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A NATIONAL PRESIDENTIAL PRIMARY ELECTION

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A NATIONAL PRESIDENTIAL PRIMARY ELECTION

I. The Nomination of Candidates: Past and Present

Every four years the American public goes through the immense effort of selecting the President of the United States. Naturally enough, the focus of attention is on the November election. But equally as important is the process of nomination, the procedure by which the field of choice is narrowed to the final candidates.

In the wake of the 1968 conventions, especially the Democratic convention in Chicago, there was much renewed discussion concerning the nominating process. Now the Congress is being asked to consider a constitutional amendment which would do away with the convention form of presidential nomination in favor of a national primary. Let us look more extensively at this process of nomination and at the national primary proposal.

History of Nomination Process

How are the presidential nominees selected? "By the party convention" would correctly answer this question; but if the average American were asked how presidential candidates are nominated, he might also reply, with a touch of cynicism in his voice, that the real nominating is done by the "machine politicians." Historically, there may be a great deal of truth in this assertion. Donald Bruce Johnson explaining the rise of presidential primaries, observed that though conventions were originally introduced to be more representative of the people, "by 1900, machine control of many delegates was an accepted fact, and in certain areas the rank and file of the parties had virtually nothing to say about the delegations."¹

But interestingly enough, at least one voice would assert that, even under the convention system, "the people" really nominate the candidates for president. William G. Carleton, writing in Political Science Quarterly in 1957, stated:

During the past three decades, the presidential nominating convention has been undergoing a major transformation. Party methods of nominating presidential and vice-presidential candidates are yielding, without much formal or structural change,

1. Donald Bruce Johnson, "Delegate Selection for National Conventions," in Cornelium P. Cotter, ed., Practical Politics in the United States (Boston: Allyn and Bacon, 1969), p. 201.

to twentieth-century mass democracy. Delegates to national conventions, even the biggest of the "big shots", are in the process of being reduced to popular rubber stamps, very much as presidential electors were reduced to nullities during the first decade of our present federal Constitution. Increasingly a national nominating convention is merely choosing its nominee from among popular national favorites; increasingly it is being forced to pick the national favorite.²

Carleton explains that this has been an "unmistakable" trend over the years since 1928. It is especially evident when contrasted with the history of "favorite son" and "dark horse" nominations in the years preceding 1928.

The development of the presidential nominating process seems to have moved slowly and gradually toward certain changes. One is the regularization of the nominating process, placing it more out in the open. The other involves a broadening of the base of participation in the process. A review of history will show us that the convention system had its beginnings in this movement. The earliest form of nomination was the caucus in which members of Congress from the respective political parties gathered to nominate their party's standard bearer. One obvious difficulty with this system was the absence of representatives from those areas in which the party had not won a legislative seat during the previous congressional election. In the early decades of the Nineteenth century the caucus began to fall into disrepute since it was viewed increasingly as a method for monopolizing power in the hands of a few persons. A strong and successful attack was launched against it during the period of rising Jacksonian democracy. By the beginning of the 1830's the legislative caucus had been replaced by the convention system as the procedure for nominating presidential candidates.

Although the convention system was very democratic in theory, it was not always so in practice. In its ideal form, the voters for each party would gather at the local (precinct, ward, township, etc.) level and express their preferences in an open meeting. They would subsequently select delegates to represent the majority will at a convention for the whole city, county or district. This process would then be repeated at the state and national conventions. In actual fact, the openness of the local meetings and the lower level conventions were often short-circuited by a variety of heavy-handed techniques. It was this heavy-handedness throughout the remaining decades of the 1800's which caused many reformers to foster the direct-primary movement in the early 1900's.

2. William G. Carleton, "The Revolution in the Presidential Nominating Convention," Political Science Quarterly, LXXII (June, 1957) 224.

This direct-primary movement was, essentially, a method for making nominations, or at least selecting the delegates who would make the nominations, through popular election under the direction of the state. One of its major advantages was that the direct-primary placed the process of nomination much more directly under the control of the law. Previously many facets of caucus or convention procedure had been regulated solely by party rules and customs. The details of party primaries, however, were a matter of state law.

What has evolved since the time of the direct-primary movement is a rather eclectic system. The states differ greatly in their methods of selecting delegates for the national presidential nominating conventions. Basically four broad options now exist among the various states: 1) delegates are selected at state or district conventions or by the state executive committee; 2) delegates are elected at a primary, but with no presidential candidate involved; 3) delegates are elected at a presidential preference primary where a choice for president is expressed by the voters (note, however, that the voters' expressed preference is not always binding on the delegates); 4) delegates are elected at a state convention, but a separate presidential preference primary is held in which the voters express their choice for president.

A logical step at this point in time would seem to be the development of a unified approach in the nomination of presidential candidates. The proposal for a national presidential primary election is one such plan. Senators George Aiken (R-Vermont) and Mike Mansfield (D-Montana) introduced a constitutional amendment to establish a national primary just as the 1972 presidential campaign was beginning. We will look at some of the details of this proposal and others in the next section. However, as we shall see, such proposals are not simply an easy next step in the evolution of our national nominating procedure. In order to understand the implications of these proposals for a national presidential primary, it will be necessary to review the current collection of separate state primaries which such a national primary seeks to replace.

