

1 DEMOCRATIC NATIONAL COMMITTEE

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3 MEETING OF THE
4 COMMISSION ON PRESIDENTIAL NOMINATION
5 TIMING AND SCHEDULING

6
7 Ticonderoga Room
8 Hyatt Regency Capitol Hill
9 400 New Jersey Ave., N.W.

10
11 Washington, D.C.

12 Saturday, December 10, 2005

13
14 The Commission met, pursuant to notice,
15 at 10:32 a.m., Hon. David Price and Hon. Alexis
16 Herman, Co-Chairs, presiding.

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1 MEMBERS PRESENT:

2 HON. ALEXIS HERMAN and HON. DAVID PRICE, Co-Chairs

3 DONNA BRAZILE ROXANNE CONLIN

4 JERRY CRAWFORD HON. LOIS DeBERRY

5 DEBBIE DINGELL MARIA ECHAVESTE

6 CUAUHTEMO "TEMO" FIGUEROA HARTINA FLOURNOY

7 DONALD L. FOWLER JEHMU GREENE

8 LINDA HONOLD HAROLD ICKES

9 CAROL KHARE FOWLER HON. CARL LEVIN

10 HON. BLANCHE LINCOLN HON. KENDRICK MEEK

11 STEVE MURPHY SPENCER OVERTON

12 JAMES ROOSEVELT, JR. HON. JEANNE SHAHEEN

13 HON. TERRY SHUMAKER MIKE STRATTON

14 HON. HILDA SOLIS SUSAN SWECKER

15 ART TORRES ED TURLINGTON

16 JOSH WACHS

17

18 DNC STAFF ALSO PRESENT:

19 ERICA DE VOS, Director, Office of the Secretary

20 PHILIP A. McNAMARA, Director of Party Affairs and

21 Delegate Selection

22 MATT NUGEN, Deputy Executive Director

23 JOSEPH SANDLER, General Counsel

24 PAM WOMACK, Political Director

25

1 P R O C E E D I N G S

2 CALL TO ORDER AND PLEDGE OF ALLEGIANCE

3 CO-CHAIR HERMAN: If I could please have your
4 attention. Good morning. I'm Alexis Herman. I'm very proud
5 to
6 serve as the Co-Chair of the Presidential Nominating and
7 Scheduling Commission for 2008, along with my distinguished
8 Co-Chair, Congressman David Price. We welcome you to this, our
9 final meeting.

10 I would like to ask that we first stand for the
11 Pledge of Allegiance.

12 (Attendees rise and recite the Pledge of
13 Allegiance.)

14 OPENING REMARKS OF SECRETARY ALEXIS HERMAN,
15 COMMISSION CO-CHAIR

16 CO-CHAIR HERMAN: Let me begin our final meeting by
17 first of all the Commission members who are here today and
18 those
19 who are not able to be here with us, but who have certainly
20 participated in these deliberations, for your hard work, for
21 your discipline, for your thoughtful consideration that has
22 brought us to this moment where we will now discuss and review
23 our final report and recommendations to the rules and bylaws of
24 the Democratic National Committee and to Chairman Howard Dean.

25 I want to say, on behalf of Congressman Price and
26 I,

1 that we especially appreciate not only the attendance and the
2 way that you have participated in these meetings, but being

1 available to the Co-Chairs during the interim time has also
2 been

3 very, very helpful in helping us to achieve the recommendations
4 and to produce the report that you have in front of you today.

5 I want to say a special thanks as well to the staff
6 for the hard work that you have exhibited in producing this
7 report and indeed in staffing and supporting these meetings of
8 the Commission for this past year. Needless to say, we have
9 reached a very important and significant milestone in our work.
10 This is the culmination of a year of dialogue, of a year of
11 discussion.

12 I have said throughout the course of these meetings
13 that in particular I believe that we reached a significant
14 milestone in May when this committee clearly voted for change.
15 We said that we wanted to change the status quo, that we wanted
16 to make sure that as we moved forward into 2008 that we wanted
17 to do everything in our power to recommend a process that would
18 be more inclusive, that would reach Democrats and beyond
19 Democrats across this country to produce a candidate that could
20 win for us in 2008.

21 I believe that we have achieved just that in the
22 report that you have before you today. It is our goal in this
23 meeting to take the time to go through the report. We will do
24 this by having a discussion on three levels. First,

25 Congressman

26 Price will take us through the document as a whole to receive

- 1 any feedback and comments from Commission members on the
- 2 overall

1 report language.

2 Secondly, you will find on pages 39 and 40 the core
3 recommendations of this Commission in terms of what we believe
4 we need to do differently in 2008.

5 Lastly, we have a very thoughtful plan that has
6 been

7 offered by Don Fowler and Commission member Harold Ickes, that
8 speaks to the whole question of front-loading and what we need
9 to do to incentivize states to stay at the back of the calendar
10 or certainly to slow down the rush to the front. We call it
11 the

12 bonus delegate plan and we want to allow time for discussion of
13 that approach, so that as we make these recommendations in
14 total

15 to the Rules and Bylaws Committee that we will clearly have the
16 full support and input of this body.

17 So, having said that in terms of how we're going to
18 proceed, I will turn the mike over to Congressman Price, who
19 will take us through the report itself. I do want to also
20 acknowledge that, since the October meeting, where we certainly
21 made a very clear statement that we wanted to open the
22 pre-window to additional contests in addition to Iowa and New
23 Hampshire, that in making that recommendation in October this
24 Commission was very mindful and very thoughtful regarding the
25 history and the tradition that Iowa and New Hampshire have
26 played in terms of really setting the stage for our own

1 candidates, and we want to make sure that as we go through
2 these
3 recommendations and the dialogue that has occurred with

1 Commission members since the October meeting that we are going
2 to keep in mind not only the importance that those states have
3 played, but a recognition by this body that we need to bring
4 additional states into the pre-window so that we can certainly
5 have a more inclusive process.

6 So, having said that, Congressman Price, I'm going
7 to turn the mike over to you for a discussion of the report
8 itself, and then we will come back and talk about the core
9 aspects.

10 CALL OF THE ROLL AND DETERMINATION OF A QUORUM

11 CO-CHAIR PRICE: Thank you very much, Madam
12 Secretary, and welcome to everyone. Let me begin by calling
13 the
14 roll of the Commission members, and then I will say a few words
15 about the context in which we're meeting and the task before us
16 today.

17 Aida Alvarez.

18 (No response.)

19 CO-CHAIR PRICE: Vida Benavides.

20 (No response.)

21 CO-CHAIR PRICE: Donna Brazile.

22

23 MS. BRAZILE: Here.

24 CO-CHAIR PRICE: Michael Coleman.

25 (No response.)

26 CO-CHAIR PRICE: Roxanne Conlin.

1 MS. CONLIN: Here.

2 CO-CHAIR PRICE: Jerry Crawford.

3 MR. CRAWFORD: Here.

4 CO-CHAIR PRICE: Lois DeBerry.

5 (No response.)

6 CO-CHAIR PRICE: Debbie Dingell.

7 MS. DINGELL: Present.

8 CO-CHAIR PRICE: Maria Echaveste.

9 MS. ECHAVESTE: Here.

10 CO-CHAIR PRICE: Temo Figueroa.

11 MR. FIGUEROA: Here.

12 CO-CHAIR PRICE: Tina Flournoy.

13 MS. FLOURNOY: Here.

14 CO-CHAIR PRICE: Don Fowler.

15 MR. FOWLER: Here.

16 CO-CHAIR PRICE: Jehmu Greene.

17 MS. GREENE: Here.

18 CO-CHAIR PRICE: Linda Honold.

19 MS. HONOLD: Here.

20 CO-CHAIR PRICE: Harold Ickes.

21 MR. ICKES: Present.

22 CO-CHAIR PRICE: Carol Khare Fowler.

23 MS. KHARE FOWLER: Here.

24 CO-CHAIR PRICE: Carl Levin.

25 SENATOR LEVIN: Here.

1 CO-CHAIR PRICE: Blanche Lincoln.
2 SENATOR LINCOLN: Here.
3 CO-CHAIR PRICE: Bill Lynch.
4 (No response.)
5 CO-CHAIR PRICE: Kendrick Meek.
6 REPRESENTATIVE MEEK: Here.
7 CO-CHAIR PRICE: Steven Murphy.
8 MR. MURPHY: Here.
9 CO-CHAIR PRICE: Spencer Overton.
10 PROF. OVERTON: Here.
11 CO-CHAIR PRICE: Jim Pederson.
12 (No response.)
13 CO-CHAIR PRICE: Ed Rendell.
14 (No response.)
15 CO-CHAIR PRICE: Jim Roosevelt.
16 MR. ROOSEVELT: Here.
17 CO-CHAIR PRICE: Delores Sibonga.
18 (No response.)
19 CO-CHAIR PRICE: Jeanne Shaheen.
20 GOVERNOR SHAHEEN: Here.
21 CO-CHAIR PRICE: Terry Shumaker.
22 MR. SHUMAKER: Here.
23 CO-CHAIR PRICE: Kathleen Sebelius.
24 (No response.)
25 CO-CHAIR PRICE: Mike Stratton.

1 MR. STRATTON: Here.

2 CO-CHAIR PRICE: Hilda Solis.

3 MS. SOLIS: Here.

4 CO-CHAIR PRICE: Susan Swecker.

5 MS. SWECKER: Here.

6 CO-CHAIR PRICE: John Sweeney.

7 (No response.)

8 CO-CHAIR PRICE: Art Torres.

9 MR. TORRES: Aye.

10 CO-CHAIR PRICE: Ed Turlington.

11 MR. TURLINGTON: Here.

12 CO-CHAIR PRICE: Jennifer Veiga.

13 (No response.)

14 CO-CHAIR PRICE: Josh Wachs.

15 MR. WACHS: Present.

16 CO-CHAIR PRICE: Harriet Smith Windsor.

17 (No response.)

18 CO-CHAIR PRICE: Phil, can you tell us if a quorum
19 is present?

20 MR. McNAMARA: We have a quorum.

21 OPENING REMARKS OF HON. DAVID PRICE,

22 COMMISSION CO-CHAIR

23 CO-CHAIR PRICE: Thank you and welcome, all of you,
24 to Washington on a cold December day, the last meeting that we
25 have anticipated for a long time of this Commission. We feel

1 like we narrowly missed what was looking like a major snowstorm
2 and so we're grateful to have all of you here with no snafus
3 that we know about.

4 We also feel compelled to observe that there is a
5 major political storm under way, however, independent of the
6 weather. There are many, many indications that the political
7 winds are stirring. Our colleague Senator Levin a couple of
8 weeks ago marshalled 40 votes in the Senate for a resolution
9 demanding of the President a serious plan going forward, an
10 exit
11 strategy for Iraq. That was a resolution --

12 (Applause.)

13 CO-CHAIR PRICE: That was a resolution that unified
14 Democrats, drew 40 votes. Then a slightly altered version of
15 that resolution actually passed the Senate with 79 votes,
16 calling on the White House -- calling the White House to
17 account
18 for the sake of our troops and for the sake of our country's
19 mission.

20 In the House, meanwhile, Republicans set out to
21 discredit Jack Murtha, a bad guy to try to discredit, a
22 decorated Marine, a defense champion for many, many years.
23 They
24 succeeded only in spotlighting him and his critique of the Bush
25 administration's conduct of the war.

26 Meanwhile, on the domestic front every single

1 Democrat in the House voted against the Labor, Health,
2 Education
3 appropriations bill, a bill that slashes virtually everything

1 that our country cares about in those critical domestic areas.
2 The first time in ten years the Republicans have failed to pass
3 a basic appropriations bill in the House.

4 Then again, every single Democrat voted against the
5 so-called "reconciliation" cuts, kind of a strange name,
6 because

7 it's targeting the most vulnerable people in this society for
8 cuts in things like food stamps, student loans, child support,
9 Medicaid, while at the same time, ironically, actually adding
10 to
11 the deficit and the national debt.

12 So the battle rages here. Scandals, indictments,
13 revelations of corruption are surfacing daily, and the country
14 is noticing. The country is crying out for change. That's why
15 we are here too. We are going to put the Democratic Party's
16 strongest and best foot forward as we go into the election
17 season to come and the presidential season in 2008.

18 Our job, our job as a party, is to offer the better
19 way, to declare together America can do better. So let's put
20 our work in that contest as we frame a nomination process today
21 that will deepen and broaden participation in this party and
22 will help us nominate the strongest possible candidate.

23 Thank you for being here. Thank you for your
24 dedication to this process, your willingness to consult with
25 us,

26 and thank you in advance for what we know will be a productive

1 meeting here today.

2 CONSIDERATION OF PROPOSED DRAFT REPORT

1 CO-CHAIR PRICE: Let me say now, as Alexis
2 suggested, let me suggest that we turn to the report, and I
3 will
4 try to give an overview of the contents of the report and
5 Alexis
6 can chime in. We'll move to first some general discussion and
7 then if there are amendments we can entertain those.

8 CO-CHAIR HERMAN: I think Mr. Fowler has a comment.

9 CO-CHAIR PRICE: Mr. Fowler.

10 MR. FOWLER: I heartily applaud your compliment to
11 Senator Levin, but I think we owe you a compliment, you and
12 your
13 colleagues in the House, for putting forth this very, very fine
14 proposal with respect to the conduct of the House business and
15 to raise the standard of ethics in the House, and I think we
16 should acknowledge that.

17 CO-CHAIR PRICE: Thank you.

18 (Applause.)

19 CO-CHAIR PRICE: Thank you. We intend to push
20 that.

21 It's partly a question of fairness in how the House is being
22 run, but we're saying these are the kind of rules that anybody
23 who runs the House ought to be willing to live by, because
24 what's at stake is the accountability of our institutions and
25 their capacity to address the country's problems.

26 All right. The report before you is in three major

1 segments. Well, it's actually several segments, but the
2 recommendations are in three segments. A good deal of the
3 report offers background, some useful historical background, we

1 hope, of the nomination process, the various commissions and
2 permutations of the rules that we've worked with over the
3 years.

4 It's been a kind of an ongoing experiment and our Commission
5 is
6 going to add yet another chapter to that, hopefully with the
7 idea of strengthening the process in important ways.

8 We have a history of the Democratic Party timing
9 rule in particular. We have then a history of this
10 Commission's
11 work, the four meetings prior to this one that have gathered
12 input from various experts, from various constituencies in the
13 party, we believe a wide range of input that's been very useful
14 to us, and on October 1, as Alexis said, began to take some
15 critical decisions about the way in particular that we would
16 work with the pre-window contests and enhance those contests to
17 honor the tradition of grassroots politics, but also to broaden
18 participation and to include a more diverse, a limited number
19 of
20 more diverse early states in the pre-window period.

21 Then on page 37 you come to the gist of the report
22 itself. We will at an appropriate point entertain a motion to
23 approve the report and then we will proceed to discuss the
24 report, first with general comments, as I said, and then with
25 any amendments that one wishes to -- that members wish to
26 offer.

