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Report of the Study Group
on Vice-Presidential Selection



Institute of Politics
Kennedy School of Government
Harvard University

June 14, 1976

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Table of Contents

Report

| | | |
|------|-------------------------|----|
| I. | Introduction | 1 |
| II. | Standards for Selection | 6 |
| III. | Parties | 8 |
| IV. | Presidential Candidates | 14 |
| V. | Background Checks | 17 |
| VI. | Media | 20 |

Appendix

| | | |
|----|--|----|
| A. | Description of Study Group | 24 |
| B. | List of Study Group Members | 25 |
| C. | Press Release of May 21, 1976 | 26 |
| D. | Bibliography of Materials used by Study Group | 28 |
| E. | Partial list of Persons Contacted by Study Group | 35 |
| F. | Questions on Vice-Presidential Selection for Presidential Candidates | 37 |
| G. | Background Papers Prepared by Study Group | |
| | 1) Background memorandum -- Brown | 38 |
| | 2) Party Options for change -- Goddard | 44 |
| | 3) Background Checks -- Greenleaf | 51 |
| H. | Selected Comment on Vice-Presidential Selection | 60 |

NOTE: Summary Press Release of June 14 is inserted in the front of the report.





I. Introduction

As the 1976 election approaches, a paradoxical feature of American Presidential politics deserves our attention. On the one hand, we select our Presidential nominees by a process of exposure and deliberation that grows ever more tortuous and grueling. On the other hand, we continue to leave the designation of the Vice-Presidential contender largely to the personal judgment of the nominee, a judgment often exercised rapidly and in confusion in the small hours of the morning after the endorsement of the party convention.

Although this "system" of Vice-Presidential selection has not served the nation badly, it has been too prone to error. Two facts stand out:

- First, the Vice-Presidency today is a major avenue to the Presidency itself. Of the 38 American Presidents, 13 (more than a third) were Vice Presidents first. Of the 13 Presidents in this century, six were first Vice President, and they have been President for 34 of 76 years (45 per cent). The odds are now about one to two that the Vice President will one day become President.

- Second, recent events in both parties -- specifically the resignation of Senator Eagleton from the Democratic ticket in 1972 and the resignation of Vice President Agnew from office in 1973 -- suggest that present selection practices contain an inherent and unacceptable degree of risk.

The present method of handpicking running mates after nomination has not always been the norm in the United States. The original system gave the office to the candidate who ran second in the Presidential contest. Each Presidential elector cast two ballots; the runner-up became Vice-President. This system brought some excellent men to the Vice-Presidency -- Adams, Jefferson, and Burr. However, the top two contenders tended to be political rivals before -- and after -- the election. In 1804, the 12th Amendment changed the system by providing for separate balloting for President and Vice President. As political parties gained strength (especially after 1831, when nomination by party conventions replaced selection by Congressional caucuses), Vice Presidents became genuine running mates. Although this system has tended to produce Vice-Presidential nominees who are personally and ideologically compatible with the head of the ticket, it has also caused an emphasis on balancing and short-run electoral calculations, rather than on the Presidential qualities of the Vice President.

Between 1972 and 1974 an intense and thorough exploration of alternative methods of Vice-Presidential selection took place. At this time, members of the press, television, academia, and the parties discussed in detail the merits and limitations of such proposals as separate primaries (or even separate elections) for Vice-Presidential candidates; announcement of possible Vice-Presidential choices by Presidential contenders early in their campaign for nomination; selection of Vice-Presidential nominees by the party conventions themselves; selection by the conventions (or by "mini-conventions" established by them) from lists submitted by Presidential contenders or by the nominee; rearrangement of the convention's order of business to allow more time for deliberation about the Vice-Presidential choice; abolition of the Vice-Presidency itself; and more.



For a time, alternative approaches to Vice-Presidential selection received sustained and careful consideration. Hearings and discussions were conducted by the Democratic Party's Commission on Vice-Presidential Selection, chaired by Senator Humphrey, and by Subcommittee 2 of the Rule 29 Committee of the Republican National Committee. Unfortunately, interest in the question has gradually subsided, and the momentum for change appears to have been lost.

Democratic National Chairman Robert Strauss recently explained to reporters that:

"We have a very poor system for choosing our Vice-Presidents. I regret we didn't do something about it. We're not going to do a damn thing to avoid it (another Eagleton affair) except a wing and a prayer."

Similarly, Kent B. McGough, Chairman of the Rules Committee of the Republican National Committee, said:

"We've received a large number of letters indicating concern that changes in the selection process be made. And we intend to discuss it fully. But it's going to be very difficult to make any changes for this year. Maybe 1980."

We do not believe that this state of affairs is inevitable. We take the view that rational discussion and exploration of alternatives should be continued, and that increased public attention to methods of Vice-Presidential selection is itself a necessary first step toward improvement. This report does not attempt a thorough evaluation of the pros and cons of the wide range of proposals that have been endorsed in one quarter or another. Instead, having considered these proposals in some detail and having interviewed many experts and key actors, we set forth and defend those proposals that we think most worthy of adoption, in hopes of influencing the way the



Vice-Presidential nominees are selected in 1976 and of improving the process further before 1980. We explicitly avoid, at this stage, suggestions involving constitutional amendment, change in the electoral system, or a redefinition of the responsibilities of a Vice President.

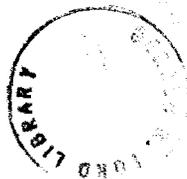
Our general objective is to suggest a set of procedures more likely than the present ones to assure selection of Vice Presidents competent to assume the Presidency itself. Our point of departure is not that the present approach has worked poorly on the whole, but rather that it is inherently risky. We grant that no Presidential nominee would knowingly choose a running mate unfit to hold the highest office. However, we are skeptical that the present system is adequately self-correcting or that we can simply trust future Presidential nominees to exercise "exquisite care" in choosing running mates in the absence of procedural reform.

The key fact, we think, is that under present arrangements, information about prospective running mates has been, and is likely to continue to be, far too limited. By "information" we mean both factual details about the background, activities, and pronouncements of contenders, and political evaluations from the perspective of major elements of party and public. The premise of our recommendations is that the volume of factual and political information about potential Vice Presidents, and the opportunities available to public, media, candidates, and parties to deliberate upon this information, should be increased. Attaining this goal calls for procedural and institutional change which goes beyond the Presidential nominees' own exquisite care. In short, we believe that the selection of Vice Presidents should receive a higher priority and should be more open and responsive to the public. Such change will tend to counter the waning public confidence in the political process and to affirm the belief of the American people in their governmental leadership.



The recommendations advanced in this report are complementary and mutually reinforcing, dependent upon various sets of participants in the process fulfilling key roles on a largely voluntary basis by assuming responsibilities which we believe are both sensible and feasible. We have attempted to define the process as an integrated whole. No single mechanism can be designed or imposed to rationalize the process of Vice-Presidential selection by itself. No single organization or set of actors can complete the task. We do not believe that radical changes are desirable or workable; our analysis has led us to the conclusion that many proposals which look attractive in the abstract upon close perusal add significant liabilities to the process. We feel strongly, for instance, that the predominant role of the Presidential candidate in the selection of a running mate should be protected.

We address, therefore, the practical roles which the parties, the candidates themselves, and the media can usefully and quickly play. Our recommendations recognize the inherently pluralistic and democratic character of the process, and we believe their non-dramatic nature makes them more rather than less compelling.





II. Standards for Selection

President Ford said in May that "...It is traditional in America that the two parties try to balance a ticket for President and Vice President as to geography, as to philosophy, as to personality," and he also stated the need for "some personal compatibility, a comfortable relationship" in his running mate. In March, Jimmy Carter included compatibility and balancing in listing criteria for selecting his Vice-Presidential nominee, and claimed the first and most important requirement "is who would be the best person to lead this country if something should happen to me."

We suspect that most Americans would agree to both of two simple propositions: 1) that the primary standard in selecting a Vice President should be competence to be President; and 2) that the standard more often employed in selection is some form of political balancing -- geographical, religious, ideological, etc. Some would argue that because the first duty of a politician is to get elected, competence in a Vice-Presidential nominee is bound to be considered only within constraints imposed by short-term electoral reality; and that the running mate is above all a political instrument selected with the purpose of countering or avoiding potential deficiencies in the ticket.

We believe that neither of these propositions is as straightforward as it appears at first glance; nor do we find competence and electoral utility as incompatible as is sometimes suggested. We recognize that strong short-term political needs -- for regional balance, to heal party divisions, to prevent the Presidential nominee from being upstaged, and

the like -- may detract from competence as the main criterion. However, the selection of a running mate with the purpose of maximizing the popular vote, securing key blocs in the electoral college and creating a sense of representation and legitimacy among various population elements -- therefore enabling an administration to govern effectively, is a valuable aspect of the political process. We doubt, moreover, that close inspection of recent cases of Vice-Presidential selection would support the contention that "balancing" was determinative of the choice, and that considerations of competence were set aside.

Recommendation:

1. Competence in Vice-Presidential selection should be the primary standard and balancing can be a secondary factor -- the two are neither naturally exclusive nor naturally contradictory.

The universe of prominent American politicians is, like the American population it represents, large and heterogeneous. It is implausible that the dictates of short-term political balance are so compelling, and the available set of high-quality political figures so limited, that a Presidential nominee need be forced to sacrifice competency to campaign victory in a possible successor. Moreover, the way in which a Presidential nominee responds in naming a running mate will depend in large part on how the question is posed by the public, the media, and the parties. If these participants insist on a concentration on competence, on extensive information, and on careful deliberation by themselves and by the candidate -- and if they take procedural steps to secure this approach -- the political utility of a concern with the Presidential qualifications of Vice-Presidential nominees is bound to increase.



III. Parties

The political parties are capable of an essential role they are not now filling in the reform of Vice-Presidential selection procedures. A set of simple and practical changes in the nominating process could be made by the parties which would strengthen the chances of informed and responsible choice. By undertaking modest but useful reforms, the national parties can not only improve Vice-Presidential selection, but also strengthen their own relevance and influence in a period unhappily marked by party decline.

As it is now, both parties treat Vice-Presidential selection as a low-priority matter, an afterthought unworthy of serious preparation. Both parties have considered ways to improve selection methods since the 1972 conventions, but neither has actually changed its procedures. Their attitude now seems to be either that time has run out for 1976, or that the need for change has subsided-- even though, as Senator Humphrey said in 1973, "...the interests of the people of the United States require reform in this field by both parties before the 1976 conventions."

Two options for party change that we considered carefully but rejected are proposals for an open convention, where the convention chooses the nominee by itself, and a "partially open" convention, with the decision made by the convention from a short list of preferred choices provided by the nominee. Both of these proposals mean an increased role for the convention delegates and a decreased role for the Presidential candidate. Neither assures reduced risks of faulty selection. A selection by open

convention does not mean that more care is spent in selection. Yet there is a better chance that this method would choose a Vice President incompatible with the Presidential nominee, and would increase party factionalism rather than serve as a means of party unity. A "partially open" convention avoids incompatibility, but limits the flexibility of the nominee, invites party factionalism, and denies the convention full freedom of choice. This is clearly the worst of both worlds.

