

**History of the Democratic Party's Rule on Timing
Presentation and Question and Answer by Dr. Elaine C. Kamarck,
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**Commission on Presidential Nomination Timing and Scheduling
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CO-CHAIR HERMAN: And so, without further delay, let us then get down to the presentations.

I would ask Dr. Elaine Kamarck if she would please come to the table to begin the work on our first presentation. And certainly as we talk about the future, it makes eminent sense that we start with a historical look and to put in context, really, the process that we are embarking upon here.

And with us to share a bit of that history on the timing of presidential primaries and caucuses and the narrative of the nominating process from 1976 to 2004 is Dr. Elaine Kamarck.

Welcome, Elaine.

Let me tell you a bit about her background. Even though many of us know Elaine, I think it is important to state, for the record, just how well prepared she is to engage in this dialogue. She is presently a lecturer in public policy at the Kennedy School of Government at Harvard, where she directs the Visions of Governance for the 21st century research program. Elaine's involvement in the party spans literally three decades.

Did you want us to know that, Elaine?

MS. KAMARCK: Could you have skipped that? [Laughter.]

CO-CHAIR HERMAN: During the 2000 presidential primaries and the 2000 presidential campaign, she served as the Senior Policy Advisor to the Gore Campaign. Prior to joining the Kennedy School in 1997, she was the Senior Policy Advisor to Vice President Al Gore, where she helped create and administer the National Performance Review, a White House policy council that was charged with reinventing government. And she oversaw the largest peacetime downsizing of the Federal Government in our nation's history.

Before joining the Clinton Administration, she was a founder of, and senior fellow at, the

Progressive Policy Institute, a think-tank for the Democratic Leadership Council. Earlier in her career, she was a staff member of the DNC, she served as Technical Advisory Committee member on the Hunt Commission, and worked on the presidential campaigns of President Carter, Vice President Mondale, and later served as Bruce Babbitt's campaign manager.

Elaine currently serves as a DNC At-Large Member and on the DNC Rules and Bylaws Committee, the body that is charged with

administering the delegate selection process.

Elaine, we thank you very much for coming down from Massachusetts to be with us this morning, and we look forward now to your presentation.

MS. KAMARCK: Thank you very much, Alexis. It's nice to see everyone here.

I have taken part in many of these Commission meetings, sometimes representing a presidential candidate, sometimes as a member of the DNC. Today, I'm actually coming in front of you as a political scientist and a scholar, and somebody who has the dubious distinction of having actually written my doctoral dissertation on this topic. Don's laughing. And I had to actually find my doctoral dissertation the other day, which -- first I started in the attic. I had a moment of panic; I couldn't find it. I then found it in the basement. But it was useful to remind me of the history of this rule, which I would like to share with you now, and I think you will see that, in going through the history of this rule, there are some lessons that you will probably see are going to be applicable to current times.

As we all know, in 1968 the party -- between '68 and '72 -- the party went through a huge change. Don Fowler and Harold Ickes were part of that change. And the McGovern-Fraser reforms changed the presidential nomination process -- frankly, in both political parties, ironically. They changed it in Republican Party in a funny way, because most Democratic legislatures in those days were controlled -- most state legislatures were controlled by Democrats. As Democrats adapted their presidential selection rules to be in keeping with the new rules of the Democratic National Committee, they simply adapted them for the Republican Party, as well. So one of the interesting things is that the Democratic reform movement actually reformed the system in both parties.

As many of you know, the old system proceeded, really, on two levels. There was a private or, really, semi-public system, which involved lots and lots of negotiations with party leaders and party bosses. And then there were a few primaries which could or could not have any impact on the outcome, depending on the politics.

The new system, of course, is very different. It is all public. And I think that is very important in understanding the questions we're going to get to today.

The first time we even had a rule on timing in the

party was the rule that came out of McGovern-Fraser Commission, and that rule simply said that all events in the presidential nominating system had to occur in the year of the convention. And, of course, this was done, not with any thought to Iowa or New Hampshire or how long the system was, this was done because, frankly, at the 1968 convention there were an awful lot of delegates who had been chosen in 1967, and maybe even in 1966. They were pledged to Johnson; then when he dropped out, they were pledged to Humphrey. And there was a lot of feeling among reformers that having delegates selected that far in advance could not possibly reflect the reality of the convention year.

As the reform system evolved, more and more states started to adopt presidential primaries, and it was just clear that that -- and in contemporaneous interviews with people at the time, the record shows that lots of state party chairmen simply felt that the only way they could really comply with these new rules was to adopt a binding presidential primary. And when that began to happen, it made it possible for the press to cover presidential campaigns in a way that they had never been able to cover campaigns before. It's inconceivable, okay, that the press could have been able to cover Bobby Kennedy as he crisscrossed the country in 1958 and 1959, cutting deals for delegates on behalf of his brother, Jack. It's inconceivable that somebody could have known what Adlai Stevenson was doing in 1951, and then again in 1955, as he cut various deals and traveled around to win himself the nomination.

Meantime, in those years primaries were really not very important parts of the system unless there was a strategic use to them. So Jack Kennedy's running in the West Virginia primary was important, not because it allocated delegates; it was important because the private conversations that had been going on for two years before the West Virginia primary had consisted of people doubting whether or not a Catholic could win votes. So, strategically, they needed to run in a primary, and they used -- so primaries, to the extent that you see them at all in this period, are used as a strategic move on the part of a presidential candidate.

