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THE DEMOCRATIZATION OF THE DEMOCRATIC PARTY: AN ANALYSIS OF  
DEMOCRATIC PARTY REFORM 1972 – 2008

by

Benjamin D. Goodman

A Thesis Submitted in Partial Fulfillment  
of the Requirement for a Degree with Honors  
(Political Science)

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## **Abstract**

Frustration over the undemocratic nature of the 1968 Democratic Party presidential nominating contest set forth a reform movement that forever changed the Democratic Party and America's political system. The resulting Committee on Party Structure and Delegate Selection (better known as the McGovern-Fraser Commission), at the direction of the 1968 convention, opened the Democratic Party to those outside of the Democratic establishment. The next 14 years would see a struggle between the Democratic Party establishment and "outsiders" over who would control the Democratic Party and its nominating process.

This study examines the four major Democratic Party nominating process reform commissions over the 1970s and 1980s (McGovern-Fraser, Mikulski, Winograd, and Hunt) and whether or not each commission responded proportionately to perceived challenges from preceding election cycles. Additionally, this document provides analysis through the lens of the most recent Democratic Party nominating contest to prove that despite a strong role for the Democratic Party establishment, the current nominating system does not conflict with the original goals of Democratic Party reformers.

## **Acknowledgements**

Completing this Honors Thesis while beginning full-time employment in Washington undoubtedly made it more challenging. I owe a great debt of gratitude to my advisor, Dr. Mark Brewer, for his encouragement, flexibility, advice, and support. Dr. Brewer went above and beyond to help me complete this project.

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Finally, thank you to my mother, Suellen, for her assistance throughout this endeavor, my many in the past, and the many undoubtedly to come. Her guidance has been tremendous, and I am sincerely lucky to have her unconditional support.

*“Being in politics is like being a football coach. You have to be smart enough to understand the game, and dumb enough to think it’s important.”*

*– Eugene McCarthy*

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## **Introduction**

*Just look at us at here tonight: Black and white, Asian and Hispanic, Native and immigrant, young and old, urban and rural, male and female - from yuppie to lunchpail, from sea to shining sea. We're all here tonight in this convention speaking for America.*

*And when we in this hall speak for America, it is America speaking.*

- Walter Mondale, 1984 Convention Speech

When the 1968 campaign began, only twenty-six men had held the privilege of being the Democratic Party's presidential nominee in 140 years. In smoke-filled rooms and union halls, party elite chose from among the best and most loyal leaders that their party had to offer, eager to control the Executive Branch.

How the Democratic Party nominating process moved from the exclusive convention halls to the farmhouses of Des Moines and the small polling places in Dixville Notch is the result of the ultimate set of political dominoes. In the shadow of an unpopular war, activists opened the Democratic Party nominating process and set off a decades long battle for control of the direction of a slowly growing Democratic Party.

As the Democratic Party attempted to perfect a system that would nominate a candidate reflective of all stakeholders – citizenry, activists, interest groups, and party officials – the party established a series of commissions directed to make further changes to democratic reforms, both to further open the process and reassert establishment authority.

Reforms did not simply occur when the Democratic Party faced serious electoral failure, but after close races and successes as well. With the most significant changes coming after an extremely close electoral loss and an outsider victory, the Democratic Party reform movement represented a see-saw between outsiders and the party establishment as the party attempted to navigate its way through a sea of unintended consequences.

The arc of party reform is long and complex – but what were the intentions of the original reformers? Have the reforms set in motion by activists created a Democratic Party in line with their desires? The Democratic Party nominating contest is a far cry from where it was in 1968, and how the Party picks its candidate remains an evolving issue with serious tension.



## **1| The First Domino Falls**

The 1968 Convention and the Commission on the Democratic Selection of Presidential Nominees

*I do not see in my move any great threat to the unity and strength of the Democratic Party--whatever that unity may be today and whenever that strength may be.*

*Eugene McCarthy, November 30, 1967*

On March 12, 1968, Minnesota Senator Eugene McCarthy, the protégé of political giant and sitting Vice President Hubert H. Humphrey nearly pulled an upset over President Johnson in the first-in-the-nation New Hampshire Primary. Though Johnson had refused to list his name on the Granite State ballot, McCarthy nearly bested the President, winning 42% of the vote. Fearing the power of a McCarthy surge, Johnson supporters organized a write-in movement that helped Johnson hold on to 48.5% of the vote. But Johnson lost a critical perceived victory and 20 of 24 New Hampshire delegates.<sup>1</sup> Counting Republican write-in votes for McCarthy and Johnson, Johnson's victory was by a meager 230 votes.<sup>2</sup>

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<sup>1</sup> New Hampshire Union Leader. *1968: McCarthy stuns the President*. May 3, 2011. <http://www.unionleader.com/article/99999999/NEWS0605/110509966> (accessed January 15, 2012).

<sup>2</sup> White, Theodore H. *The Making of the President 1968* (New York, NY: Atheneum House, Inc., 1969), 89.

Four days later, declaring a “profound difference” with President Johnson “over where we are heading and what we want to accomplish,” New York Senator and former Attorney General Robert F. Kennedy announced that he too would seek the Democratic Nomination for President.<sup>3</sup> On March 31, faced with a significant challenge from the left, President Johnson surprised the nation by declaring he would not be a candidate for President in 1968. Johnson began preparing to retire to Texas after thirty-seven years in Washington.

The nation was tired of Vietnam and, to anti-war activists in the Democratic Party, Johnson offered no solution to an endless war. But while Kennedy and McCarthy began competing in nominating contests across the country, Vice President Hubert Humphrey was quietly working behind the scenes to make a serious bid for the nomination himself. In April 1968, just after the final state contest filing deadline for the Democratic nomination,<sup>4</sup> Humphrey formally announced his candidacy, with Senators Fred Harris of Oklahoma and Walter Mondale of Minnesota serving as managerial campaign co-chairs.<sup>5</sup> Additionally, Humphrey brought on former Postmaster General Lawrence O’Brien (who would soon serve as Democratic National Committee Chairman), setting him up in an office next to Humphrey’s in the Executive Office Building to oversee the effort.<sup>6</sup>

The state-by-state contest would continue between McCarthy and Kennedy. The June 4th California primary looked to be a critical contest, and Kennedy’s 46-42% victory over McCarthy set the stage for a certain convention showdown. In perhaps one

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<sup>3</sup> “Robert F. Kennedy Announcement of Candidacy for President.”

<sup>4</sup> 85 – CQ 1968

<sup>5</sup> “Hubert H. Humphrey Washington Declaration of Candidacy for Presidential Nomination.”

<sup>6</sup> Fred R. Harris, *Does People Do It?: A Memoir*, 133.

of the most pivotal political moments of the twentieth century, Sirhan Sirhan, a twenty-two year old Jordanian assassin, shot and killed Kennedy with a .22 caliber pistol.

The nation was in shock and the Democratic nominating contest was thrown into chaos. Had Kennedy survived the gunfire, a convention battle was all but certain. Now, despite failing to run in a single contest against two anti-Vietnam candidates, it was increasingly likely that Vice President Hubert Humphrey was poised to become his party's nominee for President.

The divide over the war was very real; it had been the issue that had ultimately forced a legendary statesman back to Texas. In many ways, the Democratic establishment had failed to predict just how divisive the Vietnam issue could become. In a letter just nine days before Eugene McCarthy announced his candidacy for President, Maine Democratic Party Chairman George Mitchell, who would play a significant role in party reform, wrote to the head of Dissenting Democrats of Maine, Howard Coursen:

...unless this group comes up with feasible, constructive alternatives to our present policy in Vietnam—something that similar groups in other states have conspicuously failed to do—then I do not believe that they will have any significant impact upon either the Democratic Party or general electorate in Maine.<sup>7</sup>

With Kennedy out of the running, Democrats bound for the Windy City faced a choice between two candidates: an establishment stalwart who served as the Vice President of the man with whom they so vehemently disagreed, and, his former protégé, an anti-Vietnam Senator from Minnesota. Kennedy's campaign would live on symbolically, however, as anti-war South Dakota Senator George McGovern announced

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<sup>7</sup> George J. Mitchell, *Letter to Dissenting Democrats of Maine*

that he would place his name in nomination in honor of Robert F. Kennedy just days before the Chicago convention. McGovern believed that he could successfully make the case to the anti-war delegates that Hubert Humphrey, the inevitable nominee, should be their candidate. Despite the fact that a McCarthy-Kennedy delegate alliance may have had the potential to overtake Humphrey,<sup>8</sup> no unity effort was born. When asked the difference between his candidacy and that of Senator McCarthy, McGovern reportedly said “Well, Gene really doesn’t want to be President, and I do.”<sup>9</sup>

To no major surprise, Vice President Humphrey carried the nomination with just over two-thirds of all delegates. McCarthy carried just under a quarter of the convention, with 601 total votes, and McGovern’s symbolic crusade placed him third with 147 delegates. While Humphrey supporters celebrated his victory, Americans across the country watched as rioting caused havoc in the streets of Chicago.

As the pandemonium continued outside of the convention hall in Chicago, Hubert Humphrey slept soundly. Inside the convention bubble, it may have been difficult for Humphrey to know what was going on outside, especially as Mayor Daley’s precinct captains held signs to the television cameras that said “WE LOVE OUR CITY. WE LOVE OUR MAYOR. WE LOVE OUR POLICE TOO.”<sup>10</sup>

Despite forcing President Johnson out of the race and winning several state contests, Eugene McCarthy’s bid for the Democratic Nomination was futile. But while the streets of Chicago were burning, a group of committed McCarthy activists from Connecticut were working to ensure that no outsider candidate faced such an uphill battle

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<sup>8</sup> White, *The Making of the President* 1968, 267.

<sup>9</sup> Ibid, 266.

<sup>10</sup>Ibid, 357

again. For the group of Constitution State activists and students, their inspiration and path to Chicago had been anything but conventional.

### **Revolution at Hartford High School**

On January 8, 1968, with Eugene McCarthy nearly two months into the race for the Democratic Party nomination, DNC and Connecticut State Democratic Chairman John Bailey declared, “We know who our nominees will be...we will gather next August to nominate our President, Lyndon Johnson, and our Vice President, Hubert Humphrey.”<sup>11</sup> For Connecticut supporters of Eugene McCarthy, there was no question where the party establishment laid its support.

Additionally, bizarre rules in Connecticut meant that any challenger to the party establishment’s candidate would have to be inventive. Connecticut’s state party rules elected national delegates at a state convention made up of municipal-level delegates, formulated by the town’s Democratic vote in the preceding election as long as *two years* before the election. McCarthy supporters faced difficult odds in electing delegates to the national convention. Democrats in a town could force a primary contest by gathering the signatures of at least 5% of registered Democrats in that town and offering a slate in opposition to the one chosen by the town caucus or municipal committee.<sup>12</sup>

Determined to force a competitive contest, supporters led by Yale Law Student and activist Geoffrey Cowan forced nominating contests in several municipalities, offering competing slates featuring, in each case, an individual with the last name

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<sup>11</sup> "The Democratic Choice." *Commission on the Democratic Selection of Presidential Nominees* (1969), 40-41

<sup>12</sup> *The Democratic Choice*, 75.

“McCarthy” at the top of the slate.<sup>13</sup> The insurgents used this obscure party rule in 31 towns.<sup>14</sup>

At the June state convention, McCarthy delegates were awarded 9 of 44 delegates to the national convention, proportional with the 200 of 960 state delegates awarded by earlier state contests.<sup>15</sup> McCarthy supporters were of the opinion that they were entitled to more.<sup>16</sup> Connecticut Democratic Party Chairman John Bailey had attempted to forge a compromise by offering a set number of delegates to the activists, but disgruntled McCarthyites were in no mood to compromise. As one delegate reportedly said,

I’m sick of this pragmatic kind of bullshit. Who cares about those ten goddamned delegates and who cares about losing our credibility with the hacks of the Democratic Party? We didn’t get into politics to play the same old games, the same crappy compromises that led to our getting into Vietnam in the first place. We’re better than that. If we walk out of this convention, we’re telling the world that we stand for a different kind of politics, better than anything the John Bailey types could possibly understand.<sup>17</sup>

Led by activist Geoffrey Cowan, inspired by Theodore Roosevelt’s decision to walk out of the 1912 Republican Convention, McCarthy supporters marched to the Hartford High School Annex to hold their own counter-convention. Cowan acted as Chair of the convention described as “more in the nature of a pep political rally,” where

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<sup>13</sup> Geoffrey Cowan, interviewed by author, via telephone, January 30, 2012.

<sup>14</sup> Richard Harris and Daniel Tichenor, *A History of the U.S. Political System: Ideas, Interests, and Institutions*, 85.

<sup>15</sup> Byron E. Shafer, *Quiet Revolution* (New York: Russell Sage Foundation, 1983) 15.

<sup>16</sup> Geoffrey Cowan, interviewed by author, via telephone, January 30, 2012.

<sup>17</sup> Lanny J. Davis, *The Emerging Democratic Majority* (New York: Stein and Day, 1974), 57.

“the enthusiastic supporters cheered and shouted in between mouthfuls of pizza and soda.”<sup>18</sup>

Cowan and other activists did not just want more delegates from their state to the Chicago convention – they wanted meaningful reform. Cowan and other McCarthyites, including Democratic activist Stephanie May (the mother of future influential Canadian political leader Elizabeth May) determined that the best option was to form a group to study undemocratic Democratic Party rules, modeled after the successful National Commission on Civil Disorders (known as the “Kerner Commission”). At the very least, a well-researched document could serve as a basis for a challenge on the Connecticut rules in Chicago. Well-respected delegates like playwright Arthur Miller and Yale Law Dean Louis Pollak could ensure attention and a well-articulated argument.<sup>19</sup>

The Commission was formed, with Iowa Governor Harold E. Hughes, a McCarthy supporter (who would place his name into nomination in Chicago) as chairman, and Minnesota Congressman Donald Fraser as Vice Chairman. Joining the commission, among others, was former JFK advisor Fred Dutton, who would play a key role in George McGovern’s 1972 bid for the White House.<sup>20</sup> The commission began swiftly assembling reports on the nominating procedures of the Democratic Party of each state and planning for the Chicago Convention.

The commission prepared a quickly written document that, because of the complexity of 51 different sets of party rules and election laws, would offer broad suggestions for reforms that would open the process to all voters, allow delegates to be chosen on the basis of support for candidates and issues, appointed in a reasonable

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<sup>18</sup> *McCarthy Supporters Hold Rump ‘Convention’*, Mildred Zaiman, Hartford Courant 6/23/68

<sup>19</sup> Shafer, *The Quiet Storm*, 15.

<sup>20</sup> Shafer, *The Quiet Storm*, 18.

timeframe and in respect to fair apportionment, and in respect to voter preferences.<sup>21</sup>

McCarthyites worked to push the resolution through several convention channels, including the Rules and Credentials Committees. Thanks to attention on the divisive platform debate few were focused on fights over party rules.

Among the most controversial items that McCarthyites wished to eliminate was the unit rule, which allowed a sort of winner-take-all system within each state delegation. The rule, which had roots as far back as the 1852 Democratic Convention, was originally written to allow delegates to vote based on their personal preferences if they had not received specific instructions from their state party. Despite attempts to end the rule in 1868 and 1894, to follow the lead of the GOP, the rule had carried on with no protections for the minority, other than the ability to poll the national delegation (in which case the unit rule would still prevail).<sup>22</sup>

The unit rule greatly advantaged powerful leaders with pull in their delegation like famous party boss Mayor Daley of Chicago. As CBS' Martin Plissner reportedly said, "If Daley instructs the Illinois delegates to vote for Ho Chi Minh, all but twenty votes will go to Ho Chi Minh without question."<sup>23</sup> Humphrey's supporters were willing to bargain by passing a resolution to lift the unit rule for the 1972 convention – but McCarthy supporters wanted the rule gone immediately. Humphrey reportedly told Texas National Committeeman Frank Erwin "I don't want to try to abolish what I think is an undemocratic rule by undemocratic procedure."<sup>24</sup>

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<sup>21</sup> *The Democratic Choice*, 18-19.

<sup>22</sup> *The Democratic Choice*, 48-49.

<sup>23</sup> White, *The Making of the President 1968*, 309.

<sup>24</sup> CQ 194



Activists would ultimately help to push three reform resolutions out of the 1968 convention. The first was a part of the motion of the *Special Equal Rights Committee* to establish a commission on party structure. Following a dispute over the legitimacy of an all-white Mississippi delegation at the 1964 convention, a commission was formed to work for fair delegate seating opportunities for minorities at the 1968 convention. Humphrey had hoped to make the group a permanent one.<sup>25</sup> The commission, chaired by New Jersey Governor Richard Hughes (following the death of Governor David Lawrence of Pennsylvania), called for a Commission on Party Structure to be formed “to study the relationship between the National Democratic Party and its constituent state Democratic Parties, in order that full participation of all Democrats without regard to race, color, creed or national origin may be facilitated by uniform standards for structure and operation.”<sup>26</sup> The resolution received no debate and little attention.<sup>27</sup>

Additionally, the McCarthy organizers who had assembled as a result of the Connecticut walkout were successful in passing a party reform resolution as part of the Credential Committee Report, calling for the establishment of a commission that would make recommendations to the Democratic Party on expanding participation and provide support to help states make changes in regard to “timeliness,” “Grass-roots participation,” and to examine the appropriateness of the “Unit rule at the state and local level.”<sup>28</sup>

But the closest thing that McCarthy supporters got to an outright coup d'état was the passage on the floor of the minority report to the rules committee. When the report was offered on the convention floor as an amendment to the Rules Committee's majority

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<sup>25</sup> CQ 194

<sup>26</sup> CQ - 198

<sup>27</sup> Shafer, *The Quiet Storm*, 33.