In 1972 there were 23 separate presidential preference primaries (22 states and the District of Columbia). For quite some time that number had been fixed at about 16, or one-third of the states. However, during the 1960's several states adopted new presidential preference primary laws.

The circuit of primaries begins in New Hampshire on the first Tuesday in March. In 1972, as is the case every four years, literally hundreds of thousands of dollars and man-hours are expended to impress and persuade this small corner of the electorate. (New Hampshire consists of slightly more than one-third of one per cent of the population of the nation. All but six of the 50 largest metropolitan areas in the nation are more populous than the entire state of New Hampshire.) From there the circuit moves out to the following

states: Florida, Illinois, Wisconsin, Massachusetts, Pennsylvania, Indiana, Ohio, Tennessee, North Carolina, Nebraska, West Virginia, Maryland, Oregon, Rhode Island, California, New Jersey, New Mexico, South Dakota, and Arkansas.

Problems of Present Nomination Process

Many problems are inherent in the present system. Among the major difficulties of the separate state primaries is the possibility that the results will be so complicated as to have limited meaning. Early 1972 results give a fair example of the various possibilities. On the Republican side, President Nixon began the campaign with challenges from both the right and left wings of his party. However, as was expected, within the space of a few state primaries, these challenges had evaporated and Nixon was clearly the Republican choice. His margin increased from 69 per cent of the vote in New Hampshire to 97 per cent in Wisconsin.

For the Democrats it was a totally different story. A listing of the Democratic results in the presidential preference primaries is given on the next page. The list is in order as the primaries occurred. One of the first things we can observe about that listing is the obvious elimination of some of the candidates. Early in the running it became obvious to John Lindsay, mayor of New York City, that he should drop out. Gene McCarthy, for his part, was never a viable candidate, although he appeared to have been rather popular with Illinois voters. But that particular primary perfectly exemplifies the reason why each of the primaries must be studied as a separate entity. Since only Muskie and McCarthy were entered in the Illinois presidential preference race, one may ask if most of the votes for McCarthy were in reality votes against Muskie. That hypothesis is supported by the results of the Illinois delegate selection which was determined by a separate vote cast at the same time as the vote for candidate preference. Of the 160 Illinois delegates, Muskie gained 59, McGovern gained 14, and 87 remained uncommitted. McCarthy received none of these delegates.

As the primaries progressed, Muskie and Jackson stopped campaigning but remained candidates. To further complicate matters, Governor Wallace was shot and seriously wounded during the campaign. In the end three major candidates emerged. Each claimed to have "won" in the primary battles: Humphrey claimed his support represented the traditional sources of Democratic strength; McGovern had won the largest number of committed delegate votes; Wallace forces presented their injured candidate as the real choice of the people because he had the largest total popular vote.

Another major problem in the primary system occurs since candidates are relatively free to choose which primaries they will enter, although this is less true today than it was a

Voting Percentages Among Selected Democratic Candidates
In 1972 State Primaries

State	Humphrey	Jackson	Lindsay	McCarthy	McGovern	Muskie	Wallace
New Hampshire	--	--	--	--	37%	48%	--
Florida	18%	13%	7%	--	6%	9%	42%
Illinois	--	--	--	37%	--	63%	--
Wisconsin	21%	8%	7%*	1%	30%	10%	22%
Massachusetts	8%	1%	--	2%	52%	22%**	8%

Pennsylvania	35%	3%	--	--	21%	20%	21%
District of Columbia	No major presidential candidates on ballot						
Indiana	47%	--	--	--	--	11%	42%
Ohio	42%	8%**	--	2%	39%	9%	--
Tennessee	16%	--	--	--	8%	2%	68%

N. Carolina+	--	1%	--	--	--	4%	51%
Nebraska	35%	2%	--	1%	41%	3%	12%
W. Virginia	67%	--	--	--	--	--	33%
Maryland	27%	3%	--	1%	22%	2%	39%++
Oregon	13%	5%	1%	2%	50%	3%	20%

Rhode Island	20%	--	--	--	41%	20%	15%
California	40%	1%	1%	1%	45%	2%	5%
New Jersey	Major newspapers carried only partial figures						
New Mexico	25%	--	--	--	32%	--	30%
S. Dakota	McGovern uncontested in this primary						

Arkansas	Major newspapers carried only partial figures						

* Indicates that candidate withdrew following primary.

** Indicates that candidate ceased campaigning following primary, but remained as a candidate.

+ Most columns do not add up to 100% since several minor candidates are omitted from the list. However, North Carolina's former governor, Terry Sanford, received 37% of the vote accounting for the major discrepancy here.

++ Assassination attempt on candidate one day prior to the Maryland and Oregon primaries.

few years ago. Voters in many primary states may find themselves with only a partial list from which to choose. A few primary states such as Wisconsin, Nebraska and Oregon have written their laws in such a way as to insure a rather full slate. But such states are still in the minority.

