However, since the president is elected by electoral votes, there should be a provision for bonus votes being awarded to states who cast their electoral votes for the party's nominee. I would propose bonus delegates totaling 50 percent of the electoral votes the state casts for the party's candidate. If the Electoral College is abolished, so should the provision for these bonus votes. Finally, no state would be assured of the same number of delegates which it had received in any

previous convention. Thus a convention might have fewer delegates than the one prior to it. A comparison between actual vote apportionment and apportionment according to this plan for a previous convention is shown in Appendix III.

An analysis of this table shows some important points. While it is logically possible for a state to fail to earn a convention seat, it is highly unlikely that such would ever happen. For this to be the case, a state would have to supply less than .05 percent of the nominee's popular vote. Delegations which would not be represented under this new plan and which currently are would be those from the territories. These areas do not have a valid claim for contributing to the determination of the nominee since they do not vote in presidential elections. Finally, while relative voting strengths would vary from convention to convention, it is unlikely that any one area of the country would be able to dominate the nominating process. If the plan had been used in the 1972 Democratic convention, the Northeast would have had the greatest power. However, this would have comprised only 36 percent of the votes.

Apportionment of the delegates within each of the states would also rely upon results from the previous presidential election. Congressional districts would be awarded delegates in proportion to the amount of the state party total which that district had supplied. Remember

that there would be no at-large delegates or delegates awarded for elected party officials. It is obvious that this plan entails a great change, but I feel that this plan would bring about a more equitable distribution of votes based on the most accurate indication of relative party strength that is available. In addition, a system which does not insure a minimum number of delegates on any level will not result in complacency on the part of party officials. Instead, local and state party organizations would be encouraged to produce votes for the party's candidate by the promise of a reward of more delegates at the next national convention.

Finally, we come to the third value which should be served by the national nominating system -- efficiency. When speaking of efficiency, we must direct our attention to the goal of the convention -- the selection of capable and attractive candidates to represent the party in the general election. Once again, we must distinguish between the time prior to the convention and the convention itself. In the discussion supporting the existing mixed system, the tendency of the system to test the political capabilities as well as the popularity of the candidates was identified as a major advantage. In addition, the length of the nominating process leaves the candidates open to the utmost scrutiny from all sides. Unfortunately, there is no test of executive abilities which can be built into any system. All things considered, the major candidates for

the presidency are tested in an efficient manner. Thus no changes, are needed in, this regard.

The story is just the opposite when it comes time to select a vice-presidential candidate. The standard procedure is for the presidential nominee to meet with his advisors the night before the last day of the convention and go over a list of possible running mates. Too often, politics plays a preeminent role to the detriment of a rational selection of a capable candidate. In addition, the background of the potential running mate is not thoroughly explored. Hence you get disastrous selections such as Senator Eagleton in 1972. The office of vice president is an important one and the selection of nominees ought to be carried out in a manner consistent with the importance of the office. Jimmy Carter carefully screened each of the individuals he was interested in and selected a man totally qualified for the job. Unfortunately, all nominees do not have the luxury of locking up the nomination well before the start of the convention. Therefore, the selection of the vice-presidential nominee should be delayed until after the convention. Since it is the custom to ratify the choice of the presidential nominee, there would be no great loss in removing this power from the national convention. Instead, the national committee can confirm the choice after the presidential nominee has had a chance to examine the field of possible running mates. This should give the presidential nominee enough time to

combine political considerations with an analysis of the capabilities of the various candidates in order to make a reasoned selection.