<sup>28</sup> CQ 200

report, most delegates were either confused to the motion or believed that the substance of the resolution was its first section, ending the unit rule.<sup>29</sup>

But the second section of the motion, unlike the two other reform motions passed in Chicago, had bite, requiring that:

*(2) All feasible efforts have been made to assure that delegates are selected through party primary, convention, or committee procedures open to public participation within the calendar year of the National convention.*

While Byron Shafer writes in *The Quiet Storm* that Missouri Governor Warren Hearns' ability to pull the Missouri delegation to support the amendment was the work of Harold Hughes' lobbying,<sup>30</sup> McCarthy supporter Lanny Davis reports in *The New Democratic Majority* that Hearns was as confused as other delegates. Davis alleges that after polling an ambivalent and silent delegation, Hearns simply cast Missouri's decisive 78 votes in favor of the minority report. As McCarthy operative Eli Segal later said, "The Democratic Party reform movement was born out of confusion thanks to the support of a Governor who had presided over one of the most undemocratic systems of delegate selection in the country. What poetic justice."<sup>31</sup>

Whether or not he understood the resolution, Governor Hearns' support helped to bring in among the most drastic and fundamental changes that the Democratic Party and presidential politics had ever seen. Hearns, and most delegates, were completely oblivious to the fundamental changes to come – changes that would democratize the Democratic Party.

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<sup>29</sup> Shafer, *The Quiet Storm*, 34-35.

<sup>30</sup> Shafer, *The Quiet Storm*, 38.

<sup>31</sup> Davis, *The Emerging Democratic Majority*, 40-41.

As Theodore White wrote in *The Making of the President 1968*, "...[McCarthy] had brought with him, into the arena of protest and politics, thousands of young people who would, forever after, insist on being part of politics."<sup>32</sup>

### **The Fall Campaign**

Despite the havoc in Chicago, Hubert Humphrey and his running mate, U.S. Senator Edmund S. Muskie of Maine, fared fairly well in the fall. Though the Democratic Ticket only carried 191 electoral votes in thirteen states and the District of Columbia, the ticket came within 812,000 votes of President Nixon in the popular vote.

However, the results were certainly affected by the American Independent Party candidacy of Alabama Governor George Wallace, who carried five Southern States and 13% of the electoral vote. His white, working-class appeal was a precursor to many things to come in the future of the Democratic Party. Without Wallace in the race, some pollsters found that four out of five votes would have gone for Nixon.<sup>33</sup>

Had Wallace succeeded in carrying a few southern states where he ran very close to Nixon, the race would have been forced into the U.S. House of Representatives. Given the makeup of the 90<sup>th</sup> Congress, it is likely that Hubert Humphrey could have prevailed.

Even with a relatively close contest after a divided nomination fight, the winds for reform were still blowing. Following the directive of the 1968 Convention, Humphrey friend Fred Harris sought and subsequently won election as Chairman of the Democratic National Committee. Harris received the backing of Humphrey, the "titular head" of the Democratic Party, motivated to reform the Democratic Party, after O'Brien refused Humphrey's request to stay on. Humphrey reportedly felt that he owed Harris the

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<sup>32</sup> White, *The Making of the President 1968*, 266.

<sup>33</sup> WGBH. "George Wallace – the 1968 Campaign." 2000, <http://www.pbs.org/wgbh/amex/wallace/peopleevents/pande07.html>.

position, having passed him over in favor of Ed Muskie for the second spot on the Democratic ticket that fall.<sup>34</sup>

...in preparing for the next meeting of the National Committee on January 14, where Harris would be confirmed, he set his staff to combing the record of the 1968 Convention, to guarantee precise execution of all convention directives. What he discovered, of course, was that he was under orders to appoint not two commissions, but three; a Rules Committee, a Special Committee, and a Committee on Party Structure, the successor to the Special Equal Rights Committee.<sup>35</sup>

After seeking and receiving support for a motion to combine the party structure and delegate selection committee resolutions that had come out of Chicago into one commission, Harris' first priority was to appoint George McGovern as Chairman of the commission created by the 1968 directive. "I appointed McGovern chair of the reform commission because he was identified with opposition to the Viet Nam War, probably by then a majority opinion among Democrats, and had the support of the Robert Kennedy people," recalled Harris. "I thought he would, therefore, help make the commission and its report more credible to all factions of the Party."<sup>36</sup>

"I didn't really want to do it," Senator McGovern said of chairing the commission, "because I feared that it would lead to resentment in the party, and I felt that as a candidate [for the Democratic nomination in 1972] I shouldn't do it."<sup>37</sup>

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<sup>34</sup> Shafer, *The Quiet Storm*, 49.

<sup>35</sup> Shafer, *The Quiet Storm*, 51.

<sup>36</sup> Fred R. Harris, e-mail message to author, January 25, 2012.

<sup>37</sup> George McGovern, interviewed by author, via telephone, April 21, 2010.

McGovern accepted the position of party chair, to the dismay of some who felt that Howard Hughes, who had chaired the previous reform commission, was entitled to oversee the new commission. The Humphrey wing of the Democratic Party believed that Hughes had been disloyal to the party by enthusiastically supporting and nominating McCarthy at the 1968 convention.<sup>38</sup>

### **Proportionate Responses?**

The Democratic Party reform movement born over pizza and soda pop in West Hartford sparked a series of changes and motions that would change how candidates and supporters campaigned for the nomination – and how they governed once in office. Through the 1970s, the changing Democratic establishment and reformers worked to establish and modify reforms to make the nominating process both more democratic and more inclusive.

The 1968 primary represented the beginning of a very real divide between the Democratic establishment and an emerging reform movement. A shift toward a more open Democratic Party would not, however, diminish a divide marked between an establishment associated with the ideological center of the Democratic party and a reform movement linked to the very left of the Party.

The twenty years that followed the tumultuous Chicago convention saw a focused effort by reformers to open and keep open the Democratic Party. The election of the first post-reform President would lead to a pendulum swing as the Democratic Party establishment attempted to protect an incumbent and reassert itself in a process increasingly out of their control.

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<sup>38</sup> George McGovern, *Grassroots* (New York: Random House, 1977), 136.

Through analysis of commission reports and documents (when available), journalistic accounts, and interviews with reform activists, reform commission chairs, candidates, elected officials, campaign staffs, and Democratic Party leaders, this thesis attempts to analyze whether or not the Democratic Party acted proportionately to address its perceived and actual challenges in modifying reforms through an era greatly characterized by party reform.

- **Chapter One** addresses how the Democratic Party responded to the mandate established by the 1968 convention and how reforms dramatically changed the format of the 1972 nominating contest.
- **Chapter Two** discusses how Democrats responded to perceived problems from the 1972 nominating process, became increasingly concerned about the long-term effects of an open, democratic contest, and how the party quickly shifted direction following the election of the first post-reform Democratic president toward incumbency protection.
- **Chapter Three** explains how the Democratic establishment worked to reinsert itself into the nominating process, and how a close 1984 contest helped propel the party toward a more democratic one.
- **Chapter Four** looks at the 2008 Democratic nominating contest twenty years after the major reforms and attempts to discuss whether or not the 2008 contest, which represented the first major opportunity for an African-American or woman to lead a major party ticket, was representative of the earliest intentions of the reformers.

## 1| Mandate for Reform

*“What Kind of Delegation is this?  
They’ve got six open fags and only three  
AFL-CIO people on that delegation! Representative?”*

*- AFL-CIO President George Meany, 1972*

The Commission on Party Structure and Delegate Selection was big. In addition to Chairman George McGovern and Vice Chairman Harold Hughes, twenty-six members from different backgrounds across the country joined the commission. The commission delicately represented various interests, including members of Congress, Governors, and party activists.

Not all were happy with Chairman Harris’ appointments. Some had privately discussed the idea of a “shadow commission” after Harris had refused to appoint individuals like Anne Wexler (a major force in the Connecticut challenge) and had chosen McGovern over Harold Hughes.<sup>39</sup> Supporters had even reserved space the first day of the McGovern Commission’s efforts in case Hughes desired to revive his pre-convention committee.<sup>40</sup> Despite Harris’ reluctance to appoint several McCarthy Commission members, McGovern brought many members of the Hughes Commission

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<sup>39</sup> Shafer, *The Quiet Storm*, 65.

<sup>40</sup> *Ibid*, 69.

into the discussion as advisors and committee staff.<sup>41</sup> “And this was to be, as it soon became clear” wrote Theodore White, “a runaway staff.”<sup>42</sup>

While it was not clear to many that McGovern was considering a bid himself in 1972, interests of major potential presidential contenders were represented on the commission. George Mitchell, a Democratic National Committeeman from Maine, was the protégé of Maine Senator Ed Muskie. Ted Kennedy’s name was thrown around (decreasingly after an incident in Chappaquiddick, Massachusetts in 1969), and sent Fred Dutton, a former aide to President Kennedy. Additionally, committee member Warren Christopher had served as Deputy Attorney General under President Kennedy and was a supporter of Bobby Kennedy’s 1968 bid.

Among the biggest challenges to the commission was the decision by many influential organized labor leaders not to formally participate. While I.W. Abel of the United Steel Workers was appointed a member of the commission, he would soon withdraw, as it appeared that those who had been most vocal in their critiques of the “old system” in 1968 would lead the commission. As Humphrey confidante Max Kampelman said in Byron Shafer’s *The Quiet Revolution*, in many ways, labor was that “old system”:

Abel was being a good soldier. He was doing [AFL-CIO leader George] Meany’s bidding. Labor was intransigent, stubborn, and proud. Here was labor, which had given more than it had ever given—more money, more effort, and more intelligence. For that group, which did more for the party

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<sup>41</sup> Shafer, *The Quiet Storm*, 70.

<sup>42</sup> Theodore H. White, *The Making of the President 1972* (New York: Athenium, 1973), 23.



than the party did, for that group to have to go to Fred Harris and ask for something – it was not dignified, they would not do it.<sup>43</sup>

Al Barkan, Chairman of the AFL-CIO's Committee on Political Education (COPE) attempted to privately lobby Harris against reform. According to Harris, Barkan and Meany believed that the Commission "was being overwhelmed by the views of 'radical' youth and 'pushy' African Americans and women."

Harris says that he consistently responded "surely they didn't think, did they, that members I'd appointed, such as I. W. Abel, head of the Steelworkers (whom I knew favorably from our service together on the Kerner Commission), and Senator Birch Bayh of Indiana, people whom Labor liked, were "radicals" or could be overwhelmed by radicals. I managed to keep Labor relatively quiescent, at least publicly, on reform--and I. W. Abel, incidentally, supported it."<sup>44</sup>

Despite McGovern's urging, many influential labor leaders simply would not participate. As members reportedly told McGovern repeatedly, "The party which nominated Roosevelt and Truman does not need reforming." Labor did have representation through commissioner William Dodds of the United Auto Workers, and the UAW often provided space for the commission's hearings around the country.<sup>45</sup> The UAW had withdrawn from the AFL-CIO in 1968 following a political split between Meany and UAW President Walter Reuther.<sup>46</sup> Additionally, some left-leaning unions like

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<sup>43</sup> Shafer, *The Quiet Storm*, 93.

<sup>44</sup> Fred R. Harris, e-mail message to author, January 25, 2012.

<sup>45</sup> Shafer, *The Quiet Storm*, 108.

<sup>46</sup> Dark, Taylor E. "Organized Labor and Party Reform: A Reassessment," *Polity* XXVII, no. 4 (Summer 1996): 509.

American Federation of State, County and Municipal Employees (AFSCME) and the Communication Workers of America (CWA) did express support for reform efforts.<sup>47</sup>

The 1964 Special Equal Rights Commission and the motions that originated from the 1968 convention represented a growing pattern of a centralized, national Democratic Party asserting power over the states. Prior to 1964, a “national party” only existed at the will of the states which gathered every four years to nominate a presidential candidate and establish a platform. In deciding just *who* state parties could send to its quadrennial meetings, the Democratic Party was becoming a nationalized institution. *The Democratic Choice* had described the pre-reform Democratic National Committee as an “ineffectual and dependent body.”<sup>48</sup> Congressman David Price, a veteran in the party reform movement, would later describe presidential nominating contests as a “system of decentralized local and state party politics.”<sup>49</sup>

While a nationalized Democratic Party was in its infancy, the only way for meaningful Democratic Party reform to work was to make changes in *every state*. Ken Bode, President of the University of South Dakota Young Democrats, had been appointed by McGovern as Staff Assistant. Bode organized interns to research each state’s rules, much like the report of the Hughes Commission, in respect to “intrastate apportionment of convention delegates, the timing of the delegate selection process, the status of party rules, mechanisms for ballot listing, quorum and proxy rules, and eligibility requirements for voting.”<sup>50</sup>

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<sup>47</sup> *Ibid*, 508

<sup>48</sup> *The Democratic Choice*, 18-19.

<sup>49</sup> *David E. Price*, “The Way We Choose Presidential Nominees: Problems and Prospects,” delivered at *Choosing the President: The Evolving Process and its Effects*, Institute of Government Studies and the School of Law, University of California Berkley, April 11, 2008.

<sup>50</sup> McGovern, 142

With a strong executive committee and the establishment of subcommittees, the Commission would ultimately consider recommendations during a two-day session in September 1969 in the Dirksen Senate Office Building. Drawing from the Hughes Commission and personal experiences, Ken Bode and Eli Segal worked with commission staff to draft guidelines to submit to the Committee. Additionally, staff used information from the Model Delegate Subcommittee, which political scientist Byron Shafer described as “Segal’s first attempt at codifying his own thoughts on the reform of delegate selection.”<sup>51</sup>

Among the biggest debates over the final rules was whether or not establishing delegate selection based on proportionality was the desired intent of the reform resolutions passed by the convention. Knowing how contentious debate on proportionality could be, commission staff chose to identify the provisions as “Representation of Minority Views” in hopes that it would avoid provoking conflict before discussion.<sup>52</sup>

The Commission ultimately decided that they had not been “required” to establish such rules, but in a narrow vote, voted to implement them. Harold Hughes had been chairing the meeting at the time, and broke parliamentary rules to vote for them. A tie resulted, and the commission authorized more research.<sup>53</sup>

When the commission resumed in late 1969, debate on the idea of proportionality was still fiery. Fred Dutton, who was a strong believer in the winner-take-all system of his home state of California, believed that the excitement of such a meaningful contest

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<sup>51</sup> Shafer, *The Quiet Storm*, 108.

<sup>52</sup> *Ibid*, 145.

<sup>53</sup> *Ibid*, 148.

would serve to turn out dispirited Democrats.<sup>54</sup> After a debate on whether or not specific states should follow a formula, George Mitchell offered compromise language that would ultimately become the commission's position. From Shafer's *Quiet Storm*:

After a minimum of additional debate, Mitchell's original motion, in its restated version – “recommending” *some form* of proportionality for 1972; asking the 1972 Convention to “require” *some form* thereafter – was finally called. With a vote of 10 yes and 5 no, the motion passed, and the commission had an official position on the adequate representation of minority views....[Utah Governor Rampton] was so incensed that he swore to prevent Guideline B-6 from ever becoming party law in Utah.”<sup>55</sup>

Another major and controversial reform to come out of from the Commission on Party Structure and Delegate Selection was language in recommendations A-1 and A-2 which required the party to “overcome the effects of past discrimination” to encourage participation of minorities, women, and youth, groups that had been shut out of previous conventions. If the convention were to make the nominating process more reflective, reflectivity was not necessarily just about how, but *who* cast their ballot.

Segal's Model Delegate Subcommittee language had contained strong language urging that underrepresented groups should have language in proportion to their statewide proportion.<sup>56</sup> By the time that a full proposal came before the Commission, some were hesitant about the idea of a quota system.

Commission member Austin Ranney not only supported the addition of language that recommended affirmative action goals, but pushed McGovern and the commissions

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<sup>54</sup> Ibid, 175.

<sup>55</sup> Ibid, 178.

<sup>56</sup> Ibid, 120.

to go back on an earlier decision by the commission not to publicly support a quota system:

...Ranney insisted that the commission should “at least urge...that members of minority groups be adequately, fairly...represented.” He added, though, that the commission should not *require* such representation “because that would mean quotas.”<sup>57</sup>

Following sentiments by Senator Bayh that minorities in delegate selection should be reflective of its share of a state population, Professor Samuel Beer moved that states be required to “encourage minority group participation.” Bayh proposed an amendment to add the phrase “in reasonable relationship to their appearance in a state’s population as a whole,” which had been written for him by commission consultant Dick Wade.<sup>58</sup> Both the Beer and Bayh motions passed. With many commissioners still concerned, McGovern later suggested that the Commission formally state that these guidelines were not to be viewed as support for a quota system,<sup>59</sup> and a footnote was added to the commission report, stating that “It is the understanding of the Commission that this is not to be accomplished by the mandatory imposition of quotas.”<sup>60</sup> Though the “minority” groups referred to racial minorities, Fred Dutton later moved that women and young people be included.<sup>61</sup>

Implementation was not necessarily an easy step. After all, party rules changes were necessary on a local level. In talking with Chairman Fred Harris, it was established

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<sup>57</sup> McGovern, *Grassroots*, 145.

<sup>58</sup> Shafer, *The Quiet Storm*, 167-168.

<sup>59</sup> McGovern, *Grassroots*, 148.

<sup>60</sup> *Mandate for Reform*, 40.

<sup>61</sup> White, *The Making of the President, 1972*, 3.

that the Commission, as a creation of the 1968 Democratic National Convention, was to report to the 1972 convention, the states, and the Democratic National Committee.<sup>62</sup>

The resignation of Fred Harris as party chair gave the commission an opportunity to speed up the process; without knowledge of what the new (and former) chair, Lawrence O'Brien would do in regards to the reform effort, funding for the printing and circulation of the report was secured from the more liberal of the labor groups, the UAW;<sup>63</sup> the Commission included a provision in the report stating that as authority had come from the 1968 convention and was therefore "binding on the states."<sup>64</sup>

The Commission ultimately received the support of the Democratic National Committee. The party's executive committee endorsed them in 1970 and included them in the call to the 1972 convention.<sup>65</sup> Some had feared that Democratic National Committeeman George Mitchell and former Texas State Democratic Executive Committee Chairman Will Davis would attempt to issue a minority report, due to a belief that the commission had overreached the authority of individual states. Dodds believed that the potential candidacy of Ed Muskie in 1972 served to dissuade Mitchell, as it would risk Muskie's ability to gain the support of reformers. Shafer speculated that Davis, who was not re-appointed as Chair in Texas after John Connally left office in early 1969, "lacked the institutional base from which to mount such a response."<sup>66</sup>

George McGovern resigned his post as chair to run for president, but the commission work continued through new Chairman Donald Fraser. Through Fraser, the

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<sup>62</sup> Shafer, *The Quiet Storm*, 137.

