

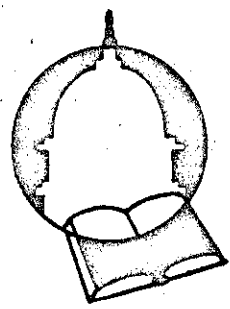
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□ A NATIONAL PRESIDENTIAL PRIMARY?

Presidential Primary Legislation in Congress: 1945-1968, 1968.



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and

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Government and General Research Division  
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**Washington D.C.**

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"I don't care who does the electing  
just so I can do the nominating."  
William Marcy Tweed<sup>1</sup>

## INTRODUCTION

Congressional prescriptions for change in presidential nominating methods have come in many shapes and sizes and under various labels over the years.

One of the first was prepared in 1808 by Senator James Hillhouse, a Connecticut Federalist who suggested that retiring Senators could protect the Republic from the evils of the partisan spirit if they would meet annually and draw lots for a one-year presidential term. However, most of the more recent and, considering the changes in American political life since then, more practical legislative proposals have had as their purpose the extension of the presidential primary system.

The most thorough-going of these envisions substitution of a single national primary -- regulated by Federal law and presumably administered in part by Federal officials -- for the present mixed system of State primaries, State and local party conclaves, and final selection in the extra-legal national party conventions. Given wide currency by President Wilson in his first message to Congress in 1913, this idea remains popular despite the lack of Executive sponsorship since that time.<sup>2</sup>

The mechanics of the presidential nominating system were much the same then as now. A political hybrid, shaped in part by the diversity of American society and the Constitutional system -- with its major features of Federalism and separation of Executive and Legislative powers -- the nominating process is decentralized, uncoordinated, and except for the

State primaries is largely unregulated by law. Among major elements of this system and characteristics of its operation are:

- The national parties are loose coalitions of State and local parties, independent and diverse in their interests. These meet every four years "for the purpose of finding a man and forging a coalition of interests sufficiently broad to win a majority of electoral votes. This means bringing into the coalition state parties and party factions -- Southern and Northern Democrats, coastal and Midwestern Republicans -- who disagree on some major policy issues. As a result it is necessary to compromise and, sometimes, to evade issues which would split the parties and lead to drastic losses of support. A man and a set of policies, however loosely joined, must be found that can blend disparate party elements for the purpose of securing electoral victory."<sup>3</sup>
- The delegates to the national party conventions are selected at different times State by State -- some in statewide or district conventions, some by State party committees, some in primaries, some by a combination of these methods. About one-third of the delegates are chosen through direct primary elections, held from March through June of election year. About two-thirds are selected through internal party processes, and the party body choosing these delegates "usually bears some responsibility to the electorate since it is selected directly or indirectly by popular vote... [but] Whatever the particular mechanism involved, the fundamental

fact is that the rank-and-file voter is either two or three steps removed from the choice of delegates to the national convention. If two steps removed, he can choose the men who then select the delegates. If three steps removed, he only chooses men who then choose other men to name the delegates. The voter's preference may still be heard, but only through a filter."<sup>4</sup> In both parties, the National Committee decides on the apportionment of delegates among the States. Originally, each State was allotted delegates in proportion to its electoral votes, but at present "delegate apportionment formulas take into account such factors as Congressional representation from each state, population and votes for the party in recent elections. The Republicans have remained with one formula over the past several years, while the Democrats adapt their formula for each convention, apparently with the intention of awarding good Democratic states with extra delegates without penalizing the states which turn in a poorer performance for the party. As a result, the overall number of attendees at a Republican National Convention has not risen too sharply -- up from 2,188 in 1948 to 2,666 (1,333 delegates and an equal number of alternates) in 1968. But over the same time period, the Democratic attendance roll has spiralled from 2,888 persons in 1948 to 5,611 in 1968 (2,989 regular delegates, 2,512 alternates and the 110 members of the Democratic National Committee, each automatically accorded a full vote)."<sup>5</sup>

The national party conventions, unknown to the Founding Fathers, entered the American political scene in the 1830s. Prior to that time selection of President was made first, by the method contemplated under the Constitution as written, in which the Electoral College, made up of wise and seasoned leaders in their respective States, performed both the nominating and election functions (1789 and 1792); and second, beginning in 1796 -- coincident with the development of political parties -- a caucus of each party's members in Congress chose the nominees. Held irregularly at first, uncertain in policy and authority, the party convention was born of political necessity: "it was representative in character; it divorced nominations from Congressional control and added to the independence of the executive; it permitted an authoritative formulation of a party program; and it concentrated the party's strength behind a single ticket, the product of a compromise of personal rivalries and group or sectional interests."<sup>6</sup> Convention procedures, largely settled by the time of the Civil War, have changed but little over the years. However, the decisions of the delegates have continued "to show the effects of changes occurring outside of the meeting halls. As the importance of the Presidency increased, for example, the conventions showed greater deference to incumbent Chief Executives and even to defeated nominees of the party. The Republican convention of 1884, which rejected Chester Arthur, was the last to deny renomination to any incumbent President."<sup>7</sup>

In the Wilson years, as now, there were demands for more popular participation in and control over governmental institutions. "The cure for the ills of democracy," the Progressives declared, "is more democracy," inspiring among others the presidential primary idea which by 1916 was adopted in one form or another by 25 states. Said Senator Estes Kefauver of Tennessee in 1961:

"In the light of our historical development toward democratization of the present presidential nominating and election process, and of these weaknesses of the present presidential primary system, I suggest that the time has come to take the next step toward extending popular control of presidential nominations...The more the people have a chance to speak their minds, the closer we get to grassroots opinion and desires, the better our democracy works."<sup>8</sup>

Then, as now, there was widespread dissatisfaction with the national party conventions. Said the Baltimore Sun, in June 1912:

"Senator Bourne's prediction that the political exhibition, which has been on view in Chicago for some days past, will so strengthen the presidential primary idea that the conventions of 1912 will be the last we shall ever hold to nominate presidential candidates may not be fulfilled to the letter, but it is likely to be realized in substance."<sup>9</sup>

A Gallup Poll, taken after the 1968 national conventions found three-fourths of a national sample favoring choice of presidential candidates by the voters in a "nationwide primary election" instead of political party conventions.

Then, as now, there was a variety of proposals related to extension of the presidential primaries pending in Congress. As early as 1911, Senator Robert L. Owen of Oklahoma introduced legislation containing provision for direct nomination of President, and others followed with

different plans.<sup>10</sup> The defeat of Theodore Roosevelt in the 1912 Republican convention, endorsement of State primaries in the Democratic Platform of the same year, and the President's subsequent expression of hope for enactment of national primary legislation "promptly and without serious controversy" spurred the movement. But after only a brief period of exuberant growth, the movement faltered and fell into a marked decline. By 1935 only one State had adopted new primary laws, while 9 States had abolished theirs. Moreover, the primaries were of uncertain importance in the between-the-war years and candidates downgraded the use of them in their pre-convention campaigns. Only 14 States have had some form of presidential primary legislation continuously in effect in presidential years since 1916.

What political scientist James W. Davis describes as a presidential primary renaissance in Congress is a postwar development. It coincides with significant changes in the character of pre-convention campaigns, in which the State primaries -- although they remain limited in number -- have come to play an increasingly important part. "The saturation coverage by television, radio, and news media of presidential aspirants in the primaries has been so heavy in recent years that many American voters probably have the mistaken impression that presidential primaries are the only method used in selecting presidential nominees."<sup>11</sup> This is not true, of course; a candidate cannot win his party's leadership solely through primary victories. But it is nonetheless apparent that, particularly in the out-party, victories in the primaries can be parlayed into greater success. "A triumph in one state contest is apt to lead to a higher



standing in public opinion polls. The winner of a primary is also likely to be given more attention in the mass media, by the party organizations and by the general electorate. In seeking commitments from other delegates, a candidate can use his primary victory to demonstrate his political appeal."<sup>12</sup>

Renewed Congressional interest in legislation to extend the primary system has revived a quiet controversy, particularly where establishment of a national presidential primary is concerned. It is generally agreed that such a primary, which is often combined or conjoined with proposed changes in the Electoral College method of choosing the President and Vice President, would have a profound impact on the American political system. However, there are significant differences of opinion among students of and participants in the political process as to the desirability of this change and the feasibility of Federal action to effect it.

There are at least two well-defined schools of thought on the question:

- Proponents place emphasis on the values of more "open" and democratic methods of choosing candidates. A primary vote by the party rank-and-file, they assert, would bring forth better candidates, stimulate public interest in both candidates and issues, and result in government more responsive to the will of the people.
- Opponents place emphasis on the functions of a stable two-party system in a democratic society. A national primary, they assert, would eliminate present mechanisms for registering and accommodating dissent within the parties, lead to degeneration of the parties

into factions incapable of offering effective government, and demoralize State and local party organizations whose role in the political process would be taken over by other agencies less responsive to broad public demands.

Overall, legislation for extension of the primary system was offered by at least 75 different sponsors in the 78th through 90th (postwar) Congresses, 31 in the Senate and 44 in the House. Included were two basically different kinds of national primary plans as well as legislation designed to encourage the States to act on primary laws. Additionally, a number of Members of both Houses urged creation of high-level study commissions empowered to recommend any changes in nominating methods deemed desirable.

Provisions of the distinctive bills and joint resolutions are described below, in the first section of this report, in these categories: 1) national primary and pledged delegate plans, 2) statutes to induce States to hold primaries and conventions under more uniform conditions, and 3) the most recent of the study commission proposals. A second section of the report summarizes arguments for and against a national presidential primary, and a third outlines some of the obstacles to Federal action on such a proposal. Other relevant information is contained in the Appendix, including: a brief description of State presidential primary laws, a list of presidential primary legislation introduced in the 78th through 90th Congresses, Gallup Poll results on the national primary question since 1952, and a bibliography containing among other references postwar Congressional hearings on presidential primary proposals.

NOTES

<sup>1</sup> Quoted in James W. Davis, *Presidential Primaries; Road to the White House*, (New York: Thomas Y. Crowell Company, 1967), p. 15.

<sup>2</sup> In a letter to the Secretary of State of New Hampshire on February 5, 1952, President Truman stated he favored the national primary idea. This statement came after the President had characterized State primaries as "eyewash" in a January 31 press conference:

"It is my understanding that, in your State, the Presidential Preference Primary is purely advisory and has no relationship to the election of delegates. My statement at my press conference last week was intended to explain that such primaries do not bind the delegates. Not only do I not object to such primaries, but I have long favored a nationwide Presidential primary, so that the voters could really choose their own candidates."

Public Papers of the Presidents of the United States 1952-53: Harry S. Truman, (Washington: United States Government Printing Office, 1966), p. 137.

<sup>3</sup> Nelson W. Polsby and Aaron B. Wildavsky, *Presidential Elections; Strategies of American Electoral Politics*, (2nd ed.; New York: Charles Scribner's Sons, 1968), p. 28.

<sup>4</sup> Gerald Pomper, *Nominating the President; The Politics of Convention Choice*, (New York: W. W. Norton & Company Inc., 1966), pp. 42-3.

<sup>5</sup> Congressional Quarterly Weekly Report, Vol XXVI, (June 7, 1968), p. 1282.

<sup>6</sup> Eugene H. Roseboom, *A History of Presidential Elections*, (New York: The MacMillan Company, 1957), p. 106.

<sup>7</sup> Pomper, *op. cit.*, p. 25.

<sup>8</sup> Hearings before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary of the United States Senate; *Nomination and Election of President and Vice President and Qualifications For Voting*, Part 1, May 23, 26, June 8, 28, 29, and July 13, 1961, (Washington: U.S. Government Printing Office, 1961), p. 271.

<sup>9</sup> Louise Overacker, *The Presidential Primary*, (New York: The MacMillan Company, 1926), p. 175.

<sup>10</sup> On January 31, 1913, the Senate was considering S. J. Res. 78, limiting the President to two terms; Mr. Owen offered an amendment that would abolish the electoral college while retaining the electoral count of each State and would provide for the direct nomination by popular vote of presidential candidates and abolition of the national conventions. It was defeated 32 to 36 with 27 not voting.

Congressional Record, Vol. XLIX, Part 3, (Jan. 26-Feb. 12, 1913), pp. 2361-2. For details of early national primary legislation see Overacker.

<sup>11</sup> Davis, *op. cit.*, p. 247.

<sup>12</sup> Pomper, *op. cit.*, p. 109.