Another device for selecting the Vice-Presidential nominee that has received attention is for a "mini-convention", constituted by the National Committee membership, to be held perhaps two weeks after the national convention adjourns. The Democrats used this method in 1972 to designate Sargent Shriver after the resignation of Senator Eagleton from the ticket, and there are advantages to it. Delaying the choice provides plenty of time for consultation, background checks, and priority deliberation. On balance, however, we are more persuaded by the disadvantages of a mini-convention approach. The choice has less legitimacy if it is ratified by a smaller representative group; the function of the Vice-Presidential nomination at the convention as a conciliatory and rallying point for the various factions is diluted; and the ticket's chances might be hurt by a delayed beginning and a decreased media impact for the campaign itself.

The recommendations we are making require action by both parties at the 1976 conventions. They involve 1) changes that can be made in time to affect this year's choices, and 2) changes to be mandated this year



to take effect in 1980.* In the first category, we propose procedural changes to take effect at the 1976 conventions in the form of amendments to the temporary rules of the convention: adoption of general resolutions stating the importance of Vice-Presidential selection and the necessity of change; amendments to the convention rules rearranging the convention schedule to provide more time for selection; and formation of an advisory group to contribute formally to the consultative process. In the second category, we propose changes which would be mandated for 1980 by resolutions adopted at the 1976 conventions: the rearrangement of the convention schedule and the establishment of a formal advisory committee, again, and, in addition, the adoption of a resolution urging specific action for Presidential candidates before the next convention.

Recommendations:

2. The conventions of both the Democratic and Republican Parties should adopt resolutions which state the importance of Vice-Presidential selection, encourage the candidates and parties to give the process the time and care needed for responsible selection, and affirm an intention to improve the selection process.

3. The parties should rearrange the convention schedule, placing Credentials and Rules Committees' reports in the first session, Presidential nomination in the second, consideration of the Platform in the third, and Vice-Presidential nomination in the final session.

* Under party rules the process for change--for 1976 and for 1980--begins in the Rules Committees of their National Committees, which meet before the conventions and make recommendations on the rules. In the Democratic Party, these recommendations are made directly to the Convention. In the Republican Party, they are made to the National Committee, then to the Convention Rules Committee, which then presents recommendations to the Convention.

The purpose of this change is to increase the time between the nomination of the Presidential nominee and the selection of a Vice-Presidential choice. More time would allow the nominees and their staffs to put more care and deliberation into the final choice, with opportunity for more thorough and extensive consultation.

Arguments against rearrangement of the convention schedule focus on movement of the platform debates to the day following the Presidential nomination. Some assert that the conciliatory function of the platform decisions may be impaired if they occur after the Presidential nomination, and that the platform might reflect the nominee more than the broad-based party, conceivably making it more difficult for some factions to support. On the other hand, equally plausible is the argument that the first instinct of a successful candidate upon receiving the nomination is to move toward unifying the party. By this logic the platform would become an instrument of conciliation rather than of division, an effect which frequently occurs when platform issues become a pre-nomination test of strength. Furthermore, it might well be advantageous for the platform to be approved after the nomination because it would better reflect the nominee's position and thus be taken more seriously. The public tends to be skeptical of all platforms; rearrangement might give the platform greater credibility.

It is also argued that this schedule change would be anti-climactic, increasing the difficulty of retaining an interested television audience. We do not feel that this argument is strong enough to outweigh the advantages of a shift in schedule. Indeed, since the major thrust of our recommendations is to place more emphasis upon Vice-Presidential selection, one concomitant of rearranging the convention schedule could be the building of suspense by the national media around the Vice-Presidential nomination.

4. The parties should each establish a formal party consultative mechanism, an advisory committee, to assist the party and the Presidential candidate in the selection of the Vice-Presidential candidate.

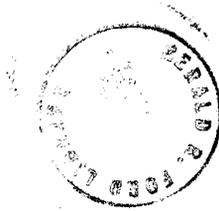
The purposes of an advisory mechanism are to insure that there is preparation and deliberation on the subject of Vice-Presidential choice before the convention, to widen the process of consultation that the nominee employs, and to provide information and advice on potential Vice-Presidential candidates to the nominee. A consultative process conducted by a party advisory committee can strengthen the party role while retaining the Presidential nominee's dominance in selection. Such a committee would be formed and begin meeting with appropriate staff and resources before the convention. It would compile a list of possible Vice-Presidential candidates, and conduct research into backgrounds and issue positions. After nomination of the Presidential candidate, the group would be available immediately to meet with the nominee and to share the results of its work. Its advice would in no way be binding, but the participation of a formal consultative group would increase discussion of Vice-Presidential possibilities among representatives of major party elements.

5. The party advisory committees should request a list of preferred Vice-Presidential running mates from serious contenders for the Presidential nomination.

By combining the lists from several prospective nominees, the advisory committee would generate an extensive group of potential Vice-Presidential candidates, drawn from all segments of the party. The breadth of pre-convention consideration undertaken by the advisory committee might pay special dividends should the advance planning of the eventual nominee prove to be inadequate or mooted by events at the convention itself. This



recommendation also encourages the Presidential candidates to begin serious staff work on Vice-Presidential selection before the conventions. To make it effective, the parties should encourage their candidates to produce a meaningful list and to make their final choice from it.





IV. Presidential Candidates

Traditionally, the Presidential nominees make the actual designation of a Vice-Presidential nominee. The nominees are the crucial factor in the selection process; their choices may be brilliant or potentially disastrous, not only for the political chances of the ticket, but for the country. The Presidential candidates should therefore take the initiative for procedural change, especially if effective action is to take place in the short time before the 1976 conventions. The candidates are in the best position to give the process the priority and care that it deserves, and should be held accountable for the choice of a Vice-Presidential candidate.

In urging special responsibilities in Vice-Presidential selection on the Presidential candidate, along with recommendations affecting other participants in the process, we seek to strengthen and protect their role rather than to diminish it. If their responsibility is to remain a commanding one, however, it should be carried out with a greater commitment of time and effort than has generally characterized past behavior, beginning well before nomination rather than immediately following it.

Recommendations:

6. The Presidential candidates should have their staffs begin work on Vice-Presidential selection as early as possible in their campaigns and no later than the final round of primaries: developing lists of potential candidates, conducting background research, and consulting broadly for suggestions.

7. The candidates should discuss publicly the criteria to be used in the selection of a running mate, and are urged to emphasize competence to be President as the primary factor.

8. The candidates should make public a list of serious preferences for the Vice-Presidency before the convention, in order to facilitate media and public examination; and they are encouraged to initiate direct contact and staff liaison with potential running mates.

The greatest weakness in the present system is the fact that whereas the Presidential candidates go through months of exposure and arduous campaign work before coming to the convention, the Vice-Presidential candidate is often unknown, both to the public and to the nominee. When the Vice-Presidential candidate happens to be chosen from the ranks of candidates actively contesting the primaries, there is much less of a problem, but this cannot be guaranteed. This recommendation is an attempt to correct this weakness in the system without challenging the nominee's prerogative to make the choice.

There are disadvantages to making up preferential lists prior to the convention. Such a list is likely to involve tactical inconveniences for the candidate, and to promote political balancing of an opportunistic sort as names are included from various constituencies simply in order to garner electoral support, not because they are likely to be chosen. List-making before the convention can also limit flexibility by committing the candidate to certain choices before the events of the convention unfold. But we feel these difficulties do not compete with the benefits of opening up the process to the public and the media.



9. The candidates should help develop party reform of Vice-Presidential selection, be ready to support a party consultative process, and recommend a change in the convention schedule.





V. Background Checks

The question of background checks on prospective Vice-Presidential candidates is characterized by uncertainty and controversy. Many believe that they would not be worth the risks involved, including possible violation of privacy, abuse of confidential information, lack of credibility, and misrepresentation.

The study group believes that a thorough examination of a Vice-Presidential candidate's personal and political background, now lacking, is a desirable component of the overall process. Informal research and exposure by the press, advance investigation by the Presidential candidate's staff, and the considerations of a party advisory committee prior to the convention are all essential functions. But by themselves they do not insure adequate efficiency and objectivity. The media may do a spotty job, or may be unable to commit enough resources to insure thorough coverage of the candidate eventually selected. As a practical matter the Presidential candidate's staff may not have adequate time or freedom to penetrate deeply enough in its investigation. A party consultative committee is likely at some point to encounter doubts about how much potentially unflattering material it wants to gather on leaders from within its own ranks. These difficulties lead us to conclude that something more is needed.

The F.B.I. undertakes background investigations on a continuing basis to provide information regarding Presidential appointments, and prior to the granting of clearances to permit access by public officials to class-

ified information. The F.B.I. conducted background investigations for the two Congressional Committees responsible under the XXV Amendment for recommending to the House and Senate the nominations of Gerald Ford and Nelson Rockefeller to the Vice-Presidency. In these cases, controls were set up to assure the confidentiality of the information gathered, which proved effective. It may be that under the existing statutory authority a system could be established for an F.B.I. background investigation of potential Vice-Presidential candidates, similar to those completed for hundreds of appointed public officials. Such information checks would not involve screening, ranking or judgments of the candidates on the part of the F.B.I. The results of the investigations could be made available under careful controls to the Presidential nominee only. There are various ways to design a workable system, assuming adequate lead-time, the willingness of the prospective Presidential candidates to provide lists of preferred running mates, the permission of the prospective Vice-Presidential candidates themselves to be investigated, and the cooperation of the President and/or the Attorney General. Thus, immediately after nomination, the Presidential nominee could be provided with useful material to help in selection.

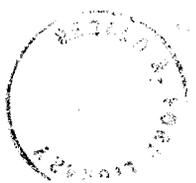
Yet there are a number of legitimate questions about such an arrangement: Isn't this too much of a "political " burden to be placed on the F.B.I.? Should the F.B.I. be invited into the electoral process? Is there a danger that too much might be expected of the F.B.I. check in terms of "clearing" a potential candidate? Why shouldn't Presidential candidates likewise be checked out? What real guarantees are there against abuse of confidential information? These questions are valid, and any process of background checks must be accomplished with a maximum of understanding, support, and credibility. Otherwise the cost will be greater than the



benefit, and we would be better off without it. It is this belief that leads us to the conclusion that a systematic check for Vice-Presidential candidates should not be undertaken by administrative action and loose agreement among the interested parties, but only by way of the legislative process. This would assure adequate deliberation -- solicitation of views through public hearings, careful analysis by Committee staff, open debate in both houses of Congress, and the chance for Presidential approval of a new statute.

Recommendation:

10. The House and Senate bipartisan leadership should set as a high priority consideration of legislation authorizing appropriate background investigations to be conducted by the F.B.I. on prospective Vice-Presidential candidates, under timely and fair arrangements and with effective controls against violations of privacy and misuse of sensitive information. *



*One version of legislation seeking to accomplish these goals is S.2741, originally introduced in the 93rd Congress, on November 26, 1973, by Senator William Brock (R-Tenn.)