<sup>63</sup> Marie Gottschalk, *The Shadow Welfare State* (Ithaca, New York: Cornell University Press, 2000), 93-94.

<sup>64</sup> Shafer, *The Quiet Storm*, 230-232.

<sup>65</sup> McGovern, *Grassroots*, 152.

<sup>66</sup> Shafer, *The Quiet Storm*, 229.

commission worked to help states through a compliance process and Ken Bode began a private organization, the Center for Political Reform, to work from the outside to make states compliant. By the 1972 convention, 98.3% of delegates had been elected in a transparent process, the percentage of minorities had substantially increased, and all fifty states had adopted new party rules.<sup>67</sup>

### **Come Home, America**

Believing that there was a tremendous void in party leadership, McGovern was adamant on announcing his candidacy early. “There was no Adlai Stevenson as titular head of the party-in-opposition,” wrote McGovern campaign manager Gary Hart, a Colorado lawyer.<sup>68</sup> Having chaired the Commission on Delegate Selection and Party Structure, McGovern certainly had the credentials to be considered a major mover in the Democratic Party.

Ed Muskie had done virtually everything right in positioning himself for a bid for the Democratic nomination in 1972. After returning to the U.S. Senate, Muskie made an unsuccessful bid for the position of Senate Democratic whip, losing out to Senator Ted Kennedy. On the eve of the 1970 mid-term elections, Muskie gave the Democratic Party’s televised address to the nation from Kennebunkport, ME. By the time he had become an official candidate, the man who had joined Hubert Humphrey on the platform in Chicago stood firmly with the left of the Democratic Party on Vietnam, with his

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<sup>67</sup> William Crotty, *Party Reform* (New York: Longman), 62.

<sup>68</sup> Gary Hart, *Right from the Start* (New York: Quadrangle/The New York Times Book Company, 1973), 16.

campaign literature reading “Not the escalation. An end. Now. Some people think the war is over. It isn’t.”<sup>69</sup>

According to McCarthy-turned-Muskie operative Lanny Davis:

He [Muskie] understood from the start, however, that such a strategy would inevitably place him in an ideological and factional cross fire between New Politics purists and liberals on the one hand, and the party regulars, organized labor, and conservative factions on the other. But, remembering what he had achieved in Maine, Muskie was confident that he could survive the cross-fire. In the end, the need to defeat Richard Nixon would convince the most hostile foes to put down their weapons and work together. At least, that’s what he thought.<sup>70</sup>

But, despite competing in all major nominating contests,<sup>71</sup> bringing on individuals like Lanny Davis, a Connecticut supporter of Eugene McCarthy in 1968, and earning the support of now-Senator Harold Hughes, Ed Muskie’s campaign still had the makings of a pre-reform effort. Gary Hart’s analysis:

Muskie’s campaign was clearly and explicitly based on a plan to create the image of a “winner” as unstoppable frontrunner, and to bolster that image by assiduously seeking the support of elected officials whose endorsements would be able to produce voters at the polls... We did not believe this strategy would work, partly because we had no choice and partly because we thought we had entered a political period when the

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<sup>69</sup> 4President.org, "Ed Muskie for President 1972 Campaign Brochure ‘A New Beginning for America’." <http://www.4president.org/brochures/1972/muskie1972brochure.htm>

<sup>70</sup> Davis, *The Emerging Democratic Majority*, 75-76.

<sup>71</sup> White, *The Making of the President 1972*, 78.



people at large were not about to be told by their political leaders whom to support or for whom to vote...As it turned out, all the endorsements meant very little.<sup>72</sup>

According to Davis, McGovern had a good handle on the fact that “the 1968 campaign offered a New Politics-backed candidate important advantages.” In addition to activists left over from the Kennedy and McCarthy campaigns, Davis argued that McGovern’s knowledge of the McGovern-Fraser reforms could “operate to the considerable advantage of any candidate who had the backing of a well-organized and activist constituency, especially in a multi-candidate contest.”<sup>73</sup>

But was this new activist constituency poised to put McGovern over the top in the new democratic nominating contests certain to support the Democratic nominee for president in the fall? Fred Dutton, now a McGovern campaign strategist, certainly thought so. According to historian Jefferson Cowie, Dutton “failed to see the core of Kennedy’s appeal in the blue-collar vote – preferring to emphasize the youth; rather than tapping into the Wallaceite’s anger, Dutton chose the most dangerous path of dismissing it.”<sup>74</sup>

The Muskie campaign was focused on youth too, having hired Lanny Davis specifically to work on the effort. In what Muskie scheduler Eliot Cutler called “the beast that ate Manhattan,”<sup>75</sup> the youth vote consumed all campaigns but did not ultimately amount to anyone’s saving grace. In a confidential April 12, 1971 Muskie

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<sup>72</sup> Hart, *Right from the Start*, 115.

<sup>73</sup> Davis, *the Emerging Democratic Majority*, 100.

<sup>74</sup> Jefferson Cowie, *Stayin’ Alive* (New York: The New Press, 2010), 91.

<sup>75</sup> Eliot Cutler, interviewed by author, via telephone, April 5, 2010.

campaign strategy memo, Dartmouth Government Professor Frank Smallwood outlined the promise that youth voters had:

...if we lump all of the potential 40 million voters born between 1940 and mid-1954 together, these potential voters have been exposed to only four major party Presidential candidates—Johnson, Goldwater, Nixon, and Humphrey. Whatever the virtues of these four gentlemen, they hardly represent the types of broad-gauged, charismatic, idealistic leaders who would be destined to stimulate a mass appeal among many of the younger voters throughout the nation.<sup>76</sup>

But in the McGovern camp, Dutton's fixation on youth – and disregard for the white, working class, and union members whom Dutton believed “just like the rest of the nation, would be drawn to the polls on the grounds of social style, attitudes, and the promise of liberation,”<sup>77</sup> represented a larger pattern with McGovern strategists focusing on mobilizing “new politics” groups rather than traditional voters. According to McGovern staffer Frank Mankiewicz:

We were always subject to this pressure from the cause people. We related to every threat from women, or militants, or college groups. If I had to do it all over again, I'd learn when to tell them to go to hell.<sup>78</sup>

But McGovern's ability to capitalize on the mobilization of activists and the substantial growth of nominating contests from 1968 helped to overtake frontrunner Ed Muskie. Muskie's campaign, built on inevitability, simply could not handle momentum.

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<sup>76</sup> Smallwood, Frank, *Confidential – A Strategy Memo for 1972*

<sup>77</sup> Cowie, *Stayin' Alive*, 92.

<sup>78</sup> *Ibid*, 95.

Second place finishes in Iowa and New Hampshire greatly undermined the expectations set by the media for frontrunner Ed Muskie. Many believed that Muskie, from neighboring Maine, had no choice but to earn a minimum of 50 percent of the vote in the New Hampshire Primary.<sup>79</sup> Cutler characterized Muskie’s support as “a mile wide and an inch deep; unsticky as soon as vulnerability showed.”<sup>80</sup>

Harold Pachios, a Maine attorney who coordinated efforts in California for Muskie believes that the assertion that Muskie was running a pre-reform campaign in a post-reform era is a “very fair assessment.” Pachios recalls:

I spent weeks and weeks between Maine and California. The whole approach was to get every leading politician in California to endorse Muskie and bring their ground troops with them. And we succeeded beyond our wildest dreams – every single relevant Democrat that I can remember declared for Muskie.<sup>81</sup>

The new rules emphasizing the “Representation of Minority Views” that had been so important to the deliberations of the McGovern-Fraser Committee did not just make for a more *democratic* vote, but created a contest that could be greatly determined by strategy. One state greatly impacted by rules changes was Arizona, where that state’s cumulative vote-style primary represented a different type of contest that supporters of New York City Mayor John Lindsay were able to take advantage of. The system, which split approximately 500 votes to the state convention into state senate districts, allowed voters to cast as many votes as available delegates for each district.

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<sup>79</sup> Davis, *The Emerging Democratic Majority*, 116.

<sup>80</sup> Eliot Cutler, interviewed by author, via telephone, April 5, 2010

<sup>81</sup> Harold Pachios, interviewed by author, via telephone, March 11, 2012.

Lindsay organizer Arthur Kaminsky realized that a less-popular candidate could still do very well by turning out a high vote concentration for a smaller number of delegate candidates. Muskie's campaign, which failed to grasp the new rules, came in first in the Southwest contest, but once again failed to meet expectations following Newsweek's projection that Muskie was poised to win all delegates outright.<sup>82</sup>

Though Muskie was McGovern's chief competitor in the early Iowa, New Hampshire, and Arizona contests, the contest later saw the emergence of a familiar face. In January 1972, former Vice President Hubert Humphrey declared his candidacy for President in Philadelphia. After his 1968 loss, Humphrey had returned to Minnesota and sought election to the U.S. Senate. During his successful bid, Humphrey pledged not to run in 1972 for president. But the urge was too much. This time, however, Humphrey would compete in state nominating contests; he had no choice. His presidential announcement struck a different cord, perhaps recognizing the new constituencies needed under the new rules to win the nomination:

The young must be full and effective partners in restoring the physical beauty and the human vitality of America – in fulfilling Jefferson's dream of a people united in friendship, compassion, and mutual respect. Jefferson was a young man when he drafted the Declaration of Independence. Some considered him radical. But in reality he and his fellows were true conservatives -- for above all they wished to conserve the freedom and liberty of the individual.<sup>83</sup>

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<sup>82</sup> Davis, *The Emerging Democratic Majority*, 126-129

<sup>83</sup> "Senator Hubert H. Humphrey, Announcement of Candidacy for President."

The McGovern campaign had initially hoped that Humphrey would enter the race, and helped to feed the story that the Muskie campaign was scared of a potential candidacy. Displaced Muskie supporters could move to McGovern's campaign to block Humphrey from getting the nomination. Humphrey's entrance, Hart theorized, could only help to weaken Muskie.<sup>84</sup>

Humphrey's first contest was the March 14 Florida Primary, performing very well but placing a distant second with 234,658 votes (18.6%) to Alabama Governor George Wallace's 526,651 (41.6%). Wallace won every county. McGovern barely reached 7% in what Theodore White described as a "perfunctory and useless try for the youth and black vote."<sup>85</sup> In his autobiography, *Grassroots*, McGovern wrote:

... it seemed to me to demonstrated a more complex range of alienated voters whose concerns had to be understood if the Democratic Party were to win in 1972. I addressed myself to these concerns; to some Wallace voters I appeared as an anti-establishment candidate to whom they could identify.... But in the end, most Wallace voters and their leader found it difficult to identify with a liberal, Northern, antiwar Democrat surrounded by advocates of new styles of life and social behavior.<sup>86</sup>

The campaign continued through contest after contest, with Muskie ultimately dropping out. The very climax of the campaign came with the June 6 California Primary, which, thanks to a push by Fred Dutton during McGovern-Fraser Commission deliberations, remained a winner-take-all contest. "Now, by historic irony," wrote

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<sup>84</sup> Richard Dougherty. *Goodbye, Mr. Christian: A Personal Account of McGovern's Rise and Fall* (New York: Doubleday, 1973), 70.

<sup>85</sup> White 1972, 85

<sup>86</sup> McGovern, 183

Theodore White, “in the 1972 primary, at the end of his twelve-year pursuit of the presidency, it would be left to Hubert Humphrey, the dreamer, to shove the reality of American life and government as it really was against the new dreamer and preacher of 1972, George McGovern, and thereby begin McGovern’s destruction.”<sup>87</sup>

Running out of money, Humphrey decided that accepting a televised debate with McGovern was a smart strategy. With polls showing McGovern leading the former Vice President by twenty points in the polls, the two went to television for a brutal debate. On election night in California, McGovern bested Humphrey by 5 points.

In what McGovern would later call a “totally unjustified and suicidal challenge,” Humphrey became a part of a stop-McGovern movement with many of the other unsuccessful candidates to deprive the South Dakota Senator of the nomination by requiring that California split its votes proportionally, in what they believed was consistent with the McGovern-Fraser rules.<sup>88</sup> In the Credentials Committee, with California’s ten members unable to vote, McGovern was initially stripped of 120 votes to conform to the coalition’s demands.<sup>89</sup>

In retaliation, over the will of McGovern and campaign manager Gary Hart, Mayor Daley’s handpicked Chicago delegation was stripped of its seats as well.<sup>90</sup> Following court challenges and a ruling by the Supreme Court of the United States that party rules could only be determined internally, the McGovern campaign saw its last hope as overturning the Credentials Committee’s decision in Miami, where the full convention would vote to sustain or appeal its recommendations. Following the ruling

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<sup>87</sup> White, *The Making of the President 1972*, 121.

<sup>88</sup> McGovern, *Grassroots*, 185.

<sup>89</sup> White, *The Making of the President 1972*, 164.

<sup>90</sup> Hart, *Right from the Start*, 228.

that McGovern's 120 delegates would be allowed to cast their votes on the decision, (and some serious politicking by Richard Stearns)<sup>91</sup> the convention would vote in favor of McGovern's California delegates.

Humphrey friend Fred Harris believed that Humphrey's involvement in the "Anybody But McGovern" movement "hindered the healing of Democratic lesions and helped seal the doom of McGovern's general-election campaign against Richard Nixon."<sup>92</sup>

The "Stop McGovern" movement had not been limited to Humphrey delegates at the convention. Days before the California Primary, Southern Governors led by Jimmy Carter of Georgia, assembled to discuss ways to stop McGovern from winning the nomination. Ironically, just four years later, Carter would use McGovern's rules and precedence to win the nomination himself.

Ultimately, McGovern finally prevailed, giving his acceptance speech to the Democratic convention at 3:00AM, with most viewers watching on television having gone to sleep hours and hours before. Unable to convince Senator Ted Kennedy to join him on the ticket, McGovern tapped Missouri Senator Tom Eagleton to join him on the ticket. When word broke that Eagleton had been treated for depression using shock therapy, McGovern dumped Eagleton for a Kennedy cousin, former Ambassador Sargeant Shriver; a rocky start for both Democratic tickets.

George McGovern attracted a significant number of young, ethnically diverse, and female delegates in his quest for the Democratic nomination. These individuals, in a large way reflective of the new changes to Democratic Party rules, helped to catapult

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<sup>91</sup> White, *The Making of the President 1972*, 228.

<sup>92</sup> Harris, *Does People Do It?*, 145

George McGovern to the nomination – but this “new politics” coalition was not enough to put McGovern over the top in November. Was this coalition to blame for the nominee’s defeat in 1972? According to Gallup, a staggering 33% of Democrats and 57% of blue-collar workers voted for Richard Nixon in 1972.<sup>93</sup> Traditional Democrats were completely at war with the “new politics faction,” with Harold Pachios recalling:

I think that the Muskie people all liked it the old way, when the party bosses ran the show. And McGovern just latched on to protest – and reaction against authority – were of course at the top of the agenda in those days. That was the anti-war movement and young people were protesting and so there was an anti-establishment feeling in the party.<sup>94</sup>

McGovern campaign manager Gary Hart believes that there is no direct correlation between McGovern’s primary election success and general election disaster. “Running for president is two very distinct campaigns. One is winning the [party] nomination; one is winning the general [election]. How you do the first one is almost totally different from the separate one,” recalls Hart. “If you run a grassroots campaign and are successful under new participatory rules, you have demonstrated an appeal inside the party among those who are active Democrats but then you still have to go out to the electorate at large and convince a large number of Democrats and even Democrats who did not participate or who supported some other candidate to support you. Totally a separate undertaking.”<sup>95</sup>

Of the 1972 nomination fight, then-DCCC Chairman Tip O’Neill later recalled:

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<sup>93</sup> [http://presidentelect.org/art\\_cooper\\_e1972an.html](http://presidentelect.org/art_cooper_e1972an.html)

<sup>94</sup> Harold Pachios, interviewed by author, via telephone, March 11, 2012.

<sup>95</sup> Gary Hart, interviewed by author, via telephone, December 21, 2011.



All of us were bitter at what we had just witnessed. The convention was filled with first-time delegates, mostly women and minorities who spent the bulk of their time fighting over the various planks of the party platform. Because they were new to the system, these people failed to understand that the real purpose of a platform is to express a general philosophy and to be as inclusive as possible. Instead, they seemed eager to come up with a document that would be taken literally. For once, I agreed with those critics who speak of occasional suicidal tendencies among the Democrats.<sup>96</sup>

Whether or not George McGovern unfairly took advantage of the rules to win the nomination is a contentious issue for many. Regardless, the 1972 fight for the nomination saw a victorious McGovern prevail over candidates unable to adapt their style or existing infrastructure to the demands of a new system. Most importantly, perhaps, the 1972 fight set the stage for the fight to come between those who wished to further open the process and elected officials hoping to reassert their influence.

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<sup>96</sup> Tip O'Neill and William Novak, *Man of the House: The Life and Political Memoirs of Speaker Tip O'Neill* (Random House: New York, 1987), 359.

## 2| Responses to Reform

*“The thing that’s so great about us, our pluralism,  
is the thing that gets us screwed up when we try to make rules.”*

*- Baltimore City Councilor Barbara Mikulski, 1973*

Jean Westwood, a former McGovern campaign advisor, became Chair of the Democratic National Committee after McGovern won the Democratic nomination. As one of first her major acts, Westwood appointed a commission to re-examine the McGovern-Fraser rules. The 1973 Delegate Selection Commission, chaired by Baltimore City Councilor Barbara Mikulski, was another large commission at 73 members, with key players including Ohio Governor John Gilligan, Gary, Indiana Mayor Richard Hatchner, Ken Bode, and activist Ann Lewis. Gilligan described the commissioners, who would write the 1976 delegate selection rules, as “Individuals throughout the party, state, and the nation who were very interested in bringing the Democratic Party up to date and join the new world.”<sup>97</sup>

Heeding calls for her resignation, Jean Westwood stepped aside after the 1972 general election. At the urging of Senator Lloyd Bentsen and former Governor John Connally, Robert Strauss, a Texan, was appointed as new party chair. Rowland Evans and Robert Novak described Strauss as a Chair planning to be “increasingly critical of the reformers,” and willing to “appeal to Democratic National Committee to reverse

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<sup>97</sup> John Gilligan, interviewed by author, via telephone, February 14, 2012.

commission decisions.”<sup>98</sup> But Strauss’s committee appointments got along reasonably well with the rest of the commission, avoiding majorly divisive debates.<sup>99</sup> There still were, however, bitter clashes between reformers and the party establishment.<sup>100</sup>

While the intricacies of the Mikulski Commission are not as well-documented as the groundbreaking McGovern-Fraser commission, they are not, perhaps, as crucial to understanding the commission’s impact. In reality, the Mikulski Commission’s biggest contribution to the party reform movement was simply choosing to uphold the work of the McGovern-Fraser Commission.