The environment surrounding the present method of selecting the vice-presidential nominee is just one indication of the inefficiency present in the actual running of the convention. Great numbers of delegates and alternates fill the convention floor, adding to the general confusion in the minds of all concerned. It is difficult for a delegate to follow the events of the convention and thus to make rational decisions when called upon to do so. It is not necessarily the case that the more the delegates, the better. "Apportionment rules and delegate selection procedures," Judith Parris reminds us, "provide a much better test of a party's representativeness than does the number of participants."² Efforts should be made to reduce the size of the convention. This was one of the prime factors in setting the base number of delegates in the proposed apportionment scheme at a relatively low number -- 1,000. In addition, the number of alternates can significantly and easily be reduced by allowing only one alternate for every two delegates. It is rare when an alternate actually casts a vote on the convention floor and thus his presence is not entirely necessary. With a significant reduction in the number of delegates and alternates, the conventions should become much more manageable than they are at the present time. While a reduction in

the size of the convention will strip party leaders of the opportunity to reward the party faithful with a seat on the convention floor, I feel that the demand for greater efficiency requires that this particular fat be trimmed away.

In the past, reform of the national nominating convention has been strictly a party concern. In fact, it was the parties themselves who instituted the national convention as the means of selecting the presidential nominee. Reform of the convention has usually been a result of a party's attempt to recoup for past failures at the polls. At other times, reform arises from a split within the party itself. Historically, one party will undergo a period of reform while the other party will lag behind. The suggestions concerning further convention reform apply equally to both parties. We cannot expect both to move towards the goals which have been proposed at the same time. Thus my final proposal is for the implementation of these guidelines through federal legislation. Only through the passage of statutory requirements can we be sure that the parties will institute these reforms. This may sound like a radical way of doing things, but I believe that it is totally within the bounds of justified federal action. The presidency is a national office and all laws dealing with the selection of the man who will fill that office should come under the jurisdiction of the federal government. The nominees of the two

major parties automatically receive their valuable places on the election day ballot. Thus it is not unreasonable to expect these parties to follow certain procedures in determining which names will fill the spots. Since both parties would be subject to the same requirements embodied in the law, it is difficult to envision an instance where the majority party could use the regulations against the other party.

"The actual consequences of party reform," Austin Ranney warns, "are, in the future as in the past, likely often to disappoint their advocates, relieve their opponents, and surprise a lot of commentators."³ The response to the reforms of the McGovern-Fraser Commission certainly is a prime example of what Ranney is talking about. Another caution comes from Edward C. Banfield. Reforms, he says, "are always accompanied by others that we do not intend. These others may occur at points in the system far removed from the one where the change was initiated and apparently unrelated to it."⁴ The work of the Mikulski Commission was important because it identified the weak points of the McGovern-Fraser guidelines and steered the party towards a more reasonable and acceptable approach to the selection of convention delegates.

We must take the analyses of both Ranney and Banfield to heart. We can never be sure exactly what will result from the changes I have proposed. I hope that, when instituted, they will alter the presidential nominating

process in such a way as to make it more democratic, equitable and efficient." However, we can not become complacent in assuming that we have found the perfect solution. Rather, we must always be on watch for unexpected developments which might necessitate further change. Finally, we must not hesitate to reform the system just because it is the way things have always been done. Otherwise, we might degenerate back to the time when it was the Boss Tweeds who did the nominating.

APPENDIX I

A SUMMARY OF THE GUIDELINES OF THE McGOVERN-FRASER COMMISSION

The Guidelines are divided into two broad classifications, one in which the Commission requires certain action by state Parties, and one in which the Commission urges action by the Parties.

The following is a summary of the guidelines the Commission requires state Parties to adopt. "Requires" means that the stated purpose is within the "full, meaningful and timely opportunity" mandate of the 1968 Convention, and that the Commission considers the accomplishment of the stated purpose to be the minimum action state Parties must take to meet the requirements of the Call of the 1972 Convention. These Guidelines are meant to apply at all levels of the process by which delegates and alternates are selected.