VI. Media

If the Vice-Presidential selection process is awkward, fragile, and perilous, to what extent can the media, in its various roles as reporter, investigator, and opinion leader, improve this unsatisfactory situation?

In reporting and analyzing the words and actions of Vice-Presidential candidates, the press in recent years has done a creditable job. Often it has been a story in search of a reader, overshadowed by the excitement of the Presidential race. There also has been a remarkable amount of attention paid to Vice-Presidential selection reform. Understandably, much of this coverage has surfaced in the aftermath of crisis. A number of stories and at least one television documentary analyzing the hazards of the current selection procedures appeared in the days following the resignation of Senator Thomas Eagleton as Democratic Vice-Presidential candidate in 1972 and the resignation of Vice President Agnew in 1973, but such coverage tends to be after the fact and to die out.

In 1976, coverage of national candidates has been the most comprehensive ever. With a mindboggling 30 Presidential primaries and more than 20 candidates with a potential national constituency, more reporters have been assigned, more television specials aired, and more money spent by news organizations in following the races than ever before. That professional and financial commitment will continue through the fall. But coverage of the campaign itself -- the politics and personalities -- is not enough. The press should earmark a substantial slice of its resources toward calling attention to the inequities and foibles of the present selection



system and toward covering prospective Vice-Presidential candidates. The candidates and the political parties have the major responsibility and power to effect the desired changes. But columnists and editorial writers should recommend reforms, and call on the candidates themselves to support the improvements.

As a practical matter, many of the needed reforms will take time to carry out. The urgency of the ongoing campaigns and the uncertainty of the outcome leaves the unfortunate possibility that, once again, the selection of running mates will be a last-minute decision. In that event, it will be more crucial than ever for reporters to dig deeply into the backgrounds and public records of the candidates, acting as a supplement to a highly imperfect selection procedure. To the extent that potential contenders for the second slot can be identified and examined in advance, the process will be improved.

Recommendations:

11. The press should remind the public of the past failings of the Vice-Presidential selection process and encourage candidates and parties to make changes.

12. The media should persistently question candidates about their plans and preparation for selecting running mates, encouraging sufficient advance work and discussion of the standards on which their choice of a running mate will be based.

13. On the assumption that the Vice-Presidential candidates may again result from a helter-skelter eleventh hour selection process, the press should commit reporters, time, and funds to extensive coverage

and investigation of potential running mates before the convention, including interviews plus in-depth reporting on issues and backgrounds.

14. The networks ought to prepare now for a "special" or series of programs on "The Vice-Presidential Candidates, 1976".
15. The media should plan comprehensive coverage of the Vice-Presidential nominees after the conventions.



Appendix

| | | |
|----|--|----|
| A. | Description of Study Group | 24 |
| B. | List of Study Group Members | 25 |
| C. | Press Release of May 21, 1976 | 26 |
| D. | Bibliography of Materials used by Study Group | 28 |
| E. | Partial List of Persons contacted by Study Group | 35 |
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| G. | Background Papers Prepared by Study Group | |
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| | 2) Party options for change -- Goddard | 44 |
| | 3) Background checks -- Greenleaf | 51 |
| H. | Selected Comment on Vice-Presidential Selection | 60 |



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Description of
The Institute of Politics
Study Group on Vice-Presidential Selection

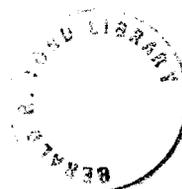
Faculty Study Groups of the Institute of Politics, John Fitzgerald Kennedy School of Government, Harvard University, are organized to examine applied problems in government and politics. They are comprised both of academic faculty and practitioners, and are designed to make their analysis and recommendations available to public officials to whom such information might be helpful.

The Study Group on Vice-Presidential Selection was set up in February of 1976 to examine process and standards in Vice-Presidential selection, in order to develop recommendations for improvement affecting the decisions in 1976 and including changes to be put into effect for 1980. The group explicitly did not address long-term changes which would involve major electoral reform or Constitutional amendment, nor did it study the nature of the job of Vice President.

Four formal meetings were held, and research, interviewing, and drafting assignments were undertaken individually and in smaller groups throughout the four-month period. The group began its work by reviewing and analyzing extensive literature on the subject including a wide range of proposals for reform; continued by interviewing academic experts on the subject, individuals with significant past experience, and principal actors in current electoral effort; and concluded with the preparation of its own analysis and recommendations.

The study group's report will be distributed among the media, party and campaign officials, and political scientists as an agent itself for higher priority, public exposure, and constructive change in Vice-Presidential selection.

June, 1976



Appendix B

Members of the Institute of Politics Study Group on Vice-Presidential Selection

| | |
|--|---|
| Christopher Arterton | Assistant Professor of Political Science, Yale University |
| Timothy A. Barrow | Fellow, Institute of Politics; formerly Major of Phoenix, Arizona |
| Lawrence D. Brown | Assistant Professor of Government, Harvard University |
| Eugene Carlson | Fellow, Nieman Foundation, Harvard University; formerly Economics Reporter, U.P.I. Washington Bureau; Vice-President Humphrey's 1968 Campaign Staff. |
| Barney Frank | State Representative, Boston, Massachusetts |
| K. Dun Gifford | Vice President for Urban Affairs, Cabot, Cabot and Forbes; formerly Chairman of Common Cause/Massachusetts; formerly Legislative Assistant to Senator Edward Kennedy. |
| Elizabeth Goddard (Rapporteur of the Study Group) | Staff, Institute of Politics. |
| Charles Greenleaf | MPA Program, John Fitzgerald Kennedy School of Government; formerly Legislative Assistant to Governor Milliken of Michigan. |
| Ira Jackson | Special Assistant to the Director, Institute of Politics; formerly Administrative Assistant to Major Kevin White of Boston |
| Jonathan Moore (Chairman of the Study Group) | Director, Institute of Politics |



1976-71

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Mrs. Deane W. Lord, Director

May 18, 1976

FOR RELEASE: Friday, May 21, 1976

Harvard University's Institute of Politics announced today that its Study Group on Vice-Presidential Selection will release "practical recommendations" for selecting this year's Vice-Presidential candidates shortly after the June 8 state primary elections.

Jonathan Moore, Director of the Institute and Chairman of the Study Group, stated, "We will be making some formal proposals involving changes in party role and convention rules affecting the 1976-80 period. The basic thrust of our work, however, is to determine what can be done to encourage a more responsible process in the selection of the Democratic and Republican Vice-Presidential candidates in the current year."

Mr. Moore added, "The group was set up under the assumption that the current system for choosing Vice-Presidents is not deliberate, reliable, or efficient enough. It is too prone to error."

The project was announced on February 11. In addition to Mr. Moore, the group includes: Christopher Arterton, Assistant Professor of Political Science, Yale University; Timothy A. Barrow, Fellow, Institute of Politics, Formerly Mayor of Phoenix, Arizona; Lawrence D. Brown, Assistant Professor of Government, Harvard University; Eugene Carlson, Fellow, Nieman Foundation, Economics reporter, United Press International; Barney Frank, Massachusetts State Representative; K. Dun Gifford, Vice-President for Urban Affairs, Cabot, Cabot, & Forbes, formerly Chairman of Common Cause/Massachusetts and Legislative Assistant to Senator Edward Kennedy; Charles Greenleaf, MPA Program, John F. Kennedy School of Government, formerly Legislative Assistant to Governor Milliken of Michigan; Ira Jackson, Special Assistant to the Institute Director, formerly Special Assistant to Mayor Kevin White of Boston. Elizabeth Goddard, of the Institute staff, is the group's reporter.

The Study Group on Vice-Presidential selection reviewed and analyzed earlier studies, recommendations, and other literature on the subject. Members of the group interviewed numerous party officials, 1976 potential Presidential candidates, and staff, political scientists, and media specialists in the course of their work.

"Despite the strong possibility that the Vice-President will someday become President and the great need for him or her to be competent to fill the responsibilities of the office, there is too little priority given to how we make the choice," Mr. Moore said.

"Yet workable alternatives to the present system are difficult to come by, and many ideas for change carry greater costs than benefits. We have been concentrating on designing roles for the parties, for the candidates, and for the media.

Basically, we seek workable ways to improve the process, including greater consultation and more thorough background information. At least at this stage, our group is not examining the kind of long-term reform that would involve either Constitutional or statutory change."

• --end--



Bibliography of Materials Used by Study Group

- Agnew, Spiro, "Veep on Veeps", New York Times, Aug. 23, 1972, p. 41.
- Anderson, Jack, and Whitten, Les, "Change Suggested in Selecting No. 2", The Washington Post, Feb. 13, 1975.
- Bailey, Stephen K., Statement to the Commission on Vice Presidential Selection, Democratic National Committee, Nov. 7, 1973.
- Barzman, Sol, Madmen and Genuises, (Chicago, Jollett Publishing Company), 1974.
- Broder, David, "Democrats Eye 2nd Convention for No. 2 Spot", The Washington Post, Dec. 14, 1973.
- Broder, David, "Democrats Scrap Plan to Pick VPs", The Washington Post Feb. 15, 1974.
- Broder, David, "The Problem of Picking No. 2," The Washington Post, Oct. 21, 1973.
- Brownfeld, Allan C., "Choosing a Vice President", Roll Call, Nov. 1, 1973.
- Canham, Erwin D., "Horse Sheds and Reforms", Christian Science Monitor, Aug. 14, 1972. p. 14.
- Cannon, Lou, "GOP to Shift on Selecting No. 2 Man", The Washington Post, April 28, 1974.
- Childs, Marquis, "Nation Needs a Better Way to Choose VP's", The Washington Post, Nov. 13, 1973.
- Coleman, William, Letter to Senator Hubert Humphrey, Aug. 23, 1973.
- Cronin, Thomas, "Does the U.S. Really Need a Vice President?" Center Report, VIII, Oct. 1975.
- David, Paul T., Goldman, Ralph M., and Bain, Richard C., The Politics of National Party Conventions (Washington, Brookings) 1960, pp. 56-59, 135-138, 433-435.
- David, Paul T., Goldman, Ralph M., and Moos, Malcolm, The National Story (Baltimore, The Johns Hopkins Press) 1953, pp. 229-231.



Davis, James, W., National Conventions, (Woodbury, N. Y., Barron's Educational Series) 1972.

Democratic National Committee, Commission on Vice Presidential Selection, Excerpts from Hearing Book.

"Democratic Proposals for Choosing Vice Presidents", Congressional Quarterly, December 15, 1973, p. 3290.

"Democrats Assay Vice-Presidency", New York Times, Dec. 15, 1973.

"Democrats Focus on Vice President", New York Times, Dec. 16, 1973.

DiSalle, Michael V., Second Choice (New York, Hawthorne Books Inc.,) 1966.

Donovan, Robert J., "There Must Be a Better Way to Pick Vice-Presidents", Los Angeles Times, July 31, 1972.

Eizenstat, Stuart, "Memorandum on Alternative Possibilities of Vice-Presidential Selection", Congressional Record, October 16, 1973.

Esch, Marvin, "Meaningful Reform", Congressional Record, Aug. 2, 1974.