According to Crotty:

Surprisingly, as the commission deliberations evolved, it became clear that the balance of the group felt the intent of the guidelines to be good and the rules themselves relatively equitable and reasonable.<sup>101</sup>

The rules were not entirely left intact. One of the biggest changes made by the Mikulski Commission was the elimination of the so-called “quotas.” McGovern, who had never pushed for such a system, speaking before the Commission, said that the reforms “did not fail,” but that “we need not pretend that the reforms were written in

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<sup>98</sup> Rowland Evans and Robert Novak, “Chairman Strauss and Reform,” *Free Lance-Star*, September 28, 1983, accessed February 11, 2012, [http://news.google.com/newspapers?nid=1298&dat=19730928&id=xd5NAAAIBAJ&sjid=\\_IoDAAAIBAJ&pg=2756,3587796](http://news.google.com/newspapers?nid=1298&dat=19730928&id=xd5NAAAIBAJ&sjid=_IoDAAAIBAJ&pg=2756,3587796)

<sup>99</sup> Al Reinert, “Bob and George Go to Washington,” *Texas Monthly*, April 1973, accessed February 11, 2012, [http://books.google.com/books?id=MSoEAAAAMBAJ&pg=PA61&lpg=PA61&dq=%22barbara+mikulski%22+%22jean+westwood%22&source=bl&ots=RtRbYCEHRu&sig=NqcYTg-PNUsHcut3J1NOueLTn04&hl=en&sa=X&ei=cxNMT9bTA8fA0AG\\_76z2DQ&ved=0CCMQ6AEwAA#v=onepage&q=%22barbara%20mikulski%22%20%22jean%20westwood%22&f=false](http://books.google.com/books?id=MSoEAAAAMBAJ&pg=PA61&lpg=PA61&dq=%22barbara+mikulski%22+%22jean+westwood%22&source=bl&ots=RtRbYCEHRu&sig=NqcYTg-PNUsHcut3J1NOueLTn04&hl=en&sa=X&ei=cxNMT9bTA8fA0AG_76z2DQ&ved=0CCMQ6AEwAA#v=onepage&q=%22barbara%20mikulski%22%20%22jean%20westwood%22&f=false)

<sup>100</sup> William Crotty, *Party Reform* (New York: Longman), 66.

<sup>101</sup> *Ibid.*

stone.” Of course, most in the press thought that McGovern himself had been responsible for the changes.<sup>102</sup>

In establishing the rules for the 1976 convention, the commission had called for efforts to encourage minority participation, but explicitly stated “mandatory quotas may not be imposed.” Viewed as a substantial victory, Gilligan, the Chair of the drafting committee, encouraged Democratic Governors to endorse the reformed rules ahead of the party’s 1974 mid-term convention. The motion introduced by outgoing Governor Gilligan was made by the new Governor-elect of Massachusetts, Michael Dukakis. The unanimous vote of the new rules package even included the support of Alabama Gov. George Wallace.<sup>103</sup>

The doors to the Democratic Party remained open, despite the elimination of quotas. Other minor reforms, however, would cause serious consequences in the years ahead. The Commission also voted to mandate proportionality, but implemented an important requirement:

Delegations at all levels must be divided according to the expressed preferences receiving at least 15% support of the voters in binding primaries and of participants in caucuses or conventions. In primary states with no binding presidential preference poll, delegates must be elected to units no larger than a Congressional district.<sup>104</sup>

While reformers wanted purely proportional races, there were strong reasons against this sort of system, even among those who were a significant part of the McGovern reform movement. In addition to the difficulties that would be required in

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<sup>102</sup> Bruce Winters, McGovern in Middle of Party Rules Dispute, *Chicago Tribune*, 4/22/73, A1.

<sup>103</sup> Robert Healy, “37 governors think one way,” *Boston Globe*, November 20, 1974, 23.

<sup>104</sup> Crotty, *Party Reform*, 69.

changing some state laws, there was a compelling reason: George Wallace. Harvard Professor Elaine Kamarack, who played a key role in several party reform commissions, suggests in *Primary Politics* that “loophole primaries,” which allowed for direct election of delegate slates on the district level (a well-organized candidate could generally carry all of the delegates in the district) were primarily preserved because it was believed other candidates could serve to outperform Wallace in many of the Northern industrial states that used these systems.<sup>105</sup>

The last major reform of the Mikulski Commission was language stating that all candidates for president had the right to approve of their delegates. As we will see later, these rules changes would have incredible consequences in the cycles ahead.

It is important to note that reform was not limited to delegate selection. The O’Hara Rules Commission had met over the course of three years, 1969 to 1972, for the purpose of establishing permanent convention rules. The Chairs of the McGovern Commission had been insistent that the effort be completely separate.<sup>106</sup> Another Commission met during the Mikulski era. Chaired by North Carolina Governor Terry Sanford, the Charter Commission wrote the formal document that became heart and soul of the Democratic Party. While these separate commissions had separate authority and jurisdiction, they contributed to the emerging nationalization of the Democratic Party.

### **The Magnitude of Response**

Did the Mikulski Commission respond appropriately to the challenges that had been encountered in the 1972 contest? While George McGovern’s 1972 bid is often portrayed as a shoestring campaign made up of quotas of fringe Democrats who did not

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<sup>105</sup> Elaine Kamarack, *Primary Politics*, (Washington, D.C.: Brookings Institution Press), 85.

<sup>106</sup> Shafer, *The Quiet Storm*, 136.

connect with the general electorate, those who supported McGovern in the fall of 1972 were not *extraordinarily* different from those who supported his Miami Convention nemesis, Hubert Humphrey, in 1968.

McGovern carried about two million fewer votes than Hubert Humphrey did in 1968, and lost the crucial union vote by a very significant ten percent. He lost four points among men, seven among women, and another seven among blue-collar workers. While these numbers and McGovern's six-point drop among whites (and two-point jump among nonwhites) contribute to the compelling notion that the nominee's campaign was out of touch with the mainstream of the electorate. Humphrey's failure to even come close to carrying a majority of the white vote in 1968 raises the question of whether any other Democratic candidate could have attracted the support necessary to defeat the Nixon machine in 1972. With polls suggesting that four out of five Wallace votes would have gone to Nixon in 1968 if the Alabama Governor was not in the race, the Democratic Party's problems were deeper than the South Dakota Senator's coalition.

While analysis has shown that many of those within the Democratic Party considered to be "Wallacites" defected for Nixon in 1972, very few Democrats who proclaimed support for Wallace had actually defected from the Democratic ticket in 1968<sup>107</sup>; Humphrey still was unable to win a majority of white voters, and barely won a majority of blue collar workers.<sup>108</sup> That is not to propose that the McGovern-Fraser reforms or the McGovern campaign did not serve to exacerbate the loss of white voters –

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<sup>107</sup> Richard A. McDonnell, "The Direction of the Wallace Vote in 1972 and 1976," *Presidential Studies Quarterly* (Summer 1981), 374-383.

<sup>108</sup> Election Polls -- Vote by Groups, 1968-1972, Gallup, accessed March 5, 2011.

but it does serve to discredit the notion held by many that the reforms in themselves led to Richard Nixon's landslide victory.<sup>109</sup>

The McGovern-Fraser Commission received its mandate from the 1968 activists who believed the nominating system to be undemocratic, not from those necessarily focused on a candidate with wide general election appeal. By empowering activists and minority voters, the Democratic Party responded proportionately to those who believed that the political left was unfairly shut out of the 1968 convention.

Gary Hart believes that "of all those considered for the presidency in 1972, only George McGovern could have defeated Nixon."<sup>110</sup> Holding that George Wallace had helped to turn discontentment and fear against government institutions, Hart said that McGovern was the best hope for the nation, but it was the Democratic Party as an institution, not the candidate, that failed in 1972:

In recent decades, progressive ideas and innovative proposals have sprung in large part from the liberal wing of the Democratic Party. The Democratic Party, and the progressive thinkers in its liberal wing, have provided most of the grist for the governmental mill since the days of Roosevelt. Liberals propose and conservatives oppose. Although McGovern himself had excellent insights into the general mood of the electorate, it was apparent throughout the campaign that the fount of specific proposals and programs were running dry...by 1972, American liberalism was near bankruptcy...The liberal leadership in many states has become so severed from the problems of the working man, that ordinary

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<sup>109</sup> Healy, "37 governors think one way"

<sup>110</sup> Hart, *Right From The Start*, 327.

foot-soldier of the Democratic armies, that it skirts obsolescence and irrelevance.<sup>111</sup>

Perhaps the McGovern-Fraser reforms had produced an unelectable candidate. George McGovern could barely hold on to his Democratic Party base, let alone attract the independents who had supported Wallace. Hart and McGovern viewed them as essential, and McGovern had attempted to attract them early in the primary season. “In the end,” McGovern wrote, “most Wallace voters and their leader found it difficult to identify with a liberal, Northern, antiwar Democrat surrounded by advocates of new styles of life and social behavior.”<sup>112</sup> The decision of the Mikulski Commission to end demographic quotas was the embrace of the belief that requiring quotas played a significant role in McGovern’s loss.

The Mikulski Commission’s defining recommendation, the decision not to reverse the McGovern-Fraser proportionality findings, stands as its most significant contribution to the party reform movement. The implementation of a minimum threshold to minimize fringe candidates and shorten a divisive process was a proportional response – but the decision to minimize a potential 1976 Wallace candidacy was, in many ways, pushing out a bloc that Democrats needed to win back the White House.

### **Protecting the Incumbent: The Winograd Commission**

DNC Chairman Strauss knew of the divide within the Democratic Party. Even as the dust of the Mikulski Commission settled, party regulars were still reeling from 1972 and the “New Politics” takeover. In January 1976, Strauss assembled a team of political

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<sup>111</sup> Hart, *Right from the Start*, 328.

<sup>112</sup> McGovern, *Grassroots*, 183.



scientists and others, with the hopes of studying the idea that participatory reforms had been bad for the Democrats' general election chances before the 1976 contest.

To Chair the Commission on the Future of Presidential Primaries, Strauss turned to Morley Winograd, the young Chair of the Michigan Democratic Party, a product of the reform movement, and an officer in the Association of State Democratic Chairs.<sup>113</sup>

Initially, the Commission was tasked with conducting a study of the extraordinary proliferation of state primary contests, which had stood at 16 in 1968 and had climb to 30 by the 1976 contest. Commission members were not necessarily for a “national primary,” and as South Carolina Chairman Donald Fowler reportedly said during the commission hearings, “the primary process as such is destructive of party cohesion. When candidates get elected because they’re on the tube, they’re responsible to everybody. And therefore, they’re responsible to nobody.”<sup>114</sup>

Interestingly, the commission ultimately found that primaries, for the most part, *were* representative of the party mainstream.<sup>115</sup> In many ways, caucuses, which had been preferred by party insiders, were seen to be at *least* as unrepresentative as primaries could be.<sup>116</sup> At the 1976 convention, the Winograd Commission was tasked with a new direction: writing the rules for the 1980 election.

The 1976 contest, in which an outsider, Georgia Governor James Earl “Jimmy” Carter, had not only managed to win the White House, but win the nomination early, avoiding a divisive floor fight, proved that the existing system could nominate a winning

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<sup>113</sup> Morley Winograd, interviewed by author, via telephone, December 27, 2011.

<sup>114</sup> David S. Broder, “Democrats: Limiting Primaries,” *The Washington Post*, August 17, 1977, A27.

<sup>115</sup> Morley Winograd, interviewed by author, via telephone, December 27, 2011.

<sup>116</sup> *Ibid.*

candidate. When the Winograd Commission reconvened, for the first time, the Democratic Party had the opportunity to write new rules with an incumbent at 1600 Pennsylvania Avenue.

The Carter White House was given the authority of appointing additional members numbering about one-third of the existing committee. Tom Donilon, who had served as Carter's 1976 delegate counter, was selected as the White House's point person, according to Winograd, "to take the lead in identifying rules that the Carter folks thought would make their renomination easier."

While most of the political scientists originally appointed to the commission to research the primary system lost interest, active reformers still had their priorities.

According to Kamarack:

Fulfilling the worst fears of organized labor, they also proposed [to the Rules Committee] that the commission be required to implement a rule that had the effect of banning loophole primaries and thereby requiring across-the-board proportional representation for the 1980 primary season.<sup>117</sup>

The motion, to the dismay of many, passed. But the focus of Carter's appointees, from the beginning, was to help the President win re-election. The Carter White House believed that it would face a substantial primary challenge in 1980, and for good reason, according to Morley Winograd:

Carter was never considered one of us – by those of us in the establishment - many of us were dreaming of a Kennedy resurrection for many, many years – and whether it was [Ted] Kennedy, Hubert

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<sup>117</sup> Kamarack, *Primary Politics*, 89.

Humphrey, or Scoop Jackson, all of whom more or less presented a challenge in the elections of 1972 or 1976, they were all more or less “anybody but Carter” kind of candidates because...Carter’s liberal credentials were quite suspect...a lot of the rules discussed at the 1976 convention were kind of to test Carter’s positions on mainstream Democratic thought.<sup>118</sup>

As early as 1977, speculation was that someone like Gov. Jerry Brown of California or Sen. Pat Moynihan of New York would pose a primary challenge.<sup>119</sup> The Democratic Party, which had been invaded by outsiders in 1968, had nominated back-to-back outsider candidates. In many ways, Jimmy Carter’s ability to govern would be greatly tested by his outsider status. The struggle between party regulars and the Carter White House was perfectly evidenced by the early resignation of Democratic National Committee Chairman Ken Curtis, a former Governor of Maine. As Washington Post coverage summed up his resignation, “The mild-mannered Curtis was criticized as a weak leader who exercised too little control over the party machinery and was unable to translate White House wishes into party actions.”<sup>120</sup>

According to Winograd, “Within the first year [Curtis] was knocked out as party chairman by a coalition of party chairs, me among them, and unions who believed that he was too much of a tool of Jimmy Carter.”<sup>121</sup>

The addition of seasoned Minnesota Senator Walter Mondale, some had thought, might help Carter’s chances in actually leading the nation. To that, Mondale, according

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<sup>118</sup> Morley Winograd, interviewed by author, via telephone, December 27, 2011.

<sup>119</sup> Broder, “Democrats: Limiting Primaries.”

<sup>120</sup> “Curtis to Leave Party Post,” *Boston Globe*, December 8, 1977, 2.

<sup>121</sup> Morley Winograd, interviewed by author, via telephone, December 27, 2011.

to historian Jefferson Cowie, had almost resigned “because of what he believed was Carter’s abandonment of the Democratic Party’s commitment to the material needs of the working and poor people.”<sup>122</sup>

Despite Carter’s struggles, the White House still believed that it had the most pull with the party establishment. Carter supporters successfully lobbied Winograd Commission members for addition of 10% new Party Leader Elected Officials (“PL/EO) delegate slots to help bring elected officials into the fold. Of course, the expectation was that they would support the incumbent.<sup>123</sup> The move would be amplified and have dire consequences in later election cycles.

No one posed a bigger threat to Jimmy Carter in 1980 than Senator Ted Kennedy. Interestingly, Jimmy Carter’s plan for his first bid for the White House had initially depended on the idea that the Massachusetts Senator would run for president. Carter had hoped to take on Kennedy head-to-head in his first race for the Presidency, believing that a Kennedy-cleared field would give Carter the chance to directly and successfully challenge the bearer of the Camelot torch.<sup>124</sup>

Carter’s fears were well founded. By 1977, Kennedy had already joined the most vocal critics of Jimmy Carter, including George McGovern. During a major speech before the United Auto Workers, Kennedy said that Carter had done virtually nothing for his life’s cause of national health insurance.<sup>125</sup> Disappointed with Carter’s failure to

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<sup>122</sup> Cowie, *Stayin Alive*, 38.

<sup>123</sup> Robert Shogan, “Carter Aides Back Changes in Party’s Nominating Rules,” *Los Angeles Times*, January 16, 1978.

<sup>124</sup> Jules Witcover, *Marathon: The pursuit of the Presidency, 1972-1976* (New York: The Viking Press), 123.

<sup>125</sup> “Kennedy Scores Carter Failure to Offer a National Health-Insurance Program,” *Wall Street Journal*, May 17, 1977, 6.

deliver on healthcare, the United Auto Workers launched an effort to coordinate the labor efforts of the Draft Kennedy movement.<sup>126</sup>

“Even in his own state of Georgia, Jimmy Carter was an outsider,” said Morley Winograd. “He beat the liberal establishment’s standard bearer in a Democratic Primary for Governor...and when he ran for President, he appealed to more traditionally liberal Democrats by saying he was the only one who could beat George Wallace in a Primary...but he was never considered “one of us” by those of us in the establishment who had been dreaming of a Kennedy resurrection for many, many years.”<sup>127</sup>

With a challenge all but certain, the Winograd Commission, now heavily influenced by pro-Carter influences, believed they needed to act fast. With loophole primaries, gone, the White House began pushing the concept of a “sliding-window,” which would see the minimum threshold required to carry delegates at a slowly increasing level. The concept, of course, would make it more difficult for candidates to accumulate delegates as they increased momentum. After an uproar of public criticism, the window was replaced with a “floating threshold,” requiring candidates to attain enough support to elect one delegate. In a four delegate district, for example, a candidate would need to attain at least 25% of support to earn a vote.<sup>128</sup>

In addition to the floating threshold, in an effort to prevent contests from “leapfrogging” each other, the DNC created a window between early March and June in which contests could be held. Carter staff and the DNC worked to move several

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<sup>126</sup> Morley Winograd, interviewed by author, via telephone, December 27, 2011.