1. Adopt explicit written Party rules governing delegate selection.
2. Adopt procedural rules and safeguards for the delegate selection process that would:
 - a. forbid proxy voting.
 - b. forbid the use of unit rule and related practices like instructing delegations.
 - c. require a quorum of not less than 40% at all Party committee meetings.
 - d. remove all mandatory assessments of delegates to the National Convention.
 - e. limit mandatory participation fees to no more than \$10, and petition requirements to no more than 1% of the standard used to measure Democratic strength.
 - f. ensure that in all but rural areas, Party meetings are held on uniform dates, at uniform times, and in public places of easy access.
 - g. ensure adequate public notice of all Party meetings involved in the delegate selection process.
3. Seek as broad a base of support for the Party as possible in the following manner:
 - a. Add to the party rules and implement the six anti-racial-discrimination standards adopted by the Democratic National Committee.
 - b. Overcome the effects of past discrimination by

affirmative steps to encourage representation on the National Convention delegation of minority groups, young people and women in reasonable relationship to their presence in the population of the State.

c. Allow and encourage any Democrat of 18 years of age or older to participate in all Party affairs.

4. Make, where applicable, the following changes in the delegate selection process:

a. Select alternates in the same manner as prescribed for the selection of delegates.

b. Prohibit the ex-officio designation of delegates to the National Convention.

c. Conduct the entire process of delegate selection in a timely manner, i.e., within the calendar year of the Convention.

d. In convention systems, select no less than 75% of the total delegation at a level no higher than the congressional district and adopt an apportionment formula which is based on population and/or some standard measure of Democratic strength.

e. Apportion all delegates to the National Convention not selected at large on a basis of representation which gives equal weight to population and Democratic voting strength based on the previous presidential election.

f. Designate the procedures by which slates are prepared and challenged.

g. Select no more than 10% of the delegation by the State committee.

The following is a summary of the Guidelines the Commission urges state Parties to adopt. "Urges" means that the stated purpose is within the Commission's mandate, that the Commission considers the accomplishment of the stated purpose by the state Parties to be desirable, but that the Commission is not prepared to require such action before the 1972 Convention.

1. Remove all costs and fees involved in the delegate selection process.

2. Explore ways of easing the financial burden on delegates and alternates and candidates for delegates and alternates.

3. Assess the burden imposed on a prospective participant in the delegate selection process by registration laws, customs and practices, and make all feasible efforts to remove or alleviate voter registration laws and practices which prevent the effective participation of Democrats in the delegate selection process. These restrictive laws and practices include annual registration requirements, lengthy residence requirements, literacy tests, short and untimely registration periods, and infrequent enrollment sessions.

4. Provide for party enrollment that (a) allows

non-Democrats to become Party members and (b) provides easy access and frequent opportunity for unaffiliated voters to become Democrats.

5. Terminate all selection systems which require or permit party committees to select any part of the state delegation.

6. Adopt procedures which will provide for fair representation of minority views on presidential candidates. (The Commission has also recommended that the 1972 Convention adopt a rule requiring state Parties to provide representation to minority political views to the highest level of the nominating process. Recognizing the overwhelming importance of this issue, the Commission will make every effort to stimulate systematic public discussion of it now and at the 1972 Democratic National Convention.)

Source: Mandate for Reform: A Report of the Commission on Party Structure and Delegate Selection to the Democratic National Committee, printed in Congressional Record, 22 September 1971, 117:32908.

APPENDIX II

EXCERPTS FROM

THE NATIONAL CHARTER OF THE DEMOCRATIC PARTY

DEALING WITH

DELEGATE SELECTION AND AFFIRMATIVE ACTION

Article II, Section 2:

State party rules or state laws relating to the election of delegates to the national convention shall be observed unless in conflict with this charter and other provisions adopted pursuant to authority of the charter, including the resolutions or other actions of the national convention.

In the event of such conflict with state laws, state parties shall be required to take provable positive steps to bring such laws into conformity and to carry out such other measures as may be required by the national convention or the Democratic National Committee.

Article II, Section 4:

The national convention shall be composed of delegates who are chosen through processes which (I) assure all Democratic voters full, timely and equal opportunity to participate and include affirmative action programs toward that end, (II) assure that delegations fairly reflect the division of preferences expressed by those who participate in the presidential nominating process, (III) exclude the use of the unit rule at any level, (IV) do not deny participation for failure to pay a cost, fee or poll tax, (V) restrict participation to Democrats only and (VI) begin within the calendar year of the convention. . .