PRESIDENTIAL PRIMARY LEGISLATION IN CONGRESS: 1945-1968

Since 1945, sponsors of proposals for extension of the presidential primary system -- often lumped together as "national primary" legislation -- have taken one of three different routes. Each of these, in turn, presupposes a different level of popular participation and control, providing for either --

- Withdrawal of the presidential nominating choice from the party conventions, substituting primary elections held nationwide on the same day; or,
- Selection of pledged delegates in primaries held in each State on the same day, with the final choice in the national party conventions; or,
- Application of the federal grant-in-aid principle to induce States to hold primaries and nominating conventions under more uniform conditions.

About half of the postwar proposals called for amendment of the Constitution, generally assumed to be required for the national primary and pledged delegate plans, and these often were combined or offered in conjunction with changes in the Electoral College system. Much of the remainder of the legislation was patterned after a proposed statute developed by Senator Paul A. Douglas of Illinois and Representative Charles E. Bennett of Florida. Providing for federal payments to States holding presidential primaries, this bill gained significant support, as indicated in the table below, during and after Senator Kefauver's unsuccessful bid via the primaries for the 1952 Democratic nomination.

PRESIDENTIAL PRIMARY LEGISLATION AND SPONSORSHIP  
(78th through 90th Congresses)

## Type of Proposal

<u>Constitutional Amendments</u>	Senate		House	
	Dem.	Rep.	Dem.	Rep.
78th Congress		1		
79th Congress		1		1
80th Congress	1	1	1	1
81st Congress		1	1	1
82nd Congress	2	1	3	2
83rd Congress	7	4	2	1
84th Congress	2	1	1	
85th Congress	1			
86th Congress	2			
87th Congress	6	4		
88th Congress	2	1		
89th Congress	1	2		
90th Congress	6	4	18	3
TOTAL	30	21	26	9

Grant-in-Aid Statutes

82nd Congress	5	3	6	5
83rd Congress	13	5	4	4
84th Congress	11	1	6	2
85th Congress	1		4	1
86th Congress			1	
87th Congress	1		2	
88th Congress			2	
89th Congress			1	
90th Congress			2	
TOTAL	31	9	28	12

Aside from hearings in committee there was little action taken on any of these proposals. Only one -- the 1952 Douglas-Bennett bill -- was reported favorably by committee, and it was subsequently objected to and passed over in the Senate. The most extensive hearings were held in 1952 by the Subcommittee on Rules of the Senate Committee on Rules and Administration; and in 1952, 1953, 1955 and again in 1961 by the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary. However, in most of the postwar hearings, scheduled more often than not to consider both nominating methods and the electoral system, the proposals relating to presidential primaries received less attention than those relating to the Electoral College.

#### NATIONAL PRIMARY AND PLEDGED DELEGATE PLANS

Drafting a national primary or pledged delegate plan is anything but a simple matter. As an early writer on the subject, Louise Overacker, observed, "problems of the utmost importance must be faced at every turn." From a legal and technical standpoint, the most significant of these appear in the following areas:

- The Electoral College System -- How should any such primary relate to the Electoral College system, predicated on treatment of the States as separate voting blocs? If this system were left intact, could primaries conducted under Federal law work effectively in concert with general elections conducted under State law and by State officials? Or should the Electoral College be abolished and replaced with a direct or proportional vote plan applicable to both the primary and general elections?

- Vice-Presidential Candidates -- Should the primary vote determine choice of both presidential and vice-presidential nominees, which could result in selection of candidates of dissimilar views representing essentially different voting blocs? Or should only presidential candidates be chosen in this manner, with their running-mates selected as at present?
- Primary Ballot Certification -- Should cross-filing be permitted, and, if not, what standards would be applied to decide party affiliation (e.g. for candidates such as General Dwight D. Eisenhower). Further, how would candidates get on the primary ballot nationwide? The problem here is in establishing requirements, such as petitions, that would discourage frivolous candidacies but would not inhibit serious candidates or their supporters because of the expense involved.
- Basis of Nominating Choice -- It is possible that the primary vote would be divided among several candidates. Should the choice go to a plurality winner, even if he received only a small proportion of the total vote cast? The alternatives are a fixed plurality or majority vote basis for choice, either of which require provision for a second, run-off primary.
- Participation of Minor Parties -- How broad should the appeal of minor parties be before they are permitted to place candidates on the primary ballot nationwide? And what criterion should be used in defining this. Among the possibilities are the number of votes



received by the party's candidates in the last presidential election -- which would have the effect of delaying participation of any party that gained substantial popular support between general elections -- and the number of "registered" members, which presupposes establishment and maintenance of party enrollment lists of some kind.

- Qualifications for Voters -- Should the primaries be open or closed, with voters eligible to cast ballots only for candidates of their party of "registered affiliation?" Who would establish party registration and other voter qualification requirements and procedures: Should this be left to the States, or be subject to Congressional enactments?
- General Election Ballot Uniformity -- How would primary results be reflected in placement of names on the general election ballot? Should only the winners of the primaries appear on an "official" ballot, precluding independents and candidates of parties unable to qualify for the primaries? Or should provision be made for such candidates, permitting an unsuccessful candidate for a major party nomination via the primaries to secure a place on the general election ballot as an independent?

And finally, in drafting a national primary or pledged delegate plan, this question remains: How much of the detailed operation of the primaries should be "frozen" into the language of a Constitutional amendment. Or, alternatively, to what extent should Congress have discretion -- and all such plans would as a matter of course require supplementary legislative enactments -- to make adjustments as needed through the normal legislative process?

## NATIONAL PRIMARY AMENDMENTS

One of the most far-reaching of the postwar national primary proposals was sponsored by Senator William Langer. A political maverick as well as a persistent advocate, the North Dakota Republican offered this as an amendment to legislation being considered by the Senate on three occasions. Each time it was rejected -- 66 to 14 in 1947, 60 to 31 in 1950, and 69 to 13 in 1956.<sup>1</sup>

First introduced in the 78th Congress, on January 15, 1944, his proposal called for both nomination and election of President and Vice President by direct vote, with emphasis throughout on initiative and action at the Federal rather than the State level.<sup>2</sup>

Under its terms, each party which had as registered members more than five per cent of the nation's total registered voters would hold primaries nationwide on the same day (in June) in presidential election years. These would be closed primaries; voters could participate only in the primary of their "party of registered affiliation." Candidates who filed petitions containing signatures of qualified voters equal to at least one per cent of the total vote cast in the last presidential election would appear on their party's primary ballot in every State (about 701,000 signers would have been required to place candidates on the ballot in 1968.) Cross-filing would be precluded; no one could be a candidate except in the primary of his own party.

The candidates receiving the most votes -- even if only a plurality -- would be the party's official nominees for President and Vice President.

To ensure general election ballot uniformity only the names of the winners of the primaries could appear on the official ballot in every State, which would apparently bar independents and candidates of minor State or regionally based parties unable to qualify for participation in the primaries. (A substantially similar proposal introduced on March 15, 1951, by Representative Usher L. Burdick of North Dakota included a provision whereby independent candidates could petition for a place on the general election ballot.)<sup>3</sup> As in the primary, the candidates receiving a plurality of the votes would be elected.

In both primary and general elections, voter qualifications were left to the States: "Voters in each State shall have the qualifications requisite for voters of the most numerous branch of the State legislature." But it was also stipulated that, while the place and manner of holding these elections would be determined by the State legislatures, Congress could "at any time by law make or alter such regulations."

#### 79th Congress

A national primary, direct election on the basis of a plurality of the votes cast, and limitation of President and Vice President to a single six-year term were combined in a proposal introduced April 12, 1945, by Representative William Lemke of North Dakota.<sup>4</sup> The section dealing with the nominations provided for choice of both presidential and vice presidential nominees, but other than fixing a uniform time (in June), did not specify conditions under which the primaries would be held.

To get on the Primary ballot in all of the States, candidates of "every existing or new party" would submit petitions signed by at least

three per cent of the voters who cast ballots in the last presidential election in a majority of the States. (If this had been in effect in 1968, the minimum required would have been about 157,000 signatures.) After certification that this requirement had been met, the U.S. Attorney General would instruct the chief executive of each State to place the candidates' names on the ballot. And after the primaries the President of the Senate (Vice President) would request the States' chief executives to place the names of the winners -- only a plurality would be required -- on the general election ballot. It was also stipulated, however, that the President and Vice President "shall be chosen" from those candidates nominated in the primaries.

#### 80th Congress

A proposal developed by Senator George A. Smathers of Florida would retain, through a proportional voting arrangement, more of the Federal principle than other postwar national primary plans. His amendment -- first introduced while he was a Member of the U.S. House, on July 27, 1948, and refined over the years -- called for nomination of presidential candidates only.<sup>5</sup> In 1953 Hearings of the Senate Subcommittee on Constitutional Amendments, Senator Smathers explained his decision to omit vice-presidential candidates:

"It appears there will have to be some sort of a convention after the primary. The present intent is to pick out who they want to have run for Vice President... Obviously, it has to be somebody who is compatible with the President and whom he wants."<sup>6</sup>

Under Senator Smathers' plan, each State would have a number of nominating votes equal to its electoral votes, and candidates for the nominations would receive such votes from each State in proportion to their popular primary vote there. A majority of the nominating votes throughout the nation would be required for nomination. If no candidate received a majority, a run-off primary would be held between the two leading candidates.

The primaries would be closed, held on the same day -- to be determined by Congress -- and conducted in a manner "prescribed in each State by the legislature thereof." Cross-filing would be precluded, but the method of placing names of candidates on the ballot was not specified. Presumably this would be determined by Congress, because it was specified that the name of each candidate would appear on the ballot of his party in all of the States. Eligible to participate in the primaries would be those parties which within the past four years had as registered members at least ten per cent of the total registered voters in the nation.

Senator Smathers also would abolish the electoral college system of electing the President and Vice President. Instead, his proposal called for application of the proportional method as used in the primaries. The winning candidate would be required to have at least 40 per cent of the "electoral votes." If no candidate received such a plurality, the Senate and House of Representatives would choose from the two candidates with the largest number of electoral votes, and a majority of the combined vote of the two Houses would be necessary for a choice.

Voter qualifications for both elections would be the same as those of the Langer proposal.

82nd Congress

A proposal introduced in the 82nd Congress called for primaries in each State on the same day (in April) to "determine the preference of the members of each political party in that State" for presidential and vice presidential nominees. This plan, introduced February 19, 1952, by Representative Sidney E. Simpson of Illinois, left the details of conducting the primaries up to the States, "unless the Congress shall by law provide a uniform system" for them. Both the presidential and vice presidential nominees were to be selected by a plurality of the votes cast nationwide by members of each party.<sup>7</sup>

86th Congress

Senator William E. Proxmire of Wisconsin, in a proposal first introduced on March 28, 1960, called for nomination of Presidential candidates only through a voting arrangement similar to that of the Electoral College system.

Under his plan, each State would have the same number of nominating votes as it had electoral votes.<sup>8</sup> In the primaries held in each State (in August), the "winner-take-all" formula of the Electoral College system would apply; candidates receiving the most votes in their party's State primary would get all of that State's nominating votes.

A majority of all such votes cast nationwide would be required for nomination. If there were no majority winner in a party, a run-off

primary would be held between the two leading candidates for that party's nomination.

Candidates could be included on the ballot only if they filed petitions with signatures of qualified voters equal to at least one per cent of the total popular vote in the last presidential election. And the petition list would have to include residents of at least six States: two of the sixteen most populous, two of the sixteen next most populous, and two of the eighteen least populous -- in each of which the signers would have to equal at least five per cent of the total popular votes cast in the last presidential election.

Eligible to participate in the primaries would be only those parties which had candidates receiving at least ten percent of the total popular votes cast in the last presidential election. (Under this formula, third parties could have participated in 1916 and 1928 -- and in 1972). Details of primary operation and voter qualifications would be left to the State legislatures, but Congress could at any time regulate the manner in which they were held. Vice presidential candidates would be selected as at present.

#### 87th Congress

The most detailed of the postwar proposals, designated Senate Joint Resolution 1 of the 87th Congress, called for abolition of the Electoral College and nomination and election of both President and Vice President by direct popular vote.

Introduced by Senator Margaret Chase Smith and four other Senators on January 5, 1961, this proposal specified that no candidate could seek the

nomination of any party but his own, nor could his name appear on the ballot in any primary as a candidate for nomination for both President and Vice President. However, the proposed amendment contained specific provision for write-ins for either office, except in any runoff primaries that might be required. Under her plan, candidates would be placed on the ballot for the primaries (in August) in each State upon submission of a petition containing signatures equal to at least one per cent of the total number of popular votes cast nationwide in the last presidential election.<sup>9</sup>

If no candidate for the presidential nomination received a majority of the total vote cast nationwide in a party's primary, a run-off would be held in that party between the two leading candidates. A similar provision would apply if no vice presidential candidate received a majority. And in both cases, any person ineligible to vote in the first primary could not vote in the run-off.

