THE WISCONSIN PRIMARY AND THE DEMOCRATIC NATIONAL COMMITTEE: A STATE PARTY STRUGGLES AGAINST NATIONAL-PARTY RULES

by

GARY D. WEKKIN

B.A., University of Wisconsin-Madison, 1971
M.A., University of British Columbia, 1972

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

in

THE FACULTY OF GRADUATE STUDIES

Political Science

We accept this thesis as conforming to the required standard

THE UNIVERSITY OF BRITISH COLUMBIA

May 1980

© Gary D. Wekkin, 1980
In presenting this thesis in partial fulfilment of the requirements for an advanced degree at the University of British Columbia, I agree that the Library shall make it freely available for reference and study. I further agree that permission for extensive copying of this thesis for scholarly purposes may be granted by the Head of my Department or by his representatives. It is understood that copying or publication of this thesis for financial gain shall not be allowed without my written permission.

Department of Political Science

The University of British Columbia
2075 Wesbrook Place
Vancouver, Canada
V6T 1W5

Date April 2, 1980
ABSTRACT

THE WISCONSIN PRIMARY AND THE DEMOCRATIC NATIONAL COMMITTEE:
A STATE PARTY STRUGGLES AGAINST NATIONAL PARTY RULES

by

GARY D. WEKKIN

In 1975 the Wisconsin presidential primary became the center of an internal party dispute between the Democratic National Committee and the state Democratic party of Wisconsin. The cause of the dispute was that one of the Democratic National Committee's delegate selection rules for the 1976 national convention called for Wisconsin's revered 70 year-old "open" presidential primary to be closed to crossover voting. This mandate, which reflected the national committee's fear that Republican and independent crossover voters would boost George Wallace's candidacy or help nominate a weak Democratic candidate, conflicted with the principle tenets of Wisconsin's Progressive, anti-party political culture. Distrust of political parties is widespread in Wisconsin, and the rights of crossover voting and absolute secrecy in the voting booth have been the objects of highly favorable political orientations there ever since the open primary was introduced by the state's most beloved and famous son, Robert M. La Follette, Sr. The resulting states' rights conflict between the Wisconsin and national Democratic parties illustrates the decentralizing effect the federal structure has had upon the national parties, and sheds some light upon the degree to which the power relationship between the DNC and its state components has changed since the Supreme Court's landmark Cousins v. Wigoda (1975) decision.
In addition to the conflict between the Wisconsin and national parties, the primary question also produced much disagreement among Wisconsin Democrats, and eventually within the DNC as well. The dissension in the Wisconsin party illustrates Sorauf's point that U.S. political parties are really three parties in one: the party organization, the party-in-the-electorate, and the party-in-the-government. Each of these components of the Wisconsin Democratic party had its own separate interests in the primary dispute, and behaved in conflictual fashion toward each other. The Wisconsin Democratic organization leaders were unable to secure the cooperation of their party's legislative wing in attempting to comply with the DNC's closed primary directive, and were forced to adopt a caucus system of delegate selection instead.

The subsequent meaninglessness of the Wisconsin primary engendered conflict within the national Democratic party, which earlier had been united on the necessity of banning crossover voting. As the race for the party's presidential nomination progressed, elements favoring presidential candidates expected to do well in the Wisconsin primary suddenly became amenable to its restoration as the method of selecting the state's delegates. Wisconsin's Democratic Governor, Patrick J. Lucey, hoping to save Wisconsin's tradition and influence the nomination race, formed a coalition of these national party elements which forced the DNC to restore the state's open primary for delegate selection purposes one month before the primary was due to take place. The building of that coalition reveals much about coalition politics, the motivations of politicians, and what politicians do when they must choose between two goods.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIST OF TABLES</td>
<td>v</td>
</tr>
<tr>
<td>LIST OF FIGURES</td>
<td>vi</td>
</tr>
<tr>
<td>ACKNOWLEDGEMENTS</td>
<td>vii</td>
</tr>
<tr>
<td>CHAPTER I: INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>II: CROSSOVER VOTING: THE DNC'S REASON FOR WANTING A CLOSED PRIMARY</td>
<td>24</td>
</tr>
<tr>
<td>III: PARTY POLITICS IN A HOSTILE ENVIRONMENT: WISCONSIN'S POLITICAL CULTURE</td>
<td>43</td>
</tr>
<tr>
<td>IV: THE ACTORS</td>
<td>77</td>
</tr>
<tr>
<td>V: THE DEMOCRATIC NATIONAL COMMITTEE</td>
<td>123</td>
</tr>
<tr>
<td>VI: THE DEMOCRATIC PARTY OF WISCONSIN</td>
<td>166</td>
</tr>
<tr>
<td>VII: THE WISCONSIN LEGISLATURE</td>
<td>213</td>
</tr>
<tr>
<td>VIII: THE GOVERNOR</td>
<td>287</td>
</tr>
<tr>
<td>IX: PRESIDENTIAL POLITICS: A PARTY-WIDE COALITION REVERSES THE CRC.</td>
<td>348</td>
</tr>
<tr>
<td>X: CONCLUSION</td>
<td>370</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>395</td>
</tr>
<tr>
<td>GLOSSARY</td>
<td>407</td>
</tr>
<tr>
<td>CHRONOLOGY: THE WISCONSIN PRIMARY QUESTION</td>
<td>421</td>
</tr>
<tr>
<td>Tables</td>
<td>Page</td>
</tr>
<tr>
<td>--------</td>
<td>------</td>
</tr>
<tr>
<td>1</td>
<td>Interviews Categorized by Role of Respondents</td>
</tr>
<tr>
<td>2</td>
<td>Democratic Voter Turnout in 1972 Open and Closed Primaries</td>
</tr>
<tr>
<td>3</td>
<td>Wisconsin Voter Turnout in Primary and General Presidential Elections</td>
</tr>
<tr>
<td>4</td>
<td>Party Identification of Voters Casting Ballots for Leading Candidates in the 1964 and 1968 Wisconsin Democratic Presidential Primaries</td>
</tr>
<tr>
<td>5</td>
<td>Frequency of Themes in Editorials on Closed Primaries</td>
</tr>
<tr>
<td>6</td>
<td>Most Reliable Sources of Information about Politics</td>
</tr>
<tr>
<td>7</td>
<td>Most Important Sources of Information in Vote Decision</td>
</tr>
<tr>
<td>8</td>
<td>Presidential Preference of 1975 DPW State Convention Delegates</td>
</tr>
<tr>
<td>9</td>
<td>CRC Vote Association Scores, All Members</td>
</tr>
<tr>
<td>10</td>
<td>CRC Bloc Disposition Toward State Party Compliance</td>
</tr>
<tr>
<td>11</td>
<td>Senate District Competitiveness According to Republican Percentage of Major Party Vote in 1972 Elections and Willingness to Vote for Closed Primary among 19 Senate Democrats</td>
</tr>
<tr>
<td>12</td>
<td>Terms in Office and Willingness to Vote for Closed Primary among 19 Senate Democrats</td>
</tr>
<tr>
<td>13</td>
<td>Election Victory Margins and Willingness to Vote for Closed Primary among 19 Senate Democrats</td>
</tr>
<tr>
<td>14</td>
<td>Primary Victory Margins and Willingness to Vote for Closed Primary among 19 Senate Democrats</td>
</tr>
<tr>
<td>15</td>
<td>How the CRC Blocs Voted on the Wisconsin Waiver</td>
</tr>
<tr>
<td>16</td>
<td>Presidential Preference of Wisconsin Democratic Leaders, December 1975</td>
</tr>
</tbody>
</table>
# LIST OF FIGURES

<table>
<thead>
<tr>
<th>FIGURE</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIGURE 1</td>
<td>Legislative Closed Primary Initiatives and Their Life Spans.</td>
<td>179</td>
</tr>
</tbody>
</table>
ACKNOWLEDGEMENTS

It is impossible to research and write a work as detailed and lengthy as this without the cooperation and assistance of many people. The manuscript was typed with great professionalism by Lynda Reigstad, who was kind enough to work overtime to accomplish the task. The research was eased by the cooperation of such people as librarians H. R. Barwick and Gerard Holder at the Democratic National Committee, archivist Nancy Kaufman at the Wisconsin State Historical Society, and research analyst Clark Radatz and others at the Wisconsin Legislative Reference Bureau. State Democratic chairpersons Michael Bleicher of Wisconsin and Morley Winograd of Michigan opened up their parties' files to me (the latter by mail), as did Mary Scheckelhoff and her superiors at A.F.S.C.M.E.'s Washington office.

A special debt is owed Governor Patrick J. Lucey, who permitted early access to his official papers, and kindly consented to a most valuable personal interview. Also granting multiple interviews as well as access to their extremely useful personal papers were Brady C. Williamson and Linda Reivitz of Madison. Reid Beveridge of the Wisconsin State Journal provided the results of a useful legislative questionnaire done by that paper; Charles Longley of Bucknell University kindly provided his paper on the Compliance Review Commission; and Steven Schier of the University of Wisconsin granted access to a collection of Mikulski Commission documents.

Many others allowed me to interview them for this study; and I wish to thank every one of them. Among these, special thanks must go to Mark A. Siegel of the White House, and Congressman Morris K. Udall, both of whom went to great lengths to answer my questions. I also would like to thank my friend, Representative James W. Wahner, who assisted in securing
interviews with some of his legislative colleagues.

I also must thank the several mentors and colleagues who have read and commented on earlier drafts of this study. These include Leon D. Epstein, who was kind enough to give time to a graduate student from another university, Donald E. Blake and H. B. Chamberlain, both members of my dissertation committee at the University of British Columbia, and my dissertation advisor and friend, David J. Elkins, whose patient guidance has sustained both this project and my development as a scholar. Finally, not every scholar is privileged to cite his wife as a mentor or colleague, but I feel that I must do so: her experience in party and legislative politics in Wisconsin has been an invaluable resource. Even more than this, her patience, tenderness, and endurance have sustained me and kept me going these past three years.
CHAPTER I

INTRODUCTION

In 1975 the Wisconsin presidential primary, which historically has been one of the most important such contests on the American campaign trail, became the center of a controversy which resulted in open political conflict between the Democratic Party of Wisconsin and the Democratic National Committee, and within the ranks of both organizations as well. The cause of the controversy was that one of the Democratic National Committee's new delegate selection rules for the 1976 Democratic national convention directly contravened Wisconsin's revered 70 year-old "open" primary law. This particular reform, rule 2A, sought to restrict crossover voting in Democratic presidential primaries by requiring state Democratic parties to "take all feasible steps to restrict participation in the delegate selection process to Democratic voters only."¹ To the extent that compliance with this and other delegate selection rules required the changing of conflicting state laws, state Democratic parties were required to "take provable positive steps to achieve legislative changes to bring the state law into compliance with the provisions of these rules."² Only if a "good faith effort" to change the laws were tried and failed could a state party escape being ruled non-compliant.
In Wisconsin's case, the Democrats were in possession of the Governor's chair and both houses of the legislature, which disposed the Democratic National Committee (DNC) to regard that almost nothing less than the actual change of Wisconsin's open primary law could be accepted as a "good faith effort" to comply with the national rules. The offending section of the Wisconsin law which rule 2A required amending permitted crossover voting in all of the state's primary elections, presidential primary included. The DNC wanted this law amended so that henceforth only voters acknowledging themselves to be Democratic party supporters could cast ballots on the Democratic side of the state's presidential primary. It was hoped that this change would discourage the participation of independents and Republicans who had been "diluting" the voice of true Democratic voters by crossing over into the Democratic primary, usually to vote for George Wallace.

In Wisconsin, however, the right of crossover voting is seen as a progressive, anti-machine reform engineered by the state's most beloved and famous son, Robert M. La Follette, Sr., and long has been a focus of political orientation strongly entrenched in the state's political culture. Distrust of political parties is widespread in Wisconsin, and public opposition to the proposed "closing" of the open primary was immediate, strong, and unrelenting. Before the clash between these two reforms was over, political observers would be treated to the sort of spectacle Democrats are famous for: internecine warfare involving the DNC, the state Democratic party organization of Wisconsin, the state's Democratic governor, and a Democrat-controlled state legislature, with an antagonistic press and Republican opposition also interested in the outcome. How these actors eventually resolved the open-vs.-closed primary controversy in Wisconsin is a case worth studying in intimate detail for the lessons it contains about relations
between the national parties and their components, the state parties, in our federal political structure.

The impact of that federal structure on the organizational structure of the national parties has been profoundly decentralizing. As Leon D. Epstein points out, "Organizing parties basically at subnational levels is a common feature of federal systems. . . . [W]herever there are substantial, constitutionally guaranteed powers at the regional level, parties organize to compete for power at that level." An additional feature of the American federal system which heightens its decentralizing effect is that it also requires parties to be organizationally strong at the state level in order to compete for national power. The electoral college device interposed between the popular vote and the election of presidents makes victory at the state level absolutely essential to victory at the national level. Thus, practical political necessity historically has meant a more powerful strategic position in the national party for those who control the state party organizations than for those who head the national party organization itself.

Moreover, the Constitution grants powers to the states as sovereign political units which they have used to regulate the conduct of party affairs within their boundaries to a degree which Frank J. Sorauf believes is not equalled in any other western democracy. And, as Epstein's observation suggested, as sovereign political units the states offer an array of elective offices to fill and governing functions to perform, which have the effect of setting the states up as a rival focus for the orientations and attentions of local party members. The result has been the development of disparate state political cultures (e.g., Progressivism in Wisconsin, nonpartisan politics in Minnesota, and white politics in Alabama) which are at odds not only with one another, but also with the idea that national party
organizations, which are not even mentioned in the Constitution, should be able to impose uniform standards of behavior upon those state political cultures from the outside.

The conflict between Wisconsin Democrats and their national party, then, is not a new or unique one: it is as old as the nation itself. In a word, the open-vs.-closed primary controversy in that state is a question of states' rights, like those of slavery, poll taxes, and the white primary. But the Wisconsin primary question is an important new chapter on the subject of states' rights, at least as far as political parties and election laws are concerned. The Wisconsin controversy takes place after the United States Supreme Court's landmark Cousins v. Wigoda (1975) decision, and sheds light on how the power relationship between the party national committees and the state parties has changed (in the Democratic party, at least) since that decision upheld the right of national committees to impose their own delegate selection standards upon states.

On the one hand, much of the evidence which will be presented in this study suggests that the position of the national Democratic party unquestionably has been strengthened by Cousins v. Wigoda (1975) and the delegate selection reforms of the 1970's. These reforms, which were aimed at offsetting environmental obstacles to party strength such as federalism, election laws, statutory regulation, and political culture, have had a rather dramatic impact. The delegate selection rules have become important strategic considerations in the race for the Democratic party's presidential nomination, as the interest of the 1976 presidential candidates in the outcome of the Wisconsin primary dispute will attest. In so doing, these rules have made the party organization more influential in the selection of the presidential nominee, and less the captive of such environmental factors as
federalism and state laws. Indeed, it is my contention that the overall interaction between Wisconsin Democrats and the DNC during this rules dispute lends some weight to William J. Crotty's recent conclusion that "The historic relationship between the national [Democratic] party and its local and state units [has been] altered, and . . . dramatically reversed." With respect to the important functions of delegate selection and presidential nomination, the DNC now dictates terms to the state and local Democratic parties which it once was just the creature of.

On the other hand, the outcome of the controversy under study saw Wisconsin Democrats gain a last-minute reprieve for their open primary from the DNC, which suggests that the DNC's court-backed reform rules still may be challenged successfully. Why, then, do I contend that these rules have strengthened the DNC relative to its state components? Because the conditions under which Wisconsin's defiance of rule 2A ultimately succeeded were quite different from those under which it earlier had failed. The evidence which will follow strongly suggests that Wisconsin's resistance to compliance, which was fruitless so long as Wisconsin stood by itself, succeeded only when it was joined by last-minute pressure originating throughout most of the national Democratic party. The Wisconsin Democrats did gain a special exemption from the national rules, but only at the sufferance of a broad, majority coalition of national party elements, each of which had their own late-blooming interest in keeping the Wisconsin primary open and binding. In fact, what had been only a states' rights struggle between a state and national party suddenly was absorbed into a larger struggle between DNC factions seeking competitive advantage for their respective candidates in the ongoing race for the party's presidential nomination. Consequently, it appears that the DNC has met with some success in its effort to lessen the
weakening and decentralizing effects of the federal structure, which is at the very core of the difficult environment in which American political parties must operate.

OTHER THEMES

There also is much more about party politics, and politics in general, that can be learned from close study of the Wisconsin primary dispute. Following are three themes that recur throughout this study.

Factionalism

This study's concentration on a specific rule conflict between a party national committee and a state party should illustrate that state parties as well as national parties are not monoliths. They frequently contain groups divided along the lines of interest, which qualifies these groups for the label of "faction."

Within the Wisconsin party, for example, such a division of interest existed between the three structural elements Sorauf has labelled as the party organization, party-in-government, and party-in-the-electorate; elements which in Wisconsin's case correspond very closely to those factional groupings which James Q. Wilson and others have termed as party "amateurs," "professionals," and "voters." The Democratic Party of Wisconsin (DPW) was a volunteer organization dominated by "amateurs," whose chief concern during this controversy was to get their state delegation admitted without challenge to the 1976 national convention. The chief concern of the Democratic "voters" who were not enrolled members of the party but usually voted for its candidates was to preserve their anonymity and independence from
organizational control. The main concern of the "professional" politicians elected as Democrats to the state legislature was to avoid the electoral consequences that might result from enacting a bill requiring the "voters" to declare themselves Democrats publicly before being allowed to vote in the Democratic half of the state's heretofore open primary.

Within the Democratic National Committee, a similar but bipartite division of opinion existed between the liberal-left party reformers (usually "amateurs"), who believed that the national rules must be enforced uniformly upon the states in the interest of legitimacy and fairness, and the mostly-moderate party regulars (usually "professionals"), who believed that the rules ought to be flexible in cases like Wisconsin's, where strict enforcement might harm the state party's candidates competitively. Yet these two factions began to fragment and realign once the race for the party's presidential nomination was officially underway, and certain members in each began to perceive that their favorite candidates stood to benefit if rule 2A were enforced somewhat differently in Wisconsin's case than they originally had preferred. Cognizant of the role which rules may play in determining who wins and who loses in politics, they began to support or oppose Wisconsin's case for an open primary according to the criterion of candidate advantage, rather than the principles of states' rights versus accountability to the rules. Thus, ultimately, the stakes involved in the open-vs.-closed primary controversy grew to include competitive position in the race for the party's presidential nomination, in addition to the DNC's ability to enforce its rules upon the states and the right of Wisconsin Democrats to abide by their state's long-standing tradition.

These internal divisions in both party organizations influenced the acting out of the conflict between the DNC and Wisconsin Democrats, so that,
with factions in each having input, the final disposition of Wisconsin's primary in 1976 was necessarily a group decision. A coalition had to be formed from among those interested, which suggests a second general lesson of this case study.

Coalition-Building

The tripartite division of the party into amateurs, professionals, and voters (or party organization, party-in-government, and party-in-the-electorate), compounded by the decentralization of the party structure caused by the federal system, makes it "useful to think of parties as coalitions of players whose members must somehow reach agreement among themselves if they are to be effective political forces."\(^\text{15}\) Indeed, coalition behavior is so typical, not only of party politics but of our pluralistic politics in general, that "American politics is almost universally seen as the politics of coalition-building."\(^\text{16}\)

Consequently, much scholarship has been done on the coalition-building process; but most of it, such as that done by William H. Riker and Steven J. Brams,\(^\text{17}\) is theoretical work applying game theory to the task of constructing a series of general statements about how the coalition process operates. Not much of this literature takes the "worm's-eye" approach to coalition-building; and thus very few good, in-depth examples exist of how real politicians faced with the task of building a coalition actually go about accomplishing that feat. Important concepts relevant to coalition-formation, such as "side payments" to attract members into the coalition, have been elucidated by Riker and others,\(^\text{18}\) but little attention has been paid to such questions as what form a "side payment" actually might take, and how a
coalition leader might go about offering such inducements to prospective coalition partners.

This study does not provide an answer to such questions in any general sense, but it does provide a fascinating, enlightening, and even entertaining example of how one successful coalition was forged. The rather surprising composition of the coalition of intraparty forces which saved Wisconsin's open primary, along with the calculated and skillful manner in which that coalition was put together, should provide readers some insight into the practical techniques, or "nuts-and-bolts" of coalition-building.

Self-Interest and the Dilemma of Choice

Finally, all of this conflict between national party and state party, and between factions within those parties, is perhaps as enlightening about individual political behavior as it is about group behavior. The conflicts of opinion and interest that existed among the aforementioned group actors also existed inside or confronted many of the individual politicians who comprised those groups or factions. Their internalization of the conflicting ideals of states' rights and party responsibility, and their juggling of the conflicting interests of re-election and convention participation, provide us some insight into the question of how politicians choose when they must choose between two or more values dear to them. Austin Ranney has noted that "real life political decisions are rarely choices between flawless goods and unmitigated evils; they are usually choices between one good thing and another." How do politicians go about choosing between two goods? Do they choose on the basis of which is the greater principle, or which better serves their self interest, or what?
To ask this question is really to ask what are the roots of political behavior; for, according to many social scientists, ideology and interest are the two most essential motivating elements in the realm of politics. Many argue that ideology, which Daniel Bell sums up as "the conversion of ideals into social levers," is a powerful motivating force in human activity. They point out that the potency of ideology is borne out by the fact that interests are more negotiable than beliefs. When interests conflict in a democratic system, they may be adjusted through bargaining; but when beliefs conflict, people tend to "dig in their heels," and the conflict is more likely to attain and/or remain at a high pitch. However, other scholars, such as V. O. Key, argue that ideology and interest are closely related; and some in fact argue that ideologies are, among other things, rationalizations of interests.

The "selection" of an ideology, or of bits and pieces of an ideology, or of an opinion, is, of course, dependent upon how useful it is to a man or group.

Which, then, of these two essential motive forces is greater? It would be foolish and presumptuous to attempt to answer this question in a study as narrow in scope as this one. However, I will contend that the individual voting behavior and other evidence presented in the chapters ahead do strongly suggest two conclusions concerning how politicians choose. One is that interest appears to outweigh ideology as a determinant of individual political behavior. The other is that, the first conclusion aside, choosing between two goods is a difficult, painful proposition for the politicians—one in which more time often is spent trying to figure out how to have it both ways than in consideration of which good to choose.
THE APPROACH

The case study method, which is employed here, has both disadvantages and advantages. On the one hand, it is too often descriptive rather than analytic, focuses on the unique rather than the general, and as a result sometimes contributes little to the advancement of political science as a truly scientific body of knowledge. On the other hand, it permits an intensive examination of the particulars under study, and is well applied in those instances in which the scholar fears diminishment of the richness of the data, and the story it tells, may result from the application of arbitrary a priori concepts.

It is my belief that such diminishment would have been the almost unavoidable result of the application of any other method to the study of the Wisconsin open-vs.-closed primary dispute, for there is so much of interest in that dispute which is unique as well as general. The Progressive political culture which underlay Wisconsin's opposition to the DNC's rule 2A is unique; yet the resulting conflict between the national party and its state component is a recurrent theme in American party politics. The coalition-building strategy employed to save the open primary was conceived and executed by a rare political virtuoso; yet, as already mentioned, coalition politics are almost the very embodiment of American politics. The factional turn-abouts and defections which occurred in the DNC rule enforcement commission's last-minute vote to restore Wisconsin's open primary were unique in the annals of that commission; yet, the interest which spurred those defections and reversals is, as already mentioned, a general determinant of political behavior. Consequently, I have endeavored to tell the story of this controversy in minute detail, using the concluding sections of
each chapter to extract from the detail that which is of more general interest.

The plan employed for the organization of data in this study is an actor-oriented one. Chapters II and III set the background for the actors and their interaction by detailing, first, the DNC's perception of a need to restrict participation by crossover voters in its delegate selection process; and second, the anti-party/pro-openness orientations of the Wisconsin political culture which influenced that state's various Democratic actors. Chapter IV describes each of the actors in the dispute—the Democratic National Committee, the Democratic Party of Wisconsin, the Wisconsin Democratic legislators, and Democratic Governor Patrick J. Lucey—and spells out the specific interest each actor had at stake in the open-vs.-closed primary issue, and how that interest helped shape the actor's stance on the issue.

The next four chapters cover the controversy from the standpoint of each actor, and detail the actions taken by each from the beginning of the controversy in December, 1974 to its conclusion on March 5, 1976. As the creators and enforcers of rule 2A, the Democratic National Committee's actions set the stage for those of the various Wisconsin actors; hence, the first of these chapters (Chapter V) describes the role and involvement of the DNC and its Compliance Review Commission, the quasi-judicial compliance-monitoring and enforcement body which is the instrument of national party control over the delegate selection processes of the state party organizations. Chapter VI undertakes the next logical step, which is the examination of the reactions of the Wisconsin Democratic party organization (the DPW) to the DNC's closed primary mandate, and to the new party commission which enforced that mandate and monitored the Wisconsin Democrats' efforts to comply with it. Chapter VII, which deals with the actions taken by the Wisconsin
legislature, shows how those legislators had a much more substantial stake in the controversy than did the state party organization, and, being very independent of that organization anyway, behaved more defiantly toward the DNC than the state party organization might have wished. Chapter VIII deals with Democratic Governor Patrick J. Lucey's involvement, including his attempt in the last days of the crisis to use his own national prestige and the ongoing race for the Democratic presidential nomination to form a coalition of national party elements to save Wisconsin's open primary.

Finally, in Chapter IX, this same coalition-building process is examined a second time, from the perspective of the needs of Governor Lucey's coalition partners, rather than just those of Mr. Lucey and Wisconsin. From this perspective, it appears that those national party elements, rather than the Governor and his fellow Wisconsin Democrats, were perhaps the real engineers of the salvation of Wisconsin's open primary. The campaigns of no less than three of the top presidential contenders—one each from the party's left, right, and center—actively sought the last-minute restoration of the primary as the means of the selection of Wisconsin's delegates. Each of these candidates thought they could win or finish high in Wisconsin, and each furthermore vitally needed a win or high finish just then for various strategic reasons. This leads to the conclusion that it really was the national Democratic party itself, and not just a state party, which forced the DNC to back down on the question of Wisconsin's compliance with rule 2A.

THE DATA

Most of the data for this study comes from document and newspaper collections located in Washington, D.C. and Madison, Wisconsin, and from
interviews conducted in those cities.

Documents

Much of the documentary evidence is taken from the files of the Democratic National Committee in Washington, D.C., the files of the Democratic Party of Wisconsin in Madison, Wisconsin, the files of the Wisconsin Legislative Reference Bureau in the state Capitol at Madison, and the archives of the State Historical Society of Wisconsin, also at Madison. The files at the two party headquarters' office suites, although incomplete and disorganized due to lack of space and staff, were the most valuable sources of documents. They contained much correspondence between the national and state party organizations in regard to compliance, minutes and transcripts of important meetings, and internal memoranda. The Legislative Reference Bureau's files contained relevant bills, as well as a few pieces of official correspondence, press releases, and briefing papers that were useful. The State Historical Society's archives were consulted because they contained the official papers of Governor Patrick J. Lucey and the personal papers (1964-1974 only) of Wisconsin DNC member Michael Bleicher. Both were somewhat useful sources of relevant newspaper clippings; but aside from this contained very little sensitive material except the Governor's telephone log and daily schedules.

More fruitful than these were two private collections of papers kindly made available to me by former Lucey associates Linda Reivitz and Brady C. Williamson. These contained much useful information about the Governor's stance and policy on the primary question, mainly in the form of working notes, internal memoranda, and correspondence. Especially useful was a fascinating index card file used by the Governor to determine how to approach
members of the DNC's Compliance Review Commission, who would vote on the last-minute restoration of Wisconsin's open primary.

Newspapers

The Legislative Reference Bureau's files were extremely valuable as a source of newspaper clippings. The LRB maintains a running clippings collection, organized by topic and drawn from eight Wisconsin dailies and several New York, Washington, and other nationally prominent newspapers. Because Wisconsin politics were covered by this invaluable service from the standpoint of eight different dailies, I almost always was able to gain more than one perspective on the same news event. The files of the Democratic National Committee, which subscribes to the Press-Intelligence, Inc. clippings service for the information of its leaders and staff, also contained many useful articles on the politics of the DNC from Washington and other big-city dailies, which I augmented by scanning the Wisconsin State Historical Society's microfilm holdings of the New York and Washington dailies between December, 1974 and July, 1976.

Interviews

A third important source of data for this study was the interview. Fifty-one individuals directly involved in the open-vs.-closed primary controversy in some capacity were interviewed a total of 69 times (several were re-interviewed a second and third time). Included were state legislators, DPW organization leaders, and the Governor and his staff in Wisconsin, and members of the Democratic National Committee and its staff, the DNC's Compliance Review Commission and its staff, the Udall for President campaign,
and assorted other prominent Democratic leaders in Washington, D.C. and elsewhere around the country. A number of those interviewed, however, wore more than one hat (e.g., were state legislators and DPW organization leaders), so that the total number of legislators, state party leaders, DNC staff, etc. actually interviewed exceeds 51, as the categorical breakdown in Table 1 indicates.

The interviews, all of which were conducted by myself, were unstructured; although many questions were asked of several or all interviewees in order to assure corroboration of important points. Twenty-one of the 69 interviews were conducted by telephone: most of these were either brief, follow-up interviews, or were long-distance interviews of important actors who did not reside in Washington or Wisconsin, and could not be interviewed in person. Another 13 interviews actually consisted of written questions which were answered and returned by distant respondents, four of whom were interviewed by telephone as well.

The remaining 35 interviews were conducted in person, ranged in length from 20 minutes to two-and-one-half hours, and almost always took place in the privacy of the respondents' homes or offices. Most were recorded on tape after the respondents were given the choice of notes or recording. To make sure that neither method would inhibit the respondents, they were asked to signal if they wished to say something not for attribution, and the recorder was turned off if it was in use. Several respondents took advantage of this safety valve, often more than once. Occasionally, when my own judgment led me to anticipate that a certain respondent might find a particular question too sensitive to give a completely frank answer, I voluntarily turned the recorder off and assured the respondent that what he or she said would not be for attribution.
TABLE 1

Interviews Categorized by Role of Respondents*

<table>
<thead>
<tr>
<th>Role of Respondents</th>
<th>Members</th>
<th>Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democratic legislators</td>
<td>11(^a)</td>
<td>2</td>
</tr>
<tr>
<td>Democratic National Committee</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>DNC Compliance Review Commission</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Democratic Party of Wisconsin Administrative Committee</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Governor of Wisconsin and staff</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Press (Wisconsin)</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>Republican legislators</td>
<td>2(^b)</td>
<td>1</td>
</tr>
<tr>
<td>Udall for President campaign</td>
<td>1(^b)</td>
<td>7</td>
</tr>
<tr>
<td>Others</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>

Total N Roles of Those Interviewed  66

*Respondents may occupy more than one role

\(^a\) 7 Assembly members, 4 Senators

\(^b\) Congressman Morris K. Udall himself
Personal Records and Recollections

The final, if somewhat slanted, source of data is my own file of records, notes, and recollections from employment with the Democratic Party of Wisconsin during the period May, 1975 to February, 1976. In this capacity as a member of the state party headquarters staff, I attended and took notes on most meetings of the DPW's state Administrative Committee, all of the 1975-76 legislative floor debates dealing with the bills which would have closed the open primary, most of the legislative hearings on that same question, one of the meetings of Governor Lucey's "Ad Hoc Committee," and of course was party to several private discussions with various actors (which are used here "on background" only). For about three and a half months prior to the arrival of a new executive director at DPW state headquarters, I was responsible for all matters having to do with delegate selection to the 1976 national convention. During this time everything relevant to the primary question that came through state party leaders landed on my desk; and I travelled to roughly 60 of Wisconsin's 72 counties for unit membership meetings or discussions with county party headquarters which almost always involved the primary issue as well as other delegate selection matters.

For these reasons, a personal familiarity with the subject and the actors that is not normally present in academic studies may reveal itself in this work. Although this familiarity almost certainly carries with it certain biases, I have tried to be as conscious of them as possible, and hope that the intimacy and feel for the issue and the actors conveyed here will more than offset any subjectivity on my part. With that warning to the reader, I now move on to a discussion of how the openness of Wisconsin's presidential primary came to be an issue within the Democratic National
Committee in the first place.
NOTES
CHAPTER I


2Ibid., 17-18.


4Wisconsin Statutes 1975, section 8.12.


6"No other parties among the democracies of the world are so bound up in legal regulations as are the American parties. The forms of their organization are prescribed by the states in endless, often finicky detail. The statutes on party organization set up grandiose layers of party committees and often chart the details of who will compose them, when they will meet, and what their agenda will be. State law also defines the parties themselves, often in defining the right to place candidates on the ballot. A number of states also undertake to regulate the activities of parties; many, for example, regulate their finances, and most place at least some limits on their campaign practices. So severe can these regulations be, in fact, that in some states the parties have developed elaborate
strategies to evade the worst burdens of regulation." Frank J. Sorauf, 


9 Most contemporary specialists on the American political parties seem to feel that those parties are very much the creatures of their surrounding environment, which overall is quite hostile to their development and success. On this, see especially Sorauf, Party Politics in America, 21-26; William J. Keefe, Parties, Politics, and Public Policy in America (New York: Holt, Rinehart and Winston, 1972), 1; and Leon Epstein, Political Parties in Western Democracies (New York: Praeger, 1967), 8-9.

10 The editors of the most recent (and perhaps most thorough) work on factionalism define a faction as "any relatively organized group that exists within the context of some other group and which competes with rivals for power advantages within the larger group of which it is a part." See Dennis C. Beller and Frank P. Belloni, "Party and Faction: Modes of Political Competition," in Belloni and Beller, editors, Faction Politics (Santa Barbara, Cal.: ABC Clio Press, 1978), 419.

11 Sorauf, Party Politics in America, 9-11.


Austin Ranney explains the political significance of rules thusly: "First, the structure of a party's organization, whatever may be its ultimate significance or insignificance for the Republic, has a profound influence on contests to win the party's nominations, elect its candidates, distribute its patronage, formulate its programs, and allocate whatever other goods its members seek. Second, the party's structure is determined most immediately by the content, interpretation, and application of its own rules and the relevant public laws. Third, people can and do preserve or change the party's structure by making and amending the rules and laws. And fourth, the contests between those who urge and those who resist particular reform proposals are real fights over important stakes, and any party politician who recognizes that such a fight may put his own position in the balance has no choice but to participate." Curing the Mischief of Faction (Berkeley: University of California Press, 1975), 10-11.


18 Ibid., 34, 105-06.

19 Ranney, Curing Faction, 195.


21 Daniel Bell, The End of Ideology (Glencoe, Ill.: Free Press, 1960), 371.


23 Key, cited by Apter, Political Analysis, 232.


25 The relevant collections used here are files 324.34/Z and 324.346/Z, both of which concern presidential primaries.
CHAPTER II

CROSSOVER VOTING:
THE DNC'S REASON FOR WANTING A CLOSED PRIMARY

To understand the dispute between the national and Wisconsin Democratic parties, it is first necessary to understand why the DNC passed a rule banning open primaries. The problem that the DNC sought to rectify was that committed Democrats sometimes were not the sole determinants of the outcomes of Democratic presidential primaries. While some crossover voting takes place in all primaries, DNC officials were convinced that this was especially true in those states whose presidential primaries were "open." The source of this belief was two-fold: first, a disparity existed in the percentage of total Democratic strength turning out to vote in open primaries as opposed to closed primaries; and second, Democratic voter turnout in open presidential primaries tended to be greater than the Democratic turnout in those same states in November.

An internal memorandum from Compliance Review Commission Executive Director Scott Lang to DNC Deputy Chairperson Mary Lou Burg reported that the percentage of total Democratic strength turning out to vote in Wisconsin's 1972 presidential primary not only was far higher than that of most closed presidential primaries, but was even in excess of 100 percent of.
that estimated strength (see Table 2). 2 Obviously, according to this
analysis, more Democratic votes were cast in Wisconsin's (and Tennessee's)
1972 primary than legitimately existed in the state. A subsequent com­
parison of Democratic voter turnout figures for the last four Wisconsin pri­
mary and general presidential elections suggested that Wisconsin consistently
seemed to have many more Democrats at primary-time than it did in November
(see Table 3). As Compliance Review Commission member Marge Pattison of
Wisconsin pointed out in making these figures public,

In each of [the last] four Wisconsin presidential primaries the
people of this state voted the Democratic ticket by margins of
two-to-one, and in 1972 by a margin of almost four-to-one. Yet
the Republican candidate for president carried this state in three
out of four of those years in November. 3

The problem, though, was not just that non-Democrats were casting
ballots in Democratic primaries, but that in doing so they were diluting the
will of true Democrats, who presumably might prefer a different type of
candidate than do Republicans and independents. In the eyes of many Demo­
crats, most of them liberals and residents of the other 49 states, this
dilution was too often the result of a conscious attempt to sow mischief in
the ranks of the Democratic party. The open primary, which once was a re­
form protecting the vote of small entrepreneurs and laborers from customer
and employer pressure, 4 now was perceived by high DNC officials as "the
mechanism of the most flagrant manipulation of democratic decision­
making. . . ." 5
### TABLE 2

Democratic Voter Turnout in 1972 Open and Closed Primaries*

<table>
<thead>
<tr>
<th>State</th>
<th>Percentage of States' Total Democratic Strength Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pure open primaries</td>
<td></td>
</tr>
<tr>
<td>Michigan</td>
<td>92 %</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>100+ %</td>
</tr>
<tr>
<td>Primaries in which voter's preference is declared but unrecorded</td>
<td></td>
</tr>
<tr>
<td>Tennessee</td>
<td>100+ %</td>
</tr>
<tr>
<td>Primaries in which voter's preference is declared and recorded</td>
<td></td>
</tr>
<tr>
<td>Illinois</td>
<td>54 %</td>
</tr>
<tr>
<td>Indiana</td>
<td>83 %</td>
</tr>
<tr>
<td>Ohio</td>
<td>63 %</td>
</tr>
<tr>
<td>New Jersey</td>
<td>6 %</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>15 %</td>
</tr>
</tbody>
</table>

*Adapted from Scott Lang, Memorandum to MLB (DNC Deputy Chairperson Mary Lou Berg), "Re: Wisconsin Crossover Vote," undated (Reivitz files).

### TABLE 3

Wisconsin Voter Turnout
Primary and General Presidential Elections*

<table>
<thead>
<tr>
<th></th>
<th>1960</th>
<th>1964</th>
<th>1968</th>
<th>1972</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>339.4</td>
<td>842.8</td>
<td>299.6</td>
<td>788.5</td>
</tr>
<tr>
<td>General</td>
<td>895.2</td>
<td>830.8</td>
<td>638.5</td>
<td>1050.4</td>
</tr>
</tbody>
</table>

The Case Against Crossover Voting

Most political scientists maintain that crossover voting with mischievous intent is not widespread, if it exists at all; but those politicians with practical experience in managing campaigns and running for office have ever maintained that it does. It matters not who is right; what is important here is that it is the politicians, and not the political scientists, who make the national delegate selection rules. The record, or legend, of purported crossover abuses that served as a principle part of their case for banning open primaries was a rich one, and much of it involved Wisconsin elections.

In the 1946 California gubernatorial primary, Governor Earl Warren was nominated as both the Republican and Democratic candidate for governor because the Republican primary was uncontested and Republicans voted en masse in the Democratic primary. In that same year, Wisconsin Democrats reputedly crossed over to vote in the Republican primary for what they thought was the weaker of the two candidates, and gave the nomination to an unknown named Joe McCarthy over the incumbent, Robert La Follette, Jr. Ten years later, many Wisconsin Democrats knowingly voted for Republican Senator Alexander Wiley because they thought his primary challenger, Congressman Glenn Davis, would be harder for Democrat William Proxmire to beat. Vote totals in the 1952 Wisconsin presidential primary reflected what the Brookings Institute and the American Political Science Association termed "a migration of Democratic voters into the Republican primary . . . who were solely interested in aiding the [Earl] Warren slate against the [Robert] Taft slate." In the 1956 Minnesota primary, Senator Estes Kefauver defeated Adlai Stevenson and won most of that state's delegation with the help of a heavy Republican
crossover. Mr. Stevenson's campaign immediately charged that the 125,000 voters who crossed party lines had done so in a concerted effort to stop the strongest Democratic candidate. David, Goldman, and Bain conclude that the crossover probably consisted of "both a substantial bona fide farm vote for Kefauver and a considerable Republican crossover that appeared to be deliberately intended to confuse the issue for the Democratic party." They note that without the crossover, Mr. Stevenson might have won by "a small majority," and that this episode "undoubtedly" played a major role in the subsequent repeal of Minnesota's primary law.

Equally as alarming as these reputed incidents of mischievous crossover voting were some in which mischief may not have been intended. Especially notable among these were the surprising showing in the 1964 Wisconsin primary by George Wallace, whose 30 percent of the Democratic vote consisted mostly of Republican and independent crossover votes (see Table 4); the upset victory in the 1968 Wisconsin primary of Eugene McCarthy, who apparently drew more than a third of his total vote from Republicans and independents (Table 4); and the upset victory of George McGovern in the 1972 Wisconsin primary, in which it was revealed by a New York Times poll (N=382) that 19.3 percent of the 1,128,584 voters casting Democratic ballots were Republicans, and another 7.3 percent were independents. In other words, roughly 218,000 Republicans participated in the 1972 Democratic primary, while only 286,444 voters (some of whom must have been independents) cast ballots in the Republican primary. An angry Hubert Humphrey told the Times the day after Senator McGovern's Wisconsin victory that that outcome was not an accurate reflection of Democratic voters' wishes: "A 50 percent Republican crossover louses it up, and everyone knows it."

Worst of all, it seemed possible to some Democrats that crossover
<table>
<thead>
<tr>
<th>Voters' Party Identification</th>
<th>1964</th>
<th>1968</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wallace</td>
<td>N</td>
</tr>
<tr>
<td>Democrat</td>
<td>10</td>
<td>6.8</td>
</tr>
<tr>
<td>Crossovers</td>
<td>30</td>
<td>62.5</td>
</tr>
<tr>
<td>Independent</td>
<td>4</td>
<td>22.2</td>
</tr>
<tr>
<td>Republican</td>
<td>26</td>
<td>86.7</td>
</tr>
</tbody>
</table>

*Adapted from David Adamany, "Crossover Voting and the Democratic Party's Reform Rules, American Political Science Review, 70 (June 1976), 539.

<sup>a</sup>Consists of write-in votes for Hubert Humphrey, Robert Kennedy, and George Wallace.
voting on such a grand scale might occur again in 1976. Indeed, former Congressman Melvin Laird, a leading Wisconsin Republican and close advisor of President Ford, had predicted publicly that up to 60 percent of Wisconsin's Republicans might cross over to vote in the 1976 Democratic primary.  

The Growing Consensus Against Open Primaries

Consequently, many throughout the national Democratic party began to question the open primary concept because, regardless of whether mischief was intended or not, Republicans and independents were influencing the race for the Democratic presidential nomination. This realization came rather slowly at first. The original McGovern-Fraser delegate selection rules written in 1970 did not include a closed primary provision; although the McGovern-Fraser Commission did consider crossover voting a problem, and noted in its report that "a full opportunity for all Democrats to participate is diluted if members of other political parties are allowed to participate in the selection of delegates to the Democratic National Convention."  

Several events occurring after that report had been written, however, had the effect of rapidly spreading the commission's concern throughout the Democratic party. One was the massive crossover voting which occurred in the 1972 Michigan and Wisconsin open primaries, which many party regulars pointed to as the reason George Wallace and George McGovern won those primaries, respectively. Another was the drastic increase in the number of states holding binding presidential primaries, from 15 in 1968 to 22 in 1972, with another eight states adding primaries by 1976. At stake in those 30 primaries to be held in 1976 would be almost 75 percent of all delegates attending the convention, compared with 66 percent in 1972 and 47 percent
In 1968, influential Democratic strategists like former McGovern delegate-counter Rick Stearns responded to this increase by warning that as the number of delegates chosen by primary voters went up, so the diluting potential of crossover voting went up. A third event which added to Democrats' fear of crossover voting was the replacement of the "winner-take-all" system of delegate apportionment with a system apportioning delegates proportional to each presidential candidate's share of the vote. Rule 11 of the Mikulski rules for delegate selection in 1976 required that each state's delegation "fairly reflect the division of preferences expressed by those who participate in [its] presidential nominating process"; which meant that George Wallace, who had done very well in past open primaries thanks to significant crossover voting, might win a large portion of the delegations from the crucial states of Michigan and Wisconsin.

This latter prospect, especially, did not appeal to the Democratic party's liberal-left or party reform element, which remained in a very strong position on the Democratic National Committee after 1972. Reform leaders Kenneth A. Bode and Joseph L. Rauh pressed forward the argument that party members, as ideological advocates, possess a First Amendment right to restrict access to their party's decision-making bodies, on a non-discriminatory basis, in order to promote their political views effectively. The liberal ADA's 1973 Report on the Democratic Party's Delegate Selection Guidelines called for

(1) State parties [to] make all feasible efforts to enact state laws requiring party registration, and preventing persons in other parties from participating in the Democratic Party's delegate selection process...
Also among those pushing for such restrictions on participation were many party regulars—especially those who had supported Senator Humphrey in 1972 and believed that crossover voting had cost him the Wisconsin primary. The Coalition for a Democratic Majority, and several Humphrey campaign alumni who had worked for CDM before being hired onto Robert S. Strauss’s DNC staff, were very much in favor of measures barring non-Democrats from the delegate selection process. Two of the latter who were instrumental in pushing for and later enforcing rule 2A were DNC Executive Director Mark A. Siegel, and the aforementioned Compliance Review Commission Executive Director, Scott Lang. As Mr. Siegel put it,

I just want to direct you to an article in the New York Times the day after the Wisconsin primary in 1972, which indicated that if only Democrats had been allowed to vote in [that] primary, Hubert Humphrey would have won. Now, we're dealing with actors, right? Well, I'm one of the actors and Scott Lang was one of the actors. We were very much influenced by that [Humphrey's loss in Wisconsin], and also by the whole 1972 credentials process.

Heightening Mr. Siegel's determination to end crossover voting was his publicly-expressed fear that Mr. Laird's prediction of a 60 percent crossover in 1976 indicated that a massive crossover effort was going to be "organized and led by the Republican party."

In short, a broad spectrum of Democrats, ranging from the party's center to the left, began to view open primaries as anathema, and started to agitate for banishment of the open primary format at the six regional hearings on delegate selection held in 1973 by the McGovern-Fraser Commission's
successor, the Mikulski Commission. A few samples of the testimony given at these hearings will demonstrate the emerging consensus within the national Democratic party with respect to crossover voting:

"I would urge . . . your Commission to adopt under Guideline C-3 a requirement that only party members . . . be allowed to participate." (Keith Henning, Wyoming AFL-CIO)

"There should be no cross-filing, and no open primaries." (Marilyn Schoenberger, Maine delegate, 1972)

"I strongly urge . . . that the National Democratic Party take measures so that all state Democratic Parties work to have the primary laws changed to make it necessary to be a Democrat to vote in the Democratic primary." (Harry Kantor, Marquette University professor)

"I would hope that . . . requirements would be adopted in order to allow only those that are party members . . . to participate." (Gene Moats, Illinois Service Employes' Union)

"Labor strongly supports action by the Texas legislature for a party registration law that would eliminate the 'crossover vote.'" (Harry Hubbard, Texas AFL-CIO)

"It's time we get the Republicans out of our primaries and out of our party." (Pat Pangburn, Texas Democrat)

The Mikulski Commission heard this testimony and much more, and reacted by recommending to the DNC that rule 2A, restricting participation in each state
Democratic party's delegate selection process to sworn Democrats only, be
instituted. Virtually the entire national Democratic party had demanded it.

Cousins v. Wigoda and National Party Supremacy

One aspect of the DNC's institution of rule 2A that must be touched on
is the origin of its authority to make and enforce such rules upon the
states. Until the 1960's, there were no national party rules governing how
primaries were run or how delegates were selected. From 1832 to 1964, state
parties (or states, anyway) were free to choose their delegates as they
wished. On what basis, then, was the DNC able to make such rules and en­
force them on the states, to whom the Constitution gave the right to deter­
mine election laws?

In 1964, the DNC took the first steps toward deciding how delegates
ought to be chosen by first deciding how they ought not to be chosen (i.e.,
no racial discrimination). These anti-discrimination guidelines were bol­
stered somewhat in 1968, but the first comprehensive set of delegate selec­
tion rules was not created until 1969-70, under the aegis of the McGovern­
Fraser Commission mandated by the 1968 convention to look into the question
of how the party's delegate selection process might be improved. It was the
crisp enforcement of these 18 new rules upon the state parties in 1972 which
provoked the inevitable state legal challenge out of which grew the landmark
court finding of the supremacy of national party rules (in the matter of
delegate selection).

Cousins v. Wigoda (1975) resulted from a credentials fight in the
Illinois delegation at the 1972 Democratic national convention in Miami.
The Wigoda delegates, elected under Illinois' primary law and constituting
the "regular" (i.e. Daley) delegation, were challenged at that convention by the Cousins group on the grounds that the slate elected in the primary was handpicked by Mayor Richard Daley and ignored party guidelines concerning the involvement of minorities, women, and young people in the delegate selection process. The Credentials Committee agreed and seated the Cousins group, prompting the regulars to obtain an injunction from the Circuit Court of Cook County enjoining the Cousins group from taking the Wigoda group's seats. 25

When the Illinois Appellate Court upheld the Circuit Court's injunction on the bases that (1) "the right to sit as a delegate representing Illinois at the national nominating convention is governed exclusively by the Illinois Election Code," and (2) "the interest of the state in protecting the effective right to participate in primaries is superior to whatever other interests the party itself might wish to protect," 26 the United States Supreme Court decided to hear the case. 27 In a unanimous decision, the Supreme Court reversed the order of the Illinois court, ruling that the administrative prerogatives of the state do not extend to partisan delegate selection. Justice Brennan, writing for the majority, held that:

Consideration of the special function of delegates to such a Convention militates persuasively against the conclusion that the asserted interest [by the Illinois Appellate Court] constitutes a compelling state interest. Delegates perform a task of supreme importance to every citizen of the Nation regardless of their state of residence. The vital business of the Convention is the nomination of the Party's candidates for the offices of President and Vice President of the United States. . . .
states themselves have no constitutionally mandated role in
the task of the selection of Presidential and Vice Presidential
candidates. If the qualifications and eligibility of delegates
to the National Political Party Conventions were left to state
law "... each of the fifty states could establish the quali-
fications of its delegates to the various party conventions with-
out regard to party policy, an obviously intolerable result."
Wigoda v. Cousins, 342 F. Supp. 82, 86 (1972). Such a regime
could seriously undercut or indeed destroy the effectiveness
of the National Party Convention as a concerted enterprise en-
gaged in the vital process of choosing Presidential and Vice
Presidential candidates—a process which usually involves coa-
litions cutting across state lines. The Convention serves the
pervasive national interest in the selection of candidates for
national office, and this national interest is greater than any
interest of an individual state.28

Thus, Mr. Justice Brennan by implication draws a distinction between non-
presidential primaries and elections for office on the one hand, and the
selection of delegates to a partisan convention on the other. In addition,
the Supreme Court ruled that any attempt to impose state regulations on the
delegate selection process would violate rights of association. "The
National Democratic Party and its adherents enjoy a constitutionally-pro-
tected right of political association," Justice Brennan wrote, citing an
additional case to demonstrate that such association is an "orderly group
activity" protected by the First and Fourteenth Amendments.
Summary

To sum up, the effect of large-scale crossover voting in open primary states such as Michigan and Wisconsin could be a critical factor in the race for the Democratic presidential nomination. And the possibility that crossovers on such a scale would occur again in 1976 was not far-fetched, as far as the DNC officials were concerned. Consequently, they were determined to see rule 2A enforced, and intended to make Wisconsin either close its open primary, or adopt another format for the selection of its delegates (e.g., caucuses or conventions). That they had the right to make and enforce such a rule had been affirmed by the Supreme Court in Cousins v. Wigoda (1975). However, the peculiar political culture of Wisconsin did not dispose anyone in that state (even Democrats) to submit to such a change in its primary law, as the next chapter will show.
NOTES
CHAPTER II

Dr. Mark A. Siegel, interview at the White House, Washington, D.C., 18 August 1977.

Scott Lang, Memorandum to MLB (DNC Deputy Chairperson Mary Lou Burg) "Re: Wisconsin Crossover Vote," undated, personal files of Linda Reivitz, Madison, Wisconsin. This memo was written prior to July 28, 1975, as a copy of it is stamped "received" on that date by the Wisconsin Department of Administration. Table 2, which is taken from this memo, obviously is derived from a larger Table done by the Coalition for a Democratic Majority (see Table 7.5 in William J. Crotty, Political Reform and the American Experiment [New York: Thomas Y. Crowell, 1977], 223-27). Since Wisconsin does not have party registration, the CDM estimated Wisconsin's real Democratic strength by averaging the number of voters in the state's Democratic presidential primaries in 1960, 1964, 1968, and 1972.

Marge Pattison, "Statement to the Assembly Committee on Elections of the Wisconsin Legislature," 23 June 1975, files of the Assembly Committee on Elections Chairperson, Madison, Wisconsin (mimeographed).


E.g., Sorauf, Party Politics in America, 216; and David Adamany, "Crossover Voting and the Democratic Party's Reform Rules," American
Political Science Review, 70 (June 1976), 538.

Ibid., 217.


Paul T. David, Malcolm Moos, and Ralph M. Goldman, editors, Presidential Nominating Politics in 1952, volume 4 (Baltimore: Johns Hopkins University Press, 1954), 138-39. This conclusion was supported by a county-by-county analysis of returns: "Senator Taft's campaign drew most votes in areas that are usually 'regular' Republican, while Governor Warren was strongest in communities where Democrats have shown majorities in recent elections . . . [e.g.,] in industrial Milwaukee county, normally Democratic, where his delegates had the support of the Milwaukee Journal, which endorsed them as a means of giving expression to the Eisenhower candidacy. The Warren delegates were similarly strong in the second district, embracing Democratic Dane county (Madison), where pro-Eisenhower newspaper support was also regarded as influential."


(N=839) by the University of Wisconsin Survey Research Laboratory found that 22.4 percent of those voting in the 1972 Democratic primary had been Republicans, and 11.2 percent independents. DNC decision-makers commonly referred to the Times' figures, however; probably because the Survey Research Laboratory figures were published after the Mikulski Commission was past the research stage. As far as I can tell, Adamany's "Crossover Voting and Reform Rules," 538, is the first source to publish these results.

13 Ibid. Mr. Humphrey and his campaigners were not the only ones who felt that the heavy crossover had distorted the Wisconsin primary result. Many astute observers in the press agreed with them. See the opinion of Newsweek's John J. Lindsay, paraphrased in Timothy Crouse, The Boys on the Bus (New York: Random House, 1972, 1973), 64-65. Three years later, in the middle of the primary controversy, the New York Times came out in favor of closing Wisconsin's primary in an editorial which noted: "Many political observers of the 1972 Wisconsin primary believe that Senator Hubert H. Humphrey would have been the state's Democratic preference that year if Republicans, fearing his strength in November, had not crossed over to weaken him with a flood of votes for Senator George McGovern and Governor George Wallace." New York Times editorial, 26 August 1975.

14 Mr. Laird was quoted thusly by both Mark A. Siegel and Wisconsin CRC member Marge Pattison. See John Keefe, "Democrat Raps State on Primary," Wisconsin State Journal, 10 June 1975; and Pattison, "Statement to Assembly Committee on Elections."


16 Sorauf, Party Politics in America, 274; and Joseph Gorman, "Elections:


18 1976 Delegate Selection Rules, 6.


21 Coalition for a Democratic Majority, Unity Out of Diversity (draft), undated, 9 (mimeographed). I am indebted to Steven Schier of the University of Wisconsin-Madison for making this and the documents cited in footnote 24 available to me.

22 Siegel, interview, 18 August 1977.


24 Barbara A. Mikulski, Memoranda to Commission on Delegate Selection and Party Structure members summarizing regional hearings in Milwaukee, Boston, San Francisco, and Denver; dated 22 June 1973, 16 July 1973, 1 August 1973, and 4 August 1973, respectively, personal papers of Steven Schier, Madison, Wisconsin. Others testifying in favor of restricting the delegate selection process to Democrats only included Prentice Witherspoon, of the Coalition for a Democratic Majority; Terence McGarty, MIT professor; Ann Lee Roy, Texas Democrat; Gladys Hansen, New Mexico state senator; and Roy Young, California
political scientist—to name just a few.

25 However, the Cousins delegates were seated and participated throughout the entire convention.


27 As Justice Brennan explained it, "We granted certiorari to decide the important question presented whether the Appellate Court was correct in according primacy to state law over the National Political Party's rules in the determination of the qualifications and eligibility of delegates to the Party's National Convention." 73 - 1106 95 Sup. Ct. 541 (1975), quoted in United States Law Week, 43 (14 January 1975), 4156.

28 Brennan, quoted in ibid.
CHAPTER III

PARTY POLITICS IN A HOSTILE ENVIRONMENT:

WISCONSIN'S POLITICAL CULTURE

Opposition in Wisconsin to a closed presidential primary stems directly from the anti-machine progressivism of Governor Robert M. La Follette, Sr., who in 1903 succeeded in replacing the "boss-ridden" Republican state convention with the direct primary as a nominating device. In so doing, he radically changed the spirit and structure of Wisconsin politics for generations to come. Known scant years previously as a politically corrupt, one-party state in which the will of the railroads and lumber concerns was usually decisive in political affairs, Wisconsin during the La Follette era came to be known as the nation's "Laboratory of Democracy." Among the legislation enacted between 1901 and 1919 were a landmark civil service code, the nation's first successful state income tax, its first workmen's compensation program, its first open direct presidential primary, a state insurance fund which anticipated the "yardstick principle" of Roosevelt's TVA, a path-breaking university extension system, and a host of less famous reforms and innovations concerned with monopolies, equitable taxation, regulation of irresponsible financial power, and the machinery of democratic government.

That Wisconsinites still cherish the national reputation which their
state came to enjoy during the La Follette era is only human and not at all surprising. Distinctions of acclaim are seldom rejected or forgotten anywhere; still less when they are few or derived from only one source. What is important to understand here is that the premier distinction of Wisconsin, which in most respects differs little from other Midwestern states, is the Progressive legacy of clean and responsive government given by its greatest native son; a heritage carefully maintained and nurtured by its citizens for the very distinction and identity it gives them. In fact, Wisconsinites seem to define their collective political identity so much in terms of the Progressive tradition that certain of the political institutions fashioned by La Follette—especially the direct open primary law—may act as independent variables which influence political behavior in somewhat the same way that social or economic characteristics do. As Leon D. Epstein remarks:

Political institutions are usually taken to be dependent variables. . . . However, certain features of Wisconsin politics are so firmly established by constitution or custom that they provide part of the environmental setting for political behavior in a way that is at least analogous to the influence of social and economic characteristics.  

This being the case, the political culture of Wisconsin was, and is, uncongenial to any kind of formal party control over nominations such as that required by the national Democratic party for the 1976 Wisconsin presidential primary. Before the antipathy of this culture is described any further, however, it is wise to outline the history of Wisconsin's open primary law.
La Follette and the Direct Primary

The direct primary law enacted in Wisconsin in 1903 was the culmination of a decade of struggle between opposing factions of the Republican party, which had dominated state politics almost completely since 1855. Those belonging to Mr. La Follette's "Progressive" faction, finding themselves repeatedly frustrated at party nominating conventions in the 1890's by the loose coalition of party regulars or "Stalwarts" which then controlled the Republican organization, decided that the only way to achieve progressive legislative goals was first to return control of party affairs to the people, so that progressive candidates might be nominated. They set about working for the passage of direct primary legislation, a campaign which Mr. La Follette kicked off in February 1897 with his now-famous address on "The Menace of the Machine" at the University of Chicago and continued promoting with almost single-minded zeal until he signed the bill into law in 1903.

That the stalwart coalition was a corrupt, patronage-fueled, "boss-ridden" (if somewhat factionalized) political machine is undeniable. What is less evident, when some of Mr. La Follette's own political tactics are taken into account, is whether or not one of his main objections to the Wisconsin Republican party in the 1890's was simply that the wrong bosses were at its head. Personal political power is almost always achieved at a price, and Mr. La Follette's own path to the top is strewn with disillusioned supporters (e.g., Nils Haugen, Irvine Lenroot, James Davidson, Isaac Stephenson, Francis McGovern, and James Tittemore) who bear both mute and not-so-mute testimony that all was not exactly as it has been portrayed in La Follette's Autobiography. Albert O. Barton, who was secretary to Mr. La Follette in Washington, wrote in 1922 that
It has become a serious question with many people whether or not, at least in its first years, the La Follette reform movement was inspired by any motive other than the personal ambition of La Follette. But to whatever degree his personal ambitions were the inspiration of the uprising, it must be said he had a remarkable facility or fortune in making himself and his cause interchangeable in the public mind. . . .

Wisconsin historian Robert C. Nesbit adds that while Mr. La Follette's sincerity as a truly great Progressive is self-evident, he was a "superbly endowed political man" with a highly selective memory that constantly must be checked on. "A political weathervane in his early career, he remembered only that he had never compromised his political beliefs."^8 Ironically, in 1922, ten years after the publication of his remarkably successful campaign autobiography, the continuing decline of Progressive strength at the polls due to that faction's multiple candidacies in previous primaries resulted in the selection of a Progressive primary slate "nominated by a coterie of leaders meeting under the personal direction of Senator La Follette, while the anti-La Follette forces resorted to a convention of delegates to decide on their nominees."^9

A prime example of the fickleness of Mr. La Follette's memory and of the extent to which the Wisconsin political culture has canonized his deeds as he recorded them, is the obscurity surrounding the fact that at the start of his campaign for direct primary legislation, Mr. La Follette had wanted the primaries to be "closed" to crossover voting. In an address entitled "Primary Elections" given to the Good Government Club of the University of Michigan in Ann Arbor, March 12, 1898, he urged passage of a primary law
which provided that

... when each voter enters the election booth on primary election day he shall find a committee of his party in charge of a separate ballot box, and the official primary election ballot on which is printed the names of all candidates of his party for nomination.

... each voter may take the ballot of the party with which he affiliates, and in private, indicate thereon the names of the men who are his choice as the nominees of his party, and that he may then deposit that ballot in the ballot box of his party. 10

All of the direct primary bills introduced in the state legislature prior to 1903 provided for a closed primary, and all of these bills (except the one drafted by Representative Fenner Kimball in 1895, one year before Mr. La Follette claims to have heard of the primary concept) had Mr. La Follette's support. In 1897, Representative William T. Lewis of Racine introduced a direct primary bill drafted under Mr. La Follette's supervision by his law partners, A. G. Zimmermann and Samuel Harper. Section 5 of this bill, 1897 AB-580, read: "All persons who are legal voters shall have the right to participate in such primary elections subject to the provisions herein prescribed; but only those affiliating with and claiming membership in a political party shall participate in the primary election held for the nomination of the candidates for such political party." 11 The bill went on to provide that in those urban precincts where voter registration was required, the voters must register their party affiliation and then only could vote in the primary of that party, and that voters in rural areas without voter
registration must declare their party preference before receiving a ballot.

This bill died in the Assembly, as did a similar bill introduced in the 1899 session by Representative George E. Bryant, Mr. La Follette's former campaign manager.

During the 1901 session of the legislature (Mr. La Follette's first term as Governor), identical primary bills designated AB-98 and SB-73 were introduced in both houses of the legislature. Section 16 of these bills read:

"At any primary election, no person shall vote any ticket but that of the party with which he affiliates. The right of any person to vote at any primary election may be challenged . . . on the ground that he is not a member of the party, the ticket of which he proposes to vote."¹² But the Assembly Committee on Elections and Privileges, after considering 1901 AB-98, recommended the adoption of a substitute amendment which changed the primary to an open one. Instead of requiring that the voter be a member of the party in whose primary he was voting, Substitute Amendment 1 to 1901 AB-98 called for the voter to receive the ballots of all parties and, in the secrecy of the voting booth, mark the ballot of the party of his choice, discarding the rest. This substitute motion passed the Assembly but was defeated in the Senate, where the Stalwart opposition passed 1901 SB-73 in an amended form which provided for optional, rather than mandatory, primary elections. This version then passed both houses but was vetoed by Governor La Follette, who acted on the principle that "... in legislation no bread is often better than half a loaf. I believe it is usually better to be beaten and come right back at the next session and make a fight for a thorough-going law than to have written on the books a weak and indefinite statute."¹³ In a stinging veto message accompanying the return of 1901 SB-73 to the legislature, Governor La Follette argued that "... the voter cannot anticipate
what action will follow the election of a given set of officials upon the matters in which he is most deeply interested, excepting as the candidates are committed in advance by pledges of the respective parties." He, La Follette, would not countenance any primary law other than one faithful to the platform of the state Republican party, which had set forth to the people of this state a plank which read:

Substitute for both the caucus and the convention a primary election held under all the sanctions of law which prevail at general elections, where the citizen may cast his vote directly to nominate the candidates of the party with which he affiliates, and have it canvassed and returned as he cast it.

Thus, while Governor La Follette's reason for vetoing the Stalwarts' version of 1901 SB-73 was that it rendered the proposed statewide primary optional, in doing so he made it clear that he wished to see the primary bill on his desk in its original, closed form during the next session. Between the 1901 and 1903 sessions, however, intervened the gubernatorial election of 1902, during which Mr. La Follette's Democratic opponent, Mayor David S. Rose of Milwaukee, attacked the closed primary on the grounds that it violated the secrecy of the ballot by forcing the voter to make public his party preference. Mayor Rose made a much closer race of it than had La Follette's opponent in 1900, which perhaps explains why 1903 AB-97, the primary bill which the Governor signed into law in 1903, was virtually identical to Substitute Amendment 1 to 1901 AB-98 and created an open rather than closed primary.

Yet just one year later, during the campaign preceding the statewide referendum on the direct primary stipulated by AB-97, Governor La Follette
disingenuously told an audience in Marshfield that "The bill is now before the people in its original form. . . ." In his Autobiography, written a decade later, Mr. La Follette never once raised the issue of an open primary versus a closed one, and never mentioned that he had supported the latter. Rather, he simply commented that except for the lack of a provision allowing primary voters to indicate their second choice, "I think it is the most perfect law for the nomination of candidates by direct vote ever enacted." Even Mr. La Follette's statement calling for a closed primary at Ann Arbor in 1898 is conspicuously absent from the extract of that speech contained in the "Primary Elections" chapter of the compendium entitled La Follette's Political Philosophy published by his own company in 1920.