Esch Plan: Name Field for V.P. Nominee Before Convention", Republican Congressional Campaign Newsletter, March 11, 1974.

Etridge, John, "Nation's No. 2: Is He Always Second Best?", Los Angeles Times, Oct. 28, 1973.

Friedman, Saul, "Talk about Reforms in V-P Pick Fizzles" Detroit Free Press, March 21, 1976.

Fritchey, Clayton, "The Perpetual Whirl Over Veeps", Washington Post, Aug. 5, 1972.

Gallup Poll, Method of Selection of Vice Presidents, 1972.

Gardner, John, Letter to Senator Hubert Humphrey, Sept. 14, 1973.

"G.O.P. Hopefuls Urged to List No. 2 Choices", New York Times, Aug. 13, 1972, p. 39.

Griffin, Robert, "A New Method for Selecting Vice Presidents", Congressional Record, Oct. 23, 1973.

Griffin, Robert, "On Choosing Vice Presidents", Christian Science Monitor, Nov. 13, 1973.

"Griffin to Propose Halting Election of Vice Presidents", New York Times, October 23, 1973.

Hamilton, Lee H., "Washington Report: Choosing Vice Presidents," Congressional Record, Dec. 12, 1973.

Hatch, Louis Clinton, A History of the Vice-Presidency of the United States, (New York, The American Historical Society, Inc.) 1934.

Herzberg, Donald G., Statement before the Commission on Selection of the Democratic Nominee for Vice President, Nov. 7, 1973.

Holmberg, David, "Taft Hits Vice President Selection Setup", Washington Star, Aug. 4, 1972.

Hope, Paul, "Picking a Clean Candidate", Washington Star-News, Oct. 15, 1973.

"How to Choose a Veep", Washington Star, Aug. 18, 1972, p. A-16.

"How to Pick a Veep", National Review, September 15, 1972, pp. 994-995.

Humphrey, Hubert H., "Changes in the Vice Presidency", Current History, Aug., 1974, p. 58.

Humphrey, Hubert H., "Hearings of the Vice Presidential Selection Commission of the Democratic National Commission", Congressional Record, Oct. 16, 1973.

Humphrey, Hubert H., "How Should We Select Our Vice Presidential Nominees?", Congressional Record, Dec. 11, 1973.

Humphrey, Hubert H., "How the President Can Help Improve Vice Presidential Selection", Congressional Record, Dec. 21, 1973.

Hyneman, Charles, Remarks before the Commission on Selection of Vice Presidential Nominees, Democratic National Committee.

Keech, William R; Matthews, Donald R., The Party's Choice, (Washington, D.C., The Brookings Institution), 1976.

Kohler, Saul, "Ford to let F.B.I. aid nominee" Boston Globe, May 30, 1976.

Lawrence, David, "The People's Voice In Picking a Vice-Presidential Nominee", U.S. News and World Report, Aug. 14, 1972, p. 80.



- Lincoln, Gould, "Selecting Vice Presidents", Washington Star, Nov. 3, 1973.
- Linde, Hans, Letter to Joseph Califano, Sept. 7, 1973.
- Linde, Hans, Letter to Nathan Polsby, July 13, 1973.
- Linde, Hans, Memorandum to Oregon Democratic Party Officers, "Method of Selecting the Democratic Vice Presidential Nominee".
- Loeb, James I., "On Nominating a Vice President", The Washington Post, Jan. 27, 1974.
- McCarthy, Eugene J., "The Crown Prince", New York Times, Aug. 17, 1972, p. 35.
- Meyer, Lawrence, "Making of the Vice President: A Process Without Rules", Washington Post, Oct. 13, 1973.
- Moe, Ronald C., "The Vice President as an American Crown Prince", Washington Star, Aug. 20, 1972.
- Naming Vice Presidents: Efforts to Improve System", Congressional Quarterly, Jan. 12, 1974, p. 48.
- "On Picking Vice Presidents", Chicago Tribune, Aug. 12, 1972, p. 1-10.
- Otten, Alan L., "Sorting Out a Role for the Veep", Wall Street Journal, Aug. 1, 1972.
- Parris, Judith H., The Convention Problem, (Washington, D. C., The Brookings Institution) 1972.
- "Party Gets 2 Plans for Vice-President", New York Times, Dec. 4, 1973.
- Peabody, Endicott, "Let People Pick Vice President", Chicago Tribune, May 13, 1972.
- Perry, James M., "At Last, a Better Way to Pick a Veep", Congressional Record, November 15, 1973.
- Polsby, Nelson W. and Wildavsky, Aaron B., Presidential Elections: Strategies of American Electoral Politics, 2nd e. (New York, Charles Scribner's Sons), 1968, pp. 103-108.

- Pomper, Gerald, Nominating the President: The Politics of Convention Choice (New York, W.W. Norton and Co., Inc.) 1966, pp. 174-181.
- Pomper, Gerald, Letter to Senator Hubert H. Humphrey, Aug. 20, 1973.
- Radway, Lawrence, Statement before the Commission of Vice Presidential Selection, Democratic National Committee, New Hampshire hearing, Sept. 25, 1973.
- Rauh, Joseph L., Jr., "Choosing Vice Presidents: Something Is Amiss", Letter to the Editor, Washington Post, Dec. 3, 1974.
- Reston, James, "All Due Reverent Speed", Washington Star News, Oct. 12, 1973.
- "Revision Due in Vice Presidential Selection", Los Angeles Times, Aug. 7, 1972, p. II-6.
- The Ripon Society, The Lessons of Victory (New York, The Dial Press) 1969.
- "Role of the Vice Presidency: On Choosing a Vice President", transcript of CBS News Special Report, Aug. 6, 1972, reprinted in Current, No. 144, Oct. 1972, pp. 49-52.
- Rule 29 Committee Report, Republican National Committee. (excerpt, p. 22)
- "Selecting a Veep", Christian Science Monitor, Aug. 9, 1972, p. 14.
- Sheldon, Courtney R., "How to Pick Vice Presidents", Christian Science Monitor, July 28, 1972, p. 1.
- Sidney, Hugh, "The Horse-Shedding of Hubert Humphrey", Life, August 11, 1972, p. 12.
- Slocum, Charles A., "Statement on Vice Presidential Selection," February 26, 1976.
- Spero, Sterling D., "Three Ways to Reform the Booby Prize", New York Times, Nov. 8, 1973.
- Strout, Richard L., "America's Roulette", Christian Science Monitor, Aug. 18, 1972, p. 14.
- Summary of the Vice Presidential Selection Commission Executive Committee Meeting, Democratic National Committee, July 23, 1973.
- Summary of the Boston Hearing, Vice Presidential Selection Commission, Democratic National Committee, Sept. 26, 1973.



- ter Horst, Jerald "Let's try harder to fill No. 2 spot", Chicago Tribune, March 21, 1976.
- "There Must be a Better Way to Choose", Time, Aug. 7, 1972, p. 19.
- "The Vice Presidency", Washington Star-News, Oct. 15, 1973.
- Tompkins, Dorothy Campbell, Selection of the Vice President: Public Policy Bibliography to Institute of Governmental Studies, University of California, Berkeley, 1974.
- Ungar, Sanford J. F.B.I. (Boston, Atlantic Monthly Press) 1975.
- "Vice President System is Supported by Agnew", New York Times, August 3, 1972, p. 21.
- "Vice Presidential Candidates", Washington Star, Dec. 31, 1973.
- "Vice Presidential Reform", Chicago Tribune, Nov. 12, 1972, p. 24.
- "Vice Presidential Selection: Looking for New Ways", Congressional Quarterly June 23, 1973, p. 1631.
- Viorst, Milton, "Challenge to Selection Procedures", Washington Star, July 29, 1972.
- Viorst, Milton, "Picking Vice-Presidents", Washington Star-News, Oct. 23, 1973.
- Walters, Robert, "Democrats Eye Panel to Select Vice Presidency", Washington Star-News, Dec. 14, 1973.
- Weaver, Warren, "Eagleton Episode Stirs Reform Tide", Washington Star, Aug. 7, 1972.
- Weaver, Warren, "Reforms in Choosing Running Mate Sought", New York Times, Aug. 7, 1972, p. 20.
- Weisberger, Bernard A., "Accidental No. 2 Man", New York Times, Aug. 10, 1972, p. 35.
- White, William S., "The Vice Presidency", Washington Post, Aug. 12, 1972.
- William, Grover S., "Duties etc. relating to Vice Presidents", American Law Division, Congressional Research Service, March 3, 1975.
- Witcover, Jules, "Jimmy Carter: The Candidate on the Issues: An Interview", Washington Post, March 21, 1976.

Williams, Irving G., "The American Vice-Presidency", Current History, June, 1974,
p. 254.

Young, Donald, American Roulette: The History and Dilemma of the Vice-Presidency,
(New York: Holt, Rinehart and Winston), 1972, pp. 123-24, 373-75.



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Peter Bourne (Carter Campaign)
David S. Broder
Philip W. Buchen (The White House)
Joseph A. Califano, Jr.
David Cohen (Common Cause)
Peter Curtin (Church Campaign)
John Elliff (Senate Select Committee on Intelligence)
Stephen B. Farber (National Governors' Conference)
James Farrington (Deputy Assistant Director, F.B.I.)
Saul Friedman (Knight Newspapers)
James L. George (Staff Assistant, Office of Senator William Brock)
Senator Barry Goldwater
Joseph Gorman (Congressional Research Service)
Stephen H. Hess (Brookings Institution)
John Hotis (Office of Legal Counsel, F.B.I.)
Edward H. Mahe (Republican National Committee)
Colin Matthews (Udall Campaign)
Kent B. McGough (Chairman, Rules Committee, Republican National Committee)
Richard Moe (Administrative Assistant to Senator Mondale)
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Questions on Vice-Presidential Selection for Presidential Candidates

- 1) Do you perceive a need for change in the Vice-Presidential selection process?
- 2) How are you now approaching Vice-Presidential selection? Are you developing lists of potential candidates? Is any background work on potential running-mates being done now or is any planned? Do you anticipate communicating directly with the potential candidates, in advance of the convention?
- 3) Would you agree that competency to be President should be the main criterion in the selection of a running-mate? To what extent can competency be combined with balancing factors (geographic, ideological, religious, political, etc.) as criteria? Of these balancing factors, which are most important: how would you prioritize them? How important do you think compatibility between President and Vice-President (personality, issues orientation, etc.) is as a criterion for choice of a running-mate?
- 4) What do you think of the following proposals for change:
 - a) Making public a list of potential Vice-Presidential candidates before the convention.
 - b) Institution of a consultative process (such as by party committee) to help in the development of a list of potential candidates, or to give advice or screening of the candidates proposed by the Presidential candidates.
 - c) A partially open convention procedure, with the convention choosing the Vice-Presidential nominee from a list provided by the Presidential nominee.
 - d) Background investigation of potential Vice-Presidential candidates by the F.B.I., with an emphasis on the privacy rights of the potential candidates (requiring their permission, and limiting the availability of the report).
 - e) Rearrangement of the convention schedule (with Presidential nomination first, platform second, then Vice-Presidential nomination) to provide more time for consideration of the choice for Vice President.
 - f) Postponement of the selection of the Vice President to a time after the convention; making the selection in a mini-convention representative of the full convention.

