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Congressional Record - S.J. Res. 215 - National Primary

Mike Mansfield 1903-2001

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By Mr. MANSFIELD (for himself and Mr. AIKEN):

S. J. Res. 215. A joint resolution propos­
ing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States.

Mr. MANSFIELD. Mr. President, fol­
lowing New Hampshire, a headline writer
last week it put it clearly: "The Road Show Moves to Florida." That caption said everything there is to say about the effect of the campaign trail on the currents of presidential primaries upon the democratic processes of this Nation. What is happening in Florida today gives one cause to suggest that the campaigns of the Republican and Democratic parties are engaged in efforts to outdo each other in the manner of the Ringling Brothers-Barnum and Bailey have failed to close on schedule this year.

The truth is, the happenstance primary has become an established fact of American political life of such magnitude as to require us to face up to the problem of the impact of primaries on the electoral process. If we believe, as I do, that it is high time that we end these drawn-out political processes, then it is high time that we end the American electorate. The political system of this Nation is bound to support them even when a particular delegate himself happens to choose not to do so, and each other state must maintain a system of similar opportunities. The real issue in Florida, in fact, has little, if anything at all to do with the matter of selecting a presidential candidate. In some states, the issues are the same: the problem of the primary and the impact of primaries on the electoral process.

This is not the case with all such primaries. But that is the point. This year, what the candidates faces is the same misdirection and confusion and the conflicting primary laws that were confronted 4 years ago—with one exception: There are 25 primaries this year, up from 16 in 1968. And what does the increase tell us about the future? It is genuinely responding to the demand of citizens who, for the enhancement of the democratic system, ask that they be added to the list? I think not. Let us face it. Primaries have become big business—as nearly important to the coffers of some States as tourism, agriculture, heavy industry, or whatever.

For the candidates it means facing each other in areas that simply do not represent valid cross sections of the American electorate. Candidates must, therefore, if they are to succeed, put forth their best efforts to come out as apparent winners. In some cases, this has even meant running against themselves. They must compete for the same office. After winning the primary, they are bound to support each other when, apparently successful. At the very least, the candidate finds himself enmeshed in a maze of laws, customs, and bad practices that leave him physically exhausted, financially defeated, and, more often than not, politically defeated. In the wake of the 1968 result has fallen enormous effort and a huge sum of money. For the underfinanced and understaffed candidate, the effect is always fatal. For the American voter, the effect is one of bewilderment, confusion, and, at times, revulsion.

For the good of this Nation and for the preservation of its democratic processes as they were constituted originally, it is high time that we end the problem of the current political extravaganzas and institute a national presidential primary. I know that this path has been attempted before. I can only say it is by no means "original" with me. Together with the distinguished Senator from Vermont (Mr. Allen), we have introduced proposals to establish a national primary in the past. Other Senators have urged similar steps. I would hope the task could be finished.

Simply stated, what this present plan envisions is the nomination of presidential candidates by a single, nationwide, closed primary to be held on the first Tuesday in August. To get on the ballot, a major party candidate would be required to file petitions signed by qualified voters equal to one-twentieth of the votes cast for the president in the last election for presidential candidates in a given number of States. Provision would be made for minor party candidates as well. There could be no cross-filing and for the most part, the place and manner of holding the primary would be left to individual States. There would be a runoff only when no candidate receives more than 40 percent of the vote.

For Vice President, this proposal leaves it open for each party to designate an official candidate. Conventions are not abolished, though their role would change considerably. Assisting in the selection of the vice presidential candidate, and in other matters of party procedures would no doubt consume a substantial time of the convention delegates.

It should be noted that the campaign spendings referred to in this proposal for election reform, I would like to pay special tribute to the senior Senator from Vermont (Mr. Allen) who has again joined me in this endeavor to evolve constitutional change. In my judgment, no member of this institution is better able to pass judgment on the inadequacies and inequities of our political processes than the praying Republican of the Senate. I welcome this support once more. It has meant a great deal in the past. It means a great deal more than ever today. Mr. President, this is the distinguished Senator from Vermont (Mr. Allen) and myself, I send the joint resolution to the desk and ask that it be printed in the Record. The PRESIDING OFFICER (Mr. STEVENS). Without objection, the joint resolution will be received and appropriately referred; and, without objection, will be printed in the Record.