To complete the story, Wisconsin's mandatory primary election law was enacted by Chapter 451, Laws of 1903. The final enactment of the law, however, was contingent upon its approval by referendum in the November 1904 general election. The measure won approval by the seemingly handy margin of 130,699 votes for, to 80,192 votes against; but it should be borne in mind that these figures together amounted to only 50 percent of the total vote cast in both the gubernatorial and presidential elections that same November. The other 50 percent of the electorate voting in that same election (as well as those not voting) expressed no opinion on the primary issue at all. By the time of the next presidential election in 1908, the primary law had been amended to require that the state's delegates to national party conventions also be selected in primary elections (Chapter 369, Laws of 1905).

The Open Primary and Popular Political Orientations Today

Today, however, there is little if any division of opinion in Wisconsin
similar to that in 1904 on the merits of the open primary system. The seventy years that have passed since then have witnessed a political socialization process eliciting a popular orientation toward the open primary in Wisconsin that is so strong change only could be accomplished at the cost of perhaps dozens of political careers. Virtually every child educated in a public school in Wisconsin can be expected to encounter two things pertinent to the history and politics of his state: first, that Wisconsin was a principal center of the Progressive Movement and has a national reputation for clean and progressive politics; and second, that this reputation stems chiefly from the open primary, civil service, and other reforms initiated by the state's most beloved son, "Fighting Bob" La Follette. The student is usually impressed by the singular, distinctive qualities of both Governor La Follette and the primary system which was his greatest achievement; qualities which because of their very distinction reinforce the high esteem which the man and his reform enjoy in Wisconsin today. The Wisconsin mandatory statewide primary law was the first law of its type passed in the United States, and it has always been one of only a few primaries—sometimes the only one—in which the voter is not required to identify his party preference. Mr. La Follette, in addition to the record and leading role in the Progressive Movement for which he will always be remembered, owns the distinction of having been the only man from Wisconsin ever to run for President, and of being one of only five Senators whose bust is enshrined in the parlors of the United States Senate (the others being Calhoun, Clay, Webster, and Robert Taft).

Further reinforcement of the Progressive tradition of which the open primary is such an integral part derives from the state's opinion-leaders, many of whom are ex-Progressive party members or self-avowed La Follette-
philes. Several of the most influential members of the state press—especially Miles McMillin and John Patrick Hunter, then publisher and associate editor of the Progressive-influenced Madison Capital Times, respectively, and John Wyngaard, Republican author of the most widely syndicated political column in the state—are acknowledged admirers of Mr. La Follette who often eulogize the man and his open primary legacy every time a primary election date draws near. All three vociferously opposed the Democrats' attempt to pass a law requiring voters in the 1976 presidential primary to identify their party affiliation before receiving a ballot, as will be shown a few pages hence.

Equally defensive of the open primary tradition were elected officeholders and party officials of both major parties who once had been members of the Progressive party years before. Epstein has tried to trace the flow of ex-Progressives into the two major parties after the collapse of that party in 1946. In general, the older, rural and pro-isolationist members, especially the officeholders, followed Robert Jr. back into the Republican ranks from which they had bolted in the early 1930's, while a larger number of young, urban, and pro-internationalist Progressives joined with the few liberal Democrats existent in Wisconsin in 1948 to form the voluntary Democratic Organizing Committee in place of the moribund statutory Democratic party. The correlation Epstein found in 1955 between old Progressive and current Democratic voting patterns was just strong enough to indicate that the latter party has inherited much of the former's rank-and-file strength, as well as the ideals which that rank-and-file embodied. To these ex-Progressives, anything that represents party control over nominations seems undemocratic, and "... it is too much for the [modern Democratic party] organization even to seek to direct the voter's choice in the primary"
means of endorsement. Today, some of these old La Follette supporters are among the most influential leaders in the Democratic party, and in the GOP, too.

The effectiveness of this socialization is testified to by the undeniable strength which the La Follette legend still enjoys in Wisconsin today. The magic that the La Follette name held for Wisconsin voters from 1900 to 1940 proved still effective in 1974, when not one but two young La Follettes, Bronson and Douglas, won contested primaries and then election in November to the offices of Attorney General and Secretary of State of Wisconsin, respectively.

But if anything supercedes the affection and support which the La Follette name still commands in Wisconsin, it is probably the open primary tradition associated with that name. A Wisconsin Survey Research Laboratory poll in 1966 discovered that an overwhelming degree of public support exists in Wisconsin for the open primary format. When a sample of 607 Wisconsin adults were asked whether they thought the state should change to a closed primary, only nine percent said yes, while 82 percent said no. When the respondents were asked why they felt as they did about open primaries, 31 percent replied that one should always vote for the man rather than the party; and another 36 percent said the open primary guarantees freedom for everyone by allowing independents to vote and partisans to change their minds.

Today, many Wisconsinites, unaccustomed as they now are to having their party affiliations formalized, feel strongly that it is undemocratic to be asked to identify publicly with a party as a prerequisite for primary voting. A Wisconsin Civil Liberties Union member spoke for many when he wrote:
This state has an outstanding record dating from Bob La Follette in assuring government by popular choice at all stages of the electoral process. To the extent the Democratic National Committee, a group mainly from outside Wisconsin, can interfere with the electoral privileges of Wisconsin citizens, which have been protected by state law for many years, there is an ominous portent for the voting rights and personal liberties of us all.\(^{30}\)

Many voters retain fears, stemming from the days when Wisconsin was a one-party (Republican) state, that disclosure of their party affiliation could cost them jobs, government contracts, or their business clientele.\(^ {31}\) In fact, there always has existed a small but not inconsiderable body of opinion in Wisconsin which holds that the primary format should be opened up even further, to permit split-ticket voting like that in Washington's "blanket" primary. John R. Commons, the University of Wisconsin's famous Progressive economist, argued in favor of "... a blanket ballot containing the names of all candidates for nomination by all parties, and ... dispensing with all declarations or oaths of party affiliation."\(^ {32}\) Organized labor in Wisconsin lobbied on behalf of a blanket primary for years, hoping thereby to achieve "clout" in not one but both major parties.\(^ {33}\) Indeed, the DNC's order to Wisconsin Democrats to close their open primary provoked several legislators in both parties to take up once again this old cause and introduce several bills which would allow split-ticket primary voting (see below, Chapter VII).

The resentment contemporary Wisconsin voters harbor toward any and all attempts to formalize their political affiliations is symptomatic of a
political culture which distrusts political parties; a trait directly inherited from the La Follette Progressives who found themselves repeatedly shut out of Republican party decision-making at the end of the last century. As Epstein observes,

Partly as a way of summarizing the import of the state's institutional forms, it is useful to stress the strong legal bias against any organized political apparatus. There has been a deliberate effort, dating at least from the Progressive era of the early years of this century, to limit the intercession of any agency between the voter and his elected officials. This goes beyond the Jacksonian Democratic tradition, also perpetuated in the state, of having many administrative officials elected rather than appointed. What Wisconsin, certainly as much as any other state, has also tried to do is to have these officials nominated as well as elected by voters as individuals. This is the meaning of the open primary and of the ban imposed on the legal nomination of candidates by organized parties. Wisconsin law treats parties as though they might pervert the real will of the voters. The resemblance of this outlook to the famous view of Jean-Jacques Rousseau is probably accidental, but the basic assumption is surely similar. Like Rousseau's underlying belief, that on which Wisconsin's institutions rests is that the citizen can choose most truly when he acts as an individual member of the whole community and not as a member of any group within that community. 34

From this assumption it is only a short leap to the conclusion that the
rights of private individuals are to be preferred to the rights of those who belong to groups, such as party members who wish to prevent outsiders from having a say in nominations and internal party matters.

But if parties and their members are the objects of unfavorable orientations in Wisconsin's political culture, the open primary format, as the survey data presented above indicates, is not. The open primary is the object of a highly favorable orientation for Wisconsin citizens; so favorable, in fact, that the open primary may be seen to act, in Epstein's words, as an independent variable rather than a dependent one. In other words, Governor La Follette's secretary's comment that La Follette enjoyed a "remarkable facility in making himself and his cause interchangeable in the public mind" did not go far enough: he actually interchanged his own political belief system with that of the public.

The Response of the Progressive Culture to the DNC Mandate

In this atmosphere of distrust of political parties, the Democratic National Committee's order to make every effort to close the state's presidential primary to crossover voting was not received well. This can be perceived in the already-mentioned fact that some Democratic legislators actually responded by introducing bills that would open the primary up even further. In so doing, those legislators were relaying the message they had gotten from their constituents to leave the primary open—a message DPW staff members travelling the state also had gotten from many in the county party units. But the response of the Wisconsin Progressive culture to this order can be understood best in a quantitative sense by examining the treatment of this issue in the editorial pages of the Wisconsin press.
The Wisconsin press is probably as good a gauge as any of the Progressive culture's response to closure. The press, which regards itself as the voice of the people, was in the forefront of the Progressive movement, and played a key role in the push to replace nominating caucuses with direct primaries, may be said to almost personify the Progressive culture. As Richard Hofstadter observed in his classic study of Progressivism,

To an extraordinary degree the work of the Progressive movement rested upon its journalism. The fundamental critical achievement of American Progressivism was the business of exposure, and journalism was the chief occupational source of its creative writers. It is hardly an exaggeration to say that the Progressive mind was characteristically a journalistic mind.

Consequently, it is only fitting that the Wisconsin press's reaction to the DNC's closure order was swift, unanimous, vigorous, and hostile, as befitted the state's tradition.

During the roughly sixteen months that this controversy raged (December 1974–March 1976), the eight Wisconsin dailies subscribed to by the Wisconsin Legislative Reference Bureau ran a total of 63 editorials against closing the primary, compared to only five in favor (the special circumstances of which are explained in Chapter VI). These eight newspapers included the state's four largest dailies, and almost every shade of the American ideological spectrum:

The four newspapers with a widespread state circulation reflect different political views. The Milwaukee Sentinel has supported many Republicans. The Wisconsin State Journal at Madison (which
obtains a statewide circulation through its status as official publisher of state legal notices) reflects a rather bland Republicanism. The Milwaukee Journal is "independent" Democratic. The Capital Times at Madison is the most unique publication, because it continues a tradition of its old-style Progressive founder, the late William T. Evjue. Although usually favorable to Democrats, it may turn against those Democrats whose concepts and actions are not consistent with its unique view of "the public interest." The paper's influence is based on the strong support it receives from the faithful out-state and on the fact that legislators read it and thus find issues structured differently from how most other observers would view state politics.  

Yet, despite their ideological diversity, each of these newspapers (as well as the four smaller ones clipped by the LRB) was against closure; and between them generated great editorial pressure upon the Democrats not to implement it.

One measure of the intensity of this pressure is the sheer number of editorials, which editors and journalists themselves characterize as "amazing" and "astounding." Another is the frequency with which certain anti-party themes were stated in these editorials. A content analysis of these 63 editorials turned up eight recurring themes (see Table 5), most of which reflect the attitudes of the surrounding Progressive culture: (1) forty-six of the 63 editorials criticized the DNC for "forcing" a change in Wisconsin's primary; (2) twenty-nine called upon Wisconsin Democrats to resist the DNC's demands; (3) twenty-four pointed out that a closed primary would infringe on the rights of voters; (4) nineteen said the open primary and
<table>
<thead>
<tr>
<th>Theme</th>
<th>N of editorials stating theme</th>
<th>Total N of times theme is stated</th>
</tr>
</thead>
<tbody>
<tr>
<td>DNC forces Wis to close primary</td>
<td>47</td>
<td>80</td>
</tr>
<tr>
<td>Wis Dems Should Resist DNC</td>
<td>29</td>
<td>46</td>
</tr>
<tr>
<td>Rights of voters infringed</td>
<td>24</td>
<td>29</td>
</tr>
<tr>
<td>Open primary a Wisconsin tradition</td>
<td>19</td>
<td>24</td>
</tr>
<tr>
<td>Closure and caucuses conduce bossism</td>
<td>16</td>
<td>20</td>
</tr>
<tr>
<td>DNC has no right to dictate state laws</td>
<td>11</td>
<td>20</td>
</tr>
<tr>
<td>Independent voting trend good</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Primaries belong to people, not parties</td>
<td>6</td>
<td>8</td>
</tr>
</tbody>
</table>

aData compiled from Wisconsin Legislative Reference Bureau, files 324.34/Z and 324.346/Z.

bIncludes number of times theme is stated more than once in the same editorial.
crossover voting are integral parts of Wisconsin's Progressive heritage; \(^{44}\) (5) sixteen said that a closed primary or caucus system could facilitate bossism and machine politics; \(^{45}\) (6) eleven directly questioned the national Democratic party's right to "dictate" state election laws; \(^{46}\) (7) six said the trend toward independent voting today is good; \(^{47}\) and (8) six said that primary elections belong to the people, not the political parties. \(^{48}\)

In addition to the constant reiteration of views such as these, editorials frequently responded to specific events occurring as the controversy ran its course. In the process, criticism was heaped upon the actions, statements, and even the characters of the various actors, who seemed to draw editorial feedback everytime they moved. \(^{49}\) Even the hard news coverage of the dispute tended to editorialize. Consider the following extract from a story by the Associated Press's Madison bureau chief, printed without the label "news analysis" or "opinion":

The proposal, to receive a public hearing June 23 before the Assembly Elections Committee, calls for what is known as the "closed primary" system.

It is a system that prevails in Illinois, where Chicago Mayor Richard J. Daley, former Governor Otto Kerner, and the late Secretary of State Paul Powell exercised so much raw political power. . . .

But independents can take heart. Rep. David Kedrowski, the Elections Committee chairman, is not optimistic about the measure's chances for passage. \(^{50}\)

In short, the Wisconsin press covered the primary dispute in such a fashion that it was itself almost an actor, rather than a part of the environment, in
that dispute, and almost warrants treatment as such in this study.

As the editorial themes cited above suggest, the press's reasons for preferring an open primary reflect a basic distrust of, and even antipathy toward, the political parties. Parties should be simply vehicles through which the voters express their policy preferences, and nothing more. They should not be permitted to control who can vote in primary elections, as these extracts from three editorials indicate:

Elections are not for politicians, elections are for the people and the people should have the fullest opportunity to decide who shall represent them. ("Keep the Open Primary," Capital Times, 13 December 1974)

... politics is not simply a party affair. Elections, more than ever, have become affairs of the people. ("Keep It Open," Milwaukee Sentinel, 3 January 1975)

... the electoral process, including primaries, should be the property of the people, not the parties. ... ("Keep Open Primaries," Wisconsin State Journal, 30 April 1975)

To sum up, in the press's (and the Progressive culture's) preferred order of things, the parties should be reduced in function to the point where the term party, as it is commonly understood, no longer hardly applies.

The Ramifications of the Culture's Response

This, then, was the Wisconsin political culture's response to the DNC's mandate that Wisconsin Democrats should close their open primary. Needless
to say, this response created an unfriendly setting in which to attempt to close that primary, from the standpoint of the Democratic party organization leaders, legislators, and governor who had to survive and operate in that environment. Legislators publicly expressed concern at the number of times newspapers were willing to repeat the anti-closure theme on their editorial pages. Governor Patrick J. Lucey plaintively told the *New York Times* in mid-controversy that some state newspapers already had editorialized as many as five times against closure, and that the chief obstacles to enactment of the necessary legislation were "the ghost of Bob La Follette and the newspapers." By the end of the controversy almost every one of the eight newspapers subscribed to by the Legislative Reference Bureau had editorialized at least five times against; most in fact did so close to ten times.

It seems probable that a large-scale press campaign such as this would influence the concerned Wisconsin Democratic actors in two ways, one indirect and one direct. The indirect way is through the influencing of public opinion, which many over the years have maintained is not shaped significantly by newspapers. A 1974 in-the-home survey of 4,004 American adults by Walter DeVries and Associates found that newspaper articles and editorials together serve as one of the two most reliable sources of political information for only 26.3 percent of the respondents (and one of the two most important sources of voting information for only 20.7 percent), well behind television news (see Tables 6 and 7). I hypothesize, however, that newspapers are perhaps more influential sources of information about state politics for the public than the DeVries figures indicate. There is, I believe, a considerable gap in television and radio news coverage of state politics. National network news broadcasts over both electronic media almost exclusively concern themselves with national and international news,
TABLE 6

Most Reliable Sources of Information About Politics*

<table>
<thead>
<tr>
<th>Source</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television News*</td>
<td>36.4</td>
</tr>
<tr>
<td>Television News</td>
<td>27.3</td>
</tr>
<tr>
<td>Newspaper Articles</td>
<td>18.4</td>
</tr>
<tr>
<td>Radio News</td>
<td>9.7</td>
</tr>
<tr>
<td>Newspaper Editorials</td>
<td>7.9</td>
</tr>
<tr>
<td>Magazine Articles</td>
<td>5.6</td>
</tr>
<tr>
<td>TV Talk Shows</td>
<td>4.6</td>
</tr>
<tr>
<td>Not Sure</td>
<td>3.0</td>
</tr>
</tbody>
</table>

(All other information sources are mentioned by less than 4% of the respondents.)

*Question: "Which of these sources do you think supplies you with the most reliable information about politics? Which is second?"

*a First Mention

*b First and Second Mentions Combined (multiple response)
**TABLE 7**

Most Important Sources of Information in Vote Decision

<table>
<thead>
<tr>
<th>Source</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television News(^a)</td>
<td>17.5 %</td>
</tr>
<tr>
<td>Television News(^b)</td>
<td>18.4</td>
</tr>
<tr>
<td>Newspaper Articles</td>
<td>15.7</td>
</tr>
<tr>
<td>Radio News</td>
<td>6.1</td>
</tr>
<tr>
<td>Political Candidates</td>
<td>5.0</td>
</tr>
<tr>
<td>Newspaper Editorials</td>
<td>5.0</td>
</tr>
<tr>
<td>Political Party</td>
<td>3.6</td>
</tr>
<tr>
<td>Magazine Articles</td>
<td>2.9</td>
</tr>
<tr>
<td>TV Talk Shows</td>
<td>2.9</td>
</tr>
<tr>
<td>Friends/Neighbors</td>
<td>2.3</td>
</tr>
<tr>
<td>Spouse</td>
<td>1.8</td>
</tr>
</tbody>
</table>

(All other information sources are mentioned by less than 2% of the respondents.)

*Question: "As you think back, which of these sources of information most helped you decide for whom to vote this fall? Which is second?"

\(^a\)First Mention

\(^b\)First and Second Mentions Combined (multiple response)

while news broadcasts originating from local radio and television stations tend to cover news within their listener- and viewer-areas much more heavily than state news. Consequently, in Wisconsin, anyway, I strongly suspect it is the newspaper which is the leading source of information about state politics. 54

This brings me to a related point, which is that the political influence of a newspaper perhaps should not be measured so much by its supposed effect upon public opinion and voting behavior as by its effect upon the politicians themselves. In fact, newspapers appear to exercise a greater influence upon elected office-holders than their impact upon the electorate probably warrants. This direct influence derives from the fact that most politicians are, in the words of Canadian Senator (and political scientist) Maurice Lamontagne, "newsworms." 55 To be well-informed is important for the politician, in terms of professional status as well as effectiveness. Always hungry for political intelligence, the politician is a connoisseur of rumors, exclusives, headlines, and leads, and has a much zestier appetite (which reveals itself in animated responses ranging from chortles of glee to bellows of rage) for such things than the average reader. 56 The influence of the press with politicians stems in large part from the satisfaction of this appetite. Much more extensive and intensive consumers of news and opinion than most people, politicians also may be more susceptible to press influence than most people. As a Dartmouth political scientist discovered during a term in the Vermont state Senate:

While it's debatable exactly what effect the press had on public opinion, there's no doubt in my mind that the newspapers did very definitely influence the legislative process in one key respect:
namely, many of the legislators themselves followed the newspapers very closely. As a result of their own reading habits, they believed the press to be equally important to the general public, to a point where their own actions were influenced by press coverage... they appeared to act on the assumption that everyone else in Vermont was just as diligent in reading the papers: an assumption which hardly appeared to be grounded in any concrete evidence. Be that as it may, the legislature seemed to develop a dependence on the press that often bordered on fixation, and in this respect... the press played a very powerful role in shaping legislative opinion.57

My own observation of the Wisconsin legislature (which actually preceded reading this memoir) independently confirms this observation about the press-fixation of legislators in every detail.

Summary

Looking back over this chapter, three general points seem worth remarking. First of all, an overwhelming majority of Wisconsin voters have formed a strong attachment to the open primary format. They have been socialized by ex-Progressives in both major parties and a Progressive-influenced press to regard crossover voting, and non-revelation of party choice, as basic civil rights. They have been taught by these socializing agents, and by the schools, that the open primary is a distinguishing characteristic which sets Wisconsin apart from other states: the arguments that it is a Progressive reform, that it is the legacy of Wisconsin's greatest citizen, that Wisconsin was the first (and sometimes the only) state to employ such a primary format,
that it is a 70 year-old tradition, and that Wisconsin enjoys a national reputation for clean and responsive government, are strung together all in one great case for the thesis that Wisconsin politics are different, better, cleaner than elsewhere.

Second, the response of this Progressive political culture to closing the primary was very unfavorable. One principal measure of this response was the reaction of the state press, which was extremely active and vocal in its defense of the open primary, and in its criticism of those Democrats who either wished or considered its alteration. Third, this press activity could not escape notice by news-devouring Democratic legislators and party leaders, and put them on notice that it would be politically dangerous for them, in terms of press support, to close the open primary.

Thus was the stage set for the clash between these state Democratic actors and their national party over the status of Wisconsin's 1976 presidential primary. Both national and state actors had their own separate imperatives to follow. The chapter which follows this will show in greater detail how the interest of each actor was specifically affected by these imperatives, and what stance on the primary issue each actor took as a result.
NOTES

CHAPTER III

1Nesbit, Wisconsin, chapter 23.

2Ibid., 425-26.


4The Republicans held the governorship and usually a legislative majority in all but six years between 1855 and 1900, when Robert M. La Follette was elected governor.

5"It is but just to say that no legislature has assembled in Wisconsin in many years containing so many good men as the last. But when a bill to punish corrupt practices in campaigns and elections is destroyed by amendment; when measures such as the Davidson bills requiring corporations to pay just share of the taxes go down in defeat; when bills to compel millions of dollars of untaxed personal property to come from its hiding place and help maintain government fail of adequate support. . . . The remedy is to begin at the bottom and make one supreme effort for victory over the present bad system. Nominate and elect men who will pass a primary election law which will enable the voter to select directly candidates without intervention of caucus or convention or domination of machines. Thus may a permanent reform greater even than the reform affected [sic] by the Australian ballot . . . be brought about." La Follette, "The Menace of the Machine" (Washington's Birthday address at the University of Chicago, February 22, 1897), extracted in The Political Philosophy of Robert M. La Follette, compiled by Ellen Torelle (Madison: Robert M. La Follette Co., 1920), 27-28.


11. Ibid., 6.

12. Ibid.


15. Republican platform pledge, quoted in La Follette's veto message, ibid., 41 (emphasis mine).

16. In 1900, Mr. La Follette had won with 62 percent of the vote, drawing 264,419 votes to Democrat Louis Bomrich's 160,674. In 1902, however, Mr. La Follette won with only 193,417 votes to Mayor Rose's 145,818 and Social Democrat Emil Seidel's 15,970 (see Nesbit, *Wisconsin*, 541, for vote totals). Certainly another compelling reason why Mr. La Follette adapted his preference may have been the number of what he often referred to, tongue-in-cheek,
as "fair-minded Democrats" who could be counted on to cross over in support of Progressives in the dominant Republican party's primary.

17 Marshfield News, 6 October 1904, quoted in Lovejoy, La Follette and Direct Primary, 88.

18 La Follette, Autobiography, 295.

19 See Torelle, Philosophy of La Follette, 29-31.

20 Indeed, one reason the stalwarts in the legislature finally decided to pass the primary bill was that they thought a majority of voters were opposed to the measure, and would defeat it in the referendum they had attached to the bill. The 1904 general election figures show Mr. La Follette re-elected by 227,253 votes to Democrat George Beck's 173,301 out of a total 449,560 votes cast, compared to only 210,891 cast in the primary referendum. The presidential race between Theodore Roosevelt, Alton Parker, and Eugene Debs drew a total of 443,014 votes at the polls that same day. James R. Donoghue, How Wisconsin Voted, 1848-1972 (Madison: University of Wisconsin-Extension, Institute of Governmental Affairs, 1974), 80, 105.

21 John Wyngaard, "Democrats in a Bind," Green Bay Press-Gazette, 23 January 1976. (My own introduction to the La Follette legend and the Wisconsin open primary tradition took place during a segment on Wisconsin history in the fifth grade; an exposure which was to be repeated many times thereafter.)

22 Mr. McMillin, for example, identifies himself as a "La Follette buff" and confesses that "As a life-long La Follette watcher I have probably read everything written about and by the La Follettes." See his "Hello Wisconsin" column, Capital Times, 19 May 1977.
23 Epstein, Politics in Wisconsin, 51-53.

24 "... there remains enough association between current Democratic and old Progressive patterns to indicate the likelihood of some continuity in voting behavior from one party to the other. Ideologically this likelihood seems greater than does a continuity from the former traditional Democratic party to the postwar ... Democrats. In fact, postwar Democrats ran especially poorly in some of the counties which the old Democratic party, even into the mid-1930's, used to carry." Ibid., 53.

25 Ibid., 95.

26 E.g., state Senate Minority Leader Clifford Krueger (R-Merrill) and Senator Carl Thompson (D-Stoughton), a former DNC member and Democratic nominee for governor, both were Progressive Party members.

27 Indeed, Douglas LaFollette is a native of Iowa who is averred to have moved to Wisconsin in order to take advantage of his name's political drawing power.

28 The question asked was Austin Ranney's. Data collected by the University of Wisconsin Survey Research Laboratory, Project 266 (Winter 1966), Deck 01, question 8.

29 Epstein, Politics in Wisconsin, 25, 81.

30 Jack E. Schanen, letter to Madison Press Connection, 30 October 1978. (Schanen is a Member of the Board, Capitol Area Chapter, Wisconsin Civil Liberties Union.)

31 Representative John Gower (R-Green Bay), quoted in William Christofferson, "Closed Primary Hearing Goes National," Wisconsin State Journal,
12 June 1975. These fears still exist, at least among Democrats who reside in Republican areas. While visiting two officers of the Green County Democratic unit on June 19, 1975, I learned that many area residents who voted Democratic reportedly were afraid to affiliate publicly with the party because most of the employers there were partisan Republicans. And Hope Cross, a member of the DPW Administrative Committee, commented at a party workshop on delegate selection that voters in her area, Washington County, feared to identify themselves publicly as Democrats for the same reason. (Author's notes from Presidential Primary Delegate Selection Workshop, Wisconsin State Democratic Convention, Oshkosh, Wisconsin, 10 June 1977.)


34 Epstein, Politics in Wisconsin, 30-31.


37 Hofstadter, Age of Reform, 186.


39 The Racine Journal-Times, Green Bay Press-Gazette, La Crosse Tribune,
and Sheboygan Press.

40 William Christofferson, telephone interview, 3 April 1978; and David Wagner, interview at Madison Press Connection offices, 11 April 1979. (Mr. Christofferson was Capitol reporter for the Wisconsin State Journal during the primary controversy, and an editor with the Madison Press Connection when I interviewed him. Mr. Wagner is editorial page editor for the latter newspaper, and was with the Capital Times during the controversy.)

41 E.g., "Robert Strauss, the national chairman, and a group of party bosses are trying to impose a closed primary on the citizens of Wisconsin." "Anti-Open Primary Idiocy," Capital Times editorial, 9 May 1975.

42 E.g., "We support the Democratic party leaders in this state who have refused to bow to the demands of the national party. The state leaders should continue to resist and not cave in under threats from the national party." "Democrats Shouldn't Alter Open Presidential Primary," Racine Journal-Times editorial, 17 November 1975.

43 E.g., "Not only would such a plan do violence to the state's cherished political tradition which allows an individual to vote for party candidates without indication of party affiliation, it would automatically disenfranchise thousands of independents who have no party affiliation or partisan inclination." "Open Primary in Jeopardy," Capital Times editorial, 12 December 1975.

44 E.g., "Wisconsin Democrats are in for a rough time if they seriously expect to abolish the state's valuable, 70 year-old tradition of opportunity for crossover voting. . . ." "Our Open Primary a Tradition, Let's Keep It," Milwaukee Journal editorial, 12 January 1975 (On, Wisconsin column).
E.g., "The surest way of turning Wisconsin's party political systems over to the bosses and the machines is to repeal the open primary law." "Keep the Open Primary," *Capital Times* editorial, 13 December 1974.

E.g., "We do not think the people of Wisconsin should have to have any national political party tell them how to write their laws." "Presidential Primary," *Wisconsin State Journal* editorial, 7 November 1975.

E.g., "[An] open primary is the purest exercise in Democracy. . . . The law was not written to shut out voters or to preserve the partisan political organizations." "New Attack on Primary," *Capital Times* editorial, 23 June 1976.

See text below, page 61, for examples.

For example, after closure bill AB-807 was introduced, the *Milwaukee Sentinel* attacked its proposed "double-decker" primary as "confusing," and as an attempt to thwart George Wallace's candidacy ("2 Ballots? No!" editorial, 9 June 1975). When Mark A. Siegel of the DNC attacked Governor Lucey and the DPW leadership on June 10, 1975 for their lack of effort to achieve compliance with rule 2A, the *Capital Times* responded by accusing Mr. Siegel and the DNC of trying to dictate to Wisconsin ("Open Primary a Must," editorial, 12 June 1975). When Mr. Siegel replied to this editorial by letter, the *Capital Times* printed a rebuttal ("The Presidential Primary," editorial, 21 July 1975). When hearings were held on AB-807 on June 23, 1975, a spate of editorials issued forth denouncing that proposal (e.g., "The Party's Stance?" *Sheboygan Press* editorial, 25 June 1975; "Wisconsin's Own Primary," *Green Bay Press-Gazette* editorial, 26 June 1975; and "Primary Tinkering," *Milwaukee Sentinel* editorial, 5 July 1975). Then, when Governor
Lucey and other Democratic leaders on July 30 announced their intention to sue the DNC to save the open primary, the press responded with unanimous praise (e.g., "The Democratic Dilemma," Capital Times editorial, 1 August 1975; "Primary Test," Milwaukee Sentinel editorial, 1 August 1975; "An Open Primary," La Crosse Tribune editorial, 5 August 1975; and "Wisconsin's Own Way," Green Bay Press-Gazette editorial, 4 August 1975).


54 In fact, I cannot ever recall having seen a television set in the offices of any state legislator in the Wisconsin capitol. Wisconsin's current Governor, Republican Lee Dreyfus, felt there was such a gap in electronic coverage of state politics in the northern half of Wisconsin that he attempted to set up a television and radio broadcast system which would broadcast to those areas straight from his own office. Legislative Democrats, of course, blocked this move for obvious reasons.

55 Maurice Lamontagne, "The Influence of the Politician," Canadian Public Administration, 11 (Fall 1968), 469-70.

56 Or, as Joseph Heller described Colonel Cathcart, the politics-playing
soldier in *Catch-22*: "He collected rumors greedily and treasured gossip. He believed all the news he heard and had faith in none. . . . He was someone in the know who was always striving pathetically to find out what was going on."

CHAPTER IV

THE ACTORS

By now the diametrically opposite requirements of Wisconsin political culture and national Democratic party rules should be unmistakeably clear. The last two chapters have set the stage for a clash of wills between the DNC and Wisconsin Democrats that should shed light upon relations between the party national committees and their component state parties, or, in other words, upon the impact of federalism upon the American political parties. However, before I proceed to a discussion of this clash and its results and lessons, it is necessary to clarify that like the national parties of which they are a component part, the state parties themselves are not monoliths, but consist of diverse elements which have their separate interests and may not always agree with each other on a particular issue. Such was true of the Wisconsin Democratic party, whose various elements were at odds with one another over how to deal with the primary problem because the interests each had at stake in that issue happened to conflict.

Consequently, before the study proceeds any further, it is first necessary to introduce the various actors, detail the interests each had at stake in the dispute, and explain how those interests along with the surrounding political culture affected the stance taken by each actor on the primary
issue. It seems logical to begin with the only non-Wisconsin actor, the Democratic National Committee.

THE DEMOCRATIC NATIONAL COMMITTEE

Although in theory the supreme authority in each of the major American political parties is the quadrennial national convention, in reality the management of party affairs on a day-to-day basis long has been the preserve of the national committees, or, more accurately, the chairperson and staff of the national committees.1 Those elements of the Democratic National Committee (DNC) this study essentially is concerned with are the chairperson, his or her staff, the Mikulski Commission on Delegate Selection and Party Structure, and the Compliance Review Commission (CRC).

The DNC Chairperson

Robert S. Strauss's chairpersonship stands as a classical example of the rule-of-thumb that a leadership vacuum in the out-party invites increased activity and control by the national committee chairperson.2 The usual titular leader of the party out of power, the defeated presidential candidate, had lost so overwhelmingly (and divided his party so badly) in 1972 that neither he nor anyone else in the congressional and gubernatorial ranks of the party could pick up the pieces. Except for Senator Edward Kennedy, who continued to demur for family reasons, the only other person who could step into the breach was the new DNC chairperson; assuming one acceptable to all factions could be elected to replace the defeated presidential candidate's appointee.

Mr. Strauss, however, hardly was a compromise candidate for DNC
chairperson. Before the 1972 convention even was over, Mr. Strauss was selected by Senators Humphrey, Jackson, and the AFL-CIO leadership as their candidate for DNC chairperson after the expected November defeat. He was elected (with a margin of only 4 1/2 votes out of more than 200 cast) by a coalition of those who had opposed the nomination of George McGovern: party regulars, AFL-CIO COPE unionists, and southern and border state Democrats. Mr. Strauss's own politics coincided very much with those of his backers. He was very much in agreement with the COPE-Coalition for a Democratic Majority view that several of the McGovern-Fraser reforms, especially the rules on affirmative action, slate-making, ex-officio delegates, and at-large delegates, had been harmful to the party in 1972 and must be rolled back.

However, as even his most bitter reformist foes later would admit, Mr. Strauss came to office determined to reunite the regular and reform factions within the party, which meant doing what he could to preserve the basic outline of party reform while at the same time maximizing the party's chances for victory in 1976. After paying off his debts to his supporters by appointing more than three dozen union officials to party leadership posts and hiring his staff from COPE and the Coalition for a Democratic Majority, Mr. Strauss infuriated George Meany and Alexander Barkan by maintaining an independent, neutral course during several important intraparty battles in which the regular faction that had elected him lost to the reform faction. Mr. Meany and Mr. Barkan had frittered away much of their influence with him by attempting to collect on every issue that came along, and by insisting that he purge the "amateur" reformers—whose voting strength on the DNC was at least equal to their own, and whom the chairperson had to live with—right out of the party. Mr. Strauss, conscious of the numbers like a good politician, could only resent the impossible demands of his backers; and had
to withstand the criticism of both factions until the September 1973 Democratic Telethon, a smashing $5.25 million success, strengthened his position as party leader. 8

With this financial and artistic success behind him, and all of his appointees finally in place on the DNC and its various subgroups, 9 Mr. Strauss began to take a stronger role. Despite these appointments, however, the reform faction in the DNC still had the votes necessary to hold its own, and negotiation and compromise became the watchwords of his tenure. Expounding the theme that the divisiveness of the Democratic party itself was to blame for Richard Nixon's victories in 1968 and 1972, 10 Mr. Strauss set for himself the task of re-establishing party unity, or at least cessation of the public airing of differences, so that a Democrat might win in 1976.

My purpose, as Democratic Party Chairman, is to build a political platform where reasonable voices in the Democratic Party can be clearly heard. This means:

--Bringing Democrats closer together, widening our communications with each other;

--Increasing debate, not differences;

--Emphasizing convergencies instead of divergencies [sic];

--Building the Democratic National Committee into a practical service organization instead of fostering Democratic ideological positions.

These are elements which assure timely Democratic victories--in Congress, governorships and legislatures--and will foster an organization to sweep a Democrat into the White House in 1976. 11
The Politics of the DNC and Its Subcommissions

As may be guessed from the tenor of Mr. Strauss's remarks and the circumstances of his accession to office, the primary concern of the DNC and its new chairperson during the period 1973-1976 was to bring under control the factional conflict over reform which had divided the party so in 1972. Every time Mr. Strauss spoke on record during his first two years as DNC Chairperson, his remarks reflected his single-minded, unwavering determination to bring the Democratic party back together again. Although it was not always apparent then, party reformers such as Anne Wexler and Alan Baron later recalled that compromise and harmony were indeed the hallmarks of Mr. Strauss's tenure as chairperson:

As deep, bitter divisions (on questions like quotas) existed, Strauss worked hard to avoid public confrontations. In private negotiations, compromises were usually reached—and they tilted toward the party's reform wing rather than the groups which elected Strauss. . . . Actually, the pro-reformers just had the votes. . . .

The selection of the 25 at-large DNC members is a case in point. Strauss bargained for weeks to draw up a 25-person slate balanced enough to get by the DNC without significant vocal opposition. Despite the initial distrust of reformers and the AFL-CIO leadership's pique, Mr. Strauss's compromise remedy for the party's factional ills seemed to work admirably. Washington journalists filed complimentary notices about the Democrats' newfound solidarity; and in 1974 Mr. Strauss, who knew how to
blow his own horn to advantage, was able to report that internal divisiveness had regressed since his takeover:

... 1973 was primarily a year of introspection and healing. Whether the forum was the Commission on Delegate Selection, the Charter Commission, or the Vice Presidential Selection Commission, our efforts were directed at bringing together all elements of the party in a spirit of candor and openness, tempered with respect and, on occasion, good humor. ... Not everyone agreed with every decision. ... But measurable progress had been achieved and the Party was far more unified than when the year began. 

Yet, despite his preference for harmony through negotiation and compromise, Mr. Strauss was anything but a passive chairperson. "Tough, aggressive, hard-driving and autocratic" by nature, he worked his compromises as Lyndon Baines Johnson had done, by pushing all ideological divisions aside with "the extra quantities of energy and gall the Texan injects into all his dealings ... [in] his own style of sweetly reasoned pacification. ..." Of course, he sometimes had to turn to certain powerful quarters, such as the party's congressional and gubernatorial ranks, for backing before making his move; but once he had that backing he would wave it over the DNC like a club, as in:

Democratic Governors forcefully favored enlargement of the Charter Commission to provide proportionate representation, and expansion of the Delegate Selection Commission to provide that each state has at least one member.

Nor, despite his goal of party harmony, was Mr. Strauss a neutral chair-
person. Indeed, his personal make-up hardly could permit him to be neutral. A moderate-to-conservative "regular" at heart, neutrality was something he resorted to when he knew the numbers were not on his side.

By his own admission, Mr. Strauss used his position and his staff to promote his own views when he could. When drawing up a slate, he naturally favored his own side, though never so heavily that the slate might not get through. When vacancies on commissions occurred (sometimes he solicited resignations21), he usually filled them in such a way as to further strengthen his control; unless the commission was so small that to do so would deprive an important constituency of representation. He even appointed Azie Morton, a high-ranking, salaried member of his DNC staff to a vacancy on the Compliance Review Commission. When asked if such an appointment was not improper given the influence he could wield over his employee's vote, Mr. Strauss replied, "I suspect she influences me, and I hope that I influence her," and professed not to see any impropriety in the appointment.22 Nor did he see any impropriety in "stacking" the final, decisive meeting of the Charter Commission with new appointees replacing members who had not been attending its meetings. In a heated emergency meeting of the DNC Executive Committee on August 15, 1974, Mr. Strauss reasoned that what he had done could not be considered "stacking," because the reformers could have done the same thing with their absentee members, if they had wished!23

Mr. Strauss routinely used his staff to look after the regular faction's interests before the various DNC commissions. By his own admission, his staff spent considerable time "working on Charter Commission work," even though that commission had its own staff.24 Such "kibitzing" was only one aspect of the DNC staff's involvement in the work of the various commissions.
members of the various party commissions. During one meeting of the Charter Commission, for example, DNC Executive Director Siegel not only participated in discussions regarding the Charter, but coached labor members of that commission in his hotel room on how to fill out an important questionnaire soliciting feedback on the Charter draft. Needless to say, this partisan use of the DNC staff elicited cries of "foul" from the reform faction, but Mr. Strauss rolled right over them:

With respect to staff involvement in the activities of the Charter Commission, those members of the staff I felt were important to "lobby" the Chairman's point of view were in attendance and doing so at my specific instructions; and had they not done so they would have been derelict in the execution of their responsibilities.

Of course, Mr. Strauss and his staff did not interfere so much in the business of those commissions created and staffed after he had become chairman, for the reason that those commissions were essentially his own creations. This was true of the Compliance Review Commission, which this study is so concerned with. Created in 1974, 12 of the 25 members of the CRC were appointed by Mr. Strauss, and another five appointed by such natural regulars as the Senate majority leader, Speaker of the House, president of the Association of Democratic State Chairmen, and the chairpersons of the Democratic Governors' and Mayors' Conferences respectively. (More on this in Chapter V.) Moreover, the two principle staffers of the CRC, Scott Lang and Monica Borkowski, worked on Mr. Strauss's DNC staff prior to their assignment to the CRC. Consequently, when they moved over to the CRC, the lines of authority did not really change: they still were working for, and
answered to, Mr. Strauss and his Executive Director, Mr. Siegel. Mr. Siegel sometimes laid plans with them which they then carried to their nominal boss, CRC Chairperson Robert F. Wagner, and always received copies of everything the CRC staff did (which he sometimes changed the language of, though never the substance). In other words, Mr. Siegel did not have to interfere in CRC affairs as he had in Charter Commission affairs: for one thing, both he and the CRC staff thought alike on most matters, and they kept him apprised of everything that went on; for another, he personally had taken part in the drafting of many of the regulations by which the CRC operated; and, finally, the regular bloc was in the majority on the CRC.28 "With but a few exceptions, the Strauss bloc enjoyed the support of 65 percent to 75 percent of the commissioners" on roll call votes.29 The Wisconsin primary question, which we are concerned with here, was one of those exceptions.

The DNC's Interest and Stand

It already has been mentioned that many in the national Democratic party felt that crossover voting in the presidential primaries was diluting the effect of participation by true Democrats. The demand for closed primaries expressed at the Mikulski Commission's hearings had come from all sides—from states as disparate as Maine, Illinois, Texas, and Wyoming, and from "Humphrey"regulars as well as reformers. It is apparent, then, that the DNC had a fundamental interest in forcing Wisconsin Democrats to close their primary to crossover voting.

It also must be recognized, however, that the DNC had other interests, some of which did not square well with this particular one. One such interest was the DNC's need to minimize conflict. The DNC always has been a loose
federation of state and local party organizations, and many of its members are in fact state party leaders. These often identify more strongly with the state party organizations which they lead than with the national committee they are seated on, and are opposed to too much DNC interference in the state parties' affairs.

To the extent, then, that the open primary was a Wisconsin tradition and the national party rules conflicted with the Wisconsin party's interest, there were some in the DNC and its commissions who would be sympathetic to Wisconsin because they felt that the principle of latitude for the state and local parties was paramount to the DNC's interest in preventing crossover voting. Others in the DNC, of course, disagreed that states' rights were paramount to any of the rules, each of which must be upheld because they embodied national party supremacy. Still others in the DNC, recognizing this fundamental difference of opinion between regulars and reformers, found that their interest in party unity had a moderating effect upon their enthusiasm for such absolutes as states' rights, the purity of the delegate selection process, and national party supremacy. In a nutshell, the DNC was the furthest thing from a monolith, and its interests and stance vary depending on which element of it one looks at, and at what stage of the controversy.

THE DEMOCRATIC PARTY OF WISCONSIN

The DPW is a relatively new creature, having been created in 1949 by a group then calling themselves the Democratic Organizing Committee to distinguish themselves from the disintegrating statutory Democratic party, which never had fared well against the Republicans and Progressives and existed primarily to take federal patronage whenever a Democrat was in the White
House. The Organizing Committee, which changed its name to the present form (DPW) in 1953, set up a shadow organization of volunteers paralleling the ineffectual statutory organization in the hopes of filling the vacuum created by the demise of the La Follettes' Progressive party in 1946. The basic unit of this new party is the county organization, except in Milwaukee county, where the party is broken down into Assembly district units.

The echelon of the DPW which this study is most concerned with, however, is its state central committee, which had the responsibility for implementing the closing of the presidential primary as mandated by the DNC's rules. This central committee was the DPW's 31-member Administrative Committee, which consisted of state party officers and DNC members elected at an annual state convention, the heads of the nine Congressional District and Milwaukee county party organizations, representatives from the state Assembly and Senate Democratic caucuses, and a number of at-large members also elected at the state convention. As such, the Administrative Committee members were fairly independent of the party's leader, Governor Patrick J. Lucey, who wielded what influence he had over that body through his hand-picked state DPW Chairperson and the staff at the DPW's state headquarters, which (while I worked there) functioned more or less as a branch of the Governor's office. These 31 Administrative Committee members were the ones who must take the lead in pushing for legislation closing the state's presidential primary to crossover voting, or, failing that, draw up and implement an alternate, caucus-type system of delegate selection.

As noted above, Sorauf and others have pointed out that the two major American political parties consist of three distinct components which often may be at odds with one another: the party organization, the party-in-government, and the party-in-the electorate (above, page 6). Certainly, this
was true of Wisconsin Democrats with respect to the issue under study here. Since its inception in the late 1940's, the DPW organization has been dominated by what Wilson calls "amateurs," rather than "professionals." As such, the DPW organization enjoyed the usual difficult relations with those elected officials running under its label, who are mostly of the "professional" mold. The DPW has very little control over its elected officials; in large part because (1) it does not make endorsements in its primary elections, and (2) Wisconsin has almost no patronage for its parties to dispense. The absence of these sanctions, and perhaps the amateur domination of the DPW organization as well, can be attributed to the influence of the Progressive movement, and the strongly anti-party political culture which that movement left behind in Wisconsin.

Another factor limiting the DPW's influence with its elected officials is the organization's inability to raise and dispense sufficient campaign funds (which also may be somewhat attributable to the state's anti-party culture). As one of the key legislative opponents of closure, Representative David R. Kedrowski, put it:

If we relied on the party coffers for campaign contributions, we'd all starve to death. That's a club that's not even there. Consequently, Wisconsin's Democratic elected officials, especially those who do not hold federal or statewide offices, build their own campaign organizations and raise most of their own funds. In fact, the Democratic caucuses of the Assembly and state Senate have well-developed staffs which assist in the performance of many marginally campaign-type functions, as well as their own caucus fund-raising committees patterned somewhat after those of the congressional parties.
As is so often true of party organizations dominated by amateurs, the hierarchy of the DPW organization sometimes espoused positions different from those of the majority of the party's supporters (party-in-the-electorate) and elected officials (party-in-government). This was the case in the open-vs.-closed primary controversy. Whereas the DPW organization reluctantly favored obeying the DNC and closing the state's presidential primary if all efforts to get around the rule failed, the party electorate and the party's state legislators both strongly opposed even attempting closure. This split probably can be explained partly in terms of the different ideological perspectives of the DPW organization on the one hand, and the party voters and legislators on the other. Most of the amateur activists in the DPW qualified as either reformers or fairly liberal (i.e., "Humphrey-type") regulars, and as such were more liberal than the majority of the party electorate and their elected representatives. This pronounced liberal-left tendency is borne out by the results of a presidential preference poll of 501 party activists attending the DPW's 1975 state convention (see Table 8).34 Undoubtedly, many of these mostly liberal DPW activists and leaders shared the concerns of their ideological mates in the national party who had pushed after the 1972 primary campaign for the adoption of rule 2A in order to prevent Republicans and independents from crossing over to vote for George Wallace and others on the party's right.

But the split between the DPW and its legislators and electorate over the primary issue can be explained better in terms of the differing interests of these three components of the party. All three components may be presumed to have been equally exposed to the state's Progressive culture; and all three in fact would have preferred the status quo. Yet, despite shared backgrounds and preferences, they nevertheless took different stances on the
<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morris Udall</td>
<td>151</td>
<td>29</td>
</tr>
<tr>
<td>Fred Harris</td>
<td>129</td>
<td>27</td>
</tr>
<tr>
<td>Edward Kennedy</td>
<td>79</td>
<td>15</td>
</tr>
<tr>
<td>Hubert Humphrey</td>
<td>32</td>
<td>6</td>
</tr>
<tr>
<td>Jimmy Carter</td>
<td>24</td>
<td>4</td>
</tr>
<tr>
<td>Henry Jackson</td>
<td>24</td>
<td>4</td>
</tr>
<tr>
<td>Edmund Muskie</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td>George Wallace</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>Undecided</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Milton Shapp</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Julian Bond</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Gaylord Nelson</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Others</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>501</td>
<td>100</td>
</tr>
</tbody>
</table>

*Adapted from Thomas Lawin, "Udall Tops Harris in Convention Poll," Eau Claire Leader-Telegram, 16 June 1975.*
issue—a phenomenon which can be better understood by examining how closing the primary figured to affect their separate interests.

The Interest and Stand of the DPW

The Democratic legislators' compelling interest in this issue was to hang onto their seats in the legislature; an interest which enactment of a closed primary bill would have endangered, given the surrounding political culture. (More on this later.) The party electorate's interest in this issue was the preservation of what they viewed as a "God-given right to vote in the primary of the party they please." DPW state headquarters staff members travelling the state in 1975 encountered many rank-and-file members in local DPW units, as well as many casually affiliated party supporters, who favored holding the open primary as usual, sending a delegation from it to the 1976 national convention, and daring the national party to explain to millions of television viewers that Wisconsin was being ejected from the convention because it had encouraged too much voter participation. Written objections of a similar nature came into DPW state headquarters from party supporters and lower-echelon DPW members. They wanted the state party leadership to "tell the DNC to go to Hell"; but then, unlike the DPW organization leaders, those in the party electorate and lower echelons of the organization did not stand a reasonable chance of becoming delegates to the national convention.

The leaders on the DPW Administrative Committee, on the other hand, had a compelling interest in insuring that their organization's delegation would be seated at the national convention where, in all probability, the next President of the United States would be selected. Undoubtedly, many of
their own number would be members of that delegation, and actually might play a role in what many predicted would be a brokered nomination.\footnote{38} Nor was this the only interest of the DPW leadership that would be served by compliance with the DNC's mandate: several of them also had their own personal prestige and influence in national party circles to think of. Wisconsin DNC member Mary Lou Burg was Robert S. Strauss's personally-selected Deputy Chairperson of the DNC, responsible for the daily management of DNC operations; and DPW First Vice Chairperson Marge Pattison was a member of the DNC's Compliance Review Commission. Both of them would find their respective national party posts embarrassing and difficult to the extent that their home state's party refused to make a "good faith effort" to comply with the national party rules. Wisconsin DNC members Midge Miller, Michael Bleicher, and Donald O. Peterson also enjoyed great influence on that body and within the reform faction; influence which might have diminished if the Wisconsin organization should "backslide" on reform.

The idea of standing on principle and refusing participation at the national convention on the DNC's terms did not appeal so much to those who previously had tasted power, and could reasonably expect to do so again, as it did to those who had not, and were not about to. Perhaps we may conclude from this that in some sense the differing feelings of personal efficacy held by those at the top of the party hierarchy and those at the bottom of it or outside it affected their respective preferences with regard to a closed primary. It seems natural that those who feel least efficacious should be the ones most opposed to any changes strengthening the party organization, which in Progressive ideology is seen as one of the causes of the individual's political powerlessness.

On the other hand, these same DPW leaders also were aware that closing
the primary undoubtedly would hurt the party with the electorate and the press, and that Democratic candidates for the legislature in 1976 would suffer for it. Consequently, those on the DPW Administrative Committee were troubled by dissonance within themselves as individuals and among themselves as a group; and two of them, George Wilbur and DPW Second Vice Chairperson Frank Nikolay, even came out in print against a closed primary. Most of the rest were compelled by the interests of their institution and their roles to take a stance favoring a closed primary; but they, too, were unenthusiastic about closure, and their support of it lacked accordingly. DPW Chairperson Herbert H. Kohl spoke for all Administrative Committee members when he told the Associated Press, "Personally, I wish the [primary] system could remain just as it is now. I think most Democrats do." Not surprisingly, then, many DPW officials hoped that their party might escape its dilemma by making an unsuccessful attempt to pass the necessary legislation, and then persuading the national party to grant Wisconsin a waiver of rule 2A on the grounds that a "good faith effort" had been made.

THE DEMOCRATIC LEGISLATORS

As mentioned in the previous section, most Democratic legislators greatly feared the possible electoral consequences of passing a bill closing the open primary. Given the surrounding Progressive political culture and the opposition of the state press, not to speak of the considerable opposition within their own party electorate, they were wise to feel concern. As Republican-leaning columnist John Wyngaard warned them,

It would be worth the political life of most legislators to support such a bold and arrogant curtailment of the absolute
freedom of choice that has been assured since the great wave of electoral reform in Wisconsin and elsewhere around the turn of the century.\textsuperscript{42}

Moreover, legislators had a great deal at stake in the political lives Mr. Wyngaard warned they would risk. The destruction of one's political career, stated in such general terms, does not mean much unless it is broken down into specific ramifications, such as the loss of personal income, status, and power.

During the past decade, the Wisconsin legislature has been undergoing transition from a part-time legislature to a full-time one whose members' livelihood and profession is politics, and only politics. At least 37 of the then-62 Democrats in the Assembly and four of the 19 Democrats in the Senate were full-time legislators dependent upon their $15,680 salaries and $25 per diem expense accounts for their livelihood.\textsuperscript{43} This salary would rise to $17,843 if they survived the forthcoming 1976 election, but there was a hurdle: the Republicans had vowed to make closure of the primary a campaign issue in that election, if the Democrats passed such legislation.\textsuperscript{44}

Several of these full-time legislators were elected to office very early in life (often right out of college or after a period of service as legislative staff), and never had engaged in any other occupation except politics. For many of these, it seems likely that the status that comes with popular election and the wielding of power probably figured prominently in their sense of self-worth.\textsuperscript{45} The prospect of loss of re-election may have connoted to some of them a period of floundering and uncertainty, not only in the sense of facing difficult career decisions, but also in terms of self-assessment, of personal identity.
The threat to re-election that the closure issue represented also was a source of concern for many Democratic legislators who were not full-time. Many were businessmen, farmers, and others for whom the legislative salaries constituted a large part of their income, especially since the increasingly professionalized legislature demanded an increasing amount of their time. Many also were attorneys for whom service in the legislature was a magnet which attracted clientele. Finally, no doubt several legislators were dedicated advocates of various viewpoints and issues which could suffer if they voted for something as unpopular as closure. If they lost re-election on the basis of that vote, their voices would be lost to the more important causes for which they were spokesmen. So those who were full-time legislators were not the only ones who had a great deal at stake in this highly controversial issue.

The Legislators' Interest and Stand

The Democratic legislators' compelling interest in this issue, then, was the preservation of their seats, and their collective stance on the issue largely reflected that fact. In August, 1975, four months before a closure bill came up on the floor of either house, all 98 Assembly members and 33 Senators were polled by the Wisconsin State Journal, which asked them: "Do you support a change in the Wisconsin presidential primary law to make crossovers more difficult?" Of the 34 Democratic Assembly members who responded, only eight supported such a change, while 24 said they opposed it and two were undecided. In the Senate, two of the ten Democratic respondents said they supported such a change, while six opposed it and two were undecided. Even those who favored such a change were at best only lukewarm.
Typical of these was Assembly Speaker Norman Anderson (D-Madison), who responded that he favored such a change, "but only to the extent necessary to insure the seating of the Wisconsin delegation to the Democratic National Convention." Almost none of those supporting closure did so because they believed that non-party adherents should be prevented from participating in the selection of party delegates.

Those Democratic legislators who said they opposed changing the primary law cited many of the same reasons given by the press (see last chapter), with whom they shared the traditions and orientations of Wisconsin's political culture. But undergirding their Progressive principles in a most profound sense was their fear of the electoral repercussions that would result from voting for such a bill in that culture. Many Democrats, especially those from the out-state, rural, competitive districts that once had been Progressive strongholds, felt themselves vulnerable to defeat on the basis of just this one issue. Representative David R. Kedrowski (D-Washburn), the chairperson of the Assembly Elections Committee which would have to act on closure legislation, bluntly told aides to the Governor that "They [the voters] will defeat me on the basis of this bill." Another legislator, Representative Gary Barczak (D-West Allis), added that "I've been getting more heat about changing the primary law from my constituents than I have about increasing the gas tax." Consequently, many Democrats like Representatives Kedrowski and Barczak took a stance similar to that enunciated by the influential Senator Henry Dorman (D-Racine), who said, "If I have to disappoint our party organization or the people we represent, I for one am committed to serving my constituency."

Whether or not the delegates of Wisconsin's volunteer party organization were refused admission to the Democratic national convention was not a
particular concern of theirs. For one thing, few legislators were very involved in presidential campaigns, and thus were not likely to be elected delegates. For another, those who would be elected delegates were "amateurs" from the ranks of the DPW organization, whom the legislators often regarded as rivals and felt no strong inclination to help, since the DPW organization in fact helped them very little. But most important of all, while the ejection of Wisconsin from the convention would be objectionable to many legislators, they also recognized that such an outcome was not likely to affect their re-election greatly, whereas tinkering with the primary very probably would. The same was true of the caucus system which possibly would go into effect if the primary were not closed: it, too, was not so great a threat to their re-election as a closed primary, because it could be effected by a change in party rules rather than in state law. The onus of adopting such a system, if any, would rest with the DPW organization rather than with the legislators. Indeed, as I will show in Chapter VII, many legislators perceived that the institution of such a caucus system actually might hold several advantages for themselves and their party from a competitive standpoint.

THE GOVERNOR

Governor Patrick J. Lucey was easily the dominant figure in Wisconsin politics during the period under study. Although normally a reserved man, he was a consummate politician who had few peers in organizational skill, enjoyed exceptional national connections and prestige, could play political "hard ball" with the best, and enjoyed unsurpassed name recognition within his home state.52 Capital Times editor and publisher Miles McMillin noted
at the time of Governor Lucey's resignation in 1977 to become U.S. Ambassador to Mexico that

Pat has political troubles. . . . Big labor and big business, both of which have benefitted from his policies and skillful politics, have been taking shots at him because his intelligence tells him he must look further down the road than jobs and profits . . . because of his concern not only for the quality of life, but for the inevitability of the energy crisis.

. . . his record of achievement cannot be denied. He will go in the record book as one of the best governors this state has seen. It is often said of him that he is a shrewd and tough politician. That he is. Were he not, he would have no record as governor. . . . It couldn't have been done without some unusual skills in the art of politics, and without some pretty tough application of those skills. 53

Although shrewd and realistic, he also was a far-sighted leader willing to take unpopular actions when necessary, even at political cost to himself. As Michael Elconin, the chief aide to Mr. Lucey's successor as Governor remarked,

Pat Lucey . . . developed an image as just a hack politician because of some of the very controversial and tough stands he took. It used to amaze me that he'd take an unpopular stand and people would accuse him of playing politics. If he was playing politics, he wouldn't have taken unpopular stands. 54

Yet, the Governor was such a strong leader that he usually prevailed even
when his actions were unpopular. One sharp legislative critic labelled him "perhaps the strongest governor in Wisconsin history":

He took the office from moderately powerful to super control.
He was able to control the legislature, even when Republicans were in command in the Senate. . . . Top echelon people who challenged Lucey were replaced. He demanded and got loyalty.55

In short, whether the source be newspapermen, allies, or opponents, Mr. Lucey was recognized by all as a strong and effective Governor.

The real explanation of Mr. Lucey's effectiveness as a politician lies in the wealth of political experience he had accumulated before being elected Governor in 1970. In addition to the usual politician's quota of legislative service and other experience in running for and holding office (e.g., Assemblyman, 1948-50; candidate for Congress, 1950; DPW state chairperson, 1957-63; lieutenant governor, 1964-66; candidate for governor, 1966), Mr. Lucey built up a record of campaign management that speaks very highly of his organizational and administrative skills. After managing the unsuccessful campaigns of the DPW's nominees for the U.S. Senate in 1952 and for Governor in 1954, Mr. Lucey served as state chairperson of William Proxmire's Senate campaign in 1957--the Democrats' first breakthrough in Wisconsin.56

Then, while state chairperson in 1960, he was perhaps the key factor in John F. Kennedy's stunning upset of Hubert H. Humphrey in the Wisconsin presidential primary, a role that earned him the Kennedys' respect and brought him inside their circle of friends and advisors thereafter.57

After he had finished serving as state party chairperson during the "take-off" period of the DPW's growth, Mr. Lucey went to work on President Kennedy's re-election bid. When the President went to Dallas on November 22,
1963, Mr. Lucey already was at work in Ohio, preparing the way for Mr. Kennedy's 1964 campaign in that state. In 1968, Robert F. Kennedy entered the race for the Democratic nomination too late to enter the Wisconsin primary; but Mr. Lucey managed the younger Kennedy's Nebraska primary campaign, and, after that primary went on to Oregon where he and another expert oversaw Mr. Kennedy's primary effort in that state. Then he and Lawrence O'Brien worked northern California from Mr. Kennedy's San Francisco headquarters. When Robert Kennedy was shot, Mr. Lucey accepted Eugene McCarthy's request to become his national campaign director. As such, he led Senator McCarthy's fight for uncommitted delegates prior to and during the 1968 national convention, while at the same time keeping a finger on the pulse of the late-blooming movement to draft Senator Edward M. Kennedy at the convention. One Lucey protege recalls personally delivering lists of uncommitted or restless delegates whom Mr. Lucey was wooing for McCarthy to the managers of the "Draft Kennedy" movement as soon as it became clear the delegates in question would not jump to McCarthy. When the pro-McCarthy and pro-Kennedy forces joined together in late 1968 to form the party reform-seeking New Democratic Coalition, Mr. Lucey became an "influential and valuable member" of the organization's national steering committee. Among other things, he relieved the NDC temporarily of its financial difficulties by setting up a $100-a-plate dinner in Washington, D.C. which featured Senators Edward M. Kennedy, George McGovern, and Harold Hughes as the guest speakers.

All of these experiences, the scarring ones as well as the victories, netted Mr. Lucey a great deal of know-how and an extensive and potent network of political contacts that would enhance his political leadership as Governor of Wisconsin. The leadership stature he parlayed these experiences
into can be measured by the facts that (1) he was definitely the boss of the Democratic party in Wisconsin despite the presence of his illustrious seniors, Senators William Proxmire and Gaylord Nelson; (2) he was considered seriously as a running-mate (before the Eagleton affair) by presidential nominee George McGovern; and (3) he was the chairperson-elect of the National Democratic Governors' Conference when he resigned to become Ambassador to Mexico in 1977.

The Governor's Interest and Stand

Of all the actors who had an interest at stake in the primary controversy, Governor Lucey's was easily the most complex and difficult to protect, because of the many hats he had to wear compared to any of the other actors. A Governor is the natural leader of his (or her) state party organization. He is usually a power, or at the very least a VIP, in national party councils. Yet, he also is the leader of the party-in-government by virtue of being the chief executive of the state, with responsibility for a legislative program and a subsequent need for good relations with his party's legislators. Finally, a Governor is also the head-of-state, and as such must be responsive to the people of the state, their desires, and their traditions. What does one do, then, when the interest of each separate role conflicts with that of the others?

Governor Lucey recognized as much as anybody the potential harm closing the primary could do to his majorities in both houses of the legislature, and to himself if he sought re-election to a third term in 1978. No doubt the Governor had these considerations in mind when, at a press conference held just one week after the close of the 1974 Charter Convention, he said
that any change of the primary law would be "painful" because of the state's longstanding tradition of crossover voting. On the other hand, Governor Lucey also was intensely interested in wielding whatever influence he could upon the national convention in 1976, and this consideration exerted an opposite pull on his thinking. Acquiring and wielding such influence normally entails only one big problem for a Governor: namely, making sure one does not back the wrong candidate. But the 1976 convention confronted the Governor with a second, more sticky problem: the task of making sure Wisconsin's delegates got into the convention without challenge and the loss of prestige such an indignity might entail for Mr. Lucey and his state party. Dealing successfully with this problem meant playing by the DNC's rules, and the DNC's rules called for either a closed primary or a caucus system.

But closing the primary would cost Governor Lucey dearly, if not his party's legislative majority then at least in terms of legislative goodwill, and in terms of other legislation which could be held hostage by legislators who resented the jeopardy he had helped place them in. Moreover, adopting the alternative to a closed primary, which was a caucus system of delegate selection, meant that not one but two Wisconsin delegations would travel to New York City for the 1976 convention. The Wisconsin primary would still be in operation even if caucuses were held, and state law required that the state's delegations to both national party conventions must reflect the outcome of that primary. The likelihood that the delegation chosen in the caucuses would closely reflect the primary results was not very high: as the data in Table 7 (see above) suggests, the DPW activists who would dominate the caucuses tended to be much more liberal than the Democratic primary electorate, which cast a considerable number of votes for George Wallace in 1964 and 1972. Thus two substantially different delegations would be
created, a credentials challenge would be guaranteed, and even though there was little doubt as to which of these delegations the convention would vote to seat, Mr. Lucey had a problem. As a duly-elected Governor, sworn to uphold the state's law, which delegation would he lead? The one chosen in accordance with that law, which was certain to be sent home, or the one chosen according to party dictates? A vexing problem for a would-be kingmaker.63

Like the DPW leadership, Governor Lucey, too, hoped that perhaps Wisconsin could obtain a waiver of rule 2A on the ground that a "good faith effort" had been made to close the open primary. As one reporter at the 1974 Charter Convention described the Governor's thinking at that time:

If a bill to change the law were introduced in the Legislature and failed, that probably would be considered enough evidence that Wisconsin Democrats had tried to comply. In that case, Lucey said, he did not think it would be necessary to use party caucuses instead of the primary to choose delegates.64

As Wisconsin's senior political journalist, John Wyngaard, explained it, the Lucey script ran something like this:

Governor Patrick Lucey, with the candor of the professional politician who understands his home base, has provided the cue for the response of his state party. A bill will be introduced, as response to the ostensible mandate from Kansas City. Then, the bill will be killed, according to his plain signal.65

* * * * *

It is part of an elaborate pretense of compliance with the
spirit of the national party rules. . . . It will be sent to headquarters as evidence of good faith by the Wisconsin leaders who have nightmares about being tossed out of the 1976 convention hall...66

Only such a pretense of compliance would enable Governor Lucey to wear all of his hats at once, as any person of power would want to do. All of the other options available--closure, the caucus system, or outright defiance--contained some drawback that made their choice less attractive from the Governor's point of view.