Appendix G1
Lawrence D. Brown

BACKGROUND MEMORANDUM ON
VICE-PRESIDENTIAL SELECTION

This memo briefly describes some problems with the open and partially open convention approaches to Vice-Presidential selection and sketches an outline of my own thinking on how we might proceed.

First, three definitions. By the "present system" I mean that the Presidential nominee suggests his own choice for Vice-President, and the party convention then accepts or rejects it. An "open convention" means one in which delegates themselves nominate Vice-Presidential candidates and the convention itself makes the decision, weighing the Presidential nominee's preference as it sees fit. A "partially open convention" means one in which the Presidential contenders narrow their Vice-Presidential lists to a certain number (say five) either before the convention or after it (in which case the nominee does the narrowing) and the convention then selects the Vice-Presidential nominee from among those listed.

We seem to agree that the main general objective of changes in the system should be to move toward procedures more likely than the present ones to assure selection of men who would make worthy Presidents should that need arise. At a less general level, we also seem to agree that new procedures should provide 1) more time for deliberation about potential Vice-Presidents, and 2) more scope for deliberation (usually referred to as "greater participation" by those seeking a larger role for the convention itself, that is, the rank and file delegates, and "more extensive consultation" by those favoring a larger role for prominent party figures). Presumably, the greater the time allowed for deliberation, the less important it becomes to deal explicitly with the scope of participation, because, given time, opinions will out. However, the reverse does not also hold. For example, chapter two of the Ripon Society's The Lessons of Victory (New York: Dial Press, Inc., 1969) describes the selection of Spiro Agnew, which consisted of a rapid and superficial process of rather extensive consultation. Nevertheless, the time dimension is much more troublesome than appears at first glance. Every step toward pre-convention specificity diminishes the Presidential contenders' flexibility, and responsiveness to emerging trends. Every step toward post-convention delay violates the candidate's (and the party's) desire to get a team together and off and running.

To my mind, the major problem with the open and partially open convention approach is that it does not directly address either of the objectives mentioned above. Enlarging the convention role in Vice-Presidential selection does not inherently extend or deepen the deliberative process, and thus does not go to the heart of the problem. To the degree, then, that improved deliberation can be accommodated within the present system, the advantages of this system, and the disadvantages of the open convention approach, appear more compelling.

The best succinct discussion I know of the advantages and of the open and partially open convention approach (and others) is contained in a memo from Stu Eisenstat to the Democrats' Vice-Presidential Selection Commission (the so-called "Humphrey Commission")*. What I have to say here is nothing new, but let me list briefly, in no particular order, what I consider to be the major disadvantages of the open and partially open convention approaches.

1. An open convention could exacerbate party factionalism. Any appearance of party unity might break down, and, depending upon the balance of power within the convention, the Presidential nominee might get saddled with a Vice-President who is incompatible. This would be offset by partial openness (selection from the nominee's list) but this has its problems too. If the change is billed as a step toward "openness" (as it is bound to be), then explicit statements of preference from the nominee will make it appear a mockery in some eyes. If, on the other hand, the nominee is prevented from expressing his first choice (which is practically impossible), he may either not get his man, or may list his man and four throwaways. The point of making changes, it seems to me, should be to equip the convention (or some subdivision of it) to evaluate the nominee's choice in the context of other contenders, and to provide information and advice to Presidential contenders (and the nominee) as their decision-making processes unfold. "Openness" reforms do not address this point straightforwardly.
2. Openness enhances the deliberative process only if the delegates know the candidates' Vice-Presidential choices far enough in advance of the convention to give them time to deliberate. But advance listing (unless limited to one or two Vice-Presidential choices apiece) may lead to extreme ticket-balancing, as the obligatory blacks, women, religious and regional figures, and so forth appear on the lists to win factional support. Even if the number of preconvention choices is limited (which is probably infeasible), the prime concern will be short-term coalition-building.
3. Openness could lead to complex and probably undesirable factional patterns, as state delegations bargain support for A for President in exchange for support for B for Vice-President. It's far from clear that the result would be to accentuate quality.

* This memo is reprinted in the Congressional Record, 16 October 1973.

4. Although it is true that the President is tortuously selected, and that the Vice-President must be worthy to become President, it is probably also true that there is strong sentiment among party and public for letting the President name his man. There are many reasons for this. The first is the need for flexibility. Granting that quality should come first, the need to balance ideological, regional, and other appeals within the set of high-quality contenders varies from one time and situation to another. The nominee -- the party's leader -- can assuage party splits when in the nature of the case a (split) convention cannot. The Vice-President is bound to remain the nominee's major, short-term political instrument in trying to do so.

Second, selection of a Vice-President is a Presidential nominee's first and most prominent exercise of discretion and judgment. Taking the choice away from him may diminish his public legitimacy (the top man is supposed to be "responsible" and "accountable"). It may be too that people like to think of the ticket as a "team", not a juxtaposition.

Third, as Hans Linde has pointed out, unless the President finds his running-mate personally and ideologically compatible (which he alone can decide), he may not keep him informed about and included in what's going on. This would reduce the Vice-President's capacity to assume the Presidency.

These points seem to me to argue rather strongly that the costs of the open and partially open approaches are likely to outweigh the benefits. Now I want to set down a few vague thoughts explaining the rudiments of what I consider a sensible approach to procedural change.

As I said above, I think that the major emphasis should be on Vice-Presidential quality. (By "quality" I mean selection of a Vice-President whom large numbers of people other than the Presidential nominee would be content to see occupy the highest office if the major pertinent facts were known, and if the need arose.) In arguing the need for change, there are basically two different approaches. One is to argue that the present system (and the Vice-Presidents and Vice-Presidential nominees it produces) are simply not very good. I am not convinced that this is true. The second line of argument is that the system is basically sound, but unacceptably risky. I believe that Vice-Presidents in general, and Vice-Presidents who became President, have been, on the whole, of high quality. I believe too that the system is to some degree self-correcting. (As Stephen K. Bailey said it in a statement to the Humphrey Commission in November 1973, after the Eagleton and Agnew affairs, nominees are likely to exercise "exquisite care" in selecting running-mates even without procedural changes. Nor do I believe that Presidential nominees do -- or would -- knowingly choose flawed men.

Having granted all this, however, the key fact remains that information (broadly defined) has been and remains too limited. In selecting men for high office, "political" information (insights of knowledgeable politicians and party notables about contender's style and performance) and "factual" information (data about personal honesty, background, and the like) are equally valuable and perhaps inextricable.

Moreover, the Eagleton and Agnew cases suggest that under some conditions, the logic of party unity may lead not to nomination of major party figures but rather to inoffensive and little-known individuals. These facts, it seems to me, argue for explicit procedural change; it is not prudent to leave the choice almost wholly to the personal judgment of the nominees' and their top aides. In short: we should look to modest procedural innovations which might reduce the risk of seriously flawed candidates by enhancing the time and scope for deliberations.

If we accept this general orientation, then it seems to me that we come down to three basic questions:

1. What should be the mechanics of deliberation? -- in particular, do we want to argue for an institutionalized party role (beyond the delegates themselves), or leave it mainly to contenders, press, and public?
2. What should be the timing of the deliberative process? -- in particular, should it fall mainly before the convention or after it?
3. What should be the extent of the process? -- in particular, do we want to leave it to the contenders and their staffs, the parties, the press, and the public; or do we want to consider FBI checks?

These three questions comprise the heart of the matter, in my view. Let me set down quickly my tentative thoughts on these three questions, and suggest the implications of these thoughts.

1. I think that there should be some sort of institutionalized party role in Vice-Presidential selection, beyond convention ratification of the Presidential nominee's personal choice. I take this view for three reasons. First, I share the position of many political scientists (some of whom discussed this and related points before the Humphrey Commission) that the apparent decline of national party organization is something to worry over. I do not believe that we should encourage the increasingly popular view that the candidate is everything and the party is nothing; nor do I think that we should recommend changes that work in that direction. If possible, I would like to see the institutional role of the parties strengthened.

Second, I believe that some party role is needed to fill information gaps that would inevitably remain if consultation were left mainly to the contenders, their staffs, the press, and the public. The viewpoint of party officials may be distinctive and valuable; it should be built into the process.

Third, I agree with Charles Hyneman's observation to the Humphrey Commission that "Proof that well known men and women are involved in the selection and that deliberation is going on" would lend legitimacy to the Vice-Presidential selection process and increase public confidence in it. These "well known men and women" should come from the ranks of the parties.

2. I believe that a pre convention deliberative process is preferable to a post convention process. As James I. Loeb remarked in reference to arguments in favor of the 1972 Democratic "mini-convention" (held after the convention itself had adjourned):

...if it were adopted as a regular device, it would mainly serve three purposes: to underscore the indecisiveness of the presidential nominee to weaken any semblance of party unity and to establish an all-time record for anticlimax.*

Moreover, as Congressman Marvin Esch of Michigan has pointed out, a delayed Vice-Presidential nomination would give an appearance of "smoke-filled-room-politics," "secret deals" and "power brokers." ** Also, might not unit-rule problems in weighting delegate votes arise under such procedures? All post-convention processes with which I am familiar run up against problems such as these.

3. I would refrain from recommending new forms of FBI checks on Vice-Presidential contenders. On the one hand, the possible costs of such checks -- in terms of loosely-controlled investigations, violations of privacy, abuse of confidential data, and others -- are unclear but potentially great. On the other hand, I am not convinced that the benefits to be gained from such checks are sizeable, let alone large enough to outweigh the potential costs. I would want to think long and hard before endorsing an expanded, institutionalized FBI role in electoral politics. To my mind, a workable system of party consultation, and an expanded dialogue among political actors -- party, candidates, press, and public -- ought to do the job.

Following these observations where they seem to lead, I would incline to favor a process something like this: the parties should establish some sort of committee on Vice-Presidential selection, with appropriate staff, which would go to work a month or two before the convention. The committee should contact active Presidential candidates (somehow defined) and solicit from them lists (of some reasonable length) of persons whom they (the contenders) think should be considered as potential Vice-Presidential nominees. The committee would then compile and make public one general list of contenders for Vice-President. Those listed could remove themselves from consideration if they wished. The committee would carry out staff work and consult widely with various party elements about the respective merits or limitations of those listed. Discussion would proceed among media and public. The big problem is, how deep would the committee dig, and how public would this "dossier" become? One report noted that the Democratic Commission

* Washington Post, 27 January 1974

** Congressional Record, 2 August 1974

on Vice-Presidential Selection, faced with similar proposals, "was reluctant to get into 'screening' or 'digging up dirt', and made it clear the advisory panel it recommended would compile publicly available information only."* Even a consultation process limited in this way need not be superficial, however. Such a panel might go a long way toward increasing the store of factual information and considered opinion of which candidates and delegates might avail themselves in reaching their decisions.