1 The recommendations are divided into three
2 segments,

3 the first having to do with the pre-window --

4 MR. ROOSEVELT: Mr. Chairman.

5 CO-CHAIR PRICE: -- that is the mix and the timing

1 of early contests, the criteria which the DNC will use in
2 selecting additional early contests, some parameters there that
3 will guide the DNC, but in many cases not an exact and precise
4 prescription, just some parameters which will offer some
5 guidance going forward.

6 The second component of the recommendations has to
7 do with the process inside the window period, inside the
8 regular
9 season. Here we're talking about a recommendation to address
10 the so-called front-loading problem, that is the early bunching
11 of contests early in the window period. There is a discussion
12 here of exactly why that is a dangerous development, one that
13 reduces our flexibility, reduces the ability to have a
14 well-paced process. Our colleagues Don Fowler and Harold Ickes
15 do have a suggestion here to offer some incentives for states
16 to
17 go later rather than earlier in the process. We are
18 recommending in this report that the DNC itself make every
19 effort to schedule no more than five contests in any week
20 during
21 the window period, knowing that there are some challenges to
22 the
23 implementation of that.

24 Then thirdly we have some additional items which
25 are
26 of concern to the Commission. One of these involves the

1 presidential election public financing system. Another
2 involves
3 various election reform matters, including the upcoming renewal
4 of the Voting Rights Act.

5 The third I want to particularly underscore. It's

1 entitled "Moving the Process Back in 2012 and Beyond."
2 Underneath our discussions today will be some level of
3 frustration on this Commission because we think both our
4 pre-window proposals and our within-the-window proposals are to
5 some extent compromised by the too-early beginning of the
6 entire
7 presidential nomination season.

8 We I think have pretty general agreement on that
9 and
10 on the Republican side of the aisle I think there's a lot of
11 agreement, too. The Republicans, however, have already set the
12 opening date in their convention. In their convention last
13 year
14 they set the opening date for 2008. That is not something that
15 we're at liberty to alter.

16 What we are recommending very strongly in this
17 report, though, is that the DNC leadership at an early point
18 request discussions with the Republican National Committee
19 leadership, well in advance of the 2008 convention, so that we
20 can get hopefully a later starting date and move this whole
21 process later into the spring in 2012 and beyond. We wish we
22 could do more about it now, but we think this is very important
23 for us to anticipate and to work with our Republican friends in
24 trying to implement in the cycles in 2012 and beyond.

25 Let me stress, though, that the rules that we're
26 discussing today are for 2008 and only for 2008. We have some

1 provisions that have implications for future contests, but when
2 we talk about the pre-window and inside-the-window proposals

1 they have to do with the 2008 contest. It has been suggested
2 that in the text of the report we need to make that clear and
3 we
4 will surely do that as we edit the final report.

5 Let me now talk about the five specific
6 recommendations with regards to the pre-window.

7 CO-CHAIR HERMAN: Jim Roosevelt has something.

8 MR. ROOSEVELT: Mr. Chairman, just before we get
9 into the specific recommendations.

10 CO-CHAIR PRICE: Yes.

11 MR. ROOSEVELT: Could I just commend the staff,
12 particularly Phil McNamara and our counsel, Joe Sandler, for a
13 comprehensive, accurate, and evenhanded background document
14 that
15 really recounts events that many of us have lived through, but
16 on which our memories can differ, in a very clear way to set
17 the
18 stage for this.

19 This is the most, as I say, comprehensive and
20 well-documented history of the modern presidential nominating
21 process that I have encountered and they deserve great
22 congratulations for that.

23 (Applause.)

24 CO-CHAIR HERMAN: Thank you for that comment, Mr.
25 Roosevelt, and we certainly concur, as you heard from the
26 applause.

1 We would like to move for the adoption of the
2 report
3 and in moving for the adoption of the report we will then have
4 a

1 discussion in three areas. The first will be a discussion on
2 the document as a whole. We're going to limit that discussion
3 to approximately 15 minutes. We will then have a discussion on
4 the core recommendations in the report on the pre-window and
5 then we will have a discussion on the inside-the-window and the
6 bonus delegate system.

7 MR. ICKES: I move the adoption, Madam Secretary.

8 MR. ROOSEVELT: Second.

9 CO-CHAIR HERMAN: It's been moved and seconded.

10 All

11 those in favor signify by saying aye.

12 (A chorus of ayes.)

13 CO-CHAIR HERMAN: Those opposed?

14 (No response.)

15 CO-CHAIR HERMAN: Discussion. We will now have a
16 period of 15 minutes of discussion on the general report
17 language, separate and distinct from the core recommendations,
18 and we want to recognize the distinguished gentleman from
19 California, Mr. Art Torres.

20 MR. TORRES: Thank you, Madam Chair and Congressman
21 Price. Thank you, staff, also as well, and thank you, Senator
22 Levin, for your leadership in the Senate. Thank you, Nancy
23 Pelosi and our great Senators from California, Feinstein and
24 Boxer, for their leadership in the Congress as well. And thank
25 you for the voters of California, who resoundingly supported
26 public employees, teachers, firefighters, police officers,

1 correctional officers, people who provide the life and blood of
2 California, for rejecting the right wing politics of Arnold
3 Schwarzenegger in California. So we are very, very proud that
4 the voters of my state have rejected that right wing agenda.

5 Madam Chair and members, I simply have a simple
6 amendment to add to the language on other matters of interest
7 found on page 43 --

8 CO-CHAIR PRICE: Mr. Torres, if you don't mind
9 could
10 we proceed with the general discussion and then we will open
11 the
12 floor for amendment.

13 MR. TORRES: Okay.

14 MR. ROOSEVELT: A point of order, Mr. Chairman.
15 The
16 vote we took a moment ago, was that a vote to put forward the
17 recommendations for consideration? Is that what the vote was
18 at
19 that point?

20 CO-CHAIR HERMAN: Yes.

21 CO-CHAIR PRICE: Yes.

22 Any other comments by way of general discussion?
23 Mr. Turlington.

24 MR. TURLINGTON: Mr. Chair, did you say there's
25 going to be either an explanation by you or the staff on the
26 report itself?

1 CO-CHAIR PRICE: Yes. After the general
2 discussion,

3 I will give a very brief overview of the pre-window.

4 MR. TURLINGTON: If I could make a brief comment

1 here at the beginning, as everyone on this Commission knows,
2 we've worked for over a year, had meetings in Washington and
3 Chicago, heard from a wide variety of Americans and Democrats.

4 I'd just like to say here at the beginning, one reason I'm
5 going

6 to support this report and I believe it will be enacted today
7 is

8 that we realize we're speaking, Chairman Torres, for millions
9 of

10 Democrats and Americans, that we want to bring more into this
11 presidential nomination process because that's good for our
12 party, it's good for our nominee, and ultimately it's good for
13 our country.

14 I'm struck by the report balancing interests
15 between

16 bringing in additional diversity to our nominating process --
17 geographic, ethnic, racial -- while at the same time
18 recognizing

19 the November electoral realities of states that we need to
20 carry

21 that have been historically important in the process.

22 I also applaud the report's focus on the role of
23 money in politics, the role of where we go after 2008, and the
24 role of electoral reform, where people like Professor Overton
25 are great leaders. So as we discuss the report and as we vote

1 on this today, I hope not only members of the Commission but
2 all
3 of us will realize that this is a reform change proposal that I
4 believe improves our process and will help us elect a Democrat
5 in 2008 and that's why I'm going to vote for it, Mr. Chairman
6 and Madam Chair.

7 CO-CHAIR PRICE: Thank you.

1 CO-CHAIR HERMAN: Thank you very much.

2 Mr. Stratton.

3 MR. STRATTON: First of all, Madam Chair and Mr.
4 Chairman, I'm really very appreciative and humbled to have been
5 on this Commission with so many national party leaders --
6 Senator Levin, Senator Lincoln, Congresswoman Solis. It's
7 gratifying for me to be here. Governor Shaheen and others. So
8 I am genuinely humbled and also very appreciative and thankful
9 that everyone here listened to the vested interest that I came
10 here with, which was to get more people to the table from the
11 West, growing populations of Hispanic voters, people in swing
12 states where we nearly were able to get John Kerry elected and
13 would have been able to stop George Bush's reelection.

14 But in any case, you all were open to what message
15 we brought forward and, as Donna Brazile so well articulated
16 last night, there are a lot of people who are hungry to come to
17 the process, who want a voice at the table. I know a lot of
18 them are in the Southwest and, given an opportunity, as I
19 believe this Commission is going to do today, we can get new
20 Democratic voters and we can put a Democratic President in the
21 White House in 2008.

22 So I want to thank you all for being so responsive
23 to myself and the number of people who've come from the western
24 states with a message of: Bring us to the table.

25 Thank you.

1 CO-CHAIR HERMAN: Senator.

2 SENATOR LINCOLN: Thank you, Madam Chairman, and a
3 special thanks to our Co-Chairs for the incredible leadership
4 you've provided us all in this very important deliberation.

5 I want to thank all of my fellow Democrats that are
6 here for their very thoughtful dedication to working through
7 differences, to coming to the table and really talking about
8 our
9 different experiences, whether we are elected officials,
10 whether
11 we are those in the party operations in our states, or those
12 who
13 have run elections, to bring all of these different
14 perspectives
15 together.

16 I also want to offer a special thanks to the states
17 of New Hampshire and Iowa. For the last three or four decades,
18 I think they have set great examples and have provided many
19 positive steps for those of us in other states to really look
20 at
21 how organizing those primaries and caucuses can be beneficial
22 to
23 their state parties, but also how it can be beneficial to us as
24 a whole. Hopefully, we can learn through those experiences and
25 we can all be just as strong in that process.

26 Many of us have given up lots of different things,

1 other hats that we may wear, in order to be at these meetings,
2 because we all do believe very, very strongly that our nation
3 is
4 ready for change. The fact is I think everyone that is at this
5 table and who has given up their weekends to come to these
6 meetings believes that as a country we can do better. We can
7 do

1 better if we provide the right kind of leadership.

2 I think we also believe very strongly that in order
3 to do better as a nation we have to work together. I think
4 that
5 has been very much a product of these meetings and I hope it
6 will be carried forth in the next several years through the
7 Democratic Party.

8 With all of that said, I also would like to express
9 my personal views of these meetings, and that is that we have a
10 tremendous opportunity to respond, Madam Chairwoman, to an
11 incredibly loud call from the American people for constructive
12 change, change from the arrogance and the exclusivity of the
13 current climate that exists in our country. Americans know
14 that
15 we are only as strong as our weakest link, and so many of our
16 Democratic Parties across this country in all of our states are
17 eager to play a tremendously positive role in changing the
18 status quo and strengthening us all in our ability, working
19 together, to make sure we as a nation can do better.

20 So I just want to thank you all. I think maybe at
21 times I have spoken more passionately simply because of the
22 recent experiences. I know my colleague Senator Levin and I
23 have both experienced that being left out of a process, as we
24 have been in the Congress in the past several years, definitely
25 reinforces to us that we are limited in what we can do and the

- 1 roles that we can play and the positive aspect that we can
- 2 bring
- 3 to the outcome happens when you are left out of the process.

1 So our hope is that we can be as inclusive as the
2 principles of the Democratic Party are and that we can
3 encourage
4 all Democrats and all states to be a very, very positive part
5 of
6 this process and encourage them in a way that really
7 strengthens
8 our party.

9 So Madam Chairwoman and to your Co-Chair,
10 Congressman Price, I want to thank you for again the leadership
11 you've provided, but to reinforce our Democratic beliefs of
12 equity and fairness and particularly eliminating
13 discrimination,
14 that we really look at what we can do with this Commission in
15 moving forward, and most importantly recognize that we can do
16 better. We can do better than what the status quo is. We can
17 do better than the direction our nation is going, and that it's
18 going to really depend on much of the premise that we set forth
19 here in being able to do that and to do it in a timely fashion.

20 So thank you.

21 CO-CHAIR HERMAN: Thank you very, very much,
22 Senator. Thank you.

23 We have six minutes left. Am I correct on that?

24 MR. McNAMARA: You are.

25 CO-CHAIR HERMAN: We have six minutes left for this
26 discussion. I know that we have several hands up: Governor

1 Shaheen, I saw Don Fowler, Congresswoman Solis. We're going to
2 take the recommendation of Congressman Meek, who is with us,
3 and
4 limit speakers until two minutes each maximum so that we can

1 ensure that we will get through this discussion, and I think
2 that we will invoke that rule as we continue with our
3 discussion

4 since we know that we will have other amendments.

5 So let me go first to Governor Shaheen.

6 GOVERNOR SHAHEEN: Thank you, Madam Chair. I would
7 like to echo the comments that have been made earlier, just
8 thanking both you and Congressman Price for your fairness,
9 your patience, and your effort to find consensus in what has
10 been a very disparate group. So thank you very much, and thank
11 you to all of those of you who have served, I have had the
12 opportunity to serve with on this Commission. I appreciate
13 your

14 commitment to do everything possible to make sure that the
15 Democratic Party is a place where not only we are as inclusive
16 as possible, but where we are going to win in 2008.

17 I also appreciate the support of this Commission in
18 reaffirming the importance of New Hampshire's first primary and
19 a recognition for the historic role that New Hampshire has
20 played. We in the state think it has been a very important
21 part

22 of the presidential selection process because it has provided a
23 place where candidates who may not have the most support or be
24 the best financed can come and talk to voters in a very retail
25 way that is very important to the process.

1 I think that we saw that in 1992 with a little
2 known
3 governor from Arkansas, Bill Clinton. We saw it in 1976 with a
4 little known governor of Georgia, Jimmy Carter. It has been an

1 important part of the process.

2 New Hampshire also appreciates and has supported
3 from the point at which we laid a plan on the table back in the
4 summer the importance of diversity and adding diversity to our
5 process. We certainly support the language in the report on
6 page 40 that talks about the need to add racial and ethnic
7 diversity and regional diversity to our early contests.

8 We also commend the work that Harold Ickes and Don
9 Fowler have done to take a look at front-loading and are very
10 supportive of that proposal to address that problem within our
11 party. However, there are several issues that the report
12 leaves

13 unresolved that we believe are very important. The Commission
14 proposes to leave undetermined both the number of additional
15 caucuses, contests, to be added before the window and also the
16 sequencing of those contests. Those issues are left to the
17 Rules and Bylaws Committee.

18 I believe that those decisions can be done in a way
19 that is consistent with New Hampshire's statute and that
20 continues to reaffirm New Hampshire's role. But because these
21 issues are unresolved in this report, I will be voting against
22 the report.

23 Thank you all again for all of the work that
24 everyone has done.

25 CO-CHAIR HERMAN: Thank you very, very much,
26 Governor, for those comments.

1 I would ask other speakers, if we wish to get
2 specifically into the recommendations, if we could hold that
3 conversation. I want to go to Don Fowler.