Once, however, this system became an entirely public system -- and I think that's the real switch -- it was inevitable that the beginning of the process would gather an enormous amount of coverage. In 1976, New Hampshire got more than half of all the television stories devoted to the nomination, and more than a third of all the print stories devoted to the nomination in the three months before the primary.

Similar explosion of media interest in Iowa. In 1984, a Washington Post headline read, "Up From Obscurity, Ratio of Journalists to Iowa Caucus-goers Hits One to One-Hundred."

So you have here, because of the enormous press interest and the emerging public nature of this new system, which, by the way, doesn't really gel until 1976, a creation of "The Big Mo." And everybody talk about "The Big Mo," meaning momentum.

In this new system, sequence becomes strategy. And I think if you understand nothing else about the presidential nominating system, that is the most important thing to understand. It's why I called my dissertation, "Sequence as Strategy."

And there are many examples, historical, of how presidential candidates understood this, and used and tried to shape the sequence of this brand-new public structure. For instance, in the mid-1970s, Jimmy Carter needed to get George Wallace, the only other southerner running, out of the race early; and so, he needed an early Florida primary. And yet Florida was thinking of moving its primary back, into April. So, in 1975, Jimmy Carter, Hamilton Jordan, and Charlie Kirbo made a trip to Tallahassee so that Carter could convince Governor Askew to keep the Florida primary in March instead of moving it later in the spring. Of course, once Carter was President, Hamilton Jordan -- and many of us remember this -- had an absolutely overt strategy of moving as many primaries to the front of the calendar as he possibly could so that any challenge to Carter would immediately be -- run into a wall of southern primaries.

Republicans, by the way, have played this sequence game, as well. In 1979, Ronald Reagan knew that he needed a place to beat John Connally in the South and get him out of the race before all of the southern primaries came. He liked, of course, the -- ironically -- and there's a lot of ironies in, by the way, these machinations -- but, ironically, that southern primary day that Jimmy Carter had created worked well for Reagan, except that he had to get the other southerner out of the race. So a young man named Lee Atwater and the Republican State Chairman Dan Ross arranged for a special October 1979 convention, where they created a Republican primary to be held on the Saturday before the southern Super Tuesday.

Fast-forward to 1984, Walter Mondale's running. He's Jimmy Carter's Vice President, and he looks at the calendar and says, "Oh, dear, what did we do?" Okay? Because he's running against John Glenn, and he's afraid that this wall of southern primaries that Jimmy Carter created are actually not going to be any good for him. So the Mondale Campaign works very hard to start moving other states up to that day. Rhode Island and Massachusetts are among those who move. Ironically, Mondale was not successful in moving his own state of Minnesota, early on.

And then, going even further, when Vice

President Bush ran in 1987, Lee Atwater again made sure that there were a lot of Republican contests right out of Iowa and New Hampshire. And Atwater referred to this as "George Bush's Firewall," for Bush -- in case Bush stumbled early, which, in 1988, you'll remember, he did stumble in both Iowa and New Hampshire.

What this says is, in the modern nominating system, sequence is strategy. And the primary calendar, frankly, has evolved, reflecting the machinations of presidential candidates. And I think that is something we have got to put right on the table here.

And Iowa and New Hampshire remain critical, because of the presidential candidates. And let me talk about that for a minute.

First of all, skipping those early contests can mean, as many candidates have found out, that you're simply out of the game before the game even barely begins. In 1976, Scoop Jackson thought he could wait out Iowa and New Hampshire and make his first run for office in Massachusetts. If you were thinking in the old way of nominating politics, it made sense.

Scoop Jackson is a very strong candidate with the labor movement. Massachusetts is a big labor state. It made perfect sense to think that way. Of course, in the new system Scoop Jackson was completely forgotten and barely got any delegates. I know this; I was a Scoop Jackson delegate from California in that year, and I did not go to the convention.

Even this year, Wes Clark -- General Wes Clark, Senator Lieberman, found out that skipping Iowa basically took them out of the New Hampshire contest. It was something they tried to do, and they found they were out.

In 1976, the party also realized that the new system could literally take a candidate from nowhere and put them into the front of the nomination, and, in fact, into the White House. And even though George McGovern was the first post-reform nominee, the intensity of the Vietnam conflict within the Democratic Party served to obscure some of the effects of the new rules.

By 1976, however, the party was really beginning to focus on this brand-new system, and

Carter's nomination focused attention on the early contests in a way that nobody else's had ever done. As the political scientist, Gerald Pomper, wrote in that year, he said, "Jimmy Carter was the only candidate in 1976 who was not fighting some previous war."

So it is against the backdrop of the '76 presidential election that -- primaries -- that the

Winograd Commission was created, to look at, initially, the proliferation of primaries. 1977 saw the

first introduction in Congress of bills to create either a national or a regional primary.

But 1976 also transformed and focused attention on the role of Iowa and New Hampshire. And it made it seem to everyone that the process was starting earlier than it had ever been. And I say "seem," because what really happened in 1976 was this enormous press attention to a brand-new and reformed system.