At the convention the order of business might well be changed to place platform adoption between the selection of the Presidential and Vice-Presidential nominees. This suggestion would seem to run counter to the concern for party prerogatives expressed above, but several considerations persuade me that this is not the case. A platform adopted after, and guided by, the Presidential nominee would enjoy a closer link in the public's mind with the head of the ticket. A platform, after all, is not only a declaration of general party position, but also -- even more so -- a statement of goals a new administration would attempt to pursue. Nor would rearrangement of the schedule necessarily impair the platform's role as party unifier; the nominee's need to unite the party behind him and to heal convention wounds would probably lead him to strengthen the platform's traditional reconciliation functions.

After the nominee had been selected, and while the platform was under consideration, the nominee would consult with the advisory committee about his preferred choices, would avail himself of the information and opinions compiled, and would then name one individual. The convention would then vote. The nominee would retain the option of naming a running mate not on the committee's list, but if he did so, it might be agreed that the convention adjourn and vote by "mini-convention" a week or so later in order to allow time for research and consultation.

This approach strikes me as a fairly sensible extrapolation from the observations presented above. Whether it is feasible in practice is another matter however.

* Congressional Quarterly Weekly Report, 12 January 1974, pg. 49



Appendix G2
Elizabeth Goddard

PARTY OPTIONS FOR CHANGE OF VICE-PRESIDENTIAL SELECTION PROCEDURES

Technically it is possible for the parties to make changes this year which would affect Vice-Presidential selection. These, for reasons of time, would probably be procedural changes, such as a rearrangement of the order of business. It would be very difficult at this point to enact changes which would influence the behavior of the potential candidates, such as requiring them to provide lists of potential running-mates, although it would be possible to institute some form of consultative process on a short notice.

Realistically, it is not likely that a sitting convention is going to make changes which would take effect immediately. We should make recommendations for immediate action at this convention, but realizing that changes will probably not be made for 1976, we should stress two things: 1) the importance and priority that should be given to Vice-Presidential selection, 2) the necessity for making the rule changes in this convention for effect in 1980 (not the formation of more committees to study the question, but the actual enactment of the changes themselves).

Selective Listing of Party Options for Change

- 1) Rearrangement of convention schedule (Presidential nomination, platform, then Vice-Presidential nomination).
- 2) Institution of a formal consultative process (party committee to be a screening committee, or simply an advisory group).
- 3) Open convention - choice left entirely up to delegates.
- 4) Presidential nominee makes public a list of potential running-mates after nomination, and the convention chooses from this list.
- 5) The Presidential candidates make public lists of potential running-mates before the nomination;

- a) the convention chooses from the list (allowing for inclusion of names of defeated Presidential candidates.
 - b) the Presidential nominee indicates a preference before the convention selects the Vice-Presidential nominee, (allowing for the inclusion of names of defeated Presidential candidates).
- 6) Convention chooses Vice-Presidential nominee from a list provided by a party committee, or other criteria.
- 7) Post-convention choice of the Vice-Presidential nominee:
- a) by committee, or mini-convention
 - b) by the Presidential candidate

Analysis of Selected Options

1) If other reforms in the Vice-Presidential selection process have been made, such as a pre-convention listing of potential running-mates, a provision for background investigation and institution of a consultative process, then the proposal for a rearrangement of the convention schedule is not as important, because these measures would mean that care and deliberation in the choice were taking place even before the convention. But in the situation that will probably exist this year, with none of these reforms taking place, the rearrangement of the convention schedule becomes an important and necessary change. It would provide time, which is crucial, for the nominees and their staffs to regroup and proceed in some orderly fashion, and for a more extensive consultative process to insure party acceptance, and to do the checking that is needed.

2) Consultative process. The institution of a consultative process is an important reform, as it is a way to increase input into the selection process while retaining the candidate's dominance in the choice. A consultative mechanism could begin at this convention although there would be logistical problems, mainly of time, since the consulting would probably be taking place at the convention rather than before. This is a process that should be suggested for 1976 but recommended strongly for 1980. The best proposal seems to be for a consultative committee, or advisory group, which meets before the convention (and possibly holds hearings) discusses and does research into potential Vice-Presidential prospects; then at the convention, is available to the nominee in an advisory capacity.

3) Open convention. This is the most readily available option since it already exists in fact though not in practice. There are merits to such a system, but it does not guarantee an improvement in the Vice-Presidential selection process, and is not the best vehicle for change.

4) Presidential nominee makes public a list after nomination, and the convention chooses from this list. This is not an ideal solution, as it does nothing to insure that time has been spent in the choice, and it does not provide time for checking of the choices.

5) Presidential candidates make available lists before the convention. This option is the most promising. It provides for several things which are desirable:

- 1) It insures that the Presidential candidates begin thinking about, and actively working on, Vice-Presidential selection before the convention.
- 2) It makes the potential candidates known and available for public and media exposure, background checking, etc.
- 3) It retains candidate control over the process (especially if the nominee makes a preference known) while allowing more participation from public and party.

It is not very likely that such a system could be instituted this year, unless done voluntarily by the candidates. It should be strongly recommended as a change to be made for 1980, however. The party could make it a requirement for candidates with a certain number of delegates or whatever. There are potential problems however, such as the possibility of a drafted nominee who would not have made a list public.

Recommendations

1) That the parties adopt general resolutions stating that Vice-Presidential selection deserves more care than it presently receives, and urging that, especially this year, the Presidential candidates do their homework before the convention, and give Vice-Presidential selection priority.

2) For 1976, changes be made in the rules to allow:

- A) rearrangement of the convention schedule
- B) consultative mechanism

3) For 1980: At this convention changes be made in the rules to require in 1980:

- A) That the candidates announce a list of potential running-mates before the convention (allowing the candidate to make preference known at the convention)
- B) That a party advisory group be formed to serve in a consultative capacity.



- C) That the convention schedule be rearranged (to allow time for the candidate to choose from the list and from the unsuccessful Presidential candidates, and time for consultations with party elements to take place.

A Resolution to be adopted, which recommends the careful use of FBI background investigation, stressing the need to respect the individual's privacy and the need to have the individual's permission.

Description of Rules Committee Procedures

FOR THE DEMOCRATS:

The Rules Committee of the National Committee meets before the Convention (June 19, 20, and possibly the 21st). Only the members of the committee are present. Any member of the Committee can bring up any resolution for change. The Rules Committee then makes its recommendations to the Convention directly (each delegate receives a copy of their report), and the Convention votes on the recommendations.

Possible Means of Change in the Rules For 1976 = Amendment to Rules

At the Rules Committee meeting, it will be moved to adopt the temporary Rules in the Convention Call as the Permanent Rules. At this point, there will be attempts to amend these rules, rule by rule. Vice-Presidential selection amendments could be proposed at this time, by a member of the committee.

Other Ways

The Convention can enact changes that have not been accepted by the Rules Committee:

- 1) By minority report of the Rules Committee (25%)
- 2) By suspension of the Rules of the Convention
- 3) Also any delegate can request a special order of business (the Rules Committee has to agree before this is done)

Changes for 1980

These would come up at a different time in the Rules Committee meeting. They could be proposed as a simple resolution, or as a charter amendment.

FOR THE REPUBLICANS

The Rules Committee of the Republican National Committee meets before the convention. It makes recommendations to the National Committee, which makes recommendations to the Convention Rules Committee, which begins meeting several days before the convention. The Convention Rules Committee makes recommendations to the full Convention.

The Chairman of the Rules Committee of the National Committee, Kent B. McGough, has indicated that input from interested parties is welcome. The best time for this would be the June 24 meeting of the Rules Committee, at which time they will hold a hearing on Vice-Presidential selection.

Attachments to Party Options Paper: Summary of Republican Party Actions
on Vice-Presidential Selection

Summary of Democratic Party Actions
on Vice-Presidential Selection

REPUBLICAN PARTY ACTIONS
ON VICE-PRESIDENTIAL SELECTION

Subcommittee 2 of the Republican National Committee's reform group, the Rule 29 Committee, considered the question of changes in Vice-Presidential selection methods. They held hearings and solicited recommendations in the spring of 1974.

The preliminary report of the Rule 29 Committee was submitted to the Republican National Committee by June 30, 1974. The final report was presented by January 1, 1975. The Republican National Committee acted upon this report on March 5-6, 1975.

There is one section in the Rule 29 Committee report which deals with Vice-Presidential selection. It is a resolution which recommends that the Republican National Committee continue to review proposals to improve the Vice-Presidential nominating process at the national convention, emphasizing the need for more time for the selection of the nominee.

Before the 1976 convention, the Rules Committee of the Republican National Committee will meet and consider the recommendations of the Rule 29 Committee. The Rules Committee then makes recommendations to the Convention Rules Committee, which makes recommendations to the convention as a whole. On June 24, the Rules Committee of the Republican National Committee will hold a hearing to consider further proposals regarding Vice-Presidential selection. In the words of the Chairman of the Republican National Committee, Mary Louise Smith, "Because of the great amount of interest in this subject, our pre-convention Rules Committee will devote considerable time to the matter during its June meeting.

For the convention this year, the Republican National Committee has no plans to make changes in their Vice-Presidential selection process; the actions of the Rules Committee are aimed at the 1980 convention.

DEMOCRATIC PARTY ACTIONS
ON VICE-PRESIDENTIAL SELECTION

At the miniconvention to select a Vice-Presidential nominee in August, 1972, the Democratic National Committee established a commission to study Vice-Presidential selection with the purpose of recommending changes in the selection procedures of the party convention. Under rules adopted in 1972, the commission had until January 1, 1974, to make a report to the National Committee.

The first meeting of the Vice-Presidential Selection Commission was held June 20, 1973, in Washington, D.C. The chairman of the Commission was Senator Hubert Humphrey. At this meeting, the full commission of seventy-five people established an eighteen person executive committee, which then scheduled a meeting in Washington on July 23-24 to discuss means of gathering information and suggestions.

The executive committee held hearings in the fall of 1973 and solicited written opinions on the subject of Vice-Presidential selection.

Several recommendations were produced by the executive committee, which, after slight alteration, were accepted on December 13, 1973, by the full commission. The proposals called for the formation of a screening committee, the lengthening of the convention by one day, and the option of postponing the choice of a Vice-President to a mini-convention twenty-one days after the national convention.

The proposals of the Commission on Vice-Presidential Selection were presented to the Democratic National Committee. The Committee removed the section suggesting the formation of a screening committee, but took no further action on the proposals. None of the proposals were included in the Charter which was adopted at the 1974 miniconvention in Kansas City.

As it stands now, the Democratic National Committee has no plans to change the Vice-Presidential selection process, and they have no plans for any action on the Report of the Vice-Presidential Selection Commission.

Appendix G3
Charles Greenleaf

Background Checks of Possible Vice-Presidential Nominees

This paper preliminarily reviews the major considerations in conducting a background investigation of possible Vice-Presidential candidates and outlines proposals for consideration by the study group.

Pro-Con

Virtually everyone admits that the Presidential candidates should have more information about the potential running mates than has been available in the past. The choice of Thomas Eagleton in 1972 and of Spiro Agnew in 1968 are illustrations of the need for more information.

