

Delegate Selection Rules for 1980, 9/77

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THE WHITE HOUSE
WASHINGTON

Hamilton:

Mark and I would respond in the following way. 20% is ok - not major but a worthwhile change. If at the last minute we drop our insistence from 25% to 20%, this may be seen as a generous gesture, minimizing bad political fallout, as everyone thinks we have the votes for 25% (and Mark was quoted in the NY Times as saying there is much support for 30%). On the other hand, we may get just as much political grief for a less substantial change in the rules.

Regarding the at-large. The purpose of 35% was to devote 25% to affirmative action, and 10% to public and party officials.

If 25% at-large is used for affirmative action, then public officials will probably be taken care of by adding them on ex officio to the delegation, rather than using the at-large positions.

So, we can go with both of the President's decisions. Do you want to respond back to him?

Rick

THE WHITE HOUSE
WASHINGTON

September 7, 1977

Hamilton Jordan

The attached was returned in the President's outbox. It is forwarded to you for appropriate handling.

Rick Hutcheson

RE: 1980 DELEGATE SELECTION RULES

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

6 September 1977

*Ham
J*

FILE

MEMORANDUM FOR THE PRESIDENT

FROM:

HAMILTON JORDAN *H.J.*

SUBJECT:

1980 Delegate Selection Rules

Next weekend, the Democratic Party Commission ("Winograd Commission") charged with revising the delegate selection rules for the 1980 Convention meets in Detroit. Pat Caddell, Rick Hutcheson, Mark Siegel and Anne Wexler are members of the Commission; inevitably, the positions they take will be interpreted as your positions. You need to be aware of the proposals which they, and I, recommend be taken at the Detroit meeting.

In general, I favor maintaining the delegate selection rules which were in effect in 1976 -- with some minor changes. (The most significant change from 1976 was made by the last Convention, which abolished the "loophole" primary.)

The most controversial proposed change would increase the percentage of the vote in a congressional district needed for a candidate to receive delegates from the current 15%, to 25%. In addition, the proposed rule change would make the 25% mandatory. The current rule is not mandatory -- many states award delegates to candidates receiving substantially below 15%.

Arguments in favor of the 25% threshold: 1. it would award delegates only to those candidates who demonstrate significant support in a congressional district, and not award any delegates to those who do poorly; 2. it would help build consensus around viable candidates, in the absence of the loophole primary, by blunting the factionalizing effects of strict proportional representation; and 3. it would make it more difficult for splinter candidates and one issue campaigns to amass delegate strength.

In a 1980 race between yourself and one strong challenger, the proposal probably would not have much impact. Against one not very strong challenger, it could allow for an early elimination of the challenger. In a field with two or more challengers, the 25% proposal would have a substantial effect in your favor.

Some party liberals oppose the 25% proposal, arguing that: (1) 25% is too high; (2) that minority viewpoints as well as strong candidates, should be given a fair share of delegates; and (3) that a 25% cutoff could produce many situations where one candidate wins all of the delegates in a CD, with as little as 25% of the vote. Some, on the DNC staff, argue that the advantages of the proposal may not be worth the criticism it would bring.

Ken Bode (New Republic) and Alan Baron have written articles in their respective publications charging that the 25% proposal is an effort by the White House to insulate the President from challenge in 1980. Some Party liberals might use this issue as a vehicle for mobilizing anti-Carter sentiment.

_____ 25% cutoff (I recommend) _____ 15% cutoff (1976 rules)

*How about a mandatory
20%?*

Other issues which the Commission will discuss:

I recommend that we maintain a provision in the present rules which says that if a state party makes a good faith effort to bring its state laws into compliance with party rules, but fails, then the state party should not be penalized. For example, the Illinois party is required (by the 1976 Convention) to try and change from a loophole to a proportional presidential primary. If Gov. Thompson vetoes this effort, then Illinois should be permitted to select delegates under its existing law, rather than be forced to scrap its presidential primary for a caucus-convention system.

I recommend that we neither push nor oppose giving voting delegate privileges to some or all of: Members of Congress, Governors, State Party Chairpersons. There is a surprising amount of sentiment for voting ex officio representation for future Democratic Conventions. Although this proposal runs against the recent trend in party reform, which holds that all voting

delegates should be popularly selected, it would not be politic for us to get in the middle of this fight.

I recommend that we support greater use of at-large delegates to improve affirmative action in the delegate selection process. The present rules provide that 25% of the delegates from every state should be used to include public and party officials, and traditionally underrepresented Democrats, on state delegations to National Conventions. Some states ignored this provision in 1976. We would favor mandatory use of the at-large delegate positions to balance state delegations, if the delegation selected to that point were poorly balanced, and raise the 25% figure to 35% to insure better representation. (This would not be a quota, as there would be no guarantee that a delegation would be perfectly balanced even if all at-large positions were used for affirmative action purposes.)

*Mandatory ok - In doubtful
about 35% - may be too high*