SOME NOTES ON IMPORTANT PERIPHERY ACTORS

While on the subject of actors and their interests and stands, it should be mentioned that certain Wisconsin actors who were not party to this dispute, but rather part of its environment, were interested nevertheless in its outcome, and behaved in a manner calculated to realize their interest. In doing so they affected the behavior of those Democratic actors who were party to the dispute, and so their interests and stands need to be defined here, too.

One of these actors was the Wisconsin press, whose anti-closure stand already has been described in Chapter III, and need not be repeated here. Rather, let us deal here with the press's interest in this issue, which possibly was as great as that of any of the party actors concerned. There can be little doubt that the press is interested in its own political power. Were it not, Ibsen could not have written long ago, in An Enemy of the People, that "Politics is the most important thing in life--for a newspaper." As the editorial page editor of one Madison daily candidly remarked,
I never knew an editor worth his salt who didn't think he was twice as smart and twice as good as any politician. . . . Of course they [newspapers] are interested in their own political power. There's nothing wrong with that. Good newspapers should have as much influence as possible.  

As already mentioned in Chapter III, the American press long has been among the foremost advocates of the replacement of the party convention and caucus systems with the direct primary as a nominating device. The most likely reason for the press's "common pattern" of support for primaries, according to V. O. Key, is that "Publishers can probably exert a greater influence over nominations by primary." Key's hunch perhaps is indirectly confirmed by the fact that several Wisconsin dailies which are opposed to party endorsement of primary candidates do not refrain from such endorsements themselves. Consider this statement by Capital Times editor Elliot Maraniss, who in the space of the same interview said that he regards endorsement as a "misuse of power" when parties do it, but as a public service when the press does it:

An example of where the party machine is misused . . . is the Republican system of endorsements. It's not the Republican party as such, as a vehicle for voters to express their preferences, but rather the misuse of power and undemocratic methods within that party [that we object to]. In fact, it is our opposition to the endorsement policy of the Republicans that is the flip-side of our favoring an open primary in the Democratic party. . . . We [the press] make endorsements not because we ought to have a determining say. We make endorsements because we feel the public
has a right to expect us to give our opinion of the candidates, not because we want to be the king-makers in any way. . . . It is our responsibility to give our readers our informed opinion, the best opinion we can give them as to who are the best candidates, based on our interviews of the candidates and our study of their records. In other words, to do the things that most of the voters don't really have the time to do for themselves a lot, and depend on us to do for them.69

This hardly is in keeping with the Capital Times's oft-repeated Progressive thesis that the individual who chooses independently chooses best. A further proof that the Progressive ideals cherished by the Wisconsin press may not have been its sole motivation for campaigning so strongly against closure may be found in Michigan, where the press also campaigned against closure even though that state was not as heavily influenced by Progressivism and has had an open primary only since 1972.70

My conclusion is that the Wisconsin press had an interest in keeping the primary open, not because closure necessarily would diminish its own influence over the nomination process, but rather because it would increase the influence of a rival over that process. That rival was the political party, which the press, as self-appointed voice of the people and guardian of the public interest, always has regarded as the chief enemy of broad public control over politics. Moved by its image of itself as public guardian to consider its relationship with the parties to be an adversary one, the press has developed an interest in minimizing the influence of its adversaries. (In this respect, it should be mentioned that a 1974 study of the front-page content of 94 U.S. newspapers found that 70 percent of all articles
dealing with political parties were critical of them; far higher than that for any other political institution, including Congress, the Ford Administration, state and local government, and President Ford himself.  Consequently, it is reasonable to say that the Wisconsin press had an interest in preventing the closing of Wisconsin's primary, which would have given the Democratic party greater control over its nomination process. The behavior this interest helped engender, and the effect that behavior had upon Wisconsin Democratic actors, has been covered already.

What has not been covered yet in these pages is the interest and stand of another Wisconsin actor which was not really party to the dispute, but also affected the behavior of Wisconsin Democrats: the Wisconsin Republican party. Wisconsin Republicans at this time were undoubtedly at the nadir of their influence in state politics. Once the longtime rulers of what was unquestionably a one-party state, they now found themselves almost completely shut out of power in that state. Ever since the collapse of the Progressive Party in the late 1940's and the disrepute Joe McCarthy had dragged Wisconsin Republicans into in the 1950's, the Democrats had made great gains in almost every election, until they were on more or less equal footing with the Republicans.

Then came Watergate. The year 1974 proved a watershed for the party in more than one sense. A Wisconsin Survey Research Laboratory survey of 548 Wisconsin adults during late autumn 1974 found that 31 percent of the state electorate considered themselves Democrats and 35 percent considered themselves independents, while only 23 percent considered themselves Republicans. Moreover, of those 35 percent independents, 17 percent indicated they felt themselves closer to the Democrats while only 9 percent considered themselves closer to the Republicans. 72 Worse still, the plunge which the Republican
party experienced in voter support was matched by a plunge in the financial support which the party traditionally has enjoyed. Consequently, the Republicans suffered a great defeat in the 1974 elections. They lost control of the state Senate for the first time in 60 years, went from four to only two of the eleven congressional seats, saw the Democratic majority in the Assembly rise to the two-thirds mark (65-34), and failed to win any state-wide executive offices. To sum up, they not only were shut out of power, but also were practically leaderless as a consequence of not having anyone in a statewide office.

The Wisconsin Republican party in 1975, then, was a ship adrift without a rudder, leaderless and demoralized. Lacking any real program of its own, it seemed to be waiting and hoping for the Democrats to make enough mistakes so that it could return to power, or at least to a competitive footing. In the absence of any leader or program of great appeal, the only other possible vehicle for a resurgence was some new issue of broad interest—should one arise. The DNC unintentionally saw to it that one did. Wisconsin Republicans scarcely could conceal their glee at the dilemma which rule 2A posed to their dominant rivals, and never missed a chance to remind the public that the GOP was opposed to tinkering with the open primary tradition.

The Republicans' interest in the primary controversy was to belabor the issue for all the publicity they could get, and, if the Democrats passed a law modifying the primary, to campaign on the issue in the November, 1976 elections. Many, like Senator F. James Sensenbrenner (R-Shorewood), freely predicted that enactment of closure would be an election issue in state legislative races in the fall of 1976. The effect that this prospect had upon Democratic enthusiasm for closure was about as chilling as that of the newspapers' repeated editorials against closure.
Conclusion

By now the overall alignment of forces with regard to a closed primary should be clear. The only actor which really favored closing the open primary was the lone outside actor, the DNC. Arrayed against it were the entire Wisconsin press, almost all Wisconsin Republicans, a majority of the DPW's supporters or party electorate, and, no doubt a consequence of the first three, a similar majority of Wisconsin's Democratic legislators. Situated in between these two poles as a result of held interests and values pulling them in opposite directions were the DPW organization, and Democratic Governor Patrick J. Lucey. The resulting alignment of forces looked something like this:

<table>
<thead>
<tr>
<th>For Closed Primary</th>
<th>In Between</th>
<th>Against Closed Primary</th>
</tr>
</thead>
<tbody>
<tr>
<td>DNC</td>
<td>DPW organization</td>
<td>Press</td>
</tr>
<tr>
<td></td>
<td>Governor Lucey</td>
<td>Republicans</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DPW electorate</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Democratic legislators</td>
</tr>
</tbody>
</table>

Several important observations can be extracted from this chart. One is that no Wisconsin actor actually favored a closed primary, even those in the "in between" column. Left to themselves, they would have preferred the status quo. Second, the alignment of forces portrayed here suggests that any change in the primary law was doomed to fail; for it could be enacted only by legislation, which was solely the prerogative of the legislators, who were not likely to do anything disapproved by the Democratic electorate, press, and Republicans alike. Throughout the controversy, the legislators held most of the trumps. Third, the DNC's lone trump, which was its right to force Wisconsin to use an alternate system of delegate selection if it did
not close the primary, was compromised by a loophole clause—the "good faith effort" waiver. Consequently, those actors who were caught in the middle with interests at stake on both sides of the issue, and entertained hopes of realizing them all, perceived that the DNC probably could be persuaded to yield more easily than the legislature, and adapted their strategy accordingly.
CHAPTER IV


5 Ibid.

6 The Baron Report, 17 (5 April 1977), 1. "I am dedicated to seeing that the clock shall not be turned back" on reform, Mr. Strauss told the DNC in adding 25 at-large members to that body shortly after his election. "But let me tell you that we have not been perfect . . . . Some of the techniques [for broader representation] just didn't work." See Bruce Winters, "Democrats Finish Parley, Vow Unity," Baltimore Sun, 24 March 1973; and Paul Hope, "One of Happiest Democrats Around," Washington Star-News, 24 March 1973.

7 Broder, "Labor Exerting New Muscle in Democratic Party," Washington
Post, 2 September 1973. Specifically, COPE recommended, and Mr. Strauss accepted, Frank Raftery of the Painters' Union for the labor slot when the Chairperson moved to increase his strength on the DNC Executive Committee by adding six at-large members. But the reform faction nominated Red Smith of the Machinists for the same slot, and, with Mr. Strauss publicly neutral, Smith defeated Raftery. COPE's choices for the presidency of the Association of Democratic State Chairmen and of the Democratic Youth Caucus (both of whom would sit on the DNC Executive Committee) also lost to reform opponents, again with Mr. Strauss on the sidelines. Mr. Barkan reportedly told Mr. Strauss after Raftery's loss that "All I have to do is give the word and off we go, all of us. We'll leave you to your New Politics friends." Among other things, COPE also demanded the right to approve staff appointments, the size of commissions (they wanted the Mikulski Commission increased from 50 to 150 members in order to guarantee control by the regulars), and even to demand the removal of commission heads (i.e., Barbara Mikulski).


15 As Jonathan Cottin noted, "If party unity is on the ascendancy, Strauss is not opposed to taking some of the credit" (ibid., 7). Mr. Strauss never lost a chance to link his own name with important events or leaders: when Ted Kennedy made a joint appearance with George Wallace in Alabama, Mr. Strauss was there, too—and printed that fact ("Another Milestone in the Unification of Our Party," Democratic Letter, 4 [9 July 1973]). He also was fond of informing DNC members he was breakfasting with Congressional leaders and was invited regularly to the Governors' Conferences (Memoranda to all
DNC Members, 5 March 1973, 7 May 1973, and 25 April 1974, Bleicher papers, State Historical Society of Wisconsin, Madison, Wisconsin). One can visualize Mr. Strauss telling DNC members the same thing he told Mr. Cottin:

"When I see that nearly every one of those 31 (Democratic) Governors has given me a blank check, and when I find that anything I go to the Hill for, they do their best, from the Speaker and Majority Leader right on down, I know that we're on the right track" (ibid., 13). Evidently Mr. Strauss, like his mentor and friend, John Connally—who reportedly got President Nixon's ear by telling everyone he already had it, until he had so much of official Washington believing him that Mr. Nixon had to listen to him—had a fine appreciation of the politics of association and proximity.


17The Baron Report, 17 (5 April 1977), l.


20Siegel, interview, 18 August 1977.

21Copy of Official Transcript, DNC Executive Committee meeting,
(DNC legal counsel asked that all transcripts of DNC and CRC meetings used in this study be cited as "Copy" of, for legal reasons.)


23 Copy of Transcript, DNC Executive Committee meeting, 15 August 1974, 35-36.

24 Ibid., 26.


26 Robert S. Strauss, Memorandum to All DNC Members, 3 September 1974, Bleicher papers, State Historical Society of Wisconsin Archives, Madison, Wisconsin (Mimeographed).

27 "Report of the Commission on Delegate Selection and Party Structure as Amended and Adopted by the DNC Executive Committee," 1 March 1974, DPW files, Madison, Wisconsin, 8 (Mimeographed).

28 Siegel, interview, 18 August 1977.


30 Wisconsin Democratic Handbook (Madison: Democratic Party of Wisconsin, no date), 3. For more on the creation of the DPW, see Sorauf, "Extra-Legal

31 Ibid., 5.


36 Author's notes from meetings of the Richland County Democratic unit, 30 July 1975; La Crosse County Democratic unit, 5 September 1975; and Fourth Congressional District Democratic Party executive committee meeting, 16 September 1975.

37 E.g., Robert Michelson (Racine Municipal Justice), letter to DPW Headquarters, 28 July 1975; and Walter Gust (Richland County Democratic Chairperson), letter to Herbert H. Kohl, 30 June 1975. The latter letter conveyed a typical sentiment: "I believe the Wis. Democratic Party is treading on dangerous ground if it intends to flout the state's open primary law. I believe the party should be more responsive to the people of Wisconsin than to the national party."

38 "Democrats See Udall as Winner in Wisconsin, HHH as Nominee," The Wisconsin Democrat, 2 (January 1976), 13. Lucey thought a brokered convention a possibility, too. See Arthur Srb, "State Democrats Ask More

39 "Wilbur Vows to Oppose Change in Open Primary," *Capital Times*, 16 May 1975; and Mike Miller, "Nikolay: Keep Open Primary," *Capital Times*, 10 May 1975.


43 *Wisconsin Blue Book* (1975), 263.


45 James David Barber's work on the psychological character of U.S. presidents hypothesizes that two of his four main political personality-types (passive-positive and passive-negative) enter politics for reasons of
self-esteem, either to seek affection or to be of service to others in order to compensate for their doubts of their own worth. See his The Presidential Character (Englewood Cliffs, N.J.: Prentice-Hall, 1972), 13. I would contend that there are several full-time legislators in the Wisconsin Assembly and Senate who are in politics at least partly for those reasons.


Wisconsin State Journal Legislative Questionnaire, 13 August 1975 (question 2), Wisconsin State Journal files, Madison, Wisconsin. For cautionary remarks about this data, see below, Chapter VII, footnote 32.

Ibid. See also Reid Beveridge's news story derived from the questionnaire results, "Legislators Oppose Open Primary Change," Wisconsin State Journal, 2 September 1975.

Linda Reivitz, interview at Wisconsin Department of Natural Resources offices, Madison, Wisconsin, 4 August 1977.

Quoted in Mike Miller, "Leaders See Quick Session," Capital Times, 9 December 1975.


With regard to name recognition, a newspaper poll of 192 Madison seventh grade students, conducted almost a year after Mr. Lucey had left Wisconsin to become Ambassador to Mexico, found the Governor's recognition factor higher than that of such sports, show business, and political heroes as Robert Redford, Jane Fonda, Alex Haley, Billie Jean King, Rosalynn Carter, Walter Cronkite, Linda Ronstadt, Sylvester Stallone, Kareem Abdul-Jabbar, Phyllis George, Bob Dylan, Ernest Hemingway, Lyndon Johnson, Hubert Humphrey,


57 Much of Wisconsin's Democratic establishment at that time was for Mr. Humphrey, then known as "Wisconsin's third senator," and even some of Mr. Lucey's allies still supported Adlai Stevenson. But DPW Chairperson Lucey "used his party post to the limit for his Boston friend, once or twice coming close to precipitating a rebellion among dissenting [DPW Administrative] Committee members." John Wyngaard, "Lucey Stays Neutral in Presidential Race," Wisconsin State Journal, 22 October 1975.

58 Linda Reivitz, interview at Wisconsin Department of Natural Resources offices, Madison, Wisconsin, 4 October 1977; and Governor Patrick J. Lucey, interview at University of Wisconsin Hospitals, Madison, Wisconsin, 20 February 1978.


"The main concern in this was always to protect Wisconsin's position. Wisconsin had played an historic role in previous nominations, and Lucey's biggest concern at every stage was to prevent the loss of this influence under the new rules." Daniel Wisniewski (Executive Assistant to Governor Lucey), interview at Wisconsin Department of Administration offices, Madison, Wisconsin, 12 September 1977.

Daniel Wisniewski, interview at Wisconsin Department of Administration offices, Madison, Wisconsin, 29 July 1977; and Stephen Holmgren, interview at his home, Madison, Wisconsin, 29 July 1977. Mr. Wisniewski's duties were to serve as the Governor's liaison to the Senate, and Mr. Holmgren was the Governor's liaison to the Assembly.


John Wyngaard, "Open Primary or Wide Open?" Green Bay Press-Gazette, 20 January 1975.


Wagner, interview, 11 April 1979.

Key, American State Politics, 126.

Maraniss, interview, 19 July 1978.

Arthur H. Miller, Edie N. Goldenburg, and Lutz Erbring, "Type-Set Politics: Impact of Newspapers on Public Confidence," American Political Science Review, 73 (March 1979), 71. The authors' content analysis found 70 percent of the articles about parties (N=140) critical; 42 percent of the articles about Congress (N=157) critical; 40 percent of the articles about the Ford Administration (N=143) critical; 38 percent of the articles about President Ford (N=802) critical; 34 percent of the articles about state and local government (N=142) critical; 25 percent of the articles about the Supreme Court (N=46) critical; and 10 percent of the articles about the U.S.A. (N=78) critical. The authors wonder if the recent declines in both party identification and party loyalty were reinforced by the negative images of political parties conveyed in the mass media.


The 1974 election campaign found some GOP candidates accusing their party of being "tight-fisted" with funds. Even so, the party incurred a $488,000 debt in 1974. See "State GOP Rips Democrats for Closed Primary Push," Capital Times, 24 June 1975.

"Closed Primary Out, Lawmaker Says," Capital Times, 15 September 1975;
CHAPTER V

THE DEMOCRATIC NATIONAL COMMITTEE

It already has been explained that the DNC's main interest in this dispute was to end crossover voting in the party's presidential primaries, so that the presidential preference of bona fide Democratic voters would not be distorted by the votes of large numbers of Republicans and independents. Support for closing open primaries was widespread throughout the DNC. But a political actor's various interests seldom if ever exist in a vacuum, separate from and unaffected by one another; and closure bumped up against other interests, such as the principle of states' rights and the need for party harmony, which were of equal or greater importance in the eyes of some DNC elements. Consequently, it should be borne in mind that the closing of the Wisconsin primary was more important to some DNC elements than it was to others. There was factionalism within the DNC which revolved chiefly around the question of how far national party rules should go, and how strictly they should be enforced on the state Democratic parties. The reform faction in the DNC believed that failure to enforce the rules strictly and uniformly would damage the credibility of the rules, and undercut the strengthening of the national party structure those rules were supposed to accomplish. The regular faction in the DNC, however, believed that national rule enforcement
should be flexible and allow some latitude to state parties in those instances where a particular rule might harm a state party competitively, as rule 2A seemed likely to do in Wisconsin's case. Many of these regulars were state party organization leaders themselves, and so were inclined to be sympathetic to Wisconsin's point of view in this dispute, since they wished to reserve the right to do certain things their own way in their own states.

These factions, with their conflicting philosophies regarding party rules, and their differing levels of interest in forcing Wisconsin to obey rule 2A, were well represented on the DNC commission which had responsibility for enforcing the national party rules. In fact, the story of the DNC's attempt to secure Wisconsin's compliance with its requirement that the 1976 primaries be closed to crossover voting centers around the Compliance Review Commission. Before we can analyze the DNC's interaction with Wisconsin Democrats in specific detail, some remarks are in order about the general character and behavior of the CRC—a unique creation without parallel in the annals of American party history.

The CRC: Agent of National Party Control

The CRC was intended to be a quasi-judicial body whose general goal was to pre-empt the many divisive credentials challenges which had plagued the 1972 national convention. Its specific tasks were to (1) appraise the affirmative action and delegate selection plans proposed by each of the state parties, (2) determine what changes in those plans were necessary, (3) provide technical assistance to the state parties throughout the drafting process, and (4) ultimately, judge whether the states' plans were in or out of compliance.¹ These decisions were final and binding. Obviously, then, as
is so often the case with bureaucratic agencies charged with the task of implementing policy made by legislative bodies, the CRC was in a position to affect the impact of the Mikulski Commission's delegate selection rules upon the state parties. In its role as judge of whether or not state plans were compliant with the 1976 rules, the CRC ultimately determined what state parties had to do, and did not have to do, to gain a favorable judgment. In other words, to at least some degree, it was the CRC rather than the rules themselves which the state parties had to satisfy. Moreover, once a state party's delegate selection plan was ruled in compliance by the CRC, the only grounds for subsequent challenge of that state's delegation at the convention itself was non-implementation of the plan. Thus, a favorable judgment by the CRC was highly desirable as a form of challenge "insurance," which in itself was substantial incentive for the state parties to cooperate with the CRC.²

The result of this process was the creation of a significant hierarchical relationship between the national and state parties, at the apex of which stood the CRC as the agent of national control. Presumably, the national party, or at least those in it who were behind the drive to strengthen it, had an interest in seeing this hierarchical relationship consolidated and nurtured. In a case like Wisconsin's, their interest lay in the enforcement of the rules—not only for the sake of the good that restricting the delegate selection process to Democrats would do, but also for the sake of the principle of national control, and the credibility of the rules and enforcement authority that were the agents of whatever national control had been achieved.

The CRC was created at the suggestion of the party's Mikulski Commission, whose members had unpleasant memories of the more than 130 challenges
which had marred the 1972 delegate selection process. Whether reformers or regulars, members of that rule-making body generally were agreed upon the desirability of lessening the potential for divisive and frivolous challenges at the 1976 convention. They hoped that this might be accomplished by provision for some kind of authority to enforce the rules and resolve disputes prior to the empanelling of the convention Credentials Committee.

What the reformers and regulars could not agree on was the question of who should have this authority. Regulars favored turning the job over to DNC Chairperson Strauss's staff, while the reformers, who were in a slight majority on the Mikulski Commission, argued that the 1972 convention mandate clearly indicated that the rule-making commission itself should enforce the rules. At a breakfast meeting on October 13, 1973, Chairperson Strauss and several ranking members of the Mikulski Commission (but not Ms. Mikulski herself) agreed to a compromise. An independent "Compliance Review Commission" consisting of members appointed by both Mr. Strauss and Ms. Mikulski would be created. The size and composition of the enforcement commission agreed on at this meeting and recommended in the Mikulski Commission's final report was 17 members, consisting of the chairperson and two vice-chairpersons of the Mikulski Commission, five members to be appointed by Ms. Mikulski, five members to be appointed by Mr. Strauss, and one member each to be appointed by the Speaker of the House, Majority Leader of the Senate, and the heads of the Democratic Governors' Caucus and the Association of Democratic State Chairmen, respectively.

However, Ms. Mikulski and the reform forces strengthened Mr. Strauss's hand (already strong because the DNC Executive Committee he controlled could choose to accept or reject the CRC proposal) by trying too hard to stack the new body with their own people. The DNC Chairperson requested that Ms.
Mikulski forward a list of her nominees to him by January 10, 1974, so that they could be presented at the DNC Executive Committee meeting scheduled to hear the Mikulski Commission's final report on January 11. Not knowing who Mr. Strauss and the other four regular leaders intended to appoint, Ms. Mikulski loaded her slate with five reformers. Mr. Strauss, on the other hand, did not hew to his own deadline and did not present his slate at the January 11 Executive Committee meeting, which left Ms. Mikulski's slate out in front all alone. Criticism of her choices, four of whom were women (including one Black and one Latino), flowed in from all directions. A Coalition for a Democratic Majority spokesman accused Ms. Mikulski of demonstrating a "divisive and factional attitude," and complained that her slate included "no labor people, no regulars, no representatives from the West or Midwest." The absence of regulars and labor was Ms. Mikulski's biggest mistake, but not her only one: New York regulars complained that their state chairperson did not even know either of the two New Yorkers on the list (reformers Phyllis Segal and Angela Cabrera); George Wallace's camp felt that one of its own should have been included by Mikulski; and the Black Caucus complained that it had not been consulted, and opposed Ms. Mikulski's selection of Arie Taylor, a Black legislator from Colorado.

The same groups then proceeded to press their demands with DNC Chairperson Strauss, who still had not announced his slate, and now responded to their demands by claiming that Ms. Mikulski's choices had left him too many constituencies to represent with only five selections. The Black Caucus was demanding that four of the 17 CRC members be Black, which meant that Mr. Strauss would have to appoint two Blacks; the Women's Caucus, which wanted equal proportions of men and women on the CRC, demanded that two or three of Strauss's appointments be women; the Chicanos, Wallace camp, the AFL-CIO,
and their rivals in the liberal labor coalition each had been promised one slot by Mr. Strauss; and he still needed one slot for his personal choice to head the CRC, New York City's ex-Mayor Robert F. Wagner.\textsuperscript{11} Obviously, the satisfaction of all these demands would necessitate enlargement of the CRC; which, considering the timing of the controversy and the jurisdiction in which it occurred, was very much to Mr. Strauss's liking, if not in fact what he had sought all along. Had this controversy arisen earlier, prior to the termination of the Mikulski Commission and submission of its final report to the DNC Executive Committee, its resolution might have been subject to negotiation rather than the discretion of the DNC Executive Committee alone. Instead, when the Executive Committee, which was Mr. Strauss's home court, had done with the Mikulski Commission's recommendation, the proposed CRC had been expanded from 17 to 25 members, with Mr. Strauss picking twelve members to Ms. Mikulski's five.\textsuperscript{12} The DNC Chairperson had turned the demands of the various reform constituencies and Ms. Mikulski's attempt to stack the CRC to his advantage, to increase the number of people he could appoint to that body. Mr. Strauss's top aide, Mark A. Siegel, later denied that Strauss wittingly had devised the snare Ms. Mikulski and the reformers stumbled into, but he acknowledged that Strauss and he were "personally quite pleased" when Mikulski announced her ill-fated selections. "We expected her to pick three liberals and two regulars to give herself a small edge, which is the way we would have done it. To pick too many of your own side is bad politics, it's stupid politics."\textsuperscript{13}

As one might expect, apparently this factional competition at stacking the CRC was reflected later in the CRC's pattern of voting on the compliance of state parties. Professor Charles Longley's study of the CRC found that "an analysis of the CRC's roll call behavior does reflect the presence of
voting blocs" roughly corresponding to Mikulski's reform appointees, on the one hand, and the regulars who comprised the "edge" Mr. Strauss gave himself in filling his twelve slots, on the other. Looking at the vote agreement scores in Table 9, a minimum roster of the membership of these blocs would have to contain the following:

--The reform bloc consisted of Barbara Mikulski, Phyllis Segal, Angela Cabrera, Arie Taylor, and Felicia Bragg. New Yorkers Segal and Cabrera and Coloradan Taylor all were feminists and McGovernites who were appointed to the CRC by Ms. Mikulski. (The mean agreement score for Mikulski and all her appointees is 0.74, despite the fact that she replaced two of her original appointees with less liberal ones--Alabama State Chairperson Robert Vance and unionist Edward Donaghue--after the storm of criticism that greeted her original choices.) Bragg, one of Strauss's Black appointees, was a union official in northern California.

--The regular bloc consisted of George Barrett, Ann Campbell, Donald Fowler, Drayton Pruitt, and Alex Seith. Fowler and Campbell were the state chairpersons of the South Carolina and New Jersey Democratic parties, respectively, and also served as president and vice-president of the Association of Democratic State Chairmen. Barrett was a labor attorney with ties to COPE in Tennessee; Pruitt was George Wallace's voice on the CRC; and Seith, a Chicago attorney close to Mayor Daley, had been Strauss's "opposition leader" on the Mikulski Commission.
<table>
<thead>
<tr>
<th>TAY</th>
<th>SEG</th>
<th>BRA</th>
<th>CAB</th>
<th>MIK</th>
<th>HAT</th>
<th>DON</th>
<th>OST</th>
<th>WAG</th>
<th>VAN</th>
<th>KIR</th>
<th>PAT</th>
<th>CRA</th>
<th>MOR</th>
<th>LAN</th>
<th>SEI</th>
<th>PRU</th>
<th>FOW</th>
<th>CAM</th>
<th>BAR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.0</strong></td>
<td>.94</td>
<td>.75</td>
<td>.80</td>
<td>.50</td>
<td>.73</td>
<td>.53</td>
<td>.46</td>
<td>.36</td>
<td>.43</td>
<td>.35</td>
<td>.14</td>
<td>.13</td>
<td>.22</td>
<td>.21</td>
<td>.22</td>
<td>.05</td>
<td>.00</td>
<td>.00</td>
<td></td>
</tr>
<tr>
<td>SEG</td>
<td>1.0</td>
<td>.92</td>
<td>.79</td>
<td>.82</td>
<td>1.0</td>
<td>.67</td>
<td>.58</td>
<td>.60</td>
<td>.43</td>
<td>.47</td>
<td>.38</td>
<td>.19</td>
<td>.22</td>
<td>.21</td>
<td>.29</td>
<td>.16</td>
<td>.00</td>
<td>.08</td>
<td></td>
</tr>
<tr>
<td>BRA</td>
<td>.94</td>
<td>.92</td>
<td>.80</td>
<td>.70</td>
<td>---</td>
<td>.50</td>
<td>.53</td>
<td>.62</td>
<td>.47</td>
<td>---</td>
<td>.47</td>
<td>.11</td>
<td>.06</td>
<td>.25</td>
<td>.15</td>
<td>.25</td>
<td>.12</td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td>CAB</td>
<td>.75</td>
<td>.79</td>
<td>.80</td>
<td>.88</td>
<td>.83</td>
<td>.86</td>
<td>.77</td>
<td>.67</td>
<td>.83</td>
<td>.82</td>
<td>.57</td>
<td>.17</td>
<td>.40</td>
<td>.22</td>
<td>.43</td>
<td>.43</td>
<td>.18</td>
<td>.22</td>
<td></td>
</tr>
<tr>
<td>MIK</td>
<td>.80</td>
<td>.82</td>
<td>.70</td>
<td>.88</td>
<td>.50</td>
<td>---</td>
<td>.77</td>
<td>.75</td>
<td>.54</td>
<td>---</td>
<td>.80</td>
<td>.50</td>
<td>.40</td>
<td>.67</td>
<td>.60</td>
<td>.20</td>
<td>.27</td>
<td>.14</td>
<td>.00</td>
</tr>
<tr>
<td>HAT</td>
<td>.50</td>
<td>1.0</td>
<td>---</td>
<td>.83</td>
<td>.50</td>
<td>1.0</td>
<td>1.0</td>
<td>.83</td>
<td>.67</td>
<td>---</td>
<td>---</td>
<td>.43</td>
<td>---</td>
<td>---</td>
<td>.33</td>
<td>.33</td>
<td>---</td>
<td>.20</td>
<td></td>
</tr>
<tr>
<td>DON</td>
<td>.73</td>
<td>1.0</td>
<td>.50</td>
<td>.86</td>
<td>---</td>
<td>1.0</td>
<td>.67</td>
<td>.50</td>
<td>.58</td>
<td>---</td>
<td>.55</td>
<td>.43</td>
<td>.36</td>
<td>---</td>
<td>.25</td>
<td>.63</td>
<td>.27</td>
<td>.25</td>
<td>.33</td>
</tr>
<tr>
<td>OST</td>
<td>.53</td>
<td>.67</td>
<td>.53</td>
<td>.64</td>
<td>.77</td>
<td>1.0</td>
<td>.67</td>
<td>.71</td>
<td>.67</td>
<td>.60</td>
<td>.67</td>
<td>.55</td>
<td>.47</td>
<td>.33</td>
<td>.56</td>
<td>.50</td>
<td>.42</td>
<td>.33</td>
<td>.40</td>
</tr>
<tr>
<td>WAG</td>
<td>.46</td>
<td>.58</td>
<td>.62</td>
<td>.77</td>
<td>.75</td>
<td>.83</td>
<td>.50</td>
<td>.71</td>
<td>.60</td>
<td>.71</td>
<td>.93</td>
<td>.88</td>
<td>.44</td>
<td>.63</td>
<td>.64</td>
<td>.43</td>
<td>---</td>
<td>.40</td>
<td>.50</td>
</tr>
<tr>
<td>VAN</td>
<td>.36</td>
<td>.60</td>
<td>.47</td>
<td>.67</td>
<td>.54</td>
<td>.67</td>
<td>.58</td>
<td>.67</td>
<td>.60</td>
<td>1.0</td>
<td>.60</td>
<td>.80</td>
<td>.53</td>
<td>.50</td>
<td>.60</td>
<td>.73</td>
<td>.63</td>
<td>.47</td>
<td>.40</td>
</tr>
<tr>
<td>KIR</td>
<td>.43</td>
<td>.43</td>
<td>---</td>
<td>.83</td>
<td>---</td>
<td>---</td>
<td>.60</td>
<td>.71</td>
<td>1.0</td>
<td>---</td>
<td>.50</td>
<td>---</td>
<td>.60</td>
<td>.40</td>
<td>.60</td>
<td>---</td>
<td>.57</td>
<td>.50</td>
<td>.50</td>
</tr>
<tr>
<td>PAT</td>
<td>.35</td>
<td>.47</td>
<td>.47</td>
<td>.82</td>
<td>.80</td>
<td>---</td>
<td>.55</td>
<td>.67</td>
<td>.93</td>
<td>.60</td>
<td>.50</td>
<td>.75</td>
<td>.59</td>
<td>.83</td>
<td>.77</td>
<td>.71</td>
<td>.67</td>
<td>.59</td>
<td>.69</td>
</tr>
<tr>
<td>CRA</td>
<td>.14</td>
<td>.38</td>
<td>.11</td>
<td>.50</td>
<td>.50</td>
<td>---</td>
<td>.43</td>
<td>.55</td>
<td>.88</td>
<td>.80</td>
<td>---</td>
<td>.75</td>
<td>---</td>
<td>.57</td>
<td>---</td>
<td>.82</td>
<td>.70</td>
<td>.57</td>
<td></td>
</tr>
<tr>
<td>MOR</td>
<td>.13</td>
<td>.19</td>
<td>.06</td>
<td>.17</td>
<td>.40</td>
<td>.43</td>
<td>.36</td>
<td>.47</td>
<td>.44</td>
<td>.53</td>
<td>.60</td>
<td>.59</td>
<td>.75</td>
<td>.57</td>
<td>.81</td>
<td>.54</td>
<td>.75</td>
<td>.83</td>
<td>.69</td>
</tr>
<tr>
<td>LAN</td>
<td>.22</td>
<td>.22</td>
<td>.25</td>
<td>.40</td>
<td>.67</td>
<td>---</td>
<td>.33</td>
<td>.63</td>
<td>.50</td>
<td>.40</td>
<td>.83</td>
<td>---</td>
<td>.57</td>
<td>.50</td>
<td>---</td>
<td>.90</td>
<td>.64</td>
<td>.80</td>
<td></td>
</tr>
<tr>
<td>SEI</td>
<td>.21</td>
<td>.21</td>
<td>.15</td>
<td>.22</td>
<td>.60</td>
<td>---</td>
<td>.25</td>
<td>.56</td>
<td>.64</td>
<td>.60</td>
<td>.60</td>
<td>.77</td>
<td>.57</td>
<td>.81</td>
<td>.50</td>
<td>.70</td>
<td>.77</td>
<td>.80</td>
<td>.81</td>
</tr>
<tr>
<td>PRU</td>
<td>.22</td>
<td>.29</td>
<td>.25</td>
<td>.43</td>
<td>.20</td>
<td>.33</td>
<td>.63</td>
<td>.50</td>
<td>.43</td>
<td>.73</td>
<td>---</td>
<td>.71</td>
<td>---</td>
<td>.54</td>
<td>---</td>
<td>.70</td>
<td>.91</td>
<td>.70</td>
<td>.88</td>
</tr>
<tr>
<td>FOW</td>
<td>.05</td>
<td>.16</td>
<td>.12</td>
<td>.43</td>
<td>.27</td>
<td>.33</td>
<td>.27</td>
<td>.42</td>
<td>.61</td>
<td>.63</td>
<td>.57</td>
<td>.67</td>
<td>.82</td>
<td>.75</td>
<td>.90</td>
<td>.77</td>
<td>.91</td>
<td>.90</td>
<td>.94</td>
</tr>
<tr>
<td>CAM</td>
<td>.00</td>
<td>.00</td>
<td>.00</td>
<td>.18</td>
<td>.14</td>
<td>---</td>
<td>.25</td>
<td>.33</td>
<td>.40</td>
<td>.47</td>
<td>.50</td>
<td>.59</td>
<td>.70</td>
<td>.83</td>
<td>.64</td>
<td>.80</td>
<td>.70</td>
<td>.90</td>
<td>1.0</td>
</tr>
<tr>
<td>BAR</td>
<td>.00</td>
<td>.08</td>
<td>.00</td>
<td>.22</td>
<td>.00</td>
<td>.20</td>
<td>.33</td>
<td>.40</td>
<td>.50</td>
<td>.40</td>
<td>.50</td>
<td>.69</td>
<td>.57</td>
<td>.69</td>
<td>.80</td>
<td>.81</td>
<td>.88</td>
<td>.94</td>
<td>1.0</td>
</tr>
</tbody>
</table>

Table 9 Continued. . . .
TABLE 9 (continued)

*"--" indicates insufficient pairs. For inclusion, a member must have participated in at least five votes with a minimum of five other members on each vote. Five of the 25 CRC members participated in too few votes to be included in this table. Adapted from Charles Longley, "Party Reform and Party Organization: The Compliance Review Commission of the Democratic Party," a paper delivered at the annual meeting of the Northeastern Political Science Association, Mt. Pocono, Pennsylvania, November 10-12, 1977.

**

TAY = Arie Taylor
SEG = Phyllis Segal
BRA = Felicia Bragg
CAB = Angela Cabrera
MIK = Barbara Mikulski
HAT = Richard Hatcher
DON = Edw. Donaghue
OST = Justin Ostro
WAG = Robert Wagner, Chp.
VAN = Robert Vance

KIR = Kathryn Kirschbaum
PAT = Marge Pattison
CRA = Joseph Crangle
MOR = Azie Morton
LAN = Phyllis Landrieu
SEI = Alex Seith
PRU = Drayton Pruitt
FOW = Donald Fowler
CAM = Ann Campbell
BAR = George Barrett
These blocs grew or diminished somewhat, depending on whether one measured their intra-bloc association according to their vote agreement scores on just roll calls judging compliance (mean agreement scores were 0.89 and 0.86 for the reform and regular blocs, respectively), or on just procedural roll calls, instead of on all roll calls. Nevertheless, they remained static enough over the duration of the CRC's empanelment to enable Longley to draw the following conclusions:

It certainly would be inappropriate to draw weighty conclusions from the data presented. . . . Even so, it appears that certain members of the CRC persistently associated with a limited number of selected colleagues and in opposition to a second set of panel members. As a further observation, the Strauss [regular] bloc more often drew support from the remaining members and, consequently, were able to exercise general control over the determinations of the CRC, with respect to both procedural matters and ultimate votes on compliance. With but a few exceptions, the Strauss [regular] bloc enjoyed the support of 65% to 75% of the commissioners.16

It also should be reiterated in the context of this conclusion regarding the Strauss or regular bloc's control of a majority of the CRC that that panel's staff worked very closely with, and in fact answered to, Mr. Strauss's chief assistant, Mark A. Siegel. 17 The four full-time CRC staffers were in a better position to shape the contours of compliance than any of the commissioners who occasionally left their private affairs to come together from afar and cast judgment in a day-long meeting upon the compliance efforts of several state parties. The staff's influence was
two-pronged. For one thing, it was the staff, not the members, who from one day to the next provided "technical assistance" to the state parties throughout the drafting process, during which time they often informally advised the states on what would and would not be in compliance. As several sources noted, the CRC staff's communications to state parties sometimes tended to take on the appearance of absolute mandates rather than suggestions. For another, the staff also occupied a key tactical role during the actual meetings of the CRC. At these meetings, the staff would provide members with a summary of the state plan concerned, and present the compliance recommendations of an independent Legal Advisory Council (eight volunteer attorneys)—recommendations on which the CRC staff worked very closely with the Legal Advisory Council, which was heavily dependent upon them for facts and analysis concerning states' compliance efforts. As CRC staff director Scott Lang observed,

On no [DNC] commission before this one was the staff permitted to give [members] all the facts, to speak out, to advocate a position, to write a recommendation on ... compliance or non-compliance, ... to negotiate settlements between challengers and state parties. ... So we had a lot of latitude, and I think that was what made the CRC work.

These recommendations always carried some weight with the commissioners no matter what stage their deliberations were at, but the tendency to rely on them usually grew especially strong as the commission's self-imposed hour of adjournment approached, with the agenda invariably far from completed.

Having established that certain CRC members persistently associated with one another in opposition to a second set of CRC members, Professor Longley's
study goes on to suggest an interpretation of bloc behavior in terms of an "accountability-flexibility" dimension with regard to enforcement of the 1976 rules. Here, accountability refers to strict constructionism of the rules as written by the Mikulski Commission. A vote for accountability reflects a member's stance that further action by a state was necessary to be held in compliance, or that the rules should not be bent or waived to accommodate a state. Flexibility, on the other hand, refers to a broad constructionist stance in applying the Mikulski rules. A vote for flexibility means that the member voted to accept a state party's plan as presented, supported the granting of an exemption, or in some other way voted to facilitate a state party's compliance.

As shown in Table 10, Professor Longley found that on 16 substantive roll call votes chosen for analysis, the Mikulski/reform bloc strongly favored strict construction of the rules, while the Strauss/regular bloc even more strongly favored flexibility in interpreting compliance. The reform bloc cast 82 percent of its votes in a manner circumscribing the discretion of state parties, or otherwise requiring further action from them before final compliance could be voted on. The regular bloc, on the other

<table>
<thead>
<tr>
<th>Compliance Disposition</th>
<th>Reform Bloc</th>
<th>Regular Bloc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>accountability</td>
<td>82</td>
<td>(47)</td>
</tr>
<tr>
<td>flexibility</td>
<td>18</td>
<td>(10)</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>(57)</td>
</tr>
</tbody>
</table>

* Adapted from Longley, "Party Reform. . . ," p. 18.
hand, cast 94 percent of its votes in favor of allowing state parties some latitude in complying with the Mikulski rules. "They also were more prone toward quick passage of proposed plans."20 Clearly, then, some of the commissioners had either mixed or negative feelings about the party centralization they were appointed to oversee.21 Not everyone shared the desire to see the national party strengthened, and can be presumed to have been interested in forcing Wisconsin to comply with rule 2A. The new party rules may be national, but the structure of the political system in which the party must operate is federal, and the people who sit in national party councils still come from the state parties.

This accountability-flexibility dimension does not, of course, preclude the operation of other variables (e.g., region, policy divisions, etc.) in the voting calculus of those who formed these two blocs. However, the commissioners themselves, including members of both blocs, confirm that the accountability-flexibility dialectic was indeed perhaps as important a factor in voting decisions as the data in Table 10 suggests. As one member responded when asked to "explain" CRC voting behavior: "The main concern dealt with the autonomy--decentralization--of state parties in contrast to opening up access [to participation by non-regulars] no matter what the cost."22 This dynamic tension between the reform and regular blocs in the CRC ultimately defined the very nature of the various state parties' relationship to the national party. As I remarked at the outset of this chapter, rules aside, in the end "compliance" meant whatever the CRC decided it did; and one bloc might predominate at one CRC meeting, and the other at the next (absenteeism was a constant problem on the CRC).23 Consider the case of the Maine Democrats, who in October 1975 were told, as per rule 3C, that delegate selection caucuses must be held at a uniform time and date, and then in
December were granted an exception to the uniform date provision—but not the uniform time provision. Alternatively, the CRC could choose to accept an open primary in one state (Michigan) but not in another (Wisconsin, for a time); or accept the apportionment of delegates on a "districted" winner-take-all basis in several large states (Ohio, Texas, New Jersey), but not in others (again, Wisconsin).

To sum up, the CRC could either bedevil or accommodate a state in its quest for compliance. In Wisconsin's case, the CRC, its staff, and other key DNC officials appear to have done both at different stages of that controversy, as the next section will show.

NATIONAL PARTY INTERACTION WITH WISCONSIN DEMOCRATS

Wisconsin Democrats had been officially informed as early as December 10, 1973 of the changes they would have to make to comply with the proposed 1976 Delegate Selection Rules, and that a Compliance Review Commission would guide and review their efforts to effect these changes. Beginning in early 1975, CRC Chairperson Robert F. Wagner's staff began working with the DPW on both its delegate selection and affirmative action plans, providing assistance via telephone and written communications and in two personal meetings with party officials in Wisconsin.

On February 4, 1975, a memorandum from Wagner advised DPW Chairperson William Gerrard and his staff that the CRC deadline for the submission of state delegate selection plans was July 1, 1975, and served notice of the CRC's intention to play a strong, active role vis-a-vis the state parties:

... it is very important to our work on the CRC that you provide us with an updated copy of your state Party Rules and any state
regulations or statutes that relate to and affect the delegate selection process. . . . We would also appreciate obtaining copies of any proposals that are circulating within the state or are before your state's legislature. . . . We believe this is in your own best interest and will help avoid passage of and adoption of state statutes and Party Rules that are not in compliance with the 1976 Delegate Selection Rules.  

Before a state party could move final adoption of a plan for the selection of delegates, it had to be disseminated to all local party units, affirmative action target groups, and media outlets for a 30-day period of public comment. Once this was done and the state party had formally passed its plan and publicized its contents as well as information on challenge procedures, the plan and all written minority views received during the comment period had to be forwarded to the CRC for "review and final action."  

In Wisconsin's case, however, more than just one delegate selection plan was required by the CRC. In March 1975, CRC Executive Director Scott Lang advised DPW staffer Ronald Steinhoff that in those states where the adaptation of current delegate selection procedures to the 1976 Rules required legislative action, an alternate delegate selection plan must be drawn up and submitted in the event that the corrective legislation could not be enacted. Wisconsin's presidential primary law not only conflicted with rule 2A by allowing crossovers, but also conflicted with rule 11 by allotting delegates on a winner-take-all basis within each Congressional district and in the at-large delegation. This meant Wisconsin also would have to submit an alternate plan by July 1, 1975, because in such cases both regular and alternate plans were required before a state could be considered
to have submitted a *bona fide* delegate selection plan.  

Mr. Lang admitted that under Delegate Selection rule 20, the CRC could grant Wisconsin an exception to compliance if Wisconsin could demonstrate it had taken "all feasible steps" to change its primary law, but failed. "However," he warned, "it is important to refer to the 1972 Convention mandate and fully realize that both the 1976 Credentials Committee and ultimately the 1976 National Convention itself have the authority to determine if the Convention mandate [to restrict participation to Democrats] . . . has been met." He expressed confidence that the DPW could and would come up with an alternate means of delegate selection against the event that legislation failed, and suggested that "Wisconsin could scrap the presidential primary altogether and select delegates by way of a caucus system." This gentle shove, which came from the CRC's staff, rather than its membership, was amplified into a warning six weeks later, when unidentified aides to Robert S. Strauss gave an interview to the *Milwaukee Journal* in which they stressed they were disturbed "because they feel there has been practically no movement toward changing the Wisconsin law despite the fact that the Governor's office and both houses of the Legislature are controlled by Democrats." They warned that unless Wisconsin made some change in its law by 1976, the DNC "could well move in before the primary to establish new delegate selection rules."  

In early May 1975, Strauss's Deputy Chairperson, Mary Lou Burg, gave two separate press interviews which reinforced these warnings that the likelihood of a waiver for Wisconsin was growing increasingly doubtful. "This is a serious rule—it's not capricious. By not following it, you assume risk." Burg said there were several ways Wisconsin at least could limit, if not end non-Democratic participation in delegate selection, and that the
DNC had the legal right to control the nominating process and could choose to bypass the Wisconsin primary for delegate selection if the CRC decided Wisconsin Democrats had not tried hard enough to end crossover voting. A letter sent one day later over Mr. Wagner's signature to new DPW Chairperson Herbert H. Kohl made this last point more strongly, and specified what the CRC would consider evidence of a "good faith effort" to close the primary: (1) the introduction of necessary legislation; (2) endorsement of and active lobbying for the legislation by party leaders such as the state chairperson, DPW Administrative Committee, Governor, members of Congress, and party leaders in the Legislature; and (3) an active campaign for passage of such legislation, including testimony at hearings, statements on the floor of the Legislature, press releases, newspaper articles, and letters to the editor and appropriate state officials. In the event these efforts failed, the state party still had the "obligation" to provide for some alternative method of delegate selection restricting participation to Democrats only, at the pain of having such a method imposed on it by the DNC Executive Committee if it refused.

If the legislative effort should fail and it can be proven that the state party did not take "all feasible steps" to secure its enactment, or did not provide for an acceptable alternative, the Executive Committee of the DNC has the duty to "constitute a committee from that state, to propose and implement a process which will result in the selection of a delegation from the affected state." Up to this point, the warnings emanating from the DNC offices regarding Wisconsin's compliance situation always had been polite and hedged with
references to the rule 20 escape clause. This pattern changed, however, when on June 10 DNC Executive Director Mark A. Siegel sharply criticized Governor Patrick J. Lucey in the Wisconsin press for his lack of effort to change the Wisconsin presidential primary law. Mr. Siegel reiterated the steps that a "good faith effort" entailed, and charged that Wisconsin Democrats, including Governor Lucey, had done none of these things yet. The Governor in particular ought to be doing "something more than saying nothing. The rules mean saying something positive." Given the inaction so far, he warned, "There are serious grounds for a successful challenge [at the 1976 Convention]. . . . The delegates could be thrown out--on merit, with good reason." Mr. Strauss, when asked by the press, backed up his Executive Director, but he also encountered and apologized to an angry Governor Lucey at a national governor's conference the next day, and immediately ordered Mr. Siegel to "go easy" on enforcement of rule 2A in Wisconsin. He was persuaded otherwise, however, by Mr. Siegel, who is worth quoting at length here:

Lucey came up to Strauss very angry. . . . He said, "You'd better learn to control your staff, he's not going to take potshots at me," and so on. Strauss, I think, apologized to him for my behavior, called me up, and I absolutely blew up on the phone. I was the expert on party reform, Mr. Strauss was not; and Mr. Strauss always listened to my recommendations on questions like this. And I said, "If that's the case, when they're enforcing these rules on your state in Texas, you're going to have the same thing--you're going to have to lay off every state." I gave him the implications of what he was suggesting. What he was telling
me was to take a dive on Wisconsin. He wasn't saying it explicitly. He was saying, "go easy." But you can't enforce rules selectively. You can't go easy [and then] go hard—you [have to] go one way or the other.37

Having won his point, Mr. Siegel continued to attack Wisconsin's compliance efforts in what now seemed to become a full-scale press campaign by the DNC top leadership to compel Wisconsin Democrats to make greater efforts to comply with rule 2A. In a reply to a Capital Times editorial castigating him for his earlier statements, Mr. Siegel stressed the history of crossover abuses in Wisconsin and elsewhere, argued the need for parties to restrict access to their decision-making bodies to party supporters only, and issued another strong warning about the consequences of non-compliance:

Obviously, I feel very strongly about the issue, and equally strongly about equal enforcement of national party rules on all state parties. A defense . . . citing tradition is very weak. In Wisconsin, the tradition is La Follette progressivism; in Louisiana, the tradition may be racial discrimination. In any case, both "traditions" . . . have been ruled illegal by the Democratic Party. The Cousins v. Wigoda decision of the Supreme Court gives the national party clear authority to adopt and enforce its own rules and procedures. All states must comply, and all states, with one major exception to date, are indeed complying with our 20 delegate selection by-laws. In light of past Credentials Committee and national convention action, upheld by the Supreme Court, the non-compliance of one out of 50 states . . . comprises an extremely perilous situation for that one
state. When the non-compliance is flagrant and defended by "tradition," the situation is indeed compounded. 38

Ms. Burg joined Mr. Siegel in building up the pressure for a closed primary by adding, in an interview one day after the appearance of the latter's article, that presidential candidates would bypass the Wisconsin primary for the New York contest on the same date if Wisconsin's was no longer binding for purposes of delegate selection. "If I were a candidate, I wouldn't see much point in spending money or making appearances in Wisconsin," she said. "I would just try to organize grass roots people to go to the caucuses." 39

Despite this "official" perception of laxity in Wisconsin, the CRC granted the DPW an extension of the July 1, 1975 deadline for submission of delegate selection plans. The regulations governing the CRC's operation originally had allowed state parties to apply for a two-week extension, until July 15, for filing their plans. 40 However, because several state parties exceeded even this deadline, CRC Chairperson Wagner asked for and received authority to grant extensions up until August 15, 1975. 41 When, on June 30, 1975, new DPW Chairperson Kohl officially requested such an extension, Mr. Wagner granted one until August 15 because of the recent change in the DPW's leadership and because, at this point, the DPW leadership was circulating both a plan based on an amended primary law and an alternate plan for 30 days of public comment, as per CRC instructions. 42

But when the DPW finally submitted its delegate selection plan to the CRC for review in August, it was overdue by eight days, and no longer included the mandatory alternate plan. The CRC was informed by Chairperson Kohl that the DPW Administrative Committee had refused to give final approval to the alternate plan it had tentatively approved back on June 28
because it believed that its adoption would remove pressure on the legislators to close the primary—the DPW's preferred solution. In the CRC's eyes, however, the credibility of this excuse for the omission of an alternate plan was damaged by the fact that three weeks earlier, Governor Lucey had ordered Attorney General Bronson C. La Follette to file suit against the DNC and the CRC in an effort to prevent the latter from requiring Wisconsin to close its open primary. In the wake of that decision, one CRC member was telling the press that fellow commissioners were "just waiting to challenge the Wisconsin delegation. . . ."

A considerable span of time elapsed while the CRC membership waited to see if perhaps the DPW would decide to submit an alternate plan following the September legislative session, during which, according to the DPW, a closure bill would be considered. However, on October 19, after the Legislature had adjourned without even introducing such a bill, the DPW Administrative Committee again rejected, 19-8, a plan that would have created a back-up system of closed caucuses. Following this, it was decided to give the DPW one last chance before officially declaring it out of compliance. On October 31, Mr. Wagner notified Herbert H. Kohl that (1) the final extended deadline was now 75 days past due; and (2) in the absence of an alternate plan, Wisconsin could not be considered as having submitted a bona fide delegate selection plan to the CRC. "Your state is thus in serious jeopardy . . . a state which does not have a delegate selection plan approved by the CRC is subject to challenge on that basis [alone]." Mr. Wagner noted the CRC had reached the point where further inaction on its part would constitute abdication of responsibility, and flatly ordered the DPW to submit an alternate plan by November 23, 1975. If the DPW refused to do so, the CRC would hold Wisconsin officially in noncompliance. The matter then would
pass into the hands of the DNC Executive Committee, which, pursuant to rule 19H, would be required to impose a satisfactory delegate selection procedure on the Wisconsin Democratic party.\footnote{47} Ms. Burg added in a clarificatory statement that "If the commission rules that Wisconsin is in non-compliance, whatever Wisconsin does then, the delegates will be challenged and not seated."\footnote{48}

The CRC staff maintained constant contact with officials and staffers of the DPW during this period of last resort,\footnote{49} but to little avail. The DPW Administrative Committee still refused to pass an alternate plan—in fact, it refused to even meet to consider the matter.\footnote{50} Moreover, the Wisconsin Legislature had yet to bring onto the floor a bill to end crossover voting.

As Wisconsin was the only state to fail to submit a \textit{bona fide} plan,\footnote{51} the CRC had no choice but to find it officially out of compliance. Even the pro-flexibility bloc on the commission could not accommodate such procrastination and intransigence. On December 4, 1975, the CRC voted unanimously without debate to adopt a resolution certifying Wisconsin out of compliance, but asked the DNC Executive Committee to withhold action on the case until the completion of a Special Session of the Wisconsin Legislature, which was scheduled to consider a closure bill later that month.\footnote{52} CRC members hoped that, as pro-flexibility bloc leader Seith put it, their resolution might act as "a sword hanging over the head of the Legislature," and prod it into passing the closure bill.\footnote{53} The next day, Robert S. Strauss wrote Herbert H. Kohl advising him that as Chairperson of the DNC Executive Committee, he would not have the committee take any action until the Legislature had had a chance to amend the winner-take-all and open aspects of the primary. "Failure to make such changes," he added, "would force the Executive Committee,
under its required mandate in Rule 19H, to establish a committee in Wisconsin to run a delegate selection process which would be in conformity with national party rules. Obviously, the only form such a new delegate selection process could possibly take would be a caucus-convention system. Mr. Strauss amplified this warning in a telephone conversation in which he told Governor Lucey that many southern states were eager to avenge themselves upon Wisconsin, should it fail to comply, and made it clear that the Special Session would be Wisconsin's last chance to avoid a DNC-imposed solution.

However, despite a personal visit by Strauss to lobby for these changes, the Legislature did fail to enact them. On the morning of December 11, Governor Lucey escorted Mr. Strauss, Ms. Burg, and Mr. Lang to short Democratic caucuses in both Houses of the Legislature. According to several who heard him, Mr. Strauss gave a sterling performance. However, despite his warning that at this late date nothing short of passage would be a "good faith effort" in the national party's eyes, he failed to change a single vote. That same day, the Senate defeated a closure bill (SS SB-4) on a 17-16 vote after a brief debate. Only a day earlier, the Assembly had tabled a similar bill, without any debate, on a voice vote; and it now refused to take the bill up again after Mr. Strauss's appearance.

Late that same week in Washington, D.C., Federal Judge Charles R. Richey, who was presiding in place of the ailing Judge John Sirica over Wisconsin's court action against the DNC, dismissed that suit on the grounds that the case was not "ripe" for decision because of the many political solutions that had not yet been exhausted.

Compromise is the lifeblood of politics and it is possible that those involved in the political process will work out a settlement
far more sensible than the courts might reach from their somewhat isolated station. Referring back to the Supreme Court decision in *O'Brien v. Brown* (1972), Judge Richey noted that the courts should interject themselves into the convention process only with great caution and restraint. The state of Wisconsin filed notice of its intent to appeal this decision, but Judge Richey's 10-page opinion did not hold out much hope for a favorable decision should the suit ever "ripen": in it he said that Wisconsin would "face substantial hurdles" in winning the case on its merits. Consequently, there was no question that when the DNC Executive Committee next met, it would have to impose a delegate selection system on Wisconsin as required by rule 19H. Not only the rules, but also time itself demanded that such a course be taken by the DNC with regard to Wisconsin. Certain affirmative action provisions of the 1976 rules, such as rule 19D, required each state party to encourage participation by publicizing its delegate selection process to all affirmative action target groups at least "six months prior to the first step in [that] process." Moreover, rule 1A required that the rules and procedures each state adopted to govern the actual meetings at which its delegates and alternates were apportioned and selected should be adopted "at least ninety days prior to the first step in the delegate selection process, and in no case later than January 1 of the Calendar year of the National Convention." Obviously, Wisconsin's procrastination regarding rule 2A had made it no longer possible to meet these publicity deadlines, which had been incorporated into the 1976 Rules (in the place of quotas) to help promote affirmative action. Mr. Strauss, in announcing he would recommend to a special session of the DNC Executive
Committee that it order a committee of Wisconsin Democrats to establish a caucus system, made it clear that the consideration of time was a factor in his decision:

We've waited until there's no longer any reasonable expectation that the state will change its law. . . . If we don't do something, Wisconsin will not have any delegates at the convention. 64

When the DNC Executive Committee met on January 14, 1976, DPW Chairperson Kohl attended and pleaded with the Committee to allow Wisconsin to keep its open primary and avoid all the problems changing to a caucus system would entail. 65 Mr. Strauss countered that Wisconsin Democrats often had criticized him for "backsliding on reform"; recalled Wisconsin's record of voting to unseat convention delegates from other states, "including one [in 1968] to throw me out, I might add"; and said it was now Wisconsin's turn to comply with the party's rules. 66 In a unanimous vote (20-0), the Executive Committee passed a resolution which (1) designated the DPW Administrative Committee as the "Wisconsin National Delegate Selection Implementation Committee"; (2) ordered that the committee draft and submit an alternate, caucus plan by February 15, 1976; (3) directed the staff of the CRC to "work closely with" (i.e., oversee) the committee in the drafting of its plan; and (4) ordered that the first step of the caucus process take place no earlier than May 15, 1976, so as to salvage as much compliance as possible with rules 1A and 19D. But the issue was not yet completely closed: the final clause of the Executive Committee's resolution gave Wisconsin Democrats another "last chance" to avoid the imposition of the caucus system, in the event the state Legislature should enact a bill closing the primary before the February 15 deadline. 67
Such, however, was not to occur. On February 11, 1976, the Wisconsin Senate took up a revised version of the same bill it had defeated in December, and once again killed it by a vote of 21-11, after the bill had failed by only one vote on a preliminary ballot. The DPW Administrative Committee had anticipated such a result, and finally had decided to do the national party's bidding. Recognizing that "There is no longer any doubt that a delegation from Wisconsin will be chosen by the caucus system," they had approved an alternate plan of this type at a meeting on February 1.

Reversal: The CRC Changes a Rule in the Middle of the Game

Yet, after the Senate had defeated closure again, both Mr. Kohl and Governor Lucey made one final appeal to national party leaders to allow Wisconsin to continue using its open primary. In a letter to CRC Chairperson Wagner, Mr. Kohl warned that "Confusion, bitterness, and a possible backlash may result . . ." if the state's voters saw the delegation elected by law through the primary unseated in favor of the one picked at caucuses. Governor Lucey added in a letter to Robert S. Strauss that the presence of two Wisconsin delegations could have a disruptive effect on the convention—an unnecessary risk, given the "spirited presidential primary contest" on the Republican side—and asked that Wisconsin be given until 1980 to comply with rule 2A. On February 23, one week after his letter, Mr. Lucey met with Mr. Strauss in Washington D.C. to press that request. Mr. Strauss told Mr. Lucey he was "powerless" to grant such a request, but gave the Governor his permission to argue his case before the CRC at its next meeting on March 5, 1976.

Undoubtedly, Mr. Strauss never would have given his permission had he
thought there was any chance Governor Lucey might succeed in obtaining a re-
versal from the CRC. But Mr. Strauss's usually accurate political in-
stincts were wrong: on March 5, the CRC granted Wisconsin a waiver until 1980
by a vote of 18 yes, 5 no, and one abstention, and the 1976 Wisconsin pri-
mary was binding once again. One hardly can fault him for miscalculating
the result, however, when one considers how far the vote alignment on this
particular question departed from the usual pattern of bloc alignment along
the lines of accountability-versus-flexibility. During this vote, all five
core members of the reform bloc, which voted 82 percent of the time for
strict enforcement of the rules, voted in favor of granting Wisconsin the
waiver. Furthermore, these five (Mikulski, Segal, Taylor, Cabrera, and
Bragg) were joined in voting yes by all those commissioners who came close
to qualifying as members of the reform or strict-accountability bloc: Mayor
Richard Hatcher of Gary, Indiana; Edward Donaghue of Graphic Arts Inter-
national's Washington office; and Justin Ostro of the International Machin-
ists' Union in Connecticut.

On the other hand, among those five who voted against a waiver of rule
2A for Wisconsin was Alex Seith, whom Longley terms a "bellwether" for the
regular or pro-flexibility bloc, the members of which voted 94 percent of
the time for a flexible interpretation of compliance. Joining him in oppo-
sition to Wisconsin's reprieve were commissioners Azie Morton and Phyllis
Landrieu, both of whom came close to qualifying as members of the regular
bloc. Furthermore, regular bloc member Ann Campbell abstained from voting on
the question, but immediately afterward made a statement to her fellow
commissioners condemning the decision to grant Wisconsin the waiver. An
even stronger condemnation of that decision was voiced by Donald Fowler,
a regular bloc member who had voted for, not against, the waiver:
I have, I think, been rather consistent in the vote that I have cast on this kind of question. The consistency is from the standpoint of giving maximum latitude to the states with these rules . . . so long as those states comply with the rules. . . .

This situation gives me a great deal of trouble . . . the majority of this commission has been much, much stricter in enforcing the technical requirements than I have. This Commission has adopted a policy in its voting pattern which I think has [resulted in] very difficult hardships for state parties in many, many states . . . there were at least 25 states that faced the same kinds of difficulty but were required to conform to the rules. I think in granting this exemption to Wisconsin we have stretched the rules about as far as anyone can. It gives me a great deal of problems, my vote does. And, I think this Commission's action does [too], with respect to the consistency of this Commission.

* * * * *

I hope that in any further action we take with respect to affirmative action or delegate selection that this Commission will [show] the same kind of tolerance that we have with respect to Wisconsin in this situation, that we will not look at who are our political friends and who are our political enemies and cast our votes in those terms. 79

The CRC membership clearly departed from its usual pattern of voting behavior in this instance. Professor Longley calls the particular
alignment of votes in the matter of Wisconsin's waiver "a theoretical inconsistency of the first order" as far as his analysis is concerned. It is clear from Mr. Fowler's post mortem, as well as subsequent remarks by Campbell, Morton, and Seith, that the regular bloc also regarded the reform bloc's voting behavior in this instance as inconsistent with the latter's normal stance on such matters, and frankly suspected that factional interest had prompted its departure from the principle of strict accountability. Mr. Seith derided those who had voted for the waiver by suggesting that since the national rules were not going to apply to Wisconsin, "Why don't we pass a resolution saying that the national rules do not apply to anybody?" He predicted that the action would result in a challenge of the Wisconsin delegation at the national convention that summer. Another regular maintained, "I say we have treated different states in different ways, and the politics in the thing has played a role in it." Words such as these, coming from those who normally favored flexibility, strongly suggest that some rather high political stakes had caused the reform bloc to set aside principle in this instance, and caused some members of the regular bloc to do likewise in an attempt to foil the former.

What exactly was at stake in this pattern-breaking vote is never stated explicitly in the transcript of the March 5, 1976 CRC meeting. There are veiled references, however, to the fact that the primary leg of the race for the presidential nomination already was underway. By that date, the Iowa caucuses and New Hampshire and Massachusetts primaries already had been held, and had been won by Jimmy Carter and Henry Jackson, both of whom might be labelled moderate-to-conversative. The Wisconsin primary, on the other hand, had a reputation for producing upset victories by liberal, reformist candidates such as Senator George McGovern in 1972 and Senator Eugene
McCarthy in 1968.

At any rate, this sudden reversal of form among the reform members of the CRC greatly upset the regular wing of the Democratic party. It also upset the top leadership of the DNC, because the late change in delegate selection plans would reduce further still the time available for the DPW to fulfill its affirmative action and advance publicity requirements. Worse still, the reversal had occurred well after the sifting and winnowing of the primary season had begun, and long after the CRC's deadlines which had been established to prevent the race for the nomination from contaminating that body's review process. The presidential candidates already had committed themselves to strategies allocating their money and scheduling their time on the assumption that Wisconsin's primary would not be binding for delegate selection, and thus not very worthwhile. The primary itself was scheduled to be held on April 6—exactly one month away. This created a strong possibility that a candidate who did poorly in Wisconsin might try a challenge of the Wisconsin delegation at the convention itself. Mr. Strauss and his staff feared that such a challenge could have a disastrous effect upon the convention, and thus upon the party's chances in November.