However, there are strong arguments that background checks by the FBI are an invasion of privacy. Furthermore, any screening process or information gathering effort by a political party will be criticized as an attempt at "backroom" influence of the selection process.

Major Considerations

Who should conduct the background checks and political screening?

The FBI is the only organization equipped to do an extensive personal background investigation. Outside the government, investigative journalists, such as Jack Anderson, will conduct inquiries without much encouragement.

Political screening of a Vice-Presidential prospect's public record could be done by the Presidential candidates or by the party organizations. The press and various interest groups will also have a major role in publicizing the record of leading Vice-Presidential contenders.

What should be checked?

An FBI check, if authorized, would probably be in the nature of a "full field investigation," not as massively detailed as the checks of Gerald Ford and Nelson Rockefeller when they were Vice-Presidential nominees.

Aside from an FBI check of personal information, there should be a review of the public record of the potential Vice-Presidents. Positions taken throughout his political career should be documented. Material on

Congressional service is relatively easy to collect, compared with information about a person's record at the state or local level.

When should the checks be made?

The information should be collected prior to the nominating conventions. Sanford Ungar's recent book, The FBI, indicates that it normally takes fifteen days to investigate a Presidential appointment. The background check on Nelson Rockefeller used 350 agents and took a total of 1,400 interviews. A pre-nomination investigation of several possible candidates would not be as extensive, but it would require a week or two at least.

A comprehensive review of the political record of possible nominees would take longer, whether done by the staff of a Presidential candidate or by a political party committee.

Action by the Study Group

I submit two proposals for consideration by the study group: 1) an FBI check mechanism and 2) a research process by the party organizations.

1) FBI Check. Any study group recommendation for FBI background checks depends upon further study by us of existing practices and authorities. If statutory authorization is not required for an investigation, the President could ask the FBI to conduct a "top secret" security clearance for potential Vice-Presidential choices in the following manner:

*Presidential candidates with a reasonable chance of getting the nomination would be allowed to submit to the FBI up to 10 possibilities for Vice-President.

*The Presidential candidates should inform their choices of the pending background check and give them a chance to decline being investigated.

*The results of the FBI check would be available only to the winner of the nomination. Unused data would be destroyed.

(This concept is similar to the bill introduced in 1973 by Senator William Brock. The bill has not been introduced in the current Congress, nor has any bill pertaining to FBI checks of Vice-Presidential candidates.)

2) Research on Candidates by the Party Organizations. One would hope that Presidential candidates would direct campaign staffers to scrutinize the public records of possible Vice-Presidential nominees, but it is unlikely that the candidates have the money or the time to accomplish this project adequately, particularly when the pre-convention campaigns are closely contested.

Instead of just relying upon Presidential candidates to do research about their choices for running-mate, the party organizations should help do the job of screening in a formal role.

In 1973 the Humphrey Commission proposed that the Democratic National Committee establish an Advisory Committee on the Vice-Presidential nomination. The Advisory Committee of 7-10 members could be selected after consultation with all Presidential candidates in the party. The Committee would collect information from public records about all potential Vice-Presidential nominees. Its work would not in any way be binding, the Committee should make no recommendations whatsoever, and it should submit its information to the nominee at the convention.

These two proposals, the FBI checks and the candidate research by the party, are examples of specific actions that the study group must produce, if we are to have any impact on reforming the Vice-Presidential selection process.

Attachments: excerpt from the Congressional Record, November 26, 1973
 a bill, S.2741, 93d Congress, November 26, 1973





United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93^d CONGRESS, FIRST SESSION

Vol. 119

WASHINGTON, MONDAY, NOVEMBER 26, 1973

No. 181

Senate

By Mr. BROCK:

S. 2741. A bill to provide for an investigation of the character and past activities of potential Vice-Presidential nominees by the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

Mr. BROCK. Mr. President, as everyone knows, we will soon be voting on the confirmation of a new Vice President. Events of the past 15 months amply demonstrate the need to take a hard look at the methods by which a Vice President is chosen.

When we examine both history and current events, we see that there is a vast difference between the scrutiny that a potential President and a potential Vice President receives. Normally, a man who desires the office of President of the United States must receive a great deal of publicity if he hopes to even have a chance of being elected. During the time period between a potential President's name being mentioned as a possible candidate and his actual nomination, the candidate is subjected to intense examination by the press and the general public. This examination keeps a Presidential candidate constantly in the public eye. Such scrutiny has often resulted in a candidate's withdrawing from the Presidential race.

This is not true of a potential Vice President, however. Under the present method of choosing the Vice President, the candidate who is selected is more often than not relatively unknown to the public. This means that a Vice-Presidential candidate virtually never receives the scrutiny that a Presidential candidate receives. Often, less than 24 hours passes between the time of a Presidential candidate's nomination and a Vice-Presidential candidate's nomination. Adequate investigation is impossible under such circumstances.

Today, I would like to introduce a bill which will eliminate many of the problems created by the present system of choosing the Vice President. This bill would allow, but not require, Presidential candidates with a reasonable chance of winning the nomination to submit the names of up to 10 possibilities for Vice President to the FBI. Reasonable chance of winning means that a candidate either has 10 percent of the delegate votes, or is among the top three contenders.

The investigation of the contenders shall consist of the normal procedures used for a top-secret clearance. The results of the investigations shall be re-

leased only to the winner of the Presidential nomination and only with the written consent of the person investigated. Also, only the Presidential candidate himself and one other staff member chosen by the Presidential candidate may view the records at all times.

An FBI agent would serve as custodian of the records. After the selection of the Vice President by the party convention, all investigation reports including the investigation of the Vice-Presidential candidate shall be destroyed. It will be a Federal offense of up to 5 years imprisonment and a \$50,000 fine for unlawful disclosure of the results of any investigation.

Mr. President, this bill I am introducing will provide the means to prevent the recurrence of events such as the ones of this past 15 months. The investigations provided for by this bill should determine the fitness of the man who, if elected, would be a heartbeat away from the Presidency. At the same time, this bill forbids the leaking of information about the people being investigated, and thus it safeguards their rights of privacy.

SALIENT POINTS OF BILL

First. At the conclusion of the final Presidential primary or final nominating convention, but in any case at least 1 month prior to the party convention, those candidates with at least 10 percent committed delegates at that time, or the top three contenders, shall have the right to submit to the FBI the names of not more than 10 persons to be investigated for the office of Vice President.

Second. The investigation shall consist of the normal procedures used for a top secret clearance.

Third. These investigations shall be released only to the winner of the Presidential nomination, and only with the written consent of the person investigated. Also, only the Presidential candidate himself and one other staff member chosen by the Presidential candidate may view the records, and at all times, there shall be an FBI agent present as custodian of records.

Fourth. After selection of the Vice President by the party convention, all investigation reports including the investigation on the Vice-Presidential candidate shall be destroyed.

Fifth. It shall be a Federal offense of up to 5 years imprisonment and a \$50,000 fine for unlawful disclosure.





93^d CONGRESS
1ST SESSION

S. 2741

IN THE SENATE OF THE UNITED STATES

NOVEMBER 26, 1973

Mr. BROCK introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for an investigation of the character and past activities of potential Vice-Presidential nominees by the Federal Bureau of Investigation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, for purposes of this Act, the term—

4 (1) "Presidential primary" means any election
5 held for the expression of a preference by the voters of
6 a State for the nomination of a candidate for election
7 to the office of President;

8 (2) "political party" means any political party
9 whose candidate for election to the office of President in
10 the most recently conducted Presidential election received

1 more than 10 per centum of the total number of votes
2 cast throughout the United States for all such candidates,
3 treating votes cast for the election of Presidential and
4 Vice-Presidential electors who are affiliated with a
5 political party as votes cast for the Presidential candidate
6 of that party;

7 (3) "national nominating convention" means a
8 convention held by a political party for the purpose of
9 nominating the candidate of that party for the office of
10 President; and

11 (4) "Presidential candidate" means an individual
12 who—

13 (A) is qualified under the Constitution to serve
14 as President if elected to that office, and

15 (B) files with the Attorney General, not later
16 than thirty days before the date on which the na-
17 tional nominating convention of a political party is
18 scheduled to begin—

19 (i) a statement in writing personally
20 signed by him stating that he is a candidate for
21 the nomination of that party for election to the
22 office of President; and

23 (ii) statements in writing personally
24 signed by a substantial number of delegates who
25 are entitled to vote in such convention for the



1 selection of the candidate of that party for elec-
2 tion to the office of President stating that they
3 intend to vote for the nomination of that individ-
4 ual as the candidate of that party for election to
5 the office of President when the convention is
6 held.

7 For purposes of clause (ii), an individual shall be
8 considered to have furnished statements from a sub-
9 stantial number of delegates to the national nomi-
10 nating convention of a political party if he has fur-
11 nished the greatest, next greatest, or third greatest
12 number of statements from such delegates, or if he
13 has furnished statements from 10 per centum of
14 such delegates.

15 SEC. 2. (a) The Attorney General upon receiving a
16 written request from a Presidential candidate shall conduct
17 an investigation through the Federal Bureau of Investigation
18 of not more than ten individuals listed in that request by the
19 Presidential candidate as potential Vice-Presidential nom-
20 inees. The investigation shall be of the same nature, extent,
21 and scope as an investigation conducted by the Federal
22 Bureau of Investigation in connection with the granting of
23 a top secret security clearance to any individual employed
24 by the United States.

1 (b) No evidence or information obtained by an investi-
2 gation conducted under subsection (a) shall be released to
3 any person without the written consent of the individual who
4 is the subject of the investigation.

5 (c) If an individual investigated under subsection (a)
6 consents in writing under subsection (b) to the disclosure of
7 the evidence and information obtained in that investigation,
8 the Attorney General shall permit inspection of such evi-
9 dence and information by the Presidential candidate who re-
10 quested the investigation together with one other person des-
11 ignated by the candidate, if such candidate has been nomi-
12 nated by the national nominating convention of the political
13 party with which he is affiliated. Any such inspection shall
14 be carried out on premises designated by the Attorney Gen-
15 eral in the presence of an employee of the Federal Bureau
16 of Investigation, who shall be custodian of such evidence
17 and information. No copy, record, or memorandum of any
18 matter contained in such evidence and information shall be
19 made by the candidate or the person designated by the candi-
20 date to inspect the evidence and information with him, and no
21 piece of such evidence or information shall be removed from
22 the custody of the Federal Bureau of Investigation.

23 SEC. 3. Upon the nomination a candidate for election
24 to the office of Vice President by the national nominating
25 convention of a political party all evidence and information



5

1 obtained under section 2 relating to potential Vice-Presi-
2 dential nominees of that party shall be destroyed and no
3 memorandum, copy, or other record of such evidence or
4 information shall be retained.

5 SEC. 4. No evidence or information obtained under or in
6 connection with an investigation carried out under this Act
7 shall be admissible in any proceeding before any court of the
8 United States or of any State.

9 SEC. 5. The disclosure, release, or retention of evidence
10 or information in violation of the provisions of this Act shall
11 be punishable by a fine not to exceed \$50,000, imprison-
12 ment for not to exceed five years, or both.