4 MR. FOWLER: I would like to request the
5 opportunity
6 to add to the report one item to other matters of interest
7 having to do with the use of the presidential nominating
8 process
9 for party-building purposes. At the appropriate time I'd like
10 to add that item.

11 CO-CHAIR HERMAN: So we have two requests, from Mr.
12 Torres and from Mr. Fowler, when we are at the point of
13 entertaining amendments to the document.

14 Let me recognize Senator Levin.

15 SENATOR LEVIN: Madam Chairman, first thank you and
16 Congressman Price and the staff. I think all of us are united
17 in that. We're not all united on all aspects of this report,
18 but in that we are united and strongly united.

19 We're also, I think, I hope, united to change.

20 This
21 party represents change. As Blanche Lincoln just I think so
22 eloquently put out, put forth, we're united in that regard as
23 well. The status quo is wrong, whether it's this
24 administration
25 that tries to perpetuate it either at home and abroad, but it
26 is

1 also wrong for this party, which has been a party of
2 opportunity, a party of change, a party that is an egalitarian
3 party, an anti-privilege party.

4 I believe that the changes which are recommended,

1 which we'll get into later, fall short of what we should be
2 doing. On the other hand, there is at least a slight crack in
3 that wall which two states have built around their own
4 privileged position. So while it represents a small step in
5 terms of change and progress, it does not go far enough in the
6 judgment of some of us and we will, I think at your request,
7 save those detailed comments for later.

8 CO-CHAIR HERMAN: Thank you.

9 SENATOR LEVIN: Thank you.

10 CO-CHAIR HERMAN: Thank you, Senator.

11 Congresswoman Solis.

12 REPRESENTATIVE SOLIS: Yes, thank you. I'd also
13 like to commend our Co-Chairs and members of this committee, as
14 well as the individuals who came and participated at our
15 various

16 hearings, and that's very well documented in this report. I
17 want to thank, I want to thank Nancy Pelosi, my leader, and
18 Terry McAuliffe for appointing me to this particular position
19 because, to be honest, I wasn't sure what I was getting into.

20 CO-CHAIR HERMAN: Neither were we.

21 (Laughter.)

22 CO-CHAIR HERMAN: But to be sure that it's

23 important

24 that we have a discussion that allows for the free fall of talk
25 back and forth, to talk about issues that don't hardly ever get
26 to be discussed at places like this. I think it's very

1 important when we look back at the presidential election and

1 what happened, what were our flaws, what were positives that
2 occurred, and it's a road map and it is a document for change.
3 As slight as some people might think it is, it's a document to
4 help us change, and it'll help to forge ahead what I think is
5 very important for the future voting population of our country.

6 As I speak as a woman, as a Latina, we're not just
7 segregated in certain parts of the country. You find Hispanics
8 all over the country and women, minorities, and folks that
9 would

10 really like to be a part of the mainstream. I think that now
11 is

12 the time to do it. We see the tide rising for us, for our
13 party. I see it in the House, and I want to commend our
14 Senators and our Congresspeople who are here because they have
15 done an outstanding job, in spite of all the barriers that have
16 been put forward by this administration and by individuals who
17 would like to cut off the voices of minorities.

18 I want to thank the Commission for allowing us, and
19 I do plan on supporting the report. It's not a perfect,
20 perfect

21 report, but I think it's a good start for many of us who are
22 just entering into this dialogue now, and I hope that I can
23 continue to be a part of that discussion.

24 Thank you.

25 CO-CHAIR HERMAN: Thank you very, very much,
26 Congresswoman Solis.

1 We will now move to a discussion of the
2 recommendations on page 39 and 40 for additional comments from

1 Commission members. Congressman Price, would you please give
2 us
3 the overview.

4 CO-CHAIR PRICE: Let me briefly indicate what the
5 report is recommending by way of specific recommendations for
6 the pre-window period, and this does start on page 39. There
7 is
8 a rationale in the report and also a history of the kind of
9 testimony we received on these matters.

10 We're recommending that the first caucus be held in
11 Iowa and the first primary be held in New Hampshire in 2008.

12 Secondly, that there be an additional one or two,
13 to
14 be determined by the DNC Rules Committee -- and of course,
15 that's not going to be just dictated by the DNC Rules
16 Committee;

17 it's a matter partly of which states come forward and what kind
18 of possibilities arise as the date approaches -- an additional
19 one or two first tier caucuses between the Iowa caucus and the
20 New Hampshire primary.

21 Thirdly, that following the New Hampshire primary
22 and prior to the opening of the regular season on February 5
23 of
24 2008, there would be one or two presidential preference
25 primaries, again to be determined by the interaction between
26 the

1 states and the DNC Rules Committee.

2 Fourthly, that the Rules and Bylaws Committee

3 select

4 the appropriate date on which the pre-window period shall

5 begin,

6 which date shall under no circumstance be earlier than January

7 14th;

1 Finally, that in determining the states other than
2 Iowa and New Hampshire whose contests can occur during this
3 early period, that the criteria -- the following criteria
4 apply:

5 racial and ethnic diversity, regional diversity, and economic
6 diversity, including union density.

7 Let me just make a couple of general comments and
8 then we will open the floor for your comments and for any
9 possible amendments. There are a couple of balances that we're
10 trying to strike in this report. First of all, there's a
11 balance in terms of the content of the rules, and this has
12 really defined the mission of this Commission from the very
13 beginning. I think every discussion we've had, every meeting
14 we've had, one way or another has come down to this.

15 We are trying on the one hand to honor the
16 tradition
17 in these early states of grassroots politics, to protect
18 grassroots politics in Iowa and New Hampshire, and we're
19 attempting to broaden and diversify participation in early
20 contests. So we've heard from people who are strong defenders
21 of Iowa and New Hampshire and their role. We've heard from
22 people who are strong proponents of change, of having a more
23 diverse set of early contests spread through the period.

24 We have struck a balance. It's not just a split
25 the

1 difference balance. It's a principled balance, attempting to
2 do
3 justice to both things, which I think most of us feel strongly,
4 that is the tradition of grassroots politics that has been so

1 skillfully nurtured in these two states, but also the need to
2 broaden participation and have a more diverse set of early
3 contests that our candidates a request initially exposed to.

4 Balance number two is between the desire for
5 radical, far-reaching change and the desire for minimal change.
6 It's no secret that that has been also a tension on this
7 Commission. There's a range of views, some people wanting to
8 change the system in major ways. Sometimes we talk about the
9 law of unintended consequences and sometimes major changes do
10 pose those challenges. But still, we've had a lot of people
11 wanting to really shake this system up. We've had others
12 saying
13 that the system really was working pretty well and that we
14 didn't need to have that much change. We've again tried to
15 strike a balance.

16 This is an incremental proposal. We aren't, we
17 hope
18 and believe, throwing out any babies with bathwater here.
19 We're
20 proposing an incremental solution that is neither radical nor
21 trivial. It is serious change. It is a serious modification
22 in
23 the way our party does business, but at the same time it is a
24 modest step which we believe is workable.

25 It's been already commented that we are not dotting
26 every i and crossing every t on this Commission, nor should we.

1 We're leaving a good deal to the Rules and Bylaws Committee
2 because we think, as states come forward, as people think about
3 this, as the date approaches, there will be some situations
4 that

1 we cannot possibly anticipate here.

2 So we're leaving the question of how many

3 additional

4 early states, exactly how many, which states those will be and

5 what dates their contests will go on. We are not trying to

6 determine that here. We're trying to leave flexibility. So

7 we're trying to strike that balance as well.

8 Finally, let me just stress to you the

9 interrelation

10 of the three elements of the report. We are trying to have a

11 more diverse set of early contests. We want that number of

12 early contests to still be limited. We don't want a bunching

13 up

14 of a lot of early contests. We want a sequence of singular

15 early contests that will expose the candidates to a broad range

16 of the electorate. We're not looking to replicate some kind of

17 front-loading problem in the pre-window period. We're looking

18 in fact to have a few diverse contests.

19 Secondly, though, we are addressing front-loading,

20 and that'll be our next topic of discussion here, the

21 front-loading, that is the bunching of contests within the

22 regular season. There are all sorts of reasons we need to

23 encourage a better spread, a better pacing of those contests.

24 Then thirdly, we understand that as much as we

25 would

26 like to move the whole season later in 2008, that is not

1 feasible, but we're determined to work with the Republicans to
2 move the whole season later in 2012 and beyond. So there is an
3 interrelationship, an interdependence, between these three
4 major

1 recommendations in the report.

2 Now, Madam Chair, if we can move to the discussion,
3 either general discussion or the proposal of amendments with
4 respect to the pre-window period.

5 CO-CHAIR HERMAN: Thank you very much, Congressman
6 Price.

7 We will open the floor now for discussion of the
8 pre-window or any amendment language. We will at this time
9 take
10 up those amendments first and we will then follow on with the
11 additional amendments that were proposed to the general body of
12 the report by Carol Fowler and by Art Torres.

13 The floor is open for discussion on the general
14 recommendations. Mr. Stratton.

15 MR. STRATTON: Madam Chair, relative to the last
16 recommendation, this point E, the criteria, I know and I've had
17 discussions with a number of people that there's some implicit
18 understanding here, but I think there's two things that I would
19 feel very much more comfortable about. We've spoken about the
20 West and the South being specifically the places we're trying
21 to
22 reach out to for this early window. I would like to see those
23 two regions specifically named.

24 Secondly, I think the other thing that has been
25 implicit here is the issue of winnability or the battleground
26 aspect. If we're adding states to the mix, I think we are all

1 concerned that they be places where we can in fact win. And

1 it's not every state in the West and it's not every state in
2 the
3 South.

4 So I think this element that Ed Turlington has
5 spoken to in the past in terms of some sort of formula about
6 that criteria, I think that needs to be added, and I would hope
7 that the Chairs would direct the system to do as much.

8 Thank you.

9 CO-CHAIR HERMAN: Thank you very, very much, Mr.
10 Stratton. I would point out that on page 38 in the report we
11 do
12 specifically reference the West and the South. I think also in
13 the testimony that came before this body there was certainly a
14 great deal of information that was shared regarding the
15 importance of those two regions in particular.

16 I neglected to say at the onset that it is our
17 intent if we are not speaking to specific amendment language to
18 transmit a letter with this report that would capture the
19 additional points of emphasis for the document itself. We will
20 certainly be happy to capture that as an additional point of
21 emphasis and again to refer to that language in the report that
22 is present.

23 Other discussion? Mr. Ickes.

24 MR. ICKES: First, I want to join the broad array
25 of
26 people who congratulate you, Secretary Herman, and you,

1 Congressman Price, for your leadership. Having been involved
2 in
3 this beginning with 1968 and Eli Segal's first seminal memo on

1 the delegate selection process, if you could call it that in
2 those days, this is a very, very thorny issue and a difficult
3 one, and I think that you have handled this and led this
4 Commission with great grace and real focus.

5 Second of all, I really want to applaud Carl Levin
6 and Debbie Dingell for raising this issue and for having I
7 suppose the temerity in some sense to prosecute it to and
8 through this Commission. It's not easy to take on this issue,
9 but they have done it. Senator Levin in particular raised this
10 issue to a very high level immediately, and I applaud him for
11 that and I just think that both of you have done a terrific job
12 on this.

13 I also want to applaud the staff. I'm only going
14 to
15 name two, Phil McNamara and Joe Sandler, but they've done a
16 terrific job on this, and the report is a very well written, to
17 start with well written, but also a thorough historical
18 examination and my memory was refreshed on many points.

19 I want to offer an amendment at this point to
20 paragraph, subparagraph d as in "dog" -- hopefully, that's not
21 it's going to dog it all the way through -- on page 39. It
22 says, currently it says "That the Rules and Bylaws Committee
23 select the appropriate date on which the pre-window period
24 shall
25 begin, which date under no circumstance shall be earlier than
26 January 14, 2008." My motion is a very simple one. It's to

1 strike the number "14" and substitute in lieu thereof the
2 number

1 "7", so that it would read in part "the date shall under no
2 circumstance be earlier than January 7, 2008."

3 The reason I -- I don't know how you want to handle
4 this. Do you want it seconded first and then people speak to
5 it, or how do you want to handle it?

6 CO-CHAIR HERMAN: There needs to be a second.

7 VOICE: Second.

8 MR. ICKES: Do you want me to continue?

9 CO-CHAIR HERMAN: Yes.

10 MR. ICKES: I'll try to be brief.

11 There are in my view four main ways we can on
12 dealing with this Iowa-New Hampshire pre-window problem,
13 particularly in the context as Senator Levin and Debbie and
14 others have framed it, and others have framed it, not those
15 alone, in terms of achieving more diversity.

16 We could enforce the window on everybody. I don't
17 think that -- we could shout, we could say we're going to put
18 New Hampshire and Iowa back behind the window. I don't think
19 that's going to happen.

20 Two, we could keep it the way they are, the 21st
21 for
22 Iowa and the 29th for New Hampshire. That is not what this
23 report recommends.

24 Three, we could keep it where the report
25 recommends,
26 that is moving up the date to the 14th. Presumably, Iowa would

1 move up to the 14th. It's unclear what New Hampshire would do,

1 but if Iowa, for instance, were to move to the 14th, New
2 Hampshire stays where it is, that would permit putting one or
3 more caucuses behind Iowa, before New Hampshire, without
4 invading the eight-day period that is reserved under the Iowa
5 statute. That, however, that solution, however, proposed by
6 the
7 majority report would leave Iowa -- New Hampshire sitting there
8 by itself, and if anything were going to be put behind New
9 Hampshire and before the window it would come within the seven
10 days that is reserved by the New Hampshire statute.

11 So what I would propose is to move the date to the
12 7th and that would permit the following. It would permit, not
13 necessarily dictate but permit, the Iowa caucuses to open on
14 the
15 7th. Eight days could then go by and it would permit -- I'm
16 sorry, Iowa on the 7th. New Hampshire would move up to the
17 22nd.

18 That would permit -- under that pattern, you could
19 have Iowa would have its caucus on the 7th, eight days could go
20 by. You could then have one or more caucuses in the next week,
21 the week of the 15th, without invading the eight-day period of
22 the Iowa statute, without triggering, without giving them an
23 excuse to kick their thing forward.

24 Then New Hampshire would come and you would let
25 seven days go by and then there would be another six or seven
26 days following that first seven days of the New Hampshire

- 1 primary in which you could have one or more caucus states or
- 2 one

1 or more primary states before the window without triggering the
2 New Hampshire statute.