Summary

The 1976 delegate selection rules were drafted by a national commission. These rules were approved by the party's national committee, and also by the mid-term national convention to the extent that many rules (e.g., rule 2A) conformed to explicit Charter provisions voted on by that convention. Finally, the body that enforced these rules was a national commission. Ultimately, however, it was the state parties which had to implement these
rules, and many state party leaders (e.g., Mr. Fowler, Mr. Vance, and Ms. Campbell) sat on the commission which judged the states' efforts. Surely this partly explains why Wisconsin Democrats were able to win a last-minute reprieve for their primary. Such is the impact of the federal structure in which the national party must operate. The very DNC commission charged with the task of enforcing the national delegate selection rules bent over backward several times to accommodate Wisconsin despite its apparent procrastination and intransigence, and ultimately waived rule 2A for that state on the grounds that it had made a belated "good faith effort" to comply. Some CRC members preferred the value of states' rights to that of centralization, and wished to give Wisconsin every chance to comply on its own terms, in the fashion doing the least violence to Wisconsin traditions and the welfare of the DPW itself.

Upon closer examination, however, it is inaccurate to say that the Wisconsin party's successful resistance of rule 2A illustrates the decentralizing, weakening effect federalism has upon our national parties. It was the CRC's reform or strict-accountability bloc which voted unanimously for Wisconsin's reprieve, while some of the state party leaders in the regular or pro-flexibility bloc opposed leniency for Wisconsin at that late stage. It was a victory for a state party over the national party's rules, but the votes which made it possible came from that faction whose goal it was to strengthen, centralize, nationalize the Democratic party. How much, then, can Wisconsin's victory be ascribed to the effects of federalism? If Wisconsin won its reprieve because the DNC still is basically weak relative to its component parts, why was it not able to win a favorable compliance ruling in one of its earlier appeals?

In some ways, Wisconsin's victory illustrates the new strength of the
DNC (relatively speaking) in the wake of the McGovern-Fraser and Mikulski reforms. Consider the impact of the CRC, for example. To be certain, Wisconsin was not the only state to win some kind of rule accommodation from the CRC: several of the larger states, seeking to preserve their king-making "clout" at the convention, won the right to defer compliance with rule 11 until 1980 and continued to apportion their delegates on a districted basis in 1976. But they, and Wisconsin, had to go to a national party body, the CRC, to obtain these accommodations. In the process, a real hierarchical relationship between the national and state parties was established. The CRC may yield on occasion to a state party, but by the act of deciding whether to yield or not it defines the authority of the DNC.

To sum up, the DNC's delegate selection rules had a profound impact upon the state Democratic parties, even when those state parties succeeded in negating or getting around a particular rule. The proof of that is the conflict which rule 2A engendered among Wisconsin Democrats, as well as that between Wisconsin Democrats and the DNC. In a sense, this chapter has set the stage for all the remaining chapters in that it has raised several questions about the reactions of the various Wisconsin Democratic actors to the mandate of rule 2A.

First of all, were the state party organization leaders, i.e., the DPW Administrative Committee, as resistant to compliance as it looked from the DPW's standpoint? Why should this be when the DPW stood to benefit, too, from the exclusion of Republicans and independents in its affairs? Second, why were Wisconsin's Democratic legislators even less cooperative than the DPW leaders? The latter at least had been willing to go through some of the motions of attempting to comply, but one house of the Legislature would not even go so far as to engage in a charade. Why were the DPW leaders, and
even Mr. Strauss, so unable to sway these elected representatives of their own party? Third, why did Governor Lucey do so little to promote compliance that the DNC leadership dared criticize him, a powerful Governor, in his home state press? And why did the Governor, given Wisconsin's procrastination, lawsuit, legislative intransigence, and refusal to submit an alternate plan, still believe he could persuade the CRC to grant the state a waiver? Which brings us full circle, back to the CRC's unexpected reversal of its Wisconsin decision: how did Governor Lucey manage to persuade the CRC to grant this waiver, where none should have been expected? These and other questions will be answered in the chapters that follow.
NOTES
CHAPTER V


3Alan Baron, Democratic Planning Group Newsletter, No. 17 (15 January 1974), 1.


5Siegel, interview, 18 August 1977. For more on this, see Bruce Winters, "Miss Mikulski's Reforms May Spark Party Fight," Baltimore Sun, 7 January 1974.

6Baron, Newsletter, No. 17.


9As Gary Mayor Richard Hatcher put it, "Fairness begins with four."
See Austin Scott, "Blacks Hit Democrats on Commitment Lag," Washington Post, 11 January 1974. Mr. Strauss needed only appoint two Blacks because Mr. Hatcher would be an ex-officio member in his capacity as a vice chairperson of the Mikulski Commission.


11 Baron, Newsletter, No. 17; and Broder, "Democrats Clash Over Compliance Committee," Washington Post, 12 January 1974.

12 Report of the Commission on Delegate Selection and Party Structure As Amended and Adopted by the DNC Executive Committee, 1 March 1974, DPW files, Madison, Wisconsin, 8 (mimeographed). The 25th slot on the CRC was given to the Chairperson of the Democratic Mayors' Conference.

13 Siegel, interview, 18 August 1977.

14 Longley, "Compliance Review Commission," 9-10. As Professor Longley himself puts it, "Two primary blocs emerge and for purposes of identification they might be termed the 'Mikulski Bloc' (Bloc I) and the 'Strauss Bloc' (Bloc II). This nomenclature is intended to be suggestive rather than definitive and will be refined subsequently."

15 Agreement scores were calculated by summing the shared votes and determining the percentage of agreement. Thus, if two CRC members voted similarly on 10 of the 20 votes mutually cast, the vote association score would be 0.50.


17 Siegel, interview, 18 August 1977.
One such CRC member was Donald Fowler, the state Chairperson of the South Carolina Democratic Party, President of the Association of Democratic Chairpersons, and a bellwether of the Strauss bloc which favored a flexible interpretation of compliance. Following is a sampling of some of his remarks from the transcripts of two CRC meetings:

I have, over the past four to six weeks, talked to any number of state chairmen and others who are bearing the burden of putting these plans together, and there is a disposition and attitude among state chairmen that this Commission has as its primary purpose the harassment and disruption of state party processes. . . .

And I think that when we get to the delegate selection rules, in particular, we are going to find, in a good many cases . . . that some of the rules just do not fit. . . .

And I am not suggesting that we ignore these rules but I am suggesting that we take a positive, constructive, helpful attitude and disposition with respect to the state parties, and that we do not use the rules to harass. . . ." (Copy of Official Transcript, DNC Compliance Review Commission meeting, Washington, D.C., 20 June 1975, DNC files, 52-54.)

We do feel, and I think this is fairly accurate and fairly
descriptive of the attitudes of State Chairmen, that this Commission and its staff, and anyone else who is interested and involved, should be sensitive, if you will, to some of the problems that we [state parties] face, because our problems are real and legitimate. They are financial, they are organizational, they are structural, and they are legal ... we are committed to the spirit and to the substance of affirmative action and compliance with these rules, but we do have peculiar problems, and we ask the cooperation and assistance and support of this Commission in meeting [these] requirements. ... (Copy of Official Transcript, DNC Compliance Review Commission meeting, Washington, D.C., 8 August 1975, DNC files, Washington, D.C., 8-9.)


25 Robert F. Wagner, "Memorandum of Information No. 1" to All Democratic State Chairmen, 4 February 1975, DPW files, Madison, Wisconsin, 3.

26 In Wisconsin, the target groups were Blacks, Latinos, Native Americans, women, youth, the poor, the handicapped, and senior citizens.

27 Robert F. Wagner, "Memorandum of Information No. 3" to All Democratic
State Chairmen, 6 March 1975, DPW files, Madison, Wisconsin. These points are further elaborated on in Mr. Wagner's "Memorandum of Information No. 4" to All Democratic State Chairmen, 13 May 1975, DPW Files, Madison, Wisconsin.


29 Ibid.


31 Quoted in "Compromise Offered on Closed Primary," Racine Journal-Times, 6 May 1975.


33 An unsigned copy of this letter from Mr. Wagner to Mr. Kohl indicates that Mr. Wagner's CRC staff drafted it and sent copies to Mark Siegel and Mary Lou Burg before giving it to Mr. Wagner to sign. Personal files of Linda Reivitz, Madison, Wisconsin.

34 Robert F. Wagner, Letter to DPW Chairperson Herbert H. Kohl, 8 May 1975, DPW files, Madison, Wisconsin.

35 Ibid.


37 Siegel, interview, 18 August 1977 (emphasis mine). See also ibid.

38 Mark A. Siegel, "Democratic Leader Responds to Open Primary Editorial,"
21 July 1975.


41 "Report by Mayor Robert F. Wagner, Chairman of the Compliance Review Commission, on the Non-Compliance Status of Wisconsin's 1976 Delegate Selection Process," 14 January 1976, DNC files, Washington, D.C. (mimeographed). This report was given to the DNC Executive Committee on the date shown.


44 Lang, interview, 17 August 1977.


46 Minutes, DPW Administrative Committee meeting, Madison, Wisconsin, 19 October 1975, DPW files, Madison, Wisconsin.


49 "Report by Mayor Wagner," 3.
50 Herbert H. Kohl, Memorandum to All Administrative Committee Members, 14 November 1975, DPW files, Madison, Wisconsin.


52 Ibid., 7-11.

53 Commissioner Alex Seith, in ibid., 10. See also "Democrats Begin Action Against State," Milwaukee Sentinel, 5 December 1975. (The transcript, which is garbled in places, has Seith's metaphor as "a second longing over the head. . .").


56 Senator Fred Risser, quoted in "Strauss Appeal on Primary Fails," Milwaukee Sentinel, 12 December 1975. Confirmed by Representative Edward Jackamonis, interview, state Capitol, Madison, Wisconsin, 26 April 1978; and by Thomas Loftus, interview, state Capitol, Madison, Wisconsin, 7 December 1977. (Mr. Loftus was aide to Assembly Speaker Norman Anderson during the 1975-6 session.)


58 "Modified Primary Bill Killed," Milwaukee Sentinel, 11 December 1975;


62 Mr. Wagner had notified all state party chairpersons of these requirements in his "Memorandum of Information No. 4," 13 May 1975.

63 Ibid.


68 Mike Miller, "Dems Can't Hurdle Tie Vote on Primary," *Capital Times*, 12 February 1976.

69 Herbert H. Kohl, Memorandum on "DNC Executive Committee Action," to
all Administrative Committee Members and County Chairpersons, 15 January 1976, DPW files, Madison, Wisconsin.


74 This is Governor Lucey's own judgment (interview, 20 February 1978).


76 Bragg and Mikulski were not present, but left their proxies with fellow reformers Segal and Donaghue, respectively.

77 Professor Longley’s examination of CRC transcripts and interviews with CRC staff suggested that there were in fact bellwether members of the two blocs: viz., Segal for the reform, or accountability, bloc; and Seith and Fowler for the regular, or flexibility, bloc ("Compliance Review Commission," 23, footnote 31). My own examination of a number of transcripts bears this conclusion out.

Ibid., 141-43.


Copy of Transcript, DNC Compliance Review Commission meeting, 5 March 1976, 149, 113.

Fowler, quoted in ibid., 151.

See Robert F. Wagner's Letter to DPW Chairperson Herbert H. Kohl, 7 April 1976, DPW files, Madison, Wisconsin: "In light of the unusual circumstances that surrounded the submission of the Wisconsin Delegate Selection Plan, the Wisconsin State Party should proceed immediately with the implementation of its Affirmative Action program. . . ."

Lang, interview, 17 August, 1977; Siegel, interview, 18 August 1977.
CHAPTER VI
THE DEMOCRATIC PARTY OF WISCONSIN

Having examined the DNC's role in this controversy, the logical Wisconsin actor to look at first is the one which enjoyed formal, hierarchical ties with the DNC, was charged with responsibility for implementing its rules within that state, and consequently engaged in the most interaction with it. That actor is the Democratic party organization in Wisconsin.

Was this organization, the DPW, really as willfully defiant as it appeared from the DNC's perspective? The leadership on the DPW Administrative Committee, it will be remembered, had several important stakes in activity directed at compliance with rule 2A. First, they had an obvious interest in insuring that a delegation from Wisconsin, preferably the "right" delegation, with many of their own number on it, was seated at the national convention. Second, they also had a natural interest in excluding the Republican and independent supporters of George Wallace, and any others who disagreed with the DPW's liberal philosophy, from participation in the selection of delegates and other party affairs. Indeed, such exclusion would mean more delegate posts for people like themselves. Third, almost all of the influential leaders on the Administrative Committee, i.e., those occupying the top posts in the DPW, had an interest in maintaining their own influence in national party circles. Consequently, unlike most Democratic
voters and lower-echelon party members in Wisconsin, the DPW leadership had no wish to flout the authority of the DNC. To realize their interests, they had to (1) close the primary, (2) institute a caucus system of delegate selection, or, if they wished to avoid caucuses and keep the primary open, (3) convince the CRC they had made a "good faith effort" to close the primary.

Given these interests, the ties between the two party organizations, and the natural affinity between the type of Democrat which dominated the DPW (reformers and "Humphrey-liberals") and those who had incorporated rule 2A into the national rules, is it possible that the DNC ascribed more defiance to the DPW than really existed? Perhaps. It will be shown in this chapter and the next two that not every act of bad faith undertaken by Wisconsin Democrats was the DPW leadership's fault: they had very little or no control over their elected officials. At the same time, however, there also is plenty of evidence to indicate that the DPW leadership procrastinated in excess, cooperated very little, and even was duplicitous in its interaction with the DNC on this issue. They wished to avoid the DNC's sanctions, but not necessarily by complying. After all, the DPW's interests were not arrayed all on just one side of the issue: they also were interested in holding state power as well as national power, and were quite convinced that actual compliance would cost their party electorally in November. Enactment of a closed primary undoubtedly would threaten Democratic control of the legislature. Moreover, switching to a caucus system also might anger many voters, especially when they saw Wisconsin's convention delegation casting its votes on the basis of the caucus results rather than the primary results, and could result in a backlash vote against the party in November. Finally, this interest in the maintenance of state power was complemented by the favorable orientation toward the open primary which most DPW leaders shared
Consequently, the preferred solution of almost everyone on the DPW Administrative Committee was to make enough of a pretense of compliance to win a "good faith effort" waiver of rule 2A, because that was the alternative closest to the status quo. It was the only path that held out a chance to realize their interests and values on both sides of the issue, and to rid themselves of the internal dissonance many of them felt about having to choose between those interests and values. Making such choices could be very painful, especially for those leaders who wore hats as national as well as state party leaders.

Off to a Slow Start

Since a successful pretense of closure as well as the actual closure of the primary would require a certain level of effort, one would expect that the DPW leadership really was more cooperative with the DNC than the previous chapter indicates. It comes as something of a surprise, then, to learn that Mark A. Siegel's June 10, 1975 criticism of Wisconsin's compliance efforts was essentially correct. From the time of the Charter Convention in early December, 1974 until May, 1975, the DPW did very little to promote closure of the primary. Significant efforts to educate the public and their elected representatives on the need for closing the presidential primary were almost non-existent during this time; with a few exceptions such as a prominent Democrat's letter explaining the requirements of rule 2A to the chairperson of the Assembly Committee on Elections, and a debate on the pros and cons of a closed primary between DNC member Michael Bleicher and state vice-chairperson Frank Nikolay at a Dane county party meeting. Whether even the latter
effort was a serious attempt to develop support for closure is open to question. Debates are excellent educational devices, but they also can cut either way: after Mr. Bleicher and Mr. Nikolay had finished, a hand poll of Dane county Democrats (the most ideological and reformist county unit in the state) showed only 19 in favor of closing the primary, 15 opposed, and 13 undecided.

Finally, in mid-April, 1975, the DPW discussed and adopted a delegate selection plan on the assumption that its convention delegates would be chosen through the primary, rather than by caucus. At roughly the same time (possibly a little earlier), DNC member Michael Bleicher began meeting with Lucey Administration staff members to assist in drawing up a bill that would close the primary. However, it was not until the first week in May that the DPW leadership began to take its first official steps to make the required lobbying efforts on behalf of closing the primary. The DPW Administrative Committee had created a Party Designation Committee, consisting of state Chairperson Herbert H. Kohl, Donald O. Peterson, Helen Sigmund, and George Wilbur, to lobby the legislature and Governor's office for legislation making the necessary amendments to the presidential primary law.

When Mr. Peterson learned that Representative Edward Jackamonis (D-Waukesha), the Assembly Speaker Pro Tempore, was drafting a bill to close the primary, he wrote Mr. Jackamonis requesting that he and other interested legislators meet with the Party Designation Committee to discuss that bill. In this letter, and in the meeting itself on May 14, 1975, Mr. Peterson and Ms. Sigmund argued that

We will not do any damage to Wisconsin's primary tradition, but as an act of political responsibility and maturity we must stop
the crossover maliciousness that can and does occur. Democrats created Joe McCarthy in 1948 [sic]. We cannot ever afford a repeat of that travesty.  

However, George Wilbur, who also was on the Party Designation Committee, told the others attending this meeting that he was opposed to Representative Jackamonis' bill because independent voters also had a right to take part in the presidential nominating process, and said he would offer a substitute bill. Eventually, Representative Jackamonis agreed "with something less than enthusiasm . . . to throw [his bill] in for consideration." Needless to say, this reluctance to introduce the bill in the Assembly is not surprising, given the division of opinion that existed even among the members of the DPW committee appointed to lobby on behalf of closure.

This meeting with Representative Jackamonis and Senate President Pro Tempore Fred Risser (D-Madison) was the only instance of overt lobbying that was to take place for another month. In fact, more lobbying against than in favor of closure took place during this period. One day after the meeting with legislators Jackamonis and Risser, Mr. Wilbur went public with his opposition, telling the press that he would "oppose any effort to limit Wisconsin's traditional open primary":

> It's a step in the wrong direction . . . I view the closing of Wisconsin's presidential primary as only another step towards closing the process and alienating more of the people. . . .

Joining Mr. Wilbur in fighting rule 2A was DPW Second Vice-Chairperson Frank Nikolay, who said on May 10 that he was "... hopeful that the legislature won't be stampeded into changing the primary law. . . . The national
convention shouldn't be able to dictate to the states how their internal affairs are conducted as long as they are conducted fairly.\textsuperscript{11} It was in the wake of statements such as these that DNC Executive Director Mark A. Siegel unleashed his June 10 blast at Wisconsin's compliance efforts.

Then, at the annual DPW state convention on June 13 and 14, party leaders made an effort to elicit rank-and-file support for closure. At one of several panel discussions held the first day, DPW First Vice-Chairperson Marge Pattison, DNC members Michael Bleicher and Donald O. Peterson, and DPW staff discussed the problem of crossover voting. The next day this discussion carried over onto the convention floor, where delegates heatedly debated a resolution which would have put the state convention on record in favor of closure. Once again Mr. Wilbur voiced opposition, leading a strong but unsuccessful floor fight against the resolution, which passed on an unrecorded voice or hand vote.\textsuperscript{12}

A little over a week later, the same DPW leaders who had pushed for closure at the state convention appeared before the Assembly Committee on Elections hearing of AB-807, the bill drafted by Representative Jackamonis. Introduced on May 28 by the Committee on Elections at the request of Mr. Peterson and Ms. Pattison, AB-807 had been referred back to the same committee, which scheduled it for hearing on June 23, 1975. The bill was a complex, awkward first stab at amending the presidential primary law to create a "double-decker" primary in which (1) all voters would be permitted to vote their presidential preference in any party they pleased, and (2) those willing to record their names as supporters of a particular party then could cast a second ballot in a separate poll for the election of national convention delegates from that party. This latter poll would be binding, while the former would be only advisory—in other words, a "beauty
Mr. Peterson, who already had discussed a draft of AB-807 with Representative Jackamonis on May 14, and furthermore was upset with the Governor's office because it would not tell him anything about the bill that office had been working on, made it clear in his June 23rd testimony that he supported AB-807, with the exception of six areas in which he offered friendly amendments. However, the DPW's other national committeeman, Michael Bleicher, argued the necessity of closing the primary, but voiced opposition to AB-807 specifically, which he felt was "a more radical departure from the open primary than was necessary." He preferred the Governor's proposal (on which he had been working with the Governor's staff), which was read at the hearing in the form of a letter from Governor Lucey to the Committee on Elections. This solution would require that voters wishing to participate in a particular party's primary first sign a statement which read:

For purposes of voting in the (year) Wisconsin presidential preference vote, I hereby state my party preference to be (Democratic) (Republican) (American). It is understood that my party preference does not necessarily indicate an affiliation with or membership in the party, but only a preference for voting purposes in this particular election.

The voter then would be given a ballot for the party indicated on that statement, and a list of all voters and their party preferences would be compiled.

Neither proposal generated much enthusiasm among the members of the Elections Committee. Representative Jackamonis' AB-807 would involve placing the names of all candidates for delegate on the ballot, which would
confuse the voters and be costly to the municipalities administering the elections. Yet, Representative Jackamonis, in turn, opposed Governor Lucey's proposal because it forced all voters, not just those wishing to participate in the selection of delegates, to make a party choice (which he envisioned resulting in "fistfights at the polls"). The double-decker primary created by his AB-807, on the other hand, would "maintain the tradition of the open primary" through the device of an advisory open presidential preference poll. Elections Committee chairperson Representative David R. Kedrowski (D-Washburn) told reporters afterward that it was doubtful a majority of the committee would favor restricting the primary, and added that it would not vote on the matter until July or August.

Five days later, on June 28, the DPW Administrative Committee gave its tentative approval to an alternate plan calling for delegate selection caucuses, which would protect the DPW's convention delegation against the possibility that the legislature might refuse to close the open primary. Indeed, according to the Milwaukee Journal's coverage, the Administrative Committee's approval of the caucus plan "was designed both to prod the legislature to act on the [closure] bill and, at the same time, establish an alternate plan as required by the national party in case the bill is not approved." In fact, however, this action was neither so calculated nor so in step with the CRC's requirements as it appears.

The approval of the alternate plan was accidental and occurred only because those favoring it caught off-guard those who were opposed. The discussion of such a plan was indeed on the agenda that day, but the minutes show that Ray Majerus, who later proved to be one of the chief opponents of the caucus plan, suggested that since the hour was getting late (and he had other plans), the discussion of the delegate selection plans be delayed until
the next meeting. However, after the rest of the agenda had been dis-\thatched and Mr. Majerus, among others, had left, the Administrative Committee returned to the question of an alternate plan. Michael Bleicher and Donald O. Peterson introduced a draft caucus plan, which was approved with only George Wilbur and Frank Nikolay dissenting. Mr. Bleicher's motion of approval, seconded by Mr. Peterson, specified that "the alternate plan be submitted to the Compliance Review Commission for approval should the legislature not act positively by October 1, 1975," which everyone at the meeting knew was 90 days past the CRC deadline for submission of such plans. DPW headquarters immediately advised the CRC of the alternate plan's tentative approval and distribution for 30 days of public comment, and requested an extension of the CRC's deadline for submission; but neglected to mention, of course, that it intended to withhold final submission of that plan until after the September legislative session.

The CRC, as mentioned earlier, granted Wisconsin an extension until August 15, the maximum possible. The DPW had written an alternate plan as required, a closed primary bill was in the works, and the CRC and DNC headquarters had every reason to believe that a "good faith effort" finally was being made. Even Mr. Siegel seemed pleased: "Up until a few weeks ago it was clear that all feasible steps were not being taken," he said, but the proposed Lucey bill seemed "a step in the right direction." If Wisconsin Democrats lobbied for the bill, and if Governor Lucey announced that he would sign it if passed, then Mr. Siegel felt Wisconsin legitimately could claim it had acted in good faith. "If the bill failed under those circumstances . . . I tend to think the Compliance Review Commission would be rather flexible."

During the weeks preceding Mr. Siegel's new estimation, the DPW
leadership indeed had been doing just as he asked. Mr. Peterson, for example, had gone on both radio and television on June 25 and 26 to reply to anti-closure editorials and defend the right of parties to restrict access to their delegate selection procedures; had published an editorial reply favoring AB-807 in the July 28, 1975 *Capital Times*; had told the *Milwaukee Journal* on that same day that if AB-807 failed to pass, caucuses would represent more fairly the party's preferences than would the open primary; and had appeared before the July 24th meeting of the Milwaukee county DPW unit, which adopted a resolution backing Governor Lucey's closure proposal (rather than AB-807).  

Spiking the "Good Faith Effort"

But any credit the DPW might have built up with the CRC during the months of June and July was wiped out by events in August. The first blow to the credibility of Wisconsin's compliance efforts was the lawsuit filed by the state of Wisconsin against the DNC, which cannot be blamed on the DPW leadership. Responsibility for the idea of a lawsuit rested with Attorney General Bronson C. La Follette, who evidently felt that the interest of his own political career dictated taking some dramatic action. What would the voters and newspapers think of a La Follette who, while occupying high office, sat idly by and watched while his grandfather's most famous reform was tampered with? Sharing in the responsibility for the suit were several Democratic legislative leaders, who approved of the idea, and Governor Patrick J. Lucey, who helped Mr. La Follette sell the idea at a July 30, 1975 gathering of Democratic leaders in the Governor's office, and later gave the Attorney General his personal (and final) permission to file the suit.
The DPW organization leaders were briefed much better than most Democratic elected officials on the related subjects of the Cousins v. Wigoda (1975) decision and the brand new CRC's power and intentions with regard to rule enforcement. They understood that the suit would severely damage Wisconsin's chances of getting rule 2A waived, and therefore was an unwise idea since it had very little chance of winning. However, too few DPW leaders were involved in the decision to sue. One reporter puts 10 people in the Governor's office that day, and another says 20 attended, but by all accounts only two DPW officials participated in the meeting: Herbert H. Kohl and Donald O. Peterson. Mr. Peterson warned those attending that the suit would be "one more strike against us" in the CRC's eyes; but to no avail. During the period intervening between the meeting and Mr. Lucey's final decision several other Administrative Committee members told Mr. La Follette and Mr. Lucey that the suit was doomed to fail, but still with no success. Such was the weakness of the DPW with respect to control over its elected officials: its chief governing body was not included in the making of this decision, and had little if any influence with those who were. Were it otherwise, it seems quite unlikely the suit would have been launched.

The second blow to the credibility of Wisconsin's compliance efforts was inflicted by the DPW Administrative Committee's own hand, when it refused to approve and submit the final version of its alternate plan to the CRC by the new August 15 deadline. At the Administrative Committee meeting on August 23, Ray Majerus led the fight against final adoption of the caucus plan which had been approved tentatively after his departure from the June 28 meeting. Mr. Majerus, who had been attending the meetings of the Ad Hoc Committee appointed by Governor Lucey on July 30 to consider alternatives in case the lawsuit should fail, argued that the attitude of the legislators
on that committee militated against final adoption of the caucus plan this soon. If the Administrative Committee adopted such a back-up plan before a closure bill came up in the legislature, the latter "would wash its hands of the entire matter on the theory that 'the [Administrative] Committee has taken care of it.'" He circulated among the members a memorandum from the Coalition of Progressive Trade Unions (of which he was the head) requesting the Administrative Committee to (1) postpone approval of the caucus plan, and (2) concentrate instead on lobbying to close the open primary. However, other members such as Mary Lou Burg and Nancy Simenz countered that adoption of the caucus plan would help pressure the legislators to act by spelling out the consequences of their inaction. As Donald O. Peterson noted, if the caucus alternative were passed before rather than after the legislature rejected a closure bill, "it is they [the legislators] who emasculated the primary, not us." Obviously, Administrative Committee members on both sides of the issue seemed to regard their party's legislative wing as something of an adversary. Those who agreed with Mr. Majerus, however, prevailed at this meeting, and—with the help from Chairperson Kohl, whose somewhat irregular parliamentary rulings consistently thwarted adoption—succeeded in postponing final approval of the caucus plan until after the September legislative session had ended. Indeed, even a motion to postpone final adoption of not only the alternate plan but also the primary delegate selection plan, which had been approved tentatively back on April 12 and would become operative if closure legislation passed, failed by only an 11-12 vote.

Naturally, Mr. Kohl's letter informing the CRC of the Administrative Committee's actions tried to cast the decision to postpone adoption of an alternate plan in the best light possible.
It is clear that the Administrative Committee believes that the most promising and productive route to follow is to renew our efforts to lobby for implementation of legislation. The future of this action has brightened considerably due to agreement between elected officials and members of our party as to the content of the proposed legislation. . . .

It is equally clear that the Administrative Committee was opposed to the adoption of an alternate plan at this time, which, it was felt, would remove pressure from the legislature to enact statutory changes. . . .

Such a light was misleading, for the truth was that the future was not bright for a closure bill in any form. The Administrative Committee had been told at that meeting by one of its members, Representative Gary Barczak (D-West Allis), that the Assembly Democratic Caucus did not feel it was "politically acceptable at this time" to tamper with the primary, and that, consequently, any strategy the Administrative Committee adopted would have little effect on the legislators, especially with the lawsuit pending. Moreover, the "agreement" between elected officials and DPW officials that Mr. Kohl refers to was greatly overstated. Both the Administrative Committee and the Governor's Ad Hoc Committee, a panel of eight elected Democrats and three DPW leaders charged with merging the various proposals floating around into one palatable bill, were more or less agreed on the latest proposal to come out of the Governor's office. This was a modified version of the Governor's original proposal called the "Reivitz plan" (after the person who redrafted it--see Figure 1), which would have voters ask for either a partisan ballot or an independent ballot offering a choice of all parties, with only the
<table>
<thead>
<tr>
<th>Legislative Proposals</th>
<th>Proposal Life Spans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jackamonis Proposal (AB-807)</td>
<td>Aug 12 Ad Hoc Meeting</td>
</tr>
<tr>
<td></td>
<td>x merger with</td>
</tr>
<tr>
<td></td>
<td>Reivitz bill</td>
</tr>
<tr>
<td></td>
<td>Kedrowski dislikes</td>
</tr>
<tr>
<td></td>
<td>at June 23 Hearing</td>
</tr>
<tr>
<td>Lucey Proposal</td>
<td>Tabled</td>
</tr>
<tr>
<td>Reivitz Proposal (SS AB-9)</td>
<td>Dec 10</td>
</tr>
<tr>
<td>Thompson Proposal (SS SB-4 / SB-743)</td>
<td>SB-743 Postponed</td>
</tr>
<tr>
<td></td>
<td>Dec 11</td>
</tr>
<tr>
<td>Barczak Proposal</td>
<td>Never</td>
</tr>
<tr>
<td>Miller Proposal</td>
<td>Taken Up</td>
</tr>
</tbody>
</table>

*"x" = Termination of Proposal
partisan ones counting toward delegate selection and the independent ones strictly advisory.  

But saying that eight elected officials are agreed tentatively on the form a closure bill should take is not the same as saying that all of the 80-plus Democrats in both houses are of a like mind. The legislature would need a great deal of lobbying, and the Administrative Committee must have realized that those legislators working with the party on the Ad Hoc Committee, for all their agreement on the Reivitz proposal, would be of little help. Legislators do not waste their credits lobbying their colleagues on behalf of bills that have no chance; especially when they themselves have no more enthusiasm for the bill than do their fellows. The task was entirely the Administrative Committee's, and yet apparently only one effort was made to lobby Democratic legislators during the entire September legislative session. This occurred when Mr. Kohl and Mr. Bleicher met with Assembly Democrats in a closed-door caucus which reportedly changed some minds, though not nearly enough, as caucus test votes subsequently showed. It seems surprising that more lobbying was not done. Even though the Governor's office never readied the Reivitz bill in time to be introduced during the September floor period, still, that was the logical time to lobby on its behalf. Lobbying is much easier when the legislature is in session than when the lawmakers are scattered all over the state, as they would be during October and November; and special sessions of the type that would have to be called when closure legislation finally was dealt with tend to be very short, leaving interested parties little time in which to sway votes. Furthermore, there were few, if any, efforts to lobby the Governor's office to ready the Reivitz bill in time to be considered during the September floor period—a curious omission, given the Administrative Committee's avowed
intention of delaying its alternate plan until after the legislature had acted on the question in September. The DPW leadership were unwise not to lobby more during this session, if indeed they ever meant to close the primary at all.

The Administrative Committee's determination not to vote final adoption of the alternate plan before the legislature had acted carried well beyond the end of the September legislative session, which it had told the CRC in August it wished to await before submitting such a plan. At its October 19 meeting, the Administrative Committee, which knew by this time that Governor Lucey had all but promised to include a closure bill in a call for a special legislative session, again voted against final adoption of the caucus alternative, 19-8-1. The argument again was made that the legislature "would cop-out" if the plan were passed. By now, however, this argument was beginning to wear a bit thin. The analysis still was essentially correct: given a choice, a majority of legislators gladly would acquiesce in a caucus system. But it was apparent from the remarks and actions of some Administrative Committee members that this was not their real reason for voting against such a plan.

Some members believed that the DPW might as well await the outcome of the state's lawsuit against the DNC before tying itself irreversibly to a back-up caucus system. For example, Donald O. Peterson, who had argued against the lawsuit at the July 30 meeting in the Governor's office and was the DPW's most ardent proponent of caucuses, stipulated in his motion for adoption of the alternate plan at the October 19 meeting that the plan would not be submitted to the CRC until the court had decided the lawsuit. Many others found the prospect of a caucus system quite repugnant, and did not vote for it for that reason. One was Michael Bleicher, whose anti-caucus
comments in a forthcoming issue of *The Wisconsin Democrat* were circulated at the October 19 meeting. Two others were Mr. Bleicher's fellow Madison reformists, Representative Midge Miller and Second Congressional District chairperson Gary Aamodt, both of whom argued that implementing a caucus system would be as disastrous for DPW electoral fortunes as would closing the primary. But it was obvious from the remarks of those who felt this way that they really hoped to avoid both the caucus system and closure by making a good show of attempting, unsuccessfully, to close the primary.

Frank Nikolay, whose strong opposition to closure already has been noted, asked his fellow committee members whether anyone from the DPW ever really had tried to convince the CRC that Wisconsin Democrats were making a "good faith effort," and suggested that someone compile a record of the party's efforts to be presented to the CRC in support of a bid for a waiver. Representative Miller likewise noted that the CRC's requirements for a "good faith effort" did not necessarily include passage in the legislature, and added that "a part of our own 'good faith effort' should be to write a letter to every legislator and the Governor reminding them of our predicament with the court case, the time bind, and consequences of their action or inaction."

Packaging a Compliance Effort

The final action taken at the October 19 meeting was passage of Mr. Nikolay's motion that "every member of the Administrative Committee write his/her legislators in support of the modified primary, with a copy to HQ for inclusion in Don Peterson's compilation of the 'good faith effort.'" Were the proposals by Mr. Nikolay and Ms. Miller aimed not really at
compliance, but rather at escaping the consequences of non-compliance? It certainly appears so. Mr. Nikolay previously had strongly opposed closure, issuing press releases against it and arguing against it at a Dane county Democratic unit meeting (above, page 168, 170); and Representative Miller was equally opposed to closure, as her statements and actions in the next chapter will show. Indeed, a lobby which reminds politicians of "the consequences of their actions as well as of inaction" does not sound like a lobbying effort that is intended to succeed (viewed in the context of this curious phrase, it is no longer so surprising that the DPW did not lobby legislators very hard during the September session).

However, it is possible to see in the suggestions of Representative Miller and Mr. Nikolay a certain amount of ambivalence which suggests that they did not see the primary question in completely black-and-white terms, and did not arrive at their positions on it without some difficulty. Mr. Nikolay, who earlier had argued strenuously against even taking a position favoring closure, now admitted the political necessity of at least making an effort for the sake of appearances. Moreover, Representative Miller, as a legislator subject to re-election, had a considerable interest in keeping the primary open; yet, as a DPW Administrative Committee member and DNC member she also had interests in getting her state's delegation seated at the national convention, in preserving her state party's good standing with the national party, and in maintaining her own personal influence within the national party. Indeed, this latter consideration could have been quite compelling, for DNC member Miller is said to have enjoyed considerable influence and prestige in DNC circles, whereas Representative Miller was regarded less highly in state legislative circles. Consequently, finding it painful to choose between the conflicting interests and values at stake
for her on each side of this issue (see her statement straddling the issue in the next chapter), Ms. Miller opted for the "good faith effort" approach because it was the only alternative that would enable her to realize the interests and values of all three conflicting roles.

But if a "good faith effort" waiver was to be gotten, it was necessary to do that which until now the DPW had not done very much: it was necessary to begin lobbying on behalf of closure in order to generate the needed proof that some lobbying did in fact take place. To add to the irony, the person picked by Mr. Kohl at the October 19 meeting to head this lobbying effort was one of the two most vocal opponents of closure on the Administrative Committee: Frank Nikolay himself. Mr. Nikolay set about his task by sending the Administrative Committee members a memorandum on October 27 reminding them to write to their legislators, and send copies to Mr. Peterson for the file. He also wrote to Governor Lucey requesting that he include a bill to close the primary in his call for a special session (something which Mr. Lucey already had indicated he would do, two weeks prior to Mr. Nikolay's letter). Then he sent copies of both letters to Donald O. Peterson, along with a cover letter mentioning four other documents which he knew of that should be obtained for inclusion in the "good faith effort" file. But even more interesting and revealing are the two closing paragraphs of this letter; one of which is a tacit admission of the DPW's bad faith, and the other a statement of the true goal of the DPW lobbying effort, as Mr. Nikolay saw it.

I believe that we can present a credible case for our having taken provable, positive steps to bring the state party rules and statutes into accord with the Charter. . . . We simply cannot present our
case to the Compliance Review Commission in a negative fashion indicating from the start that we are not in conformity and that nothing has been done to bring us into conformity.

My position is that if we do take provable, positive steps to attempt to bring the rules and statutes into accord with the Charter, and then that does not happen, that it is not incumbent upon us to contravene existing law by the adoption of a caucus system of appointment of delegates. The existing law then remains in effect and if we have attempted to change it and failed, I am of the firm opinion that the DNC Credentials Committee could not refuse to seat our delegation selected under the existing law.  

In other words, Mr. Nikolay wanted neither compliance nor the consequences of non-compliance. He wanted to put on a good show so that the status quo could prevail.

The real proof that the DPW's effort to comply with the DNC's rules was insincere followed shortly, after receipt of CRC chairperson Robert F. Wagner's October 31, 1975 letter ordering the DPW to submit an alternate plan by November 23. Mr. Wagner warned that if the DPW did not do so by that deadline, it would be held officially out of compliance, and the DNC executive committee then would impose an alternate caucus system on Wisconsin. Some DPW Administrative Committee members saw this as a gambit aimed at thwarting their own strategy of first waiting for the court's decision on the lawsuit, and then making a show of attempting to comply during the special legislative session. As Fourth Congressional District chairperson Norman Schomisch put it, "I think we are being pressured prematurely by the
national party because they knew what we had in mind." But Mr. Wagner's ultimatum did not have the intended effect on Wisconsin Democrats. In fact, the impact was quite the opposite, because the outside imposition of a caucus system would enable the DPW to assign the blame to the DNC.

The tone for what followed was set by the November 5 meeting of the executive committee of the influential Dane county Democratic unit, which passed a resolution instructing all Dane county members of the DPW Administrative Committee (i.e., Miller, Bleicher, Aamodt, Albrecht, and Pattison) "not under any circumstances to vote for a caucus system of selecting delegates." The reason for this resolution, as one long-time member of the executive committee explained to a reporter, was so that "Should we fail in the courts, which is probable, the onus of creating a caucus system will be on the DNC and not on the state Administrative Committee." A day later, DPW Chairperson Kohl, rather than simply calling a meeting, as was the practice, telephoned all Administrative Committee members to ask whether their opposition to a caucus plan was alterable, and if they felt that a meeting should be called to discuss the caucus alternative again. The results were 17 against both enactment of the caucus plan and a meeting, two against enactment of the plan but for a meeting, eight in favor of enactment of the plan and a meeting, and four who could not be contacted, so Mr. Kohl decided there would be no meeting. He then dutifully informed Governor Lucey, in a letter mass-copied for documentation purposes, that a closure bill must be included in the call for a special session (which, again, the Governor already had decided to do) because a majority of the Administrative Committee opposed the caucus system.

Of course, the only feasible way of changing the minds of those Administrative Committee members opposed to caucuses was to have a meeting,
so Mr. Kohl's telephone poll demonstrating that the caucus plan could not win was really a self-fulfilling prophecy. It was a clever idea designed to provide Mr. Kohl a valid reason for not calling a meeting, as was his intention all along. The eight Administrative Committee members who did favor a caucus plan were angered by this gambit and later insisted that ever since the "surprise" tentative approval of the alternate plan at the June 28, 1975 meeting, Mr. Kohl had done everything he could; presumably at the Governor's bidding, to scuttle that plan. (Others not belonging to this pro-caucus group agree with this assessment.) As soon as the eight learned that the Administrative Committee would not meet, they signed a "minority report" consisting of the caucus plan and a cover letter, and submitted it to the CRC "in the hope the CRC will recognize there are elements within the Wisconsin Democratic Party striving to make a good faith effort to bring our state into compliance with delegate selection rules."

The CRC, of course, had no choice but to find the DPW not in compliance when it refused to submit an alternate plan by the October 23 deadline, and did so by unanimous vote on December 4, 1975. Although a waiver would have been much more preferable, this action at least enabled the DPW to shift the blame for the caucus system and emasculation of the state's primary onto the national party. As soon as the CRC's decision was learned, DPW headquarters immediately moved to take advantage of the opportunity to point an accusing finger at the DNC. DPW staff drafted a response which was printed almost verbatim in the next day's Capital Times:

The National Democratic Party Thursday found Wisconsin out of compliance with its presidential delegate selection rules, which means that state Democrats probably will choose their delegates
to the 1976 convention through a closed caucus system.

Herbert Kohl, chairman of the Wisconsin Democratic Party, said he was "alarmed at the growing threat to Wisconsin's primary election process.

"The Democratic Party of Wisconsin has repeatedly voted against a caucus because of our deep concern over the corruption invited by a caucus system subject to rule by a few powerful politicians," he added.

The national party is threatening to impose a closed caucus system. . . .

DPW headquarters registered no small amount of satisfaction at the notice this press release received. A high staff member said, "Now we can say we are not to blame for anything--the primary affair has been taken entirely out of our hands." This, in truth, was an important unstated reason why all but eight Administrative Committee members had continued to refuse approval of a caucus plan even in October and November. By that time, surely any politician who could count knew that the purported attempt to pressure the legislature by delaying the caucus alternative could not possibly change enough votes. The real reason for continuing to refuse to adopt the caucus plan, in the minds of many who supported the delay, had been to try to save the DPW from political embarrassment by shifting the blame for killing a venerated Wisconsin tradition to Washington. After all, it was the DNC which wanted the primary closed, so it should bear the brunt of the blame.
Only days earlier, three days of hearings on the Reivitz bill which would be presented during the special session had drawn extremely sparse testimony from DPW leaders, who supposedly had refused adoption of the caucus plan because they were going to make a concentrated drive to achieve a legislative solution. The December 2, 1975 hearing in Madison, for example, drew only three speakers favoring a closed primary and five opposing it. Of the three testifying in favor, only one was a DPW official (Michael Bleicher). The others were the bill's author, Linda Reivitz, and Senator Carl Thompson (D-Stoughton), who proposed another bill similar in form to Representative Jackamonis' AB-807.

Interestingly, Senator Thompson's proposal was designed especially to increase the chances of enactment of closure, but Mr. Bleicher spoke out against it. Under Senator Thompson's plan, each voter would be asked after an advisory presidential preference poll if they wished to vote for convention delegates. If so, they would record their party preference and receive that party's ballot containing the names of all candidates for convention delegate. But rather than voting for a slate of delegates just by placing a mark next to a presidential candidate's name, they would go down the list under that candidate's name and vote directly for the correct number of delegates from among those running for a slot on that candidate's slate. Under this arrangement, legislators would have an advantage over other would-be delegates because of their name recognition, and could win delegate posts without having to involve themselves heavily in a presidential campaign, as party activists would find it necessary to do. Senator Thompson argued that this increased the chances of closure getting through the
legislature; but Mr. Bleicher opposed it on the grounds that the many presidential candidates (Wallace, Carter, Jackson, Udall, Harris, Shriver, Bayh, et al.) would make sure they had a full slate on the ballot, and voting would become too awkward and confusing for the voters. Although never stated explicitly, it was obvious that an additional factor underlying Mr. Bleicher's opposition to Senator Thompson's bill was the natural amateur-vs.-professional rivalry that existed between the DPW and the legislators: the former had no intention of signing over their convention role to the latter as the price for compliance.

A week later, Ms. Reivitz's bill, introduced as 1975 Special Session AB-9 at the request of Governor Lucey, was tabled by the Assembly on a voice vote, without debate, and was not taken up again even after Robert Strauss's dramatic appearance the next morning. On the other hand, Senator Thompson's proposal, introduced as 1975 Special Session SB-4, at least got as far as floor debate before it was postponed indefinitely on a 17-16 vote. Senator Thompson may have been right: his bill appears to have been easier to sell to the legislators. The Reivitz bill backed by the DPW leadership, on the other hand, was not even afforded the necessary courtesy of a floor vote for "good faith effort" purposes. Such was the state of the DPW's control over its elected officials.

The Second Chance: Finally a Bona Fide Effort?

In any case, the required restriction on crossover voting was not forthcoming. Consequently, on January 14, 1976, the DNC Executive Committee accepted the CRC's ruling that Wisconsin was out of compliance, and ordered the DPW Administrative Committee to submit an alternate, caucus plan to the
CRC by February 15, 1976. DPW chairperson Kohl attended this meeting to plead that the present open primary system be permitted to operate as Wisconsin's method of delegate selection just one more time, for the sake of the party's well-being, and backed his request with a number of reasons why the DPW should be given a waiver. This plea failed, but a less drastic request by Milwaukee county Democratic chairperson Daryl Hanson, who also attended the meeting, met with success. Mr. Hanson informed the DNC Executive Committee there were new indications a closure bill might pass when the legislature reconvened on January 29, and submitted as evidence a letter from Senator Kurt Frank (D-Milwaukee) stating that Frank, who had voted against 1975 SS SB-4 when it failed by one vote in December, would change his vote. Mr. Hanson also noted that Senator Thompson, the author of SB-4, had notified him that perhaps several more legislators could be persuaded to change their minds. It was on the basis of this information that DNC Deputy Chairperson Mary Lou Burg included in the Executive Committee's resolution the stipulation that the DPW could select its delegates by primary should the legislature act favorably prior to the February 15 deadline for submission of a caucus plan.

The DNC Executive Committee was agreeable to this, but the legislature was not nearly so inclined to cooperation as Mr. Hanson and Senator Thompson had made it out to be. Faced at last with the reality that the "good faith effort" strategy had not worked and that a caucus system, the very format which the Progressives had labored to destroy, was being reintroduced to Wisconsin, many DPW leaders now began to lobby in earnest for closure. Perhaps the most successful lobbying effort undertaken prior to the legislature's reconsideration of Senator Thompson's bill (now reintroduced as SB-743) was the campaign by Mr. Kohl and the DPW headquarters staff to change
the editorial positions of the state's major dailies. Embarking in late January on a series of meetings with publishers and editorial staffs around the state, they tried to make the newspapers see that the choice facing the state was no longer one of an open primary versus a closed one, but rather one between a closed primary and a caucus system. By February 3, 1976, they had achieved a remarkable turnaround of press opinion: they had induced, among others, the Milwaukee Journal, Wisconsin State Journal, Capital Times, Sheboygan Press, and Racine Journal-Times to print editorials favoring a closed primary.

Why was the campaign to educate the newspapers to this distinction not launched earlier, before the legislators had been inundated by more than 60 editorials against closure? Partly because until the caucus system was a reality, it was deemed that such a campaign lacked the credibility to make it work. Yet, on the other hand, the DPW never tried such a campaign to see if it would work until its back was against the wall; so it appears that a large part of the reason why it did not lobby the newspapers earlier is that it was not serious about enacting closure. Indeed, it is questionable whether or not the DPW was serious about enacting closure even when it began lobbying the press at this late date. One Capital Times editor claims that his newspaper switched its editorial stance in order to help the DPW win a waiver, because Mr. Kohl had convinced the Capital Times's editorial board that the DPW "... needed to make a strong 'good faith effort,' that they were going to fight it out in the DNC, and that pushing the newspapers for closure was a part of their case."

This claim fits the realities of the time during which the lobbying of the press occurred. A handful of lukewarm newspaper endorsements in the wake of the 63 editorials printed against closure during the past 13 months
was not going to change anything. At a January 18, 1976 meeting in which the DPW Administrative Committee once again postponed approving a caucus plan, Representative Midge Miller and Representative Gary Barczak dismissed Daryl Hanson's claim that legislative opinion was shifting in favor of closure. Representative Barczak noted that the real obstacle to closure always had been the Assembly, not the Senate, and that he just had polled the 17 Assembly Democrats from Milwaukee and found the same disposition as in December: five for SB-743, ten against, and two undecided. He concluded no progress had been made, and that the DPW should not waste its time, his, and the legislature's in another attempt to close the primary. "I'll be damned if I will set aside the work of the public to meet some narrow requirement of the Democratic National Committee." Nevertheless, the Administrative Committee voted to continue to urge the legislature to modify the primary, and postponed approval of a caucus plan.

At its next meeting on February 1, the Administrative Committee finally passed the alternate caucus plan as ordered, but decided to withhold submission of it until after the legislature had dealt with Senator Thompson's SB-743. Now some Administrative Committee members began to exert some real pressure for passage of SB-743: personal, one-on-one lobbying by persons of high prestige and influence. Donald O. Peterson and others on the DPW's "pressure committee," as Senator Kurt Frank called it, made a visit to the Capitol on January 29 to lobby Democratic Senators for closure; Daryl Hanson wrote to all the legislators from Milwaukee county, followed up by speaking to them personally, and recruited the lobbying assistance of David Carley, a millionaire industrialist, former DPW chairperson, and former gubernatorial candidate; Herbert H. Kohl asked Robert S. Strauss to call a Strauss supporter in the state Senate who was known to be against
SB-743; and Governor Lucey himself secured at least one personal commitment to vote for the bill from a reluctant Senator.

Likewise, reformist DPW amateurs such as Michael Bleicher and Representative Midge Miller, who had opposed Senator Thompson's bill back when it was SB-4 the previous December (see Figure 1, page 179), now got behind it. Both Mr. Bleicher and Ms. Miller had been in Iowa working to turn out support for their respective candidates in that state's January precinct caucuses; and both told the January 18 Administrative Committee meeting that a renewed effort in the legislature was a must, because their Iowa experience had convinced them that "a caucus system would be an extremely retrogressive step." When they had finished making this recommendation, they were chided by Donald O. Peterson (who felt that a legislative solution was not feasible, and now was for getting on with the caucus system) for having done no lobbying on behalf of Senator Thompson's bill when it first came up back in December.

The problem that the reformist amateurs in the DPW organization had had with Senator Thompson's approach when it first came up was that (1) listing the candidates for delegate posts by name on the ballot advantaged elected officials over party activists; and (2) the elected officials as professional politicians (i.e., regulars) usually were more moderate and more inclined to compromise or switch support at the convention than were those party activists who actually had devoted themselves to a particular campaign. Consequently, the DPW organization activists preferred that the voters cast their vote for slates of delegates (chosen in caucuses of each presidential candidate's supporters) appearing on the ballot under each presidential candidate's name. In late January, however, the DPW organization activists succeeded in persuading Senator Thompson to accept a
substitute amendment to SB-743 containing both selection schemes and leaving the choice between them to the discretion of the party organization. Happy with this solution, Michael Bleicher and Linda Reivitz, both of whom previously had opposed Senator Thompson's SS SB-4, met with the Assembly Democratic caucus for one and-a-half hours in late January to lobby on behalf of the amended SB-743.

On February 11, however, the Senate defeated SB-743 anyway, once again by the margin of a single vote. The pressure that had been mounted by the DPW organization, though stronger this time, still had little or no effect on the legislators (more on this in the next chapter). So, on February 15, 1976, Herbert H. Kohl once again pleaded with the DNC to give Wisconsin until 1980 to comply, but this time backed up his request with a threat. Noting that Wisconsin Attorney General La Follette was researching the question of whether Wisconsin's unchanged primary statute required that a delegation selected by that primary had to attend the national convention anyway, Mr. Kohl warned CRC Chairperson Robert F. Wagner that two Wisconsin delegations could end up competing for recognition at that convention. The unseating of the primary delegation in favor of the one picked at caucuses could destroy the convention harmony Mr. Strauss was aiming for, and cost the Democrats Wisconsin's electoral votes in November as well.

Yet, as Mr. Kohl himself had admitted in an intraparty memorandum in mid-January, there was "no longer any doubt that a delegation from Wisconsin will be chosen by the caucus system," and nobody in the DPW entertained any illusions about his chances for success. Even as he made his appeal on February 15, the DPW was printing its caucus plan for mass distribution, and finally began the education and publicity campaign which, according to rules 1A and 19D, should have begun at least six months before the May 15 date now
set for the first caucuses. The March issue of *The Wisconsin Democrat*, which came off the press on March 5, the same day the CRC reversed itself, included highlights of the recently passed caucus plan, and an editorial titled "Biting the Bullet: The Caucus."

**Summary**

Throughout the DPW organization's compliance efforts, one finds many, many instances of dissembling, duplicity, and just plain defiance. One almost could sum up the pattern of DPW compliance activity as a string of bad faith efforts disguised to look like "good faith efforts." First, there was the procrastination and inconsistency of DPW efforts at lobbying the legislature to draw up and introduce closure legislation, which helped provoke Mark A. Siegel's criticism of Governor Lucey and the DPW leadership in June, 1975. At a time when the DPW was supposed to be pushing hard for enactment of closure, one member of the committee assigned to lobby for closure, George Wilbur, told legislative leaders he did not think it should be enacted, and sent out press releases opposing it. Then, in August, the DPW Administrative Committee refused to adopt and submit an alternate plan as required, and told the CRC it was doing so in order to maximize pressure on the legislature to enact closure during the forthcoming September session, the likelihood of which it portrayed as increased due to an agreement between legislators and DPW officials. This was highly duplicitous, inasmuch as (1) the DPW leadership hardly exerted any lobbying pressure during the September session; (2) the Administrative Committee had been told by its legislative members that the prospects for enactment of closure in September actually had decreased rather than increased, due to the pending lawsuit;
and (3) the much-touted agreement between legislators and DPW leaders on the content of legislation was an agreement in principle only, and had been agreed to by only a handful of legislators who could not be presumed to speak for their fellows.

The DPW Administrative Committee continued to refuse to adopt and submit an alternate, caucus plan long after the September session had ended. Rather, its members opted instead to pursue a policy of building up a record of documentation of their efforts to close the open primary, in the hope that the CRC could be convinced to grant a "good faith effort" waiver. A majority of them voted to continue to refuse to adopt an alternate plan of delegate selection even after receipt of the CRC's ultimatum to submit such a plan to it by November 23, or be found officially out of compliance. Then, when the CRC made good on its threat by declaring the DPW out of compliance on December 4, 1975, DPW state headquarters took advantage of this action to publicly blame the national Democratic party for the now almost certain demise of the open primary. Very few DPW Administrative Committee members had taken the trouble to testify at the three hearings on closure held around the state just prior to the CRC's decision.

The only real efforts made by DPW leaders on behalf of closure occurred in January and February 1976—well past all deadlines, after having been found non-compliant and having been ordered to use a caucus system (unless closure could be enacted by the deadline for submission of the caucus plan to the CRC). After these efforts failed, the DPW pointed to them and claimed that a "good faith effort" had been made. In fact, however, such a claim was invalidated by the fact that these efforts had not occurred until after the DPW had been found non-compliant, and had no other recourse. Generally speaking, it could be said that the DPW had resisted until the
last ditch, and then undertook to comply in an effort to escape the consequences of its earlier resistance.

It may be concluded, then, that the DPW organization's overall lack of compliance was genuine and real; that it did not exist only in the eyes of the DNC. This is not a surprising conclusion, given the historic decentralized character of our national parties, and the independence which that decentralization has afforded state and local party organizations in American politics. Since parties exist to capture control of public offices, and every elected official in the American system except the President and Vice President is chosen by state and local constituencies, it stands to reason that the parties should be decentralized in structure, and that the many party organizations at the state and local level should operate quite independently of their national committees. As Thomas R. Dye puts it, each level of party organization has "its own fish to fry."

The position of much of the DPW leadership during this controversy, specifically those 17 who refused to meet to adopt an alternate plan even after the CRC's ultimatum, may be characterized a states' rights position. As Mr. Nikolay and Mr. Wilbur often phrased it, the DNC should not be able to dictate election laws, a constitutional prerogative of the states, to the people and government of Wisconsin. At the same time, however, Mr. Nikolay's eventual recognition of the necessity of at least giving the appearance of trying to enact closure demonstrates that he and many other DPW leaders must have had ambivalent feelings on the subject. On the one hand, they wanted to keep their state tradition and their party's legislative majority intact; on the other hand, they also wished to ensure that their state party's delegation get seated without trouble at the national convention. In short, they wanted to have it both ways, which explains their general preference for the
"good faith effort" waiver alternative over those of closure and the caucus system, and Mr. Nikolay's surprising role as the coordinator of the DPW's lobbying effort on behalf of closure from October forward. (Interestingly, both Mr. Nikolay and George Wilbur, the two Administrative Committee members most opposed to closure and most attached to Progressive principles, dropped out of active involvement in the DPW in 1976 and cited feelings of disappointment, futility, and despair as their reasons for doing so. Although one hardly can judge from two cases, this suggests that personal efficacy may well have been an independent variable in the differing positions on the primary taken by most party leaders, on the one hand, and by most party voters and many rank-and-file members on the other.)

Consequently, it would be wrong to think of the DPW leadership's resistance to closure as blatant defiance, or even willful defiance, of the DNC. They were indeed dilatory, duplicitous, and defiant, but not wholeheartedly so. Mr. Nikolay's overall behavior, and the "minority report" caucus plan submitted by eight Administrative Committee members, betray the dissonance inside the individual members of that committee as well as among them as a group. Nor would the DPW leadership have opposed the will of the DNC regardless, under all circumstances. Their resistance to the national party assumed the garb of the states' rights philosophy, but it did not take root in that philosophy. Rather, it stemmed from the fact that compliance with one particular DNC rule would result in a serious political problem for them. Their challenge of the supremacy of national party rules over state law was dictated by political necessity: could they have complied with the rules at no cost to themselves, they gladly would have done so.

Finally, as a prelude to the next chapter, it may be observed that the behavior of the DPW leadership often reflected the presence of intraparty
tension not only between the state party and the national party, but also between the state party and its elected officials in the state legislature. This second tension, like the first, is the outgrowth of another structural characteristic peculiar to the American political system: the separation of powers. As Sorauf notes, "Among the party systems of the world, the legislative parties that have the greatest discipline in voting and the strongest ties to the party organization are found chiefly in those countries with parliamentary systems." In our own system, however, the chief executive and cabinet--the natural leaders of the party--are not drawn necessarily from within the party's legislative ranks and are not dependent upon a legislative majority to stay in office, which frees legislators from the need to support their party's program. As the fears voiced by DPW leaders at the August 23, 1975 Administrative Committee meeting suggest, the Democratic legislators did not see the primary question in the same light that DPW leaders saw it in, and, in the absence of close ties and effective means of discipline, were not very cooperative with the DPW's compliance efforts. It already has been noted that they agreed to a lawsuit against the DNC despite the advice of DPW leaders; and that the Assembly even refused to debate and take a vote on the primary question when a show of compliance was needed to enable state Democrats to qualify for an exemption from rule 2A. Now it is time to examine the legislators' role in this controversy in closer detail, and see that the conflict between them and their party organization only has been touched on thus far. The true weakness of the DPW's hold upon those elected officials who borrow its label, and the reasons for the great independence shown by the latter during this controversy, cannot be appreciated fully until the end of the next chapter.
NOTES
CHAPTER VI


3 Ibid.


5 Reivitz, interview, 4 August 1977. For more on this, see Robert Milbourne, Memorandum on "Closed Presidential Primary" to Linda Reivitz, Daniel Wisniewski, and Michael Bleicher, 22 April 1975, personal files of Linda Reivitz, Madison, Wisconsin.

6 Donald O. Peterson, Letter to Representative Edward Jackamonis, 5 May 1975, DPW files, Madison, Wisconsin.

7 Ibid.

8 Leon Hughes, "Bill Will Seek Change in Open Primary," Milwaukee Journal, 15 May 1975.

9 Ibid.

10 "Wilbur Vows to Oppose Change in Open Primary," Capital Times, 16 May 1975.
11 Mike Miller, "Nikolay: 'Keep Open Primary,'" *Capital Times*, 10 May 1975.


13 See Wisconsin Assembly Committee on Elections, 1975 Assembly Bill 807, introduced 28 May 1975, LRB files, Madison, Wisconsin, 9-10.

14 Minutes, Democratic Party of Wisconsin Administrative Committee meeting, Madison, Wisconsin, 28 June 1975, DPW files, Madison, Wisconsin (mimeographed). See also the correction printed in Minutes, Democratic Party of Wisconsin Administrative Committee meeting, Milwaukee, Wisconsin, 23 August 1975, also in DPW files (mimeographed).

15 Donald O. Peterson, "Statement to the Assembly Committee on Elections," 23 June 1975, files of the Assembly Committee on Elections Chairperson, Madison, Wisconsin.

16 Author's notes, Assembly Committee on Elections hearing, 23 June 1975. (Mr. Bleicher spoke from notes.) The third DPW official appearing to testify, Marge Pattison, also noted that "I am not here necessarily to speak on behalf of any particular bill, ... but rather to support the National Party Delegate Selection Rules." Marge Pattison, "Statement to the Assembly Committee on Elections of the Wisconsin Legislature," 23 June 1975, files of the Assembly Committee on Elections Chairperson, Madison, Wisconsin.

17 Governor Patrick J. Lucey, Letter to Representative David R. Kedrowski,
Chairperson of the Committee on Elections, 23 June 1975, files of the Assembly Committee on Elections Chairperson, Madison, Wisconsin.

18 Author's notes, Assembly Committee on Elections hearing, 23 June 1975. Also see State Elections Board, "Fiscal Note to 1975 Assembly Bill 807," 4 June 1975, files of Assembly Committee on Elections Chairperson, Madison, Wisconsin.

19 Mike Miller, "Lucey Has Plan to 'Close' Primary," Capital Times, 24 June 1975. For Mr. Jackamonis' later reaction to this plan, see Patrick Reardon, "Problems Engulf State Primary," Milwaukee Journal, 28 July 1975.


23 Minutes, DPW Administrative Committee meeting, 28 June 1975; and Author's notes, DPW Administrative Committee meeting, 28 June 1975.

24 Ibid.


30 Eugene Harrington reports that the vote on whether or not to sue was 10-1 ("State Democrats Plan Suit on Primary," *Milwaukee Journal*, 31 July 1975), but Mike Miller says that 20 attended this meeting ("State Dems Sue National Party Over Primary," *Capital Times*, 31 July 1975).


32 Two who did so were Sue Albrecht and Senator Henry Dorman. Albrecht, interview, 24 May 1977; and "Primary Suit Would Fail, Dorman Says," *Milwaukee Sentinel*, 13 August 1975. Stewart Udall, in Wisconsin to promote his brother's presidential candidacy, also warned that the lawsuit would hurt Wisconsin Democrats with the CRC. Howard Cosgrove, "Stewart Udall Fears for State Primary," *Capital Times*, 13 August 1975.


35 Minutes, DPW Administrative Committee meeting, Milwaukee, Wisconsin,
23 August 1975.


37 Author's notes, DPW Administrative Committee meeting, 23 August 1975.

38 Minutes, DPW Administrative Committee meeting, 23 August 1975.

39 Herbert H. Kohl, Letter to CRC Chairperson Robert F. Wagner, 27 August 1975, DPW files, Madison, Wisconsin. (Note well Mr. Kohl's distinction between Democratic "elected officials and members of our party. . . .")

40 Minutes, DPW Administrative Committee meeting, 23 August 1975.


43 Indeed, by October 1, the Ad Hoc Committee still had not conveyed its recommendation of the Reivitz proposal to Governor Lucey. These recommendations still were being drafted by DPW staff and distributed to the committee members for their approval. See Allan D. Zins, Letter to Ad Hoc Committee members, 1 October 1975, and Draft Letter from the Ad Hoc Committee to Governor Patrick J. Lucey, no date, both in DPW files, Madison, Wisconsin.

44 Michael Bleicher, quoted in Reid Beveridge, "Dems Reject Closed Caucus," Wisconsin State Journal, 20 October 1975; and Minutes, DPW Administrative Committee meeting, Madison, Wisconsin, 19 October 1975, DPW files, Madison, Wisconsin.

45 Representative David R. Kedrowski, interview at Capitol office, Madison, Wisconsin, 24 January 1978; and Senator Gary Goyke, interview at Capitol


47 Minutes, DPW Administrative Committee meeting, 19 October 1975.


50 Ibid.; and Minutes, DPW Administrative Committee meeting, 19 October 1975.

51 Ibid. (emphasis mine). It should be noted that the quotation is not directly from Ms. Miller, but from the Minutes' reporting of her remark.

52 Ibid.

53 Joseph Gebhardt, interview at Wisconsin Democratic Convention, Oshkosh, Wisconsin, 10 June 1977. Mr. Gebhardt is a member of the DNC's Winograd Commission, and a knowledgeable Washington observer of DNC affairs.

54 Frank Nikolay, Memorandum to DPW Administrative Committee members, 27 October 1975, DPW files, Madison, Wisconsin.


56 Frank Nikolay, Letter to Donald O. Peterson, 21 October 1975, DPW files, Madison, Wisconsin.


Herbert H. Kohl, Memorandum to DPW Administrative Committee members, 14 November 1975, DPW files, Madison, Wisconsin. (The poll itself was taken on November 6.)


Bleicher, interview, 2 August 1977.

Kenneth R. Lamke, "Democratic Minority Drafts Caucus Plan," Milwaukee Sentinel, 13 November 1975; and "State Democrats Propose Delegate Choice by Caucus," Wisconsin State Journal, 13 November 1975. The eight were Donald O. Peterson, Mary Lou Burg, Daryl Hanson, at-large members Helen Sigmund, Vivian Munson, and Roger Tlusty, and Sixth and Eighth Congressional District leaders Nancy Simenz and James DeLorme, respectively.


Donald Pfarrer, "Election Ultimatum Hard to Swallow," Milwaukee Journal, 3 December 1975. An earlier day of hearings, in Eau Claire, had fared little better. A few local Democrats, including Donald O. Peterson, testified but did not succeed in making as much of an impression as did a local county judge who predicted corruption and "enemies' lists" if primary
voters were forced to declare their party preference on record. See Dean Showers, "Corruption Fear Cited in Vote Change," *Milwaukee Sentinel*, 2 December 1975.