This suggests another difficulty - the fact that primary laws in various states are quite different from one another. Some primaries do not bind the delegates from the state, others bind only delegates who sign a pledge, some laws bind only for the first ballot, while others bind until the candidate releases or is no longer viable (e.g., when he no longer receives 10 per cent of the delegate vote). There are differences in how the ballot is drawn up under the various state laws. In addition, there are differences from state to state regarding who can vote during the party primary and whether one can cross party lines to vote. All of these differences compound the difficulties of comparing and interpreting primary results.

A fourth major limitation of the present separate state primaries is the possibility that state campaigns will be dominated by local issues and local preferences. Senator Estes Kefauver observed:

The primary victory which paved the way to nomination may have been determined by the candidates' views on local issues which are of little importance in other States or by voter appeal in one State which would have worked oppositely in another.³

This characteristic of the localized primary is a two-sided coin, however. Michael Kilian, in an article in the Chicago Tribune, noted that "Local primaries force candidates to speak out on regional issues."⁴ That is, they will be forced to face more directly those issues, such as agriculture-related problems in midwest primaries, which might otherwise be glossed over at the national level.

In the 1972 Florida campaign, busing to achieve racial integration of schools exemplified the way in which a single issue can dominate a primary. It can be argued that busing was, in fact, an issue of national interest, and that Florida did the nation a favor by smoking out all of the candidates on that particular issue. Still, the dominance of that single issue makes interpretation of the primary results more difficult. Were people voting on their preference for a presidential candidate, or were they voting on their preference for solutions to the busing question?

3. Estes Kefauver, "A Proposal for a National Presidential Primary," in Donald Bruce Johnson and Jack L. Walker, The Dynamics of the American Presidency (New York: John Wiley and Sons, Inc., 1964), p. 44.

4. Michael Kilian, "And Now a Word for Primaries," Chicago Tribune, April 2, 1972; section 1A, p. 6:5.

An additional question should be asked. Who actually voted? In this particular instance, one could ask whether those Florida voters represent the same kinds of people choosing the president in the fall election, or whether there was a large percentage of participants who would not have voted except for the nature of the single dominant issue in the primary campaign. As a general answer to this kind of question, Nelson Polsby has observed:

Primary electorates are quite unrepresentative of party voters in general elections. In primaries, it's ideologically-committed partisans who turn out, and the more ideological candidates--not the ones in the middle--reap the benefits.⁵

Austin Ranney has taken this line of investigation one step further. His work confirms the finding that those partisans who vote in the primary are, in general, unrepresentative of their fellow, non-voting party members. He also found that there was substantial difference on specific issue-orientations, "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."⁶ Ranney's recommendations is as follows:

[Primary voters] are unrepresentative...in much the same way that national convention delegates--at least prior to 1972--have been unrepresentative both of their parties' rank-and-file identifiers and of the general population. Consequently, if our prime object is to maximize demographic representation in the presidential nominating system, strict enforcement of rules for selecting convention delegates like those developed by the McGovern-Fraser Commission [of the Democratic Party] is clearly a much better bet than expanding the number of state primaries or adopting a nationwide primary.⁷

Cost is another problem area. The amount of money invested in the various primary races is high. The New York Times gave the following estimates for budgets in two primaries:

5. Nelson Polsby and Don Oberdorfer, "Is Muskie Really 'Dead'?--Two Views," Des Moines Register, April 12, 1972, editorial page.

6. Austin Ranney, "Turnout and Representation in Presidential Primary Elections," The American Political Science Review, LXVI (March 1972) 36.

7. Idem.

Candidate	New Hampshire		Florida	
	Candidate's Statement	Estimated Total	Candidate's Statement	Estimated Total
Humphrey	*	*	\$200,000+	\$550,000
Jackson	*	*	\$400,000	\$570,000
Lindsay	*	*	\$300,000	\$400,000
McGovern	\$161,175	\$180,000	\$89,000	\$100,000
Muskie	\$290,000	\$350,000	\$436,000	\$525,000
Wallace	*	*	\$150,000	\$250,000
Nixon	\$125,000	\$150,000	\$50,000	\$75,000

Source: New York Times, March 22, 1972; 32:5. (* Indicates candidate did not enter race. + An estimate using common rule of thumb in which known radio-television expenditures are doubled. The column titled "Estimated Total" includes a pro-rated share of the candidate's national travel, media production and headquarters costs.)

The same article indicates that the total preconvention spending in 1968 amounted to \$25 million for the Democrats and \$20 million for the Republicans. As the number of states holding presidential preference primaries increases, the problems of cost begin to compound. For example, it seems to have become necessary to show well in the early primaries in order to get the needed donations to fund later ones.

Finally, there are several other disadvantages which should be mentioned. Although the primaries are becoming increasingly important in candidate selection, only a portion of the country's voters are allowed to participate in this preconvention selection process. The length and monotony of these campaigns also presents problems. This factor may be related to the voter turnout: "Frequently only thirty-five to forty per cent (or less) of the electorate bothers to vote."⁸ Even though the campaigns may not spark great voter interest, they are physically grueling to the candidates who have to run in them:

Of most immediate concern, it seems to me, is the rescuing of our politicians from the intolerable wear and tear on their bodies and nervous systems which the requirements of mass democracy increasingly are imposing upon them.

