

UNITED STATES



OF AMERICA

U.S. Congress

Congressional Record

PROCEEDINGS AND DEBATES OF THE 94th CONGRESS
SECOND SESSION

VOLUME 122—PART 3

FEBRUARY 5, 1976 TO FEBRUARY 18, 1976

(PAGES 2463 TO 3714)

By Mr. MONDALE (for himself, Mr. PACKWOOD, Mr. STEVENSON, Mr. BAKER, Mr. ABOUREZK, Mr. BIDEN, Mr. CLARK, Mr. CRANSTON, Mr. DURKIN, Mr. PHILIP A. HART, Mr. HUDDLESTON, Mr. BROOKE, Mr. HUMPHREY, Mr. INOUE, Mr. DOMENICI, Mr. KENNEDY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MUSKIE, Mr. RANDOLPH, Mr. RIBICOFF, and Mr. SCHWEIKER):

S.J. Res. 166. A joint resolution to establish a Bicentennial Commission on Presidential Nominations. Referred to the Committee on Rules and Administration.

Mr. President, on behalf of myself and the distinguished Senator from Oregon, Mr. PACKWOOD, the distinguished Senator from Illinois, Mr. STEVENSON, and the distinguished Senator from Tennessee, Mr. BAKER who worked with me in drafting this proposal, I am introducing a joint resolution to create a Bicentennial Commission on Presidential Nominations. We are pleased that we have been joined by an impressive list of cosponsors—Mr. ABOUREZK, Mr. BIDEN, Mr. BROOKE, Mr. CLARK, Mr. CRANSTON, Mr. DOMENICI, Mr. DURKIN, Mr. PHILIP HART, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. INOUE, Mr. KENNEDY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MUSKIE, Mr. RANDOLPH, Mr. RIBICOFF, and Mr. SCHWEIKER.

As one who spent a full year actively seeking the Democratic Presidential nomination, I have concluded that the manner in which we nominate and elect a President is badly in need of review.

Incredibly, there has never been a serious, fundamental and comprehensive review of our Presidential nominating process throughout our 200-year history. While in most areas they have proved unflinching wisdom and foresight, the framers of our Constitution did not realize that the system of electing our Chief Executive would evolve into a jumble of State laws, party regulations and unchallenged traditions, with the political parties playing the major role in the selection process.

There have been various attempts over the years to reform certain aspects of this process, but there has been no unified effort to resolve the system's shortcomings. We believe the time for one is long overdue, and that is what this commission is intended to accomplish.

This bipartisan commission, whose 18 members would be appointed equally by the President pro tempore of the Senate, the Speaker of the House and the President, with the chairmen of the two national parties serving ex officio, would be asked to look into all aspects of the nominating process, including the manner in which States conduct Presidential primaries and selection of delegates to the national nominating conventions, State laws and rules of national political parties which govern the participation of voters and candidates in such primaries and caucuses, Presidential campaign financing, the relationship between the candidates for President and the media, and the manner in which candidates are nominated for the Vice Presidency.

The nominating process desperately

needs a comprehensive review of these areas and their relationships to the others and an approach which seeks to resolve the problems in a way consistent with clearly defined and broadly agreed upon goals.

The present system of nominating Presidential candidates is close to anarchy. There are really 55 separate and different systems. This year 30 States will hold separate primaries, each without any relationship to the others, and they will account for approximately three-fourths of the delegates which will attend both national conventions next summer. Thus, we virtually have a de facto national primary—albeit in fragmented form—without ever having adopted it as a matter of national policy.

The attempts at reform thus far have included proposals for a national primary, regional primaries and variations of the present system. But there has never been a national consensus on any single proposal for reform of this system. There is a consensus, however, among the cosponsors of this resolution—and a growing number of others throughout the country—that the entire system is badly in need of review.

There is always considerable interest in reforming the nominating process during a Presidential election year, but unfortunately it quickly fades after the election. Even though we believe this interest is higher now than ever before, we fear the same thing might happen again. The Commission we advocate would report back with its findings and recommendations in early 1977, giving Congress the unique and compelling opportunity to act well in advance of the 1980 elections.

Whatever alternative system may be recommended by this Commission and adopted by the Congress we believe we can do much better than the present system. We also believe there is no more fitting effort we could undertake in this Bicentennial Year than to try to improve one of the most important elements of our democratic process.

I ask unanimous consent that this resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES 166

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Bicentennial Commission on Presidential Nominations Resolution".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the United States to improve the system of nominating candidates for election to the office of the President of the United States by studying such system in a broad manner never before attempted in the 200-year history of this Nation.