66 See 1975 Special Session Senate Bill 4, Legislative Reference Bureau files, Madison, Wisconsin (mimeographed).

67 Author's notes, Assembly Committee on Elections hearing and executive session, Madison, Wisconsin, 2 December 1975.


69 Among the reasons Mr. Kohl cited were the costs of operating a caucus system, the lower participation in the delegate selection process that would result, the political costs to the Democratic party of closing the primary and taking up such a system, and the fact that the Republican contest between President Ford and Ronald Reagan would keep most Republican voters in their own primary in 1976. Herbert H. Kohl, "Statement to Robert S. Strauss, National Party Chairman, and Executive Committee of the Democratic National Committee," 14 January 1976, DPW files, Madison, Wisconsin (mimeographed).


71 Marnie Schulenburg, telephone interview, 31 March 1978. (Ms. Schulenburg was DPW Media Director, and in charge of all communications with the press at that time.) See also Mike Miller, "New Drive to Change Primary

72 Herbert H. Kohl, Memorandum on "Delegate Selection" to all Administrative Committee members, County Chairpersons, and Assembly District Chairpersons, 3 February 1976, DPW files, Madison, Wisconsin (mimeographed).

73 Maraniss, interview, 19 July 1978.


75 Ibid.


77 Author's notes, 29 January 1978.


80 Wisniewski, interview, 29 July 1977.

81 Author's notes, DPW Administrative Committee meeting, Milwaukee, Wisconsin, 18 January 1976. The words are Mr. Bleicher's.

82 Ibid. Representative Miller responded that Mr. Peterson "as everyone knew," had wanted caucuses all along (see also the Minutes of this meeting, above).

83 Representative Gary Barczak, interview at state Capitol office,


Mike Miller, "Dems Can't Hurdle Tie Vote on Primary," *Capital Times*, 12 February 1976.


Herbert H. Kohl, Memorandum on "DNC Executive Committee Action" to all County Chairpersons and Administrative Committee members, 15 January 1976, DPW files, Madison, Wisconsin (mimeographed).


The Wisconsin Democrats' resistance to national party dictates is in the tradition of a long line of state party resistance to national standards. To cite only a few of the most recent instances: in 1972, the Illinois delegation headed by Mayor Daley was ejected from the national convention for having chosen delegates in disregard of affirmative action and accessibility standards created by the McGovern-Fraser Commission, and promptly filed a
lawsuit challenging the DNC's right to enforce such standards upon the states; in 1968, the entire Mississippi delegation and half the Georgia delegation were denied seats at the national convention for having violated national rules against racial discrimination; in 1958, Louisiana Democrats fought, unsuccessfully, with the DNC over the Louisiana Democratic party's attempt to recall one of its DNC members (for disagreeing with the state party's stance on desegregation); and the Texas Democratic party went without a national committeeman for three years in the 1950's, rather than replace the one whom the DNC had refused to seat for having supported Republican presidential candidate Dwight D. Eisenhower against Adlai Stevenson in 1952. See Ranney, *Curing Faction*, 19-20.


92 Personal conversations between the author and Mr. Wilbur at the time he stopped attending Administrative Committee meetings, although his term had not yet ended, established that he felt that his involvement counted for little. Mr. Nikolay told the press that he had grown weary with political warfare and disillusioned with a party structure grown large and unwieldy (Kenneth R. Lamke, "Resignations Show Lucey's Control," *Milwaukee Sentinel*, 14 June 1976). Adding to this was the feeling of having been cast aside when he was not elected as an at-large member of the Wisconsin Udall delegation to the 1976 convention. Mr. Nikolay, who submitted his resignation as DPW Second Vice Chairperson shortly after having been left off the delegation, denied that the two were related, but did send a very angry letter to Mr. Udall (withdrawing his financial support of Mr. Udall and charging that the latter had made a deal with labor guaranteeing them his at-large delegate
spots), and told the press, "I'm just disillusioned. After all these years, they won't even throw us a bone." See John Patrick Hunter, "Smith, Nikolay Rip 'Deal with Labor' for Delegate Spots," *Capital Times*, 3 June 1976.

CHAPTER VII

THE WISCONSIN LEGISLATURE

The interest of the DPW organization leaders in maintaining the party's legislative majority was not nearly so great as that of the Democratic legislators who comprised that majority. Of course, 69 of the 82 Democrats in both houses were natives or had been reared in Wisconsin, and presumably had internalized the anti-party orientation of the state's political culture. Most of them did not share the DPW leaders' consuming interest in attending and taking part in the national convention, much less the more mundane aspects of party affairs; and only a very few were involved to a significant degree in presidential campaigns. Yet, the vast majority of DPW organization leaders also were native to Wisconsin and its political culture, so the legislative wing's more virulent opposition to closure that is recounted below must be attributed to something more than just political socialization within the state culture.

Rather, it was not so much their own socialization as that of the general public, and their politician's understanding of the implications of that socialization for themselves as elected officials, that accounts for the Democratic legislators' extra degree of opposition to closure. They personally had much more at stake in the issue than did the DPW organization leaders. Whereas both groups naturally feared the loss of power that goes
with party control of the legislature, the legislators themselves also stood to lose personal income, status, and power if they personally were among those relinquishing their seats in the wake of a November reaction to closure. At least 37 of the then 62 Democrats in the Assembly and four of the 19 Democrats in the Senate were full-time legislators dependent upon their $15,680 salaries (which would rise to $17,843 if they survived the forthcoming election) for their livelihood. Many others were teachers, farmers, attorneys and businessmen for whom the legislative salaries must have comprised a large part of their income, given the amount of time the legislature kept them away from their professions. These legislators were being asked to risk their jobs to insure that their amateur Democratic colleagues got to attend a convention for four days. In other words, closure ran counter to not only the legislators' socialization within the Wisconsin tradition, but also their professional socialization as members of the legislature with interests in survival and career promotion, not to speak of the traditional antagonism and rivalry such professionals often feel toward their reformist amateur colleagues.

Moreover, many legislators possibly stood to gain as elected officials from rejection of a closed primary. Failure to close the primary or qualify for a "good faith effort" waiver would result in the imposition of delegate selection caucuses, which held several advantages for the legislators. One, of course, was that the caucus system would be instituted by a change in party rules rather than in state law, so that the onus for it would fall on the state party organization rather than the legislators. But the main reason why some openly preferred a caucus system to a closed primary was the many advantages of the former for campaign organization-building. First of all, the initial caucuses would provide lists of persons in every county and
big city Assembly district who were willing to (1) identify themselves as Democrats, and (2) devote their time to politics. Second, the Congressional district-level caucuses would identify which of these Democrats presumably were the most influential in their counties or districts. Third, the caucuses themselves provided a context for the legislator to circulate among and meet these party supporters. Finally, such caucuses might serve as the context for the resurrection of party endorsements of primary candidates—something which many of the incumbents from one-party, Democratic areas like Milwaukee looked forward to.

Thus it appears that it is the legislator's role and its attendant interests which account for the extra strength and outspokenness of the legislative wing's opposition to closure, compared to that of the organizational wing of the state Democratic party. It also is true, however, that some legislators have additional roles or role-dimensions which others do not share, and that these compound roles sometimes complicate what for other legislators are clear-cut, easily realized interests. The particular compound roles and interests I am concerned with here are those of the legislators who (1) also happened to be high officials in the voluntary wing of the party, or (2) were given the responsibility for managing this unpopular legislation.

The Effect of Republican and Press Opposition

Compounding the Democratic legislators' interest in leaving the presidential primary open was the almost certain probability that their Republican opponents, and perhaps the press as well, would make closure a principal campaign issue in the November 1976 general election. The DNC's closed
primary mandate was inimical to the rules and traditions of the state's political landscape, and the Democratic incumbents understood that Republican legislative candidates would seek competitive advantage out of any breach of these longstanding rules. Thus, the actions and interactions of the Democratic legislators throughout the duration of the primary controversy were influenced considerably by the anticipated reactions of the Wisconsin Republicans. These never were hard to predict, as the Republicans steadfastly engaged in the criticism and opportunism that are natural to political opposition parties.

The Republicans opposed closing the Democratic side of the presidential primary to crossover voting. They also opposed the understood consequences of their own opposition, which, if successful, most likely would result in the resurrection of the caucus system. Indeed, every time state Democratic actors even discussed the primary problem, Republicans responded by attacking the Democrats as "arrogant" for daring to consider altering the traditional primary format. Some of this opposition stemmed from the fact that most Wisconsin Republicans, like their Democratic rivals, were products of the state's political culture. Thus, some Republican legislators, such as Senator Sensenbrenner, claimed they would oppose closure even if it had been their own party that was trying to do away with the open primary. But these same legislators also were partisans, and as such greatly enjoyed the Democrats' discomfiture over the primary question. As Senator Sensenbrenner acknowledged, "We'd like the Democrats to bring that [closure] up every year. We'll be there to vote against it." Had the Democrats actually closed the primary, Sensenbrenner noted, "I would have taken out an ad in the daily and weekly papers in my district on primary day, pointing out my opposition to that [closure]." He would not have been alone in his willingness to
capitalize on the issue. Republican strategist James Klauser, Director of the Senate Republican Caucus staff, says that had such a bill been passed in either house, "it would have been an important campaign issue . . . a 'good government' issue," due to the potential for patronage and other abuses inherent in any list recording which party primary voters cast their ballots in.6

In other words, the unanimous opposition to closure which the Republican minorities in both houses maintained for the duration of the controversy probably stemmed as much from the opportunity which such legislation presented for gain at the Democrats' expense as from the convictions held by individual Republican legislators. Mr. Klauser estimates Republican legislators' objections to a closed primary to have been based "55 percent on principle, 45 percent on their interest as the opposition."7 Such reckonings, of course, inevitably are influenced by where one sits—many Democrats no doubt would at least reverse these percentiles. But whatever the Republicans' motivations, what is most important here is the effect this opposition had upon Democratic legislators, who discerned in it one of the principal thrusts of the Republicans' campaign appeal in the next general election. That effect, in the context of the surrounding political culture, was one of great reluctance and caution on the part of Democratic legislators insofar as active promotion of closure was concerned.

This reluctance is even more understandable when the opposition of the state press is added to that of the Republicans. Many Democratic legislators were convinced that the combination of an angry press and Republican exploitation of the issue would add up to defeat in November for a large number of Democrats representing the competitive, outstate districts. Of course, it is questionable whether some or all newspapers would have
supported Republican challengers on the basis of just this one issue; but the Democratic legislators, having the elected official's probably greater than normal susceptibility to editorial opinion, may be forgiven for assuming they would. A careful reading of the arguments against closure offered by both Republicans and the press reveals what to Democrats was probably an unnervingly indistinguishable crossfire of criticism: cross-over voting is not extensive enough to warrant change; independent voters would be disenfranchised; declaration of party affiliation compromises the secrecy of the ballot; bossism and machine politics would result; a national party should not be allowed to dictate the laws of a state—the list of objections raised by both Republicans and the press goes on and on. As an editor of the Progressive-influenced, usually pro-Democrat Capital Times noted,

The Republicans had partisan gains to make on that position, defending the [primary]; so they were happy to see us write editorials like these. There was nothing they could lose. They were happy to quote the Capital Times to the Democrats! When even a newspaper as partisan as the Capital Times sided with the Republicans, it must have seemed possible to Democrats that the entire state press might oppose them in November if closure were enacted.

LEGISLATIVE ACTIVITY ON BEHALF OF CLOSURE

Early Democratic Reluctance

Of course, as long as the Democrats said or did very little about
modifying the primary, the press had very little to criticize and the Republicans had little to take advantage of. This became apparent right away: when the Democrats came back from the December, 1974 Charter Convention with a new party charter requiring them to close Wisconsin's primary, the press responded with a deluge of editorials against, and three Republican legislators attacked such a step, two of them suggesting that "if anything, our present primary law should be liberalized to allow voters to split their ticket" (i.e., a "blanket primary"). But when the state Democrats said and did nothing more on the subject of closure until mid-Spring, nothing more was heard from Republicans on the subject, either, and the press paid it less attention, too.

Consequently, the reluctance of Democratic legislators to undertake any initiatives is quite understandable. Despite their awareness that their party had a problem, Democratic lawmakers did very little regarding the problem during the six months following the Charter Convention, and those steps taken were not invested with much enthusiasm. Those willing to try to do something to ease the DPW's dilemma were as fainthearted as they were few, as was apparent right away, in the first attempts made to deal with the problem. The first such initiative occurred on April 2, 1975, when the Assembly passed a resolution requesting an Attorney General's opinion on the status of Wisconsin's open presidential primary law in the context of the Mikulski rules and the recent Cousins v. Wigoda decision. While the sponsors of this resolution, Representatives Jackamonis, Kedrowski, and Mary Lou Munts, were among those most sympathetic and cooperative with the DPW's compliance efforts, it is obvious that such an opinion could cut both ways: an opinion that Wisconsin's law would prevail could serve as a convenient rationalization for Democratic legislators to refuse the DPW's
requests that closure legislation be introduced.\textsuperscript{12}

At about the same time another demonstration of this lack of zeal occurred when Representative Kedrowski received a briefing memorandum on the compliance problem from a DPW leader,\textsuperscript{13} but took no steps to draft the necessary legislation. But the most telling indication occurred when Representative Jackamonis agreed to introduce such legislation after meeting on May 14 with Donald O. Peterson's Party Designation Committee. It is significant that even though Representative Jackamonis himself had drafted this legislation and had promised Mr. Peterson's committee that he would "throw it in for consideration," the bill was introduced by the Committee on Elections "at the request of DNC members Donald Peterson and Marge Pattison."\textsuperscript{14} Neither Representative Jackamonis, the drafter, nor any other legislators were willing to lend their names as sponsors or co-sponsors of the bill.\textsuperscript{15} As Senator Fred Risser (D-Madison) had warned when he and Jackamonis met with the Party Designation Committee, "There is not too much sentiment for [closure] in the legislature."\textsuperscript{16}

When this bill, designated 1975 Assembly Bill 807, was heard by the Assembly Committee on Elections on June 23, 1975, the Democratic component of the committee showed very little enthusiasm for either it or the legislation proposed at the hearing by Governor Lucey's office. Five of their fellow Democratic legislators had sponsored two "blanket primary" bills (offered counter to AB-807) on the agenda; whereas only one legislator, Representative Jackamonis, had appeared to testify on behalf of closure.\textsuperscript{17} Even this lone legislative supporter, an ex-political scientist who says he tackled the job of trying to modify the primary more out of intellectual interest than any abiding concern about the effects of crossover voting, was so struck by the number of his colleagues who favored opening the
primaries up even further that he ceased his activity on behalf of closure shortly thereafter.  

Perhaps even more alarming than the opposition of their own Democratic colleagues was the "good press" which the Republicans had begun to derive again once the Democrats finally began trying to cope with their problem in mid-May. The meeting that month between Representative Jackamonis and the Party Designation Committee had earned a public rebuke from Republican State Chairperson George Parker, who accused the Democrats of wanting to close the primary so that it could be "manipulated by the one-party machine." On June 11, 1975, Assembly Minority Leader John Shabaz and the Republican members of the Committee on Elections had held a press conference denouncing that committee's forthcoming hearing of AB-807 as an attempt to prevent George Wallace from winning the Wisconsin primary in 1976; and charged that party declaration at the polls would result in a corrupt system "where the party checks the registration record before deciding whether one gets a government position or is denied a government contract." Then on the weekend just prior to the hearing, four of the first five speakers at the 1975 Republican State Convention had attacked the DNC's closure order in the most colorful (and thus newsworthy) language at their command, and the wire services had relayed their comments around the state. All of this unfavorable publicity had taken place before Representative Jackamonis' initiative even had gotten to the hearing stage.

It was not surprising, then, when Elections Committee Chairperson Kedrowski told the press after the June 23 hearing that the committee would not take a vote on the bills until late July or August, and that it was doubtful that a majority of the committee favored restricting access to the primary. Actually, what Representative Kedrowski meant when he said that
he doubted the committee would support it was that he, as chairperson, did not intend to let the bill out of committee. Ten days before the hearing even had been held, Representative Kedrowski told a reporter, "It [AB-807] doesn't stand a snowball's chance in Hell." Later, when a member of the House leadership privately asked Mr. Kedrowski what was happening regarding closure, Mr. Kedrowski replied, "Don't worry, it's going nowhere. That bill will never see the light of day."

As Representative Kedrowski indicated, nothing more was done in furtherance of legislative action on the primary issue for the rest of the summer. This was due in part to the Elections Committee Chairperson's intention to sit on AB-807, and his low opinion of the Governor's proposal ("They [the voters] will defeat me on the basis of this bill"), which caused that proposal to be withdrawn for redrafting before it was ever introduced. Mr. Kedrowski had been elected by a margin of 8,258 to 6,232 in 1974, and 11,099 to 8,321 in 1972; and reasoned that any closure bill escaping his committee would threaten his survival. But the inaction also stemmed in good part from the decision to sue the CRC made at the Governor's office on July 30. According to press reports of this meeting, the decision to sue was made after "Both Senate President Pro Tem Fred Risser and Assembly Speaker Norman Anderson said they would be unable to get enough votes for passage of any bill to change the open presidential primary." Representative Kedrowski contributed greatly to this decision by telling the other officials present that he believed there would be a unanimous vote against the bills in his committee, fewer than 15 votes for passage in the Assembly, and that the public would react bitterly to any change and would hold the legislature responsible. "Secrecy won't be the issue. The budget won't be the issue. This will be the issue." As if to prove Mr.
Kedrowski right, the very next day's *Milwaukee Journal* (July 31, 1975) ran a guest editorial by Senator Sensenbrenner, in which that prominent Republican said that enactment of a closed primary would be an election issue in legislative races in 1976.28

At the same meeting at which the decision to sue was made, Governor Lucey also decided to appoint an Ad Hoc Committee, which was supposed to find a solution to the compliance problem that could be utilized should the lawsuit fail to save the primary. As this committee went about its assignment, it became apparent that the six legislative members (Senators Gary Goyke, Henry Dorman, and Carl Thompson, Representatives Jackamonis, Kedrowski, and Terry Willkom), who controlled the 11-member committee, really would prefer to do nothing and see the delegate selection process revert to a caucus system.29 This pro-caucus sentiment was apparent to non-legislative participants and observers at a meeting of the committee in Lieutenant Governor Martin J. Schreiber's office in early August 1975. The primary thrust of this particular meeting was to devise a politically acceptable method of altering the open primary format, but this objective got hung up on one point that the legislators kept returning to. If caucuses are acceptable to the DNC, they kept asking DPW leaders on the committee, why should we risk our seats to close the primary? Many of the six opined that most of the voting public never would realize that their vote would be meaningless or that Wisconsin's delegation would reflect the will of party caucuses rather than that of the primary electorate.

Informally, however, the committee did agree at another meeting on August 12 to try to merge the two closure plans now extant into one bill that might pass in the legislature when it returned in September.30 Those two plans were (1) Representative Jackamonis' AB-807, still the only
proposal to get introduced as a bill so far; and (2) a reformulation of the plan Governor Lucey had proposed by letter at the June 23 hearing, which now was known as the "Reivitz plan," for its chief drafter (see Figure 1, page 179). This proposed merger, evidently, was the "agreement" between legislators and DPW officials which Chairperson Kohl touted in his August 27 letter to Robert F. Wagner as a reason for not approving an alternate plan until after the legislative session had ended (above, p. 178).

Yet, a report published only two days before the Ad Hoc Committee agreed to get behind this compromise bill indicated that any closure bill would not receive more than ten votes in either house, because many legislators "feared that even the appearance of considering [such] a measure may be hurtful to them in their next campaigns." Clearly, politicians under the weight of such fears were not going to support closure, certainly not before the state's lawsuit against the DNC had been decided. Even as Mr. Kohl was writing to Mr. Wagner that "The future has brightened considerably due to agreement between elected officials and members of our party as to the content . . .," a Wisconsin State Journal poll answered by 34 Assembly Democrats and 10 Senate Democrats found only 8 votes for closure, 24 against, and 2 undecided in the Assembly, and 2 for closure, 6 against, and two undecided in the Senate, respectively. Typical of the sentiments of Democrats opposing closure were these:

"I consider the mandate efforts of the national Democratic party to be an outrage against the voting rights of the citizens of Wisconsin, and I most definitely do not support their position."

Rep. Louise Tesmer (D-St. Francis)

"My personal opinion is that it is unconstitutional . . . to
expect any individual to declare party preference or allegiance
to be able to vote. Where is the secret ballot under these
conditions?" -- Rep. Gus Menos (D-Glendale)

"I am for wide-open primaries." -- Sen. Ronald Parys (D-Milwaukee)

"Our electorate should be able to vote for any person, regardless
of party affiliation." -- Sen. Jerome Martin (D-Manitowoc)

Crucial among those voicing opposition was Elections Committee Chairperson
Kedrowski, who said, "The principle of the open primary is a valuable tra-
dition in Wisconsin politics that should be retained." Even many of those
10 Democratic respondents willing to support closure indicated that they did
so very reluctantly, and only because they believed the DNC mandate had left
them no choice but to do so. Consider the remarks of Representative Midge
Miller, herself a member of the DNC and the DPW Administrative Committee,
and of Assembly Speaker Norman Anderson:

"... I think the Wisconsin open primary tradition is a good
one and every effort should be made to persuade the national
committee to accept Wisconsin's present law. However, if the
courts or the DNC will not accept our present law I feel it
would be better to make the minimum change acceptable."
-- Rep. Midge Miller (D-Madison)

"... only to the extent necessary to insure the seating of
the Wisconsin delegation to the Democratic National Convention."
-- Rep. Norman Anderson (D-Madison)

Given this kind of "gut" opposition in the Democratic caucuses, the
virtual certainty that no Republican votes for closure would be forthcoming, and the fact that the state's lawsuit was not filed until September 16 and would not be decided until much later, it is not surprising that the legislature did nothing with regard to closure during its September session. The Republicans' unanimity placed the Democrats in the position of having to find the votes necessary for passage entirely within their own ranks. But the Democrats had nowhere near the necessary number of votes. One Assembly leader termed the results of several hand polls measuring caucus support for closure in early September as "really laughable." Governor Lucey himself told reporters on September 16 that there was no chance of passage until the suit had been decided: "The votes are simply not there until we're put in the box." This being the case, it is not surprising that, as mentioned in the last chapter, Mr. Kohl and Mr. Bleicher were unable to win many converts when they met with the Assembly Democratic Caucus during the session to lobby for closure. Nor is it surprising that the Ad Hoc Committee's vaunted compromise bill never was introduced, much less debated in September, as Mr. Kohl had promised the CRC it would be.

The only legislative action relevant to the issue during the entire September floor period occurred when 39 Republican legislators led by Representative Shabaz offered a joint resolution to block the use of state money to finance the lawsuit which Governor Lucey had ordered Attorney General La Follette to file on behalf of the state of Wisconsin. Representative Shabaz argued that the dispute was an intraparty matter for which the DPW Administrative Committee should bear the costs, and that the state in the person of the Attorney General should not participate in the suit. The resolution was referred immediately by Democratic leadership to the Assembly Elections Committee, where it could be sat upon until the floor period had
ended. The Republicans, however, were determined to embarrass the Democrats in a floor debate if possible, and made a motion to suspend the rules to withdraw the resolution from that committee and make it a special order of business five days hence. The Democrats, equally determined to deny the opposition any chance to score points in the press at their expense, defeated the motion by a vote of 59-37 along party lines.35

Special Session: The Legislature Refuses to Make a Convincing Pretense of Compliance

As soon as the September session ended, the legislator-dominated Ad Hoc Committee finally submitted to Governor Lucey its recommendation of the compromise bill it supposedly had agreed upon back in August.36 Other than this, nothing important happened in the legislature between the close of the September session and the call for a December special session. Then, when Governor Lucey included closure legislation in that call, the Assembly Committee on Elections scheduled three days of hearings on that legislation (which, incidentally, assumed the form of the Reivitz proposal and did not resemble the Jackamonis proposal at all) for the week preceding the session --one each in Eau Claire, Madison, and Wausau.

While Elections Chairperson Kedrowski claims not to have wittingly scheduled these hearings in such a manner as to impede the chances for enactment of closure, the potential for such an effect was nevertheless there—so much that one of his house leaders suggested to him at the time that he purposely had scheduled the hearings to achieve that effect. Representative Kedrowski denies this, and says that his reasons for holding three more hearings were (1) "to give the public a chance to express dissent," and (2) "to lay the groundwork for pleading that a good faith
Nevertheless, in retrospect, the negative potential of these hearings seems abundantly clear. Two were held in the less populous, heavily Progressive-influenced upstate environs containing many independent voters and marginal Democratic seats, while only one was held in the more populous, heavily urban southeast inhabited by larger numbers of Democratic faithful.

Whether intentional or not, the actual effect of the hearings was unquestionably negative as far as compliance was concerned. All over the state, newspaper coverage of the first day of hearings in Eau Claire focused primarily on a statement by Eau Claire County Judge Thomas Barland (who was very prominent in upstate Democratic circles) that political corruption and "enemies lists" could result if voters had to register their partisan preferences as required by the Reivitz proposal. Representative Kedrowski was reported to have voiced agreement with Judge Barland that such evils could follow partisan registration, adding that it all depended on the integrity of those in office. Coverage of the second hearing in Madison was of a similar vein. The Milwaukee Journal, for example, highlighted Republican Senator Walter J. Chilsen's denunciation of the Democratic party for trying to "bring Wisconsin into lock-step with every other state," and noted that five of the speakers testifying that day opposed any change in the primary, compared to three in favor of it. In short, whatever Representative Kedrowski's intention, these three consecutive days of public testimony, located as they were, with the press in attendance, and scheduled only one week before the question would come before the house, demonstrate impressively the ability of a committee chairperson to influence the fate of legislation, wittingly or not. Governor Lucey's call for a special session pre-empted Representative Kedrowski's stated intention of keeping the bill
in committee, but not his capability to otherwise influence the bill's disposition, if he so desired.

Much of the coverage of the second hearing also dwelt upon the new proposal which Senator Carl Thompson requested the committee to take up, and upon the actions then taken in the Elections Committee executive session immediately following the hearing. Senator Thompson had testified that his "double-decker" primary proposal had a better chance of passage in the Senate than the Reivitz plan, labelling it as easier to "finesse" past the voters and also easier to sell to the legislators. When Senator Thompson and the others who testified that day had finished, though, the Elections Committee went into executive session without waiting to hear the third day's testimony, and voted the Reivitz proposal (now SS AB-9) out of committee without taking any action on the new Thompson proposal. In addition, Representative Gary Barczak proposed that the committee direct the staff to draft yet a third bill—"Something that has the least treachery involved for us in 1976, in case we need it." Hearing agreement from Representative Marcel Dandeneau (D-Racine), Representative Barczak proceeded to argue that such a bill must meet three criteria:

First, that it should meet DNC requirements; second, that it must be palatable to local officials; and thirdly, and most important to us, that it be least obnoxious and not foreign to the tradition of the open primary.

Simply stated, the bill provided for a second, binding primary for declared Democrats to be held one week before the statutory open presidential primary, in 1976 only, with the state of Wisconsin defraying the costs of the additional primary. Representative Kedrowski and the rest of the committee
readily agreed to it, the former adding that he "would even put that proposal in my own name." Why was the Barczak proposal welcomed by the same committee members and chairperson who had refused to report either AB-807 or Governor Lucey's first proposal out of committee the previous summer? Did Representative Barczak offer the proposal because his other role as a member of the DPW Administrative Committee inclined him to attempt to meet its needs, despite the incompatibility of those needs with his own legislative interests?Ironically, his motive here was largely the same as that which inspired the committee's opposition to AB-807 and the Lucey, Reivitz, and Thompson bills: self-protection. Unlike Representative Miller, Representative Barczak did not serve on the DPW's top council because of any close attachment on his part to the volunteer wing: rather, he was there solely because he had been appointed by his house leadership to serve as the Assembly's representative on that council. Whereas Ms. Miller was a voice for the volunteer wing in the Assembly Democratic Caucus, Mr. Barczak was the Caucus's voice in the volunteer wing. His proposal was ordered drafted so as to be available as a possible substitute amendment, in the event the legislature somehow yielded to pressure by outside forces to enact some kind of closure bill. The committee's appreciation of Representative Barczak's proposal stemmed from the fact that holding a second, "Democrats only" primary on a separate date would eliminate the necessity of requiring voters in the statutory primary to declare their partisan preference. The cost to taxpayers of an additional primary, estimated by Representative Barczak to be at least $500,000, did not cause the committee members to fear voter reprisals nearly as much as did the thought of requiring partisan declarations on the regular primary date. "As long as there is that option, they don't care--they're only interested in
that independence," Representative Kedrowski noted.  

The committee members need not have feared for their seats, however, because the Assembly never came close to the point where Representative Barczak's plan might be needed as a safe substitute; and so it never was introduced on the floor or even discussed in caucus (see Figure 1, p. 179). An inkling that the Assembly was not about to pass any closure bill occurred when, on the first day of session, the house voted 72-25 against a bill to move Wisconsin's primary date up a week so that it no longer would be held on the same day as New York's. Governor Lucey had included the bill in the agenda because a change of date would ensure that Wisconsin's primary, and its politicians (including Lucey), would enjoy the spotlight of national media attention, rather than be obscured by the shadow of the New York primary. The Assembly's rude treatment of Governor Lucey's hope for exposure was taken by many to be an indication of hostility toward his entire agenda, especially the other primary change included on it.  

Representative Kedrowski helped ensure that closure would meet the same fate with his uninspired presentation of the Reivitz plan (introduced as SS AB-9 by the Committee on Organization, because nobody was willing to have it introduced in their name) to the Assembly Democratic Caucus the next day. One house leader characterized Representative Kedrowski's presentation as "definitely not one of his better performances," and added that he felt a better presentation could have won more votes for the bill, though most assuredly not enough to win passage. This assessment reflects Representative Kedrowski's inherent interest in the defeat of SS AB-9; but it also reflects how the stakes in this issue were more complicated for Representative Kedrowski than for most of his colleagues. This complication stems from the contradictory roles Kedrowski was forced to play, as (1) a legislator
interested in political survival, for whom it was necessary to heed the wishes of his constituents; and (2) the chairperson of the committee the bill was assigned to, upon whom it was incumbent to pay at least some heed to the needs of his party, whose legislative leaders he owed his chairpersonship to. While the various closure proposals were in his committee, Representative Kedrowski's role as chairperson was a boon: he could sit on these proposals and realize his constituents' desires and his own interest without much cost to himself. But Governor Lucey's inclusion of such legislation in his call for a special session, and the CRC's December 4 decision that Wisconsin was non-compliant pending the outcome of the special session, converted Representative Kedrowski's chairpersonship from an asset into a liability in some respects for him. As chairperson of the committee responsible, Representative Kedrowski would have to be one of the managers of the bill during the floor debate which the Governor's call tried to force the legislature into for "good faith effort" purposes. Responsibility for making that effort look convincing rested in good part with Representative Kedrowski: as one of his house leaders put it, "the bill was his baby."

In this situation, given his conviction that the bill could mean his defeat, Representative Kedrowski's interest was to perform unimpressively on the bill's behalf in caucus, where his remarks in its favor were confidential, so that it would never get debated on the floor, where his remarks would be public and could be relayed to his district by the press. However, this interest conflicted with another—the interest of fulfilling one's assigned role as a good "team player." Given this interest, Representative Kedrowski's unimpressive performance in caucus could, and did, cost him in terms of his reputation for personal effectiveness and as a team player. The above-mentioned house leader labelled Representative Kedrowski and his performance
that day as "lazy" and "slipshod," respectively, and later summed up his overall performance as a legislator as "uneven."^50

A show of hands in the caucus after SS AB-9 had been presented and discussed found only 36 of 65 Democrats in favor of closure; which translated into 14 votes short of passage, since no votes were expected from the Republicans. (Republicans and Democrats alike predicted unanimous Republican opposition.)^51 Neither Representative Kedrowski nor any of those members most identified with the DNC's position, including Representative Miller, tried to cash any chips on the bill, or threatened to hold other bills hostage in order to have SS AB-9 or some other version of closure taken up out on the floor.^52 Thus occurred the refusal to make even a sham effort on the floor of the Assembly later that day, where the members tabled SS AB-9 by unanimous consent (on Kedrowski's motion) without so much as a word of debate. As Assembly Speaker Norman Anderson explained, "When you are that far short of passage in caucus, you don't go out and have a public vote on the same thing."^54 Such a vote would embarrass the leadership, and would expose those 36 who voted for closure to criticism by campaign opponents.

Over in the Senate, the issue was not disposed of with quite as much dispatch. The Assembly's refusal to even make a show of attempting compliance caused Governor Lucey to ask Robert S. Strauss to fly in the very next morning to meet with the Democratic caucuses of both houses to explain why they should comply with the DNC mandate. Whether the Governor's purpose in requesting this visit was for Mr. Strauss to convince the legislators to change their minds, or to demonstrate to Mr. Strauss the depth of legislative opposition so that he might be lenient with Wisconsin, or both, the strategy did not work. All participants agree that at the very least, there was no meeting of the minds between Mr. Strauss and the legislators;^55 and some even
characterized their respective caucuses as "surly" and "antagonistic" toward the DNC leader. Still, even though Mr. Strauss's warnings that Wisconsin had yet to make a "good faith effort" changed no votes in either house, they at least served to convince some legislative Democrats of the necessity to hold a debate and take a vote on the question in furtherance of the state party's "good faith effort." Those in the Senate were more easily convinced of this than their fellows in the Assembly. The risk involved in actually considering a closure bill on the floor was not so great for many of the former as it was for the latter. All in the Assembly would be up for re-election in 1976; whereas only six of the 19 Senate Democrats had to stand for re-election that soon.

That same afternoon, the Senate took up Senator Carl Thompson's proposal, now designated 1975 SS SB-4, and after a brief but punishing debate defeated it on a 17-16 vote. However, the real degree of support for the bill was nowhere near as close as this margin suggests: the final vote was contrived. Some observers said that the closeness of the vote had been contrived out of respect for the bill's sponsor, who was the Senate's senior Democrat. In fact, however, most Democratic Senate sources acknowledge that the close margin actually was arranged in caucus in response to the argument of Senator Henry Dorman (who also served on the DPW Administrative Committee) that such a margin might at least appease the DNC, if not convince it that the bill almost had passed. As Senator James Flynn (D-West Allis) put it, "That vote was part of our 'good faith effort'--if the vote is close, it's somehow better faith than if it's not close!" As part of this demonstration of good faith, several Senators who were opposed to closure nevertheless voted for it. For example, each of the six Democratic Senators who had told the Wisconsin State Journal's August survey that he opposed closing
the primary now voted for, not against, SS SB-4.\textsuperscript{62} That they did so for show and not as the result of any real change of heart or outside pressure to enact closure is verifiable in most cases. Four of these same six Senators would vote to kill virtually the same bill in a real vote, the following February. Moreover, Governor Lucey's staff liaison to the Senate, the usual conduit for any pressure upon that body, personally acknowledges that he was surprised by the closeness of the vote on SS SB-4 because he had thought its defeat so certain that he never even bothered to count the votes on that bill, much less lobby anyone.\textsuperscript{63}

**Closure or Caucuses: The Last Chance to Comply**

After Mr. Strauss had announced on January 3, 1976 that he would recommend to the DNC Executive Committee that it impose a caucus system on Wisconsin, Senator Thompson began anew the drive to enact his closure bill into law. His motive for initiating this new effort remains unclear, as he was one of those who saw many advantages in a caucus system, and had extolled its virtues in a press interview even while his own closed primary bill was up during the December special session (although the reporter did not print the interview until after the session was over, and the bill defeated).\textsuperscript{64} It is clear, however, that he had more ties than most legislators to the formal DPW organization and empathized with it in its dilemma—the more so, perhaps, because he personally did not expect to suffer the political fallout that might derive from his efforts. One of the founders of the DPW back in the 1940's and a DNC member in the 1950's, Senator Thompson already had announced the previous summer, after an acrimonious state budget debate, that he would not serve another term in the Senate. Now, in January 1976, it was
he who notified Daryl Hanson that "at least one and perhaps several of the state senators who voted against the bill have had a change of heart." The Senator also hypothesized that closure might receive some support from Republicans, who might not wish to see large numbers of Democratic voters crossing over to vote in the race between President Ford and Ronald Reagan, instead of staying in their own meaningless primary. Mr. Hanson then solicited and received a letter from Senator Kurt Frank stating that the latter was willing to change his vote. So, Mr. Hanson set to work persuading Mary Lou Burg and the DNC Executive Committee to give Wisconsin another chance, and Senator Thompson set to work lobbying the legislature in various ways. He sent around a memo attempting to dispel fears about the effects of the legislation, and argued at a hearing of the Senate Committee on Government and Veterans' Affairs on January 27 that his bill would result in even more democratic control because the voters would directly elect the actual delegates themselves, rather than vote for a candidate's slate of delegates pre-selected at caucuses of the candidate's supporters.

Assisting Senator Thompson's campaign on behalf of 1975 SB-743, as the bill now was designated (see Figure 1, p. 179), were several other factors which had not been present the previous December. The newspapers' switch in editorial policy that was brought about in January by Mr. Kohl and the DPW headquarters staff was credited by some Assembly members as partially responsible for an increase in support inside the Assembly Democratic Caucus from the 36 votes of December to a reported 40 by January 30, 1976. Inclusion of SB-743 in Governor Lucey's January 1976 State of the State message also probably helped generate some increased legislative support for it; and one legislator credited pressure from the Governor and legislative leadership for the new votes for passage:
The Governor and leadership can always come up with 40 votes [in the Assembly] on just about any issue they want. It wasn't that legislators felt safer because of the suit or lessening newspaper opposition, but because the Governor and leadership were trading, putting pressure on the caucus through holding their pet bills hostage.\textsuperscript{71}

Significantly, however, none of the legislators interviewed seems to feel that the pressure finally mounted by the DPW organization at this stage played much of a role in the increase of legislative support for closure.

The upshot seems to be that in addition to factors such as political culture, Republican criticism, and press opposition, one big reason why the legislative wing of the state Democratic party would not make even a "good faith effort" the previous September and December was that the party organization does not provide the former with enough of its needs (e.g., campaign funds and workers) to enjoy the kind of influence it should have with its elected officials.\textsuperscript{72}

As the Representative quoted in the last paragraph indicated, Wisconsin's lawsuit against the DNC also was a factor which appears to have contributed to the rise in support for closure in January; but there is some disagreement as to how the lawsuit actually achieved this effect. Some assert that Judge Richey's dismissal of Wisconsin's lawsuit on December 16, 1975 made it easier for some Democratic legislators to support closure. According to Assembly Speaker Anderson, the lawsuit had been undertaken essentially as a

\[
\ldots\text{ device to educate the public} \ldots\text{[and] to make it easier for some legislators to vote for closure. Everyone in our caucus}\]

knew that the suit was a sham... a hopeless proposition.\textsuperscript{73}

If the suit failed, the legislators could tell their constituents that they had done everything they could to resist the DNC's mandate, and now had no choice but to acquiesce if a Wisconsin delegation selected by primary rather than by caucus was to attend the national convention. According to this view, the strategy underlying the lawsuit was somewhat similar to that underpinning the DPW Administrative Committee's autumn 1975 refusal to adopt a caucus alternative: wait until it could be said that all alternatives had been exhausted, so that the blame for the unpopular action to be taken could be shunted onto the DNC, whose will had to be bowed to. However, Governor Lucey and others who worried that the DNC would take the lawsuit as incontrovertible evidence of bad faith tried to portray the lawsuit as a gambit designed to exert pressure on the legislature to enact closure: its almost certain dismissal would convince the reluctant legislators there was no other recourse.\textsuperscript{74} Then too, certainly some of those elected officials who had taken part in the decision to sue the DNC thought or hoped that the lawsuit might actually succeed (more on this in Chapter VIII). From these conflicting portrayals of intent it is possible to extract some interesting deductions. First of all, Speaker Anderson's explanation implies that some legislators were not opposed to closure themselves, but would not vote for it presently unless they had some means of absolving themselves of the blame for it in their constituents' eyes. The explanation given by the Governor, on the other hand, implies that the legislators themselves were very much against closure; so much in fact that they could not be persuaded to vote for it until all alternatives had been tried and found wanting. The third explanation appears to back the implications of the second—that the legislators
themselves opposed closure, which they hoped the lawsuit would enable them to avoid. (Moreover, all three explanations suggest that a number of legislators perhaps preferred any primary method of selecting delegates, open or closed, to the caucus method—despite the latter's advantages for them.) However, to return to the point, whatever the different motivations for it, the lawsuit's dismissal in any case appears to have been another factor conducive to greater legislative willingness to support closure at this late stage.

Yet, even with all these factors at work, the movement toward enactment of SB-743 was not all that great. The caucus spectre, it must be remembered, did not have the same effect, generally speaking, on legislators as it did on DPW leaders. Defeat still was a certainty in the Assembly, where the 40-42 votes for the bill represented an increase of only 4-6 votes since December. As Representative Barczak had told the DPW Administrative Committee on January 19, his poll of the 17-member Milwaukee contingent showed that not a single vote had changed since the special session (above, p. 193). Since the real problem always had been in the Assembly, the switches reported in the Senate Democratic Caucus did not count for much. Furthermore, it must be remembered that the 16 votes cast in favor of Senator Thompson's bill in the Senate during the special session were contrived, and not at all solid. More than just a seventeenth vote was needed: this time, many of those who had voted "yes" back then would need a lot of convincing to do so again, knowing that this time passage rather than "good faith" was the goal. One who had voted yes in December, Senator Timothy Cullen (D-Janesville), expressed the thoughts of many when he said:

I think we ought to call their bluff. I can't imagine a national
party convention, on national television, telling the nation it won't seat a state delegation because it let all of its citizens participate in a primary.  

Another who had voted thusly, Senator Dale McKenna (D-Jefferson), reacted to Robert S. Strauss's January 3 announcement recommending the imposition of caucuses on Wisconsin by telling Madison television newsmen that, contrary to Mr. Strauss's indication, he did not believe Wisconsin Democrats would choose their convention delegates by caucus. Those Democrats who were members of the Senate Committee on Government and Veterans' Affairs, after hearing the Thompson-Miller-Dorman compromise version of SB-743 on January 27, were so unenthusiastic about it that they tried to vote it out of committee (3-2) without recommendation, contrary to Senate rules requiring that they vote either for or against it.

Nor could the hoped-for votes from Republican Senators afraid of a possible Democratic crossover be expected to materialize. In fact, many of the latter publicly ridiculed Senator Thompson's prediction that some of their number would support the bill. Their opposition, and the press attention it received, was yet another factor which worked against any significant shift in support among the Democrats. The Republicans had been limbering up for the new round of floor debate by attacking both SB-743 and the caucus alternative in the press. One Senator accused the Democrats of wanting to restrict their primary to only those "party hacks" willing to label themselves as Democrats, and characterized the caucus alternative imposed by the DNC as "blackmail from the Democratic party." Others cited tradition, the rights of independent voters, the right to privacy in the voting booth, and the potential for corruption inherent in party
registration lists in attacking closure. The Republicans also tried to embarrass Democrats on the Government and Veterans' Affairs Committee by refusing to allow them to contravene Senate rules by moving SB-743 out of committee without voting either for or against the bill. The three Democrats on that committee were unwilling to cast such a vote, however, and after some delay the Democrats, conscious of the DNC's approaching February 15 deadline, had to take to the floor on February 4 to pry the bill out of committee on a 19-13 vote along party lines.

Thus Senator Thompson's bill came before the Senate once again. This time, however, the vote in the Senate would be for real, not contrived, and it was expected to be close. On February 11, 1976, the day SB-743 was scheduled for the floor, newspapers announced that four of the 19 Democratic Senators still vowed opposition, and that a fifth was doubtful, which left the Democrats at least two and perhaps three votes short of passage. But after the Democrats had come out of a lengthy morning caucus and the floor debate had begun, only one vote was needed for passage, and that pivotal vote belonged to Senator Timothy Cullen.

Earlier, Governor Lucey personally had spoken to Senator Cullen, and understood that he had a commitment from Cullen to vote for SB-743. Now, even though the Senator was maintaining party discipline for the moment, his vote, and many others with it, was extremely tenuous. With one Republican absent, if the Democrats could get just 16 of their number to vote for passage, the vote would be tied and presiding officer Lieutenant Governor Martin J. Schreiber could cast the tie-breaking vote, sending the measure to the Assembly. But if Senator Cullen broke discipline, everything would fall apart, because even though his was the crucial vote, it was only the fifteenth—the sixteenth belonged to Senator James Flynn, who had voted
against SS SB-4 the previous December, and now promised leadership he would
vote for passage only if his was the last vote needed. Nor were Senators
Cullen and Flynn the only ones plagued by doubt. The reluctance of several
Democrats voting for SB-743 could be detected in the arguments they made
during floor debate, and even in the behavior of their leadership. Assis-
tant Majority Leader William Bablitch, for example, referred not once but
twice during the debate to the primary question as a "problem . . . foisted
upon us by the Democratic National Committee"; and Majority Leader Wayne
Whittow (D-Milwaukee) spent virtually the whole day in his office and let
Senator Bablitch manage the floor—something majority leaders usually do not
do if the bill is important to them. No doubt many agreed deep down in-
side with the floor arguments of fellow Democratic Senator Gerald Kleczka
(D-Milwaukee), who said that a caucus system would be preferable to closing
the open primary, and urged the defeat of SB-743.

It is likely that some Senate Democrats also were restrained by the
arguments and rhetoric which the Republicans trotted out during the floor
debate, and which they could be expected to use again during the election
that fall, should SB-743 be enacted. One called SB-743 "a ward-heeler bill,
a party boss bill, a party hack bill," and said it was aimed at stopping
George Wallace, "the most powerful and most popular man in your party, the
only one with a chance of being elected president." Senator Sensenbrenner
labelled SB-743 a "one-man, two-vote" proposition, while Minority Leader
Clifford Krueger (R-Merrill) charged that the bill ran counter to Progressive
tradition, the spirit of "Old Bob La Follette," and the right of voters to
participate in the primary of the party of their choice. Ironically,
despite the Republicans' oft-stated concern that closure of the Democratic
primary would violate the rights of those who wished to cast a crossover
vote, the reason for their objection to allowing one person two votes was the fear that Senator Thompson's two-tiered primary concept would facilitate Democratic crossover in the Republican primary. As Senator Sensenbrenner noted during the debate, voters could cast a preference vote in the Republican primary and still vote for delegates pledged to a Democratic candidate, too. However, none of the Democrats seemed to discern the thinly-disguised self interest underlying the democratic principles to which Senator Sensenbrenner pegged his argument, and no reply was made. (Or perhaps the contradiction was noticed, but the Democrats did not wish to counter the Republicans' charges too effectively in the case of this particular issue.)

Twice during the three-hour floor debate, Republican motions to postpone indefinitely SB-743 failed, 16-17, with Lieutenant Governor Schreiber casting the deciding vote. Then, immediately after the second vote, the Democrats went into caucus for 20 minutes. Sensing the caucus to be an indication that Democratic discipline was breaking down, the Republicans immediately moved indefinite postponement again as soon as the Democrats returned to the floor. This motion also failed, 16-17. The Republicans, who until this point had been sparing in their use of unfriendly amendments, then announced their intention of offering several such amendments; but before they could do so, Senator Flynn asked for and was given the floor. Senator Cullen had confided to Senator Flynn that he was going to vote against SB-743 on the next motion to kill, which released Senator Flynn from his commitment. Citing the lateness of the solution, the confusion which the change would cause to voters, and the likelihood that the bill would not stop crossover voting anyway, Flynn called upon the Senate to reexamine the state's La Follette tradition, and announced he no longer would support the bill.
Democrats are damned if we do, and damned if we don't. Wisconsin Democrats are not responsible for this problem. We all know who is responsible for it, who forced it on us. . . .

I don't think in view of the lateness of the solution that we ought to act on what is probably a bad bill.  

With defeat now apparent, the Democratic leadership decided to try to move the bill back to committee before another motion of indefinite postponement could be made, in the hope that Senators Flynn and Cullen could be enticed back into the fold, and the bill could be brought onto the floor again. This move was defeated by a vote of 21 to 11, with eight Democrats and all 13 Republicans voting against. Then the motion to postpone indefinitely was offered, and passed on a quick voice vote; but a couple of Democrats insisted that a roll call be taken, and the leadership acceded. The bill was postponed indefinitely by a vote of 21 to 11, again with the same eight Democrats joining the Republicans in voting to kill.

Explaining Legislative Democrats' Opposition to Closure: An Analysis of the Vote on SB-743

During the eulogizing which sometimes follows floor debates on controversial measures, Senator Cullen maintained that "The session today proved what the textbooks say." He said he believed that enlightened public debate actually had changed minds and influenced Senator Flynn and others (Cullen's own crucial role was not a matter of public record at the time) to "vote their consciences instead of the party line." This opinion begs the question, why did Democratic legislators vote as they did on this bill? There possibly may be a myriad of reasons for a particular vote (the reasons for
deciding to sue the DNC are a case in point), and the assertion of any one reason as foremost in the minds of most of the actors concerned often betrays a biased approach or narrow intellect. Nonetheless, it has been my argument throughout that Democratic legislators on the whole were strongly opposed to closing the primary for reasons of self-interest; specifically, their own re-election and/or their party's retention of a sufficient number of seats to control the legislature. And yet, around 40 of the 62 Assembly Democrats and 15 of the 19 Senate Democrats appear to have been ready to vote against these fundamental interests. Does this contradiction invalidate my argument, and suggest that perhaps other factors, such as socialization within the Wisconsin political culture, outweigh it in explanatory power?

Closer examination of which Senate Democrats voted for and against closure during the meaningful votes on February 11, 1976 suggests that the answer to this question is apparently no. Despite the fact that many other variables also were at work, my statement of the strong causality of the legislators' self-preservation instincts is valid. Comparison of this roll call with the roll call vote taken on December 11, with the degree of each Democratic Senator's formal party affiliation, and with the competitiveness of each Democratic Senator's home district can assist us a great deal in understanding what happened on February 11. The first thing this analysis indicates is that several independent variables indeed appear to have contributed to the outcome.

One such variable, of course, is party itself. In any legislative body, the values of party responsibility and cohesion, which manifest themselves in this context as the desire to comply with the house leadership's wishes if possible, figure prominently in the voting decisions of many if not most members. Certainly such partisanship is true of the Wisconsin
Legislature, especially when the issue affects party organization or the
count of elections, as the authors of the most recent text on Wisconsin
politics attest:

Party conflict has been so intense in recent years that the
caucuses have produced high party cohesion on an increasing
number of roll calls. Those questions which affect the organi-
zational interests of the parties themselves are most likely to
produce roll calls on which all members of one party vote against
all members of another party. Bills concerning the conduct of
elections or the nature of the ballot are those on which the
parties will most likely be cohesive in opposing one another. . . .

Obviously, this generalization did not hold up too well in either Democratic
caucus with regard to the primary controversy; but at least some correlation
between partisanship and support for closure is indicated by the generality
that most of those Senators willing to vote for SB-743 on all five roll calls
seem to have been more closely affiliated to the DPW organization than were
those who either (1) voted consistently against SB-743, or (2) bolted party
ranks to vote against the bill after Senator Flynn announced his decision to
switch. Of those eleven who supported SB-743 on all roll calls, seven
mentioned past or present formal party affiliation with the DPW in their
legislative biographies printed in the 1975 Wisconsin Blue Book; whereas only
three of the eight who voted against or switched their votes listed any for-
mal party affiliation with the DPW or some unit thereof in their bio-
graphies.

Another always-present factor in most voting decisions is pressure, in
the form of lobbying. In this particular case, this variable does not appear
to have had a very large effect on many voting decisions. The only known cases where it had a positive effect are those of Senator Frank, whom Milwaukee County Party Chairperson Hanson convinced to change his "no" vote on SS SB-4 to "yes" on SB-743, and Senator Flynn, whom Senate leadership had persuaded to change his "no" vote in December to a conditional "yes" in February. A like number of instances can be found in which very heavy pressure seems to have had little or no effect at all. Senator Goyke voted for SS SB-4 in December, when a mock show of support was needed and defeat of the bill was certain; however, in February, when the vote was for real, Senator Goyke voted against SB-743 on all roll calls despite considerable pressure, including two telephone calls from DNC Chairperson Strauss. Also, Senator Cullen's decision to switch his vote on the fourth motion for indefinite postponement broke a pledge made to Governor Lucey to vote for SB-743.

Another factor which appears to have figured in some Senators' voting decisions with respect to SB-743 is the practical political consideration of "horse-trading." Hardly any single piece of legislation is ever dealt with in a vacuum, intruded upon by other, concurrent legislative considerations. If, as suggested above, the Governor and leadership can apply pressure by holding pet bills hostage, the reverse is also true—-and in the case of SB-743, reportedly was. A legislator who is opposed to a bill that could hurt him (e.g., SB-743) but lacks support for some other bill that is very important to him may be tempted to barter support, especially if he believes that passage of the latter is likely to offset whatever electoral damage the former is likely to inflict. Likewise, a legislator who might be electorally safe enough to vote for an unpopular measure like SB-743 but lacks support for a pet bill may, if he feels no particular urge to vote for the former,
attempt to parlay that vote into additional support for his bill, and, fail­
ing to effect the trade, vote against the former in order to maintain his
bargaining credibility. Indeed, one legislator claims that a few of his
colleagues never give a vote away, as a matter of principle, without getting
something in return (even though vote-trading is illegal). According to two
sources high in the Lucey Administration, considerations such as these were
at work during the deliberation of SB-743, as is the case with much legisla­
tion. One example which both were willing to cite involved a Senator who
switched votes on the final two roll calls, and is said to have been trying
to trade his vote on SB-743 for high level support for a bill to compensate
the victims of crime.

Yet another potent influence upon Senators' stances regarding SB-743 is
the socialization most of those Senators underwent within the state's Pro­
gressive political culture, as already mentioned. This internalization of
the state's value and empirical belief orientations often manifested itself
during the debate in Democrats' remarks disparaging the DNC for ignoring
Wisconsin's traditions and meddling in state affairs (see above, pp. 242
and 244).

However, comparison of the vote breakdown on SB-743 with four separate
measures of the security of a Senator's hold upon his seat suggests that
while political culture was a most significant independent variable, its
effect is modified by seat security, which intervenes in a decisive manner
between the former and the individual Senator's vote on this issue. Most
Senators were born and/or educated in Wisconsin, but many of them voted for
SB-743, and against Wisconsin's tradition. In general, those who did so
despite this socialization appear to have occupied safer seats than those
who voted to preserve the open primary. The four measures used to determine
which Senators' seats were secure and insecure were formulated in terms of these four questions: (1) How is the Senator's district classified—very high Democratic, high Democratic, marginal Democratic, etc.—by voting studies? (2) How many terms has the Senator been elected to? (3) How competitive was the Senator's most recent general election race? And (4) How competitive was the Senator's most recent primary election race?

In brief, the correlation between seat safety and opposition to closure for the entire Senate Democratic Caucus, as revealed by Tables 11-14, can be summarized as follows:

(1) Using a University of Wisconsin-Extension Institute of Governmental Affairs classification of Senate districts based on 1972 election results (Table 11), four of the eight Senators who at one time or another voted against SB-743 represented districts that were classified either "Marginal Democratic" (50-55 percent of the vote) or else Republican; whereas nine of the eleven Senators who voted for SB-743 on all roll calls represented districts classified either "High Democratic" or "Very High Democratic."

(2) Six of the eight Senators who at one time or another voted against SB-743 were serving only their first term in the Senate; whereas seven of the eleven who voted for the bill on all roll calls had been elected to more than one term (Table 12).

(3) Five of the eight Senators who at one time or another voted against SB-743 won their most recent election with less than 60 percent of the total vote, three of them with less than
TABLE 11
Senate District Competitiveness According to Republican Percentage of Major Party Vote in 1972 Elections and Willingness to Vote for Closed Primary Among 19 Senate Democrats*

<table>
<thead>
<tr>
<th>Senate District and Incumbent</th>
<th>Democratic Very High Intensity 0-39%**</th>
<th>Democratic High Intensity 40-44%</th>
<th>Democratic Marginal Intensity 45-49%</th>
<th>Republican Marginal Intensity 50-54%</th>
<th>Republican Marginal Intensity 55-59%</th>
<th>Republican Very High Intensity 60% +</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vote on SB-743</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voted no all roll calls</td>
<td>1-Martin 20%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3-Kleckza 43%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>19-Goyke</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Switched vote to no on 4th &amp; 5th roll calls</td>
<td>6-Swan 20%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8-Flynn 46%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>9-Parys 22%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>15-Cullen 59%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>22-Maurer 45%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voted yes all</td>
<td>5-Berger 29%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>7-Frank 28%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>11-Whittow 29%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>13-Mckenna 33%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>16-Thompson 35%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>17-Morrison 58%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>21-Dorman 42%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>23-Peloquin 37%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>24-Bablitch 40%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>26-Risser 31%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-Harnisch 54%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Adapted from James R. Donaghue, How Wisconsin Voted, 1848-1972 (Madison: Institute of Governmental Affairs, University of Wisconsin-Extension, 1974), p. 39, Figure 12.

**Figures for even numbered Senate districts are derived from actual vote for Senatorial candidates in the 1972 election. Figures for odd-numbered Senate districts are derived from votes cast for Assembly candidates running in the three Assembly districts contained in each Senate district in 1972.
## TABLE 12

Terms in Office and Willingness to Vote for Closed Primary among 19 Senate Democrats*

<table>
<thead>
<tr>
<th>Vote on SB-743</th>
<th>Senate District and Incumbent</th>
<th>Present Term in Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voted no all roll calls</td>
<td>1-Martin</td>
<td>2nd</td>
</tr>
<tr>
<td></td>
<td>3-Kleczka</td>
<td>1st</td>
</tr>
<tr>
<td></td>
<td>19-Goyke</td>
<td>1st</td>
</tr>
<tr>
<td></td>
<td>5-Berger</td>
<td>1st</td>
</tr>
<tr>
<td></td>
<td>7-Frank</td>
<td>2nd</td>
</tr>
<tr>
<td></td>
<td>11-Whittow</td>
<td>3rd</td>
</tr>
<tr>
<td></td>
<td>13-McKenna</td>
<td>2nd</td>
</tr>
<tr>
<td></td>
<td>16-Thompson</td>
<td>4th</td>
</tr>
<tr>
<td></td>
<td>17-Morrison</td>
<td>1st</td>
</tr>
<tr>
<td></td>
<td>21-Dorman</td>
<td>3rd</td>
</tr>
<tr>
<td></td>
<td>23-Peloquin</td>
<td>2nd</td>
</tr>
<tr>
<td></td>
<td>24-Bablitch</td>
<td>1st</td>
</tr>
<tr>
<td></td>
<td>26-Risser</td>
<td>3rd</td>
</tr>
<tr>
<td></td>
<td>31-Harnisch</td>
<td>1st</td>
</tr>
<tr>
<td>Switched vote to no on 4th &amp; 5th roll call</td>
<td>6-Swan</td>
<td>1st</td>
</tr>
<tr>
<td></td>
<td>8-Flynn</td>
<td>1st</td>
</tr>
<tr>
<td></td>
<td>9-Parys</td>
<td>1st</td>
</tr>
<tr>
<td></td>
<td>15-Cullen</td>
<td>1st</td>
</tr>
<tr>
<td></td>
<td>22-Maurer</td>
<td>1st</td>
</tr>
</tbody>
</table>

55 percent; whereas of the eleven who voted yes on all roll calls, only four won election with less than 60 percent, two winning with less than 55 percent (Table 13. Incidentally, the data in this Table suggests no correlation between standing for election soon and opposition to closure: five of the eight who voted against SB-743 were not up for election in 1976.).

(4) Of the eight Senators who at some point voted against SB-743, five won nomination in the primary election with less than 60 percent of the total vote, three of them with less than 55 percent; whereas only three of the eleven who voted for SB-743 on all roll calls won their primaries with less than 60 percent of the total vote--none of them winning with less than 55 percent (Table 14).

The picture that emerges is already one of much less overall security among those who voted against SB-743 than is enjoyed by those who voted for it. However, the correlation between security and opposition to closure heightens even further if it is recognized that to define a seat as "safe" or "unsafe" according to any arbitrary percentage of the total vote is to make an artificial distinction--especially when one of the elections studied is that of 1974, in which the Democratic share of the vote was inflated by the recency of Watergate. A much more precise understanding of the impact of seat safety upon the vote of SB-743 can be arrived at by examining the data contained in Tables 11-14 in the context of the insight that only familiarity with Wisconsin politics can provide.

When each Democratic Senator's district is analyzed from the standpoint
TABLE 13

Election Victory Margins and Willingness to Vote for Closed Primary among 19 Senate Democrats*

<table>
<thead>
<tr>
<th>Vote on SB-743</th>
<th>Senate District and Incumbent</th>
<th>Vote Totals (^a) and Winner's Percentage of Total Vote</th>
<th>1972</th>
<th>1974</th>
<th>1975(^b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voted no</td>
<td>1-Martin</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>23.5</td>
</tr>
<tr>
<td>all roll calls</td>
<td>3-Kleczka</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>25.3</td>
</tr>
<tr>
<td></td>
<td>19-Goyke</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>18.6</td>
</tr>
<tr>
<td>Switched</td>
<td>6-Swan</td>
<td>24.3</td>
<td>6.3</td>
<td>---</td>
<td>76.6</td>
</tr>
<tr>
<td>vote to</td>
<td>8-Flynn</td>
<td>32.2</td>
<td>27.2</td>
<td>---</td>
<td>53.4</td>
</tr>
<tr>
<td>no on 4th roll</td>
<td>9-Parys</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>15.2</td>
</tr>
<tr>
<td>and 5th roll</td>
<td>15-Cullen</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>18.9</td>
</tr>
<tr>
<td>call</td>
<td>22-Maurer</td>
<td>25.5</td>
<td>21.1</td>
<td>53.9</td>
<td>16.7</td>
</tr>
<tr>
<td>Voted yes</td>
<td>5-Berger</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>23.7</td>
</tr>
<tr>
<td>all four roll</td>
<td>7-Frank</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>25.4</td>
</tr>
<tr>
<td>calls</td>
<td>11-Whittow</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>17.9</td>
</tr>
<tr>
<td></td>
<td>13-McKenna</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>22.6</td>
</tr>
<tr>
<td></td>
<td>16-Thompson</td>
<td>35.3</td>
<td>18.9</td>
<td>---</td>
<td>64.5</td>
</tr>
<tr>
<td></td>
<td>17-Morrison</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>21.3</td>
</tr>
<tr>
<td></td>
<td>21-Dorman</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>22.3</td>
</tr>
<tr>
<td></td>
<td>23-Peloquin</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>20.8</td>
</tr>
<tr>
<td></td>
<td>24-Bablitch</td>
<td>33.9</td>
<td>22.9</td>
<td>59.6</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>26-Risser</td>
<td>44.6</td>
<td>20.3</td>
<td>68.2</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>31-Harnisch</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>21.7</td>
</tr>
</tbody>
</table>

---

\(^a\) Compiled from data in Wisconsin Blue Book, 1975 edition, pp. 823-24

\(^b\) In thousands of votes

\(^c\) Democratic candidate in 1972 was not the 1975-76 session incumbent (Maurer)
TABLE 14
Primary Victory Margins and Willingness to Vote for Closed Primary among 19 Senate Democrats*

<table>
<thead>
<tr>
<th>Vote on SB-743</th>
<th>Senate District and Incumbent</th>
<th>Vote Totals&lt;sup&gt;a&lt;/sup&gt; &amp; 1976 Incumbent's % of Total Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1972</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In</td>
</tr>
<tr>
<td>Voted no</td>
<td>1-Martin</td>
<td>---</td>
</tr>
<tr>
<td>all roll</td>
<td>3-Kleczka</td>
<td>---</td>
</tr>
<tr>
<td>calls</td>
<td>19-Goyke</td>
<td>---</td>
</tr>
<tr>
<td>Switched</td>
<td>6-Swan</td>
<td>3.2</td>
</tr>
<tr>
<td>vote to</td>
<td>8-Flynn</td>
<td>5.1</td>
</tr>
<tr>
<td>no on 4th</td>
<td>9-Parys</td>
<td>---</td>
</tr>
<tr>
<td>and 5th</td>
<td>15-Cullen</td>
<td>---</td>
</tr>
<tr>
<td>roll call</td>
<td>22-Maurer</td>
<td>3.3</td>
</tr>
<tr>
<td>Voted yes</td>
<td>5-Berger</td>
<td>---</td>
</tr>
<tr>
<td>all five</td>
<td>7-Frank</td>
<td>---</td>
</tr>
<tr>
<td>roll calls</td>
<td>11-Whittow</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>13-McKenna</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>16-Thompson</td>
<td>4.1</td>
</tr>
<tr>
<td></td>
<td>17-Morrison</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>21-Dorman</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>23-Peloquin</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>24-Bablitch</td>
<td>6.9</td>
</tr>
<tr>
<td></td>
<td>26-Risser</td>
<td>8.4</td>
</tr>
<tr>
<td></td>
<td>31-Harnisch</td>
<td>---</td>
</tr>
</tbody>
</table>


<sup>a</sup>In thousands of votes

<sup>b</sup>(special election)

<sup>c</sup>The vote shown in this column is only that of the 1976 incumbent's nearest competitor, not all competitors

<sup>d</sup>Maurer, the 1976 incumbent, was defeated in the 1972 primary
of an intimate knowledge of recent Wisconsin political history as well as the four measures listed above, political self-preservation looms even larger as a factor in the voting decisions of those eight Senators who voted against SB-743. For example, if one looks at the figures in Table 13, it appears that only one of the three Democrats who voted against the bill on all five roll calls represented a competitive district, when in fact two of the three came from such districts.

The obviously unsafe seat is that of Senator Gary Goyke, a moderate, first-term Senator elected in 1974 by less than a majority in a 3-way race in the 19th district, which was classified by the U.W.-Extension Institute of Governmental Affairs study as a "very high intensity Republican" district. The less obviously unsafe seat is that of Senator Jerome D. Martin (D-Manitowoc), a conservative Democrat. On the surface, Senator Martin's 59.8 percent share of the 1974 vote appears comfortable, and his district was classified by the same study as a "high intensity Democratic" district. However, prior to Senator Martin's election in 1970 with 55 percent of the vote (in 1966 he lost with 46 percent), his district had been in Republican hands dating back to the Progressive era, a status it reverted to in the special election held following his death in 1977, and remained in after the 1978 general election. Consequently, it seems safe to say that Senator Martin's district also was competitive, and his seat was not so very safe (which perhaps explains why, after voting for SS SB-4 during the contrived 17-16 defeat of that bill on December 11, Martin switched sides and voted against a motion to reconsider the vote on SS SB-4 later that same day). 99

The same "unsafe" label can be attached to the seats held by three of the five Senators who voted against SB-743 on the final two votes, two of whom were the crucial swing votes, Senators Flynn and Cullen. All three of
these moderate Senators (Flynn, Cullen and Maurer) were elected in a fairly
tight race; represented districts which quality as "marginal Democratic,""high Republican" and "marginal Democratic," respectively; and were freshmen.