<sup>127</sup> *Ibid.*

<sup>128</sup> Kamarck, *Primary Politics*, 98.

Southern States where Carter would fare well over his challengers on to the very first day of the window, one “Super Tuesday” in March.<sup>129</sup>

Perhaps the most consequential change to come out of the Winograd Commission was the addition of a “bound delegate rule,” *requiring* that delegates elected to support a candidate cast their ballot for that candidate at the national convention. Attributed to the need to eliminate confusion between contrasting state and national rules on a delegate’s commitment to vote for a candidate, the commission implemented the controversial Rule 11(H):

All delegates to the National Convention shall be bound to vote for the presidential candidate whom they were first elected to support for at least the first Convention ballot, unless released in writing by the presidential candidate. Delegates who seek to violate this rule may be replaced with an alternate of the same presidential preference by the presidential candidate or that candidate’s authorized representative(s) at any time up to and including the presidential balloting at the National convention.<sup>130</sup>

In many ways, the “bound delegate rule” had its roots in rules for the preceding nomination fight, which allowed candidates to approve of their own delegates. This new rule had more bite – virtually assuring that a candidate who had acquired the requisite number of delegates for nomination on the first ballot would receive the nomination unchallenged. The provision was later dubbed the “robot rule” by Kennedy supporters, for Carter supporters’ automatic and unwavering support of their candidate.

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<sup>129</sup> Kamarck, *Primary Politics*, 23-26.

<sup>130</sup> Commission on Presidential Nomination and Party Structure, *Openness, Participation, and Party Building: Reforms for a Stronger Democratic Party* (1978), 53.

## **The Dream Shall Never Die**

The White House strategy in holding off Kennedy was effective. Kennedy did not peak until late in the campaign season, winning 5 out of the final 8 contests (including the major California Primary). By blowing Kennedy out of the water in early Southern contests and keeping the count close in states more favorable to Kennedy, Carter was able to maintain a strong lead. The rules *requiring* proportionality greatly hurt Kennedy's chances. According to Kamarck:

Winner-take-all systems in the big states that Kennedy won would have made an enormous difference in the delegate count and therefore in the way that the Kennedy candidacy was perceived...Kennedy would have pulled ahead of Carter after the Pennsylvania primary if the four large industrial states that he won (excluding Massachusetts, his home state, and Michigan, a caucus state) had used a winner-take-all allocation system.<sup>131</sup>

Despite a late surge, Carter had an insurmountable lead among pledged delegates. Kennedy supporters had hoped to provoke a floor fight, but the so-called "robot rule" prevented this. Still, Kennedy supporters decided to fight it, with Kennedy putting Sen. George McGovern at the helm of his convention fight. After an unsuccessful attempt to change the rule in the pre-convention meeting of the Rules Committee, supporters filed a minority report and put forth a major challenge to unbind delegates.

A group of 40 members of Congress, including Senate majority leader Robert Byrd, New York Governor Hugh Carey, and several activists, invested \$200,000 into an "open convention" movement, with the intent of drafting recently appointed Secretary of State Ed Muskie or another candidate into the race. Carter delegates stood by their

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<sup>131</sup> Kamarck, *Primary Politics*, 134.

candidate, however, and neither Kennedy's challenge nor the "open convention" movement ever stood a chance.<sup>132</sup>

Jimmy Carter left the New York Convention as the nominee of his party and was trounced in November. While political scientist William Mayer does state that many of the reasons *for* Ted Kennedy's reluctant challenge in 1980 were the reasons for Carter's 1980 defeat, he does believe that a divisive primary did have a significant impact on Carter's general election loss. Analyzing the effect of Democratic strength in the preceding two presidential elections and divisiveness in the primary, Mayer projects that Carter could have seen a 5.3% boost in his general election share without a divisive contest, nearly cutting his popular vote deficit in half. There is no reason to believe that this could have resulted in a strong Carter victory, but it could have softened his forty-four state loss.<sup>133</sup>

Ironically, while the preceding commissions had worked to open the nominating process to outsiders, it was an outsider, Jimmy Carter, whose inability to work with counterparts and rivals in Washington shut Democrats out of the process in an effort to bolster his own re-election chances. While the nominating process was still vastly more democratic than it had been only twelve years before, a long shot, outsider candidate had caused the pendulum to swing backward, and the reforms that would follow would not reverse the motion.

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<sup>132</sup> Kamarck, *Primary Politics*, 162-164

<sup>133</sup> William Mayer, *The Divided Democrats* (Boulder: Westview Press), 52.



## **What Kind of Response?**

Determining whether or not the Winograd Commission reforms were proportionate response to problems posed in the 1972 and 1976 contests is problematic. While the reforms, which had a profound impact on preventing a Kennedy nomination in 1980, did attempt to address serious concerns and perceived flaws in the nominating process, most reforms simply reflected White House's desire to protect the incumbent.

Near-universal proportionality cost Ted Kennedy greatly in 1980, a desire of the framers since the beginning of the reform movement. But rules like the floating threshold window and the bound delegate rule cannot be separated by the commission's direction as mandated by the 1976 convention.

The need for a floating minimum delegate threshold was attributed, by the commission, to late primary 1976 primary victories by Idaho Sen. Frank Church and California Gov. Jerry Brown that put party unity in danger. Yet Carter had still managed to win the nomination well in advance of the convention.<sup>134</sup> As previously mentioned, the Commission also attributed the need for the bound delegate rule to address uncertainty as to the authority of the national convention when 26 states had their own "bound delegate" requirement for their state delegation.

Whether or not the Winograd Commission responded proportionately to challenges faced by the 1976 contests is nearly impossible to determine, given the commission's mandate and split direction. But the commission represented the beginning

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<sup>134</sup> Geoffrey Skelley, "Romney's Opponents Look for the Spirit of '76," Rasmussen Reports, Accessed March 31, 2012, [http://www.rasmussenreports.com/public\\_content/political\\_commentary/commentary\\_by\\_geoffrey\\_skelley/romney\\_s\\_opponents\\_look\\_for\\_the\\_spirit\\_of\\_76](http://www.rasmussenreports.com/public_content/political_commentary/commentary_by_geoffrey_skelley/romney_s_opponents_look_for_the_spirit_of_76).

of a pendulum swing, through the bound delegate rule and addition of 10% party leader/elected official seats, back toward a closed nominating process.

### 3| The Commission on Presidential Nomination

*“It's very easy for the academicians – and thank G-d for ‘em – and the people who study things and sit back and try to figure things out from afar, and who are not “down in the pit,” as Teddy Roosevelt said. It's easy for them to think they know exactly how things work. If they're in there working day and night having to put together a delegation that can get the states electoral votes, they often see things very differently from the people who are ... the people have the theories...the people who fight to be pure in a sense, they want to be pure whether they win or not ...they just want to be pure.”*

- Governor Jim Hunt

After the failed presidency of the first post-reform president, it was back to the drawing board. This time, the Democratic Party turned to North Carolina's popular Democratic Governor, Jim Hunt. Not only did the Democratic Party need to take another look at how it chose its nominees, but after the election of an outsider, address the role of the political establishment in a changing Democratic Party. According to Hunt, “the impression was that the super liberals had taken over the party and that a lot of the moderates had little voice and that because of that, the Democratic Party was viewed as being too far to the left and not mainstream.”<sup>135</sup> The establishment wanted back in.

In August of 1981, Hunt's Commission on Presidential Nomination convened to assess the rules used to nominate the party's candidate for president. All of the Commission's seventy members were reviewed by Chairman Charles T. Manatt before appointment to ensure that they were not opposed to further expanding the Winograd and

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<sup>135</sup> Jim Hunt, interviewed by author, via telephone, January 2, 2012.

Mikulski' commission's addition of elected and party officials in the decision making process.<sup>136</sup>

Commission members were from a wide range of the political spectrum and ranged from several members of Congress, reform foot soldiers, and party activists. Many future members of Congress, including Maxine Waters and Anna Eshoo of California, Robert Torricelli of New Jersey, and Julia Carson of Indiana participated in commission proceedings. Staff Director David Price of California joined the House of Representatives in the following cycle.

But the Commission, charged by the 1980 convention with “a complete review of the Presidential Nomination process for the purpose of making specific recommendations to the Democratic National Committee,” seemed to view its mandate not only as how candidates navigated themselves *to* office, but how they governed their actions once elected and serving *in* office:

Recent years have seen an electorate too often pulled to and fro by the issues and personalities of the moment. Executives and legislators alike have often chosen to “go it alone” electorally; their accountability to the broad electorate and overall coherence of government have suffered accordingly. Party politics – the politics of personal contact, deliberative judgment, coalition and compromise – have too often been replaced by remote-control campaigns, single-issue crusades, and faceless government.<sup>137</sup>

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<sup>136</sup> Crotty, *Party Reform*, 89.

<sup>137</sup> Commission on Presidential Nomination, *Report of the Commission on Presidential Nomination*, (1982), 2.

While the commission, which had completed its survey and recommendations within six months of its convening, was short-lived, its recommendations had perhaps the most substantial effect on a presidential race since the reform movement began.

As with the Winograd Commission, the new commission members were concerned with the proliferation of party nominating contests. According to Crotty, “there is an intrinsic – although, it is argued here, false – sense of security and economy in placing limits on the delegate selection period.” While limiting the window, as Crotty establishes, would do nothing to shorten the *pre-nomination* campaign, the Winograd Commission endorsed virtually the same window that Kennedy, Brown, and Carter had faced in 1980.<sup>138</sup>

Additionally, the Commission wished to add “flexibility” to the convention, allowing states to determine just how delegates fit into the “fair reflection” category established by previous reform commissions. In addition to setting a firm 20 percent minimum threshold in caucus states and 25 percent in primary contests, the commission reinstated winner-take-all primaries on the district level (“loophole” contests).<sup>139140</sup>

Perhaps the most famous and consequential result of the Hunt Commission was the establishment of so-called “Super Delegates,” formally “Party and Elected Official” Delegates. The recommendation increased the number of unelected delegates from 8% to 22% of the approximately 3,000 delegates that were projected to attend the 1984 convention.

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<sup>138</sup> Crotty, *Party Politics*, 94

<sup>139</sup> Crotty, *Party Politics*, 96

<sup>140</sup> Commission on Presidential Nomination, *Report of the Commission on Presidential Nomination*, (1982), 7.

According to the Commission Report, only 14% of Democratic Senators and 14% of Democratic House members attended the 1980 convention. “The 10% add-on was too small to include most such officials,” the report writes of Democratic Congressmen, Senators, and Mayors, “so they faced the unattractive prospect of running against their own constituents if they wanted to become delegates. And even those included in the add-on were required to make an early declaration of presidential preference as a condition of eligibility – a declaration that many of them were understandably reluctant to make.”<sup>141</sup>

In addition to allocating 550 unelected delegates to party and elected officials, Rule 8 established “a process whereby the House Democratic Caucus and Senate Democratic Caucus would select up to 3/5 of their number to serve as delegates.” These appointments would be factored into state delegate counts, and members’ previously declared statements of support for specific candidates would not factor into their eligibility. According to the Commission Report:

Why so much stress on increasing party and elected official participation?

The Commission regards this as an important way to increase the convention’s representativeness of mainstream Democratic constituencies.

It would help restore peer review to the process, subjecting candidates to scrutiny by those who know them best. It would put a premium on

coalition building within the party prior to nomination, the forming of alliances that would help us campaign and govern effectively. It would

strengthen party ties among officials, giving them a greater sense of

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<sup>141</sup> Commission on Presidential Nomination, *Report of the Commission on Presidential Nomination*, (1982), 15-16.

identification with the nominee and the platform. And the presence of unpledged delegates would help return decision-making discretion and flexibility to the convention.<sup>142</sup>

According to Chairman Gov. Jim Hunt, despite the focus on young people, women, minorities, and other represented groups in other reform efforts, “what was being left out were the party leaders and officeholders – Democrats who had been elected by people and represented the citizens broadly.”

The so-called “super delegates,” as Hunt points out, were not simply individuals who felt that they had earned a voice in decision making. Much like the endorsements that candidates like Ed Muskie had spent trying to court in 1972, these individuals held clout with their constituencies. Many of them spoke to newly enfranchised constituencies within the Democratic Party. Former Vice President Walter Mondale, the eventual 1984 nominee for President, understood that super delegates were not simply about their vote:

...despite the intentions of the '72 rules, it was the regular Democrats that go to their caucuses, that are involved in the politics of their community and their state who still were the main participants in their primary and precinct caucuses and I always thought you had to appeal to them, get their support, and so do the—what we call Super delegates out here—the people that were in Congress, people that were in the legislature, people in the Senate, people in Mayors, local offices, and so on—that makes up quite

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<sup>142</sup> Commission on Presidential Nomination, *Report of the Commission on Presidential Nomination*, (1982), 16.

a group. They all have their own constituencies and ways of influencing voting and so I spent a lot of time working with them.<sup>143</sup>

### **A Candidate with Hart**

In 1984, Democrats would have an opportunity at taking down an incumbent elected Republican president for the first time since Richard Nixon occupied the White House. The race drew out candidates seen as formidable – legendary Astronaut-turned-Ohio Senator John Glenn, former Vice President Walter Mondale of Minnesota, and Senator Paul Simon of Illinois. Long-shot candidates Sen. Gary Hart of Colorado and the Rev. Jesse Jackson of Chicago, Illinois joined the race as well. But the strangest player in that year’s Democratic Primary was George McGovern.

After losing 49 states to Richard Nixon in 1972, George McGovern was successful in convincing the voters of South Dakota to send him back to Washington in 1974. McGovern would lose re-election to Congressman James Abdnor during the election of 1980. No one two years earlier could have predicted that McGovern would make another bid for the presidency in 1984. As strange as it was to see an elder statesman and former nominee trying to become a modern-day Adlai Stevenson or William Jennings Bryan, McGovern was in the race.

McGovern’s candidacy may have seemed abnormal to the general electorate, but it was perhaps the most bizarre to McGovern’s 1972 campaign manager, Sen. Gary Hart:

It was strange to say the least. I had never quite understood it. McGovern said afterwards that he didn’t think I was going to do well when he got in the race. But he didn’t do well in New Hampshire and he was running a

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<sup>143</sup> Walter Mondale, interviewed by author, via telephone, November 18, 2010.



one-state campaign – his only state from ‘72 – but there had never been a situation where someone who had worked for one candidate then found himself running 12 years later only to have the person run against him. By the time we got to Massachusetts, I had run second in IA, won NH, had in effect won super Tuesday, so it was confusing but I felt my campaign was on a roll and continued beyond that to win – 25 or 26 caucuses and primaries and Senator McGovern just dropped out. It was awkward.<sup>144</sup>

Like McGovern himself twelve years earlier, Hart would soon find himself the outsider candidate running against the favorite of the political establishment. Not only did Walter Mondale have the early endorsements – like support from the National Education Association in September of 1983 – he had the influential support of super delegates.

In February of 1984, the U.S. House of Representatives Democratic Caucus selected its delegates to attend the Democratic National Convention in San Francisco. Of the caucus’ allegiance, 95 delegates were allocated to Walter Mondale (including influential Speaker of the House Tip O’Neill), 18 to John Glenn, 12 to California Senator Alan Cranston, 8 to the Rev. Jesse Jackson, 4 to former Florida Governor Reuben Askew, and 3 to South Carolina Senator Fritz Hollings. While officially, no candidates were “committed,” 20 delegates specifically went undesignated.<sup>145</sup>

The Democratic Party nomination in 1984 was Walter Mondale’s for the taking. Maine, set to caucus after Iowa and New Hampshire, held its straw poll in fall 1983; Mondale took 939 votes for 51% of the vote. Gary Hart took 1%. To top it off, the AFL-

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<sup>144</sup> Gary Hart, interviewed by author, via telephone, December 21, 2012.

<sup>145</sup> Morris Reports, *Campaign ’84 – Report #6, February 1984*, 3.

CIO broke its policy of not getting involved in a Democratic Primary, and threw its support behind the protégé of Hubert Humphrey.<sup>146</sup>

By the end of 1983, Mondale had raised more than \$11.4 million, but spent most of it, and would qualify for \$4 million federal matching funds the following February. Perhaps nobody could have suggested that Gary Hart's long-shot effort, which had only raised \$1.9 million by the end of the year was about to shock the political establishment.

On March 5, 1984, Gary Hart received 37% of the vote in the New Hampshire Democratic Party, eclipsing the 28% garnered by former Vice President Mondale (not including the 3,968 write-in votes that Hart received in the Granite State Republican contest). Despite his momentum in New Hampshire, followed by a blowout in the Maine caucuses, where Mondale campaigned hard, public delegate counts after back-to-back significant wins for Hart still showed Mondale with a 143 to 29 lead; Hart was only *eleven* points ahead of Ohio Senator John Glenn after causing a political earthquake in New England. The early commitment of super delegates had given Mondale what seemed like an insurmountable lead in the delegate count. An individual without understanding of the system would believe that Mondale had already accumulated a significant lead in a purely proportional system.

Hart's momentum allowed him to carry on through Super Tuesday contests. But new rules implemented by the Hunt Commission, including the reimplementing of loophole primaries and the addition of "bonus delegates" to differentiate between a win and a tie, greatly served to harm the Colorado Senator. From *Studies in U.S. Politics*:

In New Hampshire for example, a 10 percent margin of victory in primary votes for Gary Hart over Walter Mondale resulted in both candidates

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<sup>146</sup> *The Michigan Daily*, "Mondale Wins Maine Straw Poll," October 2, 1983, 2.

gaining exactly the same number of ordinary and add-on delegates. In Massachusetts, Hart only won one more ordinary delegate than Mondale despite his 13.5 percent margin of primary votes over Mondale...<sup>147</sup>

Some contests, like the California Primary, saw the edge in delegates go to Hart. But the new system of rules, as designed by Mondale supporters made it virtually impossible for an insurgent candidate to overthrow the party's establishment candidate.<sup>148</sup> Despite Hart's momentum from the early contests, Mondale's insurmountable delegate lead made it virtually impossible for Hart to win the nomination. Hart recalls:

“What was so remarkable, was that many had endorsed Mondale in 1984 before the votes – I had a number tell me they wished they had not committed to Mondale because they wished they had been free to support me to the convention – they had been whipped up for Vice President Mondale.<sup>149</sup>

Like the contest before, there were major differences between the two candidates, both in ideology and in personality. Hart, like McGovern before him, had tried to frame the campaign between “old” and “new.” While quotas did not exist in the Democratic Party, like their two mentors, Hubert Humphrey and George McGovern, the last men standing for the Democratic Nomination in 1984 put a premium on seeking out different groups to build a winning coalition.