ESTABLISHMENT OF COMMISSION

SEC. 3. (a) There is established the Bicentennial Commission on Presidential Nominations (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of 20 members to be appointed as follows:

(1) six members shall be appointed by the President pro tempore of the Senate, of

whom at least two shall be members of the Senate and at least two shall be elected or appointed State officials;

(2) six members shall be appointed by the Speaker of the House of Representatives, of whom at least two shall be members of the House and at least two shall be elected or appointed State officials;

(3) six members shall be appointed by the President; and

(4) two members shall be the chairmen of the two national political parties and shall serve as ex officio members.

(c) At no time shall more than three members appointed under paragraph (1), (2), or (3) of subsection (b) be individuals who are of the same political affiliation.

(d) A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made, subject to the same limitations with respect to party affiliations as the original appointment.

(e) Twelve members shall constitute a quorum, but a lesser number may conduct hearings. The chairman of the Commission shall be selected by the members from among the members, other than ex officio members.

FUNCTIONS OF THE COMMISSION

SEC. 4. (a) The Commission shall make a full and complete investigation with respect to the presidential nominating process. Such investigation shall include but not be limited to a consideration of—

(1) the manner in which States conduct primaries for the expression of a preference for the nomination of candidates for election to the office of President of the United States caucuses for the selection of delegates to the national nominating conventions of political parties;

(2) State laws and the rules of national political parties which govern the participation of voters and candidates in such primaries and caucuses;

(3) the financing of campaigns for the nomination of candidates for election to the office of the President of the United States;

(4) the relationship between candidates for election to the office of the President of the United States and the news media, including how candidates achieve public recognition and whether such candidates should be guaranteed access to the television media;

(5) the interrelationship of the elements described in paragraphs (1) through (4) of this section;

(6) alternative nominating systems, including but not limited to a national or regional primary system for the expression of a preference for the nomination of candidates for election to the office of President of the United States and variations on the present nominating system; and

(7) the manner in which candidates are nominated for election to the office of Vice President of the United States.

(b) The Commission shall submit to the President and to the Congress such interim reports as it deems advisable, and not later than one year after the enactment of this resolution, a final report of its study and investigation based upon a full consideration of alternatives to our current presidential nominating system, including an analysis of the strengths and weaknesses of all such alternatives studied, together with its recommendations as to the best system to establish for the 1980 presidential elections. The Commission shall cease to exist 60 days after its final report is submitted.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The Commission may, in carrying out the provisions of this joint resolution, sit and act at such times and places, hold such hearings, take such testimony, request the attendance of such witnesses, administer oaths, have such printing and binding done, and commission studies by any

Federal agency or executive department, as the Commission deems advisable.

(b) Per diem and mileage allowances for witnesses requested to appear under the authority conferred by this section shall be paid from funds appropriated to the Commission.

(c) Subject to such rules and regulations as may be adopted by the Commission, the chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification in General Schedule pay rates, but at such rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$100 a day for individuals.

COMPENSATION OF MEMBERS

SEC. 6. (a) Members of the Commission who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(b) Members of the Commission not otherwise employed by the Federal Government shall receive per diem at the maximum daily rate for GS-18 of the General Schedule when they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

TIMELINESS OF APPOINTMENTS

SEC. 7. It is the sense of the Congress that the appointments of individuals to serve as members of the Commission be completed within 90 days after the enactment of this resolution.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this resolution.

Mr. PACKWOOD. Mr. President, today, Senators MONDALE, BAKER, STEVENSON, and I are introducing a resolution to establish a Bicentennial Commission on Presidential Nominations. Seventeen of our colleagues have joined us in sponsoring this resolution.

The Commission will be charged with investigating the Presidential nominating process and determining the most effective means of reforming it. The 20 Members appointed from within the Senate and House as well as by the administration and both major national political parties, will undertake a mammoth, but much-needed and long-overdue task. In addition to comparing different State primary and caucus procedures, they will explore Presidential campaign financing and the effect of the news media on elections. Although it is too late for reforms of the 1976 election procedures, we expect the Commission's report and recommendations a year after they begin their task, leaving ample time to discuss and implement the recommendations for 1980 as to the best method for Presidential elections.

The first of 30 primaries will be held in

a few short weeks. Thirty times in the next 6 months Americans will be inundated with "definitive" election results as to who is the front runner and who has fallen irretrievably behind. The number of Presidential primaries continues to increase, and we have yet to find an acceptable means of controlling this needless proliferation. At the present rate, soon all 50 States may have individual State primaries vying for national attention. This is a needless waste of energy, money, and time.