The Smith plan included provisions to sort out the choices for President and Vice President as these might be affected by write-ins (for example, in instances where such votes gave the same candidate a majority for both offices), as follows:

"In the event a person shall receive...as the result of write-in votes, a majority of the total number of votes cast by the voters of the party of his registered affiliation for nominees for President and a majority of the total number of votes cast by such voters for nominees for Vice President, such person shall declare which nomination he accepts; and a runoff election shall be conducted for the nomination such person does not accept, between the two persons who received the next highest number of votes for such nomination.



"In the event a person shall receive...as the result of write-in votes, the highest or second highest number of votes cast by the voters of the party of his registered affiliation for nominees for President (and no person receives a majority) and the highest or second highest number of votes cast by such voters for nominees for Vice President (and no person receives a majority), such person shall declare the office for which he will be a candidate in the runoff election...and such person may not be a candidate for nomination for the other office. The runoff election for the nomination for such other office shall be between the two persons who received the next highest number of votes for such other office.

"In the event a person shall receive...as the result of write-in votes, a majority of the total number of votes cast by the voters of the party of his registered affiliation for nominees for President and the highest or second highest number of votes cast by such voters for nominees for Vice President (and no person receives a majority), or such person receives a majority of the total number of votes cast for nominees for Vice President and the highest or second highest number of votes cast for nominees for President (and no person receives a majority), such person may, in either such case, accept a nomination for the office for which he received a majority of the votes cast, and a runoff election shall be conducted for the other office between the two persons who received the next highest number of votes for such office; or, such person may refuse the nomination for the office for which he received a majority of the votes cast and declare himself a candidate in the runoff election...for the office for which he received the highest or second highest number of votes. If such person refuses the nomination for an office for which he received a majority of the votes cast, a runoff election shall be conducted for such office between the two persons who received the next highest number of votes for such office...

"If, in any case in which a runoff election would otherwise be held, only one candidate of a party remains for nomination for President or Vice President, as the case may be, such candidate shall be the official candidate of such party for such office and no runoff election shall be conducted for such office."

Eligible to participate in the primaries would be those parties which within the past four years had as registered members more than five per cent of the total registered voters in the Nation.

It was also stipulated that in the general election, only the names of candidates nominated in the primaries "shall appear upon the official ballot in every State." Election would be by majority vote, with essentially the same provisions as applied in the primaries for a run-off when required and for sorting out choices should they be affected by write-in votes.

Voter qualifications and the place and manner of holding these elections would be left to the States, but Congress could alter "such regulations" at any time.

#### 90th Congress

Senate Majority Leader Mike Mansfield of Montana, who sponsored legislation to encourage extension of the State primary system in 1961 (see below), developed a national primary amendment and introduced this along with other proposals for changes in the electoral system during the 90th Congress. Calling for abolition of the Electoral College and direct election of President and Vice President, his amendment envisioned nomination of presidential candidates only in a closed nationwide primary (in August).<sup>10</sup>

To get on the primary ballot in all the States, a major party candidate would be required to file petitions signed by qualified voters equal to one per cent of the vote cast in the last election for presidential candidates of his party in each of seventeen states (1968 Democratic

candidates would have required a minimum of about 25,500 and Republicans about 19,200 signatures).

For candidates of "minor" parties -- which did not have electors on the ballot in seventeen States, but which polled at least ten per cent of the vote cast nationwide in the last presidential election -- the requirement would be one per cent of the total vote cast throughout the Nation.

Introduced by Senator Mansfield and five other Senators on June 17, 1968, this proposal specified voter qualifications the same as the Smith plan. It also precluded cross-filing, and while the place and manner of holding the primaries would be left to the States, Congress could change such regulations at any time.

A majority of the votes cast nationwide in the primaries would be required for nomination. If no candidate received a majority, a run-off would be held between the two leading candidates, with voting closed to those ineligible to cast ballots in the first primary. (A substantially similar proposal, introduced July 24, 1968, by Representative William Broomfield of Michigan would require a run-off only if no candidate in the primaries received at least forty per cent of the votes.)<sup>11</sup>

The text of the Mansfield amendment stipulated that each party participating in the primaries "shall nominate a candidate for Vice President, who, when chosen, shall be the official candidate of such party" throughout the Nation. In the general election, "each voter shall cast a single ballot for two persons who shall have been nominated as official

candidates" for President and Vice President. Voters in each state "shall have the qualifications requisite for persons voting therein for Members of Congress." However, "nothing...shall prohibit a State from adopting a less restrictive residence requirement for voting for President and Vice President than for Members of the Congress, or prohibit the Congress from adopting uniform residence and age requirements for voting in such election."

To win the general election one pair of candidates would have to receive at least 40 per cent of the popular vote. Otherwise, a run-off would be held between the two leading pairs of candidates.

In another proposal, Representative John E. Moss and thirteen other California Congressmen called for an amendment similar in its brevity and lack of detail to the Celler-Kefauver plans of the 82nd Congress (see below). However, while the earlier proposals stipulated only that Congress shall have power to legislate for primaries, the Moss amendment would direct the Congress not only to provide for a national primary but for selection of President and Vice President by popular vote as well.

Introduced on September 9, 1968, the proposed amendment stated in a single operating clause that:

"The Congress shall provide by law for a national preferential primary election to select candidates for the office of President and Vice President and shall provide for the election of the President and Vice President by the popular vote of the people of the United States."<sup>12</sup>

In the closing days of the 90th Congress, Representative Al Ullman of Oregon introduced a similarly brief amendment proposal directing the

Congress to provide for election of President and Vice President by direct vote. A companion bill, October 3, 1968, contained details of his plan, including a national primary for selection of presidential candidates only (in September).<sup>13</sup>

Eligible to participate would be those parties which in at least three-fourths of the States had either --

- Received 25 per cent of the total vote cast in each of these States in the last presidential election; or
- Filed a petition in each of these states containing signatures of at least 5 per cent of the qualified voters there.

The proposed act would establish a bipartisan National Presidential Elections Commission, appointed by the President, to administer and supervise the primaries and general elections, certifying the qualifications of the parties and the candidates. Also, the commission would be directed to conduct studies of the election process from time to time and to report its findings and recommendations to the Congress.

To get on the ballot for the primaries, held in each State, candidates would be required to: 1) state a preference for a party which had met requirements for participation under the act; and, 2) file in at least two-thirds of the States a petition signed by two per cent of the total national vote for President in the last election, with these to include at least 50,000 signers from each of the States concerned.

Candidates for Vice-President would be selected in whatever manner the participating parties should desire. As written, the Act does not

indicate what the basis for deciding the primary outcome would be (plurality or majority) but in a Congressional Record statement Representative Ullman said candidates receiving pluralities would be "declared the nominees eligible to participate in the general election."<sup>14</sup>

The proposed National Presidential Elections Act specified that the election (in November) of President and Vice President would be from "among the respective successful candidates in the national presidential primary election and the respective vice presidential candidates selected by the qualified political parties." Required for election would be more than 50 per cent of the total vote cast, and if no candidate received such a majority a run-off would be held between candidates of the two leading parties.

Left to the States under terms of the act would be the type of primary elections held, the conduct of State and local elections, and voter qualifications "so long as such actions are not inconsistent with the purposes" of the act.

#### PLEGGED DELEGATE PLAN

Departing from the approach taken in other postwar proposals, Representative Emanuel Celler of New York early in 1952 proposed an amendment that contained only a broad grant of power to Congress to enact laws for such primaries if it so desired. Subsequently, Senator Kefauver introduced a similar amendment and outlined supplementary legislation to provide for primary election of delegates who would cast their votes at "streamlined" national party conventions.

Introduced on February 14, 1952, the Celler proposal, in a single operating clause, stated:

"The Congress shall have power to provide for and to regulate general primary elections for the selection of candidates for the office of the President of the United States of America and Vice President of the United States of America."<sup>15</sup>

A similar proposal was introduced by, among others, Representative Bennett on April 24, 1952. This would grant Congress the power to provide for nomination of candidates for President and Vice President by popular vote "and to make all laws which shall be necessary and proper for carrying into execution this power..." However, his proposal continued, "participation of each State...shall be reasonably related to its electoral vote and the partisan preference of its voters," and "determination of voters' qualifications shall be reserved to the States."<sup>16</sup> These reservations did not appear in the Kefauver proposal, introduced January 13, 1953, which stated only that:

"The Congress shall have power to provide for nomination of candidates for President and Vice President by primary elections to be held in each State, the District of Columbia, and the Territories, and to make all laws which shall be necessary and proper for carrying into execution this provision."<sup>17</sup>

During 1961 Hearings of the Senate Subcommittee on Constitutional Amendments, which he chaired, Senator Kefauver said that his proposal was designed to permit adjustments in primary laws as required by changing circumstances:

"I have no doubt that we will go through a period of trial and error in the working out of laws governing a national primary. Therefore, the mechanics of such a primary have been left for future enactment into statutory law, where they can be more easily adjusted and adapted to meet the needs of the times...

"I feel that the details of primary elections should not be given inflexibility by inclusion in a Constitutional amendment...I believe, too, that the proposal for a national presidential primary has a greater chance of success if we advance it first as a general principle, then work out the details after the reform has been approved by Constitutional referendum."<sup>18</sup>

However, Senator Kefauver outlined what he had in mind for the operation of primaries in each State if his amendment were approved. Based in part on the Wisconsin primary system, his plan included these steps:

"Step 1: There shall be 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...

"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 a convention. (To avoid undesirable fractional



ballots, machinery can be set up where the division of delegates is calculated by round numbers, rather than by exact fractions.) 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...As a means of breaking an early deadlock, a candidate should be given discretionary authority to release his delegates when he feels he cannot win. The law should be written to indicate strongly that the delegates, once released, are free agents, at liberty to exercise their best judgment as to preference among the remaining eligible candidates; the practice of trading delegates to accomplish private political deals should be discouraged...

"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..."<sup>19</sup>

#### STATUTES RELATING TO STATE PRIMARIES AND CONVENTIONS

After hearings on March 28, 1952, the Senate Rules and Administration Committee recommended passage of S. 2570, which applied the grant-in-aid principle as an inducement to States to hold presidential preference primaries.<sup>20</sup> Representative Bennett and Senator Douglas developed this approach, subsequently incorporated in a substantial number of bills introduced in the 82nd through 85th Congresses, to avoid the delays and difficulties of the Constitutional amendment process -- so that the preferences of voters could have an impact on delegates to the 1952

national party conventions. As Senator Douglas stated during the hearings:

"A Constitutional amendment is needed to establish any Presidential primary system which would prevent nomination by the convention system and bind parties in their choice of nominees... However, it takes a long time to secure the passage of Constitutional amendments and S. 2570 can be enacted promptly by Congress and take effect in time for 1952 elections. The primaries provided would suggest candidates for convention nomination. While there would be no compulsion on the delegates to accept the primary choices, the results of these primaries should have strong persuasive influence on the convention delegates. In time, the parties might voluntarily recognize these primaries as binding. In any event, a popular expression of preference could be made."<sup>21</sup>

As introduced January 31, 1952, by Senator Douglas and seven other Senators, S. 2570 would authorize the U.S. Attorney General to make payments to States holding preferential primaries for nomination of candidates for both President and Vice President. Included were provisions directing the U.S. Attorney General to specify the dates of such primaries and the filing deadlines for candidates' petitions as well as "other details necessary to effectuate" purposes of the Act. In committee, however, the bill was amended to place the initiative in establishing the primaries on the individual States -- permitting them to determine the type of selective process best adapted to their particular primary machinery -- rather than on the Federal government.

A more comprehensive Douglas-Bennett bill, introduced in 1953, placed responsibility for administering the "Presidential Primaries Act" in a five-member, bipartisan commission to be appointed by the President.<sup>22</sup> Among other functions, the commission would certify candidates to States qualifying and make payments to those holding presidential primaries, if --

- Such primary elections were held not earlier than April 1 or later than May 31.
- Only the names of candidates for President certified to the State by the Commission were on the ballot.
- Voters were required to have the qualifications requisite for electors of the most numerous branch of the State legislature.
- Qualified voters were allowed to vote only in the presidential primary of their own party.
- Delegates to the national conventions were pledged to vote for the candidates receiving the greatest number of votes in the primaries, with this pledge binding on the first ballot and all subsequent ballots unless 1) the delegates were released by the candidate, or 2) the candidate received less than 10 per cent of the convention vote on any ballot after the first one.