The Winograd Commission found that it had no real sticks with which to prevent the proliferation of primaries. And, in fact, on that Commission there was some question as to whether or not you would even want to do that. But they did turn, ironically, their attention to the window. And the initial window rule, what we now call the "window rule," was introduced by Commissioner Scott Lang, who is still a resident of Massachusetts, and it proposed a 13-week window, from the second Tuesday in March to the second Tuesday in June.

Not surprisingly, politicians in Iowa and New Hampshire, Democrats and Republicans, protested vigorously. And John Margolis, some of you may remember, a political reporter for the Chicago Tribune, wrote, quote, "The reformers of the Democratic Party, having done away with the unit rule, the closed caucus, and the winner-take-all primary, are now hoping to abolish an American institution, the New Hampshire primary. This time they may have gone too far."

What happened once this rule got proposed was that an enormous amount of attention focused on Jimmy Carter's White House and Jimmy Carter, the President, and he came under enormous pressure for having supported, or seemingly supported, this rule. Since he had won both Iowa and New Hampshire's, he now faced a barrage of criticism, both within his party and from the press, for trying to rig the contest in 1980 so that he couldn't be upset by a 1980 version of himself. Okay? And there were all sorts of press reports. Some of the headlines read, "Restacking the Deck," "Changing the Rules," or, "Stacking the Deck." And there was a lot of criticism.

The Carter White House, under pressure, finally, in fact, compromised by allowing there to be an exemption to the window rule, and they gave the politicians in Iowa and New Hampshire, who were obviously pulling lots of strings and feeling, as you can imagine, a little bit betrayed, private assurances that they would get exemptions. And all they had to do was make provable positive steps. Well, poor New Hampshire State Chairman Romeo Dorval went through the rather ludicrous motions of introducing a bill into the state legislature that would move the New Hampshire primary into the window in order to say to the National Committee that he had taken provable positive steps. He was kind of laughed out of the

room, hooted down. I don't think any Democrats voted for him. Jeanie probably remembers this better than I do.

So the first effect of the window rule was not at all to diminish the importance of Iowa and New Hampshire, and, in fact, quite the contrary, particularly if you look at the history of the Winograd Commission. The initial effect of the window rule was to cause a jump in the number of delegates selected in the month of March. Everybody moved up. That second Tuesday in March became "the starting gate." And, in fact, between 1976 and 1980 -- your graph showed this -- there's a 50 percent increase in the number of delegates selected.

So Carter loses the presidency to Reagan in 1980, and yet another commission is formed, one that David and I were on, and others in this room, the Hunt Commission.

Now, while the Winograd Commission operated - - I'm setting a little political context -- against the backdrop of rules that, in fact, for all the complaining, had produced a Democratic nominee who won the presidency, the Hunt Commission operated against a perception that the Carter presidency had been a failed presidency. Because, remember, not only, in 1980, did we lose the presidency, but we lost the Senate. And I want to take you back in time, because I know these days we all have a very rosy feeling for Jimmy Carter, but, back in 1981 and 1982, that was not exactly the case.

The prevailing philosophy going into the Hunt Commission was that reform had gone too far, that the nominating process, in being taken away from party professionals and given over to the grassroots, had produced weak nominees, and, in the case of Jimmy Carter, a weak President. AFL-CIO President Lane Kirkland was overt in saying that he wanted the bosses back in charge. And one of the initial effects of this feeling was to introduce all the automatic delegates, which we currently have in our nominating system, back into the process.

Once again, however, Iowa and New Hampshire came under attack. And this time their role was interpreted as having contributed to the generally poor quality of nominees, Democratic nominees, in the '70s.

So a second argument occurs in the Hunt Commission. And let me just give you two quotes from commission members of the time. This is 1982. Proponents of Iowa and New Hampshire argued that they should be retained as the first two contests because, otherwise, it would be hard for candidates, quote, "to break through the barrier of obscurity and begin to gain national reputations." The alternate view was argued as followed, quote, "Why in the world would we want to give an unknown, inexperienced person a chance to become President

in the first place?" So that was the argument.

Now, as -- once again, presidential politics come in and basically drive the Hunt Commission. On one side, the AFL-CIO, supported by Senator Kennedy, who, at that time, was thinking to run for President, wanted to enforce a strong window and have a no-exemptions policy. On the other hand, of course, was Governor Hugh Gallen, of New Hampshire, who let it be known -- and this is where I want you to take this with you -- he let it be known that he would be watching the presidential candidates and what they did.

So the first thing that happened was, there were immediate political implications of this for presidential candidates. The second thing that happened was that New Hampshire Democrats let it be known that they really didn't care about going to the convention, that in New Hampshire it was more important to have the first presidential primary than it was to have their 22 delegates seated. And, finally, commissioners were afraid that, in fact, if they really enforced the window, one unintended consequence would be a national primary.

Mondale, meantime, steps in; and, in January of 1982, Mondale's operatives meet and realize that they could gain political points by supporting New Hampshire, and Mondale becomes a firm supporter of the New Hampshire primary. Governor Gallen becomes his best, best friend in the world. And the exemptions are given. And, once again, Iowa and New Hampshire are first.