In many ways, Mondale's old-style campaign, now putting emphasis on endorsements as the pre-reform candidates had, while holding on to traditional

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<sup>147</sup> John Hart, "The End of Party Reform." In *Studies in U.S. Politics* by D.K. Adams (New York: St. Martin's, Inc., 1989), 170.

<sup>148</sup> Kamarck, *Primary Politics*, 52

<sup>149</sup> Gary Hart, interviewed by author, via telephone, December 21, 2011.

demographic groups, Hart had no choice but to run a campaign targeting a broader audience. Mondale believes that grouping his style of politics with that of pre-reform Democrats was an unfair characterization:

The party, and liberals particularly, were outraged over the fact that they couldn't get the '68 convention to end the war—and they were outraged over what they thought was “old politics” that prevented McGovern from assembling the support that he needed. And these rules were designed to—they cast it as though minorities, and blacks, and so on had been left out of the party—and that was true, and I worked on a lot of those, as you may know, I worked—I was central to the civil rights reforms of the democratic party because I felt very strongly about that. But they also, they didn't like...they wanted *the new*, and they wanted to define who *the new* were. And the new strangely would be who supported them; so there was a struggle there.<sup>150</sup>

According to Gillron:

Where Mondale hoped to forge a Democratic community by binding together the leading public-interest groups, Hart hoped to appeal to individuals and form a consensus around specific issues.<sup>151</sup>

Mondale advisor and political strategist Joe Trippi compared Hart's style to a virus – that spread amongst small groups of people. Certainly, this is different than

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<sup>150</sup> Walter Mondale, interviewed by author, via telephone, December 21, 2012.

<sup>151</sup> Gillron, Steven M. *The Democrats' Dilemma: Walter Mondale and the Liberal Legacy* (New York: Columbia University Press, 1992): 342.

building coalitions of interest groups. Mondale's old-style campaign and Hart's "new new politics" attracted different elements of the Democratic Party.

During the previous four election cycles, according to political scientist Samuel Huntington, the country had undergone significant change throughout the Democratic Party's major periods of reform. Huntington asserted the New Deal coalition that powered the Democratic Party had been, throughout the 1970's, gradually replaced by a "new stratum":

...the control of the Democratic Party by the New Deal coalition was challenged by the rise of new groups that had become politically mobilized during the 1960s. The key issues for these groups were, of course, not the Great Depression and the Cold War but civil rights and Vietnam. This New Politics stratum eventually included blacks, youth, women, liberal intellectuals, Hispanics, and others....by the late 1970s the New Politics stratum had displaced the New Deal stratum as the dominant force in the Democratic Party<sup>152</sup>

Huntington believed that this change had created the concept of "categorical representation," defined as the proposition that the interests of particular groups can be properly represented only by individuals who are themselves members of those groups, blacks by blacks, women by women, union members by union members.<sup>153</sup>

Certainly, some credibility does exist to provide support to this assertion. In the 1984 Democratic Primary, African-American Reverend Jesse Jackson had one of his

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<sup>152</sup> Huntington, Samuel P. "The visions of the Democratic Party." *National Affairs* 79 (1985): 63-78.

<sup>153</sup> *Ibid*, 67.

most substantial victories, carrying 25.4% of the vote – but only 18% of his support came from white voters.<sup>154</sup>

That is not to say that specific groups only vote for specific groups – certainly, there were no women of note running in the 1984 contest. But Huntington’s theory does suggest that the Democratic Party had been split into major factions.

Senator Hart does not believe that Huntington’s theory is correct, nor that it had any bearing on the 1984 election. “People are individual people. People do not do what leaders tell them to do – even if they are part of that leaders’ group. People are more independent. Take ‘84 – unions were solidly for Mondale and endorsed him categorically before the primaries began...I got majority of union voters under the age of 40 in a number of states, voting for who they identified with – beauty of secret ballot.”<sup>155</sup>

Of course, Hart points out that this assertion becomes muddled in open caucus contests. Morley Winograd also rejects the theory, pointing to the United Auto Workers (a key Democratic Party union) as an example, where leadership was not often always reflective of party membership.<sup>156</sup>

An interesting narrative of the 1984 campaign was the Mondale campaign’s attempt to circumvent campaign-spending limits through the establishments of “Delegate Committees” during the vital Pennsylvania Primary. Led by the Philadelphia district attorney, Ed Rendell, the at-large delegate committee began raising funds under an FEC provision that allowed independent committees to raise funds for the election of delegates. Like the controversy over so-called “SuperPACs” several decades later,

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<sup>154</sup> Polsby, Nelson W. "The Democratic Nomination and the Evolution of the Party System." In *The American Elections of 1984*. At the Polls Series, edited by Austin Ranney (Durham, NC: Duke University Press, 1985), 54.

<sup>155</sup> Gary Hart, interviewed by author, via telephone, December 21, 2012.

<sup>156</sup> Morley Winograd, interviewed by author, via telephone, December 27, 2012.

Mondale's campaign was accused of loose coordination with the Pennsylvania campaign efforts led by individuals like campaign veteran Joe Trippi. Not only did the committee stand to jeopardize campaign finance restrictions, it took a slew of labor money, violating Mondale's pledge not to take PAC money. According to Paul Jensen, a former Carter Administration bureaucrat:

We would have lost Pennsylvania without labor's activity in Mondale's behalf. They did more in this presidential election than they have ever done, even exceeding the effort in behalf of Humphrey in 1968.<sup>157</sup>

With favorable rules, super delegates, and support from loyal traditional constituencies like organized labor (59% of Hart voters believed that unions had too much power), Mondale pulled off a narrow win.<sup>158</sup> But how deep was the divide between the politics of "the old" and "the new," split between Hart and Mondale, eerily reminiscent of the fight their mentors had fought only 12 years prior? Thirty-three percent of Hart primary voters voted for Republican incumbent Ronald Reagan in the fall. Mondale's lock on traditional Democratic constituencies may have been enough to win the primary, but not the general election.

Mondale beat Gary Hart for the nomination by two points among men and four points among women. But wealthier voters and those under age 44 strongly supported

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<sup>157</sup> Jack Germond and Jules Whitcover, *Wake Us When It's Over* (New York: MacMillan, 1985), 266.

<sup>158</sup> Barker, Lucius Jefferson, and Ronald W. Walters, *Jesse Jackson's 1984 presidential campaign: challenge and change in American politics*, (Urbana: University of Illinois Press, 1989), 83.

<sup>158</sup> Brown, Peter. *Minority party: why Democrats face defeat in 1992 and beyond*, (Washington, D.C.: Regnery Gateway, 1991), 250.

Hart. While union households favored Mondale by fourteen points, those without a union member gave the edge to Hart.<sup>159</sup>

With Mondale's edge among traditional Democratic constituencies, one might believe that any semblance of Hart's support could help his showing. According to Paul Abramson, John Aldrich, and David Rohde, the Democratic Party base was changing too fast:

By 1984, only about one voter in four had entered the electorate before or during World War II. Among whites born before 1924, those who entered the electorate before or during the war, class voting was fairly high, some 19 points; it was only 2 points among whites born after 1954. New policy issues, sometimes unrelated to the political conflicts of the New Deal era, have tended to erode Democratic support among traditional Democratic groups. Of all these policies, race-related issues have been the most important in weakening the New Deal coalition.

Political scientist Samuel Huntington believed that a consequence of the decline of the New Deal Coalition and growing dominance of the "New Affluents" who tended to support Hart, was the concept of "categorical representation," defined as:

the proposition that the interests of particular groups can be properly represented only by individuals who are themselves members of those groups, blacks by blacks, women by women, union members by union members.<sup>160</sup>

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<sup>159</sup> Paul Abramson, John Aldrich, and David Rohde, *Change and Continuity in the 1984 Elections* (Washington, D.C.: CQPress, 1986), 32.

<sup>160</sup> Huntington, Samuel P. "The visions of the Democratic Party." *National Affairs* 79 (1985): 67.



It would seem that the changing Democratic Party had changed their nominating system to emphasize the importance of the Democratic establishment, which was slowly declining in population and loyalty. The emergence of “yuppies,” individuals who may have been enthusiastic McGovern supporters in their youth, but were now older, liberal on matters of foreign policy but conservative in their economic stances, were frustrated by what seemed to be a Democratic Party beholden to specific groups.

In his book, *Minority Party: Why Democrats Face Defeat in 1992 and Beyond*, Peter Brown proposes that much of the divide in the Democratic Party was caused by whites that felt they had been left behind by their party economically as the Party embraced minorities who were the subject of new social programs. In his chapter, *Jesse Jackson Scares the Middle Class*, Brown notes that:

In January 1984, at the beginning of his first Presidential campaign, a CBS-*New York Times* poll showed 16 percent of white Democrats viewed him [Jackson] favorably, 48 percent unfavorably.<sup>161</sup>

It should come as no surprise that even as Mondale lost women, the elderly and unskilled workers,<sup>162</sup> he narrowly won among white union-households (compared to only one-third of the share in households without a union member).<sup>163</sup> The attempt to bring establishment Democrats back into the Democratic Party had worked, but if any connection between success in the Democratic primary and general election electability can be drawn, reforms had no effect beyond helping an insider candidate hold on to traditional electoral groups.

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<sup>161</sup> Brown, *Minority Party: why Democrats face defeat in 1992 and beyond*, 250.

<sup>162</sup> Abramson, Aldrich, *Rhode Change and Continuity in the 1984 Elections*, 136.

<sup>163</sup> *Ibid*, 137

Twelve years before, the Democratic Party had been open to the masses and an insurgent candidate had just barely fended off a challenge by the institution. In 1984, fortunes had completely reversed as the party had attempted to close the nominating process. Traditional Democratic groups stood their ground – and they stood alone.

### **Overcompensation?**

Did the Hunt Commission respond appropriately to the needs of the Democratic Party as evidenced by the 1980 campaign and other considerations? Members of the commission were sensitive not only to the diminished ability of Democratic elected officials to insert themselves into the nominating process, but perhaps just as crucial, to give flexibility back to the convention itself.

The 1976 race had been decided well before the convention, and the bound delegate (or “robot”) rule in 1980 had prohibited delegates from considering new developments in the race like Kennedy’s late surge or a major scandal surrounding the Libyan government and President Carter’s brother.<sup>164</sup> In this regard, the party responded to alleviate the problems that led to a divisive primary in 1980.

The most controversial change by the Hunt Commission, of course, has been the inclusion of the so-called “super delegates,” in the nominating process. As previously mentioned, elected officials were opting out of the convention process. Further, Jimmy Carter was an ultimate outsider whose presidency was defined by a disconnect with Congress (as Tip O’Neill asked, “Did he still think he was dealing with the Georgia

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<sup>164</sup> Kamarck, *Primary Politics*, 167.

legislature?),<sup>165</sup> raising questions about the role of elected officials in helping to select a nominee.

Congressman David Price recalls many members forced to run against constituents or other activists to play a role at the convention:

There needed to be a way of accommodating the party for their [elected officials'] sake, but not just for their sake, but for the party's sake...this wasn't just the matter of some kind of perks or privilege for members of Congress...the party needed them, and their participation, and their buy-in, and the leadership that would give to convention.

The failed "open convention" movement of 1980 showed that party leaders had lost complete control over the nominating process – whether or not a candidate other than Jimmy Carter could have won that election will never be known. While the *response* to the needs of the previous convention may have seemed proportional and served to alleviate conflict, in reality, the close 1984 contest had unintended consequences that made the reforms too strong.

The sheer proportion of super delegates that committed early for Mondale greatly inhibited Hart's ability to turn his early momentum into a serious delegate race. Additionally, the Hunt Commission's allowing of loophole primaries hurt Hart in many areas where he ran stronger than Mondale but lost the delegate race.<sup>166</sup> While the elimination of the unit rule appeared to be a shift toward a more democratic process, following the lead of the Winograd Commission, Hunt Commissioners handed more power to the party establishment.

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<sup>165</sup> O'Neill and Novak, *Man of the House*, 383.

<sup>166</sup> Kamarck, *Primary Politics*, 132.

The Democratic Party overcompensated in its efforts to alleviate the difficulties of previous contests. While the establishment successfully brought elected officials and decision-making power back to the convention, the party increased thresholds and roadblocks (like the loophole primary), making it more difficult for an outsider to build and maintain momentum.

### **The Post-Reform Era**

Following Walter Mondale and Geraldine Ferraro's 49-state loss to President Ronald Reagan in 1984, the Democratic Party took few steps to reform its nominating process. Reforms over the coming years simply would not be substantial. Responding to comments by many unsuccessful 1984 candidates, including Jesse Jackson, Democratic National Committee Chairman Paul Kirk created the fairness commission. But the commission hardly ranks among its predecessors. According to Kamarack:

...members of the Fairness Commission were in no mood to reverse what the Hunt Commission had done. On October 18, 1985, they decided to lower the threshold for getting a delegate from 20 percent to 15 percent. But they allowed states to continue to use the direct election of delegates system or the bonus system, and they increased the number of super-delegates to the 1988 convention by adding Democratic governors and all members of the Democratic National Committee...<sup>167</sup>

The 1988 contest would see Vice President George Bush, the standard bearer of the Republican Nomination, compete in a multi-candidate primary, facing individuals including Secretary of State Al Haig, famous Televangelist Rev. Pat Robertson, perennial

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<sup>167</sup> Kamarack, *Primary Politics*, 111.

candidate Senator Bob Dole, and the famous football player-turned-Congressman Jack Kemp.

Gary Hart was largely expected to be the frontrunner for the 1988 Democratic nomination for president, but questions about his relationship with model and *Miami Vice* actress Donna Rice forced the former Colorado Senator from the race. This void allowed the entrance of Massachusetts Governor Michael Dukakis, Arizona Governor Bruce Babbitt, Delaware Senator Joe Biden, Tennessee Senator Al Gore, Jr., Illinois Senator Paul Simon, the Rev. Jesse Jackson, and others.

Following the party's second 49-state loss in twelve years, some including then-Governor Chuck Robb of Virginia, the son-in-law of the late Lyndon Johnson, pushed to create a Southern Super Tuesday, "to move away from the individual approach - the so-called retail approach," said Robb, "and see if a candidate could talk about issues and priorities in presidential terms that require an emphasis on organization, on money, (and) on the ability to motivate on a broad scale."<sup>168</sup> While Southern Senator Gore carried several states in his home region, the efforts did nothing to stop the momentum of New Hampshire Primary winner Dukakis.<sup>169</sup>

According to Jack Germond and Jules Whitcover, Dukakis' victory did nothing to demonstrate his electability:

Dukakis' success in Dixie was almost entirely misleading. He built his triumph largely on minority-group voters in Texas and liberals in South Florida. He clearly made no breakthrough in the most conservative

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<sup>168</sup> "Senator Chuck Robb Answers Your Questions," PBS NewsHour, accessed February 18, 2011, [http://www.pbs.org/newshour/forum/robb\\_3-14.html](http://www.pbs.org/newshour/forum/robb_3-14.html).

<sup>169</sup> "The First Super Tuesday (Transcript)," MacNeil-Lehrer NewsHour, accessed February 18, 2011, [http://www.pbs.org/newshour/bb/politics/jan-june88/super\\_tuesday.html](http://www.pbs.org/newshour/bb/politics/jan-june88/super_tuesday.html).

regions of the Cotton South, capturing less than 10 percent of the vote in Alabama and Mississippi, less than 20 percent in Arkansas, Kentucky, Georgia, Louisiana and Oklahoma.<sup>170</sup>

Dukakis, of course, clinched the nomination in advance of the convention (though, not in the world of Robert Altman and Gary Trudeau's fictional candidate Congressman Jack Tanner). While the Fairness Commission had not produced serious reform, Jesse Jackson's second candidacy did. Frustrated by rules such as the awarding of bonus delegates and super delegates, and the direct election of delegates in states where the campaign did not field delegate candidates Jackson threatened to disrupt the 1988 convention unless Dukakis compromised. According to Kamarck:

Dukakis chose to compromise on the rules, agreeing to get rid of super delegates (a deal he could not keep since he didn't win the election and control the party subsequently) and systems, such as the direct election of delegates and the bonus delegate system, that rewarded winners in the presidential nominating process."<sup>171</sup>

While super delegates would not become a thing of the past at the 1988 convention, the Convention passed a resolution declaring that all future delegates would only be allocated only by proportionality.

The Democrats' next contest, in 1992, would see the entrance of candidates who, on paper, created the image of serving to be more electable than a liberal Massachusetts Governor. Nebraska Senator Bob Kerrey was a Vietnam War Hero, Massachusetts Senator Paul Tsongas held centrist economic views, Iowa Senator Tom Harkin came

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<sup>170</sup> Jack W. Germond and Jules Whitcover, *Whose Broad Stripes and Bright Stars: The Trivial Pursuit of the Presidency* (New York: Random House Value Publishing, 1991), 290.

<sup>171</sup> Kamarck, *Primary Politics*, 112.

from the Heartland, Arkansas Governor Bill Clinton was from the South and a rising star, and the former and future California Governor, and “Moonbeam” Jerry Brown had twice run for president. Harkin’s presence in the race made his Iowa win virtually meaningless, allowing Clinton to carry momentum from a second-place finish in Tsongas’ back yard of New Hampshire.

While Tsongas continued to have wins, Clinton’s outstanding showing in the March 3 Georgia Primary and on Super Tuesday helped to push others from the race, and following a surprise campaign suspension by Tsongas, take on Jerry Brown for the nomination. Many super delegates, however, raised doubts, following a surprise win by Brown in the Connecticut Primary (where Clinton aides had expected Tsongas to do very well<sup>172</sup>) and non-candidate Tsongas’ garnering of 26% of the vote in the important New York Primary, that the party elite might need to interfere.<sup>173</sup> Clinton prevailed, and with another Southerner, Senator Albert Gore Jr. of Tennessee, reclaimed the White House for the Democrats for the first time in sixteen years. Clinton did not face significant opposition in his 1996 bid for re-nomination.