(A later version of this bill, introduced by Representative Bennett on January 10, 1963, provided only that the results of the primaries must be "binding to a reasonable extent upon the delegates," with the commission to determine what was sufficient in this regard. Other revisions extended the acceptable primary dates -- from April 1 to July 31 -- and stipulated that no qualifications could be established for voters other than those prescribed by each State as requisite for electors of the most numerous branch of its legislature.)<sup>23</sup>

To qualify for ballot certification (to the States) candidates or their supporters would have to submit petitions signed by 1) at least

1000 qualified voters in each State, if less than four States were participating, or 2) 1000 such voters in each of three-quarters of the States participating, if the number was more than four. No candidate could be certified for inclusion on the ballots of more than one party. And upon receipt of the petitions the Commission would notify prospective candidates, who would have until a specified date to withdraw their names if they did not wish to run.

The Act would authorize payments only for primaries of parties which polled at least ten million votes in the previous presidential election. Such payments would be based on a statement of primary election costs submitted by each State, with the total not to exceed 20 cents for each vote cast there.

#### 87th Congress

A new element -- financial support for candidates for presidential nominations as well as for parties' general election campaigns -- was introduced in a three-part package of changes in the election and nominating systems proposed by Senator Mansfield on January 9, 1961.

Providing such support, the Senator said, would serve the national interest by making candidates less dependent on "a relative handful of people and organizations which make large contributions directly and indirectly," and would add to the dignity and vitality of the Nation's political life. Noting the increasing costs of campaigns, he added,

"Candidates and parties raise money as best they can because money is essential in political campaigns. They do the best that they are able to do. But I do believe all of us, in the Congress and in the Nation, share responsibility for the neglect and inertia

which makes a most vital instrument of freedom dependent for its financing on a system less equitable and less rational than the fund raising devices of obscure charities."<sup>24</sup>

Described by its sponsor as a modification of the 1952 Douglas approach, one of the Mansfield proposals was designed to encourage States to hold preferential primaries. This bill, S. 288, would establish a Federal Presidential Election Board empowered to --

- Enter into agreements with States to conduct preferential primaries for suggesting nominees to each party which polled at least ten per cent of the popular vote in the previous presidential election.
- Specify the dates of such preference primaries (not later than August 1) and other details necessary and proper to effectuate the purposes and provisions of the Act.
- Compensate each State conducting these primaries at a rate not to exceed 20 cents for each vote cast in its primaries.
- Reimburse each candidate whose name appeared on the ballot in a primary held under provisions of the Act up to \$250,000 in campaign costs.

A candidate would be eligible for reimbursement only if he received at least three per cent of the total vote in all States holding such primaries. Otherwise, if he failed to poll this many votes, he would forfeit a \$25,000 bond required of all candidates, in a provision designed to inhibit frivolous candidacies. Also, the act would require petitions on behalf of candidates; provisions for these as well as for notification and withdrawal

of candidates were similar to those of the Douglas-Bennett proposals. And upon meeting the petition requirement a candidate's name would appear on the ballot in all States holding these primaries.

Members of the Board, authorized to spend up to \$10 million in each presidential year in support of the State primaries and candidates, would be appointed by the President, the Chief Justice and the Speaker of the House under conditions ensuring representation of major and substantial "third" parties.

A second Mansfield proposal would authorize partial reimbursement of radio and television expenditures by parties willing to hold their conventions on or after September 1 -- a condition designed to bring about shorter general election campaigns -- and to allot convention delegate votes to each State equal to the number of members of its Congressional delegation. If a party's candidates received ten per cent or more of the total popular vote in the election it would be eligible to receive, on the basis of an itemized statement, up to \$1,000,000. Those parties which polled less than ten per cent of the vote would be eligible to receive up to \$100,000.<sup>25</sup>

The third Mansfield proposal, a joint resolution calling for amendment of the Constitution and direct popular election of President and Vice President, included language directing Congress to provide for selection of candidates for both offices. Moreover, once selected, the names of party nominees for President and Vice President would appear jointly on the ballot in each State:

"The candidates for the offices of President and Vice President shall be selected in such manner as the Congress shall by law provide. The names of the candidates so selected shall be placed on the ballot in each State, and shall so appear thereon that a single vote will be cast by each voter for the candidate of a political party for the office of President and the candidate of the same party for the office of the Vice President."<sup>26</sup>

#### 90th Congress

A "Presidential Nominee Selection Act" introduced by Representative Robert C. Eckhardt of Texas on October 3, 1968, placed emphasis on inducing uniformity in State laws for selection and instruction of delegates to the national party conventions. It envisioned matching grants to defray costs of State primaries or State party conventions in those States which adopted "model laws" deemed by the U.S. Attorney General to be in accordance with standards set out in the act.<sup>27</sup>

For both primary and convention States, the standards would include:

- Selection of national convention delegates during the week beginning the first Sunday in July.
- Contribution by political parties to a nominating fund with which to match Federal grant payments.

If the State employed the primary method of selecting national convention delegates, the following standards would apply:

- Fair and comprehensive provisions for elections, including qualification of nominees, the method of placing names on the ballot, and other election details, with polling places to conform generally with those provided for the party polling the most votes in the State in the last presidential election.

- Apportionment of delegates on the basis of the proportion of the votes cast for each candidate.
- Designation of the individual delegates to the convention by the candidate they are to represent.

If the State employed the convention method of selecting delegates, the following standards would apply:

- Reasonable safeguards to assure that the conventions are state-wide, properly advertised, and that machinery and facilities are provided to afford a fair and equal opportunity to the members of each political party to participate.
- Selection of delegates from political subdivisions comprising the entire State; each subdivision to hold a convention and to send a slate of delegates to the State convention, with all parties required to use the same subdivisions.
- Apportionment of votes among the subdivisions at the State convention to be based on the proportion of the votes cast in each subdivision for the party's candidate in the last presidential election.
- "The delegates shall be free to nominate persons for the party's nomination for President. They shall then hold one ballot, each delegate casting one vote for one of the persons so nominated.

When the votes for the party's nomination for President are tallied, it shall be determined what percentage of the total vote was cast for each nominee, and the delegates to the national convention from the party convention of that State for each of the nominees shall be in proportion to the votes cast for that nominee, to the closest single delegate. If any county convention, or convention in any



governmental subdivision, elects to send a delegation to the next higher convention within the State which is instructed with respect to candidates for the Presidency, a like procedure of proportionate representation shall be followed at every such subdivision convention in any State where the convention system is used."

"The group of delegates to the national convention, selected as the proportionate representation of each nominee, shall be selected by a caucus of those delegates at the State convention who voted for that nominee. Any group of delegates to the next convention selected at any convention of the State or of a subdivision thereof as the proportionate representation of a nominee shall be selected by a caucus of those delegates at the convention who voted for that nominee."

All delegates sent to the national party conventions, whether chosen in primaries or State conclaves under terms of the act, would be bound to vote on the first ballot for the candidate they were selected to represent. They would be free to vote for whomever they wished on the second and any subsequent ballots. The Federal payment would be five cents per vote cast in the primary States and one dollar per hundred population in the convention States, with these payments to be disbursed "in a manner so as fairly and equitably to defray the convention or primary costs of each political party within the State."

The Eckhardt proposal also would establish a Committee on Public Debate, which under specified procedures would determine the leading

candidates of each party qualifying under the act and would arrange for a debate between them on television. Such programs would be conducted on public service time without cost to the candidates.

#### STUDY COMMISSION APPROACH

Study of the nominating system by a special commission, with a view to developing recommendations for any changes deemed desirable, has been suggested on a number of occasions over the years. Senator Smathers introduced a bill to establish such a commission as early as 1957.<sup>28</sup> More recently, in the 90th Congress, Senator Gaylord Nelson of Wisconsin urged establishment of a 30-member temporary Commission on Nominations for President and Vice President, which would report its findings to Congress well in advance of the 1972 presidential campaign.

Under terms of his bill, introduced on September 4, 1968, the commission was directed to investigate fully the convention method and to make any recommendations it wished for changes in methods and processes used for the selection of convention delegates, "to provide for a more democratic representation of the electorate." It also was directed to consider a specific alternative -- a nationwide Presidential primary election -- and to report on the feasibility of such a primary as a part of the nominating procedure for the office of President.<sup>29</sup>

In a statement describing this approach, Senator Nelson said that broad representation of public opinion on the commission was crucial and should include those elements of public opinion which "do not appear

to be effectively represented in our present nominating conventions."

Accordingly, he added, he was proposing selection of commission members as follows:

"To provide representation of the sharply conflicting points of view expressed at the recent Republican and Democratic Conventions, I have proposed that commission representatives be selected by each of the top three candidates for President at the 1968 Republican and Democratic Conventions. This means that one commission member would be appointed by Richard Nixon, Governor Rockefeller, Governor Reagan, Vice President Humphrey, Senator McCarthy, and Senator McGovern.

"To provide broad national representation, I have proposed six commission members appointed by the President, no more than three of whom could be members of the same party. To guarantee representation of the youthful point of view, which seemed to be somewhat left out at both conventions, the resolution provides that at least two of the President's appointees must be under 30 years of age.

"If the convention nominating procedure is to be reformed, Congress is going to have to lead the way. Consequently, I have proposed 12 congressional members of the commission, six from each party. It would be my suggestion that these representatives be selected at the respective party caucuses.

"The States, of course, are responsible for the conduct of elections. Consequently, if any change as monumental as a nationwide primary is to be undertaken, we must have close cooperation from State and local government. Therefore, I have proposed that three members of the commission be selected by the Council of State Governments -- one Governor, one legislator and one State administrative official -- and that three members be selected jointly by the National League of Cities and the U.S. Conference of Mayors."<sup>30</sup>

Results of the commission's study, said Nelson, should be made available to Congress during the 91st Congress, not later than August 1, 1969.

NOTES

<sup>1</sup> For details of these votes see the Congressional Record, Vol. XCIII, Part 2, (Feb. 26-March 28, 1947), p. 1962; Vol. XCVI, Part 1, (Jan. 3-Feb. 2, 1950), pp. 1276-77; Vol. CII, Part 4, (March 8-27, 1956); pp. 5637, 5657.

<sup>2</sup> S. J. Res. 10, 84th Congress, 1st Session.

<sup>3</sup> H. J. Res. 205, 82d Congress, 1st Session.

<sup>4</sup> H. J. Res. 118, 81st Congress, 1st Session.

<sup>5</sup> S. J. Res. 3, 90th Congress, 1st Session.

<sup>6</sup> Hearings before a Subcommittee of the Committee on the Judiciary of the United States Senate; Nomination and Election of President and Vice President, Part 4, June 11, July 13 and 15, August 1, 1953, (Washington: U.S. Government Printing Office, 1953), p. 26.

<sup>7</sup> H. J. Res. 385, 82d Congress, 2d Session.

<sup>8</sup> S. J. Res. 102, 87th Congress, 1st Session.

<sup>9</sup> S. J. Res. 6, 90th Congress, 1st Session.

<sup>10</sup> S. J. Res. 179, 90th Congress, 2d Session.

<sup>11</sup> H. J. Res. 1417, 90th Congress, 2d Session.

<sup>12</sup> H. J. Res. 1444, 90th Congress, 2d Session.

<sup>13</sup> H. R. 20193, 90th Congress, 2d Session.

<sup>14</sup> Congressional Record, Vol. CXIV, No. 163, (Oct. 3, 1968), p. H9504.

<sup>15</sup> H. J. Res. 377, 82d Congress, 2d Session.

<sup>16</sup> H. J. Res. 434, 82d Congress, 2d Session.

<sup>17</sup> S. J. Res. 17, 93rd Congress, 1st Session.

<sup>18</sup> Hearings before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary of the United States Senate; Nomination and Election of President and Vice President and Qualifications for Voting, Part 1, May 23, 26, June 8, 28, 29, and July 13, 1961, (Washington: U.S. Government Printing Office, 1961), pp. 268, 272.

<sup>19</sup> For fuller discussion of this plan see "Statement of Senator Estes Kefauver," Ibid, pp. 272-275.

<sup>20</sup> Senate Report No. 1858, 82d Congress 2d Session. In the Senate, S. 2570 was passed over after objection by Senator Kenneth D. McKellar of Tennessee: "This bill should not be brought up under the 5-minute rule, and I object to present consideration of the bill." Congressional Record, Vol. XCVIII, Part 7, (June 28-July 7, 1952), p. 9081.