In contrast, all but two of the eleven districts represented by Senators who voted for SB-743 on all five roll calls were ranked as "high Democratic" or "very high Democratic" districts in 1972; only three of these eleven Senators won with less than 59 percent of the total vote in either their primary or general election races; only one of them qualifies as a conservative and perhaps four as moderates, the rest being liberals; and only four were serving as freshmen—all others had the presumably comforting experience of having been re-elected by their districts to a second term or more. Of these eleven, really only one, Senator Kathryn Morrison (D-Platteville), had a bona fide unsafe seat. A first-term Senator elected with 51.9 percent of the vote in a "high Republican" district, Senator Morrison might have been expected to vote against SB-743 (and probably should have—she was defeated in 1978 after one term). That she did otherwise, however, is not surprising given her background as a university economics professor, feminist activist, and reform liberal with close ties to the party organization. The national party rules had been written by just such types as herself, and her vote most probably can be explained in terms of ideological propensities and a sense of party responsibility. The only other Senator among these eleven whose political future might be regarded as insecure based on the four measures above is Senator Thomas Harnisch (D-Neillsville), a freshman from a "marginal Republican" district who won his general election by a respectable but not overwhelming margin. Here again, judging by his frequent remarks during the debate of SB-743, the consideration of party (and perhaps the wish to defer to Senator Thompson, who had helped him during his campaign)
appears to be the best explanation of Senator Harnisch's support for SB-743. Unlike his less politically secure colleague Kathryn Morrison, Senator Harnisch won re-election in 1978.

Having ventured an explanation of the presence of two Senators from unsafe or marginal districts among the supporters of SB-743, how explain the presence of three Senators from very uncompetitive districts among those mostly endangered types who voted against SB-743 at some point? Senators Kleczka and Parys ran unopposed in the general election while Senator Swan polled 76.6 percent of the vote, and each represents a district that is ranked "very high Democratic." One factor which theoretically might have figured in a "safe-seat" Senator's decision to oppose SB-743 may have been concern for the maintenance of party power and the well-being of one's colleagues. One's own seat may be safe enough to survive passage of such a bill; but others' may not, and their loss could be one's own loss if it should result in the party losing its legislative majority. However, many sources acquainted with these three Senators doubt that such considerations were foremost in the minds of Kleczka, Swan, and Parys, who often acted independently of party discipline and had wide reputations for personal abrasiveness in their dealings with colleagues of all party stripes. It is more likely that other considerations, such as "horse-trading," or personal conservatism (the three were easily the most conservative members of the Senate Democratic Caucus), figured in their decision to oppose the bill. Indeed, another motive which might have figured in that decision may have been the ambition to run for statewide office at some future date. Senator Swan, for example, would begin running for Lieutenant Governor in May 1977, and it may be that he was looking ahead to that when he decided how to vote on SB-743.
But is a safely Democratic district the same as a safe seat? Incumbents can lose their seats in the primary just as surely as in the general election. An important additional motive for the presence of Senators Kleczka, Swan, and Parys among those who voted against SB-743 may stem from the fact that closure was unpopular with many rank-and-file Democrats as well as non-Democratic voters, and these three Senators each had faced tough opponents in the preceding primary election. As is the case in areas of one-party dominance, the election that mattered most in the overwhelmingly Democratic Milwaukee districts represented by Senators Kleczka, Swan, and Parys was the primary. A Democratic challenger could use the closure issue against them in the next primary with just as much effect as a Republican might use it against Senator Goyke in the next election.

The primary vote totals in Table 14 reflect the fact that five of the eight who voted against SB-743 had difficult primary races, or seemed likely to encounter strong opposition in their next primary race. Senator Kleczka's primary victory was not overwhelming; and his opponent, who had served six terms representing one-third of Kleczka's district in the Assembly, promptly was elected by his former colleagues as Assembly Sergeant-at-Arms—a post commonly given to defeated colleagues to be used as a base from which to run for office again. Senator Swan's primary contest in 1972 had been even more difficult: he had wrested the nomination away from the then-incumbent with only 46.7 percent of the total vote in a three-way race. Senator Parys had won his most recent primary with 56.6 percent of the vote, but was the lowest vote-getter of all Senate Democrats in both the 1970 and 1974 general elections despite the fact that his was a "very high intensity Democratic" district. As a consequence of his poor vote-getting ability and his promotion of legalized gambling and other unpopular issues, Senator Parys was
widely thought to be vulnerable to a primary challenge (and in fact eventual­ly was defeated in the 1978 primary). Also, Senator Goyke had had a close primary contest to go with his even closer general election contest; and Senator Maurer, whose victory in the 1975 special election was not very close, had won nomination in the primary preceding that election with only 46.0 percent of the vote, after having lost the regular primary for that seat in 1972.

On the other hand, only two of the eleven Democrats who had voted for SB-743 on all roll calls had what may be termed close primary races, and even in these the victor's share of the total vote was 55.6 and 57.0 percent, respectively. Except for one with 59.0, all other pro-closure Senators won their primaries with over 60 percent of the total vote.

Unfortunately, the correlation of district competitiveness and seat safety to anti-closure sentiment as determined in the Senate cannot be confirmed by a duplicate study of the Assembly, which never took a roll call vote on the issue on the floor of the house. Nor, evidently, did the Assembly Democrats ever take any recorded roll call votes on this issue while in caucus—and even if they had, such information would not be available for study because Democratic caucuses still were closed to the public during the 1975-76 Legislature, and any records thereof must remain confidential.

The only available record of Assembly Democrats' disposition on the primary issue is the data from the Wisconsin State Journal poll in August 1975, which was not responded to by 28 of 62 members, and which is rendered invalid by the mathematical possibility that as many as 30 of those who did answer may have changed their position on the issue between August 1975 and February 1976. Indeed, it is quite likely that some of the ten who originally favored closure may have opposed it in February 1976: this
occurred in the Senate, where Senator Maurer voted against SB-743 after having told the Wisconsin State Journal in August that although he liked the open primary, he would support closure "primarily to allow Wisconsin to get in line with the mandate of the Democratic National Committee."\textsuperscript{103}

This being the case, it certainly would be inappropriate to make too much of the data presented in Tables 11-14. Nonetheless, the correlation shown does suggest that the politician's natural instinct of political self-preservation was perhaps the most compelling of all possible reasons for opposing closure. Each of the eight Senators who voted against the bill had an unsafe seat in terms of either primary or general election competition, or both; whereas only two, perhaps three of the eleven who voted for SB-743 could be said to have an unsafe seat by the same criteria. Moreover, if one puts these data aside and asks the politicians themselves to account for the fate of SB-743 and all the other proposals for a closed primary, the answer comes out the same. As Senator Henry Dorman later summed it up, "It was a matter of legislators thinking of what was better for themselves in the context of their constituents."\textsuperscript{104}

In any event, there certainly was more to the defeat of SB-743 than, as Senator Cullen claimed, "enlightened debate [and] . . . conscience." A profile of the average Democratic Senator who in the end voted against SB-743 suggests a politician who (1) may be said to have had either a difficult primary or general election race, or both; (2) usually was a first-term Senator; (3) more often than not represented a district that is either Republican or only marginally Democratic; (4) was either a moderate or a conservative; and (5) more often than not did not have a formal or close affiliation to the DPW organization. The profile of the Democrat who voted for SB-743 emerges a bit more clearly than that of the bill's opponent, and
reveals a politician who (1) in very few cases had a close general election race, and almost never a tough primary race; (2) more often than not had been elected to two or more terms; (3) almost always represented a district ranked "high" or "very high intensity Democratic"; (4) more often than not was a liberal; and (5) usually enjoyed formal affiliation to the DPW. Not everyone who voted for or against closure fit these two profiles in every sense, of course; but it is possible, on the basis of these profiles, to make some very definite conclusions about the nature of the two coalitions formed for and against SB-743. The coalition formed by those who voted to pass the bill may be said to have consisted of (1) Democrats who occupied safe seats, and (2) Democrats who were liberals and assigned a great deal of weight to party responsibility in their voting decisions. The coalition formed in opposition to SB-743 consisted mostly of (1) Republicans who wished to preserve Wisconsin's tradition and embarrass their Democratic opponents while doing so; (2) Democrats who occupied unsafe seats; and (3) Democrats who were conservative and prone to voting independently of party. The balance of power between these two coalitions in this case appears to have been held by a very small group (1-3 members) of moderate Democrats who favored preservation of Wisconsin's tradition, and one or more of whom were engaged in trying to parlay a vote for SB-743 into support for some other piece of legislation. This being the case, could that one last vote needed to pass SB-743 have been gotten somehow, had the Governor or Senate Democratic leadership really wanted it? I will return to this question in Chapter VIII.

Last Hour Compliance with Other DNC Rules in Support of the Bid for a Waiver

If the legislative wing of the Wisconsin Democratic party had its qualms
about closure, it had none about making the other changes in its primary law that were necessary to gain a reprieve for the state's open primary in 1976. Up until February 1976, Wisconsin Democrats' legislative efforts had been focused exclusively upon the crossover voting issue, and legislation bringing the state into compliance with the DNC rules in two other areas still had yet to be introduced. One of these areas in which the state had taken no steps at all toward compliance was the very important Rule 11 requirement that state parties apportion their delegates proportional to the percentage of the total primary vote won by each presidential candidate. Wisconsin statutes still called for national convention delegates of both parties to be apportioned on a winner-take-all basis within each congressional district.

On February 27, 1976, Governor Lucey requested that the Assembly take immediate action on a bill that would put Wisconsin into compliance with the DNC rules in every other respect except closure, in furtherance of his upcoming attempt to persuade the CRC to reverse itself and grant Wisconsin a "good faith effort" waiver. The main thrust of this bill, designated 1975 AB-1412, was to (1) end winner-take-all apportionment, as required by Rule 11; and (2) to allot each congressional district's share of the total state delegation according to its Democratic strength as measured by its vote in the most recent gubernatorial and presidential campaigns, respectively, as required by Rule 9A.

The Assembly Democrats, so opposed to tampering with the primary in any fashion up to this point, expedited AB-1412 and made it a special order of business for March 3, the very next day the house was scheduled to be on the floor. On that day, Democrats pushed AB-1412 through on its second reading by a 59-35 vote along party lines, but failed to get the two-thirds
necessary to suspend the rules so that the bill could be read the third and final time that same day. Subsequently, on the morning of March 5, the day Governor Lucey made his appeal to the CRC, the Assembly passed the bill on its third reading by a 60-36 vote, in time for news of its passage to be relayed to Washington for inclusion in Governor Lucey's appeal that afternoon. (Some Wisconsin newspapers' coverage believed that the Assembly's passage of this bill played a key role in convincing the CRC to relent.) When the Governor's appeal succeeded, it only remained for the Senate to pass the bill, which it did in a very routine manner on March 17—a full week past the March 10 deadline by which the Governor had promised a copy of the enacted bill would be on the desk of CRC Chairperson Wagner in Washington.

The reaction of the Democratic legislators to the startling news that Wisconsin's 1976 primary would be meaningful after all was one of mingled surprise, relief, and bitterness directed at the party organization amateurs in general, and at the DNC in particular. All were happy that the primary would remain meaningful as well as open, but many also derided the party organization for forcing them to undergo such potentially harmful deliberations without cause. Where were the dread consequences constantly threatened by the DNC, and repeated as gospel by certain DPW leaders? One Assembly member who had started to push for closure the previous Spring and then curtailed his involvement shortly after witnessing the extent of his colleagues' opposition reacted to the news by saying, "Am I ever glad I didn't stick my neck out on that one!" An even more bitter reaction came from Senator Cullen, whose reneged commitment to the Governor had brought about the defeat of SB-743 a few weeks earlier. In a letter which smoldered with resentment at the credit Governor Lucey was receiving in the press for
"saving the primary," Senator Cullen told the Governor (and the press, which received copies):

Congratulations on your successful day last Friday. We know that citizens across Wisconsin are pleased that Wisconsin's open primary is retained.

However, I would like to respectfully point out to you that had it not been for the willingness of several Democratic Senators to withstand enormous pressure from you, Herbert Kohl, and several leading state Democrats, we would have succumbed to the national party and the open primary would have been lost. . . . Our actions were not popular with you.

In conclusion, I am pleased you were successful last Friday, but you never would have had the chance if we had not stood our ground.111

Throughout the Democratic caucuses of both houses, similar sentiments of varying shades were expressed. Clearly, the CRC's reversal had cost the DNC and the DPW organizations dearly in terms of credibility and goodwill with the Wisconsin Legislature. Many lawmakers voiced the opinion that the reversal had made enactment of a closure bill before the DNC's final deadline of 1980 almost impossible.112 The year 1977 found Representative Jackamoni, now Speaker of the Assembly, telling DPW leaders, "I don't know where the oomph is going to come from to pass [a closure] bill . . . they didn't expect the national party to back down last year and they defeated the bill anyway." Representative Kedrowski agreed, and told the DPW leaders, "Why not go to caucuses? To be honest with you, I think that's the way you're going to end up."113 If these remarks are any indication (and the
seniority of those uttering them leads me to believe they are), the DNC may have an even harder time getting Wisconsin to comply with its rules in 1980 than it did in 1976.

**Summary**

Clearly, Democratic legislators as a rule were much more resistant to closure than were the DPW leaders, even to the extent that one house would not even engage in a pretense of compliance. Instead, counter-proposals opening the primary even further were made by five Assembly Democrats; closure bills were sat upon by a committee of one house and voted out without recommendation by a committee of the other; leaders from both houses agreed to a lawsuit against the DNC, despite the warnings of DPW leaders that the suit would lose and would destroy the appearance of a "good faith effort" as well; all six of the legislative members of the Governor's Ad Hoc Committee expressed a preference for the caucus system during meetings of that committee; hearings appear to have been set up in a manner calculated to discourage legislative support for closure; and opposition to closure within the Assembly Democratic Caucus was so great that a bill could not be brought onto the floor, even when the appearance of attempted enactment of such legislation was absolutely essential to the state party's interest.

The only meaningful attempts at compliance by the legislative wing of the party were made well after several deadline extensions had passed, and the state already had been declared officially out of compliance—circumstances in which those attempts cannot be construed as good faith even according to the most flexible interpretation of the national party rules. Indeed, even those legislators in the forefront of those willing to comply
with the DNC mandate felt that closure was at best unnecessary, and at worst a political mistake: Representative Miller favored a minimum change only if the DNC could not be persuaded to let the open primary stand; Speaker Anderson favored a change only to the extent necessary to get the DPW's delegation seated; Representative Jackamonis ceased all activity on behalf of closure at the first sign of opposition; Elections Committee Chairperson Kedrowski repeatedly spoke the self-fulfilling prophecy that such legislation would never pass; Senator Thompson told of his preference for caucuses even as his closure bill was on the agenda of the special session; and Senate Assistant Majority Leader Bablitch, who led the floor debate for SB-743 because the Majority Leader preferred to sit it out in his office, referred to the issue twice during that debate as "a problem . . . foisted on us by the DNC." Ultimately, of course, many votes for closure were obtained in both houses; yet I am confident that most legislators and DPW officials would agree with my conclusion that legislative support for it was very unenthusiastic, and certainly much lower than that of the DPW leadership.

Many of the most compelling reasons for this opposition, i.e., political self-preservation, resentment of national interference, and personal belief in the voter's freedom of choice, ultimately trace their roots back to Wisconsin's unique political culture, the importance of which cannot be stressed too much. The legislators themselves were directly influenced by it to the extent that the public at whose whim they serve might punish them for contravening what is regarded in that culture as a basic right.

Heightening the powerful influence of this culture was the demonstrated willingness of the opposition party to turn the Democrats' flouting of that tradition to their own competitive advantage. The posture of the Republicans
had two very important effects upon legislative Democrats. First, it scared them electorally by serving notice that closure would be made a campaign issue. Second, the unanimous character of this opposition created the necessity that the Democrats find all of the votes necessary for passage within their own caucuses—a condition which made the political cost of acquiring some of those votes that much more expensive and difficult.

Consequently, it seems logical to conclude that the aforementioned difference in support for closure among DPW leaders and legislators stems in good part from the opposite pulls of their respective interests. At stake for the former were seats at a nominating convention; at stake for the latter were seats in the legislature, valued not only for their salary but also for their power, and as stepping-stones to upward mobility within the political profession (as well as other professions). The significance of the legislators' interest in retention of office as a variable in their stance on closure is demonstrated fairly convincingly by the congruence of seat safety with support for closure in the Senate Democratic Caucus. Moreover, this interest happened to coincide with what most legislators, having been socialized within the culture, believed was right and democratic, which could only strengthen the resolve with which they opposed closure.

Fortified by this harmony of interests and by the knowledge that only they could make laws for the state, the Democratic legislators were in a better position to realize a favorable outcome than any of the other Wisconsin Democratic actors. Their party organization, interested though it was in insuring that its delegates be seated at the nominating convention, had too little leverage over the legislators to make them responsive to its needs for a more convincing and timely compliance effort. In brief, the DPW and its parent organization, the DNC, provide far too little money and
support services to legislative candidates to have such leverage.

Of course, party must have figured somewhat in the voting decisions of some Democratic legislators, as the rough congruence between formal party affiliation and support for closure suggests. But it only seems logical that party should not be as compelling a factor here as it is in most other state legislatures, given the especially strong anti-party environment Wisconsin legislators must operate in. Personal familiarity suggests that many Wisconsin legislators ordinarily measure their own partisanship according to how compliant they are with their house leadership's desires, rather than with their party organization's desires. Indeed, in a political climate like Wisconsin's it could be argued that those legislators who opposed closure also may have thought they were acting as "good party men," carefully assessing where their state party's best interests lay and acting upon that judgment, rather than according to the dictate of amateurs in a very distant national party headquarters.

In conclusion, let me clarify that I am not arguing that the Democratic legislators were 100 percent against closure either as a group, or as individuals. Many legislators occupying relatively safe seats responded to their party's call and, undoubtedly against the wishes of a majority of their constituents, voted to close the primary. A few from very unsafe districts, such as Senator Morrison, felt the pull of party or the logic of party responsibility strongly enough to vote for closure despite the political jeopardy it placed them in. But many others in Senator Morrison's situation, such as Representative Kedrowski, felt a need to respond to the will of their constituents and to the related interest of self-preservation, even when occupying special roles whose attendant interests required that they support rather than oppose closure.
This brings me to a final topic of interest, which is the question of the effect of multiple roles upon the behavior of politicians. It appears that the more roles one occupies, the more complex his or her interests become, and the more difficult it is to fulfill the requirements of each role without adverse side effects upon one's other roles. For example, Representative Kedrowski, who for his own political safety did not wish to be identified as a supporter of closure, was forced to function as such in his capacity as chairperson of the committee concerned when the Governor included such legislation on the agenda for a special session. By performing ineffectively on behalf of the issue in caucus, Representative Kedrowski still was able to realize his own interest and that of his constituency, but only at some cost to the regard in which he was held by some colleagues. In the same dilemma was Representative Miller, who was opposed to closure, but in her capacity as a member of the DNC and the DPW Administrative Committee felt compelled to support the DNC's mandate (although she did not push for enactment nearly so much as she could have). On the other hand, Representative Jackamonis, who drafted AB-807 voluntarily as a sort of exercise, had no such formal role compelling him to support closure, and unlike the former two easily could (and did) cease activity on its behalf whenever he chose to do so. Politics sometimes exacts the most onerous price from those who wear the most hats. Each hat or role comes with its own attendant interests, which may be very difficult to choose from when various of these multiple interests happen to conflict with one another.
NOTES

CHAPTER VII

See the legislative biographies in the *Wisconsin Blue Book* (1975 edition), 22-87.

As Representative Gary Barczak put it, "Who gets seated at the national convention is not a high priority with legislators, especially those in a marginal district." Interview, state Capitol, Madison, Wisconsin, 25 January 1978.


Ibid.


12 This Attorney General's opinion was not received until December 9, 1976 (ibid.).


15 Representative Jackamonis confirms that he refused to put his name to
it because he felt it would be politically unwise. Interview, state Capitol, Madison, Wisconsin, 26 April 1978.


17 Author's notes from Assembly Committee on Elections Hearing, 23 June 1975.

18 Representative Jackamonis, interview, 26 April 1978.


20 "GOP Backs State Open Primary," Milwaukee Sentinel, 12 June 1975; and William Christofferson, "Closed Primary Hearing Goes National," Wisconsin State Journal, 12 June 1975. Both charges seem to suggest that caveat emptor is a cardinal rule of political opposition (if not of politics itself). No doubt heavy political donors everywhere will smile at the suggestion that government positions and contracts can be had merely by casting one's vote the right way. As for the charge that the Democrats' new closure rule was aimed at stopping George Wallace, Minority Leader Shabaz, who was the source of that charge, stated in his next breath that Republicans never left their own primary to vote for George Wallace, or anybody else. Obviously, it appears that Representative Shabaz is trying to have it both ways here: either some Republicans must cross over, or closure could not hurt Wallace.

21 See, for example, "State GOP Rips Democrats for Closed Primary Push," A.P. release, Capital Times, 24 June 1975, which reads: "Delegates pushed aside some controversial resolutions. . . . It was more fun censuring
national Democratic leaders who insist that Democratic presidential primaries in several states, including Wisconsin, be closed to all but registered Democrats. 'It is bossism to have a closed primary,' State Rep. John Shabaz (R-New Berlin) declared. U. S. Rep. Robert Kasten Jr. . . . said enactment of a closed primary 'would be pushing the political system back into the hands of the Mayor Daleys and Pat Luceys.'"


24 Representative James W. Wahner, interview, author's home, Madison, Wisconsin, 27 January 1978. (Mr. Wahner was Assistant Majority Leader during the 1975-76 session.) Publicly, Representative Kedrowski said much the same thing: "I support retaining our present system. . . . There is a strong tradition for the open primary in Wisconsin, to let the voter get behind the screen and make his decision there." Quoted in Patrick Reardon, "Problems Engulf State's Primary," Milwaukee Journal, 28 July 1975.

25 Linda Reivitz, interview, Department of Natural Resources office, Madison, Wisconsin, 4 August 1977. Representative Kedrowski confirms having made this remark (interview, 24 January 1978).


29 Author's notes from Governor's Ad Hoc Committee meeting, August 1975 (exact date not recorded). Confirmed by Ad Hoc Committee members Senator Goyke, interview, 25 January 1978; Representative Kedrowski, interview, 24 January 1978; and Raymond Majerus, telephone interview, 1 February 1978. Mr. Majerus remembers that the legislative members' opposition was very strong: "They were adamant in their position that they would not change the law, and they were confident that it could not be changed. . . . They would rather have the state party take the blame [i.e., institute caucuses]."


32 Wisconsin State Journal Legislative Questionnaire, 13 August 1975 (question 2), Wisconsin State Journal files, Madison, Wisconsin. WSJ reporter Reid Beveridge reported the results somewhat differently (and incorrectly) than they are reported here. Mr. Beveridge ("Legislators Oppose Open Primary Change," WSJ, 2 September 1975) has ten Assembly Democrats voting yes and 23 voting no, for a total of 33 voting; compared to my eight yes and 24 no votes, totalling only 32. (Moreover, even one of the eight yes votes, Representative Miller's, is very questionable indeed, as she made an equivocal statement [see text, p. 225] without checking the box provided to record her vote.) On the Republican side of the same house, Mr. Beveridge has 23 voting no unanimously, compared to the 25 unanimous noes I counted. (One questionnaire voting no was returned unsigned, but clearly was filled
out by a Republican, as was discernible from his partisan responses to other questions on the questionnaire.) As for the Senate, Mr. Beveridge's story does not break down the results of his poll by party, but reports that only three Senators voted yes while 13 voted no. The data itself clearly indicates that 14 Senators actually cast noes: Democrats voted 6 no, 2 yes, and 2 undecided; while Republicans voted 8 no and 1 yes.

33 Representative Wahner, interview, 27 January 1978.


36 Ad Hoc Committee, Draft Letter to Governor Patrick J. Lucey, no date, accompanied by Letter from drafter, Allan D. Zins, to all Ad Hoc Committee members, 1 October 1975, DPW files, Madison, Wisconsin (mimeographs).

37 Representative Kedrowski, interview, state Capitol, Madison, Wisconsin, 12 April 1978.

38 See, e.g., Dean Showers, "Corruption Fear Cited in Vote Change," Milwaukee Sentinel, 2 December 1975; and "Closed Primary Called 'Corrupting,'" Capital Times, 3 December 1975.


40 At the same time, however, Senator Thompson admitted that "When these bills come up there's going to be a chorus on the Senate floor of that old Lutheran hymn, 'Holy, Holy, Holy,' and added that he doubted whether "any
bill can make it through the Assembly." Mike Miller, "No Changes Seen in Open Primary Law," Capital Times, 3 December 1975.

41 Author's notes from Assembly Committee on Elections hearing and executive session, 2 December 1975.

42 Ibid.

43 Ibid. See also Dean Showers, "2 Primaries Proposed," Milwaukee Sentinel, 3 December 1975.

44 Representative Barczak, interview, state Capitol, Madison, Wisconsin, 26 April 1978.


46 Author's notes from Assembly Committee on Elections hearing and executive session, 2 December 1975.

47 Representative Jackamonis, interview, 26 April 1978.


50 Representative Kedrowski, for his part, claims, "I was talking to a wall in that caucus." Interview, 12 April 1978.


Stephen Holmgren, interview at his home, Madison, Wisconsin, 29 July 1977. Representative Miller did go so far as to have drawn up a substitute amendment to SS AB-9 making several changes in an effort to render that bill more palatable to Republican as well as Democratic opponents. However, the effect of last-minute substitute amendments containing many changes, when offered by legislators identified with the issue concerned, is often harmful rather than helpful. It gives the appearance—or, at least the opportunity to charge—that those behind the bill either are disagreed among themselves or have not yet given the issue enough thought. (In actuality, Representative Miller was not that active or enthusiastic a backer of closure, but she was perceived as such anyway by many of her colleagues because of her reputation as a party ideologue.) At any rate, her substitute amendment never was offered in the fateful caucus, according to Representative Kedrowski (interview, 12 April 1978).


Representative Norman Anderson, telephone interview, 10 January 1978.

Senator Goyke, interview, 25 January 1978; Holmgren, interview, state Capitol, Madison, Wisconsin, 29 July 1978. Both sources characterize Mr. Strauss's performance as impressive in a dramatic sense, but noted that both he and the legislators "sort of just passed each other by without ever scraping hulls" (Mr. Holmgren's words). Also see Thomas Loftus, interview, state Capitol, Madison, Wisconsin, 7 December 1977.


58 The Republicans mounted a strong attack as expected during the debate. Senator Sensenbrenner charged that the concept of allowing electors to cast a presidential preference vote, and then vote for delegates pledged to Democratic candidates, amounted to a "one man, two vote system." Senator Chilsen added that the double-decker primary concept would "make a charade out of the presidential preference vote, because the independent who votes for a Democrat will not have his vote counted. . . . We might as well turn the preference balloting over to the professional pollsters and be done with it" (author's notes from Senate floor debate of SS SB-4, 11 December 1975). By a quirk of fate, however, these and other arguments groomed for public consumption never made the news stories chronicling the defeat of SS SB-4. Instead, most Capitol reporters chose to build their stories around the dramatic, unsuccessful confrontation that morning between Robert S. Strauss and the Democratic caucuses, rather than the floor arguments made that afternoon. See, e.g., Mike Miller, "Shadow of 'Old Bob' Was Too Big Even for Strauss," Capital Times, 12 December 1975; "Strauss Bid on Primary Falls Short," Milwaukee Journal, 12 December 1975; and "Strauss Appeal on Primary Fails," Milwaukee Sentinel, 12 December 1975.

59 John Wyngaard, "Dems See Convention Nightmare," Wisconsin State
Mr. Holmgren confirms that deference was a small factor in this vote (interview, 29 July 1977).


These were Senators Cullen, Coyke, Harnisch, Martin, McKenna, and Parys.

Daniel Wisniewski, interview, Department of Administration, Madison, Wisconsin, 29 July 1977.


"40 Seen for Primary Reform," Milwaukee Sentinel, 30 January 1976.
Speaker Anderson, Representative Jackamonis, and Representative Midge Miller all cited the newspapers' sudden change of stance as a factor in the increase of legislative support. Speaker Anderson, telephone interview, 10 January 1978; Representative Jackamonis, interview, 26 April 1978; and Representative Miller, interview, state Capitol, Madison, Wisconsin, 15 December 1977.

70 Governor Patrick J. Lucey, interview, University of Wisconsin Hospitals, Madison, Wisconsin, 20 February 1978.


72 As Representative Kedrowski put it, "If we relied on the party coffers for campaign contributions, we'd all starve to death. That's a club that's not even there" (interview, 24 January 1978).

73 Speaker Anderson, interview, 10 January 1978. This statement seems to belie the optimism with which most legislators had greeted the lawsuit option back in July. Perhaps Speaker Anderson is speaking with the benefit of hindsight here.


75 It is unclear whether this total ever increased beyond the 40 votes reported on January 30 by Majority Leader Willkom (above, footnote 69). Almost every legislator cites the ceiling as 40 votes, but Representative
Barczak believes that one show of hands in caucus resulted in a total of 42 (interview, 25 January 1978).


77 WISC-TV, "Action News," 6 January 1976 (10:00 p.m.).


81 For examples of the drumbeat of criticism kept up by Republicans between the DNC Executive Committee's stay of execution granted on January 14 and the floor debate of SB-743 on February 11, see ibid.; and John Wyngaard, "Problems of Democrats in State Primary are Embarrassing," Appleton Post-Crescent, 20 January 1976; "GOP Legislative Leaders Criticize Primary Proposals," Milwaukee Sentinel, 17 January 1976; and "Bind State Delegates to Back Primary Winner, Fish Asks," Milwaukee Journal, 2 January 1976. In the latter report, Republican National Committee member Ody J. Fish remarked, upon learning that the caucus alternative was now inescapable if closure failed, that "It would be more honest of the Democrats to ask for
repeal of the open primary law." In the interest of fairness it should be pointed out here that if the Democrats had ended up choosing their delegates by caucus instead of through the primary, the Republicans' willingness to use the issue as a club would have been partly responsible for the return of the caucuses.


84Assistant Majority Leader William Bablitch, conversation with the author and DPW Secretary Sue Albrecht, 11 February 1976 (Author's notes from Wisconsin Senate floor debate of SB-743, 11 February 1976). It may be that a Senate aide, rather than Senator Bablitch, actually identified the holdout as Senator Cullen.

85Wisniewski, interview, 29 July 1977; Reivitz, interview, 4 August 1977; and Governor Lucey, interview, 20 February 1978.

86Author's notes from Wisconsin Senate floor debate of SB-743, 11 February 1976. See also Dean Showers, "Senate Kills Democrat Primary Bill," Milwaukee Sentinel, 12 February 1976.

87Ibid.


89Ibid.; and William Christofferson, "Legislature Kills Primary Plan,"

90 Ibid.

91 Senator Flynn, interview, 7 February 1978; also Dean Showers, "Senate Kills Democrat Primary Bill," Milwaukee Sentinel, 12 February 1978.

92 Quotation from Author's notes on Wisconsin Senate floor debate of SB-743, 11 February 1976; part of it is quoted also in William Christofferson, "Legislature Kills Primary Plan," Wisconsin State Journal, 12 February 1976.


94 Ibid.

95 However, one usually prominent influence upon legislators' voting decisions which does not seem to have been at all significant with respect to SB-743 is that of the legislative colleague. None of those legislators interviewed mentioned this as having figured in how they voted on this issue. Presumably, this is because the primary question was not a technical one requiring specialized knowledge. Rather, it was a question of the political rights of voters, a very generalized topic about which most legislators in this Progressive culture already had formed their own opinions, and did not need to take a cue from a more expert colleague.

96 Crane and Hagensick, Wisconsin Government, 6.11.

97 "Formal party affiliation" is defined here to mean membership in a local party unit, or service on a DPW body, such as the Administrative Committee. Admittedly, inclusion of such in one's official biography is not a very satisfactory measure of one's formal DPW ties, since some Senators simply may have omitted mention of them, as Senator Dorman (a DPW
Administrative Committee member) did. Whether those who enjoy formal party affiliation but omit mention of it do so inadvertently or intentionally in this age of the independent voter is difficult to say; but few omit mention of less relevant affiliations, such as membership in Optimist Clubs, Elk and Moose lodges, yacht clubs, gun clubs, and commercial clubs. The formal affiliation of those who voted yes, no; and bolted breaks down as follows:

<table>
<thead>
<tr>
<th>Voted Yes on All Roll Calls</th>
<th>Voted No on All Roll Calls</th>
<th>Switched on Last Two Roll Calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPW affiliation mentioned</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>DPW affiliation not mentioned</td>
<td>4*</td>
<td>2</td>
</tr>
</tbody>
</table>

*At least one of these four (Dorman) is known to have been formally affiliated; so the count in this category could have been 8 and 3.


99 Lest there be any misunderstanding, it should be explained that this motion to reconsider was not made by Democrats, and should not be thought of as evidence that a bona fide "good faith effort" was made. Rather, the motion apparently was a routine procedural move by Republicans to ensure that Democrats could not reconsider that vote at some time during the next 48 hours when one or more Republicans were unavailable to vote against it. That Senator Martin switched and voted with the Republicans on this motion suggests that he was very concerned about the effect passage of such a bill
might have upon voters in his district. See Journal of the Wisconsin Legislature, 1975 Session: Senate (Madison: Chief Clerk of the Senate, 1976), December 11, 1975: 37.

100 Senator Maurer's 58.9 percent of the vote in the 1975 special election is deceptively comfortable: his predecessor in that seat, Democrat Douglas J. LaFollette, had won in 1972 with only 53.9 percent, despite possession of the magical name with which he had trounced Mr. Maurer in the 1972 primary and won election to statewide office in 1974. Surely the recency of Watergate is in large responsible for Senator Maurer's fairly comfortable 1975 margin, and his ability to poll a larger percentage of the vote than Mr. LaFollette.

101 Author's notes from Senate floor debate of SB-743, 11 February 1976.

102 Representative Joanne Duren, telephone interview, 10 November 1978. Ms. Duren was Democratic Caucus secretary for the 1975-6 Session.

103 Wisconsin State Journal Legislative Questionnaire, 13 August 1975 (question 2).

104 Senator Dorman, interview, 26 January 1978. This judgment is confirmed by several sources, among them Representative Wahner (interview, 27 January 1978), Representative Kedrowski (interview, 24 January 1978), and Mr. Holmgren (interview, 29 July 1977).


CHAPTER VIII

THE GOVERNOR

The interest of Governor Patrick J. Lucey, as mentioned earlier, was not so clearcut and easy to look after as those of the other actors. As leader of the party-in-government, the Governor recognized that enactment of closure would cost many Democratic legislators their seats. As head-of-state, he recognized that the vast majority of citizens in his state preferred an open primary. But as the leader of the state Democratic party and a would-be king-maker in the national Democratic party, Governor Lucey also had to make certain Wisconsin complied enough with national party rules to get seated at the 1976 convention without challenge. A challenge undoubtedly would lessen Mr. Lucey's influence with others at the convention because of the uncertainty of his control over his state delegation. Avoiding this problem meant playing by the DNC's rules, which called for either a closed primary or a caucus system of delegate selection, confronting the Governor with yet another problem. If Wisconsin Democrats were forced by the DNC to choose their delegates by caucus because they had failed to close the primary, and if that delegation were challenged at the national convention by a rival Wisconsin delegation claiming to have been chosen by the state's open primary, which delegation would the Governor lead? The one
chosen as the DNC had prescribed, which was sure to be seated, or the one chosen according to the state laws, which the Governor was sworn to uphold and faithfully execute?

The politician whose interests are so complex and so in conflict with one another as these faces a very difficult choice indeed. The difficulty that Governor Lucey had in making such a choice manifests itself at the outset of the controversy, when he took so long to decide his approach to the compliance problem, and again when he decided to abandon that approach in midstream for another, even though the first seemed to be working. The approach which was tried and then abandoned (temporarily at least) was to seek to win a "good faith effort" waiver. Of all the outcomes possible—closure, the caucus system, or a waiver—only the latter did not present any danger to the Governor's contradictory interests as state party leader, national party leader, legislative leader, and chief elected officer responsible for and accountable to all the people of the state. Consequently, like the DPW leadership, Governor Lucey was attracted to the strategy of making a pretense of compliance with the spirit of the DNC's rules by introducing, but failing to enact, legislation aimed at ending crossover voting.

THE GOVERNOR'S COMPLIANCE EFFORTS

That the Governor preferred the "good faith effort" waiver approach was apparent immediately in his reaction to the December, 1974 Charter Convention's approval of clauses incorporating the principle embodied by rule 2A into the national party charter. As mentioned above (page 101), the Governor's thinking at that time was that if a bill to change the law
were introduced in the legislature and failed, that probably would be considered sufficient proof that Wisconsin Democrats had tried to comply, and they would be allowed to go on choosing their delegates by open primary. Shortly after his return from Kansas City to Wisconsin, Governor Lucey stated at a press conference that his intentions were to "... determine what minimum requirement there is to insure the Wisconsin delegation is seated at the 1976 convention ... and then to go the legislature." Although he told the press he would work "diligently" to change the primary law, he also admitted that "I find the present [open primary] arrangement acceptable," and said he expected that efforts to change the law would fail. Newspaper accounts of the press conference stressed that the Governor had "stopped noticeably short of stating outright" that he wanted to see closure enacted, and that he had admitted that such a change would be "painful" because of the state's strong Progressive tradition.

Yet, even this strategy of pretended compliance was implemented with great reluctance. One very important factor in this reluctance appears to have been the heavy editorial criticism with which the press greeted Governor Lucey's announcement that he would work to change the primary law, even though he had made it clear at his December press conference that he intended to do only the minimum necessary to comply. They were critical of him for even intending to "go through the motions" of compliance. By his own admission, the Governor was stunned by the quickness and ferocity of the press's editorial response (above, page 56), and later cited it in his appearance before the CRC as a principal reason for the early lack of effort or "footdragging" of which he had been accused by Mark A. Siegel:

Some say that I acted very slowly and yet I was criticized...
editorially in the Madison newspapers as early as December 14, 1974, saying that the Governor was playing fast and loose with the Wisconsin tradition [of] the open primary. 4

Governor Lucey also told the CRC that some of the inertia of early compliance efforts in his office owed to the fact that until the election of November, 1974, the Democrats had not held a majority in the state Senate since 1892, and the period of adjustment from the free-wheeling role of opposition to the responsible, disciplined role of government majority had hindered the progress of such efforts. 5

In fact, however, the transition from opposition to majority status played little or no role at all in impeding Mr. Lucey's compliance efforts. For one thing, it already has been shown that the real bastion of anti-closure sentiment was not the Senate, which twice debated a closure bill, but the Assembly, where there had been a Democratic majority for several years. For another, Governor Lucey's staff never gave the legislature any proposals to act on until the June 23, 1975 Assembly Committee on Elections hearing, two weeks after Mr. Siegel had criticized the Governor's efforts. Daniel Wisniewski and Robert Milbourne of the Governor's office and Lucey confidant Linda Reivitz met with DNC member Michael Bleicher some time around April 22, 1975 to consider what kind of legislation the Governor should seek, and decided to draft a proposal dealing with closure separately from other more minor changes (such as proportional apportionment) that needed to be made in the primary law. The sense of the meeting as summed up by Mr. Milbourne in a memorandum was that "the Governor's position should be to support a 'minimal' closed primary proposal . . . [limited] to the degree absolutely necessary for compliance with the Charter," and that at a
minimum such legislation must include the following:

1. A closed primary for the Democratic, Republican and American parties.

2. Some statement or affidavit filed by each elector indicating the party of his choice for that particular presidential primary.

3. A compilation of the names of persons voting in the primary by party preference. Public access to such a list must be provided at some point following the presidential primary.

4. General flexibility to each party organization on the format of the delegate selection process.⁶

At a second meeting some time during the first week in May, the same four agreed on the language of the Governor's proposed changes in the open primary law, and Mr. Milbourne reported in a subsequent memorandum that he had taken this language to the Legislative Reference Bureau for drafting.⁷ Then Ms. Reivitz, whose duties as executive assistant to the Secretary of the Department of Administration included special assignments for the Governor's office, was given the task of continuing work on the draft bill because, in her words, "nobody else wanted to take it on."⁸ A month later, however, when she went to the Legislative Reference Bureau to ask for a copy of the draft bill, she was told that no drafting had been done on such legislation; indeed, no one ever had requested a draft to be done.⁹ Consequently, when the Assembly Committee on Elections scheduled a hearing for June 23, the Governor's proposed legislation was not available in draft form, and rather than being a main subject of the hearing, was brought before
the committee in the form of a letter from the Governor read aloud by one of his aides, after all those testifying had addressed their remarks specifically to Representative Jackamonis' AB-807.  

Some on Governor Lucey's staff admit that work on the compliance question moved ahead very slowly during early 1975 and most of the rest of the year as well, and ascribe this inertia to the fact that Mr. Lucey, too, was a politician, and regarded the issue in much the same light as the legislators did. As one principle aide described the efforts of the Governor's office,

Internally, at least, there was no question there was a lot of foot-dragging; and Lucey is a politician, and had the same problem a number of legislators had . . . that was the fact there was overwhelming public opposition to this thing. And I don't think he was any more anxious to take the bull by the horns and be in the forefront of trying to close the primary than any other Democratic politician was.  

But others close to the Governor say that, for a short time at least, part of the reason why the Governor was so slow to put forth the "minimum legislative effort necessary for compliance" was that he was not completely sure he wanted to move in that direction. The caucus system, despite all its drawbacks, also held a certain appeal for him because of its usefulness as a party-building tool; and Governor Lucey mulled this alternative over with DPW officials such as Michael Bleicher and Donald O. Peterson for a period of time after the Charter Convention, before deciding otherwise.  

Aside from this, however, Mr. Lucey himself hardly did anything about the compliance problem for almost an entire year after the Charter
Convention, and personally did not become involved in the issue (except for the decision to sue the DNC) until the special legislative session of December, 1975. Whatever work was done on the problem prior to that time was done by staff; and by the latter's own admission that did not amount to very much, either. The Governor's proposal which had not been drafted in time for the June 23 Committee on Elections hearing still was not ready in its revised form (i.e., the Reivitz plan) for the September legislative session, as the DNC had been led to believe it would. Ms. Reivitz attributes this delay to problems in the drafting process. The specific language proposed in the Governor's letter of June 23, 1975 had been relegated to "just a statement of philosophy" when Representative Kedrowski stated his dislike of it; and the process of drafting revised language retaining the provisions wanted by the Governor's office had been complicated by the consideration of what Mr. Kedrowski would let out of his committee. However, it is apparent that, drafting problems aside, a bill could have been introduced for debate in September, had the Governor wished to do so. There were other closure bills existent which the Governor could have gotten behind if the one Ms. Reivitz was redrafting was in difficulty. The Governor's liaison to the Assembly acknowledges that "our office did not make any big push" to bring Ms. Reivitz's or any other bill before the legislature in September. The Assembly assistant majority leader affirms this, noting that although the Governor always asked him about the prospects for closure whenever they discussed legislation, he never pressed the issue. Mr. Lucey asked the leadership to do something in regard to the party's compliance problem, but never really pushed for it as he was capable of doing: "You could always tell when he really wanted something." This absence of effort may be attributed to the fact that the Governor felt, as
he himself said in response to Mark Siegel's attack, that Wisconsin only ought "to do the absolute minimum" necessary to win compliance. "I accept the decision made at Kansas City about the reforms needed, but I am also aware of the long-standing tradition in Wisconsin of a totally open primary. I don't want to do violence to that." 18

The Law Suit: Changing Horses in Midstream

An additional reason why the Governor did not make much effort to include such legislation in the September session was that the state's lawsuit had not been decided yet. As already mentioned, the legislators were not likely to act until the suit had been ruled on; indeed, many legislators said that this was why they decided to initiate such a suit at the July 30 meeting in the Governor's office (above, pp. 237-39). In fact, the final decision to take such a step belonged to Governor Lucey, who called the July 30 meeting only after he already had discussed the lawsuit idea at length with Deputy Attorney General David J. Hase and Attorney General Bronson C. La Follette. Mr. La Follette had been hinting for some time beforehand that he wished to do something publicly to defend the open primary, and with it the La Follette record and name. 19 Governor Lucey held Mr. Hase in extremely high regard (he had been the Governor's legal counsel prior to becoming Mr. La Follette's deputy), and had emerged from his meeting with them convinced that the lawsuit really had a good chance of success. 20 The legal strategy Mr. Hase outlined for the Governor was predicated, ironically, on both (1) the doctrine of states' rights, and (2) the White Primary cases, which had asserted the rights of Black voters to vote in the primaries of the southern Democratic parties. The election rule change which the DNC
insisted on usurped a power reserved to the states by the Constitution (i.e., the enactment of election laws), and infringed on the rights of voters by requiring them to declare party affiliation before being allowed to participate in the nomination of party candidates by direct primary--a process which the Supreme Court's White Primary decisions had ruled constituted state action, and therefore must be non-discriminatory.\textsuperscript{21}

After hearing this strategy, Governor Lucey then convened the July 30 meeting at which Mr. La Follette tried out his idea on a group of Democratic leaders, mostly elected officials, who approved it by a vote of 10-1. Mr. Lucey, however, reserved for himself the right of final approval, and did not give it until August 15.\textsuperscript{22} On the same day, the Attorney General's office announced that it expected to file the suit in District of Columbia federal district court within 10 days, inside the August 25 deadline which the CRC had set for the DPW to submit a complete (i.e., alternate plan included) delegate selection plan.\textsuperscript{23} The suit never was filed by this deadline, though, because Bronson C. La Follette decided to go on vacation, and left orders not to file while he was away because he "would like to have part in the suit."\textsuperscript{24} By the time the suit was filed on September 15, that month's legislative session was half over, and a ruling before the end of the session was quite impossible (especially since the state's brief was not filed until November).\textsuperscript{25} Without such a ruling, Governor Lucey noted, there was no chance that the legislature could be persuaded to consider changing the primary at that time.\textsuperscript{26} But the tardiness of the court action and the need for it to dampen legislative opposition were not the only reasons Mr. Lucey did not push for legislative action: unlike most, he believed that the lawsuit actually might succeed, and had no wish to see it mooted before this best of all alternatives had been tried.
Yet another reason why the Governor's office did not act as a forceful advocate of closure prior to and during September was the doubt in the minds of some as to whether or not the DNC really intended to force Wisconsin to a caucus system if its efforts at closure were too feeble. As one aide to the Governor described the atmosphere in the Governor's office at that time:

Everyone was still kind of casting around for a way out, no one was sure whether to take the National Committee seriously, and ... in the back of virtually everyone's mind was the belief that at some stage of the game they [the DNC] were going to back down. 27

This trust in the state party's ability to prevail over the traditionally weak national party, despite the lawsuit and other blemishes on Wisconsin's "good faith" record, continued to permeate the Governor's office until CRC Chairperson Wagner's ultimatum of October 31 gave notice that if Wisconsin did not either close the primary or adopt an alternate delegate selection plan by November 23, it would be held officially non-compliant. The question of how Wisconsin's delegates were to be selected then would be determined by the DNC Executive Committee. Had Mr. Wagner not given this warning, it is possible Governor Lucey would not have included closure legislation on the agenda of the December special session. At the end of the September session he had said he might schedule such a bill for the special session if the court ruled in time for it to be included. 28 Shortly after the ultimatum was received, however, Mr. Lucey began to say he might have to put closure on the agenda without knowing the outcome of the lawsuit. In a press conference on November 4, the Governor said that
... he is hopeful that Federal Judge John Sirica will rule on the Wisconsin case one way or the other by the December 9 convening date.

But he added it would probably be a good idea to include the [bill] on the agenda "as a part of Wisconsin's good faith effort" to comply with national Democratic party rules on delegate selection to national conventions. 29

As things turned out, that was precisely what the Governor did.

**Trying to Get the "Good Faith Effort" Back on Track**

On December 2, 1975, Mr. Lucey issued the official call for a special session to commence on December 9, and the primary question and a $67 million transportation package were at the top of the agenda given in that call. 30 This time, the Governor and his staff undertook certain concrete steps in support of legislation to close the primary. The Assembly Committee on Elections, given advance notice that the primary question would be on the agenda, had scheduled three days of hearings around the state beginning on December 1; and Ms. Reivitz testified at all three as Governor Lucey's representative. Moreover, the Governor himself stressed the need to comply with the DNC mandate at a press conference held the day before the legislature was to convene. He warned that the state's primary could become a "dead letter" if crossover voting was not ended, and pointed out that the alternatives to closure were (1) ejection of the Wisconsin delegation from the convention, or (2) a caucus system inimical to the Progressive tradition. The former was neither desirable nor likely, since no one in the state wished
to see Wisconsin unrepresented in the selection of a candidate; and the latter inhibited mass participation and invited "stacking." "It's so easy to rig caucuses," Mr. Lucey said. "You don't measure the quantitative support of a candidate, you measure the intensity of feeling of a few activists." If the legislature waited until January to act, he added, it could be too late: DNC Chairperson Strauss had warned him that this would be Wisconsin's last chance to comply.

I talked to Bob Strauss last week. . . . He told me—and not in a vindictive way—that I would be surprised at the enthusiasm building in some Southern states [for] getting back at the purists from Wisconsin who were so eager to punish them when we didn't think they chose their delegates as they should.

Governor Lucey's arguments fell on deaf ears in the legislature, as the treatment of the issue in both houses demonstrated (see last chapter). Many Capitol reporters interpreted these defeats, along with that of the transportation package and several smaller bills, as a chastening personal defeat for the Governor (his first), because almost his entire agenda had been rejected. It is true that the entire special session was permeated by a feeling of legislative independence from the Governor. The press was correct in regarding these defeats as interrelated and contributory to each other, and thus something of an embarrassment to Governor Lucey. His call to return to the Capitol so close to Christmas and deal with two bills that could hurt the legislators electorally (the transportation package included a gas-tax increase of two cents a gallon), combined with his growing unpopularity with the voters, caused the legislators to react to his agenda in an assertive, if not belligerent, manner. This manner was especially
evident in the Assembly's refusal even to bring a closure bill onto the floor and thus at least contribute to a sham "good faith effort," and in its reaction to Robert S. Strauss, whom Governor Lucey had flown in the next morning after that body's potentially disastrous snub of the DNC. Some members of the Assembly Democratic Caucus resented the visit by Mr. Strauss, Mr. Lucey, and Mary Lou Burg that day in the same way they always resent "big shots" who never bother with them unless they need something (e.g., the Congressmen who every ten years at reapportionment time suddenly become "interested in learning about the legislature"). Mr. Strauss was viewed by some as "a slicker, complete with the accent, and was not connecting at all." 35

But while the overall rejection of Governor Lucey's transportation package and other bills on the agenda was indeed embarrassing, the rough treatment of the closure bills should not be viewed in the same light, because the Governor did almost nothing to discourage legislative independence as far as the latter were concerned. The attitude of the Assembly is not surprising, for although Mr. Lucey had included a primary change on the agenda, he still was not doing the things he normally did to line up votes for a bill he wanted passed. He still was not communicating to the legislative leadership a real desire to see closure enacted. 36 In fact, his legislative liaisons to the Assembly and Senate did not bother even to count the votes for closure in either house. 37 As one source in the Governor's office put it,

... there just wasn't a real strong push. And frankly, we knew where the votes were; the Governor knew that damn thing wasn't going to pass. We weren't really out there lobbying heavily to
get the thing out, even in the special session. It all got back to this question of a "good faith effort"; obviously Lucey had to, for his own credibility, put it on the agenda for the special session.

Even the dramatic, last-minute Strauss visit which Mr. Lucey engineered was not an attempt to prod Democratic legislators to vote for closure, but rather an attempt to convince Mr. Strauss of the Governor's powerlessness to obtain their cooperation on the primary issue, and the legislators knew it. The "Strauss charade," as one Lucey aide called it, was the only time the Governor himself ever visited the Democratic caucuses regarding this issue; and, at the Assembly caucus, at least, he personally did not lend his own voice to Mr. Strauss's in behalf of compliance. Rather, seeing that Mr. Strauss was having no success and even seemed to have sparked some resentment, "Lucey seemed to kind of lay back and let Strauss hang out all by himself. He knew that Strauss wasn't getting anywhere, and that it was best for himself not to go down with Strauss." Thus, the defeat of closure may have seemed a personal setback for the Governor to some reporters, but it certainly was not viewed as such by most Democratic legislators, who knew from experience how little of himself the Governor had invested in the issue.

In January, 1976, after the special session had ended and Mr. Strauss had announced that his recommendation to the DNC Executive Committee would be unfavorable, Governor Lucey began to lend his voice to the efforts of Senator Thompson and Daryl Hanson to re-attempt a legislative solution. On January 14, 1976, the same day that Mr. Hanson and Mr. Kohl appeared before the Executive Committee in Washington, D.C. to appeal Wisconsin's case, Mr.
Lucey's press secretary labelled the seating of Wisconsin's delegation to the national convention an "over-riding concern" of the Governor's. He noted that the Governor felt Wisconsin's 68 delegates would be crucial for the 1976 nomination, given the crowded field of presidential hopefuls, and that he had said he would "hate to miss this convention." When the DPW leaders succeeded in obtaining permission for Wisconsin to attempt to enact closure until the February 15 deadline for submission of the caucus plan, Governor Lucey engaged in a highly visible but not overpowering campaign on behalf of Senator Thompson's SB-743. First, he had his Senate liaison deliver a letter urging its passage at the January 27, 1976 Senate Committee on Government and Veterans' Affairs hearing of that bill. That same day, the Governor's office sent out a press release even longer than the letter itself, summarizing the testimony which the letter had contained. Two days later, the Governor asked for passage of SB-743 in his annual State of the State message, an action certain to elicit notice, but not necessarily signifying that he considered the measure a priority and wanted it passed.

Then aides to the Governor began to hint occasionally to the press that Mr. Lucey was "very encouraged that there appears to be an emerging consensus, particularly in the state Senate, ... to ensure the continued integrity of the primary."

All of these efforts appear as if they might have been undertaken more for the edification of observers at DNC headquarters than for actual effect upon the legislature. But then the Governor also engaged in some unpublicized bona fide lobbying activities aimed at achieving passage of closure—at least through the Senate, anyway. For one thing, as already mentioned in the last chapter, Mr. Lucey appears to have called in at least one Senator (Cullen) to ask personally for his vote on SB-743. For another, he and Ms.
Reivitz met with Senators Thompson and Dorman and Representative Midge Miller to attempt to find a compromise that would end the differences between Senator Thompson and reformist DPW amateurs over the listing of every delegate candidate on the ballot by name, presumably in the interest of increasing SB-743's chance of passage. In sum, it appears there is some evidence that this time, Governor Lucey really did want the Senate to pass the bill.

Yet, when SB-743 came before the Senate on February 11, 1976, it was defeated by the defection of a single Democratic vote (Cullen's); a vote which, it seems, a Governor as strong as Mr. Lucey could have hung onto, had he really wished to do so. Most Capitol sources agree that Mr. Lucey almost always could get one vote somehow, often simply by calling in a legislator and asking for it, since the Governor by virtue of his preeminent position in both the government and party almost always enjoyed the advantage in a "one-on-one" situation with a legislator. Failing that, he could have gotten the vote by trading support for some bill to which the recalcitrant legislator attached a high priority. Some legislators live by the creed, "never give anything away without getting something in return." That the Governor met with the Senator holding the decisive vote, obtained it, and then failed to hold onto it, suggests that perhaps he asked for the vote but would not give anything away for it. As Assembly Speaker Anderson put it, "He [Lucey] knew that the bill didn't have a chance in the Assembly anyway, so why bust your gut getting that one vote in the Senate?"

Governor Lucey reportedly was furious with Senator Cullen for going back on his personal promise, which may be interpreted as meaning the Governor really wanted the Senate to pass the bill, or did not like it when someone like Mr. Cullen was not straightforward with him, or both. Ms.
Reivitz, the source who revealed that the Governor had been infuriated with Mr. Cullen, also revealed that the Governor really did not push for enactment of the bill because the meeting with legislators Thompson, Miller, and Dorman had convinced both herself and the Governor that it was "a crummy bill." For one thing, they had not been able to pin down Senator Thompson's intentions regarding several areas of question in the bill; for another, they feared that the necessity of having voters cast two ballots (for preference and delegate selection) would not be understood by many local election officials and voters.  

Thus, it appears that although Governor Lucey may have wished to see SB-743 pass the Senate, he did not wish for it to be enacted, and presumably was counting on the Assembly, which was either eight or ten votes short of passage, to defeat it. Indeed, the Governor never personally solicited votes from any of the roughly 25 recalcitrant Democrats in the Assembly, as he had done with Mr. Cullen in the Senate. One source close to the Governor says that Mr. Lucey put very little of himself into the effort to close the primary, and summarizes that overall effort, from December, 1975 through February, 1976, as follows:

The fact of the matter is, he made virtually no effort. He didn't put his prestige on the line in terms of the legislature. He put the thing on the agenda for the special session as part of the good faith effort. I mean, he had to do that to maintain any kind of credibility with the national committee. Secondly, he made one caucus appearance—that time with Strauss—and again I think that it was more of an effort to impress Strauss with the problem we had rather than have Strauss impress the legislature...
that they had to act.

If you know how Pat Lucey dealt with the legislature, he devoted very little time to this issue. It wasn't a situation where we were lobbying intensely and identifying it as a top priority part of the Governor's program; he wasn't calling in individual legislators, really putting the screws on. He didn't make the effort. I think that, [Lucey] probably being the most knowledgeable guy in the state about the workings of the national party, he also believed that at some point they were going to back down—with the right kind of effort from Wisconsin.

As it turned out, persuading the DNC to back down perhaps was what Governor Lucey had intended to do all along. In any case, that is precisely what he proceeded to do, as the rest of this chapter will show.

THE GOVERNOR GOES TO WASHINGTON TO SAVE THE PRIMARY

As soon as SB-743 was defeated and Mr. Kohl's second appeal for a waiver had not elicited any favorable reply, Governor Lucey reportedly asked his staff, "Who's going to make this decision to force us to use a caucus system?" When he was shown a list of the 25 members of the DNC's Compliance Review Commission, he said, "I know half of these people," and started calling them up to find out what the chances were for a reversal of the CRC's December 4, 1975 ruling that Wisconsin was non-compliant. Then, after he had received what he believed at the time were enough favorable responses to insure winning a reversal, he officially requested Robert S. Strauss's permission to appear at the next CRC meeting to appeal that ruling.
on the ground that a "good faith effort" indeed had been made. As Governor Lucey himself explained his preliminary testing of the waters,

There's an old rule that when you go to the Attorney General for an opinion on a legal matter, you ought to try to determine in advance what his decision is going to be, and if you don't like what it's going to be, don't ask for it. My feeling was that there'd be no point in my going down there to Washington and making a fool of myself in front of all these people and perhaps the law if we couldn't in fact get some advance assurances that we were going to succeed. I had what I thought were reasonably sound commitments from a majority of the members before I went in there.  

In his letter of February 16, 1976 requesting Mr. Strauss's permission, Mr. Lucey not only cited the efforts that he and the DPW had made, but also included a thinly-veiled threat calculated to strike fear into the heart of the DNC chairperson, whose oft-stated goal was a harmonious, confrontation-free convention in 1976. Alluding to a Wisconsin Attorney General's opinion that was forthcoming (it seems reasonable to conclude that Mr. Lucey followed his own rule, and asked for that opinion with malice aforethought), he informed Mr. Strauss that "there may well be two competing Wisconsin delegations seeking credentials at the convention in New York City—one selected by caucus under the mandate of party regulations, one selected by primary election under the mandate of Wisconsin law. Regardless of which delegation is seated, the controversy surely will have a disruptive effect on the convention."
was indeed a possibility, and must have concerned the latter greatly. Most observers conceded there was a strong probability that the results of the state primary and the caucuses would differ substantially from one another. Thus, it appeared quite possible that, unless someone captured the nomination before the convention (which at that time did not seem very probable), the candidates faring best under each system of selection would support the claims of the rival Wisconsin delegations in what could be a convention-splitting battle for seating. Although Governor Lucey later would say that Mr. Strauss never would have granted permission to appeal unless he thought Wisconsin could not win anyway, the truth may be that Mr. Strauss was trapped by his own personal pledge to produce party harmony and an orderly convention. In any case, on February 23, 1976, Mr. Strauss told Governor Lucey at a meeting in Washington, D.C. that the Governor could appear before the CRC at its March 5, 1976 meeting.

The Opposition to a Waiver

Although Mr. Strauss may have felt compelled to accede to Mr. Lucey's wish to appeal, it is true that he did not intend that the Governor should succeed in obtaining a waiver. Telling the Governor that the matter rested entirely within the CRC's jurisdiction and that he himself was "powerless to influence the committee," Mr. Strauss refused Mr. Lucey's request that he help convince the CRC to grant Wisconsin a waiver.

In reality, though, Mr. Strauss was not at all powerless due to his influence over the CRC staff and many of the 12 members he had appointed to that body. Within the limits of his claim of disinterestedness, he did everything he could to hold the CRC to its previous position. When Governor
Lucey argued during his appearance that the CRC should grant a waiver because Wisconsin had taken the necessary "provable positive steps" between December 1975 and February 1976, the CRC staff openly disputed his arguments. According to CRC executive director Scott Lang, "The staff's position on this was, 'No, there was a deadline prior to which they were to take provable positive steps: Wisconsin should not be permitted to have its primary, and should be compelled to have a caucus system.'" Backing up the CRC staff's position was the CRC's seven-member Legal Advisory Council, which handed down an opinion arguing that

> Provable positive steps, in our opinion, cannot be defined as a last moment effort undertaken by a state party when it becomes apparent to that state party that the national delegate selection rules apply to all state Democratic parties.

The staff also argued, again based on the Legal Advisory Council's opinion, that the CRC itself did not have the option of granting Wisconsin an exemption to rule 2A: when the CRC officially declared Wisconsin non-compliant on December 4, 1975, the matter then came under the authority of the DNC Executive Committee pursuant to rule 19H, and that body's January 14 resolution ordering Wisconsin to adopt a caucus system (or close the primary) by February 15 had not specified that Wisconsin might still seek a waiver.

Mr. Strauss could not allow himself to be seen involved in lobbying the CRC members to hold firm, but he did precede Governor Lucey's presentation with a small speech to the CRC about how proud he was of the work it had done so far, and how pleased he was that the members had managed to avoid factional quarrels pitting regulars against reformers. Then, after noting that several early primaries and precinct caucuses already had occurred,
Mr. Strauss concluded by carefully insinuating the point he wanted to make to the members:

I think that we have learned another lesson, we have learned that the earlier we do this the better we do it. The further you do it from the Presidential nomination then the fewer cross-currents you get that interfere with operations. When I stop and think how far you have come before we got into really what I call the Presidential season, the nomination season, I know we chose [closed?] our duties well, almost perfectly. It seems clear that Mr. Strauss meant to suggest to the members that a decision changing Wisconsin's delegate selection procedure after the nomination race already was underway could not help but be tainted by the jockeying for position among presidential candidates. It is significant that Mr. Strauss addressed these remarks to the CRC in the afternoon, right before the Wisconsin case, rather than in the morning, at the start of the day's session.

Aside from this, Mr. Strauss personally did very little to influence or impose his will on the CRC that day, but then he did not operate that way. He had Mark A. Siegel, his executive director, to act as his surrogate on those occasions when Mr. Strauss wished to work his will without seeming to be personally involved. Mr. Siegel acknowledges that he did try to influence the CRC's March 5 decision:

I worked actively, quietly, but I think obviously to enforce the rules informally and in this case very clearly. I was very upset that the action of the CRC went the way it did, and
tried very hard to make sure it didn't. 63

Mr. Siegel's quiet but obvious tactics chiefly consisted of pulling CRC members out of the meeting and into his office, one at a time, to lobby them to vote to uphold the rules. To the extent that he tried to influence these commissioners, Mr. Strauss can be thought of as doing so, too.

When I spoke, it was Strauss speaking. I spoke for him. We were one and the same. . . . Strauss tried to influence the CRC to the extent I tried to do so. . . . 64

Backing up the opposition of Mr. Strauss, Mr. Siegel, and the CRC staff were (1) the forces of Senator Henry Jackson, the presidential candidate who stood to lose the most if the Wisconsin open primary were restored for purposes of delegate selection, and (2) the Michigan Democratic Party, which really had tried to close its open primary, but had not been able to do so. Senator Jackson had concluded earlier that Wisconsin would be forced to adopt a caucus system, and invested most of his time and money in New York instead, while his skeletal Wisconsin organization worked on organizing a blue-collar turnout for the caucuses. When the movement to restore Wisconsin's open primary was initiated by Governor Lucey, Senator Jackson countered with his own lobbying. 65 Joining him in opposition to the waiver was Michigan's State Democratic Chairperson Morley Winograd, who warned in a letter read aloud at the March 5 CRC meeting that he would challenge the Wisconsin delegation if that state was not held to the same standard his own was. 66 (Indeed, Governor Lucey believes that Mr. Winograd was also a Jackson supporter, and opposed the waiver for that reason as well.) 67
Lucey's Lobbying Strategy

But Mr. Strauss and his staff, even with Senator Jackson's and Mr. Winograd's help, were no match for the kind of pressure that was exerted upon the CRC members to reverse their earlier decision. After Governor Lucey had sounded out his acquaintances on the CRC and obtained Mr. Strauss's permission to appeal, he set about lobbying each of the 25 commissioners sitting on that body. The Governor's aide for national politics, Brady Williamson, did the groundwork by compiling an index-card file containing basic political intelligence about each of the 25 CRC members which could be used by the Governor when lobbying these persons. This groundwork would be of far greater assistance to Governor Lucey's cause than any of the other preparations made, including the remarks and documentation he would deliver in front of the CRC on March 5, 1976. The Governor indeed may have been personally acquainted with about half of the 25 who would sit in judgment on his appeal; but to succeed he would have to win the votes of more than half of the members (eighteen, to be exact), and the cards in this file are full of clues hinting at the four-pronged strategy he planned to employ in accomplishing this task.