Years ago, people were content to let "someone else" make the decision of who should be nominated for President. Now, expectations have increased, and rightly so. With the trends in openness in Government, the days of the backroom boys and midnight caucuses have disappeared. But with the modern primary process, this "shuttle candidacy," where the candidate steps off the plane with a jet-lag grin, is an exhausting, wasteful exercise. There must be a better way than breakfast in New Hampshire, lunch in Florida, and dinner at the California caucus. This is not the best measure of any candidate's talent; it is an endurance contest.

I would hope that the Bicentennial Commission on Presidential Nominations would thoroughly study the Presidential primary process and make recommendations as to how we can best reform it into a more meaningful exercise of political expression. I urge my colleagues to join with me in sponsoring this resolution.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 2903

At the request of Mr. BEALL, the Senator from Florida (Mr. STONE) was added as a cosponsor of S. 2903, a bill to permit the review of regulatory rules and regulations by the Congress.

SENATE RESOLUTION 104

At the request of Mr. HATHAWAY, the Senator from Florida (Mr. STONE) and the Senator from Ohio (Mr. GLENN) were added as cosponsors of Senate Resolution 104, relating to the Select Committee on Small Business (to provide limited legislative authority).

SENATE RESOLUTION 366

At the request of Mr. HUMPHREY, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of Senate Resolution 366, disapproving the proposed deferral of budget authority for Indian health facilities.

SENATE JOINT RESOLUTION 109

At the request of Mr. BUCKLEY, the Senator from Utah (Mr. GARN) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Joint Resolution 109, a joint resolution relating to the European Security Conference.

SENATE JOINT RESOLUTION 148

At the request of Mr. BROCK, the Senator from Idaho (Mr. McCLURE) was added as a cosponsor of Senate Joint Resolution 148, a joint resolution to clarify and reaffirm Government purchasing policies.

SENATE RESOLUTION 381—SUBMISSION OF A RESOLUTION RELATING TO THE 50TH ANNIVERSARY OF AMERICAN COMMERCIAL AVIATION

(Referred to the Committee on the Judiciary.)

Mr. CANNON submitted the following resolution:

S. Res. 381

Whereas, in 1925 the Congressional Air Mail Act was enacted into law to authorize the United States Post Office Department to speed the mails by increasing the use of commercial aircraft, under which Act in 1926 air mail contracts were awarded to 12 new airlines flying 15 routes connecting with the Post Office Department's central transcontinental service, thus creating the foundation of our great national air transportation system, and

Whereas, in 1926 a supporting Congressional Air Commerce Act created the Aeronautics Branch of the Department of Commerce (now the Federal Aviation Administration of the Department of Transportation), which agency immediately designated necessary airways, provided ground-to-plane radio communications, lighting, weather and other aids to air navigation, encouraged local authorities to provide airports, and issued regulations for operation of commercial aircraft, which Acts were the legislative cornerstones of commercial aviation, and

Whereas, in our Bicentennial Year the Aviation Historical Foundation is commemorating this 50th anniversary of the birth of Commercial Aviation by collecting such information and exhibits as are available for public display and dissemination and by encouraging appropriate ceremonies to celebrate the occasion and recognize the many contributions by government agencies and the aviation industry, and

Whereas, the U.S. Postal Service having definitely proved that carriage of mail by airplane is speedy and reliable has discontinued its special air mail service and now is carrying all first class mail to distant points by air, and thus is issuing a special commemorative stamp in March depicting the planes used in the first official air mail flights between Detroit and Cleveland and Detroit and Chicago on February 15, 1926, and between Elko, Nevada, and Pasco, Washington, on April 6, 1926, for which special collector's covers are being provided by the Aviation Historical Foundation.

Be it resolved by the Senate of the United States that the 50th anniversary of the birth of American Commercial Aviation be officially recognized and that all concerned governmental agencies be requested to join in participating in appropriate national and local ceremonies celebrating the 50th anniversary of commercial aviation.

Mr. CANNON. Mr. President, 1976 is America's Bicentennial Year, but it also marks another anniversary in our history, an anniversary of a fledgling industry that began 50 years ago and grew to a point where today it affects the lives of nearly every citizen of the United States. This year, 1976, marks the 50th anniversary of American Commercial Aviation.

In 1925, the Congressional Air Mail Act was enacted into law to authorize the U.S. Post Office Department to speed the mails by increasing the use of commercial aircraft. One year later contracts were awarded to 12 new airlines to fly 15 routes connecting with the Post Office Department's central transcontinental service.