8. Johnson, "Delegate Selection," p. 217.

This is coming to be a question of their sheer physical survival, and as a nation we are running greater and greater risks in allowing our parties to be led during an entire election year...by harassed and exhausted leaders with little time to analyze for themselves the enormous problems with which they must cope.⁹

Because of these numerous inadequacies we have proposals such as the Mansfield-Aiken amendment. In introducing that amendment, Senator Mansfield commented: "I've been fed up for years with these circuses taking place in the various states."¹⁰ Yet, it is still questionable whether a direct national presidential primary would offer a significant improvement over the present system. Which of these problems would it solve? Which of them would it intensify? What new problems might it raise? Such complexities of the proposal are the topic of the next section.

9. Carleton, "Revolution in Presidential Nominating," pp. 238-239.

10. Des Moines Register, March 13, 1972; 11:4.

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Section I: Discussion Questions

1. One assumption which underlies this entire unit is that the process of nomination is as important, probably more important, than the process of election. To what extent do you agree or disagree with this assumption? Why?
2. How much interest do you detect in the question raised by this unit? That is, are the adequacies and inadequacies of the present system felt? Do you find people unhappy with (pleased with) the kind of leader selection current in this country? To what extent do you find people reflecting on the question of whether the selection process itself influences the sort of person who will finally emerge as "leader"? Should we consider this question? Why? Or why not?
3. Do you agree with the basic contention of Carleton's article as given in the quotation at the beginning of the unit? That article was written in 1957. Since then we have had the 1960 selection process which yielded Kennedy and Nixon as final candidates, the 1964 Johnson-Goldwater campaign, the 1968 Nixon-Humphrey campaign and the 1972 selection process of Nixon-McGovern. To what extent do these four additional experiences confirm or disconfirm Carleton's point?

He predicted toward the end of his article: "It is probable that by 1976 or 1980 all that a nominating convention will do will be to meet to ratify the nomination for president of the national favorite already determined by the agencies, formal and informal, of mass democracy...". Would you agree or disagree? What are your reasons?

4. Do you feel, from your experience, that the system of separate state primaries has gotten more complex over the last 20 or 30 years? If so, how would you evaluate the role of the following factors in that increasing complexity:
 - a. the growing number of primaries
 - b. the growing willingness of candidates to use the primaries as the "road to the White House"
 - c. the added national awareness of state primaries brought about by mass media coverage
 - d. the increased integration of society with the resulting rise of national, as opposed to regional, problems and interests.
5. A major effort of this section is devoted to exploring limitations of the present collection of separate state primaries. The ones given in the text are:

- a. the difficulties of comparing and interpreting results
- b. the freedom of candidates to pick and choose among the many primaries
- c. the wide variation among state primary laws
- d. the possible dominance of local interest and preferences
- e. the cost of campaigning
- f. the many voters in non-primary states who are excluded
- g. the length and monotony of campaigns
- h. the small voter turnout
- i. the physical and mental demands on the candidates.

To what extent do you agree that these points do, in fact, represent limitations? Would you argue that any of them are advantages in some respects? Which ones? In what respects?

Are there any additional limitations you wish to add? What are they?

	Favor	Oppose	Opinion
Agree	77	23	123
Disagree	11	13	24
Unsure	77	17	94
Total	75	53	127

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II. Some Proposals for Change

A flurry of activity on the subject of direct presidential primary nomination took place in the late 1940's and early 1950's. The main supporting theme in the media at that time was responsiveness to the popular will:

The American people are seeking more voice in the selection of their Presidents. -- Christian Science Monitor

Abolition of the present convention system of making Presidential nominations would require a constitutional amendment, and of course the machine politicians are dead set against it. -- Denver Post

...we should ask ourselves if there is not a democratic way of picking candidates... -- New York Times

Apparently the proposal for a nationwide presidential preference primary has had the backing of the American public for most of the twenty years since that time. A Gallup poll in February of 1952 found that voters favored a national primary by a 6-to-1 margin. In the Spring of 1972 the Gallup poll again asked about the issue:

"It was suggested that Presidential candidates be chosen by the voters in a nationwide primary election instead of by political party conventions as at present. Would you favor or oppose this?"

Type of Voter	Favor	Oppose	No Opinion
Republican	66%	23%	11%
Democrat	72%	17%	11%
Independent	77%	17%	6%
Total	72%	18%	10%

Source: Des Moines Register, April 7, 1972; 1:1

There is reason to suspect, however, that many of the people who favor the national primary have not considered the complexities raised by the proposal. In this section we shall try to indicate what some of these difficulties are. First let us look at one proposal in some detail.