3 Let me try to boil this down.

4 CO-CHAIR HERMAN: You have one minute, Mr. Ickes.

5 MR. ICKES: Okay. We need diversity. I applaud
6 that. Other people will speak to that. I don't have to. If

7 we

8 -- what I don't understand about the majority report, it seems
9 to me an inconsistency and it in effect will discriminate
10 against one of the Iowa or New Hampshire statutes. It makes
11 little sense to me. I think what we ought to do, if we're
12 going

13 to follow the pattern laid out by the majority report, which
14 I'm

15 generally in favor of, I think that we ought to move the date
16 up

17 one more week so that we can have the running room, to use
18 Congressman Price's term, to fit something after Iowa, to fit
19 something after New Hampshire, without triggering those state
20 statutes.

21 There are objections raised that moving to the 7th
22 will somehow just overflow, just make everything too early. I
23 think everything is too early. I think we ought to move
24 everything back two months. That's not going to happen here.
25 So my view is moving it up one more week from the 14th to the

1 7th is not violating any principle, much less a great
2 principle.

3 It is -- is it a bit earlier? The answer is yes. Given how
4 early we are, it's not going to make damn whit of difference,
5 and it will prevent the triggering of at least one of those

1 state statutes, which I think benefits us as practical
2 politicians and will not force presidential candidates into
3 corners in taking positions.

4 CO-CHAIR HERMAN: Thank you very much, Mr. Ickes.
5 Let me recognize Mr. Overton and then Mr.
6 Turlington

7 and then Tina.

8 MR. OVERTON: Thank you very much, Madam Chair. I
9 also want to commend the Co-Chairs for just an outstanding
10 process. I just think this has been a fair and open process.

11 I am a voting rights professor. I'm not a
12 politician. I teach at GW, I teach law. For me this is not
13 just about electing a Democrat. To me this is about making the
14 process look more like America, opening the process to more
15 American voters and different perspectives. I do think that
16 there are some important steps to this plan that do this, such
17 as inserting a contest between Iowa and New Hampshire, a place
18 that's geographically and racially and economically diverse. I
19 think that's important.

20 I also think an important issue is the number of
21 delegates in these states that have been added. On the one
22 hand, we don't want too many additional delegates because we
23 don't want the process to be over by February 5th, and we also
24 don't want to destroy retail politics. In the same token,
25 though, we don't want too few delegates in these additional
26 diverse states because, frankly, the candidates and the media

1 would ignore them if there are too few delegates.

2 Finally, I do want to comment on Harold's point
3 about the --

4 CO-CHAIR HERMAN: Yes, if you could speak to the
5 amendment, because I'm going to call time.

6 MR. OVERTON: Okay, thank you.

7 CO-CHAIR HERMAN: Please speak to the amendment.

8 MR. OVERTON: Thank you.

9 I'm concerned about this. I don't want to put in
10 writing January 7th in an attempt to comply with Iowa or New
11 Hampshire's law. I'm frankly, Madam Chair, already
12 uncomfortable with enshrining Iowa and New Hampshire as first
13 in
14 time. If there's a part of the report that I'm uncomfortable
15 with, it is that.

16 Earlier this year I stood in line for four and a
17 half hours to see Rosa Parks, her casket in the Capitol
18 Rotunda,
19 and there were just 30,000 Americans out there in line in the
20 middle of the night, basically to acknowledge this woman who
21 had
22 challenged privilege, challenged basically the notion that
23 someone is entitled to a certain position and a certain status
24 here. So I already am uncomfortable with enshrining them up
25 front, and this notion of going even further by, hey, let's
26 move

1 it up to the 7th because we want to buy into their state laws
2 here, I think that that is a real problem.

3 So I'm willing to compromise and endorse the report

1 as a whole as it is. I am upset, I'm disturbed, that some
2 other
3 members who have been enshrined up front are not willing to
4 make
5 the same compromise and support the report, but I'm willing to.
6 But I am -- I do think that January 14th should be our date.

7 CO-CHAIR HERMAN: Thank you.

8 Mr. Turlington, Ms. Flournoy.

9 MR. TURLINGTON: Co-Chair Herman, I share Mr.
10 Ickes'
11 goals and I'm mindful of Professor Overton's comments. I would
12 suggest an alternative way to get to the same place. Let's
13 first of all remember what we have done in this report. As
14 David pointed out, it is broad-brush, it hangs together, it's a
15 reform proposal. But we have to remember, and Chairman Fowler
16 has reminded us repeatedly, we're not the Rules Committee. We
17 are making a recommendation to our Party Chairman and the Rules
18 Committee. Therefore, we have not colored in every detail. We
19 haven't chosen specific new states, although some of us would
20 like to do that.

21 The language on the new early states being retail
22 states that I and others have advocated for is not as specific
23 as I wanted it, but I think the Rules Committee has a sense.
24 Our Chair and Co-Chair and other members are here of the Rules
25 Committee, so they have heard our discussion.

1 Two other points in the report that Phil and Joe
2 led
3 the writing of have shown us in every cycle there is a yin and
4 yang over the sequencing and the calendar, and nothing we do

1 here today is going to change that. I believe, however, we've
2 given the guidance we need, to with the level of specificity we
3 need to, on new states, more diversity, spreading out the
4 calendar.

5 By leaving this decision, this one date, up to the
6 Rules Committee, we will allow that committee to do its work,
7 to
8 work on sequencing, to work with the early states, to talk to
9 new states who they want to go in the process. Therefore,
10 although I seek to agree with Mr. Ickes on everything, I would
11 make, Mr. Sandler, if it's the proper Robert's Rules thing to
12 do

13 here, I would make an amendment to his amendment that d on 39 -
14 -

15 and let me get that in front of me -- have a period after the
16 word "begin." So it would say, as amended if you agree with
17 what I'm advocating for: "The Rules and Bylaws Committee
18 select
19 the appropriate date on which the pre-window period shall
20 begin."

21 It acknowledges the rule of the Rules Committee.

22 It
23 acknowledges, frankly, the division around this table on this
24 very question, and it allows our party to come up with a
25 process
26 that's cohesive and is better than what we've got. So that

1 would be my amendment.

2

3 CO-CHAIR HERMAN: So we now have a substitute
4 amendment that has been put forward. We need it in the form of
5 a motion. Is there a second on Mr. Turlington's substitute

1 amendment?

2 VOICE: Second.

3 CO-CHAIR HERMAN: It's been properly seconded. Is
4 there additional discussion? I want to recognize Ms. Flournoy.
5 We now have two amendments that we will vote, Mr. Ickes'
6 amendment, and we will also first the substitute amendment.

7 Ms.

8 Flournoy.

9 MS. FLOURNOY: Thank you, Secretary Herman.

10 I just want to make two brief points, the first
11 being that I -- and maybe this is psychological on my part, but
12 at least in my family on January 7th we still have our
13 Christmas
14 tree up, and I am very concerned about our moving that much
15 earlier in this process. Frankly, I think the 14th is too
16 early. I'd like to have it later, as other people here have
17 expressed. So I will definitely vote against moving this to
18 the
19 7th.

20 The second is I want to be perfectly clear and
21 everyone should be clear about the exact language that is in
22 the
23 proposal, which says that the "date shall under no
24 circumstances
25 be earlier than" the 14th. It is not an affirmative 14th, and
26 I

1 just want to make sure that's clear for the record.

2 Thank you.

3 CO-CHAIR HERMAN: Thank you. Thank you very much.

4 Ms. Echaveste, Mr. Ickes.

5 MS. ECHAVESTE: I came into this Commission meeting

1 prepared to support the Chairmen's report, the report of the
2 Commission. But I have, and particularly with this motion to
3 move the date to January 7th, it has caused me to rethink my
4 support, for the following reasons. First, in our recent
5 victories for the governors in New Jersey and Virginia, one of
6 the things that was acknowledged by the party was that the
7 party
8 both at the national and state level invested in making sure
9 that we took no vote for granted, and indeed worked the
10 minority
11 votes in both of that states to ensure that we would have
12 victory.

13 That is the reality. So a stalwart part of this
14 party, the African American voters, and to some degree the
15 Hispanic voter -- I believe that if we make those kinds of
16 investments in the future Hispanic voters will become a
17 reliable
18 part of this party because it's in their interest to vote
19 Democratic. And if we rely on these voters, on these
20 constituencies, to win the general then, by golly, we ought to
21 have and respect their participation in the nominating process.

22 I respect the work that has gone on in Iowa and New
23 Hampshire and the degree of seriousness that the voters in Iowa
24 and New Hampshire take their job as presidential pickers,
25 essentially, in interviewing and having people really
26 knowledgeable not just about the issues in their state, but

1 about other issues. But the reality is that by enshrining Iowa
2 and New Hampshire as first in the nation, that the amendment to

1 move to January 7th clearly does because then you do not even
2 infringe on their statutes, is to maintain privilege.

3 For that reason, I will oppose the amendment. But

4 I

5 also feel that we ought to consider that perhaps we didn't go
6 far enough and that we in fact should move everything back to
7 the window and have no pre-window, because otherwise we are
8 maintaining privilege. I understand that the votes are

9 probably

10 not there for that kind of approach, but certainly we must have
11 more diversity early. In the same way that we depend upon them
12 to win in the general, they ought to have a voice in the
13 nominating process.

14 CO-CHAIR HERMAN: A point of clarification, Ms.
15 Echaveste. Are you speaking to a new amendment or the
16 amendments that are on the floor? I'm trying to determine.

17 MS. ECHAVESTE: To formalize it, I will make a
18 motion that we should in fact have no pre-window and that we
19 stay, keep everything in the window.

20 CO-CHAIR HERMAN: Okay. I would have to say that
21 that is not in order at this time. So what we must do is vote
22 on the substitute amendment that Mr. Turlington put forward.

23 We

24 will then come back to you to propose your new amendment on the
25 elimination as I understand it of the pre-window.

26 MS. ECHAVESTE: Okay.

1 CO-CHAIR HERMAN: If there's no more discussion on
2 the existing substitute amendment, Mr. Ickes.

1 MR. ICKES: A couple points. Somewhat tongue in
2 cheek, Tina -- and I understand the Christmas tree problem, but
3 the last I checked you lived in D.C. and I think that the D.C.
4 primary or whatever it's called is on the 5th of February. So
5 presumably that won't run afoul of your Christmas tree problem.
6 Your Christmas tree is not either in Iowa or New Hampshire.

7 But on a more serious note --

8 CO-CHAIR HERMAN: February the 5th, Mr. Ickes?

9 MR. ICKES: I'm sorry, D.C. is the 16th of
10 February.

11 Anyway, the second -- I didn't want to encumber her.

12 Two is, on moving -- a further point to moving to
13 the 7th: It will accommodate more generally, I think,
14 Congressman Price's concern, which I share, about spreading out
15 and not bunching up.

16 Three is I think, Ed, this Commission has spent a
17 whole year, a lot of time, a lot of thought, and I guess I
18 really disagree with you on your amendment, or sub amendment.

19 I
20 think that we have an obligation to offer the Rules and Bylaws
21 Committee as much guidance as possible within the realm of
22 reason and I think that this is a big issue that they ought to
23 have some guidance on and I think we ought to give them that
24 guidance.

25 CO-CHAIR HERMAN: Thank you, Mr. Ickes.

26 I will make Mr. Fowler the last speaker on this

1 subject and then I will call the question. Mr. Fowler.

1 MR. FOWLER: I want to support Mr. Ickes' proposal.

2 If we deal with a process of allocating outside-the-window

3 dates

4 to states, I think Mr. Ickes' approach probably comes closer to

5 satisfying all of the sometimes conflicting and varying

6 interests that are represented at this table. So I don't

7 support that particular approach. I support what Maria

8 suggested. But if we're going to move two to four states

9 outside the window along with Iowa and New Hampshire, I think

10 Mr. Ickes' proposal to move to January the 7th comes closer to

11 being able to satisfy all of the conflicting interests better

12 than any, and I urge support of his proposed amendment.

13 CO-CHAIR HERMAN: Thank you, Mr. Fowler.

14 As I indicated earlier, we will hold Ms.

15 Estaveche's

16 recommendation until after this vote. We are now going to vote

17 first on the substitute amendment that has been proposed by Mr.

18 Ed Turlington. Following that, we will then vote on Mr. Ickes'

19 amendment whether it is amended or not.

20 So let us first vote for the substitute amendment. The

21 substitute amendment to Mr. Ickes' amendment is that we remove

22 any date from the language that you have in the report. I

23 refer

24 you to section d, page 39: "That the Rules and Bylaws

25 Committee

26 select the appropriate date on which the pre-window shall

1 begin," period. All those in favor of Mr. Turlington's
2 substitute amendment, I would ask that you please raise your
3 hands.

1 MR. McNAMARA: All in favor.

2 (A show of hands.)

3 MR. McNAMARA: Seven.

4 CO-CHAIR HERMAN: All of those opposed, please
5 raise
6 your hands.

7 (A show of hands.)

8 MR. McNAMARA: 20.

9 CO-CHAIR HERMAN: Those abstaining.

10 (No response.)

11 CO-CHAIR HERMAN: The amendment fails.

12 We will now vote on the amendment of Mr. Ickes.

13 Mr.

14 Ickes' amendment, again I refer you to section d, page 39, of
15 the report, would read as follows: "That the Rules and Bylaws
16 Committee select the appropriate date on which the pre-window
17 period shall begin, which date shall under no circumstances be
18 earlier than January 7th, 2008."

19 All those in favor of Mr. Ickes' amendment to the
20 report language, please signify by raising your hands.

21 (A show of hands.)

22 MR. McNAMARA: 10.

23 CO-CHAIR HERMAN: All of those opposed, please
24 signify by raising your hands.

25 (A show of hands.)

26 MR. McNAMARA: 17.

1 CO-CHAIR HERMAN: The amendment fails. The
2 language

1 as reported on page 39 stands.

2 CO-CHAIR PRICE: Are there further amendments?

3 CO-CHAIR HERMAN: Ms. Estaveche.

4 MS. ECHAVESTE: I will renew my motion that, in
5 light -- for the reasons that I stated earlier, that the need
6 to

7 eliminate the privilege of Iowa and New Hampshire and the
8 difficulty that we perceive in doing that as we try to fit in
9 other caucuses or primaries, that perhaps the best solution is
10 in fact to have no pre-window activity and that all the
11 nominating process begin February 5th forward.

12 CO-CHAIR PRICE: You do not have that amendment in
13 writing?

14 MS. ECHAVESTE: I do not, I'm sorry.

15 CO-CHAIR PRICE: But the gist of the amendment is
16 essentially to wipe out the pre-window recommendation totally.
17 In other words, it would I think eliminate that recommendation
18 in its entirety.

19 MS. ECHAVESTE: Right.

20 CO-CHAIR PRICE: All right. Discussion?

21 MS. ECHAVESTE: Well, is there a second?

22 CO-CHAIR PRICE: Is there a second? I'm sorry.

23 VOICE: Second.

24 CO-CHAIR PRICE: We have a second. Is there
25 discussion? Senator Levin.

26 SENATOR LEVIN: All states want an opportunity to

1 participate. You shouldn't have a rule that some states are
2 more equal than others. That's the status quo. New Hampshire
3 and Iowa are not only more equal than others; many, many, many
4 times over they're more equal than others.