Article X, Section 3:

In order to encourage full participation by all Democrats, with particular concern for minority groups, native Americans, women and youth, in the delegate selection process and in all party affairs, as defined in the by-laws, the national and state Democratic Parties shall adopt and implement affirmative action programs.

Article X, Section 5:

The goal shall not be accomplished either directly or indirectly by the national or state Democratic Parties' imposition of mandatory quotas at any level of the delegate selection process or in any other party affairs, as defined in the by-laws.

Article X, Section 6:

Performance under an approved affirmative action program and composition of the convention delegation shall be considered relevant evidence in the challenge of any state delegation

If the state party has adopted and implemented and approved and monitored an affirmative action program, the party shall not be subject to challenge based solely on delegation composition or solely on primary results.

Article XI, Section 8:

To assure that the Democratic nominee for the office of president of the United States is selected by a fair and equitable process, the Democratic National Committee may adopt such statements of policy as it deems appropriate with respect to the timing of presidential primaries and shall work with state parties to accomplish the objectives of such statements, provided, however, that such statements of policy shall not be deemed to be binding upon any states in which the state laws are in conflict with such statements.

Source: National Charter of the Democratic Party, printed in Congressional Quarterly, December 14, 1974, pp. 3334-36.

APPENDIX III

A COMPARISON BETWEEN ACTUAL APPORTIONMENT
AND PROPOSED APPORTIONMENT IN THE
DEMOCRATIC CONVENTION OF 1972

<u>STATE</u>	<u>ACTUAL NO.</u> <u>OF DEL.</u>	<u>VOTING</u> <u>STRENGTH</u> (%)	<u>PROPOSED NO.</u> <u>OF DEL.</u>	<u>VOTING</u> <u>STRENGTH</u> (%)
ALABAMA (S)	37	1.2	6	.5
ALASKA (W)	10	.3	1	.09
ARIZONA (W)	25	.8	5	.4
ARKANSAS (S)	27	.9	6	.5
CALIFORNIA (W)	271	9.0	104	9.4
COLORADO (W)	36	1.2	11	1.0
CONNECTICUT (E)	51	1.7	24	2.2
DELAWARE (E)	13	.4	3	.3
DISTRICT OF COLUMBIA (E)	15	.5	6	.5
FLORIDA (S)	81	2.7	22	2.0
GEORGIA (S)	53	1.8	11	1.0
HAWAII (W)	17	.6	7	.6
IDAHO (W)	17	.6	3	.3
ILLINOIS (M)	170	5.7	65	5.9
INDIANA (M)	76	2.5	26	2.4
IOWA (M)	46	1.5	15	1.4
KANSAS (M)	35	1.2	10	.9
KENTUCKY (S)	47	1.6	13	1.2
LOUISIANA (S)	44	1.5	10	.9
MAINE (E)	20	.7	9	.8
MARYLAND (E)	53	1.8	22	2.0
MASSACHUSETTS (E)	102	3.4	54	4.9