The main points of the current constitutional amendment proposed by Senators Mansfield and Aiken include the following:¹

1. Nomination is by direct popular vote.
2. Voters may vote only in the primary of the party for which they are registered members.
3. All candidates must also be registered members of the party whose nomination they are seeking.
4. To be recognized as a candidate it is necessary to present to the President of the Senate a petition signed by a specified percentage of the voters.
5. A political party becomes recognized when its candidate receives that number of votes which is equal to 10 per cent of the total vote in the previous presidential election.
6. The primary is to be held on the first Tuesday after the first Monday in August.
7. A runoff election shall be required if no candidate receives a plurality of at least 40 per cent of the total vote in his party's primary.
8. The runoff election will be held 28 days later, if it is needed.
9. The party, in convention, will choose the vice-presidential candidate.

As we pointed out in the previous section, many problems are connected with our present system of nomination. The Mansfield-Aiken amendment aims at correcting some of these. For example, the results would not be complex and as subject to varied interpretation as they are under the present system. Since there would be only one nationwide primary, candidates would have to be on the ballot in all states, not just in the states of their choosing. The variation in state laws would be done away with. The focus of the campaign would be, for better or worse, more national and less local issues. All registered, party-affiliated voters would have an equal voice in the pre-convention selection process. However, the proposal raises several difficult and complex issues as well. We will examine these now at some length.

As far back as 1952 the Des Moines Register pointed out an objection which is still valid:

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1. A full text of the amendment is found in an appendix.

...it would be quite possible to have conventions that would be wholly out of sympathy with the party nominee selected by the primary. The party program would be drawn up by men who had virtually no voice in selecting the candidate. The candidate might well have to campaign with a program that was sharply at variance with his views.²

Most of the arguments made against the national primary then have not changed much in the intervening twenty years. However one fact has changed. In 1952 there were 16 state presidential preference primaries, one-third of the states. In 1972 that number had risen to 23, almost half of the states. If the proportion of states having these preference primaries continues to grow, the system may become so unwieldy that some change will have to be made.

James W. Davis, in a recent book, Presidential Primaries: Road to the White House, develops four main arguments against the nationwide presidential primary:

1. It would subject the entire nation to almost a full year of campaigning and possibly three national elections: the primary, a possible runoff, and the final election.
2. The cost of a national primary would be very great, both for the government to run it and for the candidates who run in it. This would include all the concomitant problems of campaign contributions for political candidates.
3. The national primary would lead to an intensive factionalism within parties, in much the same way primaries at the state level sometimes continue to divide the party's forces into the general election which follows.
4. Finally, there is the possibility of division between the candidate and the platform. He adds the warning that "A national primary might leave the door open to a demagogue...capitalizing on some domestic crisis or a threatened attack from abroad...."³

These objections illustrate the complexity of the issue, and the fact that no simple piece of legislation is going to solve the problem. Let us consider objection number one - the length of the campaign. Currently, the primary circuit begins

2. February 19, 1952.

3. James W. Davis, Presidential Primaries (New York: Thomas Y. Crowell Company, 1967), p. 269.

in March and runs through June, with the party conventions in July-August, and the election in November. Thus the present system guarantees the country a minimum nine months of active office seeking. Although a national presidential primary would probably not greatly extend this period of campaigning (since the proposed date would place it in August), it would probably not reduce the length of time either. However, given the fact that we still have a rather broad-based system of candidate selection, the necessity of sifting and screening personalities will require time. This, in fact, could be one of the difficulties in adopting a direct primary.

...it would force every front-runner, major contender, dark horse, also ran, and oddball to pin his hopes on one single event.

Without the screening effect of early local primaries, no one would get out. New Hampshire forced Rep. Paul (Pete) McCloskey and Sen. Vance Hartke out of contention. With a national primary they'd stay to the bitter end.⁴

The second of Davis' points, cost, also needs consideration. There is both the cost to the government of running the election and the cost to the candidates of running for office. While it is very difficult to estimate the former, disclosure laws give some indication of the latter. The reported campaign spending in the 1968 presidential race was: Nixon-Agnew \$29,592,832; Humphrey-Muskie \$12,577,715; and Wallace-Lemay \$6,985,455; for a total of \$49,156,002.⁵ However, these figures are extremely conservative since there was no requirement to report funds spent in the primary races (for example, in 1968 Nelson Rockefeller reportedly spent \$2,500,000 in two primaries⁶ while Robert Kennedy spent \$4,000,000 in five primary races.⁷) In addition the candidate is not required to report funds raised and spent within the same state.

Davis' points out that a national primary would raise both categories of cost for several reasons. First there would probably be a need in most years to run the national election machinery three times: once for the primary, a second time as a runoff if either party had no candidate with the required majority (40 per cent under the Mansfield-Aiken plan), and finally for the general election. Second, there would be an increase in scale, from state-centered to national, for the campaigning prior to the primary. Third, there would most likely be more candidates running more widespread campaigns for a longer time under the national primary system.

4. Michael Kilian, "And Now a Word for Primaries," Chicago Tribune, April 2, 1972; section 1A, p. 6:3.

5. "Campaign Spending in 1968 Hits Record High," Congressional Quarterly Weekly Report, XXVII (April 11, 1969) 515-6.