The first and foremost tactic in this strategy was to solicit the vote of each of the 24 voting commissioners (see footnote 68) by personal telephone call from the Governor. Thus, many file cards, such as that on George Barrett, a facsimile of which is presented here, contained personal background information and refreshed the Governor's memory of those commissioners whom he had met previously. If "going one-on-one" did not work with some commissioners, the Governor could resort to a second tactic: the use of his extensive connections throughout the top levels of the national
George Barrett  
Third National Bank Bldg  
Nashville, Ten..  37219  615-244-2202  

Long-time liberal Dem. in Nashville. Campaign mgr. for recent mayoral race—former Congressman Richard Fulton. He won. Practices labor law. Fulton's office said Barrett was the "single most steadying" influence on the Tenn. Dem. Pty. Did you meet him when you made that speech in Tenn. last May? Bob Dunn says yes. Suggests we call Corbin. Paul Kirk indicates that he always has been cautious about pty rules that go too far.

Democratic party to exert leverage upon those commissioners who might harbor personal ambitions. The file cards on some CRC members, such as Mayor Doris Davis of Compton, California, make note of these ambitions in a manner that obliquely suggests that the "pecking-order" in that person's home state Democratic hierarchy might be used to advantage. This card on Mayor Davis,
like that on Wallace supporter Drayton Pruitt of Livingston, Alabama, also contains a reference to whether or not the commissioner preferred any presidential candidate, which suggests yet a third method of trying to influence

Drayton Pruitt  PO Drawer PP  Livingston, Ala.  35407  205-652-9627

Mayor. Wallace supporter. Probably will follow Vance. Apparently will have Vance's proxy. Bleicher has talked with him--says he's with Wis.

the commissioner's vote. If the CRC commissioner was a supporter of a candidate who stood to benefit from the restoration of the Wisconsin primary (e.g., George Wallace, who stood to win more delegates in the primary than in caucuses, or Morris Udall, who would have done well in caucuses but needed a primary win after finishing second in New Hampshire and Massachusetts), then Governor Lucey might persuade that candidate's campaign organization to lobby the commissioner for reversal. Fourth and finally, if CRC commissioners were neither ambitious, nor committed to a candidate in need, nor in any other position lending itself to simple arm-twisting, they still might be persuaded through the good offices of a trusted peer or associate, who also happened to be a friend or political ally of Governor Lucey's. The card on liberal unionist Edward Donaghue identifies two such Lucey friends who also happened to be close to Mr. Donaghue. Bill Dodds,
Edward Donahue  
1900 L St. N.W.  
Washington, D.C.  
202-872-7900  

Political director, Graphic Arts International Union, Washington, D.C. Close to Al Barron. Close to Bill Dodds, who is trying to reach him.

a long-time Lucey friend who had been DNC executive director under DNC Chairperson Jean Westwood during the 1972 McGovern campaign, was now Mr. Donaghue's opposite number (i.e., political director) at the UAW, which along with Graphic Arts International was a member of the liberal labor coalition. Alan Baron, who had worked under Mr. Dodds at the DNC and now worked on Senator McGovern's staff, was a close friend of Governor Lucey's aide and confidant, Robert Dunn, and knew the Governor as well.

Having thus made his preparations, Governor Lucey was ready to move. During the four days immediately preceding the CRC meeting, March 1-4, the Governor sat down with Brady Williamson and his card file and made personal calls to all 24 voting members of the CRC, as well as to many other politicians who might be in a position of leverage over those who were recalcitrant. According to interviews of Lucey staffers and CRC members, the effort proceeded exactly as the card file suggests. Very often the Governor's primary tactic of personally requesting the CRC member's vote was enough to elicit that member's cooperation. As one aide put it, it was a
simple matter of people who were mayors, state legislators, or DNC members "receiving a call from a nationally respected Governor and politician who wants to discuss [his] problem and talk about the internal situation in the state of Wisconsin [with them]. . . ."71 For example, when Governor Lucey called CRC commissioner Richard Hatcher, the mayor of Gary, Indiana, he merely spent a few minutes explaining the problems presented by Wisconsin's political culture and described the compliance efforts that had been made, and Mayor Hatcher agreed to vote in favor of a waiver. It was, said one Lucey confidant present during that phone call, simply a matter of one professional politician being sympathetic to the problems of another on a matter of no consequence to his own bailiwick.72 Indeed, during the debate following Governor Lucey's presentation on March 5, Mr. Hatcher even told his fellow commissioners that Wisconsin had made a greater effort to comply with the rules than had Indiana, which the CRC had ruled was in compliance.73 Another on whom Mr. Lucey's "one-on-one" tactics evidently worked was former New York State Democratic Chairperson Joseph F. Crangle, who claims he voted for the waiver "because of Governor Lucey's presentation and his discussion with me as to its merits. There is no other reason for my casting the vote in favor of Wisconsin."74

Those who were not so amenable as Mr. Hatcher and Mr. Crangle were the subjects of much more than a call from Mr. Lucey. Lucey confidant Linda Reivitz acknowledges that when rational argument failed, the Governor leaned on people. "[O]n those he didn't know or couldn't sway, he called bigger people in their states whom he knew and had them lean on people."75 A classic example of how this tactic was employed was the lobbying of CRC regular bloc member Ann Campbell, who was state chairperson of the New Jersey Democratic Party. The pressure began with Governor Lucey's telephone call,
an occurrence which reminded Ms. Campbell of the storied White House switchboard operators: "He tracked me down, but how I don't know. I was at a meeting that I don't think anyone, even in my family, knew about." During the conversation which followed, Ms. Campbell refused to commit her vote to Wisconsin. Later, she learned from an aide to New Jersey's Democratic Governor Brendan Byrne that Governor Lucey shortly thereafter had called Governor Byrne and asked if he had any influence over Ms. Campbell's vote. (As things turned out, Governor Byrne did not ask Ms. Campbell to change her vote--she claims he never would have asked her to do anything against her conscience.)

Another who was the object of Lucey-generated pressure was Maclovio Barrazza, an Arizona Steelworkers' Union official. Lucey aide Brady Williamson asked his former Georgetown law school classmate, Jack Quinn, who was Morris K. Udall's national campaign director, to have Congressman Udall lobby his fellow Arizonan on behalf of the reversal. Congressman Udall spoke to Mr. Barrazza, and asked not only for his vote but also for his help in lobbying other CRC commissioners. Mr. Barrazza voted for Wisconsin, and also spoke to other CRC members on the day of the meeting.

Congressman Udall's intervention with Mr. Barrazza should not be thought of as an example of the third tactic identified (pressure through a presidential campaign), because Mr. Barrazza reportedly favored not Congressman Udall but Senator Jackson, whose campaign was very much opposed to a waiver. However, other CRC commissioners, especially those favoring presidential hopefuls who figured to do well in the Wisconsin primary, were lobbied by campaign representatives or by the candidates themselves, at Governor Lucey's instigation.
The Governor was in contact with all the major presidential campaigns, in terms of putting pressure on the [CRC], with the basic argument being, "Look, you guys already have campaign organizations here, for the most part; all of you have been spending money here; if indeed the national committee sticks with this compliance ruling, the Wisconsin campaign is a charade." I recall calls being made to the campaign organizations of Wallace, Udall, Carter. . . .

One CRC member who was approached by an interested campaign organization was Ann Campbell, the same New Jersey leader who earlier had refused Governor Lucey's request for her vote. Ms. Campbell, who liked Mr. Udall and did him several favors in New Jersey, was approached by members of his campaign staff who tried to persuade her to change her vote. However, as soon as they broached the subject she cut them off, saying that her mind already was made up on the matter, and that she did not wish to discuss it.

Another CRC member approached by the Udall campaign was New York feminist attorney Phyllis Segal, who was a core member of the CRC's pro-accountability or reform bloc, but also was very favorable to Congressman Udall's candidacy. Prior to this time, Ms. Segal had been probably the strongest voice on the CRC for strict enforcement of the rules; indeed, Mark Siegel singled her out as "the queen of the reformers." But on March 5, Ms. Segal abandoned that pattern of behavior under what sources termed "extremely heavy pressure" from elements in the Udall camp, and cast what virtually everyone at the meeting regarded as a pro-Udall vote in favor of Wisconsin's appeal. Ms. Segal, who argued forcefully in Wisconsin's behalf at the March 5 meeting, evidently later acknowledged that she had
voted for the waiver in order to help Mr. Udall: Longley's study, which identified Ms. Segal as "the bellwether" of the reform bloc, later cites "the bellwether" of that bloc as having said that her vote on the Wisconsin question "was based on candidate preference, pure and simple."

Congressman Udall's supporters on the CRC were not the only ones Governor Lucey appealed to on the basis of the best interests of their preferred choice for the nomination. Mr. Lucey was aware that George Wallace believed he could win several delegates, and possibly even the primary itself in Wisconsin, and knew that Alabamian Drayton Pruitt's vote probably could be obtained on that account. Indeed, as it turned out, the Wallace campaign already had passed its instructions to Mr. Pruitt. As the file-card on him indicates (above), when Michael Bleicher called in advance of Governor Lucey's call, he found Mr. Pruitt already willing to vote for a waiver without any convincing from the Wisconsin Democrats, and so Mr. Bleicher thanked him and hung up. The result, said one CRC member, was the creation of "a truly unholy alliance—the only time all year Drayton Pruitt ever voted with Phyllis Segal."

The same thing happened when Governor Lucey called Georgia Congressman Andrew Young, who was Jimmy Carter's vote on the CRC. As the Governor himself pointed out, "We had Andy Young helping us because he figured it would help Carter." It is instructive to note that up until a few days before the March 5 CRC meeting, Jimmy Carter's campaign had lobbied vigorously against restoring the Wisconsin primary. But when his private pollster brought in the results of a sample showing him well ahead of Congressman Udall in Wisconsin, Mr. Carter decided he had no objections to a meaningful Wisconsin primary after all, and his campaign reversed its stand on the question of a waiver. Many observers of the CRC point out that since Andrew
Young had attended only one or two previous CRC meetings, he could not possibly be familiar with the Wisconsin case, and presumably attended and voted as he did because of the interests of the Carter campaign rather than according to the merits of the case. 89

Governor Lucey's final tactic was to work through the good offices of a friend or ally who was known and respected by the CRC member Mr. Lucey wanted to influence. For example, it is acknowledged that Mr. Lucey made heavy use of his old Kennedy contacts (specifically Paul Kirk and Dave Burke, both of whom worked for Senator Edward Kennedy, and Paul Corbin, a top assistant to Attorney General Robert F. Kennedy) to lobby those CRC members from New York and the New England states. 90 Presumably Mr. Kirk and Mr. Corbin also may have spoken with George Barrett, as indicated by the file-card on Mr. Barrett (above). The Governor also had many contacts in the liberal labor coalition whom he utilized to influence labor officials on the CRC, and from the 1972 McGovern campaign whom he utilized to lobby reformists on the CRC. For example, just before Mr. Lucey called to lobby Justin Ostro, the Machinists' Union official from Connecticut, Wisconsin-region Machinists' head John Heidenreich called to ask Mr. Ostro if he would hear Governor Lucey out. 91 Mr. Ostro not only voted for Wisconsin on March 5, but was the author of the resolution proposing the waiver. 92 As already mentioned, the Governor had another liberal labor coalition friend, UAW political director Bill Dodds, trying to lobby his counterpart in the Graphic Arts International, Edward Donaghue. Governor Lucey appears to have relied heavily on the assistance of Mr. Dodds, who along with Wisconsin feminist Midge Miller lobbied CRC commissioner Barbara Mikulski, and, judging by entries penned in the Governor's scheduling book, was in close telephone contact with Mr. Lucey during the period March 1-4. 93 Another
Barbara Mikulski  
City Hall  
Baltimore, My. 21202  301-396-4808

Dodds is trying to reach her. Baltimore councilwoman. Ran against Sen. Mathias in '74. May run for Congress this yr. Chaired the committee that wrote the pty's rules. Midge will call. Mikulski will not be there—giving proxy to Segal. Midge says she is sympathetic but made no commitment.

who did the Governor more than one favor was McGovern aide and Baron Report publisher Alan Baron, who was involved (along with Mr. Dodds) in the lobbying of Edward Donaghue, and also lobbied CRC member Angela Cabrera, a Puerto Rican feminist and former McGovern delegate whose nomination to the CRC had

Angela Cabrera  
1350 Ave of Americas  
New York, N.Y. 10019  212-977-2700

Works for Gov. Carey. Women's Division, St. of N.Y. David Burke thinks highly of her. Says she would be receptive to Wis.'s arguments. McG delegate in '72. Puerto Rican. Paul Kirk says she worked for Sen. Kennedy in NY. Al Baron will call.

been loudly protested by party regulars in the New York Democratic
Finally, Arie Taylor, a black Colorado legislator and former McGovern delegate whose nomination to the CRC also was protested by regulars, was called and lobbied successfully by Michael Bleicher, the reformist Wisconsin DNC member.

The March 5 CRC Meeting

The effect of all this pressure was evident as soon as the March 5 meeting started, before a vote even was taken. One CRC member maintains that "When I walked into the room, I could have counted the votes just by the expressions on their faces. . . . Pat Lucey really strong-armed the deal." Another remarked early in the debate following Governor Lucey's remarks that he could tell from the discussion which way the vote was going to turn out.95

Yet, it should be noted that the pressure Governor Lucey brought to bear on the CRC commissioners before their meeting, potent as it was, was not enough by itself to secure victory. The Governor also had to present Wisconsin's case at the meeting convincingly enough to enable the commissioners to let on that they were voting for Wisconsin on the merits of the issue, rather than because they had succumbed to pressure to do so. He told them that

The situation in Wisconsin, I think, is unique and perhaps that is why we are unique in our non-compliance. Wisconsin has had a primary for 70 years. It has been a so-called open primary . . . . This has been a longstanding tradition. I know that most people and most jurisdictions think that it is little enough to ask simply that on the day of the primary that one
publicly indicate his party preference before accepting a
ballot for that party. Yet this has been a very difficult
concept to sell to the legislature. . . . I know of no issue
in which I exerted more effort, exerted more of my credits
than I have in trying to get them [the legislature] to put
Wisconsin in compliance with the rules.\textsuperscript{96}

He also presented the commissioners with a three-page chronology of Wiscon­
sin's compliance efforts, which conspicuously omitted or down-played such
non-compliant gestures as the lawsuit and the refusal to adopt an alternate
dele gate selection plan,\textsuperscript{97} and brought with him DPW Chairperson Kohl and
Wisconsin Congressmen David Obey and Robert Cornell to make brief supporting
statements to the CRC.\textsuperscript{98}

Despite the pre-hearing pressure campaign and the Governor's performance
in front of the CRC, however, the issue was very close. Shortly before the
CRC voted, Governor Lucey found himself going up to tell Graphic Arts Inter­
national's Edward Donaghue, who had promised the Governor his vote only if
it was needed (he had an important bill coming up before Henry Jackson's
Senate committee the next week), that his vote would be crucial.\textsuperscript{99} The
Governor was right. After a vote to close debate passed by a margin of 13-
10, Mr. Ostro's motion granting Wisconsin a waiver for 1976 passed without a
vote to spare, by a margin of 18-5, with one abstaining.\textsuperscript{100} Evidently, Mr.
Donaghue's vote was the pivotal one, for as soon as Mr. Lucey had finished
talking to him, Robert S. Strauss apparently asked Mr. Donaghue for his vote,
too. As the DNC leader told Governor Lucey in a letter dated March 9, 1976:

\textit{Congratulations! Now that it is all over I do want to confer
[sic] to you that I had very mixed emotions about your case and}
would have had a hard time voting for you, but I only said so to one person--Ed Donaghue and that was just before the vote when he had already indicated to me that he was going to vote the other way. 101

Governor Lucey returned home to a hero's welcome with much attention from the Wisconsin press, which had gotten the meaningful open primary it had been agitating for, and did not ask too many questions about how the prize had been won. Only one or two of the larger newspapers' Washington correspondents even mentioned in passing that Mr. Lucey had engaged in pre-meeting lobbying, 102 and none mentioned the lobbying role of the candidates and sundry friends and allies of the Governor. Instead, the press printed the story as Governor Lucey told it in an airport press conference, in which he gave the impression that the arguments he had presented before the CRC were decisive, and that the case had been decided on its merits. On front page and editorial page alike, most Wisconsin newspapers portrayed the CRC reversal as a personal accomplishment, as the single-handed achievement of Governor Patrick J. Lucey. 103

Summary and Analysis

Looking at the Governor's actions up until February 15, 1976, it is possible to see that, like the DPW leadership, he too preferred and tried to implement a strategy aimed at achieving a "good faith effort" waiver. As head of state, legislative leader, state party leader, and national party leader all rolled into one, the Governor apparently was trapped in a "no-win" situation by the primary issue. After much hesitation and searching for a loophole, he yielded to what seemed the inevitable and chose the course
best suited to minimize his political losses. He pushed, unenthusiastically, for the legislature to attempt to pass a bill closing the open primary; hoping as he did so that the attempt, which was doomed to fail, would be enough to convince the CRC to grant Wisconsin a "good faith effort" waiver.

Judging by the temporarily conciliatory remarks of Mr. Siegel and others at the DNC (above, page 174) once Governor Lucey and the DPW finally took their first steps along this path, it seems quite possible that this "good faith effort" strategy might have succeeded, had the Governor not been confronted in midstream with a classic human dilemma. The Governor believed that the lawsuit option, as outlined by his ex-aide, Mr. Hase, offered a reasonable chance to have it both ways—to keep Wisconsin's primary open and binding without having to go through the unpopular and politically harmful motions of attempting to close it. So he changed policies in midstream. The problem with the "good faith effort" strategy was that the press, as Mr. Lucey told the New York Times and the CRC, was attacking him repeatedly (and apparently very effectively) for even going through the motions of compliance. Hence the attractiveness of the lawsuit, which ultimately proved fruitless as the DPW leaders had warned it would, and which destroyed all appearances of "good faith" in the eyes of the CRC and DNC leadership.

As the leader of the party-in-government as well as of the party organization, Governor Lucey often seemed to find it expedient to undercut the DPW organization's efforts to compile a credible record of "good faith effort." Both he and his legislators felt it was so dangerous even to give the appearance of contemplating a primary change that the Governor undermined the DPW first by approving the lawsuit, and then by not introducing closed primary legislation during the September legislative session. Indeed,
it also seems quite likely that the Governor was largely responsible for another credibility-shattering action—the DPW Administrative Committee's refusal to adopt an alternate, caucus plan. DPW Chairperson Kohl, who is credited by some with having prevented the adoption of such a plan (above, p. 187), was a political novice hand-picked by Mr. Lucey (for his fund-raising ability) to be state chairperson; and most of the undertakings he is credited with actually were done in his name by the party's executive director, who had come to his post straight from the Governor's office. Even Mr. Kohl's stated reason for delaying approval of the alternate plan suggests the Governor's thinking: he said he wished to await the outcome of the lawsuit, which Mr. Lucey himself had said he hoped would be decided before determining whether to include closure on the special session agenda.

Although the Governor later tried (unsuccessfully) to explain these "bad faith" actions to the CRC as steps necessary to convince a balky legislature that there was no recourse except to close the primary, it is clear from the evidence presented in the first part of this chapter that he never mounted a serious effort to achieve closure. As one top DPW official later observed, "I don't think he [Lucey] ever really did make a move . . . to change the law." Mr. Lucey was being truthful when he told the CRC that he knew of no issue in which he "exerted more effort and more of his credits"; but it is clear from the second part of this chapter that he exerted them mostly in trying to convince the national party to let Wisconsin keep its open primary, rather than in trying to close it. When asked how much of his political capital the Governor actually spent on the primary issue, one member of his staff replied, "In terms of the state of Wisconsin, I'd say virtually none; in terms of the nation, . . . a lot."

This leads us to the not too far-fetched possibility that perhaps the
Governor's lack of compliance effort in Wisconsin and herculean effort to save the primary in Washington were part of one and the same strategy. Mr. Lucey may have anticipated that the exigencies of the race for the party's presidential nomination would generate pressure from candidates likely to do well in Wisconsin to keep the historically important Wisconsin primary meaningful. This may help explain why Mr. Lucey hesitated very little to engage in the lawsuit and other actions undermining the "good faith effort" strategy, and why his personal compliance efforts were so tardy and unenthusiastic in the first place.

Or, conversely, Mr. Lucey also may have hoped that by withholding on compliance until the primary was set aside, and then resurrecting the primary once the race for the nomination was underway, he not only might salvage all the conflicting interests of his various state and national roles, but even might enhance them in the process. He might be the rescuer of the primary in his home state, and possibly a king-maker as well. If he could resurrect the primary after all the candidates but one, believing the primary to be meaningless, had budgeted their time and money in other states, the Governor might launch that lone remaining candidate on the road to the nomination with a victory in the important Wisconsin primary, thus earning high favor for himself and striking a blow for the ideals he believed in, too. These were prizes which could not have been won if the waiver were obtained before the primary leg of the nomination race had started, or if it involved making a genuine compliance effort in front of the watchful eyes of the Wisconsin press.

It is impossible to say whether Mr. Lucey actually anticipated the opportunities for political gain inherent in the late restoration of the primary, and planned his dilatory 1975 compliance efforts accordingly. But
even if he was not that prescient (which seems probable, given his hope that the lawsuit might succeed), I am quite certain that a politician of his caliber was quick to recognize those opportunities as soon as they loomed on the horizon. It is not at all far-fetched to conceive that, somewhere around the time Wisconsin was declared non-compliant and had a caucus system imposed on it by the DNC, Mr. Lucey foresaw the state and national benefits that could accrue from resurrecting the primary after the primary leg of the nomination race already was underway.

The proof of this perhaps can be found in the relationship between Governor Lucey and the only candidate who continued to organize, spend money, and visit regularly in Wisconsin after the state was found non-compliant by the CRC on December 4, 1975. That candidate was Morris K. Udall. Governor Lucey, despite his public posture of neutrality, was a Udall partisan beneath the surface. One Lucey aide recalls that

His personal preference was for Udall, and he made that clear several times in oblique and not-so-oblique ways. Go back to the newspapers of the time. His stance was neutral, but he had nice things to say about Udall. He didn't say much about Carter, and didn't really care to see Carter win. I think you could say that he leaned toward Udall. . . . Several people were calling to seek his advice about who to back, about who Lucey wanted to see win. Of course, his very close friend, Bill Gerrard, was backing Carter, so he was okay there, too; but he helped steer people toward Udall.

There is much evidence that Mr. Lucey favored Mr. Udall, and did everything he could behind the scenes to help him win. Much of this evidence comes
from Mr. Lucey himself, who admitted, "Mo and I have been good friends for a long time." Like Mr. Lucey, Congressman Udall was a liberal, and enjoyed (along with brother Stewart) close ties with the Kennedys, both of which mattered a great deal in the eyes of the Governor. Consequently, Mr. Lucey did little favors for Mr. Udall: "I threw Mo a few home run balls when he and Carter and a whole group of candidates [answered questions at] the Democratic Governors' Conference in December, 1975." Governor Lucey also said he voted for Mr. Udall, and added that had he known the result of the Wisconsin primary would be so close (Carter-271,220/Udall-263,771), he would have endorsed Mr. Udall. However, the poll data which both campaign organizations had made available to him just before the primary had convinced him that Mr. Carter would win by a considerably larger margin, so he remained officially neutral.

Yet, even though Mr. Lucey himself remained publicly neutral (and this in itself indicates a preference for Mr. Udall, since Mr. Lucey did not endorse the likely winner), a mass endorsement of Mr. Udall by Governor Lucey's cabinet officers and staff was arranged with the Governor's approval, and most of these politicos turned out to be seen at a large Udall rally in Madison just before the primary. Indeed, the Udall campaign's Second Congressional District coordinator Thomas Loftus, who enjoyed a close working relationship with the Governor's office in his capacity as aide to Assembly Speaker Anderson, says that he always got the impression from Lucey staffers that Mr. Udall's campaign "was the campaign in the Governor's office," and always found that office cooperative.

But the most convincing proof that Governor Lucey wanted Mo Udall to win the Wisconsin primary (and the Democratic nomination) is the CRC reversal itself, which took place a month before Mr. Lucey became convinced that
Mr. Udall could not catch Mr. Carter in Wisconsin. The governor acknowledges that a personal desire to help Mr. Udall figured very prominently in his decision to appeal to the CRC for a waiver.

What was my motivation in trying to get the Compliance Review Commission to turn around? I think it was a combination of the two things: one, I thought that Udall needed a viable primary; and two, I did not want to see Wisconsin go to a caucus system... 112

Late in the afternoon of March 5, after the CRC had voted to let Wisconsin have its primary, Governor Lucey and Congressman David Obey visited Congressman Udall in his office on Capitol Hill. Mr. Lucey told reporters at that time that the visit did not mean he favored Mr. Udall's candidacy, and that he also would have visited Henry Jackson if invited. 113 Now, however, he acknowledges that the visit was a celebration of their success that afternoon:

I went up to see Mo right after the vote, and we sort of rejoiced together that we had succeeded. And I lectured him and I said, "Now, don't take it for granted—it's going to take a real effort—but at least you've got the chance now." 114

Why should Mr. Lucey want to help Mr. Udall at that point in the race, after Mr. Carter had won in Iowa and New Hampshire and was leading in Florida, and Mr. Jackson had won in Massachusetts and was way ahead in New York? Why should such a smart and ambitious politician risk helping a candidate who had yet to win, when he could have sided with the likely winner and earned political favor? Perhaps one reason is that, as Steven J.
Brams's work on coalition-formation suggests, the politician stands to gain more by making a "dark horse" the nominee than by backing the front-runner who already has so many aboard the band wagon. Mr. Udall had yet to win, and would be much more indebted to Mr. Lucey if he won the Wisconsin primary than would Mr. Carter, who already had won in Iowa and New Hampshire, and would be inclined to credit his own momentum for his victory in Wisconsin regardless of whether Mr. Lucey endorsed him or not.

But surely another reason why Mr. Lucey still was trying to help Mr. Udall at this point is that Mr. Lucey frankly did not care to see the front-running Jimmy Carter, whose views and record he criticized several times, win the nomination. Unlike Mr. Lucey, who was a northerner, a backer of liberal candidates and causes, and a very influential figure in the national Democratic power structure, Mr. Carter was a southerner, a moderate-to-conservative, and was running against the power structure with remarkable success. His nomination would be a defeat for the principles Governor Lucey believed in, and would work against rather than enhance Governor Lucey's national influence--both of which interests the Governor had sought to protect throughout the primary controversy, and which motivated him to seek a reversal from the CRC.

I do not contend that these were the only reasons or even necessarily the strongest reasons for his decision to confront the national party. Aides to the Governor point out that the Wisconsin tradition of openness and independence, and the dangerous political consequences of curtailing those values, were important motives. Behind this concern for the Wisconsin electorate's rights and temper, they added, lay an even greater concern for the state's traditional influence on presidential nominations and within the national party:
The main concern in this was always to protect Wisconsin's position. Wisconsin had played a historic role in previous nominations, and Lucey's biggest concern at every stage was to prevent the loss of this influence under the new rules. When it became obvious that the caucuses would not attract much attention, he began working to save the primary and the influence it had.\textsuperscript{117}

Nor was this simply a concern with influence for influence's sake. The Governor wished Wisconsin's primary to remain meaningful because liberal candidates always had done well in it, and he "was concerned that the liberal candidates were getting swamped in the early primaries."\textsuperscript{118}

But surely implicit in this concern for liberal fortunes and for the state's influence upon the nomination was no little concern for Governor Lucey's personal influence with the nominee, and subsequently within the national party and hopefully the national government as well. Aides to the Governor admit that the expectation of attention received during the Wisconsin primary campaign was a compelling factor in his decision to try to reverse the CRC.\textsuperscript{119} It was no secret that after six years as Governor, Mr. Lucey was ready to move on to new challenges. Many Wisconsin Democrats perceived that he had become "bored" with state government, and "wanted in the worst way to get into national politics. . . ."\textsuperscript{120} There was talk that the Governor hoped to be considered again for the vice presidential nomination, as he was in 1972;\textsuperscript{121} indeed, shortly after the 1976 primary he admitted to reporters that he would accept the nomination if it was offered to him, but would not actively seek it as he had in 1972.\textsuperscript{122} If not on the ticket, Mr. Lucey still figured to be a logical consideration for almost any
Democratic contender's Cabinet, due to his extensive connections and very strong position in the national Democratic hierarchy. But would Jimmy Carter, who was running against the establishment and had been criticized rather sharply by Governor Lucey, pick the Governor for his Cabinet? Unquestionably, Mr. Lucey's personal stock, as well as that of the things he believed in and fought for, figured to stand much higher with a President named Udall than with one named Carter.

To sum up, national political considerations figured as prominently as state political considerations in Governor Lucey's decision to exert so much influence and effort to save Wisconsin's primary. The proof of this lies in the timing of his appeal effort (after the primary season was underway), in Mr. Udall's unmatched campaign activity in Wisconsin even after it was ruled non-compliant, and in the Governor's own statement that his last-minute rescue of the primary was intended to benefit Mr. Udall as well as the people of Wisconsin. That daring and brilliantly-executed rescue demonstrated the Governor's desire to wear all of his hats, to realize all the interests of his various state and national roles that had been placed in conflict with one another by the primary issue. It seems quite likely that the tension between these interests, and the Governor's desire to salvage all of them, also may help explain the initial difficulty he had in deciding what course to follow (caucuses, or a try for a waiver), and his subsequent deviation from that course to sue the DNC. Simply stated, he had a difficult time deciding, with so many interests and values at stake.

In summing up, however, it should be pointed out that what is perhaps most significant in this chapter from the standpoint of political science is not the Governor's successful maneuvering itself, but rather the fact that his success illustrates the position of strength which state parties
always have enjoyed in their dealings with the national parties under our federal system. A state party challenged national party rules setting down what kind of primary election it could hold, and succeeded in backing the national party down in a confrontation held in the latter's own bailiwick, with its own judges presiding. Thus, it would seem at first glance that the standardization of delegate selection procedures carried out by the national Democratic party during the early 1970's has not achieved the hoped-for-increase in the authority and strength of the Democratic National Committee: apparently, power within the national party structure continues to be decentralized and in the hands of state and local party leaders. But such a conclusion really is not entirely accurate, for the circumstances under which Governor Lucey and his state regained the right to choose delegates by open primary were quite exceptional, as the next chapter will show.
NOTES

CHAPTER VIII


3 "But the pretense of compliance, as detailed in a bill now before the legislature that will be a curiosity in the historical record, is so clumsy and foreign to Wisconsin tradition that its mere presentation must be an embarrassment." John Wyngaard, "Primary As Is Likely," Green Bay Press-Gazette, 12 June 1975.

4 Copy of Transcript, DNC Compliance Review Commission meeting, 5 March 1976, DNC files, Washington, D.C., 86. See also "The Wisconsin Primary Question: Chronology," no date, personal files of Brady Williamson, Madison, Wisconsin (mimeographed). The latter was passed out to CRC members by Governor Lucey at the March 5 meeting.

5 Ibid.


7 Robert Milbourne, Memorandum on "Bill Draft for Presidential Preference Vote" to Daniel Wisniewski, Linda Reivitz, and Michael Bleicher, 7 May 1975, personal files of Linda Reivitz.

8 Reivitz, interview, 4 August 1977.
9 Ibid.

10 Governor Patrick J. Lucey, Letter to Representative David R. Kedrowski, Chairperson of the Committee on Elections, 23 June 1975, files of the Assembly Committee on Elections Chairperson, Madison, Wisconsin.


13 Ibid. Lucey aide Brady Williamson goes Ms. Reivitz a step further, and says, "My involvement, and really that of the Governor, with some minor exceptions, took place in a two-week period after the bill [SB-743] failed."


14 This language ran thusly: "Each elector casting a ballot in the presidential preference vote is required to indicate a political party preference at the polling place. The preference will not necessarily constitute an affiliation with or membership in the preferred party. A list of all electors and their party preferences shall be available to the public within sixty days of the election. . . .

"Each elector wishing to cast a ballot in the presidential preference vote shall be required to sign a statement in the following form: 'For the purposes of voting in the (year) Wisconsin presidential preference vote, I hereby state my preference to be (Democratic) (Republican) (American). It is understood that my party preference does not necessarily indicate an affiliation with or membership in the party, but only a preference for voting purposes in this particular election.'
"The elector shall be given a presidential preference ballot only for the party indicated on that statement." Governor Lucey, Letter to Representative Kedrowski, 23 June 1975, files of the Assembly Committee on Elections Chairperson, Madison, Wisconsin.

15 Reivitz, interview, 4 August 1977.

16 Holmgren, interview, 29 July 1977.


19 Lucey, interview, 20 February 1978; and Reivitz, interview, 4 August 1977.

20 Reivitz, interview, 4 October 1977. Ms. Reivitz says she saw Mr. Lucey right after this meeting, and "could tell he thought it [the suit] really might work. . . . Hase made a believer of him." Governor Lucey himself confirms that he was convinced the suit had a fair chance for success (ibid.).

21 In order to provide judicial protection against exclusion of black voters by the southern Democratic parties, the courts first had to establish that state action was involved in their exclusion, so that the non-discrimination principle could be invoked. Without such a finding, the courts would have insufficient basis on which to prefer the first, fourteenth, and fifteenth amendment rights of voters (i.e., the rights of association, equal protection of the laws, and voting) to the first amendment rights of party members to restrict participation in party internal affairs to members only (provided membership itself is non-discriminatory).

23. Ibid.; see also Eugene Harrington, "State Prepares Its Case to Defend Primary System," *Milwaukee Journal*, 13 August 1975. (The CRC had "extended the extension" from the official deadline of August 15 up to the date of the nearest CRC meeting thereafter, which proved to be August 25. Hence the variance in the actual date of the extension deadline in the text here.)

24. Donna R. Miller, aide to Attorney General La Follette, quoted in "Still No Suit Against 'Forced' Closed Primary," *Capital Times*, 29 August 1975. Since Assistant Attorney General Charles Hoornstra wrote the state's brief, and shared the task of oral argument with Mr. Hase and private attorneys Robert H. Friebert and John D. Finerty, Mr. La Follette's participation in the suit—which consisted of simply being in attendance—was unnecessary, except for personal political purposes. See "State Argues Its Defense of Primary," *Milwaukee Journal*, 4 December 1975.


26. Ibid.


29. Reid Beveridge, "Lucey Eyes Primary Law Change," *Wisconsin State*

30 "Transit, Open Primary Top Special Legislative Session," Wisconsin State Journal, 3 December 1975.


32 Quoted in Reid Beveridge, "Lucey Sees Transport Victory, Less Certain on Primary Change," Wisconsin State Journal, 9 December 1975. See also ibid.


36 Ibid.

37 Wisniewski, interview, 29 July 1977; and Reivitz, interview, 4 August 1977.

38 Barczak, interview, 25 January 1978; and Holmgren, interview, 29 July
1977. Governor Lucey admitted that impressing Mr. Strauss rather than the legislature was "part of my motive" (William Christofferson and Reid Beveridge, "Legislature Quits; Lucey Halted," Wisconsin State Journal, 12 December 1975). Evidently Mr. Strauss, after his aide Mr. Siegel attacked Governor Lucey in the Wisconsin press, was in the position of owing the Governor a favor: one legislator says that Mr. Strauss "already knew what the score was here when he came to Madison; he came as a favor to Lucey."


41 Governor Patrick J. Lucey, Letter to Senator Monroe Swan, Chairman of the Committee on Government and Veterans' Affairs, 27 January 1976, files of the Senate Committee on Government and Veterans' Affairs Chairperson, Madison, Wisconsin.


43 "40 Seen for Primary Reform," Milwaukee Sentinel, 30 January 1976.

44 Jackamonis, interview, 26 April 1978.


46 Reivitz, interview, 4 August 1977.

47 E.g., Holmgren, interview, 29 July 1977; Barczak, interview, 25 January 1978; Wahner, interview, 27 January 1978; and Loftus, interview,
7 December 1977.

48 Ibid. (Barczak).

49 Representative Norman Anderson, telephone interview, 10 January 1978.

50 Reivitz, interview, 4 August 1977.

51 Ibid.


54 When elected DNC Chairperson in December, 1972, Mr. Strauss had said, "I'm not going to deliver a candidate to the party. . . . I'm going to deliver a party to the candidate." Richard Reeves, Convention (New York: Harcourt Brace Jovanovich, 1977), 6-7.


58 Ibid. See also "Lucey Gets New Chance on Primary," Milwaukee Journal,

59 Lang, interview, 17 August 1977.

60 Copy of Transcript, DNC Compliance Review Commission meeting, 5 March 1976, 81.

61 Ibid., 79-80.

62 Ibid., 69. (The transcript is garbled in places; hence my suggestion of the word "closed," which perhaps makes sense here.)

63 Siegel, interview, 18 August 1977.

64 Ibid.

65 "The only people who really fought us tooth-and-nail were the Jackson people. . . . Winograd was giving us fits." Lucey, interview, 20 February 1978.

66 Copy of Transcript, DNC Compliance Review Commission meeting, 5 March 1976, 125-31.


68 Under the CRC Regulations in force at the time, 19 out of the total 25 votes were needed to approve a state delegate selection plan. In Wisconsin's case, the number needed for passage was 18, since CRC member Marge Pattison also was First Vice Chairperson of the DPW and therefore ineligible to vote on the issue, reducing the total CRC membership in this case to 24. Mary A. Scheckelhoff, Letter to the author, 7 April 1978. (Ms. Scheckelhoff was AFSCME liaison to the DNC at the time.)

69 Governor Lucey himself confirmed the accuracy of this breakdown of his lobbying strategy (interview, 20 February 1978). I am indebted to Brady
Williamson for granting me access to this card-file on the CRC.

^See the Governor's daily schedules for Monday through Thursday, March 1-4, 1976, Governor Lucey Papers, State Historical Society of Wisconsin archives, Madison, Wisconsin. (mimeographed). They show blocs of time set aside for this activity: 2-3:00 p.m. on Monday, 3-4:00 p.m. on Tuesday, 8:30-10:00 a.m. on Wednesday, and two and-a-half hours divided between telephoning and staff access on Thursday.

^"Holmgren, interview, 29 July 1977.

^Reivitz, interview, 4 August 1977.

^Copy of Transcript, DNC Compliance Review Commission meeting, 5 March 1976, 134.


^Reivitz, interview, 4 August 1977. When asked about this, Governor Lucey himself admitted, "I probably did some of that." Lucey, interview, 20 February 1978.


^Brady C. Williamson, interview at La Follette, Sinykin and Anderson law office, Madison, Wisconsin, 9 September 1977.


^Copy of Transcript, DNC Compliance Review Commission meeting, 5 March 1976, 137, 140. Barrazza's lobbying was reported by Marge Pattison, telephone interview, 22 November 1977.

^Holmgren, interview, 29 July 1977.

Campbell, telephone interview, 11 November 1977. Mr. Udall himself remembers talking to Ms. Campbell several times, but both he and Ms. Campbell agree that he never lobbied her (ibid.).

Siegel, interview, 18 August 1977. Campbell (ibid.) confirms Ms. Segal's leading role.

On the perception of Ms. Segal's vote as a pro-Udall departure from her normal voting pattern, see ibid.; and Lang, interview, 17 August 1977; Campbell, interview, 11 November 1977; and Alex Seith, Communication to the author, 3 January 1978. On the pressure placed on Ms. Segal, see Marge Pattison, interview at her home, Madison, Wisconsin, 1 August 1977; and Mary A. Scheckelhoff, telephone interview, 12 January 1978. Both maintain that Ms. Segal did not vote as she did completely voluntarily, but rather because she was pushed—very, very hard—into doing so by persons affiliated with the Udall campaign. Indeed, an anonymous source who talked to Ms. Segal claims that the pressure was job-related in some way; that "her bread-and-butter was on the line." Another story of extreme pressure upon a CRC member by pro-Udall elements, which proved to be untrue, is related by Jules Witcover in Marathon, 275. According to Mr. Witcover's incorrect version, "The liberal Machinists' and Communications Workers' unions, and Udall personally, talked with commission members. Ironically, the reformers who had been instrumental in creating the CRC were now asking it to bend the rules for them. One commission member, Mayor Kathryn Kirschbaum of Davenport, Iowa, was told by Machinists in her city that they would oppose her in her own approaching primary if she didn't go along. She finally acceded, providing the deciding vote to permit Wisconsin to hold its traditional open primary, but she was defeated in her primary, anyway." Mr. Witcover, who
was not at the CRC meeting and got his information from "the same prime sources you talked to, and from other reporters who were there" (Letter to the author, 7 December 1977), is mistaken. According to Ms. Kirschbaum, the incident which Mr. Witcover relates occurred at the CRC meeting of September 20-21, 1975, and revolved around the question of the representativeness of New York's at-large delegation. She was defeated in an October, 1975 primary, and no longer was Mayor in March, 1976 (Kirschbaum, Letter to the author, 29 November 1977). Governor Lucey's file-card on Ms. Kirschbaum confirms her version in every respect, and so does AFSCME's liaison to the DNC Mary Scheckelhoff (telephone interview, 12 January 1978); and yet some sources on the CRC (e.g., Ms. Pattison and Donald Fowler) still maintain that Ms. Kirschbaum caved in on the Wisconsin vote, too, under pressure from the same sources. Ms. Kirschbaum, however, says that the only person to talk to her about the Wisconsin vote was Governor Lucey.


86 Bleicher, interview, 30 November 1977.

87 Campbell, interview, 11 November 1977; also Donald Fowler, telephone interview, 6 December 1977.


89 Siegel, interview, 18 August 1977; Campbell, interview, 11 November 1977; and Fowler, interview, 6 December 1977.

90 Williamson, interview, 9 September 1977; Reivitz, interview, 4 October 1977.

91 Justin Ostro, Communication to the author, 29 December 1977.

92 Copy of Transcript, DNC Compliance Review Commission meeting, 5 March
1976, 107-09.

93 Scheduling book, Governor Lucey papers, State Historical Society of Wisconsin archives, Madison, Wisconsin.

94 Alan Baron, Communication to the author, 17 November 1977.

95 Alex Seith, in Copy of Transcript, DNC Compliance Review Commission meeting, 5 March 1976, 112-13.

96 Ibid., 84-85.

97 "The Wisconsin Primary Question: Chronology."

98 Copy of Transcript, DNC Compliance Review Commission meeting, 5 March 1976, 91-100.


100 Copy of Transcript, DNC Compliance Review Commission meeting, 5 March 1976, 137-40. Although the transcript gives the right vote totals, it mistakenly shows Azie Morton voting yes, so that only four no votes appear in the roll call. The running score kept by AFSCME liaison Mary Scheckelhoff in her notes on the March 5, 1976 meeting shows that Morton was the fifth no vote. Mary Scheckelhoff, Notes on Compliance Review Commission meeting, 5 March 1976, AFSCME files, Washington, D.C.


103 See, e.g., Reid Beveridge, "State Primary Remains Open," Wisconsin

104 Marge Pattison believes that she personally could have collected enough votes from her fellow CRC members to win a waiver the previous autumn, if only Wisconsin had not engaged in the lawsuit and other "bad faith" acts (interview, 1 August 1977).

105 Copy of Transcript, DNC Compliance Review Commission meeting, 5 March 1976, 85. See Alex Seith's harsh cross-examination of this claim on pages 100-01 of the transcript.


108 Reivitz, interview, 4 October 1977; and Wisniewski, interview, 12 September 1977.


110 Ibid. Also Reivitz, interview, 4 October 1977; and Holmgren, interview, 29 July 1977.

111 Loftus, interview, 7 December 1977.

112 Lucey, interview, 20 February 1978.


114 Lucey, interview, 20 February 1978.

115 Brams, Presidential Election Game, 158-72.
At a breakfast meeting in the U.S. Capitol on March 25, 1976, with such well-known professional campaign technicians as Mark Shields, Carl Wagner, Bob Shrum, Bill Dodds, and Alan Baron, Mr. Lucey reportedly made some "adamantly anti-Carter" statements (Alan Baron, telephone interview, 30 January 1978. An entry penned into the Governor's scheduling book indicates that Edward Donaghue also may have been at this meeting in the Capitol's Vandenberg Room). Presumably, the Governor had the same doubts about Mr. Carter that he told the Chicago Tribune a lot of Democrats had: "no one knows what they're getting" (Michael Kilian, "Lucey Doesn't Think GOP Stands a Chance," Chicago Tribune, 17 May 1976). When Mr. Carter proposed at the December 1975 Democratic Governors' Conference that federal revenue-sharing funds henceforth should go only to local governments, and not to states, Governor Lucey retorted, "Well, if that's really your position, Jimmy, we Governors are better off with Ford" (Lucey interview, 20 February 1978). Two months later, Mr. Lucey and several other Governors attacked Mr. Carter's record as Governor of Georgia at the National Governors' Conference in Washington, D.C., February 22-26, 1976 (R.W. Apple, Jr., "Carter Target of Liberals After New Hampshire Gain," New York Times, 27 February 1976; and Bill Peterson, "Governors Voice Doubts on Carter," Washington Post, 25 February 1976. Finally, it also was reported that Mr. Lucey's disillusionment with Mr. Carter stretched back as far as 1972, when the latter tried to organize a "Stop McGovern" movement at a Democratic Governor's Conference. Mr. Lucey squelched this move by calling Senator McGovern and persuading him to come to the conference immediately. See Morton Kondracke, "Carter Is Now On the Other Side of the 'Stop' Movement," Chicago Sun-Times, 1 June 1976.
117 Wisniewski, interview, 12 September 1977.

118 Ibid.

119 Ibid.; and Jackamonis, 26 April 1978.


121 Jackamonis, interview, 26 April 1978.

From the perspective of the last chapter, the Governor's reversal of the CRC looks very much as if it were mostly the handiwork of a single, uncommonly astute political genius. Placed at the outset of the controversy in what appeared to be an impossible, "no-win" situation, the Governor succeeded not only in avoiding damage to any of his various role-interests, but in turning it into a situation from which he actually might benefit as a politician. But what is also apparent in the last chapter's detailed account of the CRC reversal is that the Governor and his state party were neither the only catalysts nor the only beneficiaries of that event.

It is my intention in this chapter to show that Governor Lucey, political virtuoso that he was, did not and could not manipulate the national Democratic party at will for Wisconsin's and his own political gain. Rather, he succeeded on March 5, 1976 because a considerable majority of the national Democratic party happened to be moving in the same direction he was, rather than moving against him. Mr. Lucey's role in the March 5 CRC reversal was to function as leader (and he was not the only leader) of a temporary alliance of national party elements, all of which were
interested in restoring Wisconsin's primary. In other words, the DNC's Compliance Review Commission was not backed down by any one man or state party: rather, it was backed down by a broad coalition of national party forces.

The Reform Faction: Mainstay of the Coalition

The surprise central force in this coalition, according to virtually every DNC source in Washington and anywhere else outside Wisconsin, was the Democratic party's reform faction, which hoped to save Morris K. Udall's faltering candidacy. This is not just "sour grapes" from those pro-Jackson party regulars who happened to be on the losing side of this issue. Reformist members of the CRC itself, and reformists who were involved in the pre-March 5 lobbying campaign, confirm their role and motivation to have been pro-Udall. For example, McGovern aide and Baron Report publisher Alan Baron, who helped Governor Lucey lobby CRC members Donaghue and Cabrera (above, page 319), acknowledges that his reason for doing so was "to help Udall. . . . I recall little except that the motivation as pro-Udall/liberal, not pro-Wisconsin/Lucey."¹ CRC reform bloc bellwether Phyllis Segal, as mentioned on page 317, also acknowledged that her vote in favor of Wisconsin was based entirely on what was in the best interest of her candidate.

Indeed, the CRC's voting records confirm that that commission's entire reform bloc departed from its usual pro-accountability voting pattern to vote for flexibility in Wisconsin's (and Udall's) case. By comparing the CRC's vote association scores with the vote cast by commissioners on the Wisconsin question, it can be seen that all five core members of the CRC's reform bloc (Taylor, Segal, Bragg, Cabrera, and Mikulski), which had a
record of voting 82 percent of the time for strict enforcement of the rules, voted in favor of granting Wisconsin a waiver (compare Table 15 with Table 9, which is repeated here for convenience). Joining them in voting thus were those three commissioners whose voting records almost qualified them as core members of the reform bloc: Richard Hatcher, Edward Donaghue, and Justin Ostro. The unanimous, almost unprecedented disregard these eight commissioners showed for the integrity of the rules they had fought so hard to enforce is difficult to explain, except in terms of their interest in helping one of their own win the party's nomination. As Region Ten UAW director Ray Majerus, who played a behind-the-scenes role in the reversal effort, summed up that effort: "It really was a coordinated liberal move to protect Udall, although certain other forces [e.g., Wallace] helped."\(^2\)

According to Mr. Udall's national campaign director, Jack Quinn, the reason for embarking on such a move was that in the wake of second-place finishes in New Hampshire and Massachusetts, "our entire campaign turned on Wisconsin, if indeed we hadn't already lost the nomination."\(^4\) By March 5, 1976, Jimmy Carter had won precinct-level caucuses in Iowa, Maine, and even in Fred Harris' home state of Oklahoma; followed up with primary victories in New Hampshire and Vermont; and, according to all polls, would defeat George Wallace in Florida on March 9. Henry Jackson had won the Massachusetts primary, and generally was conceded to have an insurmountable lead in New York. Congressman Udall, on the other hand, had yet to finish higher than second anywhere, and important contributors and supporters were becoming nervous. Campaign director Quinn told reporters at the time that "Political people have questioned us, 'When are you going to win?' Second place has been very good to us, but there's a feeling he has to plant the flag somewhere."\(^5\)
### TABLE 9

**CRC Vote Association Scores.**

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Vote Yes</th>
<th>Vote No</th>
<th>Abstained or Could Not Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>TAY**</td>
<td>1.0</td>
<td>.94</td>
<td>.75</td>
</tr>
<tr>
<td>SEG</td>
<td>1.0</td>
<td>.92</td>
<td>.92</td>
</tr>
<tr>
<td>BRA</td>
<td>.94</td>
<td>.90</td>
<td>.70</td>
</tr>
<tr>
<td>CAB</td>
<td>.75</td>
<td>.79</td>
<td>.80</td>
</tr>
<tr>
<td>MIK</td>
<td>.36</td>
<td>.60</td>
<td>.67</td>
</tr>
<tr>
<td>HAT</td>
<td>.53</td>
<td>.67</td>
<td>.64</td>
</tr>
<tr>
<td>DON</td>
<td>.46</td>
<td>.58</td>
<td>.62</td>
</tr>
<tr>
<td>OST</td>
<td>.36</td>
<td>.60</td>
<td>.67</td>
</tr>
<tr>
<td>WAG</td>
<td>.43</td>
<td>.43</td>
<td>.83</td>
</tr>
<tr>
<td>VAN</td>
<td>.35</td>
<td>.47</td>
<td>.67</td>
</tr>
<tr>
<td>KIR</td>
<td>.40</td>
<td>.55</td>
<td>.88</td>
</tr>
<tr>
<td>PAT</td>
<td>.41</td>
<td>.38</td>
<td>.11</td>
</tr>
<tr>
<td>CRA</td>
<td>.36</td>
<td>.63</td>
<td>.50</td>
</tr>
<tr>
<td>MOR</td>
<td>.22</td>
<td>.22</td>
<td>.25</td>
</tr>
<tr>
<td>LAN</td>
<td>.21</td>
<td>.21</td>
<td>.15</td>
</tr>
<tr>
<td>SEI</td>
<td>.22</td>
<td>.22</td>
<td>.25</td>
</tr>
<tr>
<td>PRU</td>
<td>.05</td>
<td>.16</td>
<td>.12</td>
</tr>
<tr>
<td>FOW</td>
<td>.00</td>
<td>.00</td>
<td>.18</td>
</tr>
<tr>
<td>CAM</td>
<td>.00</td>
<td>.08</td>
<td>.00</td>
</tr>
<tr>
<td>BAR</td>
<td>.00</td>
<td>.08</td>
<td>.00</td>
</tr>
</tbody>
</table>

### TABLE 15

**How the CRC Blocs Voted on the Wisconsin Waiver.**

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Voted</th>
<th>Abstained or Could Not Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taylor</td>
<td>Yes</td>
<td>Abstained^</td>
</tr>
<tr>
<td>Segal</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Bragg</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Cabrera</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Mikulski</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Hatcher</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Donaghe</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Ontro</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Wagner</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Vance</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Kirschbaum</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Paterson</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Crangle</td>
<td>Yes</td>
<td>Abstained^</td>
</tr>
<tr>
<td>Morton</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Landreau</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Seith</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Pruitt</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Fowler</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Campbell</td>
<td>Yes</td>
<td>Abstained^</td>
</tr>
<tr>
<td>Barrett</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>


^Could not vote on matters affecting her home state.
That flag was to be planted in Wisconsin, where the Udall campaign organization was "... the best we have anywhere in the nation." In addition to leading the preference poll conducted at the 1975 DPW state convention (above, page 90), Mr. Udall also led a December, 1975 poll of 100 Wisconsin Democratic county chairpersons, Administrative Committee members, and elected officials. As Table 16 indicates, 31 percent of these leaders preferred Mr. Udall's candidacy, and 43 percent picked Mr. Udall to win in Wisconsin. With the support of a plurality of the DPW's leading activists and elected officials as well as its rank-and-file membership, the Udall organization figured to dominate easily in the delegate selection caucuses imposed on Wisconsin by the DNC.

But now his candidacy needed the psychological boost that only an
important primary victory and attendant press coverage could provide, and Mr. Udall's national headquarters judged the then non-binding Wisconsin primary --the site of previous upsets by liberal underdogs Eugene McCarthy and George McGovern--to be his best and possibly last chance for such a victory. As Mr. Udall himself explained,

With regard to Wisconsin generally, we at one point had about come to the conclusion that the primary was going to be robbed of any significance by the ruling of the CRC. . . . As events were developing in February and March, it became obvious that Wisconsin was our best chance for a primary victory, and it therefore became apparent that it was in our interest to get the CRC to reverse itself. Accordingly, I was urged from time to time to make calls, or to sign letters, to key people urging that an exception be made. I think Congressman Obey helped my staff do some of the persuading in Wisconsin.  

As Mr. Udall remembers it, reversing the CRC apparently was his campaign's idea rather than Governor Lucey's in the first place, and Governor Lucey did not deny that possibility when asked about it.  Nobody seems to know for sure any more whose idea it originally was; quite possibly, both camps came up with it independently of one another, as is sometimes the case with good ideas. But the important point that emerges from all this uncertainty is that the effort to reverse the CRC had not one but two leaders: Mr. Lucey, and Mr. Udall. Admittedly, Mr. Lucey was far the more active of the two in lobbying the CRC; but then he was not running for President. Mr. Udall, as a presidential candidate and sitting member of Congress, could not afford much time for such activities; nor could he personally spearhead an effort to
bend the DNC's rules to his advantage in the middle of the race without provoking cries of "foul." It was better to stay in the background and let Governor Lucey head up the effort for him, restricting his own contacts with CRC members to those reckoned absolutely necessary.  

Mr. Lucey and Mr. Udall maintained fairly close contact with one another during the period of the lobbying effort, sometimes by personal meeting. Mr. Lucey is said to have visited Congressman Udall at his office while in Washington for the National Governors' Conference, February 22-26, 1976; and Mr. Udall visited Mr. Lucey at the Governor's office (in what purported to be only a courtesy call) while campaigning in Madison a little earlier that same month. They also discussed the subject by telephone just prior to March 5:

Toward the end, as the critical time came for the CRC to say yes or no, I do recall that my staff would give me phone calls to make, and that there was one to the Governor himself.

Most of the time, however, Mr. Udall's and Mr. Lucey's contacts with one another regarding the CRC were conducted through intermediaries. The chief go-between, according to Governor Lucey, was Wisconsin Congressman David Obey, who was close to both the Governor and the candidate. (In fact, Congressman Obey, who in April, 1975 had used some of his own staff to put together a string of campaign rallies and fund-raisers in Wausau, Madison, and Milwaukee for Mr. Udall, was credited by Udall himself as perhaps more responsible than anyone else for persuading him to run for President.) Other contacts between the two frequently occurred at the staff-level, in the persons of Udall's national campaign director Jack Quinn and his old Georgetown University law school classmate, Lucey aide Brady Williamson,
who discussed the CRC lobbying effort with each other "two or three times" by telephone. 17 Finally, Mr. Lucey rode to the CRC meeting on March 5 with Stewart Udall (the candidate's brother) and Congressman Obey, 18 and afterward celebrated with Congressman Udall at his office, as already mentioned.

This is not to say, however, that the Udall campaign sat back and contacted only those CRC members whom Governor Lucey specifically requested it to help lobby. On the contrary, "The campaign certainly took every opportunity to make its position known. . . . Whenever an opportunity presented itself, we pushed for reversal." 19 According to one CRC member who leaned toward Udall, "There was a very clear signal from the Udall campaign that the Wisconsin primary would be the site at which Udall was shooting for a win that would turn the race around." 20 Another CRC member recalls that the Udall campaign's lobbying effort

. . . was heavy and intense. There was never any doubt in my mind that the Udall people saw Wisconsin as the one battleground where they could win big. After the CRC vote, and before, I told several of them that they would regret it . . . that Udall would not win Wisconsin. To me, the irony was that the Udall people were wrong legally at the CRC and paid for their error politically. 21

Often for various reasons the actual pressure exerted on the CRC commissioners came neither from the Udall organization proper nor from Governor Lucey, but from various powerful liberal-reform forces that hoped to see Mr. Udall, or at least a liberal, nominated. Among these were the unions in the liberal labor coalition headed by the UAW. I already have mentioned several UAW and Machinists' officials (e.g., Mssrs. Dodds, Majerus, and Heidenreich)
known to have attempted to influence various individual CRC members. Some CRC sources claim that the Communications Workers of America and AFSCME also were active on behalf of reversal. Sources in these unions maintain that while many of their officials engaged in such lobbying, they often did so unofficially because (1) not all leaders within their unions always favored Mr. Udall's candidacy, and (2) not all of those who did favor him necessarily agreed that he should give up an almost certain caucus victory for a risky chance at a primary victory. But even if these officials were acting solely on their own authority or as private individuals, no doubt some of the state legislators, mayors, and other up-and-coming politicians on the CRC who received such contacts did not make that distinction, and responded as though the pressure was sanctioned by union leadership.

Another liberal-reform element which participated to some degree in the campaign to re-open Wisconsin's primary was the Democratic party's Washington-based liberal establishment, "an amorphous, but powerful group of lawyers, politicians, and journalists" whose leading lights—e.g., Averill Harriman, Joseph A. Califano, Joseph L. Rauh, and the top people at the Washington Post—were reported to be mobilizing behind Mr. Udall's candidacy at this time in an effort to head off Jimmy Carter. While some tried to undermine the more successful campaigns of Mr. Carter and Senator Jackson, others like Mr. Rauh and Arthur Schlesinger called on liberals to "coalesce behind Morris Udall." Subsequently, Carter supporters complained, in an apparent reference to the pre-March 5 lobbying, that "Washington lawyers" had been telephoning around the country trying to stop their campaign.
Who Won and Who Lost?

But the Udall campaign was not the only major presidential campaign organization engaged in lobbying the CRC to reverse its earlier decision finding Wisconsin out of compliance, as the index cards and other data presented in the last chapter suggest. DNC executive director Mark A. Siegel recalls that George Wallace's campaign was calling CRC members to ask them to vote for a waiver. And, as already noted, even the Carter campaign turned in favor of a waiver when it found out one week before Mr. Lucey's appeal that Mr. Carter was leading the polls in Wisconsin. CRC member Andrew Young needed no persuasion from Governor Lucey when he called to ask the Georgian to vote with Wisconsin.

In other words, three presidential campaigns enjoying considerable support from the Democratic party's left, right, and center, respectively, had an interest in saving the Wisconsin open primary, and played important roles in overturning the CRC's previous decision. Governor Lucey's was not a solitary effort, merely augmented here and there by the help of old political friends and the unwitting assistance of others' political ambitions. Rather, his effort was the spearhead of what was almost a party-wide effort to make the Wisconsin contest meaningful. If we inquire as to who won and who lost in the final outcome of the open primary dispute between the Wisconsin and national parties, the answer would have to be that almost everyone won.

Obviously, the Wisconsin Democrats won. They saved the open primary that all of them believed in. They avoided the costly electoral repercussions of closure that had worried the Democratic legislators. They insured that the DPW organization's delegates to the national convention would be
seated without problem. The Governor received much credit throughout the state, assured himself a chance to influence the nomination and obtain national exposure, and helped his personal choice for President, all by persuading the CRC to let Wisconsin Democrats keep their open primary. Thus, the various Wisconsin Democratic actors covered here were in the forefront of those who benefited from the outcome of the controversy.

The Udall for President campaign also was a principal beneficiary of the CRC's March 5, 1976 reversal. Mr. Udall, who had yet to win a primary and had started calling himself a "progressive" instead of a "liberal" in anticipation of the Wisconsin primary, hailed the CRC's decision in a statement which said, "If we hadn't had this action, a really important primary and a bastion of Democratic party progressivism would have been lost." During the weekend following the CRC's action, Mr. Udall's high command decided to upgrade their effort in Wisconsin, and downgrade their effort in New York, where it was felt "We can't compete with that $2 million howitzer Jackson has. . . ." "We're going all out in Wisconsin," campaign director Jack Quinn told reporters. "To the extent that involves scaling down our New York effort, we're prepared to do that." On March 15, Mr. Udall flew into Wisconsin to begin "an all-out three week campaign" in which he hoped to spend $300,000 to $350,000. He would maintain a strong presence in New York, spending about $400,000 there and soliciting withdrawn candidate Birch Bayh's well-organized delegate slates to come over to him; but at the same time he worked very hard to convince the news media that Wisconsin, rather than New York, would be the valid test of his strength versus that of Jimmy Carter and Henry Jackson. In this respect, the Udall campaign was very successful: on April 6, 1976, the date of the Wisconsin and New York primaries, two of the three national television networks chose to locate their
election-night headquarters and anchormen in Milwaukee rather than New York.

Of course, the reversal helped not only Mr. Udall but also Mr. Carter and Mr. Wallace. Both candidates had good reason to believe that they would fare better in Wisconsin in a primary than they would under a caucus system. However, the reversal did not help them as much as it did Mr. Udall, because prior to March 5 both men's campaigns had put very little time, money and effort into Wisconsin on the assumption that it would be a caucus state. Mr. Carter did not even have a campaign headquarters in the state until about February 1, 1976, and for organization relied chiefly on a contingent of volunteers from the Florida campaign who moved into the state on March 13. He had not visited the state nearly as often as Mr. Udall, and neither had Mr. Wallace. Mr. Wallace had been certain that Wisconsin—like North Carolina and Michigan, in whose primaries he also had done well in the past—would abandon its primary and choose its delegates by caucus in order to frustrate his candidacy. Consequently, unlike the Udall campaign and the Wisconsin Democratic actors, the Carter and Wallace campaigns were not principle winners in the reversal episode, as their comparatively lower level of lobbying activity would seem to confirm.

Nor were DNC Chairperson Robert S. Strauss and the DNC's regular faction principle beneficiaries of the CRC reversal, which in fact both he and many regulars fought very hard to prevent. Yet, even these opponents of reversal at least won something in that outcome. Mr. Strauss, who greatly desired to prevent discord at the national convention and maintain the party harmony he had succeeded in building up, was spared a credentials fight between primary-derived and caucus-derived Wisconsin delegations. And many DNC regulars who believed strongly in the principle of states' rights and the wisdom of a decentralized, flexible party structure could take consolation
in the fact that the CRC's reversal on the Wisconsin primary was a blow for their point of view, and perhaps even a precedent for future use. Indeed, some core members of the CRC's regular or pro-flexibility bloc voted with Wisconsin for this reason, even though they were very upset by the fact that Mr. Udall would benefit, and by the hypocrisy and opportunism of their pro-accountability reformist colleagues. To repeat the already quoted words of Donald Fowler, a Southern regular who reluctantly voted with Wisconsin,

I have, I think, been rather consistent in the vote that I have cast on this kind of question. The consistency is from the standpoint of giving maximum latitude to the states with these rules.

This situation gives me a great deal of trouble. I think in granting this exemption to Wisconsin we have stretched the rules about as far as anyone can. It gives me a great deal of problems, my vote does. And, I think this Commission's action does, [too].

* * * *

I hope that in any further action we take with respect to affirmative action or delegate selection that this Commission will [show] the same kind of tolerance that we have with respect to Wisconsin in this situation, that we will not look at who are our political friends and who are our political enemies and cast our votes in those terms.

Obviously, Mr. Fowler was not completely happy with the outcome which his vote had helped make possible. Neither were several other commissioners who also contributed to that outcome, such as George Barrett of Tennessee.
The reversal effort, which only barely won, could not have succeeded without the support of such moderate-to-conservative Southern elements as Mr. Fowler, Mr. Barrett, and Robert Vance of Alabama to complement the reformist core of the coalition put together by Governor Lucey and Congressman Udall.

Just about the only significant force in the national Democratic party which did not benefit from the CRC's March 5 decision was the AFL-CIO labor-backed candidacy of Senator Henry Jackson, who laid his plans on the assumption that Wisconsin would be a caucus state in 1976. Convinced of that by the CRC's initial tough stand on the question of Wisconsin's compliance, Mr. Jackson had invested virtually all of his time and money in New York while depending on volunteers and state AFL-CIO leaders to organize a turn-out for the caucuses in Wisconsin. Mr. Jackson had not even visited Wisconsin since December 14, 1975, and was planning to spend only one day in the state before the April 6 primary. His time and money already committed elsewhere, Mr. Jackson only could rearrange his schedule to spend parts of three days in Wisconsin, and had to refuse a new budget request submitted by his Wisconsin organization.