<u>STATE</u>	<u>ACTUAL NO.</u> <u>OF DEL.</u>	<u>VOTING</u> <u>STRENGTH</u> (%)	<u>PROPOSED NO.</u> <u>OF DEL.</u>	<u>VOTING</u> <u>STRENGTH</u> (%)
MICHIGAN (M)	132	4.4	62	5.6
MINNESOTA (M)	64	2.1	32	2.9
MISSOURI (M)	73	2.4	25	2.3
MONTANA (W)	17	.6	4	.4
NEBRASKA (W)	24	.8	5	.4
NEVADA (W)	11	.4	2	.2
NEW HAMPSHIRE (E)	18	.6	4	.4
NEW JERSEY (E)	109	3.6	40	3.6
NEW MEXICO (W)	18	.6	4	.4
NEW YORK (E)	278	9.3	130	11.8
NORTH CAROLINA (S)	64	2.1	15	1.4
NORTH DAKOTA (M)	14	.5	3	.3
OHIO (M)	153	5.1	54	4.9
OKLAHOMA (W)	39	1.3	10	.9
OREGON (W)	34	1.1	11	1.0
PENNSYLVANIA (E)	182	6.1	89	8.1
RHODE ISLAND (E)	22	.7	10	.9
SOUTH CAROLINA (S)	32	1.1	6	.5
SOUTH DAKOTA (M)	17	.6	4	.4
TENNESSEE (S)	49	1.6	11	1.0
TEXAS (S)	130	4.3	54	4.9
UTAH (W)	19	.6	5	.4
VERMONT (E)	12	.4	2	.2
VIRGINIA (S)	53	1.8	14	1.3
WASHINGTON (W)	53	1.7	25	2.3
WEST VIRGINIA (S)	35	1.2	16	1.5
WISCONSIN (M)	67	2.2	24	2.2
WYOMING (W)	11	.4	1	.09

RELATIVE STRENGTHS OF GEOGRAPHICAL AREAS

	<u>EAST</u>	<u>SOUTH</u>	<u>MIDWEST</u>	<u>WEST</u>
ACTUAL	29.2	22.6	28.2	20.0
PROPOSED	35.7	17.2	29.1	18.0

FOOTNOTES

INTRODUCTION

¹William M. Tweed, quoted in George S. McGovern, "The Lessons of 1968," Harper's, January 1970, p. 43.

²According to Congressional Quarterly of October 16, 1976, the more well-known minor party candidates had earned places on the ballots in the following numbers of states including the District of Columbia: Roger MacBride, 32; Eugene McCarthy, 30; Peter Camejo, 28; and Lester Maddox, 19.

³Judith H. Parris, The Convention Problem (Washington, D.C.: The Brookings Institution, 1972), p. 13.

⁴McGovern, p. 44.

I

¹For an interesting account of the use of power by chief executives from Taft to Nixon, as well as their approaches to the office of President see James David Barber, The Presidential Character (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1972).

²Donald R. Matthews, "Presidential Nominations: Process and Outcomes" in James David Barber, ed., Choosing the President (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1974), p. 37.

³Stephen Hess, The Presidential Campaign: The Leadership Selection Process after Watergate (Washington, D.C.: The Brookings Institution, 1972), p. 32.

⁴William R. Keech and Donald R. Matthews, The Party's Choice (Washington, D.C.: The Brookings Institution, 1976), p. 31.

⁵Robert La Follette, quoted in Austin Ranney, Curing the Mischiefs of Faction (Los Angeles: University of California Press, 1975), p. 25.

⁶Parris, p. 3.

II

¹Richard C. Bain and Judith H. Parris, Convention Decisions and Voting Records, 2nd ed. (Washington, D.C.: The Brookings Institution, 1973), p. 2.

²Ibid., p. 14.

³Ibid., p. 17

⁴Gerald Pomper, Nominating the President (New York: W.W. Norton and Company, Inc., 1966), p. 282.

⁵Austin Ranney tells the story of a citizen of Tennessee who happened to be in Baltimore during the 1835 Democratic convention. Since no one presented credentials as representatives from the state, it was suggested that this man cast Tennessee's vote which he accordingly did. See Ranney, Curing the Mischiefs of Faction, p. 107.

III

¹Quoted in Bain and Parris, p. 26

²Quoted in Paul T. David, Ralph M. Goldman and Richard C. Bain, The Politics of National Party Conventions (Washington, D.C.: The Brookings Institution, 1960), p. 200.

³Ibid., p. 201.

⁴Ibid., p. 202

⁵David, Goldman and Bain, p. 203.

⁶For a general contemporary description and discussion of these first presidential primary laws see L.E. Aylsworth, "Presidential Primary Elections: Legislation of 1910-1912," American Political Science Review, August 1912, pp. 429-33.