6. Johnson, "Delegate Selection," p. 217.

7. Kilian, "And Now a Word," p. 6:3.

The third and fourth objections of Davis have within them the more general question of what will happen to party structures if the presidential nominating convention is dropped. How important is the convention as a mechanism for keeping the party in one piece? E. Pendleton Herring has observed:

The party convention places a premium on party harmony. It reveals in the beating glare of publicity any thin spots and holes in the party fabric. Hence the impetus of the whole procedure is toward agreement. Prolonged dispute is greatly feared....

The party convention may likewise be viewed as an excellent implement for compromise. Compromise in politics is not achieved simply through argumentation. The process entails bargaining and manipulation as well. There are various levels and types of compromise. To reach such peaceful adjustments of interests requires an area of movement and something with which to trade and barter. The party convention creates a human situation and provides scope under general rules of the game for elaborate interrelationships. Here concessions of many types can be made and victories in various terms are possible.⁸

Beyond changing structure within the party, the possibility exists that the national presidential primary proposal might in the long-run work to the disadvantage of the two-party system:

The point is that we need consensus within the party so that all major elements--geographical, economic, ideological--can take part in choosing party leaders and shaping party goals. We need division between the major parties so that the people will have a meaningful choice at the polls. The primary system often gives us the reverse.⁹

Obviously, a chronic climate of division within the major parties accompanied by increased similarity between them would offer much more opportunity for the growth of "third parties," "splinter parties," and so forth.

The direct primary also raises the question of party membership for the primary voter. How does one become a registered party member in order to be able to vote for

8. E. Pendleton Herring, The Politics of Democracy (New York: Rinehart and Company, 1940), pp. 229-230.

9. James MacGregor Burns, "The Case for the Smoke-filled Rooms," in Donald Bruce Johnson and Jack L. Walker, The Dynamics of the American Presidency (New York: John Wiley and Sons, Inc., 1964), p. 42.

a particular party's nominee? At present this process varies from state to state and in a few cases even allows for crossing of party lines. Thus, in a year when the race in one party is uninteresting, members of that party can cross over to the opposition party and express a preference which might influence its choice of a nominee. For a national presidential primary some uniform definition of party membership which would at least standardize voter crossing of party lines would seem to be necessary.

A final question in the area of party structure would be: What happens to the "independent voter"? Would his position be weakened since he presumably could not participate in the primary? Would this provide motivation for more people to align themselves with particular political parties? Would that work to the advantage or disadvantage of the parties?

The type of national presidential primary which we have been discussing, as exemplified by the Mansfield and Aiken proposal, is not the only possible approach to the problem. Several sorts of compromise plans have been proposed in an effort to capture the advantages of both systems, primary and convention.

One such proposal was made about a month after the Mansfield-Aiken amendment was introduced. Senator Robert Packwood (R.-Oregon) suggested a system of five regional primaries and a national convention. The Packwood plan would utilize a five-man federal commission which would draw up the regional ballots so as to include all generally recognized candidates. Any additional candidate could be included after presentation of a \$10,000 fee (refundable to those receiving at least 5 per cent of the vote) and petitions bearing the signatures of one per cent of the region's registered voters. The primaries would be held on a staggered basis, a few weeks apart. After each regional election the candidates would appoint delegates to the national convention in proportion to the percentage of the vote which they received in each state. Under this plan, however, the final choice would still be made by the party's national convention.

Perhaps the most carefully worked out proposal was that of the late Senator Estes Kefauver who was a persistent supporter of the national primary cause. His plan evolved through several stages and out of his own experiences as a presidential contender, and included:

Step 1: ...a primary in every State, provided for by Federal law, to determine the popular choice of the people for President in each primary, delegates shall be elected to cast their votes at a streamlined national convention for the choice of their State's voters.

These delegates, presumably, will also approve the platform upon which the party's nominees will campaign. This will help to insure that the candidate and platform are fully compatible with each other and that both represent the choice of the voters in the party....

Step 2: No candidate shall be placed on the ballot in any State primary without his consent, and he must file a qualifying petition signed by not less than 1 per cent of the total number of voters who voted for the presidential candidate of his party in the last election....

Step 3: A uniform nationwide system of choosing delegates, based, in part at least, on the vote of the political party of each State in the last previous presidential election. There should be provisions to limit the number of delegates so as to avoid the present unwieldy size of national conventions, and there shall be no split votes--such as one-half and one-third votes....

Step 4: Delegates shall be firmly pledged to cast their votes on a proportional basis geared to the State vote received by the candidate. As a simple illustration, if a State has 10 delegates and candidate A receives approximately 60 per cent of the vote, he will receive 6 votes at the convention....

The delegates will continue to vote for the candidate to whom they are pledged as long as he receives as many as 10 per cent of the total vote cast at the convention....

Step 5: Nomination for President shall be by a simple majority of the total number of votes cast by delegates at the convention. If no candidate has a majority, and has not released his delegates, after 10 ballots the delegates shall be considered free of their obligation to vote for the winner of their State primary, but must vote for one of the candidates receiving the top three total number of votes in the national primary....