Four years later, Vice President Gore was the clear frontrunner for the Democratic Nomination. With the Democrats faced with the first opportunity to elect back-to-back Democratic presidents for the first time since 1856, supporters of the Vice President quickly worked to establish contests in a way that would allow Gore to survive a challenge if necessary. Unlike the last sitting Vice President to seek the nomination, George Bush, in 1988, Gore would not face a crowded field. Holding the belief that a

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<sup>172</sup> Jack W. Germond and Jules Whitcover, *Mad as Hell* (Random House: New York, 1994), 268.

<sup>173</sup> “Democratic ‘Super Delegates’ Look for Another Candidate,” *Los Angeles Times*, April 4, 1992, [http://articles.sun-sentinel.com/1992-04-04/news/9202010216\\_1\\_super-delegates-two-state-party-delegate-system](http://articles.sun-sentinel.com/1992-04-04/news/9202010216_1_super-delegates-two-state-party-delegate-system).

potential win by former New Jersey Senator Bill Bradley in New Hampshire could only hold water with subsequent victories, the Gore campaign fought to keep a traditional calendar in place:

To create enough momentum to defeat a sitting vice president for the nomination, Bradley needed not only a win in New Hampshire but also wins in other contests soon after New Hampshire, where his momentum could translate into votes in money. The Gore campaign, nervous about the situation in New Hampshire, lobbied the Rules and By-Laws Committee against a change in the calendar.”<sup>174</sup>

The Gore campaign, as a precaution, had not opposed efforts to move the California Primary to Super Tuesday, which followed a five-week stretch after the New Hampshire Primary.<sup>175</sup> Gore won the New Hampshire Primary by four percent, and would carry the nomination. Despite Gore’s Southern appeal, his ticket with Senator Joe Lieberman of Connecticut (the first Jewish candidate on a major party ticket), succeeded in winning the popular vote, but came up short in the Electoral College. With Gore as the standard bearer of the Democratic Party, many questioned whether or not he would be the first unsuccessful Democratic nominee since Humphrey in 1972 to seek the nomination of his party.

Gore opted not to run, and a free-for-all contest ensued, featuring Lieberman, Massachusetts Senator John Kerry (who had served as Dukakis’ Lt. Governor), House Minority Leader Dick Gephardt, North Carolina Senator John Edwards, General Wesley Clark, leftist Congressman Dennis Kucinich, and Vermont Governor Howard Dean. In

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<sup>174</sup> Kamarck, *Primary Politics*, 30.

<sup>175</sup> Kamarck, *Primary Politics*, 29.



an effort to spare a lengthy contest in the first truly competitive race for the Democratic Nomination in 12 years, Democratic Party rules allowed contests to take place almost immediately after Iowa and New Hampshire.

Early polls showed the antiwar Dean, capitalizing on Internet organizing and fundraising opportunities, poised to make a McGovern-style outsider play for the nomination. The endorsement of Gore further led to press speculation that Dean would surge to the head of the pack, but back-to-back Kerry wins in Iowa and New Hampshire helped thrust the Massachusetts Senator to the nomination. Kerry carried every state but Dean's Vermont, Oklahoma (which went to Clark), and Edwards' home state and birthplace of North and South Carolina, respectively. Kerry had the nomination by early March. Though the Mondale-Hart fight of 1984 was longer, the 2004 Kerry-Dean contest showed that a shorter contest gave more opportunity to an establishment candidate to win the nomination. Additionally, the DNC's decision to start the contest in January, to match the Republican National Committee's calendar and avoid voter confusion, helped establish a nominee earlier in the year.<sup>176</sup> With Edwards on his ticket, John Kerry lost the nomination in both the Electoral College and in the popular vote count.

Concerned with the influence of early states, the state of Michigan had threatened to move ahead of the New Hampshire Primary, which by a 1996 Granite State law must be at least one week before or after any similar contest.<sup>177</sup> To dissuade Michigan, the

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<sup>176</sup> Shannon Delahaye, "The Democratic Party Primary Process: Can Dispute System Design Principles Provide Hope for Reform?" In *The Harvard Negotiation Law Review*, 2009, Winter 2009 ed.

<sup>177</sup> Gregg, Hugh. "First-In-The-Nation Presidential Primary." In *State of new Hampshire Manual for the General Court, No. 55*, by the New Hampshire Department of State.1997.

DNC agreed to form a commission, Chaired by Congressman David Price of North Carolina and former Secretary of Labor Alexis Herman. The Commission ultimately established a 2008 calendar that would allow two states to join Iowa and New Hampshire in the pre-window period. Rejecting an attempt by Michigan, again, the DNC chose a Western caucus state, Nevada, and Southern Primary state, South Carolina, to add regional balance for the contest.

The years following the Hunt Commission saw little progress in the reform movement. With the exception of the movement to total proportionality, the rules for picking the Democratic nominee for President stayed largely the same. But the 2008 contest, which saw the first major African-American candidate and the first major female candidate poised to win their party's nomination reinvigorated the debate on super delegates, delegate selection, and timing, raising serious questions about the democraticness of the Democratic contest.

#### 4| Democratization and a Changing Party

“Before the McGovern reforms neither Hillary Clinton nor Barack Obama would have had a chance at the nomination. They would have been laughed off the floor. What we did was really sell the idea that women and minorities, blacks and Hispanics, are treated the same as the rest of us.”

- George McGovern

As the fortieth anniversary of Hubert Humphrey’s tumultuous nomination approached, it appeared that the Democratic Party stood poised to nominate, by all accounts, an insider, establishment candidate. Since her husband, President Bill Clinton, had left office, Hillary Rodham Clinton had moved to New York and managed to get herself elected to the United States Senate. Known for being intently involved in her husband’s political affairs, and for standing strong through his personal indiscretions, Clinton looked like the strongest candidate to lead her party to the White House in 2008. But Clinton’s candidacy would mirror Humphrey’s 1972 quest much more than his 1968 nomination.

In the spirit of McGovern’s 1972 bid and Gary Hart’s 1984 nomination fight, freshman Illinois Senator Barack Obama embarked on a long-shot bid against Clinton’s inevitability. Crowding the field were John Edwards, veteran U.S. Senators Chris Dodd of Connecticut and Joe Biden of Delaware, ultra liberal Ohio Congressman Dennis Kucinich, New Mexico Governor Bill Richardson, and, briefly featured, an awkward candidacy by former Alaska Senator Mike Gravel.

The calendar dictated strategy. From the beginning, the architects of long-shot Obama's campaign committed to focus intensely on the early states.<sup>178</sup> Influence of early states did not just mean more lead-time to campaign, but also more time for candidate scrutiny and media attention; the first debate took place nine months before the first contest.

Michigan was again threatening to move their contest outside of the DNC prescribed window, as was Florida. With stern warnings that their delegates would not be seated at the National Convention in Denver, campaigns agreed not to campaign in the two "rogue" states (with Clinton later turning back on her promise). While the Obama campaign breathed a sigh of relief that a big Clinton stronghold would not come days after the nation's first two contests, they recognized that an inability to defeat Clinton in both Iowa and New Hampshire would paint a difficult path, with Clinton standing strong on the loaded February 5 Super Tuesday contests.<sup>179</sup>

Despite holding many of the foremost experts in Democratic Party rules and history, the Clinton campaign failed to recognize many of the lessons of past candidacies in the order of contests, such as Jimmy Carter's creation of a quasi-Super Tuesday in 1976. From Elaine Kamarck's *Primary Politics*:

The Obama campaign acted to maximize its delegate count on that day [Super Tuesday]. In January 2007, Illinois House Speaker Michael Madigan and the Illinois Democrats moved their primary to February 5, 2008, so that Illinois could help build Obama's delegate count should he get into the race. In Alabama, a young black U.S. representative and

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<sup>178</sup> Plouffe, David. *The Audacity to Win* (New York: Penguin Books, 2009), 29.

<sup>179</sup> Kamarck, *Primary Politics*, 39.

Obama ally, Artur Davis, was instrumental in moving Alabama's primary to February 5. In Kansas, supporters of Governor Kathleen Sebelius helped move Kansas's caucuses to February 5 without any prompting from the Obama campaign.<sup>180</sup>

Kamarck holds that only two Super Tuesday states, Arkansas and New Jersey, moved over the course of the lead-up to February 5, 2008, that would benefit Hillary Clinton. "There is no evidence," Kamarck wrote, "that anyone tried to move those states on her behalf."<sup>181</sup>

By the time Barack Obama had won the post-Super Tuesday February Maine caucuses, where some believed Clinton would hold an advantage, Obama had won 11 caucuses, compared to only 2 for Clinton.<sup>182</sup> By capitalizing on organizational strength in caucus states, the Obama campaign was able to run up the score early.

While the "bonus delegates" of 1984 were not present, the Obama campaign recognized that individual district delegate totals could have an important impact on their delegate count. In the early Nevada contests, for example, Clinton beat Obama 51-45 in the popular vote, but Obama beat her in the delegate count 13-12.<sup>183</sup> Obama either tied or beat Clinton in every individual Congressional district.<sup>184</sup>

Obama's strength in young organizers allowed him to capitalize on some contests virtually unchallenged. According to Kamarck, after Clinton's third-place finish in Iowa,

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<sup>180</sup> *Ibid.*

<sup>181</sup> *Ibid.*, 45.

<sup>182</sup> Lawrence, Jill. "Strategy plays big role in caucus wins." *USA Today*, February 11, 2008.

<sup>183</sup> CBS News. "Clinton Wins Nevada Democratic Caucuses." June 18, 2009.

[http://www.cbsnews.com/2100-250\\_162-3731581.html](http://www.cbsnews.com/2100-250_162-3731581.html) (accessed March 31, 2011).

<sup>184</sup> The Green Papers. "Nevada Democrat." *The Green Papers - 2008 Presidential Primaries, Caucuses, and Conventions*. February 9, 2011. <http://www.thegreenpapers.com/P08/NV-D.phtml>

“...the campaign, short on money, decided to devote less time and resources to the remaining caucus states.”<sup>185</sup>

In Kansas’ Super Tuesday caucuses, Obama won approximately 74% of the statewide popular vote, to just over 25% for Hillary Clinton. In Kansas’ third congressional district (which Obama would carry in the general election), which offered seven delegates, Obama won five.<sup>186</sup> Even with victories in big states like California, Obama won twelve Super Tuesday contests compared to Clinton’s five.

With a tight delegate count, many began questioning whether or not super delegates would decide the outcome of the race. In the end, Obama topped Clinton 1,763 to 1,640 in pledged (elected) delegates. Obama lead 438-256 lead among superdelegates put the Illinois Senator well over the 2,118 necessary to win the nomination. In the fall, Obama trounced Senator John McCain of Arizona 365-173 in the Electoral College, carrying states like Indiana, which Democrats had not managed to pick up since Lyndon Johnson’s 1964 landslide.

According to Jay Cost, Obama finished the Democratic contest with a 3.1% lead in pledged delegates, compared to only a 0.4% lead in the popular vote.<sup>187</sup> This substantial lead, which Cost attributes to the *efficiency* of the Obama operation, was because of caucus successes:

Across all caucuses, Obama won about 679,000 supporters and 280 delegates. Clinton won about 379,000 caucus supporters and 145

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<sup>185</sup> Kamarck, *Primary Politics*, 18

<sup>186</sup> The Green Papers. "Kansas Democrat." *The Green Papers - 2008 Presidential Primaries, Caucuses, and Conventions*. August 28, 2008 <http://www.thegreenpapers.com/P08/KS-D.phtml>

<sup>187</sup> Cost, Jay. "How Obama Won the Nomination." *Policy Review* no. 150 (2008), <http://search.proquest.com.ursus-proxy-2.ursus.maine.edu/docview/59843498?accountid=14583>; <http://www.hoover.org/publications/policyreview> (accessed April 15, 2012).

delegates. Thus, for a net of 300,000 votes, Obama netted 135 delegates. To put this in perspective, consider that Clinton defeated Obama by more than 500,000 votes in [primary state] California, but only netted 38 delegates.<sup>188</sup>

Cost further suggests that had Clinton's delegate aggregation had such a high *efficiency* rate, that the delegate count at the nomination would have been extraordinarily close at just *fourteen* pledged delegates.<sup>189</sup>

While some feared that the Illinois Senator's inability to top Clinton in battleground states crucial to a fall victory (like Pennsylvania and Ohio), the strategy to focus on small states and red states paid off for Obama.

Part of Obama's success was his ability to turn out the youth that Democratic candidates since Ed Muskie and George McGovern had dreamed of turning out to the polls. In North Carolina, for example, the Obama campaign boasted 200,000 new registrants – and won the state by a slim 14,000 votes.<sup>190</sup>

Obama's strengths certainly came among traditional Democratic coalitions – but even with the first formidable female candidate in the race for the Democratic nomination, the young Senator managed to beat Clinton among women in crucial contests like Iowa and the general election bellwether state of Missouri. In the fall, Obama would win 49% of all men and 56% of all women, losing among whites.

While Democrats have struggled to make inroads with white men, they have successfully won the White House three times without a majority approving of their

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<sup>188</sup> *Ibid.*

<sup>189</sup> *Ibid.*

<sup>190</sup> "Obama campaign recruits youth, volunteers." *WNCN*. February 22, 2012.

<http://www2.nbc17.com/news/2012/feb/22/obama-campaign-recruiting-youth-vote-volunteers-ar-1957740/> (accessed March 30, 2011).

candidate.<sup>191</sup> In many ways, following a Democratic nominating process that yielded more young and diverse delegates than ever before,<sup>192</sup> the 2008 contest produced not only a coalition, but a *candidate* emblematical of the initial McGovern inclusionary reforms.

“Before the McGovern reforms neither Hillary Clinton nor Barack Obama would have had a chance at the nomination,” said George McGovern, “They would have been laughed off the floor. What we did was really sell the idea that women and minorities, blacks and Hispanics, are treated the same as the rest of us.”<sup>193</sup>

While Obama’s strength among youth, women, and minorities helped put him over the finish line, in many ways, changing demography played a role more than the motivation of those initially targeted by Democratic efforts by the early part of the reform movement.<sup>194</sup>

Obama’s ability to draw new voters and demographic groups that might not typically vote into the Farms and American Legion Halls of Iowa and the ballot booths of South Carolina was largely responsible for his victory. According to David Greenberg, Obama’s appeal may have been due to an alarming fact:

While Obama performed best among leftists and centrist or nonideological (Perot-style) independents, she [Clinton] prevailed among mainstream liberal and centrist party regulars. While most of Obama’s’ primary victories occurred in “open” contests, she fared better in those limited to

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<sup>191</sup> David Paul Kuhn. "White support for Obama at historic high." *POLITICO*. March 24, 2008. <http://www.politico.com/news/stories/1008/14921.html> (accessed March 31, 2008).

<sup>192</sup> Joe Garofoli, "Youngest, most diverse Dem Convention ever." *San Francisco Chronicle*, August 25, 2008. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/08/25/MNA312GGKE.DTL&ao=all> (accessed March 31, 2012).

<sup>193</sup> George McGovern, interviewed by author, via telephone, April 21, 2010.

<sup>194</sup> Bruce E. Caswell. "The Presidency, The Vote, and the Formation of New Coalitions." *Polity* 41, no. 3 (July 2009): 388-407.



Democrats...she may have won a majority of actual Democrats' votes – a stunning and little noted fact.<sup>195</sup>

Greenberg suggests an astonishing proposition: that the Democratic nominee in 2008, and only the third Democratic President since the reform era began, did not hold the edge in support among those who considered themselves to be active, committed members of the Democratic Party. A study of the Iowa Caucus entrance polls, a critical victory for the Obama campaign, shows that the eventual nominee only carried 41% of independent caucus goers (20% of the electorate), just barely edging Clinton out by 1% among Democrats in a three-way race with second-place finisher Edwards.

With so much attention focused on the demographic groups that Obama was able to turn out in significant numbers, one must question whether or not his ultimate success came from turning out underrepresented groups that the reform movement had first tried to turn out in 1972. Black voters turned out strongly for the first African-American candidate for President, and young people played a key role. Interestingly, in the May North Carolina Primary, Obama carried 65% of first-time voters, but lost white Democrats to Clinton by a full 25%.<sup>196</sup>

In Jeff Taylor's *Where Did the Party Go*, the Dordt College Political Scientist highlights the fact that the first two Democratic presidents to serve after the reform movement began, Jimmy Carter and Bill Clinton, were connected to the Humphrey "fraternity" of the Democratic Party. Carter was a leader in the "Anybody But McGovern" efforts at the 1972 convention, and Clinton "began public life as a protégé of

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<sup>195</sup> Greenberg, *Dissent*, Summer 2008, 40 Greenberg, David. 2008. Primary obligations: Why the democrats should fix the nominating system. *Dissent* 55, (3): 35-40, <http://search.proquest.com.ursus-proxy-2.ursus.maine.edu/docview/59843737?accountid=14583> (accessed April 5, 2012).

<sup>196</sup> <http://www.cnn.com/ELECTION/2008/primaries/results/epolls/#NCDEM>

Senator William J. Fulbright (D-AR), a Bourbon politician who seconded Humphrey's nomination for vice president at the 1956 convention."<sup>197</sup> Yet, Taylor does not believe that, based on substance, Obama's successful candidacy was the fulfillment of the "McGovern coalition":

I agree that Obama's '08 campaign had some of the flavor of a grassroots crusade a la Bryan '96 or McGovern '72, but there's a difference between style and substance. I think there are some parallels between the Obama and McGovern efforts...Despite youthful, idealistic backing for Obama in '08, I would not place him in the New Politics, anti-CDM camp. He was no Mike Gravel or Dennis Kucinich. Superdelegates and party pro's eventually gravitated to Obama over Clinton because he was seen as a safe choice. That's why rival Biden described Obama as a "mainstream African-American who is articulate and bright and clean" and why Goldman, Sachs became Obama's #1 contributor. From his attendance at elite schools and joining of the Daley machine to his becoming a reliable friend of Wall Street and the Military-Industrial Complex, Obama has always understood how the game is played and has been willing to play by the rules...Instead of being a populist/anti-establishment/New Politics example, Obama was a representative of the Kennedy fraternity within Democratic Party centrism (the "progressive" mainstream) in 2008.<sup>198</sup>

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<sup>197</sup> Jeff Taylor, *Where Did the Party Go?*(University of Missouri Press: Columbia, MO, 2006), 222

<sup>198</sup> Jeff Taylor, e-mail message to author, February 14, 2012.