5 Candidates pay dozens, sometimes hundreds of visits
6 to Iowa and New Hampshire. Rarely a week goes by that another
7 candidate for 2008 or a potential candidate takes the pledge
8 that they'll back New Hampshire's first in the nation primary
9 status or Iowa's. Here's the most recent one (indicating):
10 Governor Warner, not even a candidate yet, takes the pledge.

11 Folks, we got to change that status quo. The
12 proposal does it in a way which is just barely a crack in that
13 wall that Iowa and New Hampshire have surrounded themselves by.
14 And I know this is only for 2008 and the Co-Chairs have made
15 that clear. This is not what's being recommended here beyond
16 2008. We can change it for 2012.

17 But if we're going to truly have a significant
18 change where the value of retail politics, which is real --
19 it's
20 not just retail; it is of real value -- is made an opportunity
21 for other states, more than just one between, and that's what
22 the likelihood is -- even though it says one or two, the
23 likelihood is it'll be one other caucus state. That does not
24 make a significant enough change to satisfy what was really the
25 driving force behind our coming together which was to

1 significantly change, not just modestly change but

2 significantly

1 change, the status quo.

2 We all ought to live under the same rule, folks.

3 Our party is a party that lives by the rules, believes that

4 everyone ought to live by the same rule, and the same rule is

5 everybody lives within that window and we enforce the rules.

6 Now, the Republicans may be doing that this time around. They

7 say they are. We'll believe it when we see it.

8 But this party's an egalitarian party. We don't

9 believe any state has a right to a dominant role in the

10 nominating process philosophically. We all believe in retail

11 politics, but we've got to share that opportunity. We all want

12 to see candidates. Two states see candidates 50 and 100 times.

13 Take a look at these quotes: Last election: "I'm going to

14 live in Iowa and New Hampshire for the next two years." That's

15 one of our top candidates.

16 Another one: "My wife and family and I have taken

17 an apartment in Manchester, New Hampshire."

18 Another one: "I will pledge to the death to

19 protect

20 the New Hampshire primary, so help me God."

21 I mean, it's a reality we've got to change. The

22 proposal before us is a very, very modest change. But folks,

23 we

24 can do better than that. We can do better than that, and the

25 better way to do this is to take Maria's suggestion and to

26 enforce it. Let's all live under the same rule, live by the

1 same rule, an egalitarian rule.

1 CO-CHAIR PRICE: Don Fowler.

2 MR. FOWLER: Just assume that I said everything

3 that

4 Senator Levin just did, because I agree with him. This is

5 where

6 we were almost in 1982 and we missed that opportunity.

7 I started this process on this Commission

8 essentially for no change, just continue the process we had.

9 I've been through two or three different iterations of what I

10 favored and didn't favor. I have come full circle back to

11 where

12 Senator Levin is.

13 Let me deal with one or two specific items which I

14 think suggest that Maria's motion should be adopted. First, if

15 we adopt what is in the report -- and it's a very thoughtful

16 piece of work, it's a very good piece of work. But if we adopt

17 what's in that report, I do not believe that we can limit the

18 number of states who will move outside the window just to those

19 one, two, three, or four. I believe that there will be states

20 all over the country who will want to move outside the window

21 in

22 order to have their special impact on the nominating process.

23 Mike Stratton over there represents a group of states that's

24 very anxious to move and they deserve to move. There are some

25 states in the South that want to move and they deserve to move,

1 and I believe they will be encouraged to move outside the
2 window

3 by the adoption of this particular formula.

4 Secondly, I believe that it is a major move
5 forward.

6 It is front-loading. It is front-loading, in my judgment, at

1 the most sensitive, delicate part of the process, and it is
2 front-loading at its worst. If we have four or five or six
3 states going prior to the window, the probability is very high
4 that we will have our nominee before the window ever opens.

5 I offer you to think through that. It's not the
6 number of delegates who are actually selected. It's the media
7 impact, it's the psychological impact, it's the political
8 impact

9 of one of these candidates winning or coming in second, doing
10 well, in all of those states that will kill the rest of the
11 field.

12 We've seen what Iowa and New Hampshire does now.
13 You multiply that by 100 percent or 150 percent. It's just
14 going to double the impact of those states outside the window.

15 For that reason -- for those reasons, and again
16 seconding what Senator Levin said, this is fair. It represents
17 change. It represents change I think in its best form. I
18 support what Dr. Echaveste said.

19 CO-CHAIR PRICE: We have Donna Brazile, Carol Khare
20 Fowler, and Terry Shumaker, and Blanche. Go ahead, Donna.

21 MS. BRAZILE: Thank you, sir. I want to also
22 applaud the comments that my colleagues have made with regards
23 to the leadership of this Commission, the staff work that's
24 gone

25 into the report, and all of the deliberations we've had, the
26 input that we've had from very important leaders of our party,

1 from the grassroots up.

1 When I started this process, I started with the
2 view

3 that I would remain consistent to the principles that I've
4 always believed in, and that is the principle of fairness. I
5 believe, as many of you know me, that Iowa and New Hampshire
6 have played a very important role in helping to determine our
7 nominee. As someone who has campaigned in those states, I've
8 lived in those states, too, Mr. Levin. It was a horrible
9 experience with 6 degrees below zero, but I adapted to it.

10 But let me just say this. I think that we are in a
11 new era. This is not the party of the twentieth century that
12 had to struggle, as many of us know, with the issue of fairness
13 of inclusion. We start off our report on page 15 with a
14 summary

15 of what took place in 1964, when Fannie Lou Hamer forced open
16 our doors to have a seat at the table. I think in her spirit
17 and the spirit of so many others, it's time that we open this
18 process to other states to participate in selecting our
19 nominee.

20 So while I came early on to the process thinking
21 that we can have all of New Hampshire plus, that's like
22 stirring

23 in gumbo with new ingredients, I now believe that the best
24 course of action is the one that Maria and Don and others are
25 proposing, that is to start the process on February 5th.

1 Now, I'm not for -- I've never been afraid of
2 taking
3 a strong position. I know as a member of the Rules and Bylaws
4 Committee we're going to have some long days and quite a few
5 arguments and exercises over this process. At the end of the

1 day, my belief is that we must open the process.

2 The second thing. 37 million Americans live under
3 the poverty line in this country. We've been their voice and
4 we've been their champions. But often in presidential season
5 we
6 forget them. We leave them behind and there's no one speaking
7 to them. It's time that we have a process where we can speak
8 to
9 them and hear from them and allow them to be part of this
10 process. I believe the only way to allow those 37 million
11 Americans to be part of this process is to open it up and to
12 ensure that their voices are at the table.

13 So in closing, the Prophet Amos said: "They made
14 justice roll down like water and righteousness like a mighty
15 stream. The only way we achieve our goals today is if we allow
16 this process to open up. I have privileged positions on many
17 issues and many subjects, but not on keeping the status quo at
18 a
19 time the American people are hungry and thirsty for change, and
20 they're looking to us to provide the leadership. Let's provide
21 the leadership and let's stand up for their values as well as
22 continue to support our own.

23 So I strongly support Maria's proposal.

24 CO-CHAIR PRICE: Carol.

25 MS. KHARE FOWLER: Thank you.

26 I think before I say anything else, I think it's

1 important to remember that there is no way or we've never found
2 a way to control how many states are early within the window,

1 that piece of front-loading. If we go forward with the
2 calendar
3 as proposed, whether it starts on the 7th or the 14th, I think
4 we'll have five or six states, four or five states, before the
5 window opens, we'll have a lot of states on February 5th, and
6 the nominee will be decided by February 5th.

7 If we cut out the pre-window -- now, Don may or may
8 not be right that a lot of states will go out front. If we cut
9 out the pre-window, probably what will happen is it will look
10 like 2000: Iowa and New Hampshire will be back there before
11 the
12 window, we'll have a whole lot on February 5th, and the
13 nominee
14 will be decided on February 5th. Or everybody will follow the
15 rules and they won't go out front and Iowa and New Hampshire
16 won't go out front, but we'll have a nominee on February 5th.

17 I think what this proposal that we have from the
18 Co-Chairs is the only way there's going to be any spread-out.
19 Otherwise there will just be everybody on that first Tuesday in
20 February and then the nominee will be decided.

21 MR. FOWLER: Is there a divorce lawyer in the
22 House?

23

24 (Laughter.)

25 CO-CHAIR HERMAN: Mr. Fowler wants to know if
26 there's a divorce lawyer in the House.

1 (Laughter.)

2 CO-CHAIR HERMAN: You're definitely out of order in

3 this meeting, Mr. Fowler.

1 MS. KHARE FOWLER: He knows I keep one on speed-
2 dial
3 for occasions like this.

4 CO-CHAIR PRICE: All right, Terry Shumaker.

5 MR. SHUMAKER: Thank you, Mr. Chairman, and please
6 allow me to echo what everybody else has said. I would also
7 like to thank the Co-Chairs and all of my colleagues around
8 this
9 table for their openness and accessibility and willing to
10 listen
11 to varying viewpoints, not necessarily agree but listen to
12 varying viewpoints throughout this process. I greatly
13 appreciate that.

14 This proposal comes before us without much study
15 and
16 that concerns me because someone who I greatly respect and
17 admire, Don Fowler, has warned us repeatedly about unintended
18 consequences. There have only been two independent bodies
19 recently to look at this issue of pre-window and window, the
20 Secretary of States Association and the Commission led by
21 former
22 President Carter. Both of those independent bodies have
23 recommended that Iowa and New Hampshire remain outside the
24 window to preserve retail politics and to keep alive the
25 American dream, which we all share, that any young American can
26 grow up to be President of the United States.

1 My concern is an unintended consequence from this
2 change and that would be a de facto national primary on
3 February
4 5th. I don't think we've studied this enough. I intend to
5 vote
6 against this because I'm concerned about destroying retail

1 politics entirely. I'm concerned about destroying traditions
2 in
3 my state and others. We have already been on record for months
4 in this Commission of welcoming additional diverse states to
5 the
6 pre-window period. I reaffirm that today. I know the Governor
7 agrees with me, and I don't think we ought to go into these
8 uncharted waters without full study. I think we need to
9 preserve the possibility for lesser known, lesser funded
10 candidates to compete, and a national primary on February 5th
11 will not do that.

12 Thank you.

13 CO-CHAIR PRICE: Senator Lincoln.

14 SENATOR LINCOLN: Thank you, Mr. Chairman. I just
15 want to reiterate some of what everybody said and I'll do it
16 very briefly.

17 One is that I think the American people have
18 indicated to us in the past several months and certainly this
19 last year that they do feel like as a nation we can do better.
20 I think the people of the Democratic Party have come to the
21 conclusion that we as a party in this twenty first century can
22 do a better job of being more inclusive.

23 I would just encourage my colleagues and fellow
24 Democrats to recognize that if we do open it up -- and I think
25 this does open up to all Democrats in all states the
26 opportunity

1 to participate in retail politics. But I think it also gives
2 us
3 the opportunity to strengthen our party by all states being
4 able

1 to offer what their separate strengths might be in terms of
2 diversity and a multitude of other things that states all have
3 to offer in their positive aspects.

4 So I encourage us all to take a very serious look
5 at
6 this. I know I think it's going to be a positive move in the
7 right direction to be more inclusive in this way.

8 Thank you.

9 CO-CHAIR PRICE: Steve Murphy.

10 MR. MURPHY: I'd like to quickly address both, as
11 Carol did, the practical impact of this motion as well as the
12 fairness issue that Donna raised. Practically speaking, to
13 amplify a little bit on what Carol said, if we start this
14 process on the 5th during this cycle one of two things occurs.
15 Either we insist upon limiting the number of states that occur
16 on the 5th -- and Donna, that puts us right back in the
17 position
18 we're in right now, talking about your full circle. There's
19 five there right now. I mean, some of them would probably have
20 to move. We'd have to put other states there. We have to pick
21 what states would go that day.

22 I don't think we would end up with that. So
23 practically speaking, you're voting for a de facto national
24 primary on February the 5th. I daresay that if that were the
25 case, the nominee is already selected.

26 Secondly, let me just talk about the issue of

1 fairness a little bit. You know, it was only in 1972 that this

1 party adopted a rule that allows all Democrats, all professed
2 Democrats, to participate in the delegate selection process, to
3 participate in selecting a nominee. Before that, for all
4 practical purposes the party bosses were mostly in control.

5 A few states challenged that notion that the party
6 bosses should pick the nominee and that the voters should not
7 be

8 allowed to participate. Specifically, New Hampshire challenged
9 that notion more than half a century before the party rule was
10 changed to allow all folks to vote, all Democrats to vote. I
11 think we ought to recognize that contribution to the Democratic
12 process as we continue to deliberate here.

13 It was only in 1972 that the caucus process was
14 enshrined under current rules that every Democrat could
15 participate and every two years since then Iowa has held -- not
16 just in presidential years, but every two years -- where
17 sometimes tens of thousands, sometimes over 100,000 Iowans come
18 together. And they don't just vote for, have a straw vote like
19 the Republicans have for the presidential nominee. They
20 discuss

21 at great length and in great detail a number of platform
22 proposals, issue proposals. And I think we ought to recognize
23 the role that Iowa has played in contributing to this party
24 being the only party -- and we still are because the
25 Republicans

26 don't have this rule -- that allows every single Democrat to

1 participate and the role that Iowa and New Hampshire has had in
2 that process.

1 CO-CHAIR PRICE: All right. Temo Figueroa.

2 MR. FIGUEROA: I want to thank both Co-Chairs for
3 running I think a really good Commission here, and it's been a
4 great experience for me; and all of you. It's been a privilege
5 to serve on this Commission with you all.

6 Over the course of a year, we've had some good
7 discussions and debate on how we can improve the process to
8 ensure we nominate a candidate that's battle-tested and exposed
9 to our key constituencies of our party and concerns of our
10 party. I'm proud that this committee has had good discussions
11 on the issue of diversity -- ethnic diversity, geographic
12 diversity, and union density.

13 I believe the majority of the Commission agrees
14 that
15 maintaining the status quo is not an option. Latinos, African
16 Americans, and working men and women want their voices heard
17 and, more importantly, their vote to count. People like
18 Nettie
19 Holgeen in New Mexico, Debby Lopez in Arizona, and Ray Rivera
20 in
21 Colorado, they want their votes to count.

22 With that said, I don't believe our document goes
23 far enough in changing the status quo. That's why I'm voting
24 for Maria's amendment. I believe that's the one thing that has
25 been brought up that seems to be that we're going to change the
26 status quo. So I'm supporting this amendment.

1 CO-CHAIR HERMAN: Debbie and then -- Spencer, we're
2 going to go Debbie, Mr. Overton, and then the last speaker will

1 be Mr. Roosevelt. Jerry Crawford, your hand was up. Debbie.