Step 6: Finally, after the presidential nominee is chosen, the vice-presidential nominee shall be chosen by a vote of the delegates from the three candidates who polled the next highest number of votes in the nationwide primaries.¹⁰

10. Estes Kefauver, "A Proposal for a National Presidential Primary," in Johnson and Walker, The Dynamics of the American Presidency, pp. 45-46.

The case for the direct presidential primary seems to rest on the principle that democracy should provide the greatest participation possible to the individual citizen and that the problems involved with this particular method of participation are not insurmountable. But the crucial question is whether the level of participation offered by a direct primary is more illusory than real. Davis in his lengthy study concludes that the present "hybrid" system is best.

Combining the most useful features of the [separate state] presidential primaries and the state party conventions, the present hybrid system retains the operational flexibility of the national convention and at the same time injects some "grassroots" popular democracy into the nominating process. Meanwhile, it avoids the revolutionary changes that the national primary would have upon the nomination process and the party system.¹¹

Yet, in the aftermath of the Democratic Chicago convention debacle of 1968, it was precisely this kind of revolutionary change that some were calling for. Harold Hughes, then governor of Iowa, correctly noted that "the political convention system is on trial."¹²

One other method of insuring real participation has been proposed, although it is not a new method. It is, in fact, the classic pattern of a hierarchy of conventions developed in the early 1800's: local caucuses, leading to county or district conventions, leading to a state and finally to a national convention. There are those who would urge that we work with this classical democratic form before we scrap it. As was noted in the first section, it has great promise of democracy, but has never been forced to live up to that promise. Perhaps through reforms it would be possible to bring out this latent democracy. Such was certainly the aim of the McGovern-Fraser reforms instituted by the Democratic party prior to the 1972 campaign. One may argue with the specifics of those reforms, but the general goal was to make the delegations to all the levels of the convention hierarchy truly represent their local populations on the important variables of age, race, sex and economic status.

Regardless of which solution one favors, this entire matter of candidate selection arises from what is, for better or worse, a uniquely American experiment:

That the rank and file voter should have a voice in the selecting of a national party leader seems bizarre to a foreigner. In the European democracies, there is a clear distinction between the nominating and electing

11. Davis, Presidential Primaries, p. 270.

12. Des Moines Register, August 23, 1968.

processes. Leaders are selected entirely through internal party machinery....The only Western parliamentary democracy that permits a degree of rank and file participation in leadership selection is Canada.¹³

Out of this "experiment" have grown the proposals which we have just reviewed. Their implications are truly far reaching. This study outline will have accomplished its objective if it has been successful in pointing out the complexity of the issues. The well-informed citizen cannot look to the direct presidential primary, or any other method for a simple answer to the problems of national leader selection.

13. Davis, Presidential Primaries, pp. 15, 18.

A NATIONAL PRESIDENTIAL PRIMARY ELECTION

Section II: Discussion Questions

1. The first objection made against the primary system of selection is that the candidate and the platform might be at variance if they are the result of different processes. Evaluate that objection. If you conclude that it is a valid objection, how would you propose getting around this possible conflict?
2. Another objection has to do with the length of campaign. To what extent do you think this is a price we must pay for having a popular-based selection system? To what extent is it possible to both adequately screen and sift the potential candidates and also move toward a system of only one (the national primary) or possibly two (an added runoff) selection-events?
3. While there are many directions to go with the discussion of cost and financing in relation to presidential campaigns, the main point here is to probe your opinion of the validity of the objection that the national primary plan would substantially raise the cost of selecting presidential candidates. You will remember the following points were made:
 - a. the cost to the governments, federal, state and local, of two or possibly three national elections,
 - b. the change in scale from 23 state-centered campaigns to one national campaign,
 - c. the fact that many candidates will be forced to run bigger campaigns and stay in the race longer.

How would you evaluate each of these three points? What validity do they have?

4. Probably the most far-reaching complexities of the primary would involve possible changes in the country's political structure. Evaluate and discuss the possibilities for change within party organizations; for change between parties, especially as it affects the two-party system. Would there be a significant change in the position of the "independent" voter? If so, what change?
5. As was stated in the text, alternative plans have been devised to try to retain the advantages of both the primary and the convention systems. Take a look first at the Mansfield-Aiken amendment, then at the Packwood plan, and finally at the Kefauver plan, asking about each of them:

- a. What advantages of the primary system are retained?
 - b. What disadvantages of the primary system are avoided?
 - c. What advantages of the convention system are retained?
 - d. What disadvantages of the convention system are avoided?
6. Would you agree with the statement that we have not yet realized the potential of the classic method using a hierarchy of conventions to arrive at the national convention? If not, explain why you think there is little or no potential left in that model. If so, what would you do to begin to draw more of the potential for truly democratic participation out of the process? To what extent do you think that the McGovern-Fraser reforms of the Democratic party have moved successfully in this direction?
7. Looking at all of these approaches to candidate choice, take a few moments to personally formulate what you consider to be the best overall approach to the problem of national leadership selection. Compare your various plans around the group. Discuss whatever differences in approach might arise.
8. The statement is made in the unit that there are many people who favor the national primary form of candidate selection without understanding the number of complexities involved in the issue. To what extent do you think this is true? Was it true of yourself before reading this unit? Can you offer any examples from your own reading or listening in which this topic has been discussed in a superficial or naive way?