One of the ironies of this -- and there's lots of ironies in all these machinations -- is that, of course, Kennedy never ran for President in 1984. Hugh Gallen, unfortunately, died before the 1984 presidential race. And Mondale, in spite of all of his work, lost to Gary Hart in New Hampshire anyway. So, so much for the machinations. But it is a way of letting you know what has tended to happen.

The final rule on the window, then, allowed Iowa and New Hampshire to go seven and 15 days, respectively, in front. I tell you this brief history, and there's many more, to just give you a sense of the fact that this has never been just about rules, and it has never been just about the party; it has always been about the ambitions and the perceived advantages or disadvantages of various presidential candidates. Frankly, my own personal opinion is that I don't think that's going to change very much, even though Alexis is correct in saying we are in a sort of unprecedented open situation.

I think -- as this Commission goes forward, I think there are really two questions that should be on the table that are really party questions.

One is, Is there, in fact, an advantage to the party to having the process start in two states where there is a tradition and a necessity of retail campaigning?

It is true that, in Iowa and New Hampshire, presidential candidates actually meet real voters. Once they leave those states, they actually meet television camera crews. Okay? And that's a big, big change in the system. So one question I think that is relevant to this work is, Do we want to have a place where candidates go through that kind of scrutiny?

The second question is -- and I think this involves not really Iowa and New Hampshire as much as it involves the rest of the states -- Do we want to have a system where there is time to assess what happens in the first couple of races? That is what we have lost as more and more states moved forward to get into the mix. Is there a value in having a period of time where people catch their breath and look at these candidates, and look at who the New Hampshire voters, or Iowa voters, or any other early voters -- South Carolina voters -- selected and say, "Well, they did a good choice. We like them," or, "No, really we would like to look at some of these other people"? Is there a value to having a longer, more drawn out system? And that could happen, frankly, with Iowa and New Hampshire still being forward, but with larger states moving back in the nomination system.

Let me end by saying, we've done this many, many times in this party. Many of us have done this, really, a lot of times in this party. I'm very grateful to this party for giving me a fun and actually useful doctoral dissertation. And I think that there are issues at stake here that need a little bit more creativity than we have seen in the past. And I'm hoping that this Commission can bring some of that to bear.

And I thank you and will take your questions.

CO-CHAIR HERMAN: Thank you very much, Elaine. Thank you.

[Applause.]

CO-CHAIR HERMAN: We will now take questions from individual Commission members. I would ask that you either raise your tents or your hands -- your card tents or your hands -- for recognition from the Chair for questions of Dr. Kamarck.

Ms. Greene?

MS. GREENE: You mentioned that creativity could be used here. Do you have some ideas about what that could be?

MS. KAMARCK: What has never been really discussed in this party is -- we discuss Iowa and New Hampshire all the time, and everybody -- and various people have various schemes to get rid of Iowa and New Hampshire, and they are forces unto

themselves. And if you asked my opinion, I wouldn't waste my time on that. I think Iowa and New Hampshire are going to be first, and I think the press loves those two states. They like the politicians in those states. I think the presidential candidates are going to go to those states.

And so, I'm not sure that looking at this problem from the view of, "What can you do to Iowa and New Hampshire?" makes much sense, because we've been that way before and we still have them.

However, I do think that we ought to look at some of these other states. States following Iowa and New Hampshire always complain that they don't -- there's not a presidential campaign in the states, they don't get attention, et cetera. Well, any system that puts too many states on one day means, ironically, you won't get attention. It's sheer momentum. You just move -- you, in fact, ironically, increase the importance of Iowa and New Hampshire by this front-loading. So every year, we complain about the same thing, "Gee, Iowa and New Hampshire decide the ball game." Well, why is that? Part of the reason they decide the ball game is because there is literally no time between the New Hampshire primary and a huge number of primaries and delegates being allocated. So the presidential candidates run on sheer momentum. They go right into those races. And all those races really do, usually, is reinforce what happened in Iowa and New Hampshire.

If there were a longer period of time, people realized that they had to run a real campaign in a Pennsylvania, in a California, in a New York, then I think you would, ironically, diminish the importance of Iowa and New Hampshire.

CO-CHAIR HERMAN: Mr. Ickes?

MR. ICKES: Elaine, I have two questions. One is -- one of the complaints about Iowa and New Hampshire, in our party, at least, is that they are just simply unrepresentative of -- I think Senator Levin probably has a more articulate explanation of that, or articulation of that, than I -- but that they are simply unrepresentative of our party. And because of their impact and the media attention given to them, they help shape candidacies that may not be the strongest in a general election. And you've talked about giving breathing room between Iowa and New Hampshire and the next round of states, however defined. Would you also consider, or talk to the issue of, say, moving a couple of states, more representative states -- assuming that you buy the unrepresentative thesis -- moving a couple of states up close to Iowa and New Hampshire? Point one.

And point two is, and this may not be in your bailiwick, but if you have any thoughts about the ability of the national party to enforce its will, either

legally or politically.

MS. KAMARCK: I do think Iowa and New Hampshire, on strict demographic grounds, are unrepresentative. I mean, that is the fact. It's really difficult to find a black community, a Hispanic community in those states, although there are, but certainly not the way they are in New York or California. So you can't get around that.