<sup>21</sup> Hearing before the Subcommittee on Rules of the Committee on Rules and Administration of the United States Senate; Preference Primaries for Nomination of Candidates for President and Vice President, March 28, 1952, (Washington: U.S. Government Printing Office, 1952), pp. 14-15.

<sup>22</sup> H. R. 96, 83d Congress, 1st Session.

<sup>23</sup> H. R. 251, 90th Congress, 1st Session.

<sup>24</sup> Congressional Record, Vol. CVII, Part 1, (Jan. 3-Jan. 26, 1961), p. 350.

<sup>25</sup> S. 227, 87th Congress, 1st Session.

<sup>26</sup> S. J. Res. 23, 87th Congress, 1st Session.

<sup>27</sup> H. R. 20199, 90th Congress, 2d Session.

<sup>28</sup> S. J. Res. 15, 85th Congress, 1st Session.

<sup>29</sup> S. J. Res. 200, 90th Congress, 2d Session.

<sup>30</sup> Senator Gaylord Nelson, Congressional Record, Vol. CXIV, No. 142, (September 4, 1968), p. S 10160.

THE NATIONAL PRESIDENTIAL PRIMARY: ARGUMENTS PRO AND CON

Significant differences of opinion appear not only on the value and possible consequences of the national presidential primary; proponents and opponents also disagree on the extent of popular participation and control permitted by the present nominating system. At the heart of this issue of popular democracy is the role of the national party convention.

Would it not be better, asks Senator Proxmire, a sponsor of a national primary plan, "to choose our presidential nominees in a national primary, where the candidates and their ideas are on display and are contending openly, than it is to choose them in the narrow, emotional, cynical, rumor-filled, bandwagon rolling, shouting, no one listening climate" of a national party convention?

"The plain voter has no real chance to say who will be the only two men in the Nation with any chance to win the most powerful office in the free world -- that is, the nominees of the Democratic and Republican parties in the presidential election campaigns....

"I will...contrast the smoke-filled room and the noise and shouting and the emotional situation that we have at the convention with the quietness of the voting booth, in the voting places all over America where every voter has an opportunity, if only for a minute or so, to think quietly as to the candidate who, in his judgment, is best qualified, and to do so without any pressure.

"Are we not far better served, at this time in world history when our system is on trial, by placing our trust in all of the people, rather than in a partisan few?"<sup>1</sup>

Another sponsor of a national primary proposal, Senate Majority Leader Mansfield argues for a more rational method of choosing a President, emphasizing what he sees as the unrepresentative character of the present State primaries:

"The presidential primaries under our present happenstance system find the great confrontation of candidates in areas that often represent less than a valid cross section of the American people. The candidates, although competing for the delegate votes which they may not receive even if victorious, are attempting to demonstrate to the country their broad appeal to the people. What better method is there to demonstrate their preference [than a national primary]? Under our present system, we seem to be blindly seeking a choice of a nominee enmeshed in a maze of conflicting State law and dubious custom and practice that preclude a rational popular choice at this most critical point in our election process."<sup>2</sup>

A co-sponsor of the Mansfield proposal, Senator George Aiken of Vermont asserts that the present system is not sufficiently responsive to the wishes of the rank-and-file:

"I have attended a few party conventions in my lifetime and have kept in touch with others by telephone. I am sure that the people do not have an adequate voice in the convention system as it is carried on today."<sup>3</sup>

In 1952, Representative Bennett argued that wider participation by the electorate in the nominating process would not only improve the quality of the presidential candidates but would make it more difficult for an incumbent to dictate the choice of his successor as well:

"When a candidate goes before the people to ask their endorsement there is more chance that he will be selected on his merits than where he must run the gamut of deals, tricks, and convention ballyhoo. Furthermore, it is comparatively easy under the convention system for a President to dictate the nomination as his successor of an amenable individual who will be subject to his continuing influence and that of his associates. In a primary, a candidate must win on what he has to offer the general public as viewed by that public. It is important that a candidate's natural feeling of gratitude and responsibility to those who nominate him be directed

to a larger segment of the public. Under the primaries...a Presidential candidate would be forced to think more in terms of the public and less in terms of the few who make up a party organization."<sup>4</sup>

Political scientist Philip Green, in a recent article in the Christian Science Monitor, suggests that a debate about alternatives to the present nominating system -- especially some kind of national presidential primary -- is clearly in the offing. He adds:

"In part such a debate will involve complicated and even abstruse procedural issues, but it will also center on our deepest convictions about the nature of popular self-government. More precisely, it will focus on whether a national presidential primary system could eliminate the elements of autocratic control, misrepresentation, and citizen alienation fostered by the existing system, without incurring other, even more unacceptable costs to the democratic process."<sup>5</sup>

Opponents of the national primary plan suggest that the notion of the choice of presidential candidates being made by a handful of people in the "smoke-filled" room is caricature, based on designating practices of the past; that the nominating process has become in recent years relatively responsive to rank-and-file preferences. "Since the early 1940's presidential nominating campaigns have been subject to real and significant changes," say Paul T. David, Ralph M. Goldman, and Richard C. Bain, and the combined impacts of the State primaries, the public opinion polls, and the mass media of communications seem to them to be mainly responsible:

"The effect can be seen in many elements of the campaigns -- in the augmented efforts of candidates (and their managers) to prove that they have popular support; in the marked rise of voter participation; and in the number of candidates already billed as popular national favorites that the conventions increasingly find at their doors on opening day.



"Many factors have of course been at work, directly and indirectly, including the growing power of the Presidency and a greater concern about the kind of leadership the United States must have to carry out its role in the world at large. But the strategists who plan campaigns show themselves very aware that the primaries, the polls, and the mass media must be taken into account as parts of the nominating process."<sup>6</sup>

Similarly, political scientist Gerald Pomper, citing a trend toward first-ballot nominations, argues that the idea of fully independent convention delegates, free to trade votes without regard to popular preferences, is no longer valid. "Until the advent of primaries and of the media of radio and television, most of the significant action occurred at the party conclave. Now candidates can be advanced, repulsed, and even eliminated or assured of nomination before the opening ceremonies." And, he adds:

"The conclusion seems clear. 'The days of the favorite son, the dark horse, the stalking horse, the smoke-filled conference room, the senatorial and congressional cabal, and the decisive trading of votes by local bigwigs are numbered, if indeed they are not already finished.' Conventions will reach their decisions quickly, avoiding prolonged contests and exhausted nominations of unknown but inoffensive compromise choices. The party's designation will go to an aspirant who has already established himself as a major possibility among the electorate and the party leaders. The convention's decision will be largely one of choosing from a number of major hopefuls -- but, in many years, this will still be a decision for the convention to make."<sup>7</sup>

Another political scientist, James W. Davis, concludes that, "in the great game of presidential politics" the State primaries have come to have new influence, resulting in part from "the tremendous growth and striking impact of the mass media -- magazines, newspapers, radio, and television --

which, with their audiences numbering in the millions, have given new currency to the old Progressive doctrine that the common people have a direct interest and concern" about who will be the presidential candidates.

"Institutionally, the presidential primary system -- if it can be called a system -- has remained basically unchanged since before World War I. Only slight revisions have been made in the state laws since that time, and the number of states continuing to use the presidential primary has seldom exceeded one-third of the states of the Union. But while the structure has remained outwardly unchanged, the presidential primaries have been turned into gigantic popularity contests...

"Gone are the days when presidential aspirants could remain at their governor's mansion or on Capitol Hill, while their field managers traveled around the country corraling enough delegates to capture the nomination. The snowballing influence that winning contested primaries has upon state party leaders and convention delegates has pushed the popular favorite into a commanding position to claim the nomination."<sup>8</sup>

A member of the House of Representatives, John S. Monagan of Connecticut, argues that the need is for changes in the conduct of the nominating conventions rather than the withdrawal of the nominating function from the conventions:

"...we should reform our conventions rather than abolish them....I feel that our conventions have been responsive to popular demand and would serve the Nation better than a direct presidential primary."<sup>9</sup>

As for the value and consequences of a single national presidential primary, those favoring this emphasize the desirability of more "open" and more direct popular participation and control over the nominating choice. Opponents place more emphasis on the possible adverse consequences of such a change for the party system.

Proposals for extension of the primary system that have been suggested over the years vary widely in their intended effect on the nominating process. Not all of the arguments summarized below apply to all such proposals. What follows indicates the main arguments for and against a single national presidential primary held on the same day throughout the nation and with the choice of the voters binding on the parties.

#### FOR A NATIONAL PRIMARY

- Extends Popular Control -- The time has come to continue the historic trend toward more "open" and democratic methods of choosing presidential candidates. The voters now nominate candidates for most positions on the State and local level, and the logic of democracy requires extension of popular control over the presidential nominating choice through a national primary. Such a primary, where the candidates and their ideas are on display and are contending openly for their party's nomination, would remove widespread public doubts as to the legitimacy of the present nominating system and would pave the way for broadening participation in -- and strengthening -- the democratic process.
- Inhibits Political Manipulation -- As evidenced by recent public opinion polls, there is little popular support for the present mixed system of State and local conventions, State primaries, and final selection at the national party conventions. A national primary would inhibit or eliminate aspects of this system which lend themselves to political manipulation, and the strategies which tend

to confuse the party's rank-and-file. Moreover, because it would lessen the influence of party leaders, the national primary would make it possible for more well-qualified and highly respected men to seek their party's nomination, leading to selection of better candidates for the Nation's highest office.

• Supplants National Conventions -- The national party conventions are neither representative nor deliberative bodies; a national primary, while it would not necessarily eliminate these, would supplant them where the presidential nominations are concerned, substituting a vote of the rank-and-file for the choice by party leaders. A majority of the convention delegates presently are chosen through internal party processes at the State and local levels, many of them long before election day. Since this is of local interest only, their selection attracts little national news coverage, presenting party leaders with an open invitation to influence the choices and to serve as brokers of delegate pledges. The result is that large blocs of delegates are committed early, in a process that is almost invisible to party rank-and-file, and the national conventions more often than not simply ratify decisions made elsewhere among a relatively small group of influential party leaders.

• Unifies Primary System -- A single national primary would afford an opportunity for rank-and-file voters to choose among leading contenders for the nominations, eliminating the weaknesses and inequities of the existing State presidential primaries. At present,

such primaries are held in less than one-third of the States under widely differing conditions. They are scattered over several months' time, presidential candidates may or may not enter any or all of them, and with few exceptions, the preferences of the voters are not binding on the delegates selected in them. As a result, the primaries all too often are viewed as popularity contests; candidates tend to enter States where they are strong and to avoid those where they are unsure of the outcome, employing elaborate "favorite son" strategies to block the entry of stronger candidates in some States or to hold blocs of delegates which can later be used at the national conventions for trading purposes. Large sums are spent in those few primaries where direct confrontations between leading candidates do occur, and this leads to the attachment of undue significance to the outcome in what may well be small and unrepresentative States.

Extends Two-Party System -- A national primary would extend the two-party system, encouraging the development of truly national parties with substantial strength in all sections of the Nation. It would tend to deemphasize the importance of selecting nominees from the more populous States with their large blocs of electoral votes. Similarly, it would inhibit the tendency toward appeals to particular segments of the population, appeals which in the past have had an adverse affect on party unity. Under a national primary system,

well known and respected men would have an equal opportunity to compete for the nomination, whatever their State, ethnic, racial, religious, or class background. In short, this system would result in a wider range of choices for the nominations within the parties and would contribute to the vitality of the two major parties by bringing forth and advancing new leadership.

• Heightens Voter Interest -- A national primary would stimulate discussion of the issues by the candidates and heighten interest among the voters, resulting in their closer identification with the American political system. Experience indicates that the existing presidential primaries arouse public interest, and a national primary would necessitate widespread discussion of the issues by all candidates. Such public debate would help to inform and enlighten public opinion via press, radio, and television, and as a result would increase the participation of eligible voters in presidential elections, overcoming the apathy induced by a widespread feeling that the people have little voice in the selection of the candidates. The net effect would be a long step toward full participatory democracy, with government more responsive to the will of the people.

• Reduces Burden on Candidates -- Establishment of a national primary would reduce the physical and emotional burden on candidates for the nominations. As presently conducted, the State primaries are voracious consumers of candidates' time, money, and energy. Extensive television coverage in recent years has revealed the national convention as an inefficient, undemocratic, and essentially undignified

forum for the selection of National leaders. Campaigning for the nominations now begins, at least informally, more than a year in advance of the national conventions, and the candidates criss-cross the nation in search of delegates in the primaries and State and local conventions "as if they are running for county sheriff."