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APPENDIX

TEXT OF MANSFIELD-AIKEN PROPOSAL (S.J. Res. 215, 92nd Congress, 2nd Session)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein) That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

ARTICLE

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years and, together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

SEC. 2. The official candidates of political parties for President shall be nominated at a primary election by direct popular vote. Except with respect to qualifications relating to requirements of periods of residency, voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, but, in the primary election each voter shall be eligible to vote only in the primary of the party of his registered affiliation.

SEC. 3. No person shall be a candidate for nomination for President except in the primary of the party of his registered affiliation, and his name shall be on that party's ballot in all the States if he shall have filed a petition at the seat of the Government of the United States with the President of the Senate, which petition shall be valid only if (1) it is determined by the President of the Senate to have been signed, on or after the 1st day in January of the year in which the next primary election for President is to be held, by a number of qualified voters, in each of at least seventeen of the several States, equal in number to at least 1 per centum of the vote cast for electors for presidential and vice-presidential candidates of his party in those several States in the most recent previous presidential election; or, in the event the electors for the candidates of a political party shall have appeared on the ballot in fewer than seventeen of the several States in the most recent previous presidential election, it is determined by the President of the Senate to have been signed, on or after the 1st day in January of the year in which the next primary election for President is to be held, by a number of qualified voters, in any or all of the several States, equal

in number to at least 1 per centum of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in the most recent previous presidential election, and (2) it is filed with the President of the Senate not later than the first Tuesday after the first Monday in April of the year in which the next primary election for President is to be held.

SEC. 4. For the purposes of this article a political party shall be recognized as such if the electors for candidates for President and Vice President of such party received, in any or all of the several States, an aggregate number of votes, equal in number to at least 10 per centum of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in the most recent previous presidential election.

SEC. 5. The time of the primary election shall be the same throughout the United States, and, unless the Congress shall by law appoint a different day, such primary election shall be held on the first Tuesday after the first Monday in August in the year preceding the expiration of the regular term of President and Vice President.

SEC. 6. Within fifteen days after such primary election, the chief executive of each State shall make distinct lists of all persons of each political party for whom votes were cast, and the numbers of votes for each such person, which lists shall be signed, certified, and transmitted under the seal of such State to the Government of the United States directed to the President of the Senate, who, in the presence of the Speaker of the House of Representatives and the majority and minority leaders of both Houses of the Congress, shall forthwith open all certificates and count the votes and cause to have published in an appropriate publication the aggregate number of votes cast for each person by the voters of the party of his registered affiliation. The person who shall have received the greatest number of votes cast by the voters of the party of his registered affiliation shall be the official candidate of such party for President throughout the United States, if such number be a plurality amounting to at least 40 per centum of the total number of such votes cast. If no person receives at least 40 per centum of the total number of votes cast for candidates for nomination for President by the voters of a political party, then the Congress shall provide by law, uniform throughout the United States, for a runoff election to be held on the twenty-eighth day after the day on which the primary election was held between the two persons who received the greatest number of votes cast for candidates for the presidential nomination by voters of such political party in the primary election: Provided, however, That no person ineligible to vote in the primary election of any political party shall be eligible to vote in a runoff election of such political party.

SEC. 7. Each party, for which, in accordance with sections 2, 3, 4, and 5 of this article, the name of a presidential candidate shall have been placed on the ballot, shall nominate a candidate for Vice President, who, when chosen, shall be the official candidate of such party for Vice President throughout the United States. No person constitutionally ineligible for the office of President shall be eligible for nomination as a candidate for the office of Vice President of the United States.

SEC. 8. In the event of the death or resignation or disqualification of the official candidate of any political party for President, the person nominated by such political party for Vice President shall resign the vice-presidential nomination and shall be the official candidate of such party for President. In the event of the deaths or resignations or disqualifications of the official candidates of any political party for President and Vice President, a national committee of such party shall designate such candidates, who shall then be deemed the official candidates of such party, but in choosing such candidates the vote shall be taken by States, the delegation from each State having one vote. A quorum for such purposes shall consist of a delegate or delegates from two-thirds of the several States, and a majority of all States shall be necessary to a choice.

SEC. 9. The places and manner of holding any such primary or runoff election shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. For purposes of this article the District of Columbia shall be considered as a State, and the primary elections shall be held in the District of Columbia in such manner as the Congress may by law prescribe.

SEC. 10. The Congress may provide by appropriate legislation for cases in which two or more candidates receive an equal number of votes and for methods of determining any dispute or controversy that may arise in the counting and canvassing of the votes cast in elections held in accordance with sections 2, 3, 4, 5, 6, and 9 of this article.

SEC. 11. The Congress shall have power to enforce this article by appropriate legislation.

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