⁷Aylsworth, p. 429

⁸Bain and Parris, p. 194.

⁹Quoted in Bain and Parris, p. 249.

¹⁰Ibid.

¹¹The parties and years in parentheses are examples of those conventions which employed the particular method. Other conventions may have utilized the same or similar methods.

¹²Quoted in Ranney, Curing the Mischiefs of Faction, p. 182.

¹³Ranney, Curing the Mischiefs of Faction, p. 183.

¹⁴Quoted in Ranney, Curing the Mischiefs of Faction, p. 183.

IV

¹For an analysis of the content and fulfillment of party platforms during the period 1944-1964 see Gerald M. Pomper, Elections in America (New York: Dodd, Mead and Company, 1968), Chapter Seven and Eight.

²Pomper, Elections in America, p. 185.

³Ibid., p. 203.

⁴David, Goldman and Bain, p. 213.

V

¹Quoted in Theodore H. White, The Making of the President 1972 (New York: Atheneum, 1973), p. 401.

²White, p. 19.

³The Democratic Choice: Report of the Commission on the Democratic Selection of Presidential Nominees, printed in Congressional Record, 14 October 1968, 114:31545.

⁴Mandate for Reform: A Report of the Commission on Party Structure and Delegate Selection to the Democratic National Committee, printed in Congressional Record, 22 September 1971, 117:32911.

⁵For a complete summary of the findings of the McGovern Commission see Mandate for Reform, pp. 32912-14.

⁶Ranney, Curing the Mischiefs of Faction, p. 11.

VI

¹Mandate for Reform, p. 32916.

²Ranney, Curing the Mischiefs of Faction, p. 112.

³Mandate for Reform, p. 32915.

⁴Ibid., p. 32921.

⁵Will Davis, quoted in White, p. 30.

⁶Fred Dutton, quoted in White, p. 30.

⁷Jeane Kirkpatrick, "Representation in the American National Conventions: The Case of 1972," British Journal of Political Science, July 1975, p. 280.

⁸Quoted in Ranney, Curing the Mischiefs of Faction, p. 197.

⁹Kirkpatrick, p. 265.

¹⁰Ranney, Curing the Mischiefs of Faction, p. 197.

¹¹Kirkpatrick comes to this conclusion after an analysis of the views of the "quota" delegates to the convention compared to those of the corresponding voter groups. See Kirkpatrick, pp. 307-16.

¹²Mandate for Reform, p. 32910.

¹³McGovern, p. 46.

¹⁴Ranney, Curing the Mischiefs of Faction, p. 206.

VII

¹In January of 1971, McGovern declared his candidacy and thus gave up the chair of the Commission. Representative Donald Fraser of Minnesota replaced McGovern. Henceforth, the Commission would be called the McGovern-Fraser Commission.

²Ranney, Curing the Mischiefs of Faction, p. 2.

³McGovern, p. 47.

⁴Mandate for Reform, p. 32915.

⁵Judith A. Center, "1972 Democratic Convention Reforms and Party Democracy," Political Science Quarterly, June 1974, p. 339.

⁶For some reason, no two sources can agree about the demographic characteristics of the convention delegations. Three sources with slightly differing figures are: Congressional Quarterly, August 12, 1972, p. 1998; Ranney, Curing the Mischiefs of Faction, p. 155; and John W. Soule and Wilma E. McGrath, "A Comparative Study of Presidential Nomination Conventions: The Democrats 1968 and 1972," American Journal of Political Science, August 1975, p. 503. The figures from Ranney have been used here.

⁷Ranney, Curing the Mischiefs of Faction, pp. 155-56.

⁸In her analysis, Kirkpatrick examines attitudes in the areas of welfare policy, busing, crime, support for Southeast Asia and inflation. See Kirkpatrick, pp. 285-93.

⁹Ranney, Curing the Mischiefs of Faction, p. 196.