Under a national primary system, modern communications techniques could be utilized in a shorter campaign, with less travel, fewer "handshaking" tours, and less energy expended in becoming immersed in purely local problems. Moreover, such a system would make it possible to control fund-raising practices and expenditures relating to campaigns for the nominations.

#### AGAINST A NATIONAL PRIMARY

Eliminates Compromise Mechanism -- The present presidential nominating system has served the Nation well without imposition of controls at the Federal level. It has produced outstanding candidates in both major parties representing significantly different points of view. Moreover, it has provided mechanisms for registering and accommodating dissent within the parties, which would not be possible in a single "sudden death" national primary. The so-called "national" parties are actually conglomerations of local parties. Three out of every four years all the local parties go their own ways, largely uncontrolled and uncontrollable by any central national agency. The nature of the presidential election system forces these parts to come together once every four years to choose a national candidate.

Because the structure of the parties reflect the fundamental political conditions of the country as a whole, the national conventions serve not only as a technical device for choosing the candidate, but also as a forum within which all varieties of local opinion may be best accommodated in that particular election year. The conventions thus serve as a unifying device for the parties, without which a candidate acceptable to most parts of the country might not be nominated.

- Limits Party Competition -- The durability and vitality of the democratic American political system owes much to the existence over the years of two major parties competing from positions of roughly equal strength. However, it has not been unusual for one party to dominate the presidency for a relatively long period of time. With a national primary, a prolonged period of victory for one of the parties might lead to a movement of voters into the primary of the winning party, in the belief that their votes would count more there. This would limit opportunities for the losing party to expand into areas where its base was not already well established and, in the process, would also limit the prospects for competition between parties with broad national -- rather than sectional -- appeal.

- Leads to Party Splinters -- A national primary also might lead to the degeneration of the two parties into factions incapable of offering stable and effective government. The likelihood of such a primary creating intense factionalism is related to the functions



of the State and National party conventions as forums for bargaining and, ultimately, reconciliation. Withdrawal of participation in the presidential nominating choice from them would eliminate the opportunity national conventions afford dissident factions to exert some influence on the winning candidate. Without this, the factions would have to find a substitute -- and the temptation would be to split off and form new, essentially special interest parties.

Demoralizes State Organizations -- A national primary would have a demoralizing effect on State and local party organizations, which exist in substantial measure to recruit, select, and elect candidates for public office at all levels of government. Participation in the presidential nominating process is related in many ways to the selection of candidates for lesser offices. In a national primary, candidates for the presidential nominations would direct their appeal primarily to the party electorate, not to the State and local party hierarchy which is at present the mainstay of the American party system. The net effect would be to diminish the viability of the State and local organizations, whose place would inevitably be taken by other agencies less responsive to broad public demands. In the absence of meaningful party labels, the mass media and public relations agencies -- skilled in exploiting personality appeals -- would become more influential. And at the same time, candidates -- deprived of the money and manpower supplied by the parties -- would find it necessary to rely instead solely on individual contributors and interest groups.

- Necessitates "Run-off" Election -- Because a national primary would almost inevitably attract several candidates, there is a distinct possibility that no candidate would receive a majority -- or substantial plurality -- of the votes. This would necessitate a second nationwide "run-off," and together with the general election, the third of the year, would tax the citizen's patience, further reducing voter participation in National elections. Also, such a primary would not necessarily select the candidate favored by a majority of a party's rank-and-file. In a three-way race in which no candidate received a majority, for example, the candidate running third would be eliminated from any run-off, when he might actually be the first or second choice of most party members if one or the other of the two "leading" candidates were not in the race.
- Limits Leadership Choices -- The present combination of State primaries and party conventions, separated in time, along with balloting in the national conventions, not only provides the flexibility required to sort out choices among multiple candidacies and come up with the most-favored candidate; it also brings forth candidates whose views are most consistent with party principles, traditions and political needs. A national primary would be restricted to active and announced candidates. It would force incumbent Presidents seeking a second term into a nationwide primary contest. Further, it would eliminate the possibility of a draft; parties could not turn to "reluctant" candidates with broad popular appeal.

among both convinced partisans and independent voters even when to do otherwise would mean a major defeat at the polls. And elimination of mature and experienced party leaders from any role in the nominating process increases the danger that, rather than selection of well qualified men who have demonstrated the political skills required for national leadership, the nominations may fall to demagogues or those who have celebrity status but are otherwise unqualified for the presidency.

Increases Campaign Costs -- The cost of campaigning nationwide for the primary, the run-off when required, and subsequently for the general election would be extremely high. Under the present system, a man of modest means can enter a State primary and, if he wins, can develop the necessary organizational and financial support as he moves toward the National party convention several months hence. Such would not be the case in a national primary. The task of soliciting contributions, of organizing a large staff, and of paying for television time, travel, campaign literature, headquarters operations -- all would have to be done well in advance of a "make-or-break" primary. The costs and risks involved, would tend to discourage attempts to secure the nomination by anyone without access to enormous financial resources. In short, the national primary would exacerbate an existing problem of the American political system -- the ever-increasing costs of political campaigns.

These and related points for and against extension of the presidential primary system are developed more fully in the following: Gerald Pomper, Nominating the President--The Politics of Convention Choice, Northwestern University Press, 1963; James W. Davis, Presidential Primaries: Road to the White House, Thomas Y. Crowell Co., 1967; Paul T. David, Malcolm Moos, and Ralph M. Goldman, Presidential Nominating Politics in 1952--The National Story, Volume One, The Johns Hopkins Press, 1954; "Statement of Honorable Estes Kefauver," p. 351-363, and "Statement of Honorable George A. Smathers," p. 320-333, both in Hearings, Before a Subcommittee of the Committee on the Judiciary, United States Senate, Government Printing Office, 1955; Philip Green, "Political Conventions? Yes, but...", The Christian Science Monitor, September 13, 1968; Herbert McClosky, "Are Political Conventions Undemocratic." The New York Times Magazine, August 4, 1968.

NOTES

<sup>1</sup> Senator William Proxmire, Hearings before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary of the United States Senate; Nomination and Election of President and Vice President and Qualifications for Voting, Part 1, May 23, 26, June 8, 28, 29, and July 13, 1961, (Washington: U.S. Government Printing Office, 1961), pp. 279-280.

<sup>2</sup> Senator Mike Mansfield, Congressional Record, Vol. CXIV, No. 103, (June 17, 1968), p. S7288.

<sup>3</sup> Senator George D. Aiken, Ibid, p. S7291.

<sup>4</sup> Congressman Charles E. Bennett, Hearing before the Subcommittee on Rules of the Committee on Rules and Administration of the United States Senate; Preference Primaries for Nomination of Candidates for President and Vice President, March 28, 1952, (Washington: U.S. Government Printing Office, 1952), p. 23.

<sup>5</sup> Philip Green, "Political conventions? Yes, but....," The Christian Science Monitor, September 13, 1968, p. 9.

<sup>6</sup> Paul T. David, Ralph M. Goldman and Richard C. Bain, The Politics of National Party Conventions; A Condensation by Kathleen Sproul, (Rev. ed.; New York: Vintage Books, 1964), pp. 1-2.

<sup>7</sup> Gerald Pomper, Nominating the President; The Politics of Convention Choice, (New York: W. W. Norton & Company Inc., 1966), p. 197.

<sup>8</sup> James W. Davis, Presidential Primaries; Road to the White House, (New York: Thomas Y. Crowell Company, 1967), pp. 2, 273-274.

<sup>9</sup> Congressman John S. Monagan, Congressional Record, Vol. CXIV, No. 158, (September 26, 1968), p. H9247.

THE OUTLOOK FOR THE NATIONAL PRIMARY PLAN

Is the national presidential primary an idea whose time has come?

Over the past several decades the trend has been toward a more "national" politics, with more competition between and more cohesion within the two major parties. The continuing shift of power to the national government; the focus of national attention on the Presidency; extension of the two-party system into previously one-party areas; the increasing frequency of full-fledged campaigns for the party nominations; the development and application of national survey techniques; the growth of the news media, particularly the advent and impact of television, and air travel -- all have contributed and are contributing to this development.

As a result, writes Clinton Rossiter, the parties will not be simply "loose, supple, overlapping, decentralized, undisciplined, interest-directed, and principle-shunning enterprises in group diplomacy that are encircled and penetrated by a vigorous array of interest groups."<sup>1</sup>

But a cohesive, disciplined two-party system is by no means an established fact of American political life. As the 1968 campaign demonstrated, third parties can still form and draw off significant strength from the major parties. Religious, class, ethnic and racial differences in the Nation are real and sometimes acrimonious. Policy differences based on local, State and sectional interests can still divide the parties. The Federal principle, Constitutional provisions placing responsibility for appointment of presidential electors in the State legislatures, the reluctance of State officials to relinquish control over election machinery; the barriers

between Congress and the Presidency; the traditions of State and local party autonomy -- all continue to operate against centralization.

And it is in this context that the obstacles to a national presidential primary, with the outcome binding on the parties, appear:

- First, there is the problem of Constitutional amendment (substantial difficulties would be encountered in devising an agreed-upon alternative even if it were determined that the change could be made through the normal legislative process). Public opinion polls taken periodically since 1952 indicate a majority in favor of the idea. However, amendment of the Constitution requires more than widespread popular support for a general principle or idea; it requires sustained and relatively intense interest and support, plus consensus and action at various levels, State and Federal, on a specific alternative.
- Second, there are uncertainties as to the consequences of such a change. The stakes in presidential selection are high; each of the plans -- with their varying provisions for regulation and administration of the primaries -- presupposes somewhat different changes in the Nation's political map, and their consequences cannot be fully predicted. Much would depend on the response of the parties. Would they become involved in the primaries, even to the extent of holding national conventions in advance of them?
- Third, there is the question of how various individuals and groups, who have influence and power under the present system, would see the change affecting them. Political groups seldom support changes

that appear likely to diminish their influence. Would state and local party leaders see the national primary not only as a threat to their influence on presidential nominations but to their influence in their own party organizations as well? Might such a change appear to increase the national party leadership potential of some, who are in positions of high national visibility, while appearing to deny the ambitions of others?

Fourth, there is the complex problem of distributing voting strength among the States. Within the national parties, which States or regions would gain influence as a result of the weighting of primary votes cast under the proportional or electoral vote plans? Would a plan based on choice of nominees by direct popular vote appear to favor the candidacies of those identified with regions where the party is strong? Or have American parties become sufficiently competitive in all regions to eliminate this possibility?

Fifth, and perhaps most perplexing, there is the existing electoral system, predicated on treatment of States as separate voting blocs. Would a national primary based on a direct vote alternative, for example, be workable without corresponding changes in this system? Combining these extends the range of uncertainties as to the consequences for the political system: the often-considered alternatives to the Electoral College are widely believed to involve redistribution of political power between States, localities and regions, or to affect the Federal principle. And the road to an agreed-upon



alternative to the Electoral College, as Arthur Krock once observed, "is littered with the wrecks of previous attempts." Moreover, questions remain even if agreement on replacing the Electoral College were likely in the near future. Again using the direct popular vote plan as an example: Would a prescription for nominations and elections by direct popular vote appear to be too large a pill for American Federalism to swallow comfortably?

And finally, there is the normal resistance to change. Long established, the present nominating system has the advantages of tradition and legitimacy. It is uniquely open and permits a degree of rank-and-file participation unknown to other Western democratic systems. Its operation is widely understood by party activists who can and do plan their actions in accord with accepted procedures.

In short, the present nominating system -- despite an abundance of complexities and a fair measure of absurdities -- is a known quantity. And obstacles to establishment of a national presidential primary, if not insurmountable, are certainly formidable.

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<sup>1</sup> Clinton L. Rossiter, *Parties and Politics in America*, (Ithaca, New York: Cornell University Press, 1960), p. 164.