The only way, I think, to, sort of, deal with that question would be to move a large state early, okay? Because it is the large states that tend to have the demographics that we're looking for. And what happens is, if you move a large state early, what you're doing is -- if you were to move them, say, before Iowa and New Hampshire, you are sacrificing that retail campaigning. You know, all the small states where you could, in fact, get that kind of one-on-one campaigning, they're going to be unrepresentative in some way. So it's really a kind of big-state/small-state question.

Secondly, and I think we'll deal with this later, but it's certainly been my experience that the leverage of the national party over state primary decisions is incredibly small. Our ultimate leverage, buttressed by the Supreme Court and by the -- covered the First Amendment, our ultimate leverage is simply to not seat delegations at our nominating convention. And, of course, when -- as you remember, when we were really fighting these rules fights in the 1972 convention and 1968 convention, there were delegations not seated. Okay?

But we have, actually, very little leverage. And I think when you're a small state like Iowa and New Hampshire, with a big tradition, being first, not only do your politicians not care about being seated at the convention, your voters don't care. I mean, your voters would rather have you -- have a first primary than have 20, 30 people go to a nominating convention.

CO-CHAIR HERMAN: Thank you.

I want to recognize Governor Shaheen, Mr. Overton, and Mr. Torres, in that order, and then Senator Levin.

GOVERNOR SHAHEEN: Thank you.

Elaine, you talked about the potential for moving states back in the process as a way to diminish the significance of Iowa and New Hampshire. As you remember, one of the things that happened in 2004 was a debate in the party about front-loading and the importance of doing that so we could raise the money to run against an incumbent President. Do you have a view about whether that front-loading has been helpful, in terms of ultimately allowing us to elect a President, or whether we would, in fact, be better off

with a primary season, as you describe, that has some important states going later in the process and, therefore, keeping the focus on what's happening within the nominating process?

MS. KAMARCK: The front-loading is different, depending upon the campaign-finance choice that the candidate makes. So, in 2000, the front-loading was disastrous for Al Gore, because he wrapped up this nomination. He had to sit for months and months before his convention, not having the capacity to really fight the Bush attacks, and Bush was still running for delegates, et cetera. So it was bad for him. It was fine for John Kerry because he opted out of the campaign-finance reform system. And so, he was able to -- even though he wrapped it up also early in March, he was able to raise money on the Internet. Frankly, I can't imagine, in the future, that presidential candidates with any capacity are going to stay in the campaign-finance reform system, in which case I don't think front-loading necessarily hurts them.

The reason I think that front-loading may be a danger when the party is in this situation is that it closes off the decision-making so quickly, and there isn't time for reflection. One of the things you see is that, if you go look -- and I did this briefly in preparing for today -- if you go look at poll numbers at the end of December in the year before the nominating season opens, you get, like, 16 to 30 to 40 percent in the poll numbers having no opinion of any of the candidates. So any polling, any sense that the people in the party might try to get as to, "Is Candidate X going to be capable of winning the general election?" is really based upon faulty data. Nobody knows enough about them to make your analysis anything useful. Once you go through Iowa and New Hampshire and you are in a race, those numbers drop, and people tend to form opinions about the whole field of Democratic candidates or Republican candidates. And then you can actually make better decisions. Okay? And yet, at that point, there is no decision to be made.

So, you could argue -- I mean, you could argue that spreading this out, having some bigger states happening at the end of March and in April and in May would give time for that reflection on the part of the party, to be reflected in subsequent electorates who actually were electing delegates.

CO-CHAIR HERMAN: Mr. Overton?

MR. OVERTON: You mentioned that we have little influence, in terms of the timing, with some of these primaries. I've got a couple of questions. One would be, Do we have more influence over party-run primaries, rather than state-run primaries, like

Michigan, South Carolina, New Mexico? And if we do, what's your thought of putting a more diverse place that might even be a retail place -- like a South Carolina, like a New Mexico caucus -- immediately after a New Hampshire or an Iowa, or maybe even a Michigan, soon after those other states?

MS. KAMARCK: I think we've actually done that in the past. We've given exemptions to put South Carolina early. I think South Carolina's gotten a lot of attention from the Democrats because of that. We did this last time. And then there was certainly a pretty good race. I'm looking at Don and Carol. I mean, it seems to me you had a pretty good primary race in South Carolina.

We don't really have, fundamentally, any more control over party primaries than we do over state-run primaries. And the reason is simply that our ultimate control is, in fact, seating the delegation. So if a state decides that they are more vested in their own system, and they'll worry about getting seated later, okay, there's not much the party can do about that, except kick them out of the convention. And then I think the party would go through the following question: Is the bad publicity back home worth not seating them at the convention? Okay, and, guess what? We would seat them at the convention. I mean, unless maybe they're Wyoming or a state that is so wildly Republican that we don't care, and we don't think we could ever win it.

So, we really have very few ways to impact when this process starts and when states go when they do, except that we really ought to start pointing out to some of these big states that if you're a big state and you're in the second Tuesday in March with five other big states, you're not important, because we have the functional equivalent of a national primary. And what we've really done is, we've created Iowa and New Hampshire, and then we've created the functional equivalent of a national primary. And that, ironically, has increased the importance of Iowa and New Hampshire, who were important, by the way, in 1976, okay, but Jimmy Carter didn't have a free ride. Even in 1984, Walter Mondale, you know, he had a tough - I mean, I worked in his campaign. He had a tough slog all the way, Art, to California, you'll remember.