2 MS. DINGELL: I want to associate myself with the
3 comments of many people. Both of the chairs have done a
4 wonderful job and this has been -- I think all of the
5 Commission
6 members have dealt in good faith and we have some very intense
7 feelings. But I think Temo just said, expressed many of the
8 feelings that I have. I am going to very strongly support
9 Maria's proposal.

10 New Hampshire and Iowa have played an important
11 part
12 in the tradition of this country, but because they have for 50
13 years organized or had the opportunity to be the first people
14 out there, they represent 1.4 percent of the population in this
15 country and there are 98.6 percent of the people in this
16 country
17 want the opportunity to have a candidate who's thinking about
18 running for President hear about the issues that they care
19 about.

20 We need a process that is fair. We are a
21 Democratic
22 Party that is fair, that is inclusive and reaches out to all
23 perspectives. We've talked about the need to be inclusive of
24 minorities, to be inclusive of urban areas, to talk about labor
25 base. There are issues that are going to be absolutely
26 critical

1 for us in 2008. Obviously, Senator Levin and I care about
2 manufacturing, which is for us and many of these large states -
3 -
4 we have people who thought they would have pensions their whole
5 life and suddenly don't know whether they're going to have

1 health care and pensions. We want to see those issues talked
2 about for four years, not three days.

3 So I think that the proposal that's been put
4 forward
5 by Maria is one that gives us -- we talk that this Commission
6 wants to see change. That is something that is real change. I
7 hope that the Commissioners today will think very long and
8 hard.

9

10 I do not believe we will have another chance from a
11 process standpoint in an orderly way to make change. We can
12 continue to try to make change and I don't think there are
13 people, including ourselves, that are promising not to keep
14 trying to push the ball forward. But I hope today we'll all
15 think about trying to make change in an orderly fashion and
16 work
17 together and support all of us.

18 Thank you.

19 CO-CHAIR HERMAN: We want to go to -- no, Mr.
20 Overton. Okay, Mr. Roosevelt.

21 MR. ROOSEVELT: I think there definitely is a full
22 consensus on this Commission for change. I think that the
23 Chairs' proposal is the beginning of change. I think that we
24 need to vote with our heads, however, and we need to remember
25 what happened in 2000, what happened in 2004, and how that
26 affects 2008.

1 In 2000, by adhering to our rules, attempting to
2 limit the length of time of the primary season, primary and

1 caucus season, we ceded the field to Republicans for five weeks
2 and hurt our eventual nominee. In 2004, we believed that we
3 had
4 progress toward change in agreement with the Republican
5 National
6 Committee and we saw that reversed by Karl Rove on the eve of
7 the Republican National Convention.

8 The danger that we have in going too far toward
9 change today is that we again will find ourselves with the
10 Republicans not following through on their rules and going out
11 in front of our process. And we will abide by our process
12 because that's who we are, and we will damage our nominee, our
13 eventual nominee, in that process.

14 That's why I think that the Co-Chairs' proposal is
15 a
16 reasonable step along the road to change and we need to proceed
17 in that careful fashion to be successful in electing a
18 Democratic to represent all the interests of the American
19 people
20 that we've talked about here today.

21 CO-CHAIR PRICE: Thank you.

22 Spencer Overton.

23 CO-CHAIR HERMAN: No, he didn't want to.

24 Jehmu, did you wish to speak?

25 MS. GREENE: No.

26 CO-CHAIR HERMAN: No, he's not speaking.

1 Ms. Flourney?

2 CO-CHAIR PRICE: Tina and then Jerry.

3 CO-CHAIR HERMAN: Well, why don't we let Jerry. Do

1 you want to speak first, Tina?

2 MS. FLOURNOY: I'd like to say a couple of things.
3 The first is, let me be very clear and frank, that
4 philosophically I am in agreement with Maria and I have been
5 throughout this process. My problem with voting for it in this
6 juncture is that, unlike all of the other points that we have
7 voted for this morning, we have not had a thorough and full
8 discussion of this option, and that's what concerns me.

9 Certainly this is a big step for us to take. We
10 all
11 know that Senator Levin has spoken eloquently about this from
12 the time that these discussions began, as has Debbie. But this
13 is not something that we in any of our meetings, as late as
14 last
15 night, as late as this morning, have discussed in any detail to
16 really look at it and talk about the ramifications. That's my
17 concern about taking this kind of vote without having that
18 thorough discussion that we've given to the other points on
19 which we voted earlier.

20 If I may, just one other point. The reason that
21 I'm
22 for this and the thing that's got to be stressed and
23 reemphasized is that whatever we do here, we've got to bring
24 more people into this process. I want to say a word about
25 diversity, that diversity is not just about numbers of black
26 people or brown people, yellow people, women, or this or that,

1 fill out your category. Diversity is also about where we place
2 people in the process so that they have influence in the

1 process.

2 So if we are not going back to the 5th, which as I
3 say has great appeal to me, we've got to make sure that when we
4 do address timing and sequence as it goes to the Rules and
5 Bylaws Committee and as we are all thinking about it, that this
6 diversity issue is real and will be real for the Rules and
7 Bylaws Committee. And that's just not which states; that's
8 when
9 they come in the process.

10 CO-CHAIR HERMAN: Thank you.

11 Let's go to Mr. Stratton and then Mr. Crawford.

12 MR. STRATTON: Thank you, Madam Chair.

13 I guess I've heard in some of the comments concern
14 that we need to raise funds for the divorce lawyer for Carol
15 and
16 I want to be captain of that team.

17 We have before us I think some very good
18 recommendations here that start down the road to change. I
19 don't think we can or ought to, ought to throw the baby out
20 with
21 the bathwater here. Again, everybody knows I have a very
22 parochial vested interest here, but the people I'm talking
23 about, the new voters in the West and the Southwest, if we
24 throw
25 this out now, once again people are going to fly to California

1 to raise money or maybe stop by in Denver on their way back
2 from

3 California, and nobody's going to be in Las Cruces, New Mexico,
4 or nobody's going to be in Reno, Nevada.

5 So although I understand where some people are

1 talking about with this ultimate fairness thing, I guess I
2 suggest that we be more practical in our votes here today.

3 MR. TORRES: On that point.

4 CO-CHAIR PRICE: Yes, sir.

5 MR. TORRES: People are going to fly to California
6 and matter when these elections are held, and we've already
7 last

8 time lost \$181 million raised in California that went to other
9 states. So they're going to come to California no matter what.

10 CO-CHAIR PRICE: Okay. Jerry Crawford.

11 MR. CRAWFORD: Thank you, Mr. Chair.

12 First of all, on behalf of Roxanne as well and the
13 people of Iowa, we would like to associate ourselves with
14 Harold

15 Ickes' remarks about the extraordinary service that Senator
16 Levin and Debbie Dingell have provided to this Commission. As
17 one Iowan, Senator, I can say we look forward to you returning
18 your extraordinary skills full-time to the United States
19 Senate.

20

21 (Laughter.)

22 The reason we do, and the reason we do, is because
23 we have seen in the past two weeks what he and Senator Lincoln
24 and others are capable of in working even across the aisle to
25 hold the President accountable on Iraq. We've seen what
26 Congressman Price is capable of in holding feet to the fire in

1 terms of ethical standards in the United States House.

2 At this moment in time, at this moment in time,

3 when

1 we appear to have momentum to create an opportunity for new
2 leadership for this country that our party can provide, what we
3 might be about to do, what we might be about to do is vote on a
4 motion that would give the Republicans five weeks of free press
5 in 2008 that we would not respond to. Instead of that, we have
6 before us the option to do what a majority of us, I think all
7 of
8 us, on this Commission want to do, and that's have our process
9 garnering equal attention and reaching out to new voters in key
10 swing states with diverse populations. That's what we should
11 be
12 doing in that five-week period.

13 I've talked with Donna Brazil about this. I've
14 talked with Tina about this and many others. We will stand
15 shoulder to shoulder with you ensuring that we have new diverse
16 populations represented in this pre-window period. There are
17 ways to do that. Ed has articulated a way. Harold has
18 articulated a way. The Rules Committee will be able to find a
19 way, I am confident of that.

20 So let's use the spotlight in those five weeks.
21 Let's not give it all to the Republicans, who must be sitting
22 at
23 home saying, do you really think we could get this lucky, and
24 instead let's reach out to diverse populations and celebrate
25 all
26 of the important constituencies of our party.

1 Thank you.

2 CO-CHAIR PRICE: Susan, and then we're going to be

3 back to Maria to call the question.

1 MS. SWECKER: Yes, thank you very much.

2 I am going to very, very reluctantly support this
3 report, after having listened here today to everything, and
4 this
5 is why: mainly because my father always told me growing up
6 that
7 life isn't always fair. So we may not have the perfect
8 solution, but I think it's the best one that we can come up
9 with.

10 We in Virginia are living proof of what happens
11 when
12 you are allowed to have a presidential primary. While I
13 respect
14 everything that Iowa and New Hampshire has done, I would like
15 to
16 also say that we believe in preserving the American dream in
17 Virginia as well, and being allowed to go as one of the first
18 presidential primaries in 2004 and then allowed us to be
19 somewhat of a targeted state in 2004 set a road map up to help
20 us win and played a role in winning this governor's race. So I
21 cannot underestimate the importance of allowing new states to
22 come in.

23 But I do agree that the Commission has put in a lot
24 of thoughtful work, a lot of good time and effort has gone into
25 this, and it is the best that we can come up with at this time,
26 and I am truly hopeful that for 2012 we will look at other

1 options and work with the Republican National Committee and try
2 to devise a better course. But I am going to support the
3 recommendation of the Commission.

4 CO-CHAIR HERMAN: Thank you very much, Commission

1 Swecker.

2 We will now I believe move to a position to call
3 for
4 the question. I'm looking for the original maker of the
5 amendment.

6 CO-CHAIR PRICE: Maria.

7 MR. ICKES: Maria.

8 MS. ECHAVESTE: Madam Chair, I've been discussing
9 with various colleagues on the Commission. I understand that
10 at
11 this late stage there may be unintended consequences and that
12 there hasn't been the degree to which there's been full
13 consideration as we have with other issues. At the same time,
14 because we're the Democratic Party the value of actually having
15 a vote, whatever that number turns out to be -- I had been
16 considering withdrawing the motion, given the concerns
17 expressed. But I believe that we should have the vote, mindful
18 of all the consequences, but that it at least allows us to
19 state
20 clearly to the entire party and all of our Democrats that we
21 are
22 seriously considering and troubled about fairness.

23 So I hope that we call the question.

24 CO-CHAIR HERMAN: Okay. The question's been
25 called.

26 Congressman Price.

1 CO-CHAIR PRICE: May I just say a word. It's one
2 thing to have a discussion and send a message. It's maybe
3 another thing to have a vote under these circumstances. I
4 won't
5 say very much, except to say on behalf of those of us who have

1 been putting this together over the last year, that we have
2 made

3 the assumption, and it was not an assumption that was
4 challenged

5 in this Commission at any point that I'm aware of, we have made
6 the assumption over the year that we're going to amend it and
7 not end it. In other words, that there are values to the early
8 contests and the idea is to move toward a more inclusive set of
9 early contests, as opposed to trying to shut the early contests
10 down.

11 Now, I do think Carol Khare has it right in talking
12 about the practical consequence of this. The practical
13 consequence of this motion would be in all likelihood Iowa and
14 New Hampshire would find some way to retain their present
15 practice, that we would have a hugely front-loaded first day of
16 the window, and that we would end up with no more diverse early
17 contests and with the very opposite consequence from what the
18 proponents want.

19 In other words, the only realistic path to change
20 is
21 the one that we have marked out. This would essentially be a
22 status quo vote, and I believe Carol got that just right and
23 Steve too, and I honestly believe that. That's why we have
24 moved to enhance these early contests in the way that we have.
25 That's the rationale for the proposal that Alexis and I have
26 put

1 together.

2 CO-CHAIR HERMAN: I want to call the question. No

3 more debate. I would ask that we would now restate the

1 amendment that is being proposed to the report. This would in
2 effect nullify a great deal of what we now have in the report,
3 as Congressman Price has said. So let us be very clear in
4 stating that the proposal is to eliminate the pre-window, to
5 have the window open for the entire process on February the
6 5th.

7 That is what the proposal would be and in that regard we would
8 be akin to the Republican rule. That is the proposal that Ms.
9 Echaveste has put.

10 I will now call the question and ask for a show of
11 hands. The first vote will be on the amendment to amend the
12 report that has been put before this body. All those in favor
13 of the amendment as proposed by Ms. Echaveste, please signify
14 by
15 raising your hands.

16 (A show of hands.)

17 MR. McNAMARA: Eight -- Congressman Meek? Nine.

18 CO-CHAIR HERMAN: Those opposed, please signify by
19 raising your hands.

20 MR. McNAMARA: 18.

21 CO-CHAIR HERMAN: The amendment fails. We thank
22 you, Ms. Echaveste, for a very rigorous and unexpected debate
23 in
24 this Commission, but we have I think said from the very
25 beginning that we wanted to be open, we wanted to make sure
26 that

1 we had all points of views represented. I think this has been
2 a
3 very healthy debate that we have just had and I would certainly
4 suggest that as we move into the Rules and Bylaws Committee

1 recommendation process of this report that we will certainly in
2 our transmittal letter as Co-Chairs reflect the spirit of what
3 was discussed in this amendment as a part of that transmittal.

4 So thank you.

5 Mr. Fowler.

6 MR. FOWLER: Madam Chair, if it's in order I move
7 the adoption of the report as written in this on pages 38 and
8 39.

9 CO-CHAIR HERMAN: We have a motion on the floor for
10 the adoption of those pages. All those in favor, please
11 signify
12 by saying aye.

13 (A chorus of ayes.)

14 CO-CHAIR HERMAN: Those opposed?

15 (A chorus of noes.)

16 SENATOR LEVIN: Excuse me. Could we get a roll
17 call?

18 CO-CHAIR HERMAN: A roll call?

19 SENATOR LEVIN: No, I mean --

20 CO-CHAIR PRICE: A show of hands.

21 SENATOR LEVIN: A show of hands.

22 CO-CHAIR HERMAN: A show of hands. Let me restate
23 what we are doing. We have had a motion for a vote on the
24 pre-window recommendations. Following this vote, we will go
25 back and entertain two additional amendments that Mr. Torres
26 put

1 forward and that Carol Khare Fowler put forward for the body of

1 the report. We will then vote those amendments, and then the
2 final vote that we will take will be the adoption of the report
3 itself. But this is just on the pre-window.

4 MR. ROOSEVELT: Point of order. This would be the
5 recommendations on pages 39 and 40?

6 CO-CHAIR HERMAN: Thank you very much, Mr.
7 Roosevelt.

8 SENATOR LINCOLN: Madam Chairman, was there a vote
9 to be taken on the front-loading recommendation?

10 CO-CHAIR HERMAN: That will be a part of the entire
11 report vote that we put forward. We still have to have the
12 discussion. What we intend to vote for, Senator, is the
13 principle that is in the report, but we will have a fuller
14 discussion on the plan itself.