Appendix H

SELECTED COMMENT ON VICE-PRESIDENTIAL SELECTION

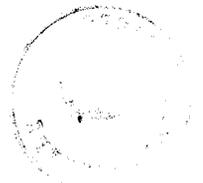
Each Presidential election year brings, with measured regularity, a rising chorus of complaints about how Vice Presidents are selected. Solemn pledges "to do something" about the selection process ring through political party caucuses, and the heavy artillery of the political pundits thunders in at just the right moment, for effect.

It was all well said in 1906 by Finley Peter Dunne:

"It's sthrange about th' vice prisidincy," said Mr. Dooley. "The prisidincy is th' highest office in th' gift iv th' people. Th' vice prisidincy is th' next highest an' th' lowest. It isn't a crime exactly. Ye can't be sint to jail f'r it, but it's a kind iv a disgrace. It's like writin' anonymous letters. At a convintion nearly all th' dillygates lave as soon as they've nomynated th' prisidint f'r fear wan iv them will be nomynated f'r vice prisidint."

Mr. Dooley would, however, be suprised at the recent history of Vice-Presidential selection, during which the Vice Presidency has become more and more of a sought-after prize. Being Vice President is inescapably the best way to become President.

Of the 38 American Presidents, 13 (or more than a third) were Vice Presidents first. These 13 have been President for more than a third of the nation's 200 years. The figures for this century are even more startling. Of the 13 Twentieth Century American Presidents,



6 were first Vice President, and they have been President for 34 of the 76 years (45 per cent). Putting it another way, in this century the odds are about one to two that the Vice President will one day become President.

Whether or not changing the way Vice Presidents are selected is an idea whose time has finally arrived is a good question. It may simply be that the Vice Presidency is like the weather: everyone complains about it, but no one can change it.

The following excerpts from editorials, columns, and so forth are illustrative of the thousands of pages written on this subject--- and they reveal the near-unanimity of judgement that it is, indeed, time for a change in how we select Vice Presidents.

-- K. Dun Gifford

Endicott Peabody, Chicago Tribune, May 13, 1972

We cannot have a Vice President, a potential President, who has been chosen by anything less than a deliberative and collective decision by a free and open convention.

Milton Viorst, Washington Star, July 24, 1972

I am convinced that one of the reforms both parties should have high on the agenda for 1976 is a procedure for choosing the vice presidential candidate as openly as the Democrats this year chose their presidential candidate.

Courtenay R. Sheldon, Christian Science Monitor, August 2, 1972

A simple switch in the order of business at political conventions could help avoid another "agony over Eagleton". The Democrats are already thinking about such a plan, says Joseph A. Califano, Jr., general counsel of the Democratic National Committee.

Clayton Fritchey, Washington Post, August 5, 1972

Every four years there is a new round of hand wringing over the way American Vice Presidents are chosen. The only difference is that, in the wake of the Eagleton crisis, the wails are even louder.

Admittedly, our hit-and-miss way of selecting vice-presidential nominees leaves a great deal to be desired, but in practice it hasn't worked too badly.

Erwin D. Canham, Christian Science Monitor, August 14, 1972

The Eagleton mess could easily have been avoided. But total reform of the process by which vice-presidential candidates are chosen is more complicated. It ought to be done.

To have the vice-presidential candidate designated by a weary presidential nominee, under the worst of circumstances, is an intolerable risk.

Alan L. Otten, Wall Street Journal, August 17, 1972

At the moment all public attention is still focused on better methods for picking a vice presidential nominee. The Democratic disaster over the dropping of Senator Eagleton and the embarrassingly prolonged pursuit of a substitute has touched off an avalanche of proposals for improving the process.

Richard L. Strout, Christian Science Monitor, August 18, 1972

Vice presidents can be fun. Without them how could we idle away the time agreeing that there ought to be a better way of picking vice presidents? Then we go on to something else.

Five presidents in office since 1900 were at one time or another targets of assassins. In all, eight vice presidents have filled vacancies. Six of these eight were chosen without much more thought of their qualities than a city political machine gives to picking a candidate for coroner.

Editorial, Los Angeles Times, August 7, 1972

The selection process used by both parties in respect to vice presidential candidates is out of date and defective... there must be a more responsible way than the present system. The parties won't face the problem again until 1976. That should be enough time to find an alternative.

Editorial, Christian Science Monitor, August 9, 1972

The traumatic problems which Democratic presidential candidate George McGovern has just undergone in choosing a running mate have sharply spotlighted the weaknesses in the American system of selecting and electing a vice president.

Any new system that is worked out should at the least allow for a broader and more representative group of selectors for the nominee, and aim to bring in the strongest possible candidate on the basis of merit.

Editorial, Chicago Tribune, August 12, 1972

What the authors of these and other proposals overlook is that the present system is workable and is probably the most sensible in sight. It occasionally flounders because the delegates have traditionally voted for the man chosen by the Presidential nominee, and that Presidential nominee can sometimes be an amateurish bumbler.

Such was the case in the Eagleton affair. The reformers' complaint is not with the system, but with the bad judgement of one George S. McGovern.

Editorial, Washington Star, August 18, 1972

The short sojourn of Senator Thomas Eagleton on the Democratic national ticket ought to have the one salutary effect of getting people to think about how we choose vice presidential candidates. There must be a better way.

Editorial, Chicago Tribune, November 12, 1972

In any event, we see no reason to junk the present system and resort to experimentation. What is needed is to let the system work as intended.

New York Times, December 15, 1972

Spurred by memories of the 1972 Eagleton case, a Democratic party commission has proposed creation of a screening committee to check the background of future Vice Presidential possibilities.

New York Times, December 16, 1972

A Democratic party commission has agreed on a series of proposals to provide more careful selection of Vice Presidential nominees. The commission recommended creation of an advisory commission to check the backgrounds of possible nominees... It also adopted a procedure that would insure at least 48 hours between the selection of the Presidential and Vice Presidential nominees.

Theodore H. White, "The Making of the President 1972"

The way Americans choose vice presidents has always been absurd, but never quite so absurd as in the Democratic exercise of 1972...No one had been assigned to do any kind of background check (on Eagleton).

(In contrast), Nixon thought that Agnew's speech nominating Nixon was the best. Nixon was enormously impressed by the man with the square-cut jaw, the athletic frame, the commanding presence on the screen...

James Reston, New York Times, October 12, 1973

The Agnew Affair, following on the Eagleton Affair, suggests again that the normal procedures for selecting vice presidential candidates in America have been almost criminally negligent, so maybe they should be examined before President Nixon picks a successor for Spiro Agnew.

Lawrence Meyer, Washington Post, October 13, 1973

One of the obvious pitfalls in selecting a vice presidential candidate--made painfully obvious by events over the last 15 months--is how a hastily made choice of running mate can come back to haunt the presidential nominee.

Paul Hope, Washington Star, October 15, 1973

Most other presidential candidates probably have used equally slipshod procedures in selecting their running mates, but the cases of Eagleton and Agnew make a pressing case for finding a better way.



David S. Broder, Washington Post, October 21, 1973

(The parties) pick their vice presidential candidates overnight... in a frantic, disorganized and essentially closed series of meetings with an exhausted, distracted presidential nominee.

New York Times, November 8, 1973

Two top Democrats (Hubert H. Humphrey and Robert S. Strauss) indicated support today for a proposal to remove the selection of future Vice Presidential nominees from the Presidential nominating conventions.

Marquis Childs, Washington Post, November 13, 1973

One good thing that can come out of all this grisly business is some hard thinking about how we choose our Vice Presidents. This has been a form of political Russian roulette with luck more often than not against the first party pulling the trigger.

Surely never again can a weary political convention allow the presidential candidate to pick an unknown, out of the hat.

David S. Broder, Washington Post, December 14, 1973

A Democratic Party commission yesterday recommended giving future presidential nominees better information and more time to pick their running mates...The Commission recommended that an advisory panel of party "wise men" assemble all available information about prospective vice presidential candidates....

Editorial, Washington Star, October 15, 1973

The Republican and Democratic parties should give serious consideration to the matter before the 1976 conventions. At the very least, more time for investigation and contemplation should be given between the time the presidential nominee is selected and the deadline for his choosing a running mate.

Editorial, Washington Star, December 31, 1973

It appears that the Democratic party might be getting around to changing the haphazard and hazardous method of choosing vice presidential nominees. It's high time.

Lou Cannon, Washington Post, April 28, 1974

Strong Republican sentiment for changing the way in which the GOP chooses its vice presidential nominee became apparent yesterday at a meeting of the party's reform committee.

Joseph L. Rauh, Jr., letter to the Editor, Washington Post, December 3, 1974

Recent events have evoked considerable agreement that something is amiss with the existing methods of choosing Vice Presidents...The (Democratic) party conference this weekend should explore ways to moving in the direction of a more democratic selection of the Vice President.

James Reston, New York Times, May 19, 1976

Reporter...are usually accused of being too noseey in their questions to Presidential candidates..., but on the problem of picking Vice Presidents, they have probably been too casual and even indifferent.

We need to take a hard look at the problem of selection now, and at least between the end of the primaries in early June and the opening of the conventions in July, insist on asking the leaders not only where they are going but who's going with them.

John Adams, first American Vice President

My country has in its wisdom contrived for me the most insignificant office that ever the invention of man contrived or his imagination conceived.

I am vice president. In this I am nothing, but I may be everything.

Daniel Webster, in rejecting the Vice Presidential nomination in 1848

No, thank you. I do not propose to be buried until I am really dead and in my coffin.

Harry Truman

Look at all the Vice Presidents in history. Where are they? They were about as useful as a cow's fifth teat.

John Nance Garner, to Lyndon B. Johnson at the 1960 Convention

I'll tell you, Lyndon, the vice presidency isn't worth a pitcher of warm spit.

Richard M. Nixon, before being elected President

(The Vice Presidency is a) hollow shell--the most ill-conceived, poorly defined position in the American political system.

Spiro T. Agnew, New York Times, August 23, 1972

The very nature of the democratic system in itself precludes any guarantee that a Vice Presidential nominee will conform to some platonic idea of who is "perfect" for the job. It is also the fact that, whatever its imperfections, our present system has passed the pragmatic test time and again. By this standard alone, it is immeasurably superior to the retrogressive "reform" proposals which some critics are now advancing.

Presidential nominee Richard Monckton (a fictional character in John Erlichman's novel, The Company), talking about his running mate to an aide just after having received the nomination:

"Having him spend his television time doing a lead into my taking the stage here. What do you think of that?"

"That's great, if he'll do it," said Flaherty.

Monckton compressed his lips in anger. "Why the hell shouldn't he do it, if we tell him to?"

"He's a pretty proud man; a former Governor and all that. He may want to do his own statement."

"Wait, Frank. Let's settle that one thing right now. He's Vice-President for only one reason: I picked him and put him there. Doesn't he know that, Frank?"

"Yes, sir, I'm sure he does."

"Then there should be no problem. Just tell him that's what I've decided, Frank. Cold turkey. He'd better begin to get used to instructions. Right?"

"Yes, sir."