APPENDIX

STATE PRESIDENTIAL PRIMARY LAWS

PRESIDENTIAL PRIMARY LEGISLATION INTRODUCED  
IN THE 78th THROUGH 90th CONGRESSES

PUBLIC ATTITUDES TOWARD THE NATIONAL PRIMARY:  
GALLUP POLL RESULTS SINCE 1952

NATIONAL PRESIDENTIAL PRIMARY: Selected References

STATE PRESIDENTIAL PRIMARY LAWS

States conducting presidential primaries have varying laws which provide for the expression of different kinds of preferences. Nelson W. Polsby and Aaron B. Wildavsky, in Presidential Elections, suggest these major differences:

- 1) with regard to voters. In some states in order to vote in a primary, one must have been registered as a voter with the party whose primary one votes in. This is the "closed" primary. In the "open" primary, the voter is allowed to appear at the polls and ask for the primary ballot of the party whose delegates he wishes to help choose, and no questions are asked.
- 2) with regard to the way in which alternatives are presented. In some states, delegates run under their own names. In others, they run as pledged to one Presidential aspirant or another. In still others, delegates are run on a candidate's slate, and are identified only in terms of the Presidential hopeful they support.
- 3) with regard to the number of alternatives. Some states provide for the entering of Presidential candidates on the ballot without their consent; in others, the candidate himself must take the initiative in placing his name on the ballot.
- 4) with regard to the existence of a preference primary. In some states, in addition to the election of delegates, voters are given the opportunity to express a direct Presidential preference. Furthermore, in some states there is a preference primary without election of delegates to the national convention -- the delegates being chosen by state party conventions. And in some states the delegates to state conventions are chosen by means of the preference primary.

Fourteen states have had some form of presidential primary legislation continuously in effect since 1916:

California	1912
Florida	1904 (Dem. only until 1956)
Illinois	1912
Massachusetts	1912
Nebraska	1912
New Hampshire	1916
New Jersey	1912
New York	1912
Ohio	1916
Oregon	1912
Pennsylvania	1912
South Dakota	1912
West Virginia	1916
Wisconsin	1908

The following states had authorized presidential primaries by 1916 but used them only in the years indicated before repealing them or letting them fall into disuse:

Georgia	1932 (Dem. only)
Iowa	1916
Maryland	1912, 1920, 1924 (Rep. only), 1928-1932, 1936 (Dem. only), 1940-1944 (Rep. only), 1952-1956, 1960 (Dem. only), 1964
Michigan	1916-1928
Minnesota	1916, 1952, 1956 (repealed 1959)
Montana	1916-1924, 1956 (repealed 1959)
North Carolina	1920 (Rep. only)
North Dakota	1912-1932
Vermont	1916-1920

Arkansas enacted legislation (1939) which has not been utilized.

Two States, Texas and Alabama enacted laws -- in 1913 and 1923, respectively -- which were subsequently declared unconstitutional. In Alabama, however, the primary method has been utilized in the Democratic party in most presidential years since 1924. Indiana's primary law which passed in 1915 was used by both parties in 1916 and 1928 and by the Republican party only in 1920 and 1924. In 1929, the legislation was repealed, but new laws were passed in 1953 and since then primaries have been used by both parties.

Alaska enacted legislation in 1955 and repealed it in 1959. In 1955 the District of Columbia enacted party primary legislation providing for the election of the national committeeman and committeewoman, delegates and alternates to the convention.

The table on the following pages indicates various provisions of State laws in 17 states and the District of Columbia where delegates to the national party conventions may be elected 1) in primaries with no presidential candidate involved; 2) in preferential presidential primaries where the choice for President is expressed by voters; or 3) in State conventions but with separate preferential primary where choice of President is expressed by voters and is binding on the delegates.

STATE	1. Delegates elected at primary with no presidential candidate involved	2. Delegates elected at preferential presidential primary where choice for President is expressed by voters			3. Delegates elected at State convention but separate preferential presidential primary where choice for President is expressed by voters at Presidential candidate's request with vote binding on delegates.
		(a) Yes or No	(b) Is vote binding on delegates, viz, are delegates pledged?	(c) Is consent of presidential candidate required?	
Alabama	Democrats only, and only in event of a contest among delegates	No			
Arkansas		Optional (A preferential primary must be held by a presidential candidate's party if such candidate so petitions the State Committee 6 months prior to the national convention)			
California		Yes	Yes (Unpledged slate may be elected at primary)	Yes (If slate of candidates for delegate, pledged to presidential candidate, files)	
District of Columbia	Yes	No			
Florida		Yes	No	Yes (If slate of candidates for delegate, pledged to presidential candidate, files)	

STATE	1. Delegates elected at primary with no presidential candidate involved	2. Delegates elected at preferential presidential primary where choice for President is expressed by voters			3. Delegates elected at State convention but separate preferential presidential primary where choice for President is expressed by voters at Presidential candidate's request with vote binding on delegates.
		(a) Yes or No	(b) Is vote binding on delegates, viz, are delegates pledged?	(c) Is consent of presidential candidate required?	
Illinois		Yes; District delegates only	No	No; that candidate's name must go on ballot if he so files with secretary of state	
Indiana		No			Yes
Massachusetts		Yes	Yes (Delegates elected shall vote on 1st ballot at convention for presidential primary winner regardless of preference, unless released)	Consent not required but must be filed if delegate's statement of preference for him is to appear on ballot; presidential candidates nominated by State committees and by petition.	
Nebraska		Yes	Only if he signs a pledge	Yes; if petition is filed; candidate's names may also be placed on ballot at discretion of secretary of state.	



STATE	1. Delegates elected at primary with no presidential candidate involved	2. Delegates elected at preferential presidential primary where choice for President is expressed by voters			3. Delegates elected at State convention but separate preferential presidential primary where choice for President is expressed by voters at Presidential candidate's request with vote binding on delegates.
		(a) Yes or No	(b) Is vote binding on delegates, viz, are delegates pledged?	(c) Is consent of presidential candidate required?	
New Hampshire		Yes	Only if he signs a pledge	No; (But presidential candidate must file written consent if delegate-candidate is to be designated as "pledged" on <u>primary ballot</u> ) candidate's name goes on ballot by petition and will be withdrawn at his request.	
New Jersey		Yes	No	Yes (If slate of candidate's for delegate, pledged to presidential candidate, <u>files</u> ) candidate's name goes on ballot by petition and will be withdrawn if he declines.	

STATE	1. Delegates elected at primary with no presidential candidate involved	2. Delegates elected at preferential presidential primary where choice for President is expressed by voters			3. Delegates elected at State convention but separate preferential presidential primary where choice for President is expressed by voters at Presidential candidate's request with vote binding on delegates
		(a) Yes or No	(b) Is vote binding on delegates, viz, are delegates pledged?	(c) Is consent of presidential candidate required?	
New York	District delegates elected at primary	No			
Ohio		Yes	Only if he signs a pledge to vote at the convention for candidate winning presidential primary	Yes	
Oregon		Yes	Yes; for winner of presidential primary	No; the candidate's name is printed on the ballot at the discretion of the secretary of state, or by petition.	
Pennsylvania		Yes	Only if he signs a pledge to vote at the convention for candidate winning presidential primary.	No; the candidate's name is printed on the ballot upon petition of voters.	

STATE	1. Delegates elected at primary with no presidential candidate involved	2. Delegates elected at preferential presidential primary where choice for President is expressed by voters			3. Delegates elected at State convention but separate preferential presidential primary where choice for President is expressed by voters at Presidential candidate's request with vote binding on delegates.
		(a) Yes or No	(b) Is vote binding on delegates, viz, are delegates pledged?	(c) Is consent of presidential candidate required?	
South Dakota		Yes	No; unless nominating petition states a preference.	No	
West Virginia		Yes	No	Yes; and must pay filing fee	
Wisconsin		No; may be named by candidate filing for presidential primary, and, if not, by State and district committees	Yes; if selected by presidential candidate.	Yes	

PRESIDENTIAL PRIMARY LEGISLATION  
INTRODUCED IN THE 78th THROUGH 90th CONGRESSES

1. Constitutional Amendments

The following joint resolutions call for constitutional amendments dealing with the presidential nominating system and, in some instances, providing for changes in the electoral college or other aspects of the electoral system (referred to the Senate or House Committees on the Judiciary; asterisks indicate hearings were held):

78th Congress

Senate Joint Resolution

S.J. Res. 107. Mr. Langer of North Dakota, January 15, 1944.  
Relating to term of office of President and providing for nomination and election of President and Vice President by popular vote.

79th Congress

Senate Joint Resolution

\* S.J. Res. 12. Mr. Langer of North Dakota, January 19, 1945.  
Providing for nomination and election of President and Vice President by popular vote.

House Joint Resolution

H.J. Res. 151. Mr. Lemke of North Dakota, April 12, 1945.  
Relating to the election and term of office of the President and Vice President.

80th Congress

Senate Joint Resolution

S.J. Res. 106. Mr. Langer of North Dakota (for himself and Mr. Taylor), April 25, 1947. Relating to term of office of President and providing for nomination and election of President and Vice President by popular vote.

House Joint Resolutions

H.J. Res. 87. Mr. Lemke of North Dakota, January 27, 1947.  
Relating to the election and term of office of the President and Vice President.

H.J. Res. 436. Mr. Smathers of Florida, July 27, 1948.  
Providing for the nomination and election of the President  
and Vice President.

81st Congress

Senate Joint Resolution

S.J. Res. 10. Mr. Langer of North Dakota, January 5, 1949.  
Relating to the term of office of President and providing for  
nomination and election of President and Vice President by popular  
vote.

House Joint Resolutions

\* H.J. Res. 74. Mr. Smathers of Florida, January 6, 1949.  
Providing for nomination and election of President and Vice  
President.

\* H.J. Res. 118. Mr. Lemke of North Dakota, January 27, 1949.  
Relating to the election and term of office of President and Vice  
President.

82nd Congress

Senate Joint Resolutions

\* S.J. Res. 33. Mr. Langer of North Dakota, February 15, 1951.  
Relating to the terms of office of President, and providing for  
nomination of candidates for President and Vice President, and for  
election of such candidates.

\* S.J. Res. 125. Mr. Smathers of Florida, January 28, 1952.  
Providing for the nomination of the President and Vice President.

\* S.J. Res. 145. Mr. Smathers of Florida, March 25, 1952.  
Providing for the nomination of the President and Vice President.

House Joint Resolutions

\* H.J. Res. 205. Mr. Burdick of North Dakota, March 15, 1951.  
Relating to terms of office of President, and providing for  
nomination of candidates for President and Vice President, and  
for election of such candidates by popular vote.

\* H.J. Res. 366. Mr. Bennett of Florida, February 4, 1952.  
Providing for the nomination of the President and Vice President.

\* H.J. Res. 377. Mr. Celler of New York, February 14, 1952.  
Providing for the nomination of President and Vice President.

\* H.J. Res. 385. Mr. Simpson of Illinois, February 19, 1952.  
Relating to nominations of candidates for President and Vice  
President.

\* H.J. Res. 434. Mr. Bennett of Florida, April 24, 1952.  
Providing for nomination of candidates for President and Vice  
President by popular vote.

83rd Congress

Senate Joint Resolutions

\* S.J. Res. 8. Mr. Smathers of Florida, January 7, 1953.  
Relating to the nomination and election of candidates for  
President and Vice President, and to succession to the office of  
President in the event of the death or inability of the President.

\* S.J. Res. 17. Mr. Kefauver of Tennessee (for himself,  
Mr. Tobey, Mr. Morse, Mr. Pastore, Mr. Langer, Mr. Murray,  
Mr. Humphey and Mr. Green), January 13, 1953. Providing for  
nomination of candidates for President and Vice President by  
primary elections.

\* S.J. Res. 84. Mr. Langer of North Dakota, June 10, 1953.  
Providing for nomination of candidates for President and Vice  
President, and for election of such candidates, by popular vote.

\* S.J. Res. 85. Mr. Smathers of Florida, June 10, 1953.  
Relating to the nomination and election of candidates for  
President and Vice President, and to succession to the office  
of President in the event of the death or inability of the  
President.

House Joint Resolutions

H.J. Res. 78. Mr. Simpson of Illinois, January 3, 1953.  
Relating to nomination of candidates for President and Vice  
President.

H.J. Res. 169. Mr. Celler of New York, February 6, 1953.  
Providing for the nomination of the President and Vice President.

H.J. Res. 222. Mr. Hays of Ohio, March 12, 1953.  
Providing for nomination of candidates for President and Vice  
President by primary elections.

84th Congress

Senate Joint Resolutions

- \* S.J. Res. 9. Mr. Smathers of Florida, January 6, 1955.  
Relating to the nomination and election of candidates for President and Vice President, and to succession to the office of President in the event of death or inability of the President.
- \* S.J. Res. 10. Mr. Langer of North Dakota, January 10, 1955.  
Providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote.
- \* S.J. Res. 27. Mr. Kefauver of Tennessee, January 21, 1955.  
Providing for nominations of candidates for President and Vice President by primary elections.

House Joint Resolutions

- H.J. Res. 9. Mr. Celler of New York, January 5, 1955.  
Providing for the nomination of the President and the Vice President.

85th Congress

Senate Joint Resolutions

- S.J. Res. 14. Mr. Smathers of Florida, January 7, 1957.  
Relating to the nomination and election of candidates for President and Vice President, and to succession to the office of President in the event of the death or inability of the President.