So it does not mean -- there is nothing inevitable about cutting off this process, but, I'll tell you, the more states that jump onto that second Tuesday in March, the more we have a national primary and the more you increase the importance of those two early states.

CO-CHAIR HERMAN: Mr. Torres?

MR. TORRES: There is deep frustration in California. Not only have we been neglected, in

terms of the primary, we are obviously, in the last two election cycles, neglected in the general election, as well. Yet we sent over -- this past '04, over \$181 million left California, not one cent spent in California. So we don't even have wholesale politics, much less retail politics in California.

First question. How many nominees who have won New Hampshire? How many presidential -- eventual presidential nominees have won New Hampshire before?

MS. KAMARCK: Almost all of them have "won New Hampshire." And I want to put that in quotation marks, yes, because New Hampshire is so heavily covered that there's always an expectations game. So Bill Clinton came in second to Paul Tsongas in New Hampshire, but the buzz out of New Hampshire was that Bill Clinton won the New Hampshire primary because of his -- he came in second and made a good showing. So, basically, everybody wins New Hampshire somehow.

MR. TORRES: The other two issues are, Governor Richardson, who's head of our Democratic Governors Association, and others have opined that perhaps we need to have a western regional primary, because the issues of water, the environment, immigration, other socioeconomic issues that affect a more diverse kind of West mentality, were not covered in this.

And the last question -- and you can answer afterwards -- is that, Does the delay of primaries after Ohio, after New Hampshire and Iowa -- does that allow us to be much more reflective and much more intrusive into election violations and ballot counting that can prepare us for a battle in the general election?

MS. KAMARCK: Obviously, it does. I mean, obviously, if you have a delay there and something went wrong early on, you've got some chance to investigate it, et cetera. You also have -- look, you just have a chance to really look at these nominees.

What happens now is, if you're a voter in one of these states in March, you don't have any time to learn anything about the nominees. You wake up one morning, and somebody won New Hampshire. They're all over the news, and you see maybe -- if you're lucky, you see a couple of advertisements in your state, but there's no campaign there. So you're, sort of, left with very, very little information. And what you do -- what most people do is, they simply say, "Well, the one I heard about is the person who won New Hampshire, so that's who I'm going to vote for." Okay? And there's no independent judgement in the system, as it is now.

MR. TORRES: Regional primaries?

MS. KAMARCK: Regional primaries, kind of depends. I mean, I think, frankly -- I'll just be pretty blunt here, since I don't have a candidate, so I don't have to worry about insulting anybody -- the Rocky Mountain states, I think it is hard -- it would be hard for a presidential candidate to take them very seriously, even as a regional primary, because they're so small. California is a whole different ball game. Okay? California can always be a strategic player in the nomination process; and so can, for that matter, Washington and Oregon. I think the Rocky Mountain states, they're so Republican, so many of them, and their numbers are so small, that I would say, just to be perfectly blunt here, a presidential candidate may or may not pay attention to a, sort of, Rocky Mountain primary. But California is always important.

MR. TORRES: If they were grouped together?

MS. KAMARCK: If they were glued together, fine. It would depend, sort of, upon the timing. But you have, again, the problem of making of a national primary. In other words, it's a great big region. You've got -- let's say you have 10 states, 15 states going on one day. Basically, you've got a television primary. It is not clear that you would get the kind of campaigning that you want.

MR. TORRES: Thank you.

CO-CHAIR HERMAN: Thank you

I want to -- after calling on Senator Levin, I want to recognize two more Commission members, and then we will have to move to the next panel in order to stay on schedule.

Dr. Kamarck will be joining us for lunch, so there will be further opportunities for discussion at that time.

Senator Levin?

SENATOR LEVIN: Thank you.

And first let me congratulate you on a terrific presentation. The historical part, I think, was really good. The last two questions, I question. But it really is a very helpful assessment for us.

Where I have a problem is with the way you frame your last two questions. Question one, Do we want to have a place where candidates meet voters? Your answer, or, I think, the answer of many, would be, yes. What you leave out of that question is, Should it always be the same two states? That does not necessarily follow from the question. You left out question 1(a) or 1(b), and that's the part which, it seems to me, goes to at least part of our

deliberations.

There's an awful lot of states which believe they engage in retail politics. In fact, I think every one of us who represent any state believe we engage in retail politics. So that question, 1(b), should be added, I think, to your question.

MS. KAMARCK: That's fair. Absolutely.

SENATOR LEVIN: The second question is, Do we want a system where there is a period of time that elapses after whatever states go first that have that disproportionate impact? And it seems to me that is a very significant question. But then that also leaves out question 2(b), which is, Should we always have the same states come in the same order, or not, even if you want to space them out for the reasons that you give?

So what is omitted, it strikes me from your presentation, is the critical issue that different states with different interests and people who want to be involved, who feel left out, when it's always the same two states which have that disproportionate impact -- it's that feeling of irrelevance that we're trying to overcome in voters. It's the need for us to involve voters who feel, somehow or other, estranged from the system for a lot of reasons, but who feel more estranged because they see the huge focus, the huge attention that is given to two particular states that have their own interests. So deep are their interests that they don't care if they send delegates, which is what you just said. They don't care if they send delegates. They want the presidential candidates to understand their issues and pay attention to them.