The text of the joint resolution is as follows:

S.J. Res. 215
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution if ratified by the legislatures of two-thirds of the several States within 7 years after its submission to the States for ratification:

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

"SECTION 2. The official candidates of political parties for President shall be nominated at a national convention by the vote of the party. Except with respect to qualifications relating to requirements of periods of residency, the State conventions requisite for electors of the most numerous branch of the State Legislature, the primary of the candidate for President shall be eligible to vote only in the primary of the party of his registered affiliation.

"No person shall be a candidate for nomination for President except in the primary of the party of his registered affiliation, and his name shall be on the primary ballot in all the States if he shall have filed a petition at the seat of the Government of the State where he resides, together with the petition which shall be valid only if (1) it is determined by the President of the Senate to have been signed, on or after the first day in January of the year in which the next primary election for President is to be held, by a number of qualified voters, in each of at least seven of the several States, equal in number to at least 1 per centum of the total number of votes cast for presidential and vice-presidential candidates of his party in those several States in the most recent previous presidential election; or, in the event the elections for candidates of a political party shall have appeared on the ballot in fewer than seventeen of the several States, equal in number to at least 1 per centum of the total number of votes cast for presidential and vice-presidential candidates of such party in the United States, and, for candidates for President and Vice President in the most recent previous presidential election, and (2) filed with the President of the Senate not later than the first Tuesday after the first Monday in April of the year in which the next primary election for President is to be held.

"SECTION 3. For the purposes of this article a political party shall be recognized as such if the electors for candidates for President and Vice President of such party received, at the last primary election, a majority and minority leader of such party, and the numbers of votes therein shall be equal in number to at least 1 per centum of the total number of votes cast for presidential and vice-presidential candidates of such party in the United States, and, for all electors for candidates for President and Vice President in the most recent previous presidential election.

"SECTION 4. For the purposes of this article a political party shall be recognized as such if the electors for candidates for President and Vice President of such party received, at the last primary election, a majority and minority leader of such party, and the numbers of votes therein shall be equal in number to at least 1 per centum of the total number of votes cast for presidential and vice-presidential candidates of such party in the United States, and, for all electors for candidates for President and Vice President in the most recent previous presidential election.

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

"SECTION 6. Within fifteen days after such primary election, the election officials in each State shall make distinct lists of all persons of each political party for whom votes shall be cast, and the names of each such person, which lists shall be signed, certified, and transmitted under the seal of the State to the President of the United States directed to the President of the Senate, who, in the presence of the President and Vice President, shall direct the majority and minority leaders of both Houses of the Congress, shall forthwith open said lists to the Congress and cause to have published in an appropriate publication the aggregate number of votes cast for each person of each party for the office of President of the United States.
This proposed amendment is designed to end the practice of individual State Presidential primaries and to restore some order to the Presidential selection process.

Candidates in a statewide primary are swayed by different motivations—most of them believing that as President they could provide us with better Government.

But there is also another motivation which tells them that even though convention delegates are not listed on the commodity market, they certainly do have a market value at the national party convention.

I do not mean a cash value, but a value in terms of prestige and influence should the recipient of their generosity be elected President.

For most candidates, campaign contributions are easy to come by and while most of these contributions come in small amounts from honest, patriotic citizens who thoroughly believe in a better Government, there is ample evidence that many of the larger contributions are made by individuals and organizations who regard a campaign contribution as an investment which may pay good dividends later on if the candidate is successful.

To be on the safe side, some families or organizations make contributions directly or indirectly to two or more candidates.

This, of course, is an investment in security.

Tomorrow, this country will witness the second statewide presidential primary held this year. We have already had one in New Hampshire. I feel rather safe in saying that, as a result of the primary in New Hampshire and the large number of candidates who sought the Democratic nomination in that State, probably none of them will be nominated to be the Democratic candidate for President.

There are 23 more to follow and by the time they are all completed, the public may well come to the conclusion that no one is fit to be President.

Seriously, Mr. President, I feel that the show now going on in half of the States of the Union is no credit to the democratic form of Government.

I do not think that candidates are more dishonest than they used to be.

I believe in the sincerity of most of those who now seek the Presidency, but the pitless publicity of today spread their weaknesses before the public in a discouraging and devastating manner.

Most of them are not nearly so bad as their rivals make them out to be, but I do believe that a single nationwide primary to nominate candidates for the Presidency and leaving the formulation of platform and policies to the national convention would be a vast improvement over what we have now and will, in my opinion, result in better Government.

Mr. President, I have been asked about the establishment of the machinery necessary to carry out the provisions for a nationwide primary. I call attention to section 11 of the resolution which states:

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