86th Congress

Senate Joint Resolutions

- S.J. Res. 4. Mr. Smathers of Florida, January 9, 1959.  
Relating to the nomination and election of candidates for President and Vice President, and to succession to the office of President in the event of the death or inability of the President.

- S.J. Res. 177. Mr. Proxmire of Wisconsin, March 28, 1960.  
Providing for the nomination of candidates for President.

87th Congress

Senate Joint Resolutions

\* S.J. Res. 1. Mrs. Smith of Maine (for herself and Mr. Beall, Mr. Chavez, Mr. Morse, and Mr. Aiken), January 5, 1961. Providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote.

\* S.J. Res. 9. Mr. Smathers of Florida, January 5, 1961. Relating to the nomination and election of candidates for President and Vice President, and to succession to the office of President in the event of the death or inability of the President.

\* S.J. Res. 16. Mr. Kefauver of Tennessee, January 5, 1961. Providing for nomination of candidates for President and Vice President by primary elections.

\* S.J. Res. 23. Mr. Mansfield of Montana (for himself and Mr. Keating), January 9, 1961. Relating to term of office of President and Vice President, and providing for election of candidates for President and Vice President by popular vote.

\* S.J. Res. 102. Mr. Proxmire of Wisconsin, June 21, 1961. Providing for the nomination and election of candidates for President and Vice President by popular vote.

88th Congress

Senate Joint Resolutions

\* S.J. Res. 1. Mrs. Smith of Maine, January 14, 1963. Providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote.

\* S.J. Res. 13. Mr. Smathers of Florida, January 14, 1963. Relating to the nomination and election of candidates for President, and to succession to the office of President in the event of the death or inability of the President.

S.J. Res. 25. Mr. Kefauver of Tennessee. January 23, 1963. Providing for nomination of candidates for President and Vice President by primary elections.



89th Congress

Senate Joint Resolutions

\* S.J. Res. 4. Mrs. Smith of Maine (for herself and Mr. Aiken), January 6, 1965. Providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote.

\* S.J. Res. 28. Mr. Smathers of Florida, January 15, 1965. Relating to the nomination and election of candidates for President and Vice President, and to succession to the Office of President in the event of the death or inability of the President.

90th Congress

Senate Joint Resolutions

S.J. Res. 3. Mr. Smathers of Florida, January 11, 1967. Relating to the nomination and election of candidates for President and Vice President, and to succession to the office of President and Vice President in the event of death or inability.

S.J. Res. 6. Mrs. Smith of Maine (for herself, Mr. Aiken and Mr. Morse), January 11, 1967. Providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote.

S.J. Res. 179. Mr. Mansfield of Montana (for himself, Mr. Aiken, Mr. Byrd of West Virginia, Mr. Pearson, Mr. Proxmire and Mr. Tydings), June 17, 1968. Relating to the nomination and election of the candidates for President and Vice President.

House Joint Resolutions

H.J. Res. 1417. Mr. Broomfield of Michigan, July 24, 1968. Relating to the nomination and election of candidates for President and Vice President.

H.J. Res. 1444. Mr. Moss of California (for himself and Mr. Brown of Calif., Mr. Edwards of Calif., Mr. Hanna, Mr. Hawkins, Mr. Holifield, Mr. Johnson of Calif., Mr. Leggett, Mr. Rees, Mr. Roybal, Mr. Tunney, Mr. Van Deerlin, Mr. Waldie, and Mr. Charles Wilson), September 9, 1968. Provides for the nomination and election of candidates for President and Vice President.

H.J. Res. 1447. Mr. Taylor of North Carolina, September 9, 1968.  
Relating to the nomination and election of candidates for President  
and Vice President.

H.J. Res. 1451. Mr. MacDonald of Massachusetts, September 11, 1968.  
Providing for the nomination and election of candidates for the  
office of the President and Vice President.

H.J. Res. 1453. Mr. Whalley of Pennsylvania, September 11, 1968.  
Providing for the nomination and election of candidates for the office  
of the President and Vice President.

H.J. Res. 1454. Mr. Olsen of Montana, September 12, 1968.  
Relating to the nomination and election of candidates for  
President and Vice President.

H.J. Res. 1460. Mr. Fulton of Pennsylvania, September 25, 1968.  
Relating to the nomination and election of candidates for President  
and Vice President.

H.J. Res. 1464. Mr. Jacobs of Indiana, October 3, 1968.  
Relating to the nomination and election of candidates for President  
and Vice President.

## 2. Proposed Statutes

The following bills contain a grant-in-aid formula and provisions authorizing the Attorney General to conduct preference primaries for nomination of candidates for President and Vice President (referred to either the Committee on House Administration or the Senate Committee on Rules and Administration; asterisks indicate hearings were held):

### 82nd Congress

\*S. 2570. Mr. Douglas of Illinois (for himself, Mr. Smathers, Mr. Tobey, Mr. Hunt, Mrs. Smith, Mr. Murray, Mr. Kefauver, and Mr. Aiken), January 31, 1952.  
Reported (S. Report 1858) 93 Congressional Record 8092. Objected to, 93 Congressional Record 9081.

H.R. 6359. Mr. Bennett of Florida, January 31, 1952  
H.R. 6365. Mrs. Kee of West Virginia, January 31, 1952  
H.R. 6371. Mr. Morton of Kentucky, January 31, 1952

H.R. 6376. Mr. Heselton of Massachusetts, January 31, 1952  
 H.R. 6442. Mr. Talle of Iowa, February 5, 1952  
 H.R. 6495. Mr. Lantaff of Florida, February 7, 1952  
 H.R. 6705. Mr. Poulson of California, February 19, 1952  
 H.R. 6707. Mr. Yorty of California, February 19, 1952  
 H.R. 7818. Mr. Hale of Maine, May 12, 1952  
 H.R. 8554. Mr. Donohue of Massachusetts, July 5, 1952

83rd Congress

H.R. 99. Mr. Burdick of North Dakota, January 3, 1953  
 H.R. 135. Mr. Heselton of Massachusetts, January 3, 1953  
 H.R. 441. Mr. Hale of Maine, January 3, 1953  
 H.R. 1263. Mr. Machrowicz of Michigan, January 7, 1953  
 H.R. 1747. Mr. Yorty of California, January 14, 1953  
 H.R. 2731. Mr. Miller of Nebraska, February 6, 1953

84th Congress

H.R. 411. Mr. Burdick of North Dakota, January 5, 1955  
 H.R. 436. Mr. Heselton of Massachusetts, January 5, 1955  
 H.R. 464. Mr. Machrowicz of Michigan, January 5, 1955

85th Congress

H.R. 770. Mr. Machrowicz of Michigan, January 3, 1957  
 H.R. 1079. Mr. Burdick of North Dakota, January 3, 1957

The following bills contain provisions applying the grant-in-aid principle to induce States to hold primaries and in some instances nominating conventions under more uniform conditions (referred to either the Committee on House Administration or the Senate on Rules and Administration):

82nd Congress

H.R. 8374. Mr. Bennett of Florida, June 26, 1952

83rd Congress

S. 1049. Mr. Douglas of Illinois (for himself, and Mr. Tobey (N.H.), Mrs. Smith, Mr. Smathers, Mr. Murray, Mr. Morse, Mr. Humphrey, Mr. Hennings, Mr. Gillette, Mr. Ferguson, Mr. Chavez, Mr. Clements, Mr. Duff, Mr. Jackson, Mr. Kefauver, Mr. Kilgore, Mr. Lehman and Mr. Mansfield),  
 February 20, 1953

H.R. 96. Mr. Bennett of Florida, January 3, 1953  
H.R. 2587. Mr. Zablocki of Wisconsin, February 3, 1953

84th Congress

S. 652. Mr. Douglas of Illinois (for himself and  
Mr. Neuberger, Mr. Mansfield, Mr. Chavez,  
Mr. Clements, Mr. Humphrey, Mr. Murray,  
Mr. Duff, Mr. Morse, Mr. Smathers,  
Mr. Kefauver and Mr. Lehman), January 21, 1955

H.R. 601. Mr. Zablocki of Wisconsin, January 5, 1955  
H.R. 2532. Mr. Bennett of Florida, January 20, 1955  
H.R. 2605. Mrs. Kee of West Virginia, January 20, 1955  
H.R. 2666. Mr. Sikes of Florida, January 20, 1955  
H.R. 2808. Mr. Bailey of West Virginia, January 24, 1955

85th Congress

S. 1288. Mr. Douglas of Illinois, February 19, 1957  
H.R. 2014. Mrs. Kee of West Virginia, January 5, 1957  
H.R. 5004. Mr. Bennett of Florida, February 19, 1957  
H.R. 5042. Mr. Zablocki of Wisconsin, February 19, 1957

86th Congress

H.R. 112. Mrs. Kee of West Virginia, January 7, 1959

87th Congress

S. 227. Mr. Mansfield of Montana, January 9, 1961  
S. 228. Mr. Mansfield of Montana, January 9, 1961  
H.R. 2402. Mr. Bennett of Florida, January 12, 1961  
H.R. 2502. Mr. Monagan of Connecticut, January 12, 1961

88th Congress

H.R. 843. Mr. Bennett of Florida, January 9, 1963  
H.R. 7322. Mr. Monagan of Connecticut, June 27, 1963

89th Congress

H.R. 54. Mr. Bennett of Florida, January 4, 1965.

90th Congress

H.R. 251. Mr. Bennett of Florida, January 10, 1967  
H.R. 20199. Mr. Eckhardt of Texas, October 3, 1968

The following bill provides for establishment of a National Presidential Elections Commission empowered to administer a national presidential primary under terms of the "National Presidential Elections Act" (referred to the Committee on House Administration):

H.R. 20193. Mr. Ullman of Oregon, October 3, 1968

3. Study Commission

The following bills and joint resolutions authorize establishment of commissions to study and propose improvements in methods of nominating and electing the President and Vice President (referred to either the Committee on House Administration or the Senate Committee on Rules and Administration):

85th Congress

S.J. Res. 15. Mr. Smathers of Florida, January 7, 1957

87th Congress

S. 102. Mr. Engle of California, January 5, 1961  
S.J. 10. Mr. Smathers of Florida, January 5, 1961  
H.R. 3442. Mr. Goodell of New York, January 26, 1961

88th Congress

S.J. 14. Mr. Smathers of Florida, January 14, 1963

90th Congress

S.J. Res. 200. Mr. Nelson of Wisconsin (for himself and Mr. Morse), September 4, 1968  
H.J. Res. 1443. Mr. Fascell of Florida, September 9, 1968  
H.J. Res. 1445. Mr. Pepper of Florida, September 16, 1968  
H.J. Res. 1449. Mr. Ruppe of Michigan, September 10, 1968  
H.J. Res. 1450. Mr. McCarthy of New York, September 11, 1968  
H.J. Res. 1466. Mr. Shriver of Kansas, October 7, 1968

## PUBLIC ATTITUDES TOWARD THE NATIONAL PRIMARY:

## GALLUP POLL RESULTS SINCE 1952

The American Institute of Public Opinion has conducted polls on the national presidential primary periodically since 1952. Below are the AIPA (Gallup Poll) findings over the years in response to this question:

"It has been 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?"

<u>NATIONWIDE</u>	<u>1952</u> (1)			<u>1956</u> (2)			<u>1964</u> (3)			<u>1968</u> (4)		
	Favor			Favor			Favor			Favor		
	73%			58%			62%			76%		
Oppose	16			27			25			13		
No Opinion	11			15			13			11		
<u>BREAKDOWN BY PARTY AFFILIATION</u>	Rep.	Dem.	Ind.	Rep.	Dem.	Ind.	Rep.	Dem.	Ind.	Rep.	Dem.	Ind.
	Favor	70%	72%	77%	57%	57%	64%	(no breakdown reported)			(no breakdown reported)	
Oppose	20	16	13	28	28	22						
No Opinion	10	12	10	15	15	14						

- NOTES: (1) Report dated July 20, 1952; no indication of size of sample or when survey was conducted.
- (2) Report dated March 9, 1956; no indication of size of sample or when survey was conducted. Provides this additional information: "Men are considerably more in favor...than are women. By regions...Far Westerners register the highest approval rate. The least sentiment in favor of a national presidential primary is found in the South."
- (3) Report dated November 22, 1964; no indication of size of sample or when survey was conducted.
- (4) Report dated September 22, 1968; personal interviews conducted September 3 to 7 among 1507 adults in more than 300 sampling areas.

NATIONAL PRESIDENTIAL PRIMARY  
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