¹⁰Kirkpatrick, p. 314.

¹¹Keech and Matthews, p. 230.

¹²The analysis of Soule and McGrath indicates that "amateurs" made up only 23 percent of the convention in 1968. By 1972, the number had increased to 51 percent. See Soule and McGrath, p. 511.

VIII

¹Ranney, Curing the Mischiefs of Faction, p. 191.

²Quoted in Congressional Quarterly, November 3, 1973, p. 2913.

³Sidney Wise, "Choosing the Presidential Candidates," Current History, August 1974, p. 57.

⁴National Charter of the Democratic Party, printed in Congressional Quarterly, December 14, 1974, p. 3334.

⁵For a presentation of two model state affirmative action programs see Nomination and Election of the President and Vice President of the United States (Washington, D.C.: United States Government Printing Office, 1976), pp. 155-57.

⁶Alexander M. Bickel, Reform and Continuity: The Electoral College, the Convention and the Party System (New York: Harper and Row, 1974), p. 54.

⁷Quoted in Wise, p. 57.

⁸National Charter of the Democratic Party, p. 3334.

IX

¹Anne Armstrong, quoted in Congressional Quarterly, August 12, 1972, p. 1999.

²Quoted in John S. Saloma III and Frederick H. Sontag, Parties: The Real Opportunity for Effective Citizen Politics (New York: Alfred A. Knopf, 1972), p. 31.

³Quoted in Nomination and Election of the President and Vice President of the United States, p. 171.

⁴Ibid.

⁵Wise, p. 54.

X

¹Matthews, p. 56.

²Eli Segal, "Delegate Selection Standards: The Democratic Party's Experience," George Washington Law Review 38(July 1970): 874.

³Matthews divides the nominating process into three stages, the last being the formal/legal nominating process. He argues that occurrences during the first two stages ordinarily determine the outcome of the final stage. For his discussion see Matthews, pp. 35-70.

⁴Pomper, Nominating the President, p. 221.

⁵David, Goldman and Bain, p. 127.

⁶Pomper, Nominating the President, p. 13.

⁷Austin Ranney, "Turnout and Representation in Presidential Primary Elections," American Political Science Review, March 1972, p. 36.

⁸Ibid.

XI

¹Pomper, Nominating the President, p. 8.

²Parris, p. 92.

³Ranney, p. 191.

⁴Edward C. Banfield, quoted in Joseph F. Menez, "The Case for the National Nominating Convention," South Atlantic Quarterly, Autumn 1971, p. 551.

SELECTED BIBLIOGRAPHY

- Abels, Jules. The Degeneration of Our Presidential Election: A History and Analysis of an American Institution in Trouble. New York: The Macmillan Company, 1968.
- Aylsworth, L.E. "Presidential Primary Elections: Legislation of 1910-1912." American Political Science Review 6 (August 1912): 429-33.
- Bailey, Stephen K., ed. Research Frontiers in Politics and Government. Ann Arbor: University Microfilms, Inc., 1966.
- Bain, Richard C., and Parris, Judith H. Convention Decisions and Voting Records, 2nd ed. Washington: The Brookings Institution, 1973.
- Barber, James D., ed. Choosing the President. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1974.
- Barber, James D. The Presidential Character. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1972.
- Bickel, Alexander M. Reform and Continuity: The Electoral College, the Convention, and the Party System. New York: Harper and Row, 1971.
- Blumstein, James F. "Constitutional Safeguards in the Selection of Delegates to Presidential Nominating Conventions." Yale Law Journal 78 (June 1969): 1228-52.
- Center, Judith A. "1972 Democratic Convention Reforms and Party Democracy." Political Science Quarterly. 89 (June 1974): 325-50.
- Chambers, Reid Peyton, and Rotunda, Ronald D. "Reform of Presidential Nominating Conventions." Virginia Law Review 56 (March 1970): 179-214.
- Congressional Quarterly, Inc. Congressional Quarterly Almanac. 1969 and 1972.
- Congressional Quarterly, Inc. Congressional Quarterly Weekly Report