15 SENATOR LEVIN: That comes later.

16 CO-CHAIR HERMAN: That comes later.

17 Mr. Ickes.

18 MR. ICKES: Not to be picayunish about it, but I'm
19 not sure why we need this vote. The full report has been
20 moved,
21 amendments have been offered, the amendments have been
22 defeated.

23 So it seems to me we go on. I don't think we need -- I guess
24 I'm not against it, but I don't think from a procedural point
25 of
26 view we need it.

1 CO-CHAIR HERMAN: We don't need it from a
2 procedural
3 standpoint of view. My concern, quite frankly, in responding
4 to

1 a motion that is on the floor, we do have time constraints with
2 certain members who are here and we thought that it would be
3 good to have a hard vote on the record on those pages, even as
4 we continue with the adoption of the full report. So that is
5 the spirit in which the Chair has accepted Mr. Fowler's
6 recommendation.

7 CO-CHAIR PRICE: A show of hands.

8 CO-CHAIR HERMAN: We will have a show of hands for
9 the recommendations on pages 39 and 40. All those in favor,
10 please signify by raising your hands.

11 (A show of hands.)

12 MR. McNAMARA: 22.

13 CO-CHAIR HERMAN: Those who are opposed to the
14 recommendations on page 39 and 40?

15 MR. McNAMARA: Two.

16 CO-CHAIR HERMAN: Those abstaining?

17 (No response.)

18 CO-CHAIR HERMAN: The recommendations carry on page
19 39 and 40. We will now turn to two additional amendments to
20 the
21 report and then we will have a discussion on inside the window.

22 CO-CHAIR PRICE: Let me just, before we proceed,

23 ask

24 a procedural question. We're assuming that there are only two
25 additional amendments outstanding and that we can deal with
26 those at this point. We do want to have a good discussion from

1 Harold and Don of the inside the window proposals, but our

1 thought is if the votes to be taken are limited to these two
2 additional amendments that we should proceed to those, without
3 objection.

4 So Mr. Torres, we'll recognize you.

5 MR. TORRES: Thank you, Mr. Chairman, Madam
6 Secretary. I want to thank you again for the work of this
7 Commission and also for strengthening our ability to reach out
8 to voters that are so important to the future of our nation, to
9 let them know that this party stands for the integrity and the
10 demonstrativeness of our support for people who are working day
11 in and day out and struggling day in and day out in America.

12 I also want to embrace the recommendations of the
13 public financing system. We clearly saw in California just
14 recently over \$200 million being spent on a campaign. There
15 needs to be commitment to that.

16 I wanted to address the section stated "Moving Back
17 the Process in 2012 and Beyond." The American Plan which I had
18 presented before this Commission on two occasions spreads the
19 nomination calendar across ten intervals of time and randomly
20 selects the order of states from one presidential election to
21 the next and any given state would have an opportunity to be
22 earlier or later in the calendar. I would recommend that the
23 DNC Rules and Bylaws Committee consider and review this
24 proposal
25 for the 2012 timing.

26 CO-CHAIR HERMAN: Is there a second?

1 VOICE: Second.

2 CO-CHAIR HERMAN: Discussion?

3 (No response.)

4 CO-CHAIR HERMAN: If there's no discussion, then
5 could you restate? As I look around the room, could you
6 restate
7 the amendment for the record and we will call the question.

8 MR. TORRES: Yes. I'm merely asking that the DNC
9 Rules and Bylaws Committee review and consider the concept
10 known
11 as the American Plan, which is supported strongly by
12 California.

13 Not that it would put California ahead of any other states
14 because it would be a random plan. But I would just prefer
15 that
16 the Rules Committee consider it for 2012 since I don't have the
17 votes to consider it today.

18 CO-CHAIR PRICE: Mr. Torres, is it accurate to say
19 that your understanding would be that in the so-called report
20 language, the third component of this report, that somehow that
21 would be incorporated?

22 MR. TORRES: Yes.

23 CO-CHAIR PRICE: Fine.

24 MR. TORRES: To request they review and consider.

25 CO-CHAIR HERMAN: Consideration of an amendment of
26 the bylaws.

1 Mr. Ickes?

2 MR. ICKES: Art, could you give a thumbnail about
3 what the American Plan is? It sounds like something on a deli

1 menu.

2 MR. TORRES: It sounds like what?

3 CO-CHAIR HERMAN: He says it sounds like a deli
4 menu. I think he's hungry.

5 MR. TORRES: The American Plan is proposed to
6 spread
7 the calendar of elections across ten intervals of time and
8 randomly selects the order of the states from one presidential
9 cycle to the next. What I'm asking is that there be some
10 consideration and review by the Rules and Bylaws Committee to
11 this proposal for the 2012 consideration, not for 2008.

12 MR. ROOSEVELT: May I --

13 CO-CHAIR HERMAN: Mr. Roosevelt.

14 MR. ROOSEVELT: -- just say that the Rules and
15 Bylaws Committee in my view must consider 2012 because if we
16 are
17 going to have any continuing progress here we have to take a
18 position that the Republicans can possibly sign onto. That has
19 to be done in 2008. Therefore we have to consider 2012 at this
20 point, and the American Plan certainly would be among those
21 considerations in my view, and that's whether it includes lunch
22 or not.

23 CO-CHAIR HERMAN: Thank you very much.

24 We will now call the question and ask for a show of
25 hands on the amendment to the report document itself proposed
26 by

1 Mr. Torres, that this would be an item of consideration for the
2 Rules and Bylaws Committee in 2012. All those in favor of

1 supporting this amendment, please signify by raising your
2 hands.

3

4 (A show of hands.)

5 MR. McNAMARA: 25. It's unanimous.

6 CO-CHAIR HERMAN: It's unanimous.

7 MR. TORRES: Thank you, Madam Chair.

8 CO-CHAIR HERMAN: Thank you.

9 All right, we have one more amendment for
10 discussion

11 and we will now defer to Carol Khare Fowler.

12 MS. KHARE FOWLER: Thank you.

13 When we finish this process of recommending a
14 calendar and the Rules and Bylaws Committee adopts a calendar
15 and a set of delegate selection rules which are then passed by
16 the DNC, it then traditionally has fallen to two -- we will
17 assume that that is the calendar that is most likely to give us
18 a Democratic nominee who can win. So it's important that we
19 adhere to that calendar once we adopt it.

20 In the past, it has been left up to the DNC's Rules
21 and Bylaws Committee and the state parties to make this
22 calendar

23 work. My proposal would bring another group into that and
24 would

25 call on the presidential candidates to help us, as they help us
26 with affirmative action, to help us in enforcing the calendar.

1 I have some language. What we would do is ask the
2 Rules and Bylaws Committee to find a way to make that happen.
3 I
4 have some language that Phil may have some copies of to hand

1 out. But this would be my amendment:

2 "Effective implementation of the fundamental goals
3 of the Democratic Party's nominating process as established in
4 our rules requires the active participation and support of our
5 presidential candidates. For example, Rule 6 of the current
6 delegate selection rules requires presidential candidates to
7 create their own plans to help achieve affirmative action goals
8 and to use their best efforts to ensure that their own
9 delegations are representative. By the same token, the
10 Commission urges the RBC to impose appropriate obligations on
11 presidential candidates to support, cooperate with, and
12 otherwise participate in making the timing system successful
13 and
14 in achieving its fundamental goals."

15 MS. BRAZILE: Second.

16 CO-CHAIR HERMAN: There's been a motion put forward
17 in the form of this amendment to the report and a second. Is
18 there a second?

19 MS. BRAZILE: I just want to support the amendment
20 as put forward by Carol. It is incumbent upon our candidates
21 to
22 help us not only maintain discipline, but also support the
23 rules
24 that we've established in a very good spirit. So I strongly
25 support this, and I would hope that after we've adopted this
26 and

1 after we publish it that we make sure that we distribute it to
2 those candidates as soon as possible since so many of them are
3 already out there making promises without knowing the rules.

1 CO-CHAIR HERMAN: Are there other comments on the
2 proposed amendment to the report regarding presidential
3 engagement? Ms. Flournoy.

4 MS. FLOURNOY: I would just like to say that I
5 strongly support this amendment. Having been on both sides of
6 this equation, I think everybody understands that this is just
7 not a responsibility that's incumbent upon the state parties,
8 but it's a responsibility that's incumbent upon candidates to
9 make sure that they are not party to breaking the rules that we
10 pass in the Rules and Bylaws Committee and that the DNC adopts.

11 Thank you.

12 CO-CHAIR HERMAN: Then I will call the question,
13 seeing no other hands. Those in favor of the supporting --
14 "the
15 supporting" -- supporting the amendment that you have in front
16 of you as proposed by Carol Khare Fowler -- I will not bother
17 to
18 read it unless you instruct me, counsel, to read it into the
19 record.

20 MR. SANDLER: No.

21 CO-CHAIR HERMAN: You have the language in front of
22 you. Please signify your support by raising your hand, those
23 in
24 favor.

25 (A show of hands.)

26 MR. McNAMARA: 22.

1 CO-CHAIR HERMAN: Those opposed, please signify by
2 raising your hand.

1 (No response.)

2 CO-CHAIR HERMAN: Those abstaining?

3 (No response.)

4 CO-CHAIR HERMAN: The amendment to the report
5 carries.

6 CO-CHAIR PRICE: All right. Don.

7 MR. FOWLER: I have one brief amendment. I thought
8 that I was on the order, but this subject that I raise now we
9 discussed previously and I was somewhat surprised that it was
10 not in the report. It has to do -- it should fall on page 44
11 under "Other Matters of Interest."

12 The presidential nominating process is the occasion
13 where we have as Democrats and the candidates have as
14 candidates
15 of the Democratic Party the greatest opportunity throughout the
16 whole four-year cycle of recruiting new people and bringing new
17 people into the Democratic Party. Most of that activity falls
18 in the early states and that's sensible and we all understand
19 why.

20 We discussed this I think in the Chicago meeting
21 and

22 I would like to offer language that in effect adopts a program
23 or asks the DNC to adopt a program where it will take
24 leadership

25 in using the nominating process to build state parties in those
26 states and regions where there is not a lot of active

1 competition directly in caucuses and primaries in the early
2 states. While I have not duplicated this language, I do have

1 some and I would like to read it if I may:

2 "The Democratic National Committee should, working
3 through its staff, the Rules and Bylaws Committee, and the
4 candidates for the Democratic nomination for President,
5 undertake a program designed to use the unique opportunities of
6 the presidential nominating process to initiate party-building
7 activities in the states with the cooperation and support of
8 the
9 state parties. These efforts should focus on those states and
10 regions in which there are no early processes, caucuses, or
11 primaries and in which there are indications of growth,
12 vitality, and promise for the future of the Democratic Party."

13 I so move.

14 CO-CHAIR HERMAN: Is there a second?

15 MR. ICKES: Second.

16 CO-CHAIR HERMAN: It's been moved and seconded. We
17 will now have the floor open for discussion on the amendment to
18 the report to add this additional language. I would say for
19 the
20 record before recognizing Mr. Torres that you're absolutely
21 right, Mr. Fowler. We did have a discussion on this and it was
22 in Chicago at the May meeting.

23 MR. TORRES: I'm wondering how this is different
24 from what our Chairman has implemented already in order to have
25 a 50-state strategy in helping every state with party-building
26 tools and staff.

1

MR. FOWLER: Well, this focuses directly on the

1 presidential nominating process. One example of what is
2 intended with this language is that beginning in probably the
3 summer, spring or summer of 2007, the Democratic National
4 Committee would sponsor a series of meetings or forums in
5 states
6 and regions where there are no early processes.

7 For example, in Mike Stratton's area, the Rocky
8 Mountain states. If there's one in New Mexico or Arizona, I
9 would suggest that this forum might be held in Denver or in
10 Washington State, or in Virginia, all of which are states --
11 all
12 of those states are states in which there's growth of the
13 Democratic Party, there's vitality there, there's leadership
14 there. I think by bringing the Democratic candidates for the
15 nomination to those states for a forum and a discussion,
16 that'll
17 provide a great deal of attraction for the state party,
18 incorporate those candidates' activities in the state party,
19 and
20 have a salutary effect on the Democratic Party in general.

21 It supplements what the Governor is doing now, Art.
22 MR. TORRES: Well, I realize that, but I just want
23 to make sure that we recognize what he is doing and what he has
24 been doing to help state parties across the nation. I think
25 that I don't have any objections to what you're doing, Don. I
26 just want to make sure that we recognize. Sometimes people

1 don't get credit for what they've done already ahead of the
2 curve and I just want to make sure that the Governor gets the
3 credit, because he has been very consistent since his election

1 to bolster party activity, to bolster party-building, and I
2 think this obviously would enhance that. But let's lay the
3 foundation and the infrastructure that he's already put into
4 place that has helped other state parties which in some cases
5 didn't even have staff to help them implement.

6 MR. FOWLER: I am keenly aware of what the Governor
7 is doing and greatly appreciative. He's put resources in South
8 Carolina and most other states and that's a very, very good
9 attempt. This supplements it. But this particular technique
10 of
11 party-building has never been used in our party.

12 CO-CHAIR HERMAN: Ms. Echaveste.

13 MS. ECHAVESTE: I want to support this motion. I
14 think that, absolutely recognizing that our Chair has really
15 made good on his promise to have a 50-state strategy and we are
16 seeing a lot of activity, but by connecting, by trying to
17 encourage activity in connection with the presidential
18 nominating process, it allows party activists to feel ownership
19 and become connected to and have an opportunity to get to know
20 some of these candidates in a way that doesn't get into the
21 nominating calendar that we've been discussing, but nonetheless
22 is important for building enthusiasm and knowledge. Our party
23 activists ultimately are the people who help us win elections
24 and we ought to encourage this.

25 CO-CHAIR HERMAN: Thank you.

26 Let us call the question --

1 MS. BRAZILE: I was just going to echo that remark
2 because I think about the Democratic governors in states like
3 Kansas and Oklahoma, Wyoming and Montana. Once we get down to
4 this presidential process, we often forget those states and we
5 have some important Democratic governors in those areas and we
6 want to make sure that our party continues its aggressive
7 outreach to those communities.

8 So I support this amendment.

9 CO-CHAIR HERMAN: We will call the question. All
10 those in favor of the language proposed by Don Fowler and
11 amending the report to include enhanced presidential outreach
12 party-building activity, particularly in those states that
13 would
14 not normally attract the kind of attention from our candidates
15 that we would see in a traditional cycle, please signify by
16 raising your hands.

17 (A show of hands.)

18 MR. McNAMARA: It's unanimous.

19 CO-CHAIR HERMAN: We have a unanimous vote. For
20 the
21 record, are there any members who are opposed?

22 (No response.)