Coalition Politics

Governor Lucey's attempt to reverse the CRC's finding that Wisconsin was non-compliant with the national party's rules could not have succeeded if such a reversal had not been in the interest of a majority of the party forces affected by it. Victory in this instance owed not so much to the Governor's personal influence as it did to the fact that many party elements wished, for their own separate reasons, to see the Wisconsin presidential primary restored. What the Governor did was to play a leading role in the
formation of a coalition of these disparate elements—a coalition that ex-
tended across many institutional, factional, and regional boundaries to in-
clude not only Wisconsin Democrats, the Udall campaign, and the reform
faction, but also some Southern, pro-states' rights regulars, and the Carter
and Wallace campaigns. This coalition appears to bear out Riker's "size
principle," in that it was a "minimum winning coalition" consisting of the
exact number of votes necessary to obtain the waiver, and no more. (Bear in
mind that Governor Lucey waited until the last minute to secure Edward
Donaghue's vote.) Such a coalition was good from the standpoint of the
winners, since the fewer winners there are, the larger each's share of the
winnings will be. Thus, for example, the three presidential candidates who
stood to benefit from the restoration of the Wisconsin primary would have
benefited far less if the only other viable candidate in the race, Senator
Henry Jackson, also stood to benefit from it and had joined in lobbying the
CRC for it. Had Mr. Jackson been so strong in Wisconsin that he, too,
favored restoration of the primary, the resulting coalition would have been
almost a party-wide or "grand" coalition, and as such not worth much to its
various presidential components, each of whom sought a field of conflict in
which they might hold an advantage over their rivals. On the other hand, if
Jimmy Carter's Wisconsin poll results had induced him to continue his
original stance of opposition to restoring Wisconsin's primary, then the
winning shares of Morris K. Udall, George Wallace, and Governor Lucey-as-
kingmaker would have been even greater, provided they could have won restora-
tion without the vote of Andrew Young and any other CRC members leaning
toward Mr. Carter. To sum up, winning is seldom worth anything unless there
is at least one loser to enrich those who win; and the fewer winners there
are, the larger becomes each's share of the spoils.
Like any coalition leaders who desire to form a coalition in order to achieve a particular political goal, Mr. Lucey and Mr. Udall had to offer what Riker calls "side-payments" to their prospective coalition partners in order to induce the latter to join them in support of a waiver. In the case of certain CRC members whom Governor Lucey and Congressman Udall personally influenced to vote with them, this side-payment may have been simply the good graces of two such influential leaders, who perhaps soon would become even more powerful. In other cases, i.e., those CRC members who happened to be professional politicians in their own right, the side-payment offered perhaps can be presumed to have been a tacit, politicians' understanding that one good turn deserves another, to be collected on at some unforeseeable time of need in the future. In the case of the other presidential campaigns who joined the push for reversal, the side-payment held out to them was the possibility of winning the Wisconsin primary, once it was restored as the mode of selecting Wisconsin's delegates. But in each of these cases, the coalition leaders were extremely fortunate in that the side-payments used to attract the support of prospective partners were not tangible quantities, and did not have to be fulfilled or delivered in advance. Were it otherwise, the coalition could not have been built, and the primary could not have been saved.

Summary

Looked at from the perspective of this chapter, the March 5, 1976 CRC reversal does not appear to have been simply a case of the DNC backing down before a single state party. The Wisconsin party had many of the various elements that make up the national Democratic party on its side. Earlier
appeals for a waiver (January 14, 1976 and February 15, 1976) in which Wisconsin had stood alone had fallen on deaf ears at the DNC. Of course, the episode of March 5 illustrates that the DNC still is a loose federation of state and local parties, and is no greater than the sum of its parts: the DNC and its various commissions have authority only so long as a majority of those federated component parts stand behind them. But on the other hand, this episode also shows that the DNC now at least is greater than any one of its component parts, which could not be said with any confidence a few years ago. State Democratic parties no longer can challenge the DNC successfully or flout its will with regard to delegate selection unless they can obtain the backing of most of the rest of the national Democratic party. This is a new development which suggests that reform has increased the strength and authority of the DNC after all.
NOTES
CHAPTER IX

1 Alan Baron, Communication to the author, 17 November 1977.

2 Mr. Udall led the fight to enact the Campaign Reform Act of 1971, and was a key backer of the Clean Elections Act of 1974 and the House Ethics Committee.

3 Raymond Majerus, telephone interview, 1 February 1978.


7 "Democrats See Udall as Winner in Wisconsin, HHH as Nominee," The Wisconsin Democrat, 2 (January 1976), 13.


10 Quinn, interview, 19 August 1977.

11 Ibid.

12 Wisniewski, interview, 12 September 1977. Both Mr. Udall and Mr. Lucey confirmed that these meetings occurred, but neither remembers exactly when or if the CRC effort was discussed. As Congressman Udall observed, "I have no doubt that the subject came up in my meetings with Governor Lucey,

13 Ibid. (Udall).

14 Ibid.; and Lucey, interview, 20 February 1978. For example, after calling CRC members between 3:00 and 4:00 p.m. on March 2, 1976, Mr. Lucey spoke to (or at least intended to call) Mr. Obey at 5:45 that same afternoon, according to an entry penned into the Governor's Daily Schedule Book (Governor Lucey papers, State Historical Society of Wisconsin archives, Madison, Wisconsin).

I worked with Obey aide Scott Lilly in putting together a Udall for President rally at the University of Wisconsin-Madison Memorial Union on April 27, 1975, two weeks before going to work at DPW headquarters. Martin Hanson, Co-Chairperson of the Wisconsin Udall for President organization, was very close to Congressman Obey and became a member of Mr. Obey's staff shortly after the campaign ended in 1976.

16 Morris K. Udall, Speech, University of Wisconsin-Madison, Madison, Wisconsin, 27 April 1975. See also "Udall Support," Green Bay Press-Gazette, 4 May 1975, which called Obey the "chief mover" in Udall's Wisconsin effort. (This "article" actually may have been part of an editorial or a Wyngaard column in the GBPG: it was impossible to tell from the entry in the LRB clippings file.)

17 Quinn, interview, 19 August 1977. Williamson confirms speaking to Quinn, but does not remember the substance of their conversations (Williamson, interview at La Follette, Sinykin and Anderson Law offices, Madison, Wisconsin, 9 September 1977).
Scott Lilly, telephone interview, 23 August 1979. Mr. Lilly was an aide to Congressman Obey at the time, and rode in the vehicle with Governor Lucey, Stewart Udall, and Congressman Obey.

Robert Bedard, telephone interview, 8 May 1978. Mr. Bedard was Mr. Udall's campaign coordinator for Wisconsin.

Campbell, interview, 11 November 1977.

Alex Seith, Communication to the author, 3 January 1978.

Fowler, interview, 6 December 1977; and Campbell, interview, 11 November 1977.

Scheckelhoff, interview, 12 January 1978; and Carl Wagner, telephone interview, 26 January 1978. Mr. Wagner, now on Senator Ted Kennedy's staff, was a member of AFSCME's political staff in Washington, D.C., in 1976.


Mr. Rauh endorsed Mr. Udall, saying "Now is the time for all good men to come to the aid of Mo Udall"; while Mr. Schlesinger announced that "the time has come to coalesce behind Morris Udall," and said he would do whatever he could to help Mr. Udall in New York. Spencer Rich, "Both Bayh and Shriver Consider Dropping Out," Washington Post, 4 March 1976.


Udall Campaign deputy national director Jane Watkins, quoted in R.W.


32 Apple, "Udall's Hopes Pinned on Wisconsin."

33 Mr. Carter's polls showed him ahead in Wisconsin (Lucey, interview, 20 February 1978); and Mr. Wallace stood fairly high in the polls, but did not have the kind of supporters who would turn out for, and perform well in, an all-day caucus (see below, footnote 35).


35 As Wallace campaign coordinator Mickey Griffin put it, "The practical effect in Wisconsin in 1976 for George Wallace is that we will probably come out with zero delegates, whereas if you had a primary to pick delegates we probably would have won. . . . Democracy to the establishment Democrats in Wisconsin is having control of the delegation. . . . Democracy to us is

36 Copy of Transcript, DNC Compliance Review Commission meeting, 5 March 1976, 141-43.

37 Ibid., 152. Mr. Barrett voiced assent to Marge Pattison's post mortem ruminations about the effect of the reversal upon the future credibility of the national rules and their enforcement. Her remarks are worth citing here in illustration of the difficulty of choice that politicians often face: "[T]here will probably be a good many states that [wish they had] never submitted a plan. . . . You had better think about it . . . it is my state and I know that it is the best thing for my state. It is a victory for [Wisconsin], but I take it with mixed emotions. I am just wondering if Alabama and Mississippi do not wish they had never submitted a plan" (ibid., 152).


39 Ibid.


41 On this distinction, see Brams, *Presidential Election Game*, 157.
CHAPTER X

CONCLUSION

This case study has detailed the consequences national party rules can have for state parties, and the consequences state party actions can have for national parties. It begins with a national Democratic party rule change that became an issue in a particular state which did not welcome the rule. Rule 2A, which required state Democratic parties to take steps to end crossover voting by non-Democrats in their presidential primaries, conflicted with Wisconsin's 70 year-old "open" primary law and with the independent political beliefs and behavior fostered by that law. At stake in this clash were several conflicting political rights: the first amendment right of party members to organize without interference from opponents and non-supporters; and, on the other side of the issue, the constitutional right of the state of Wisconsin to determine its own election laws, and the constitutional rights of Wisconsin voters to associate with the party of their choice, to vote in the primary of that party, and to do so in privacy without identifying themselves as supporters of that party.

The national Democratic party, which was upset by large-scale Republican crossover voting for George Wallace in the 1972 Wisconsin and Michigan primaries, was determined to prevent a recurrence of such in 1976. Thanks
to the finding in *Cousins v. Wigoda* (1975) that national party rules prevail over state laws in questions of national convention delegate selection, the DNC had the authority necessary to insure that crossover voting would not occur in these states in 1976. It insisted that these state parties must either close their primaries, or, failing that, go to a caucus system, unless they could prove that a "good faith effort" had been attempted but failed to change the necessary laws. In Wisconsin, however, the open primary had achieved the status of a cherished monument to the state's greatest leader and to its golden age as the "laboratory of democracy." Moreover, the right it granted of voting in the primary of any party had come to be viewed by most Wisconsin citizens (82 percent) as a fundamental civil right. They, along with the Wisconsin press and Wisconsin Republican party, were greatly opposed to any change restricting voter access to the presidential primary. Consequently, Wisconsin's Democratic actors—the DPW organization, Democratic legislators, and Democratic governor—also opposed such a change out of political necessity, and proceeded to resist the closed primary mandate from their party's national committee.

This resistance by state Democratic actors, which consisted of "foot-dragging" (i.e., lack of genuine effort to close the primary), a lawsuit against the DNC, and refusal to submit a required alternate plan for delegate selection, left the national party no choice but to find Wisconsin non-compliant. After several warnings and extensions of deadlines, the CRC found Wisconsin Democrats officially non-compliant on December 4, 1975. The matter of delegate selection in Wisconsin was turned over to the DNC Executive Committee which, despite DPW Chairperson Kohl's appeal for a waiver, ordered the state to draw up and implement a caucus plan. Wisconsin Democrats subsequently made another effort to secure passage of closure
legislation through at least one house of the legislature before the February 15 deadline for submission of the caucus plan to the CRC for approval. This effort failed, but at least the ground was prepared for another appeal to the national party that a genuine "good faith effort" had been made to change the law, and that Wisconsin should be allowed to use its primary for delegate selection purposes. That appeal, carried to the DNC by the very resourceful and influential Patrick J. Lucey, succeeded; but this success owed not so much to his personal influence or the national party organization's weakness as it did to a broad spectrum of national party forces which suddenly began to back Wisconsin's request for a waiver. Several earlier attempts by Wisconsin Democrats to gain such a waiver had failed, but at that time they had stood alone before the DNC. This time they did not come alone: they had the interested support and assistance of three of the party's four principal presidential campaigns, representing the party's left, right, and center.

In effect, almost everyone was a winner in the end. Wisconsin's Democratic actors satisfied the various conflicting requirements of their concerns regarding voters' rights, convention-seating, re-election, and king-making; the Udall, Carter, and Wallace campaigns each won a chance to make the most of Wisconsin's historically important primary; the party's reform faction won a chance to try to make the only remaining liberal candidacy viable; and some Southern regulars were able to strike a blow for states' rights. That, in a nutshell, explains the success of Wisconsin's appeal on March 5, 1976, as opposed to the failure of its earlier appeals and attempts to obtain a waiver in 1975 and in the first two months of 1976.

Having devoted such close attention to the issue at the center of the controversy, the actors involved, the interests they had at stake, and the
conflict those interests resulted in, what now remains is to step back and draw conclusions as to what the issues, actors, interests, conflict, and outcome can teach us about the Democratic party, American politics, and politics in general.

There are many lessons to be extracted from the rich detail of the nine previous chapters. These lessons can be summed up in terms of five main themes: (1) the persistence of the amateur-vs.-professional tension and factionalism in the Democratic party; (2) the necessity of coalition politics in order to enable that party to hold together and compete electorally; (3) the prominence of self-interest as a motivating factor in politics; (4) the difficulty of choosing when politicians are confronted with a choice between two goods; and (5) the tension between party centralization and states' rights that party politicians must cope with under our federal system.

Factions and Coalitions

As I made clear in Chapters I and IV of this study, the effect of the DNC's rule 2A upon Wisconsin Democrats was to show clearly and unmistakably how much that state party was a loose alliance or coalition of essentially three separate party elements, each with their own interests in the issue. Those three elements were the party organization, the party-in-government, and the party electorate, which in Wisconsin's case corresponded closely to Wilson's categories of amateurs, professionals, and voters. The party organization in this case was interested chiefly in getting its delegates admitted to the national convention, which necessitated pacifying the DNC; while the Democratic legislators (party-in-government) were interested
chiefly in political survival, which was threatened to the extent that closure would be harmful to the Democratic electorate's interest, which was the right to vote in the Democratic primary without declaring one's self a Democrat.

The Democratic legislators' great resistance to implementing a closed primary stemmed from the fact that enactment of closure would seriously jeopardize their re-election. Many of these legislators had been elected with the help of precisely those moderate Republicans, independents, and marginal, loosely-affiliated Democrats whose primary participation the rule would discourage. The voter anger that would result would endanger them electorally, and probably hurt the Democratic presidential candidate's chances of winning the state in November, as well. (Indeed, it also might inflict long-run damage on the state Democratic party in terms of a growing tendency among voters to avoid other Democratic primaries as well as the presidential primary; which, if it resulted in greater participation in Republican primaries, could translate into more support for that party's candidates in the general elections.)

This illustrates the problem which is at the very heart of the debate between the Democratic party's reform and regular factions over the delegate selection rules instituted during the 1970's. The party regulars' foremost consideration when they controlled the Democratic party always had been the winning of elections, which required the minimization of ideology in the interest of creating and holding together a broad electoral coalition of disparate elements. But the primary consideration of the reformers who have competed for control of the DNC during the 1970's has been the articulation of their social and political views, and winning elections has been relegated to second-place status. Like the amateur club Democrats Wilson
studied in the late 1950's, they believed that establishing a clear-cut philosophy and program in one party (through standardization of the delegate selection process) would compel an opposite expression of purpose in the other party, and thus would lead to a general realignment, with liberals in one party and conservatives in the other. In fact, however, such a belief only highlighted the reformers' amateurism, for, as their more professional regular opponents understood, the trend in American party competition has been that when one of the two parties moves farther toward the pole on its side of the ideological spectrum, the other party moves closer to the center to fill the vacuum created, inflicting a great electoral defeat upon the former in doing so. This is what happened when the reformers captured the national Democratic party in 1972: many of the moderate, tenuously-affiliated voters in the Democratic electorate did not agree with the views expressed by the reformers, and looked elsewhere for candidates whom they felt better represented their own mainstream views.\(^1\)

Another sticking-point between reformers and regulars was the fact that the delegate selection rules decide the all-important question of who should be treated as a party member and be permitted to participate in party affairs, on which turns the question of who shall run the Democratic party. This was an important consideration in the controversy surrounding rule 2A, which of course required state Democratic parties to take steps limiting presidential primary participation to bona fide Democrats only. To the extent that rules like 2A require a more formal affiliation with the Democratic party than many voters in the party electorate may care to make, the rules weaken the intraparty strength of the regular faction, whose less ideological, "professional" members always have enjoyed more support (than reformers) in the party electorate, which shares their moderate outlook.
Specifically, in this case, closure of the Wisconsin primary would have meant some increase in control over that primary for the predominantly reformist DPW organization. That the two party factions vie with one another to gain such control over the selection of delegates is apparent in the dispute between Senator Thompson and reformists Bleicher and Miller over whether his bill should provide for the names of individual candidates for delegate posts to appear on the primary ballot. Indeed, the Democratic legislators' unresponsiveness to the DPW's attempts to secure their cooperation in putting Wisconsin's best foot forward may have stemmed partly from the legislators' intraparty rivalry with the DPW organization as well as from their fear of defeat in the next election.

The conflictual stances of these three components of the Wisconsin Democratic party, and those of the regular and reform blocs in the DNC, give rise to the necessity of coalition politics if these parties are to operate successfully. In a party as large and diverse as the Democratic party, the coalition process is the glue which holds the party together so it can compete successfully for political power.

The outcome of the Wisconsin primary issue demonstrates this need for coalescence. The outcome reached on March 5, 1976 was determined by group decision, by a coalition of many party elements with an interest in saving Wisconsin's primary. The continued operation of that open primary, which was the preferred solution of all Wisconsin's Democratic actors, could not be achieved until such a result was in the interest of enough other elements of the national Democratic party so that a broad coalition-of-the-moment could be formed from among them. Until this coalition worked out a solution satisfactory to almost everyone, the open-vs.-closed primary issue posed a serious obstacle to the cohesion of the various components of the Wisconsin
Democratic party. It might have become an obstacle to the cohesion of the national Democratic party, too, if two Wisconsin delegations instead of one had sought entry to a national convention at which the party's presidential nomination still was being contested. The coalition perhaps saved more than just the open primary.

Perhaps the most interesting aspect of this coalition was the way in which it was put together. As far as I know, a more graphic reconstruction of the formation of a coalition does not exist in the literature on coalitions. The motives of the coalition leaders, and the nature of the side-payments they distributed to prospective partners who joined the coalition, are very clear. Political self-interest plays a large role in both. Governor Lucey's motivation for saving the primary stemmed partly from principles; from the Progressive values he had been socialized to, and from the liberal views he hoped to promote by influencing the party's nomination through the Wisconsin primary. But a large part of his motivation—perhaps most of it—stemmed from an interest in avoiding angering Wisconsin voters who shared those Progressive values, and from an interest in nominating a presidential candidate with whom he personally had some influence. The motivation of his co-leader, Mr. Udall, and that of the other presidential candidates who were attracted into the coalition, was even more interest-based: all had hopes of winning the Wisconsin primary, and thereby boosting their chances for the Democratic presidential nomination. In other words, their interests and those of Wisconsin were easily adjustable (all hoped to gain something by making the primary meaningful), and the side-payments necessary to lure these prospective partners into the coalition were easily met. They consisted of nothing more concrete than the hope of victory—a reward which could not be realized until after the restoration of the primary
was a *fait accompli*, and the delivery of which the coalition leaders could not be held accountable for. The only cost of this side-payment to coalition leaders Udall and Lucey was that the participation of the other two presidential campaigns in the coalition conveyed that they thought they could win in Wisconsin, and thus intended to run hard there.

Aside from this, the only other side-payments necessary were those to some of the individual CRC members who readily acquiesced to the coalition leaders' requests for their votes. For the most part, these individual coalition partners probably gave their support in the tacit expectation that a return favor or just the good graces of the victors would be their reward someday. These, too, were payable after the restoration of the primary rather than beforehand, and thus facilitated rather than hindered coalition-formation.

To sum up, the coalition process in this case can be broken down into three essentials. One essential was the availability of a number of distinct political groups—factions, blocs, presidential campaigns, etc.—out of which a coalition could be formed. The second essential was the coalition leadership, the driving force which conceived the coalition and executed the difficult task of inducing others to join. The third essential of this coalition was the indispensable stuff of politics which provided the inspiration for the coalition, and the glue to hold it together: interest. It was candidate-interest which compelled the five core members of the CRC's reform bloc to abandon their usual pro-accountability pattern of voting and join certain elements of the CRC's regular, pro-flexibility bloc (i.e., southerners Donald Fowler and Drayton Pruitt) in voting to relax the rules for Wisconsin. It seems equally clear that in deviating from his usual preference for rule flexibility to vote to hold Wisconsin accountable to the rules,
CRC regular bloc member Alex Seith also was acting out of interest: he hoped to thwart the rival faction's ambitions to help their preferred presidential candidate, Morris K. Udall.

The Role of Self-Interest

Many of the actions taken by the actors in this controversy suggest the obvious, axiomatic conclusion that politicians often act according to interest. Generally speaking, the interests of each actor outlined in Chapter IV correlate with, and thus appear to have played a large determining role in, the actions subsequently taken by each during the controversy. The DNC had an interest in ending crossover voting and stood pretty squarely behind rule 2A, until developments in the 1976 nomination race caused those reformist and "Humphrey-regular" elements which had been the backers of that rule to have an offsetting interest in granting Wisconsin an exception to that rule. The Democratic legislators' strong opposition to enactment of rule 2A in Wisconsin is traceable to their interest in staying in office, which that rule threatened inasmuch as its enactment also was opposed by the state's Democratic electorate, the state press, and the state Republican party. The DPW organization and Governor Lucey, both of whom were pulled in two directions by their conflicting interests in power in Wisconsin, on the one hand, and power in the national party, on the other, each opted for trying to
realize both interests by undertaking certain minimum efforts on behalf of closure in the hope that such efforts would earn the DNC's permission to continue using the open primary.

Specific instances bear out these general assertions that much of the various actors' behavior was rooted in interest. The tendency of Democratic state senators from unsafe seats to vote against closing Wisconsin's primary while those from safe seats eventually were persuaded to support it suggests rather strongly that self-interest in re-election may have been a decisive factor in legislators' voting decisions on this issue. The deviation from standard voting patterns on March 6 by all the members of one bloc and some of those in another bloc of the CRC is another example of the decisive role of interest: it showed that reformers will ignore reform when it interferes with their own interest, and that regulars can be pro-reform when it is in their interest to be so. Finally, many of those who were actively engaged in lobbying the CRC on behalf of the Wisconsin waiver (e.g., Mr. Lucey and Mr. Baron) acknowledge having done so in the interest of the state of Wisconsin and/or the Udall for President campaign, or the Democratic party's liberal-reform faction. This is tantamount to acting in their own interest, inasmuch as group benefits often define individual interests.

Yet, self-interest is common to politics, and does not by itself tell us much that is new or profound about political behavior, especially when it is remembered that (1) the interest of the CRC's reform bloc in keeping Wisconsin's primary open may have been augmented by their belief in maximum open participation, and (2) the interest of the electorally insecure senators in keeping Wisconsin's primary open must have been augmented to some degree by the senators' internalization of the Progressive, independent culture of the state. Making a choice between that which is in one's interest and that
which is against one's interest is usually an easy choice, especially so when one's interest happens to correspond with one's system of values. But both interests and values may be complex rather than one-sided, and incompatible rather than harmonious, as was true in the case of Governor Lucey, and to a lesser extent in the cases of DPW leaders Frank Nikolay and Midge Miller, CRC members Donald Fowler and Ann Campbell, and Representative David Kedrowski. What happens when two or more interests at stake in the same issue do not correspond, or one's interests and values do not correspond?

The Dilemma of Choice

What do politicians do when they must choose between two goods? The answer to this question depends in large part upon what kinds of goods or values are in conflict with one another. If the goods in conflict are both interests, it is logical to surmise that the politician who must choose between them usually will do so on the basis of which is the greater interest. For example, if I may oversimplify for a moment, Representative Kedrowski's lackluster presentation of SS AB-9 in caucus may be seen as a choice preferring his interest in re-election over the interests of his role as a committee chairperson. Choice becomes much more difficult, however, and thus more difficult to assess and explain, when the conflicting values that frame the choice are an interest and a belief, respectively. When confronted with a situation in which the goods that must be chosen between are entirely different quantities and as difficult to compare as apples and oranges, what do politicians do? What happens when they must make a value choice between their self-interest and their beliefs?

The dilemma is great, for the politician who faces such a choice must
choose between the two most essential motivating elements in politics: self-interest, and ideology. Which of them is the greater motive force is important for us to know, because, as the preceding chapters often suggest, they frequently conflict and pull the politician in opposite directions. Which, then, prevails in the mind of the politician torn between interest and ideology?

It is not my aim here to provide any kind of definitive answer to this question. But I believe I can answer it with some confidence at least as far as most of the politicians in this study are concerned, with the caveat that interests and ideology often are so intertwined that they are difficult to distinguish. My answer tends toward that of Key, who asserted that interest weighs exceedingly heavy as a determinant of political behavior. Much of the activity surrounding the CRC reversal on March 5, 1976 suggests that the politicians involved in that episode usually perceived their own self-interest as the greater good. Certainly, ideology as well as interest usually underlay the cohesive bloc behavior Longley found characteristic of CRC roll call votes on questions of state party compliance: that is evident in the statement of one CRC member that the antagonism between the regular and reform blocs in that body revolved around the conflicting values of state party autonomy and maximum party openness. Indeed, factional interest often was intertwined with the democratic ideals of the party reformers, on the one hand, and the more pragmatic ideals of the party regulars, on the other. But in Wisconsin's case on March 5, with the nomination race underway, this harmony of ideology and interest did not exist for either bloc in the CRC. And in the absence of such a convergence, all of the core members of the reform bloc and three who were core members or close affiliates of the regular bloc abandoned their accountability and flexibility ideals,
respectively, to vote according to factional interest instead. Of course, it may be argued that these ideals perhaps were abandoned not for an interest, but for a more important ideal: the CRC reform bloc members' belief in the necessity of nominating a candidate who would uphold liberal ideals may have outweighed their belief in strict adherence to the rules. But it also must be recognized that the ideal happily coincided with the reformers' interest as a faction in the ongoing struggle for power within the Democratic party, and beyond that with their interest in capturing and filling the executive branch of government with people drawn from their own ranks. Surely, coinciding interests such as these help politicians to decide that one ideal is a greater value than another, just as coinciding ideals may help them to decide that one interest is greater than another.

From this distance, the only CRC member who could be said to have preferred his beliefs to his faction's interests on the Wisconsin question is Donald Fowler. It appears that Mr. Fowler, who voted as usual for rule flexibility but denounced the partisan, special treatment that flexibility amounted to in this instance, acted thusly despite the interests of his own faction because the issue at stake was a matter of states' rights. Surely belief in states' rights was a strong strand in Mr. Fowler's personal belief system; and yet, I repeat, belief systems or ideologies often are intertwined with interests. It is almost axiomatic in American politics that federal conflicts usually do not involve a struggle between the nation and the states, but rather a struggle between interests which have favorable access to different levels of government. If Mr. Fowler's vote on the Wisconsin question is viewed in this light, then one could speculate that he chose a long-term interest over a short-term one: as a southerner, he may have viewed the preservation of the integrity of the states' rights doctrine
as a greater interest in the long run than the more immediate interest of blocking the opposing faction. There also remains the question of what role interest unconsciously may have played in the formation of Mr. Fowler's belief system.

Likewise, the Progressive, independent beliefs which many Wisconsin Democratic legislators internalized cannot be separated from the fact that these legislators also numbered many independents and some Republicans among their supporters. Moreover, it is difficult to understand why so many of the senators from safe seats, many of whom earlier stated in interviews and press releases that they believed closure to be "unconstitutional" and "unprogressive," later changed to a position of support for closure while those from unsafe seats did not. Contrary to what some social scientists have thought, values appear to be negotiable after all, at least where professional politicians are concerned. Ideology was not as strong a factor as the party line in the choices of those senators who, lacking a sufficiently compelling threat to their own political survival, were persuaded to vote for that which they earlier had opposed.

Apparently, ideology is much stronger when a sufficient, coinciding interest is present alongside it, as was true for most of those endangered senators who steadfastly refused to support closure. Yet, it is even questionable how important ideology was in the decisions of the latter to vote against closure. I say this because although on the surface the ideology and interests of this group appear to run parallel, a closer look reveals a certain logical incompatibility between the two. It seems to me a bit ironic that politicians who subscribe to the Progressive ideal of independent political behavior by the individual should vote to defend that ideal in part because it is what their constituents believe, or because they fear they will
not be re-elected if they oppose it.9

The fact that politicians portray themselves as motivated by ideals when a strong motivating interest also exists, however, implies that ideology or beliefs must be of some importance in their eyes, which in turn suggests that politicians apparently like to have it both ways. This is to say that the politician faced with the dilemma of choosing between interest and ideology, or between any two goods, often may find the choice so painful and difficult that he will try to realize both.10 The DNC reform faction which controlled the Mikulski Commission was trying to have it both ways when it created rule 2A, which aimed at preventing certain voters from participating in the delegate selection process at the same time that the reformers claimed to want to increase popular participation in that process. Governor Lucey wanted to resolve the primary controversy in a manner that would save his state electorate's cherished voting rights and his legislative majority and still enable him to exercise maximum influence at the national convention and in the selection of the party's presidential nominee. So he chose first to follow a "good faith effort" strategy, and then opted for a lawsuit when that alternative held out the possibility of realizing his interests more fully. DPW Second Vice Chairperson Frank Nikolay believed strongly in the right of voter privacy and independence guaranteed by the open primary, and yet wanted his state party's delegates seated at the national convention, too. So he and Representative Midge Miller, who shared his ambivalent feelings, proposed and played a leading role in the build-up of documentation showing that Wisconsin was making a "good faith effort." Only a waiver of rule 2A would enable them to realize both their principles and their interest. CRC members Ann Campbell and Donald Fowler also found it difficult to choose during the vote on March 5. Ms. Campbell, who
believed in rule flexibility and liked Mr. Udall but was angered by the opportunism of the rival reform bloc, abstained from voting at all; while Mr. Fowler voted his principles and then spoke of his mixed feelings, and actually castigated members of the opposing faction for voting as he had voted.

Choosing between or among multiple goods is a dilemma for politicians, especially if they wear several hats, as Governor Lucey and Ms. Miller did. But those singled out here are only the most outstanding examples: no doubt most of the individual legislators, DPW leaders, and national party officials confronting this issue felt torn by it to some degree. The lesson is that politics often occasions as much conflict inside politicians as it does between politicians.

This internal dissonance is a key variable in politics, for the politician who has conflicting interests or values at stake in an issue is the stuff from which successful coalitions are built. Either way the politician facing the dilemma of choice decides, he or she wins something and loses something. This either/or proposition has the effect of facilitating coalition with other actors to achieve an outcome. By coming to grips with the dilemma and making a choice, each actor not only gets something but gives up something of value, which perhaps can serve as the basis for attracting other actors into the coalition. Many in the winning coalition to save the Wisconsin primary gave up something which rewarded others for joining. The reform faction won a chance for their preferred presidential candidate to win a crucial primary, but at the cost of their ideal of strict enforcement of the rules. Southern regular Donald Fowler won a victory for the ideals of flexible enforcement of the rules and states' rights, but at the cost of an opportunity for his ideological opponents to boost their candidate's
chances in the nomination race. The Udall campaign won a chance at a badly-needed primary victory, but at the cost of an almost certain caucus victory and probable increased competition in Wisconsin from the other candidates who joined him in pushing for the restoration of that state's primary.

By facing up to the dilemma of choice and deciding, each of the actors in this coalition emerged with something of value. This could not have been the case had each actor refused to make a choice, and tried instead to realize all its separate interests without giving up any. Without compromise on the part of at least some members, coalitions seldom can form and little can be accomplished. In this particular case, the failure of the pro-waiver coalition to emerge would have meant (1) a meaningless vote for Wisconsin primary voters, (2) some bad press and voter hostility for the national and Wisconsin Democratic party organizations, (3) much less chance for Mr. Lucey to influence the Democratic nomination, (4) no chance for Mr. Udall to win a primary and build campaign momentum, (5) no chance for Mr. Carter to deliver a coup de grace to Mr. Udall in a heretofore traditionally liberal primary, (6) no Wisconsin delegates at all for George Wallace, (7) a convention credentials fight between two Wisconsin delegations for Robert S. Strauss to worry about, and so on. Often, to try to have it both ways is to lose both, as Governor Lucey almost did when he abandoned the "good faith effort" strategy for the lawsuit.

The Federal Structure and the Tension Between Party Centralization and States' Rights

In a very real sense, the dilemma of choosing between two goods was the central problem of the open-vs.-closed primary controversy, for at bottom the issue facing the Democrats was a choice between party centralization
and states' rights. The central theme of this study is the tension between the DNC and the Wisconsin Democrats, who disagreed over which of these two goods ought to be preferred over the other.

The roots of the conflict between Wisconsin Democrats and their national party may be found in the federal arrangement. For more than 130 years, the state party components of the weak, decentralized parties which had grown up under our federal system selected their delegates to the national party conventions in any way they wished. Moreover, the parties in each state adapted themselves to the traditions and particularities of that state, such as Progressivism in Wisconsin. Understandably, then, when the DNC introduced delegate selection rules during the 1970's specifying in great detail how the state Democratic parties must choose their convention delegates, several state parties—like the Wisconsin Democrats in this case—refused to implement certain national rules which ran counter to their state's traditions and laws. The grounds on which they refused to comply usually consisted chiefly of some variant of the doctrine of states' rights.

In this case, the legal grounds on which Wisconsin Democrats argued their right to determine their own primary election format took up the classical states' rights theme that the election rule change mandated by the DNC usurped a power reserved to the states by the Constitution. The making of election laws, including primary election laws, is the prerogative of the state. They also opposed the DNC's closure mandate on the grounds that the Constitutional rights of the individual voter ought to take precedence over any interest that the Democratic party had a right to protect. Many Wisconsin citizens, reared in a state political culture in which ordinary Lockean concern for individual rights is heightened by the permeating influence of Progressivism, seem to regard that as voters they are absolutely free to
vote as they wish in any election, primary or general. They are sovereign. Political parties, on the other hand, are not even mentioned in the Constitution; so what rights have they, what authority have they to dictate rights to people?

The national Democratic party's answer to this question was that political parties are composed of people who also have rights—a possibility that Progressivism, with its anti-organizational thrust, never recognized. Political party members, as ideological advocates, have a first amendment right to organize without interference from those who do not share their views. This right is recognized by courts all over the country: there is today a body of case law which finds "a compelling state interest" in the prevention of participation by non-adherents in party primaries. Furthermore, the DNC argued, and the Supreme Court's Cousins v. Wigoda (1975) decision agreed, that the interests of voters throughout the nation—which outweigh the interests of the voters of any state—are best served by the selection of convention delegates according to a single set of national rules, rather than according to 50 different sets of rules.

The question of which of these conflicting goods ought to be preferred, although Wisconsin's Democratic actors were parties to the debate, was entirely within the DNC's power to decide. Indeed, much of the significance of this study as far as federal relations within the Democratic party are concerned stems from the fact that the rules conflict between Wisconsin Democrats and the DNC was the first real post-Cousins v. Wigoda test of the DNC's authority over the state parties. Wisconsin's challenge of this authority succeeded, but not when it was just Wisconsin versus the DNC. In effect, the waiver of rule 2A was won through the efforts of the entire national Democratic party, not just the Wisconsin Democratic party. The
likelihood of other states' rules challenges attracting such support seems highly unlikely, especially if future Compliance Review Commissions dispose of all their business before the presidential primary season begins. Furthermore, the rule-exception granted by the CRC was only temporary: Wisconsin was warned that it had to comply with rule 2A by 1980, or become a caucus state without fail.

Consequently, my conclusion, although it is risky to judge on the basis of just one case, is that the DNC is a little less the captive of such environmental factors as federalism, state electoral machinery, statutory regulation, and political culture than it used to be. Reform, undergirded by the decisions of the Supreme Court, has had a centralizing effect upon the Democratic party. Unlike in the past, the DNC now plays an important political role. The delegate selection rules it makes and enforces are an important part of the strategic environment for presidential candidates and competing party factions. None of the many actors involved in the March 5, 1976 CRC reversal would have behaved as they did unless something important was at stake.

During this controversy, the DNC was stronger than at any time during its history. Not only were its rules judged to have the force of law and take precedence over state laws concerning delegate selection, but they were enforced upon the state parties by a quasi-judicial body, the CRC. This amounts to an alteration of the historic relationship between the DNC and its state components: for the first time, the DNC can be seen dictating terms to the state parties, instead of always vice versa.

But this is only to say that what once was a one-way street is now a two-way street. The DNC's new power over the state parties has not replaced, but rather answered, the state parties' traditional influence over the DNC.
The state organizations remain strong vis-a-vis the DNC in that they choose who sits on the DNC, and not vice versa. The DNC and its rule-making and enforcement commissions are all composed for the most part of state and local Democratic leaders, as is evident in the number of mayors (Doris Davis, Richard Hatcher, Kathryn Kirschbaum, Drayton Pruitt), state party chairpersons (Ann Campbell, Joseph Crangle, Donald Fowler, Robert Vance), and other such officials sitting on the CRC. This in itself insures the states' continuing influence within the DNC and upon the making and enforcement of the rules by which they must abide. As we saw in this study, in the end the question of whether state parties had complied with the national rules was decided by a panel made up largely of state and local Democrats.

So federalism and the decentralization it has forced will continue to pose great obstacles to a really strong national party, reforms and standardized rules to the contrary. The Wisconsin challenge to rule 2A came despite the demand for closure throughout the national party, despite the insistence of the CRC and DNC leadership that Wisconsin must comply, and despite the implications of Cousins v. Wigoda, which were that the DNC had all the trumps on its side. No doubt the variety of beliefs, traditions, and quirks that are ensconced in the many state political cultures assure that there will always be such challenges to the rules. But Wisconsin's success had some of the qualities of a fluke, the exceptional circumstances of which suggest that such conflicts between state parties and the DNC rarely will come out favorable to the former. The national delegate selection rules, backed as they are by the courts, give the DNC at the very least a great deal of leverage over the states. Henceforth, relations between the state and national Democratic parties should be characterized by a two-way flow of influence.
NOTES

CHAPTER X


2 This is how Mark A. Siegel summed up the March 5 CRC reversal (interview, 18 August 1977).


4 "In its campaign literature in 1944 the CIO-PAC asserted: 'Politics is the science of how who gets what, when and why.' From this proposition it follows that self-interest alone obliges the citizen to study the issues, to inform himself of the views of the candidates, to vote, and to carry his own weight in politics generally. Critics and opponents of the CIO-PAC zestfully attacked its definition of politics as crassly materialistic ... and as evidence that no candidate supported by the CIO-PAC merited public office. Yet in this campaign oratory these same opponents were validating the definition by doing their utmost to influence the determination of who gets what. For bringing into open discussion a realistic conception of politics the CIO-PAC perhaps deserves some slight token of gratitude. ... Politics is not, like marbles, a game played for sport. It is a game played for
keeps, a game in which the stakes are high." Ibid., 1.

On this, see Crotty, Decision for Democrats, 269 ff.

One might say in some fairness that the reform bloc's favoring an exception to rule 2A for Wisconsin was consistent with its ideology of party openness, inasmuch as party rules designed to achieve that goal would have the effect of limiting it in Wisconsin's case. But this would be a misconstruction, for the party reformers firmly believed that guaranteeing openness to participation would not achieve the desired effect of increasing the voice of the individual Democrat in party affairs if his voice were diluted by those of Republican and independent participants. Maximizing the participation of the individual, in their eyes, depended perhaps as much on restricting the access of those who were non-Democrats as upon increasing access for those who really were Democratic supporters.


As a southerner, he also may have voted to restore Wisconsin's primary because he had begun to favor the candidacy of Jimmy Carter, although I do not know this for sure.

This kind of "independence" resembles that of Robert Lane's unconsciously conformist "common man," which is to say that it is not so independent as its practitioner thinks. Lane, Political Ideology, 19-20.

Ranney, Curing Faction, 195.

E.g., Rosario v. Rockefeller, 410 U.S. 752, rehearing denied, 411 U.S. 959 (1973); Pontikes v. Kusper, 345 F. Supp. 1104 (N.D. Ill. 1972);
BIBLIOGRAPHY

PRIMARY SOURCES CONSULTED

Manuscript Collections


Madison, Wisconsin. Personal papers of Linda Reivitz.

Madison, Wisconsin. Personal papers of Steven Schier.

Madison, Wisconsin. Personal papers of Brady Williamson.


Washington, D.C. American Federation of State, County and Municipal Employees headquarters. Files of liaison to Democratic National Committee.


Newspapers

Appleton Post-Crescent, 20 January; 6 March 1976.


Chicago Sun-Times, 1 June 1976.


Columbia Record (Columbia, South Carolina), 17 January 1974.

Eau Claire Leader-Telegram (Eau Claire, Wisconsin), 3, 13, and 16 June 1975.


Sioux Falls Journal (Sioux Falls, South Dakota), 6 February 1974.


Personal Interviews and Correspondence


Anderson, Representative Norman C. Telephone interview, 10 January 1978.


----------. Telephone interview, 30 January 1978.

Bedard, Robert. Telephone interview, 8 May 1978.


Duren, Representative Joanne. Telephone interview, 10 November 1978.


Fowler, Donald. Telephone interview, 6 December 1977.


Hanson, Martin. Letter, 17 January 1978.
    Telephone interview, 20 November 1977.
Jackamonis, Representative Edward. State Capitol, Madison, Wisconsin.
    Interview, 26 April 1978.
Kedrowski, Representative David R. State Capitol, Madison, Wisconsin.
    Interviews, 24 January and 12 April 1978.
    A. Telephone interview, 19 November 1977.
Lang, Scott. Democratic National Committee headquarters, Washington, D.C.
    Interview, 17 August 1977.
Lucey, Governor Patrick J. University of Wisconsin Hospitals, Madison, Wisconsin.
    Interview, 20 February 1978.
Madison, Jerry. Telephone interview, 4 September 1979.
Majerus, Raymond. Telephone interview, 1 February 1978.
Mikulski, Barbara A. Letter, 16 December 1977.
Obey, Congressman David R. Letter, 29 December 1977.
Ostro, Justin. Communication, 29 December 1977.
Pattison, Marge. Residence, Madison, Wisconsin. Interview, 1 August 1977.
   Telephone interviews, 22 November and 2 December 1977.

Peterson, Donald O. Dadco Foods, Eau Claire, Wisconsin. Interview, 25
   November 1977.

Quinn, John M. Arnold and Porter Law Offices, Washington, D.C. Interview,
   19 August 1977.

Reivitz, Linda. Wisconsin Department of Natural Resources, Madison, Wiscon­
   sin. Interviews, 4 August and 4 October 1977. Telephone interview,
   2 November 1977.

Scheckelhoff, Mary A. Democratic National Committee, Washington, D.C.

----------. Letter, 7 April 1978.


Seith, Alex. Communication, 3 January 1978.

Selk, James D. Telephone interview, 3 April 1978.


Siegel, Mark A. The White House, Washington, D.C. Interview, 18 August
   1977.


----------. Telephone interview, 21 January 1978.


   Interview, 11 April 1979.

Wahner, Representative James W. Author's residence, Madison, Wisconsin.
   Interview, 27 January 1978.

Williamson, Brady C. La Follette, Sinykin and Anderson Law offices,


Published Reports, Proceedings, and Newsletters


Delegate Selection Rules for the 1976 Democratic National Convention.


Democratic Letter, 1 (25 May 1973); 4 (9 July 1973); and 12 (5 November 1973).
Democratic Planning Group Newsletter, 16 (16 November 1973); 17 (15 January 1974).


SECONDARY SOURCES CONSULTED

Articles
Epstein, Leon D. "The Old States in a New System." Edited by Anthony King. 

Books
Apter, David E. Introduction to Political Analysis. Cambridge, Mass.:


**Theses and Unpublished Papers**


GLOSSARY

Albrecht, Sue. DPW Secretary; DPW Administrative Committee member.

Anderson, Norman. State Representative (D-Madison); Speaker of the Assembly.

Barczak, Gary. State Representative (D-West Allis); DPW Administrative Committee member. Preferred a two-date primary plan.

Baron, Alan. Former McGovern aide and DNC staffer under Jeanne Westwood; Udall backer; editor of the Democratic Planning Group Newsletter and The Baron Report. Lobbied the CRC to save Wisconsin's primary.

Bedard, Robert. Udall's Wisconsin campaign director.

Bleicher, Michael. Wisconsin DNC member; DPW Administrative Committee member.

Bode, Kenneth A. McGovern campaign aide; prominent Washington reform Democrat.

Burg, Mary Lou. Wisconsin DNC member; Robert Strauss's DNC Deputy Chairperson.

Campbell, Ann D. CRC member; regular; New Jersey Democratic Chairperson. Resisted pressure from Lucey and Udall to vote for waiver.


Charter Convention. Mid-term convention to ratify national party charter held in Kansas City, December 1974. Sometimes called the "mini-convention."

Chilsen, Walter J. State Senator (R-Wausau).


CDM. Coalition for a Democratic Majority; party centrist group.

COPE. Committee on Political Education of the AFL-CIO.

Crangle, Joseph F. CRC member (vote association=neutral); New York State Democratic Chairperson.

CRC. Compliance Review Commission of the DNC. Quasi-judicial body responsible for assisting and overseeing state parties' implementation of national delegate selection rules.


DNC. Democratic National Committee.

DPW. Democratic Party of Wisconsin.

Dorman, Henry. State Senator (D-Racine); DPW Administrative Committee member. Chaired Governor's Ad Hoc Committee.

Duren, Joanne. State Representative (D-Cazenovia). Secretary of Assembly Democratic caucus.


Fowler, Donald. CRC regular bloc member; South Carolina Democratic Chairperson. Favored flexible enforcement of rules upon state parties.

Gebhardt, Joseph. Washington attorney; reform Democrat and McGovern-Fraser Commission staff member.


Governor's Ad Hoc Committee. Group of legislators and party officials designated by Governor Lucey to find a politically acceptable way of closing the open primary.
Goyke, Gary.  State Senator (D-Oshkosh); member of Governor's Ad Hoc Committee.  Lobbied by DNC Chairperson Robert Strauss to vote for SB-743.

Hanson, Daryl.  DPW Administrative Committee member; Milwaukee County Democratic Chairperson.  Lobbied DNC to give Wisconsin its final chance at closure.

Hanson, Martin.  Udall campaign Wisconsin Chairperson.

Holmgren, Steven.  Special Assistant to Governor Lucey.  Responsible for liaison with the Assembly.

Jackamonis, Edward.  State Representative (D-Waukesha); author of AB-807; member of Governor's Ad Hoc Committee.  Backed away from early pro-closure posture after June 23, 1975 hearing.

Kedrowski, David.  State Representative (D-Washburn); Chairperson of Assembly Committee on Elections; member of Governor's Ad Hoc Committee.  Told July 30, 1975 meeting called by Lucey and La Follette that closure would cost him his seat.  Held up closure in committee; presented Reivitz bill to Assembly Democratic caucus during special session.

Keppler, Ernest.  State Senator (R-Sheboygan).  Wanted open primary extended to become a blanket primary.

Kirschbaum, Kathryn.  CRC member; ex-mayor of Davenport, Iowa.  Incorrectly reported to have been pressured by reformers into voting for Wisconsin waiver.

Klauser, James.  Senate Republican Caucus Staff Director.


LaFollette, Bronson.  Wisconsin Attorney General; "Fighting Bob's" grandson.  Wanted to initiate lawsuit in order to save open primary his grandfather had created.
LaFollette, Robert M., Sr. Wisconsin Governor 1900-1905; Progressive Movement leader; chief proponent of nomination by direct primary; Wisconsin's greatest political hero.

Lang, Scott. CRC Staff Director.

Lilly, Scott. Aide to Congressman Obey; oversaw preparations for first Udall appearances in Wisconsin.

Loftus, Thomas. Administrative aide to Speaker of the Assembly; Second Congressional District Udall Campaign Coordinator.

Lucey, Patrick J. Governor of Wisconsin, 1971-1977; former DPW State Chairperson; campaign architect with broad experience in liberal campaigns. Highly respected in national Democratic circles.

Madison, Jerry. DPW Administrative Committee member; Congressman Obey's home secretary.

Majerus, Raymond. Region 10 UAW Director; DPW Administrative Committee member; Udall backer. Obstructed adoption of caucus alternate plan.

Maraniss, Elliot. Then Executive Editor, Capital Times; now Chief Editor.

McGovern-Fraser Commission. Architects of original party reforms, effective in 1972. Formally known as Commission on Delegate Selection and Party Structure. Chaired by Senator McGovern who was succeeded by Congressman Donald Fraser.

Mershart, Eileen. Influential Northern Wisconsin Democratic leader.

Mikulski, Barbara. Chairperson of the DNC Commission on Delegate Selection and Party Structure (Mikulski Commission); CRC member; core member of the reform bloc.

Mikulski Commission. Succeeded McGovern-Fraser Commission. Replaced quotas with affirmative action and rolled back a couple other delegate selection reforms, but sustained and refined the rest. Chaired by Barbara
Mikulski.

Milbourne, Robert. Executive Assistant, Wisconsin Department of Administration. Participated with Michael Bleicher, Daniel Wisniewski, and Linda Reivitz in early sessions outlining Governor Lucey's closed primary proposal.

Miller, Marjorie ("Midge"). State Representative (D-Madison); DNC member; Udall backer. Helped force Thompson to agree to compromise version of SB-743 acceptable to liberals. Had many interests at stake.

Munts, Mary Lou. State Representative (D-Madison); liberal.

Nikolay, Frank. DPW Second Vice Chairperson; closed primary opponent; former state legislator. Headed DPW Administrative Committee's "good faith" lobbying effort.

Obey, David. Wisconsin Congressman; close to Udall. Persuaded him to run for President.

Ostro, Justin. CRC member; closely affiliated with reform bloc. Authored resolution granting Wisconsin waiver from closed primary.

Pattison, Marge. DPW First Vice Chairperson; CRC member.

Peterson, Donald O. Wisconsin DNC member; DPW Administrative Committee member. Preferred caucus system.

Pruitt, Drayton. CRC member; Wallace's man on CRC; core member of CRC regular faction. Voted for Wisconsin waiver at Wallace's instruction.

Quinn, John M. ("Jack"). Congressman Udall's national campaign director; close friend of Lucey aide Brady Williamson, with whom he maintained close contact during the drive to reverse the CRC.

Reform bloc. The Mikulski-appointed reformers on the CRC whoavored a strict constructionist interpretation of the national rules, and wanted to hold the state parties accountable to them. Also referred to as the
pro-accountability bloc.

Regular bloc. The Strauss-appointed regulars on the CRC who favored a flexible interpretation of national rules and recognition of the states' various differences and problems. Also referred to as pro-flexibility bloc.

Reivitz, Linda. Executive Assistant, Wisconsin Department of Administration. Handled special assignments from Governor's office. Close to Governor Lucey.

Risser, Fred. State Senator (D-Madison); Senate President Pro-Tempore. Often spoke against closure in early stages of the controversy.

Sanford Commission. Charter Commission. Assigned the task of writing a national party charter.

Scheckelhoff, Mary. AFSCME liaison to the DNC.

Schulenburg, Marnie. DPW Media Director.

Segal, Phyllis. CRC member; bellwether of CRC reform bloc; New York liberal; Udall supporter. Broke pattern of support for strict enforcement of rules to vote for a waiver for Wisconsin.

Seith, Alex. CRC member; bellwether of CRC regular bloc. Broke pattern of support for rule flexibility to oppose Wisconsin waiver.


Sensenbrenner, F. James. State Senator (R-Shorewood). Warned that Republicans would make closure an election campaign issue. Insisted that Government and Veterans' Affairs Committee Democrats had to vote yes to get SB-743 out of that committee.

Siegel, Mark A. DNC Executive Director under Strauss. Criticized Lucey's compliance efforts. Kept close tabs on CRC through its staff. Often lobbied Strauss's point of view before DNC bodies.

Steinhoff, Ronald. DPW Executive Secretary to State Chairperson William Gerrard.

Strauss, Robert S. DNC Chairperson.

Swan, Monroe. State Senator (D-Milwaukee); Chairperson of Senate Government and Veterans' Affairs Committee. Decided to move SB-743 out of his committee without voting yes or no.

Thompson, Carl. State Senator (D-Stoughton). Former Progressive; a founder of DPW and former DNC member; author of Special Session Senate Bill 4 and Senate Bill 743; member of Governor's Ad Hoc Committee; leader in movement to convince DNC to give Wisconsin another chance to close primary in early 1976. Wanted delegates' names to appear on primary ballot.

Udall, Morris K. U.S. Congressman from Arizona; Democratic Presidential candidate. Lobbied CRC on behalf of waiver for Wisconsin.

Wagner, Carl. AFSCME legislative liaison. Lobbied CRC on occasion.


Wagner, Robert F. CRC Chairperson (vote association=neutral); former mayor of New York City.

Wahner, James. State Representative (D-Milwaukee); Assistant Majority Leader.

Wilbur, George. DPW Administrative Committee member; opposed closure.

Williamson, Brady C. Special Assistant to Governor Lucey for national political affairs.

Willkom, Terry. State Representative (D-Chippewa Falls); Majority Leader.

Wisniewski, Daniel. Special Assistant to Governor Lucey. Responsible for liaison with the state Senate.

Wyngaard, John. *Green Bay Press-Gazette* political writer; Dean of Wisconsin state Capitol press corps and author of statewide syndicated column; pro-Republican.

Zins, Allan D. Executive Director, DPW state headquarters. Prior to that served as member of Governor Lucey's staff.

---

**DELEGATE SELECTION RULES OF THE 1976 DEMOCRATIC NATIONAL CONVENTION**

**Rule 1A:** State parties shall adopt explicit written rules and procedures covering all aspects of the delegate selection process including, but not limited to, the apportionment of delegates and votes within the state; the allocation of fractional votes; the nomination of delegates and alternates; the succession of alternates to delegate status and the filling of vacancies in delegate positions; the selection and responsibilities of convention committees; credentials challenges; and minority reports. Such rules shall be adopted at least ninety (90) days prior to the first step in the delegate selection process and in no case later than January 1 of the calendar year of the National Convention.

**Rule 2A:** State Parties must take all feasible steps to restrict participation in the delegate selection process to Democratic voters only. Such steps shall be included in proposed Party rules submitted to the Compliance Review Commission of the National Democratic Party. Such rules, when approved by the Compliance Review Commission and implemented shall constitute adequate provisions
within the meaning of Section 9 of the 1972 Democratic National Convention mandate.

Rule 9A: Apportionment of National Convention delegates within states shall be based on one of the following:

(1) a formula giving equal weight to total population and to the average of the vote for the Democratic candidates in the two most recent presidential elections;

(2) a formula giving equal weight to the vote for the Democratic candidates in the most recent presidential and gubernatorial elections;

(3) a formula giving equal weight to the average of the vote for the Democratic candidates in the two most recent presidential elections and to Democratic Party registration or enrollment as of January 1, 1976.

(4) a formula giving one-third (1/3) weight to each of the formulas in items (1), (2) and (3).

Rule 11: The Call for the 1976 Democratic National Convention shall include provisions that assure that the delegates to the 1976 Democratic National Convention be chosen in a manner which fairly reflects the division of preferences expressed by those who participate in the presidential nominating process in each state, territory, and the District of Columbia.

At all stages of the delegate selection process, delegations shall be allocated in a fashion that fairly reflects the expressed presidential preference, uncommitted, or no preference
status of the primary voters, or if there be no binding primary, the convention and caucus participants, except that preferences securing less than 15 percent (15%) of the votes cast for the delegation need not be awarded any delegates.

In states electing delegates in primaries in which votes are cast only for individual delegate candidates, delegates shall be elected from districts no larger than a Congressional District.

For the purpose of fairly reflecting the division of preferences, the non-binding advisory presidential preference portion of primaries shall not be considered a step in the delegate selection process. In such primaries where votes are also cast for individual delegate candidates, the votes for such individual delegate candidates shall constitute a fair reflection of the division of preferences, provided that such delegates shall be elected from districts no larger than a Congressional District.

Rule 19D: Each State Party shall adopt an Affirmative Action Plan which will be submitted to the CRC for approval on or before March 15, 1975. Such plans shall include provisions for the appointment of a representative State Affirmative Action Committee upon which members of the National Delegate Selection Commission from that state will serve if the member so desires, and the implementation by Party organizations of Affirmative Action as defined specifically in Rule 18. In the final six (6) months prior to the first step of the delegate selection process, each State Affirmative Action Plan shall give special attention to encouraging
participation in the dissemination of information about the delegate selection process.

(1) Each State Party shall provide an opportunity for public comment on the proposed Affirmative Action Plan for a minimum of thirty (30) days prior to its submission to the Compliance Review Commission. All minority views submitted to state committees in writing, shall accompany the proposal at the time of its submission.

(2) The Compliance Review Commission shall act on the proposed Affirmative Action Plan within sixty (60) days. Its decision shall be final and binding.


Rule 19H: Challenges regarding alleged violation of an approved delegate selection plan shall first be brought to the appropriate State Democratic Party body for a decision to be rendered within twenty-one (21) days. After due notice, any aggrieved party shall have the right to appeal to the Compliance Review Commission within ten (10) days following the decision of the State Body according to procedures established by the Compliance Review Commission. The Compliance Review Commission shall either certify compliance, certify non-compliance or require corrective action after which compliance or non-compliance shall be certified. In the event the Delegate Selection Plan of a State Party is found to be in default or non-compliance and such default or non-compliance is not remedied by corrective action by the time
the first stage of the delegate selection process has begun, it shall be the duty of the Executive Committee of the Democratic National Committee to constitute a committee from that State, to propose and implement a process which will result in the selection of a delegation from the affected State which shall (1) be broadly representative, (2) reflect that State's division of presidential preference, and (3) involve as broad a participation as is practicable under the circumstances.

Rule 20: Wherever any part of any section contained in these rules conflicts with existing state laws, the State Party shall take provable positive steps to achieve legislative changes to bring the state law into compliance with the provisions of these rules.

LEGISLATIVE PRIMARY PROPOSALS

Assembly Bill 807: (or Jackamonis proposal). Closed primary plan authored by Rep. Edward Jackamonis and introduced as AB-807. Called for a "double decker" or "piggy-back" primary, which would be implemented by asking voters after they have cast presidential preference ballots if they also would like to vote for the selection of delegates. If so, they would have to sign statements declaring themselves Democrats.

Assembly Bill 1412: Bill apportioning delegates proportional to presidential candidates' share of the vote, in compliance with DNC rule 11, and apportioning congressional districts' share of the total state
delegation according to Democratic strength, as measured by their respective Democratic vote totals in the last presidential and gubernatorial elections. Its passage was a condition of Wisconsin's "good faith effort" waiver.

Barczak Proposal: Closed primary plan suggested by Representative Gary Barczak. Would have held a delegate selection primary, restricted to Democrats only, on a different date than that of the statutory primary. Would have preference voting only.

Governor's Plan: Closed primary proposal submitted by letter from Governor Lucey to Assembly Elections Committee on June 23, 1975. Worked on by Linda Reivitz, Robert Milbourne, and Mike Bleicher. Same fundamental approach as the later Reivitz proposal, except that it required Republicans as well as Democrats to sign a statement of party support before receiving a ballot, and had election officials ask voters to sign statements of party support as a first step. See SS AB-9.

Jackamonis Proposal: See AB-807.


Senate Bill 743: The Thompson proposal, with a provision allowing the parties to choose whether delegates' names or presidential candidates' delegate slates would appear on the ballot. See SS SB-4, below.
Special Session
Assembly Bill 9:
(or Reivitz proposal). Closed primary plan authored by Linda Reivitz for Governor Lucey. Was introduced in December and involved asking voters to select one of three ballots: Democratic, Republican, or independent (the latter containing all parties' ballots). To get a Democratic ballot, voters would have to sign an affidavit declaring that they consider themselves Democrats for purposes of this primary. All ballots would count for purposes of determining the popular vote, but only those asking for Democratic ballots would count for purposes of selecting delegates to attend the Democratic National Convention. Unlike its predecessor, the Governor's Plan, the first step of this plan was to ask voters which party's ballot they wanted before asking them (Democratic voters only) to sign a statement of party support.

Special Session
Senate Bill 4:
(or Thompson proposal). Closed primary plan authored by Senator Carl Thompson. Was introduced in December, 1975 special session as SS SB-4 and in January as SB-743. A "piggy-back" primary, substantially the same as the Jackamonis proposal but with certain adjustments remedying technical errors in the latter and allowing Republicans to keep using the open primary, in the hope of attracting bipartisan support. Delegates names would appear on the ballot below presidential candidates' names (this feature was dropped in SB-743). See also Jackamonis proposal or AB-807, above.

Thompson Proposal: See SB-743 and SS SB-4.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 March 1974</td>
<td>Delegate selection rules adopted by DNC</td>
</tr>
<tr>
<td>7 December 1974</td>
<td>Principle embodied in rule 2A is ratified at national Democratic Charter Convention</td>
</tr>
<tr>
<td>Mid-April 1975</td>
<td>Bleicher, Milbourne, Reivitz &amp; Wisniewski meet to outline Governor's closure proposal</td>
</tr>
<tr>
<td>8 May 1975</td>
<td>Jackamonis' draft bill AB-807 is prepared; followed by discussion with Don Peterson and DPW Party Designation Committee</td>
</tr>
<tr>
<td>10 June 1975</td>
<td>Mark Siegel assails Lucey, state Dems for inactivity</td>
</tr>
<tr>
<td>23 June 1975</td>
<td>Assembly Elections Committee hearing of Jackamonis' AB-807; Lucey's bill still not ready; Chairperson Kedrowski expresses distaste for both proposals; so Jackamonis abandons his and Reivitz begins revising the legislation proposed in Lucey's letter</td>
</tr>
<tr>
<td>1 July 1975</td>
<td>CRC deadline for compliance with 1976 rules; Wisconsin gets extension until August 15</td>
</tr>
<tr>
<td>30 July 1975</td>
<td>Lucey meets with La Follette and Hase to discuss possible lawsuit against DNC; lawsuit then is approved at meeting dominated by Democratic elected officials; Lucey appoints Ad Hoc Committee</td>
</tr>
<tr>
<td>8 August 1975</td>
<td>DPW Administrative Committee refuses to pass required alternate caucus plan, on grounds that</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
</tr>
<tr>
<td>--------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Early August 1975</td>
<td>it intends to pursue legislative solution and caucuses would take pressure off legislature</td>
</tr>
<tr>
<td>Ad Hoc Committee meets; legislative members of it express preference for caucuses; tentatively agree on substance of Reivitz proposal</td>
<td></td>
</tr>
<tr>
<td>15 August 1975</td>
<td>Lucey orders suit filed against DNC</td>
</tr>
<tr>
<td>15 September 1975</td>
<td>Wisconsin's suit is filed in Washington, D.C. district court, after La Follette's vacation</td>
</tr>
<tr>
<td>1 October 1975</td>
<td>Reivitz bill still not ready; September legislative session ends without taking up closure; DPW lobbies legislature only once during session</td>
</tr>
<tr>
<td>Mid-October 1975</td>
<td>Ad Hoc Committee submits its recommendation of Reivitz plan after legislative session ends</td>
</tr>
<tr>
<td>19 October 1975</td>
<td>DPW Administrative Committee decides to build up documentation to prove &quot;good faith&quot;; Nikolay leads effort</td>
</tr>
<tr>
<td>31 October 1975</td>
<td>CRC head Wagner issues ultimatum to DPW: submit complete delegate selection plan (including alternate plan) by Nov. 23, or be ruled non-compliant</td>
</tr>
<tr>
<td>6 November 1975</td>
<td>DPW head Kohl refuses to call Administrative Committee meeting to act on CRC ultimatum</td>
</tr>
<tr>
<td>1-3 December 1975</td>
<td>Kedrowski holds Elections Committee hearings on Reivitz plan; Thompson proposes his &quot;double-decker&quot; plan with delegate names on the ballot; Barczak proposes 2-date primary plan as &quot;least politically dangerous&quot; alternative if closure</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>4 December 1975</td>
<td>CRC officially declares Wisconsin non-compliant by unanimous vote; forwards case to DNC Executive Committee for disposition</td>
</tr>
<tr>
<td>10 December 1975</td>
<td>Assembly refuses even to bring Reivitz's closure bill onto floor, tables it on a voice vote after Kedrowski's presentation of it in caucus</td>
</tr>
<tr>
<td>11 December 1975</td>
<td>Robert Strauss flies to Madison to lobby Democratic legislators at Lucey's request; has little effect, but Senate debates Thompson's closure for show and defeats it in contrived 17-16 vote</td>
</tr>
<tr>
<td>16 December 1975</td>
<td>Federal Judge Richey rules Wisconsin's suit against DNC &quot;unripe&quot; since other avenues of resolving the dispute (e.g., legislation and party-run caucuses) had not yet been tried fully</td>
</tr>
<tr>
<td>30 December 1975</td>
<td>Wisconsin files appeal in U.S. Court of Appeals</td>
</tr>
<tr>
<td>Early January 1976</td>
<td>Milwaukee Democratic head Hanson receives Senator Frank's letter saying he will change vote on closure; pushes for renewed debate on Thompson's closure proposal</td>
</tr>
<tr>
<td>14 January 1976</td>
<td>DPW head Kohl appeals to DNC for waiver of rule 2A; bid fails</td>
</tr>
<tr>
<td>14 January 1976</td>
<td>DNC Executive Committee accepts CRC's December 4 finding of non-compliance; orders Wisconsin to develop caucus plan by February 15; adds it will accept a closed primary if Wisconsin can</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>18 January 1976</td>
<td>DPW Administrative Committee again delays adoption of caucus plan</td>
</tr>
<tr>
<td>27 January 1976</td>
<td>Lucey sends letter to Senate Committee endorsing Thompson's bill; urges its passage in his State of the State address</td>
</tr>
<tr>
<td>Late January 1976</td>
<td>DPW headquarters lobbies state press to support closure; DPW reformers Miller &amp; Bleicher work out differences with Senator Thompson, and compromise bill leaving question of delegates' names on ballot to party discretion is reached</td>
</tr>
<tr>
<td>1 February 1976</td>
<td>DPW Administrative Committee passes caucus plan</td>
</tr>
<tr>
<td>3 February 1976</td>
<td>Senate Committee on Government Democrats vote Thompson bill out of committee without taking &quot;yes or no&quot; vote; Republicans insist rules be followed; Democrats pry it out of committee by floor vote</td>
</tr>
<tr>
<td>11 February 1976</td>
<td>Thompson bill again fails in Senate by single vote; Sen. Cullen changes his mind at last minute and precipitates defection of 4 other Democrats</td>
</tr>
<tr>
<td>15 February 1976</td>
<td>DPW Chair Kohl again asks reconsideration of DNC Executive Committee's caucus order</td>
</tr>
<tr>
<td>16 February 1976</td>
<td>Lucey writes Strauss citing &quot;good faith effort,&quot; asks reconsideration of caucus order, and asks permission to make appeal before CRC</td>
</tr>
<tr>
<td>25 February 1976</td>
<td>DNC head Strauss grants Lucey permission to pass necessary legislation by February 15</td>
</tr>
</tbody>
</table>
appeal at CRC meeting, March 5, 1976

1-4 March 1976
Governor Lucey lobbies individual CRC members by telephone; Udall, Wallace, and Carter campaigns join in where necessary in lobbying

5 March 1976
Assembly passes AB-1412, bringing Wisconsin into compliance with rule 9 and 11 requirements (Fair reflection, etc.)

5 March 1976
Lucey appears before CRC; Wisconsin is granted a waiver of rule 2A until 1980 by a one-vote margin; Lucey celebrates afterward with Udall

6 April 1976
Wisconsin and New York primaries take place