Perhaps Obama's nomination was indeed the fulfillment of the desires of the McGovern-Fraser commission members who fought for inclusionary reforms. However, Obama was *not* substantively the same candidate on the major issues as McGovern or those activists who had fought to open the process.

While Congressman David Price believes that the Obama campaign “bared some resemblance to the McGovern phenomenon, Price said that the 2008 campaign was vastly different than the 1972 contest. “Obama had much, much more establishment support. I think that McGovern and the Democratic electorate was much more polarized [in 1972],” said Price. “I would say the Obama base was broader and more diverse...and pulling things together after convention was not as difficult, simply because the differences were not as great to begin with.”<sup>199</sup>

Additionally, Obama was able to carry Democratic Party establishment support to help secure the party nomination. Super delegates largely followed the lead of pledged delegates, with Obama overtaking Clinton among this bloc of party establishment leaders after a strong showing by Obama in the Indiana and North Carolina Primaries. On May 12, four key endorsements from activists and elected officials in Idaho, Hawaii, and Maine, gave Obama a lead among super delegates for the first time in the race for the nomination.<sup>200</sup>

Many Democrats feared that an overly divisive contest would have the same effect as close, bitter contests in 1968, 1972, 1980 and 1984. But Todd Makse and Anand Sokhey argue in their study of Franklin County, Ohio, a state where Obama struggled to

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<sup>199</sup> Congressman David Price, interviewed by author, Rayburn House Office Building, Washington, D.C., March 30, 2012.

<sup>200</sup> Domenico Montanaro, "Obama's 'super comeback.'" *First Read*. May 12, 2008. [http://firstread.msnbc.msn.com/\\_news/2008/05/12/4429940-obamas-super-comeback](http://firstread.msnbc.msn.com/_news/2008/05/12/4429940-obamas-super-comeback)

captivate working-class voters during the primary but carried in the fall, that the wounds left from the primary very well could have cost Obama the general election had the fall 2008 financial meltdown not occurred. Approximately 18% of Clinton supporters voted for McCain in Ohio, consistent with their local findings. A sample run by Maske and Sokhey looking at Obama's difficulty with white voters, compared the votes garnered of African-American mayor of Columbus, Michael Coleman in 2007 to Obama's 2008 results. The results did show divisiveness:

The results...demonstrate that voting patterns in the 2007 election are indeed a significant predictor of Obama overperformance. However, once again, the divisive primary effect holds up quite well, with the main effect shrinking by a fairly modest 15% in magnitude.<sup>201</sup>

Looking at the 2008 race in the context of two separate elections, the primary and the general election contest, it is worth remembering that McGovern himself failed to carry groups important to his nomination in the general election,<sup>202</sup> losing both women and the youth vote.<sup>203</sup> Obama's victory greatly benefited, as well, from union support; although labor's strength has greatly diminished over the years, about 2% of his support

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<sup>201</sup> Makse, Todd and Anand Sokhey E. "Revisiting the Divisive Primary Hypothesis: 2008 and the Clinton--Obama Nomination Battle." *American Politics Research* 38, no. 2 (2010): 233-265, <http://search.proquest.com.ursus-proxy-2.ursus.maine.edu/docview/60562244?accountid=14583> (accessed April 15, 2012).

<sup>202</sup> Kilgore, Ed. "Obama and McGovern." *Talking Points Memo*. April 23, 2008. [http://tpmcafe.talkingpointsmemo.com/2008/04/23/obama\\_and\\_mcgovern/](http://tpmcafe.talkingpointsmemo.com/2008/04/23/obama_and_mcgovern/) (accessed April 1, 2012).

<sup>203</sup> New York Times. "National Exit Polls Table." *New York Times*. <http://elections.nytimes.com/2008/results/president/national-exit-polls.html> (accessed March 31, 2012).

came from labor households. As FiveThirtyEight's Nate Silver points out, successful Democratic nominees in recent elections have won by only about 4%.<sup>204</sup>

However, Clinton's high level of support among those who considered themselves committed Democrats raises the question of which candidate actually had a cohesive base that could carry them in the general election. In his discrediting of the "Divisive Primary Theory," *The Divided Democrats*, William Mayer cites a 1974 study of two Congressional contests which found that 80% of those activists who supported an unsuccessful candidate for the nomination but not the nominee "had less than five years political experience, only 24 percent were strong party identifiers, and 47 percent said they were working in their first political campaign."<sup>205</sup> Mayer cites the explosion, over the years, of candidate-centered campaigns as a key reason.

Barack Obama was able to reclaim the White House from Republican hands for the first time in sixteen years largely because of his campaign's understanding of the proportionality rules and different state contests. Unlike the same McGovern-style coalition in 1972, Obama was able to create wide general-election appeal among the first-time and stagnant voters in the fall that helped propel him to the nomination.

Democrats had always maintained an edge among Blacks and Hispanics, and women for the preceding four general election cycles, but changing demographics coupled with turnout contributed to success. While the proportion of white voters had been declining steadily over the years, in 2008, white voters made up just 76.3% of the electorate, compared to 84.6% when the last Democratic President, Bill Clinton, was elected in 1992. African-Americans increased in their proportion of the electorate by

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<sup>204</sup> Silver, Nate. "The Effects of Union Membership on Democratic Voting." *FiveThirtyEight*. February 26, 2011. (accessed April 1, 2012).

<sup>205</sup> Mayer, *The Divided Democrats*, 69.

nearly 5% since 2004. The appeal of the first minority to represent a major party in its quest for the White House surely must have had an impact on turnout, but changing demographics meant that Blacks accounted for 16 million votes in 2008,<sup>206</sup> 95% of the black vote.

### **Reform in Retrospect**

With the largest of the reforms in the past, the key role that super delegates played in the 2008 contest, coupled with comparisons between the 2008 and 1968 and 1972 contests raises an important question: Democratic Party Reform accomplish what the framers set out to achieve?

“That really does beg the question of what it set out to do,” said Congressman David Price, who served as Staff Director of the Hunt Commission and Co-Chair of the Herman-Price Commission. “To the extent that the idea was to make for a more transparent, participatory, standardized process...to that extent, yes. But this is an area where...if the law of unintended consequences didn’t originate here, it certainly applies here.”<sup>207</sup>

While many may have viewed the party reform effort as an important movement, ultimately rooted in opening the doors to the Democratic Party to those who had been shut out of the 1968 convention, the full ramifications could never have been predicted. The clarity of the original intentions of the framers has been largely lost by the many resulting changes triggered by a few delegates to the 1968 Connecticut State convention.

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<sup>206</sup> Mark Hugo Lopez and Paul Taylor. "Dissecting the 2008 Electorate: Most Diverse in U.S. History." *Pew Research Center*. April 30, 2009. <http://pewresearch.org/pubs/1209/racial-ethnic-voters-presidential-election> (accessed April 10, 2012).

<sup>207</sup> Congressman David Price, interviewed by author, Rayburn House Office Building, Washington, D.C., March 30, 2012.

Two works on the reform movement, Nelson Polsby's *Consequences of Party Reform* and Austin Ranney's *Curing the Mischiefs of Faction* paint a definitive picture of a pendulum swing toward a strong, open, national party – before gravity pushed the pendulum in the other direction in the 1980s. Referring to a lengthy, proportional contest with very few “super delegates,” “In many ways,” said Geoff Cowan, “the [2012] Republican Party nominating process is more small-‘d’ democratic than the Democratic Party.”<sup>208</sup>

Few argue against the assertion that the Democratic Party became more “open” to outsiders by the early reform movement and, despite a shift towards peer review in the 1980s, the movement ultimately led to the creation of a system that is virtually decided by open primaries and caucuses. While some like V.O. Key and Ranney hold that the primary greatly opened up the party structure and harmed cohesiveness, others like Leon Epstein believe “that the direct primary is more a symptom than a cause – that it has not made the parties what they are but rather is itself a result of the fact that “Americans haven’t wanted to leave the selection of their party candidates entirely in the hands of organized partisans.”<sup>209</sup>

But without “organized partisans” in control, who was left to make the decisions for an increasingly centralized national Democratic party? As Ranney wrote, “...the delegates [to the 1972 convention] not only looked different from the way most ordinary Democratic voters look, but they also had a different ideological coloring.”<sup>210</sup> Ranney makes it clear that the framers did not want “old hands” to have any advantages over

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<sup>208</sup> Geoffrey Cowan, interviewed by author, via telephone, January 30, 2012.

<sup>209</sup> Austin Ranney, *Curing the Mischiefs of Faction* (The University of California: Berkley, 1975),

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<sup>210</sup> *Ibid*, 155.

“new hands”; resulting in a Democratic Party nominating convention in 1972 that represented a very different constituency than mainstream Democratic voters.<sup>211</sup>

As the 2008 race between Barack Obama and Hillary Clinton tightened, media and public criticism of “undemocratic” super delegates grew louder. While the likelihood that elected officials would overturn democratic votes was slim, to Americans unaware of reform history, the process seemed reminiscent of the smoke-filled rooms of yesteryear. But was the inclusion of super delegates inconsistent with the spirit of reform?

Not according to Geoff Cowan, who said that the original McCarthy organizers who set reform in motion never actually intended to push party regulars out of the process. “As explained in the rule that we proposed and that the convention adopted,” Cowan recalled, “we simply believed that all delegates should be selected in a process open to full public participation in the calendar year of the election.”<sup>212</sup> “What is democratic,” said Cowan, “has changed over the years.”<sup>213</sup>

If the intent of the reformers was, as ringleader Cowan describes, to simply open up the process for democratic contests, the intent of the original reformers has been fulfilled. While super delegates were reduced after the 2008 contest by the Democrats’ Change Commission, co-chair James Roosevelt justified the commission’s work to keep the system relatively intact:

People ask: isn’t it enough for folks to have floor privileges and a hotel room and not have an actual vote? The answer is: what you’re doing is creating two classes of delegates, people with the vote and people without the vote. Clearly, the people at the grassroots level should be the

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<sup>211</sup> *Ibid.*

<sup>212</sup> Geoff Cowan, e-mail message to author, April 9, 2012.

<sup>213</sup> Geoffrey Cowan, interviewed by author, via telephone, January 30, 2012.



predominant voice. But if you don't give elected officials a real voice, they are basically second-class citizens.<sup>214</sup>

To some like Gary Hart, to whom super delegates played a key role in keeping from the White House, super delegates are an acceptable part of the party nominating process, when kept in check. "I come back to the difference in 1984 – all super delegates for Mondale, and 2008, when they were divided principally in the long run between Obama and Clinton. That's the way it should be. If super delegates will be open minded and not vote in lock step and follow the election results in their own states and district, there's nothing wrong with that."<sup>215</sup>

All Democratic contests were proportional in 2008, but as Barack Obama showed, the system is as much about strategy as it is about simply earning the respect and admiration of voters. But certainly, the framers could have never anticipated the media-driven, lengthy, contest-by-contest campaign that now characterizes presidential campaigns.

Recent debates have concerned the order and speed of primary contests, and Congressman David Price points out that the 2008 contest, in which Hillary Clinton failed to drop out until the final primary contests had passed, showed Americans what a lengthy, rather than a frontloaded, contest looks like. But the era of major reforms is largely over.

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<sup>214</sup> Woodward, Colin. "Democratic Party to Keep Controversial Superdelegates." *Newsweek/The Daily Beast*. iAugust 2, 2010. <http://www.thedailybeast.com/newsweek/2010/08/02/democratic-party-to-keep-controversial-superdelegates.html> (accessed April 10, 2012).

<sup>215</sup> Gary Hart, interviewed by author, via telephone, December 21, 2012.

The seemingly never ending seesaw of reform represented a battle between committed democratic reformers and a group of Democratic Party stalwarts determined to keep the influence of those who were elected under the Democratic Party banner, not just for entitlement, but for purposes of strategy and governance. The emergence of a nationalized party created a serious view that elected officials were elected to represent the views of the party, but to keep it strong. According to Jim Hunt, there was a disconnect between the idealists and those who understood how to keep the party going:

It's very easy for the academicians – and thank G-d for ‘em – and the people who study things and sit back and try to figure things out from afar, and who are not “down in the pit,” as Teddy Roosevelt said. It’s easy for them to think they know exactly how things work. If they're in there working day and night having to put together a delegation that can get the states electoral votes, they often see things very differently from the people who are ... the people have the theories...the people who fight to be pure in a sense, they want to be pure whether they win or not ...they just want to be pure.<sup>216</sup>

Since the Democratic Party was “opened,” every Democratic nominee to reach the White House – Jimmy Carter, Bill Clinton, and Barack Obama, has been, to a degree, a political “outsider.” Whether or not a distance from the party establishment helps the Commander-in-Chief govern is debatable, but the situation has unquestionably changed the dynamic between Democratic insiders in Congress and the occupant at 1600 Pennsylvania Avenue.

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<sup>216</sup> Jim Hunt, interviewed by author, via telephone, January 2, 2012.

The reform movement, ever evolving, transformed how candidates seek the Presidency and govern while in office. Whether or not the Democratic Party nominating system has been more democratic at a given point in the nominating process is entirely subjective – but the reform movement has, unquestionably, met the expectations of those who set out to ensure that no candidate would ever see the same fate as Eugene McCarthy in 1968. The Democratic Party, for the most part, responded proportionately to its challenges, and built a hybrid nominating process that allows for open participation and establishment influence.

### **The Future?**

The most recent Democratic presidential nominating contest saw a divisive contest where deep divisions were not enough to cost the party nominee the general election. While Hillary Clinton was viewed by the media and many Americans as an "insider candidate," her great appeal among many women and white working class voters made the race hardly a battle between solely the party establishment and the general Democratic electorate. The 2008 race, however, does not close the door on the future possibility of a fight between a candidate substantially favored by the Democratic Party establishment and a candidate favored by the general electorate -- and changes in technology and campaign finance laws are poised to create a more divisive contest than ever before.

Candidates in the 2008 race had to compete with a citizenry engaged online with access to social media organizing tools. By the time the 2016 race for the Democratic nomination is in full-swing, candidates will instantly be held accountable by voters for their background, positions, gaffes, and flaws, via internet tools like Facebook, Twitter,

and YouTube. The years to come are likely to see candidates who are forced to move more quickly to meet the policy desires of activists, amplified and energized by new technologies. In short, the Democratic Party contest of 2016 is poised to become more open and more *democratic* than ever before.

Candidates are slowly losing control of their messages to outside forces, especially in light of the Supreme Court of the United States' decision in *Citizens United v. FEC*. A divide between a mobilized, online general electorate and corporate interests spending significant sums of money for airtime will make it continually harder for candidates to define themselves and messages in the media.

Arguably, if Americans can shift the conversation online to issues that the general electorate is concerned about, candidates who are forced to make early, multiple promises, candidates will likely be forced to take early positions and be more beholden to citizen interest groups than ever before.

The Democratic Party democratized itself because of the concerns of outside forces. The framers of reform sought to open the doors to the Democratic Party nominating contest, and they emboldened and empowered voters in the process. Candidates may become increasingly concerned with the interests of voters and less with the priorities of the Democratic establishment. This evolution may be good for democracy, but its effect on governing and the Democratic Party may tell a different story.

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## **Appendix - List of Interviews**

### **Geoffrey Cowan**

*1968 Eugene McCarthy Organizer, Connecticut  
University Professor; USC Annenberg Family Chair in Communication Leadership  
January 30, 2012*

### **Eliot Cutler**

*1972 Muskie Campaign Scheduler  
Advisor, 1984 Mondale Presidential Campaign  
Senior Counsel, Akin Gump Strauss Hauer & Feld, LLP  
April 5, 2010*

### **John J. Gilligan**

*Mikulski Commission Member  
Governor of Ohio, 1971-1975  
February 14, 2012*

### **Senator Fred R. Harris**

*Chairman of the Democratic National Committee, 1969-1970  
U.S. Senator for Oklahoma 1964-1973  
Candidate for the Democratic Nomination for President, 1972 and 1976  
Professor Emeritus, University of Oklahoma  
January 25, 2012*

### **Senator Gary Hart**

*U.S. Senator for Colorado, 1975-1987  
Candidate for the Democratic Nomination for President, 1984 and 1988  
Scholar in Residence and Wirth Chair Professor, University of Colorado - Denver  
December 21, 2011*

### **Governor Jim Hunt**

*Chairman, Commission on Presidential Nomination  
Governor of North Carolina, 1977-1985 and 1993-2001  
January 2, 2012*

### **Senator George McGovern**

*1972 Democratic Party Nominee for President  
Candidate for the Democratic Party Nomination for President, 1968 and 1984  
U.S. Senator for South Dakota, 1963-1981  
April 21, 2010*

### **Walter Mondale**

*U.S. Senator for Minnesota, 1964-1976  
Vice President of the United States, 1977-1981*

November 18, 2010

**Harold Pachios**

*Staffer, Muskie 1972 Presidential Campaign*

*Partner, Preti, Flaherty, Beliveau, and Pachios, Chartered, LLP*

March 11, 2012

**Jeff Taylor**

*Author, Where Did the Party Go?*

*Chairman, Dordt College Department of Political Studies*

February 14, 2010

**David Price**

*Staff Director, Commission on Presidential Nominaiton*

*U.S. Congressman, North Carolina's 8<sup>th</sup> Congressional District (1987-1995; 1997- )*

March 30, 2012

**Morley Winograd**

*Chairman, Michigan Democratic Party, 1973-1979*

*Chairman, Commission on Presidential Nomination and Party Structure*

December 27, 2011

### **Author's Biography**

Ben Goodman was born in Portland, Maine on November 15, 1989. He was raised in Kennebunk Maine, and graduated from Kennebunk High School in 2008. Ben is a political science major and a member of Phi Beta Kappa and Pi Sigma Alpha. He is the Vice President of the Senior Skull Honor Society Class of 2012.

In December 2011, Ben relocated to Washington, D.C., where he currently serves as Staff Assistant in the Office of U.S. Congressman Michael H. Michaud.