- Dallinger, Frederick W. Nominations for Elective Office in the United States. New York: Longmans, Green and Company, 1903.
- David, Paul T., Goldman, Ralph M., and Bain, Richard C. The Politics of National Party Conventions. Washington: The Brookings Institution, 1960.
- Davis, James W. National Conventions: Nominations under the Big Top. Woodbury, N.Y.: Barrons Educational Series, Inc., 1973.
- Democratic National Committee. The Democratic Choice: Report of the Commission on the Democratic Selection of Presidential Nominees. Printed in Congressional Record 114 (October 14, 1968): 31544-60.
- Democratic National Committee. Mandate for Reform: A Report of the Commission on Party Structure and Delegate Selection to the Democratic National Committee. Printed in Congressional Record 117 (September 22, 1971): 32908-21.
- Hess, Stephen. The Presidential Campaign: The Leadership Selection Process after Watergate. Washington: The Brookings Institution, 1974.
- Keech, William R., and Matthews, Donald R. The Party's Choice. Washington: The Brookings Institution, 1976.
- Kirkpatrick, Jeane. "Representation in the American National Conventions: The Case of 1972." British Journal of Political Science 5 (July 1975): 265-322.
- McGovern, George S. "The Lessons of 1968." Harper's, January, 1970, pp. 43-7.
- Matthews, Donald R., ed. Perspectives on Presidential Selection. Washington: The Brookings Institution, 1973.
- Menez, Joseph F. "The Case for the National Nominating Convention." South Atlantic Quarterly 70 (Autumn 1970): 546-59.
- Parris, Judith H. The Convention Problem. Washington: The Brookings Institution, 1972.
- Polsby, Nelson W., and Wildavsky, Aaron B. Presidential Elections. New York: Charles Scribner's Sons, 1971.
- Pomper, Gerald M. Elections in America: Control and Influence in Democratic Politics. New York: Dodd, Mead and Co., 1968.

- Pomper, Gerald M. Nominating the President: The Politics of Convention Choice. New York: W.W. Norton and Co., Inc., 1966.
- Potts, C.S. "The Convention System and the Presidential Primary." Review of Reviews, May 1912, pp. 561-66.
- Pressman, Jeffrey L., and Sullivan, Dennis G. "Convention Reform and Conventional Wisdom: An Empirical Assessment of Democratic Party Reforms." Political Science Quarterly 89 (Fall 1974): 539-62.
- Ranney, Austin. Curing the Mischiefs of Faction: Party Reform in America. Los Angeles: University of California Press, 1975.
- Ranney, Austin. "Turnout and Representation in Presidential Primary Elections." American Political Science Review 66 (March 1972): 21-37.
- Saloma, John S. III, and Sontag, Frederick H. Parties: The Real Opportunity for Effective Citizen Politics. New York: Alfred A. Knopf, 1972.
- Segal, Eli. "Delegate Selection Standards: The Democratic Party's Experience." George Washington Law Review 38 (July 1970): 873-91.
- Soule, John W., and McGrath, Wilma E. "A Comparative Study of Presidential Nomination Conventions: The Democrats 1968 and 1972." American Journal of Political Science 19(August 1975): 501-17.
- Sullivan, Dennis G.; Pressman, Jeffrey L.; Page, Benjamin I.; and Lyons, John J. The Politics of Representation: The Democratic Convention of 1972. New York: St. Martin's Press, 1974.
- United States Senate. Nomination and Election of the President and Vice President of the United States. Washington: United States Government Printing Office, 1976.
- White, Theodore H. The Making of the President 1972. New York: Atheneum, 1973.
- Wise, Sidney. "Choosing the Presidential Candidates." Current History, August 1974, pp. 52-7.
- Zeidenstein, Harvey. "Presidential Primaries -- Reflections of 'The People's Choice'?" Journal of Politics 32 (November 1970): 856-74.