That, on the other side of the coin, enhances the estrangement, the distance of voters in other states.

MS. KAMARCK: I agree. Those are two valid questions, your 1(b) and 2(b). Let me just say, though, that the only way I think you can get real retail campaigning is, in fact, with a small state.

SENATOR LEVIN: Fine. Alternate small states, then.

MS. KAMARCK: The Republicans, at one point, had this plan -- I don't know if some of you remember this -- this plan to have a lot of small states first, then going to big states, et cetera. The problem with alternating small states is, I don't know how you would do that. Okay? I mean, I guess the national party could try to determine -- try to tell small states, "Well, this year it's going to be your turn, Montana," or, "It's going to be your turn to go." That, I think -- you're losing your skirts there --

[Laughter.]

MS. KAMARCK: -- that, I think, in an ideal world, yes. But I think that's, operationally, very difficult to do unless Congress decides to get in and create a nominating system. And I think that congressional action in this area has very severe First Amendment and constitutional questions.

SENATOR LEVIN: Madam Chairman, if I could just have ten more seconds, that is not the alternative, to talk about Congress. People who think that that can work -- although, ideally, maybe it should -- the question is whether the party should have a system where the same two states are given a preference. Your premise is retail politics. There's an awful lot of states out there that would love to engage in retail politics with presidential candidates and never see presidential candidates, because over half of their visits go to the same two states, so the retail-politics argument doesn't lead to the same two states being the retailers.

MS. KAMARCK: Absolutely. But I don't know how you would enforce the system to rotate states.

SENATOR LEVIN: That's what we're here for. Why do you think this Commission is here, except to come up with what the ideal system is?

MS. KAMARCK: Okay.

CO-CHAIR HERMAN: Part of that, in fact, is what our mission is. And I just want to state, for the record, for our television audience, that Commission members did not literally lose their skirts, but the drapery for the tables did manage to fall.

SENATOR LEVIN: Some of us never had skirts to begin with, Madam Chairman, for our television audience.

[Laughter.]

CO-CHAIR HERMAN: Ed Turlington, I'll recognize you, then Ms. Conlin, Mr. Stratton, and then I believe we will need to move to the next panel at that point.

MR. TURLINGTON: Elaine, thank you for your presentation and challenging us to think creatively. I want to focus on your comments about time to assess. That is, how long the process goes on. And I note, from the party-office chart, which I'm sure you've seen, that the two cycles that I've seen in modern history, where we won by week five in 1992, 51 percent of delegates had been selected; and, in '76, which I realize is a long time ago, about a third of

the delegates.

I have two questions, and picking up on what Chairman Torres said, ask a question about regional primaries. Do you have an opinion, based on your experience, if we do have a process where we have a longer time to assess, or is there some value, later in the process, two regional primaries, or even a system where four or five states from different parts of the country picked out a day and went on those days?

And then the second question I would ask you, and I may be drummed off the committee for this, is there anything the Republicans have done in their process we can learn from?

MS. KAMARCK: I don't really have an opinion about a regional primary on a day, or a group of disparate states on a day. I mean, I think what I'm putting out here is a period of time for some reflection to happen. And I don't think it, frankly, really matters, one way or the other.

The only piece of the Republican Party rules that I tend to like -- and Harold is going to go

apoplectic now -- does not have to do with this, and it has to do with winner-take-all by congressional district, which I think actually builds them towards consensus candidates faster than our party does. But Harold and I fought about this for years and years, and that is not within the purview of the Commission.

But let me just say one thing that we should try to do this time, which we missed the opportunity -- some of you remember, we missed the opportunity to do in 2000 -- is to try and get the definition of the window between the Republican Party and our party on the same day. In 1997, '98, and '99, when -- and Jim remembers this, too -- we were in the Rules Committee.

We have Republican National Committee staffers coming to our Rules Committee meetings, because the effort was to -- just to try to get the two parties to start on the same day. And what happened -- it was really unfortunate -- which is, when Bush came in, and Karl Rove, and they had just won the system, they didn't really understand these talks that had been going on, anything -- as you may know, when you're in that situation, everything is hitting you enormously quickly -- they didn't really understand what these talks were, and their view was, "We won in the system. We don't want to change the system." They can only change their rules at their nominating conventions. So we lost, in 2000, the opportunity to have at least the Iowa Republican Caucus and the Democratic Republican Caucus and the New Hampshire primaries on the same day. And that has led us to then, in order to not disadvantage South Carolina again, give exemptions and move them

even earlier.

So we're now in this ridiculous situation where, basically, we're practically starting at Christmas. And I think if, this time around -- and I don't know if you've had these talks, Jim -- if we could get them to move back a little, that would be of enormous help.

CO-CHAIR HERMAN: I think we'll have a point of order on this, because actually we've made some progress on that front. I will ask Jim Roosevelt to speak -- speaking for the Rules Committee, to respond.

MR. ROOSEVELT: Just a point of information. We actually didn't give exemptions for South Carolina; we moved our window to match their earlier window in order to not disadvantage the Democratic nominating process; where, in 2000, we had radio silence for five weeks, while they continued to campaign, before our window started. And they had been prepared to move to our window, right up to the meeting of their Rules Committee, the day before the Republican Convention, when, after saying they had been neutral for months, the Bush Campaign instructed the Republican delegates in a way that we can't instruct our delegates to do things, to keep it the way they have it.

CO-CHAIR HERMAN: That is an important distinction, because I think real progress was made in '04 on that front. But the Republicans chose to move earlier, which really forced the hand of the Democratic Party. And that was a fact that was not well understood, I think, in terms of the public.

MS. KAMARCK: It really wasn't. And going back to Ed's question, I mean, just like a lot of this -- a lot of this, timing questions, get determined by presidential candidates within the party. A lot of it also gets driven by competition within states, between Republicans and Democrats, where the Democrats don't want to be left out, and states start moving. And so, if you take those two dynamics, they really have been what's been driving the system; frankly, a lot more than the actual rules processes.

CO-CHAIR HERMAN: Let us try to keep our last two questions as concise as possible.
Ms. Conlin?

MS. CONLIN: I will do that. I won't respond point by point to Senator Levin at this time, but sometime, perhaps.

CO-CHAIR HERMAN: There will be lots of opportunities.

MS. CONLIN: My question was about matching Republicans and Democrats. How important is it to the process that we are consistent in each state with the process that I understand has already been established by Republicans?

MS. KAMARCK: It is important when -- it varies from year to year. Okay? So in a year -- you know, last time, it wasn't important, because they didn't have any races. Okay? What happens is, it's important when the other party has a rip-roaring good nomination race, because, as all of you know, a big -- and the reason many of you want to more race -- more primary -- more action in your primaries is, a good contest brings out new voters, new money, new energy, et cetera. So it really varies. So in 1996, it really didn't matter. Bill Clinton was not opposed for the nomination. For the Republicans, in 2004, it really didn't matter. So it really varies as to the year.

The worst thing that has happened, historically, is, if one state is having a really good primary election or caucus fight in one party, and the other party is forced to be later in the system and not have the opportunity for, you know, that kind of energy, it has a trickle effect on other races, okay, because you don't have the new energy, you don't have the new blood, you don't have the new voters coming out, you don't get to update your voter lists; I mean, all the kind of stuff that trickles down from a really high-visibility contest, you tend to lose.

CO-CHAIR HERMAN: Thank you.
And, finally, Mr. Stratton

MR. STRATTON: Elaine, I appreciate your presentation, and particularly, as the Senator said, the history of it. And I think your reputation and credibility is so strong that almost everything you say is, you know, sort of, taken as fact. That's why I wanted to join in on this discussion of the western-primary concept with the western states.

I think there's another purpose to the schedule here and where we are scheduled and where our candidates campaign, and that is to build a base for a win in the fall. And it seems to me that one of the things we ought to be about here is growing the party, converting voters. And we are growing the numbers of Democrats and numbers of elected officials in the West.

A perfect example is Senator Veiga, who sits here today as a member of the Colorado Senate, the first time a majority since 1960. We have governors in Nevada, Colorado, Arizona, and New Mexico, and even Wyoming. We elected a new U.S. Senator in Colorado this past fall. And in 2000, Temo and I had the great good -- great honor to work with you and

deliver New

Mexico at 7:30 at night, when we thought New Mexico put Al Gore into the White House.

So I think we need to think more fondly of the West as a growth area for Democrats. We've all talked about and know that we've lost a great deal of footing in the South. And if we are not about trying to grow voters, convert voters in a place where we are now very, very competitive, even in this cycle – in Colorado, in New Mexico, in Nevada and Arizona, til the end -- Senator Kerry was very competitive, and had we won even two of those states where he lost by less than 4 percent, he would be in the White House today.

So, I would just have all of us think that maybe there's only 44 electoral votes in eight states in the Rocky Mountain West, but in both of the last two presidential cycles, we nearly delivered the White House for a party that often only thinks of the East and West Coast.

MS. KAMARCK: Well said, thank you.

CO-CHAIR HERMAN: Thank you, Mike.

MR. FOWLER: Can I have 30 seconds

CO-CHAIR HERMAN: Not longer.

MR. FOWLER: I agree with everything Elaine said, so I won't comment on what she said. I can't believe that we've gone through this and nobody has warned us about unintended consequences. I'd just assert that every time we've tried to game the system, it has not resulted as the intent of the gamers proposed. It just has so many ramifications about it, you can't manage the system.

A second thing is on money and the extent to which the decision to stay in and take the matching funds, or get out of the system, that is key to the determination of what our candidate will do, or can do, after the nomination has been secured.

And, as a final point, I would urge everybody not to be fooled by the experience of 2004 about this great flood of money. We had a great flood of money in this party because we hated George Bush so much. I think 2008 and subsequent years will give us much less money, and we will be more in the frame of what we were in '96 and 2000, and '92.

CO-CHAIR HERMAN: Important points. In 45 seconds, Don Fowler. I hope, as we continue on, though, in these deliberations, that you will have the chance to mention more, your words, "gaming the system," because I think that is going to be an important component of our discussions as we get into the notion of unintended consequences. Thank

you.

And, Elaine Kamarck, thank you, as always, for a stimulating and provocative discussion. Thank you.

[Applause.]