23 CO-CHAIR HERMAN: Then the amendment to the report
24 carries.

25 CO-CHAIR PRICE: All right, that seems to be all
26 the

1 amendments that we have been noticed and we assume that is all
2 the amendments. We do have some work on report language.

1 Spencer Overton's going to work with us on strengthening the
2 sections on the Voting Rights Act. We've assured Senator Levin
3 that it'll be made clear that these rules apply to 2008. There
4 are a number of items which we -- and of course some editorial
5 cleaning up that we assume we are authorized to do, and we
6 would

7 invite you in the next few days to let us or the staff know
8 about any more such items, nothing of course that would change
9 the sense of what we're recommending.

10 I think, without any further amendments, what the
11 Co-Chair and I would like to suggest is that we move to a vote
12 on the balance of the report. We have approved the pre-window
13 aspect of the report. We now move to approval of the balance
14 of

15 the report. Let me explain a bit what this means and what it
16 doesn't mean.

17 We anticipate that we will have a discussion after
18 this vote, and we hope it'll be a good discussion and a full
19 discussion, in which we will talk about the within-the-window
20 recommendations with the help of Harold Ickes and Don Fowler,
21 who have been instrumental in putting together that proposal.
22 The report itself of course is a statement of principles. It's
23 a statement of concern about front-loading. It's an admonition
24 to the Rules and Bylaws Committee to make every effort to limit
25 front-loading, to achieve a spread of contests through the
26 window, and that it contains a sample of what a bonus delegate

1 scheme could look like.

1 So we have not heard of any amendments to that and
2 since there are some problems with people having to catch
3 planes

4 and so forth, we would like to move to what we anticipate will
5 be the last formal vote of the day, which would be on the
6 balance of the report. That of course also includes the report
7 language, the matter about 2012 and beyond, and so forth.

8 So do we have a motion that the balance of the
9 report be approved?

10 CO-CHAIR HERMAN: Before --

11 CO-CHAIR PRICE: I'm sorry. Go ahead.

12 CO-CHAIR HERMAN: Before entertaining the motion, I
13 would want to underscore for the record that the discussion
14 that

15 we will have on the bonus delegates afterwards would be a part
16 of the transmittal letter covering this report that Chairman
17 Price and I will send forward.

18 CO-CHAIR PRICE: I neglected to mention that, of
19 course. The gist of the discussion and any recommendations
20 that

21 come out of that discussion could be forwarded in the letter of
22 transmittal, as will a number of other things.

23 Do I have a motion that we approve the balance of
24 the report? Mr. Meek?

25 REPRESENTATIVE MEEK: So moved.

26 CO-CHAIR PRICE: Mr. Meek so moves. Second?

1 MR. ICKES: Second.

2 CO-CHAIR PRICE: All right. Any discussion?

1 (No response.)

2 CO-CHAIR PRICE: All in favor of approving the
3 balance of the report, please show it by an uplifted hand.

4 (A show of hands.)

5 MR. McNAMARA: 26.

6 CO-CHAIR PRICE: All right. All opposed?

7 (No response.)

8 CO-CHAIR PRICE: Any abstentions?

9 (No response.)

10 CO-CHAIR PRICE: All right, the report as a whole

11 is

12 approved and we do anticipate this will be the last formal vote

13 of the day. We urge you, though, to stay around because we've

14 had in the past enough pressures because of more controversial

15 matters that have often squeezed out the discussion of this

16 front-loading matter, which I actually think is a matter of

17 huge

18 importance, one of the most important things that we're

19 undertaking here. So we would like to move to a discussion of

20 that challenge and those proposals and we'll plan to do so at

21 this point.

22 Harold and Don, how would you like to proceed?

23 MR. ICKES: Go ahead, Don.

24 CO-CHAIR PRICE: We'll recognize Mr. Fowler.

25 MR. FOWLER: This essentially is Mr. Ickes' idea.

26 I

1 put a frame around it. The intent of this is to encourage
2 states to move later in the process, later meaning March,
3 April,

1 May. We believe that if we offer a sufficient number of bonus
2 delegates to those states that it will have the combined effect
3 of keeping states that are currently scheduled to go late at
4 their current point in the calendar and perhaps could even
5 encourage some states that are now scheduled in February and
6 March to move later, so that we will have a process that is
7 more
8 uniform and spread out and permit the opportunity for Democrats
9 all over the country to see and experience and understand who
10 the candidates are better and to participate actively in the
11 process.

12 CO-CHAIR HERMAN: Mr. Fowler, before you continue I
13 need to make a brief announcement for the sake of the media
14 that's present. We have made a decision, and I'm going to look
15 to the members of the Commission, that we will continue this
16 discussion now, we will not break for lunch, and we will
17 adjourn
18 after this discussion and we will have media availability after
19 the discussion of the bonus delegates. So there will not be a
20 lunch break for the Commission.

21 MR. FOWLER: Mr. Ickes at a previous meeting said
22 in
23 effect that these effects are good and that we should attempt
24 to
25 adopt a program of bonus delegates for those states to stay
26 late

1 or to move late. What I did was divide the period of time
2 between the first week in February and the first week in June
3 into six three-week increments and suggested a series of
4 increasingly large bonuses beginning at zero for the first
5 three

1 weeks and ending at 50 percent for the last three-week period.

2 The staff and others have had suggestions,
3 conversations, and received suggestions from a number of other
4 people and they have arrived at the numbers and the stages
5 found

6 on pages 41 and 42. The particulars of these I think are not
7 written in stone. They are there as talking points and to
8 provide a frame of reference.

9 I think it's a good idea. I think the bonuses have
10 to be substantial to work and that's the essence of the idea.
11 I'm sure Harold can elaborate on those effectively.

12 CO-CHAIR HERMAN: Mr. Ickes.

13 MR. ICKES: Thank you. Just a few points to add to
14 what Don has said. I think there is unanimity around this
15 Commission and abroad among many, many Democratic leaders that
16 the system we have right now is sort of goofy. It's not by
17 design. It's sort of catch as catch can. It developed over
18 the
19 years.

20 The fact is that in '04 we knew who our nominee
21 was.

22 There was some malice aforethought in that, but that led to a
23 seven-month general election, which under any stretch of the
24 imagination is just a goofy system. We wonder why people
25 aren't

26 engaged and enthusiastic about participating in the political

1 process. Nobody, nobody, even the most, even the most, those
2 of
3 us who look at this all the time, have the stamina for a
4 seven-month general election. It just makes no sense.

1 We can't willy-nilly or just by a wave of a magic
2 wand move it back. But what Don and I thought was to try to
3 provide real incentives to persuade states to move further back
4 in the calendar.

5 It reminds me of 1968, when we had a winner take
6 all
7 both, I think in New Jersey, but certainly California. In 1972
8 we had it as well. Maybe we ought to return to the winner take
9 all process as an inducement as well, although I think Roxanne
10 would have a conniption.

11 But what we -- we looked at -- the Republicans
12 tried
13 this in 2000 for their 2000 process and they had bonus
14 delegates
15 that ranged at a minimum of 5 percent up to a maximum of 10
16 percent. It did not work. I'm not sure why it didn't work. I
17 think one of the reasons was that the inducements simply
18 weren't
19 -- the inducements were simply not rich enough.

20 So as Don said, what we have come up with is a
21 proposal, and I'll walk through how it sequences out, to try to
22 provide enough inducement to give certain states -- not all
23 will
24 move -- to give certain states incentive to move. The
25 Commission's report does not take a position on whether
26 penalties should be imposed. I think both Don and I feel that,

1 in addition to inducements, that is bonus delegates, we should
2 impose penalties. The Commission makes passing reference to
3 that and that obviously will be up to the Rules and Bylaws
4 Committee, whether or not to come up with a system of bonuses

1 and penalties or only bonuses.

2 But let me just walk through what the Commission's
3 proposal entails. Before doing that, let me just point out --
4 and these are not apples to apples comparisons. But in 1972
5 before we had a window and when our new rules were just getting
6 started, 17 percent of the bound delegates were allocated by
7 mid-April. Fast forward to 2004, keeping in mind that between
8 '72 and '04 a window had been imposed and that the window in
9 '04
10 had been moved up by a month to the first Tuesday in February.
11 It had traditionally been -- not traditionally, but for a
12 number
13 of years, a number of cycles, had been the first week in March.
14 But 71 percent of the bound delegates had been allocated by the
15 second Tuesday in March, 71 percent compared to 17 percent by
16 mid-April in 1972. That is a dramatic, dramatic shift. I do
17 not think, I for one who have watched this process and
18 participated in it beginning in 1968, do not think it serves
19 our
20 party well, I don't think it serves the candidates well, and
21 most importantly I don't think it serves the American people
22 well.

23 So hopefully what we are proposing here will be
24 rich
25 enough for certain states to start moving their process
26 backwards towards June. It won't happen overnight and it'll be

1 incrementally. But the essence of the proposal is as follows.

2 The window opens -- and this obviously is based on

3 a

4 series of assumptions and it is also based on the states that

1 were -- the schedule of the states in '04, which will not
2 necessarily hold true for '08. But the window opens on
3 Tuesday,
4 February 5th. So for the four-week period from February 5th to
5 the 3rd of March, there is a proposal that there will be no
6 bonus. Whether or not there should be a penalty will be
7 subject
8 to further discussion. But at this point, no bonus, no
9 penalty, for states that stay in that particular period. Right
10 now, based on the '04 schedule, there were 20 states, 20 states
11 scheduled for that period of time, and 964 bound delegates will
12 be selected in that four-week period.

13 The next period will be the 4th of March, Tuesday,
14 up through the 17th of March, Monday. That is a two-week
15 period. There will be 14 states under the '04 schedule. 1,279
16 bound delegates, 36 percent of the bound delegates, will be
17 selected in that period. We're proposing there that states
18 that
19 move into that period, that is that move from a prior date back
20 to the March 4th to March 17th period, will get 15 additional
21 delegates.

22 The next period would be the 18th of March through
23 the 7th of April. That's three weeks period. Only three
24 states
25 are currently scheduled for that period. Again, this may
26 change. 182 delegates. What we're proposing there is that any

1 state that moves from a prior date into this new date would
2 receive 20 percent bonus delegates.

3 The next period would be the April 8th through the

1 29th -- I'm sorry -- the 8th of April to the 28th of April, a
2 three-week period. Currently only two states are scheduled for
3 that. As you look at this you see how thin this middle period
4 is. 204 delegates, bound delegates, are chosen, 6 percent of
5 the total bound delegates. We're proposing there in the report
6 that if a state moves from a prior date back to those dates or
7 stays where they are -- Colorado, Pennsylvania -- they will
8 receive 30 percent bonus.

9 Then finally, the final period is a six-week period
10 from the 29th of April to the 10th of June. Right now ten
11 states are scheduled, 757 bound delegates. We're proposing
12 there that if a state moves into that period or stays where it
13 is, such as California, they will receive a bonus of 40 percent
14 additional delegates.

15 So it's a fairly straightforward proposal. As Don
16 said, these percentages -- there's nothing magical about the
17 percentages and there's nothing magical about the time dates or
18 the time periods that have been chosen. We think that on
19 balance it meets the reasonable test and the sensible test.

20 You
21 can fiddle around with both the percentages and the time
22 periods, but we do think that this at least lays out for the
23 Rules and Bylaws Committee a suggestion of how to proceed on
24 that. There may be some fiddling with it.

25 But we do think that it merits a try. It may not
26 work or it may work, and if it works it's going to be

1 incrementally and it'll be not overnight. But the only other
2 way of trying to deal with front-loading, which everybody
3 wrings
4 their hands about in despair, you can either force states,
5 which
6 we don't have the political muscle and the fortitude to do, or
7 we can induce them.

8 There are other inducements. I was sort of tongue
9 in cheek when I suggested going back to the winner take all
10 primary. I don't think we're ever going to do that. But this
11 is a fair and reasonable proposal and we think it makes sense.

12 So that's sort of the sum of it.

13 CO-CHAIR HERMAN: Thank you very, very much for a
14 very detailed and thoughtful proposal from both you and Mr.
15 Fowler, Mr. Ickes. I will now invite comments from Commission
16 members. Mr. Ed Turlington.

17 MR. TURLINGTON: A brief comment. First of all,
18 Don
19 and Harold, thank you for great work. You both have a lot of
20 experience here, so this is obviously a well thought out
21 proposal.

22 A couple of thoughts I have for the Co-Chairs and
23 the Commission. First of all, this is another example of how
24 our report is broad-based and aimed towards improving the
25 entire

1 process. This won't be the headline tomorrow, but it may be
2 one
3 of the more significant things we do in our report, even if it
4 only has limited success.

5 Second of all -- and I defer to our Co-Chairs, our

1 staff, Chairman Dean, and others -- as this, as our report, is
2 transmitted out to the state parties, if I was sitting in a
3 state party or I was a Democratic governor or a legislator it
4 would be significant to me that there are incentives, there are
5 carrots to move to these places. Even in the last cycle, the
6 '04 cycle, states like Wisconsin that were in mid-February by
7 itself -- and I know we're trying to encourage people to go to
8 March and April. There may be some states who haven't had
9 influence before who see this as an opportunity not only to get
10 more delegates, but to take a chance that in March and April
11 they might have some influence.

12 So thank you. I support it and I encourage us as
13 we
14 transmit it to show the carrot aspect here so maybe some states
15 will go for this good idea.

16 CO-CHAIR HERMAN: Spencer Overton.

17 PROFESSOR OVERTON: Yes, thank you, Madam Chair.

18 I think this is an important proposal both in terms
19 of influencing, enhancing the influence of voters later on in
20 the process and economic and geographic and racial diversity.

21 I
22 guess one question I have to the drafters might be, there seems
23 to be a stage that's between February 5th and March 3rd that is
24 not acknowledged in terms of an enhancement, and I think that
25 there is an argument that should these states have some
26 enhancement over the pre-window period, those states in the

1 pre-window period. So in other words, I guess the question is

1 is there any response or counter-argument to the notion of a
2 graduated scale that starts with stage one between February 5th
3 and March 3rd and then goes up 10 percent every three weeks, so
4 basically following what you've done, but giving voters in that
5 first block some enhanced notion, because currently they're
6 treated like people, voters in the pre-window period who
7 arguably do have an advantage.

8 MR. ICKES: Well, my response to that would be this
9 proposal is designed to try to persuade some or a substantial
10 number of those states in the February 5th to March 3rd period
11 to move back. So to give them bonus delegates for staying
12 where

13 they are I think would be contrary to the purpose of this
14 proposal. But Don may --

15 MR. FOWLER: That's the same answer I would give.

16 PROFESSOR OVERTON: Excuse me. Wouldn't the
17 incentive stay the same if we also increased the percentages in
18 the later stages? In other words, if between February 5th and
19 March 3rd there is a 20 percent spread right now, right, under
20 your plan, if we still gave everybody a 10 percent bump as I'm
21 suggesting it seems like there would still be a 20 percent gap
22 and states would still have incentives to move back.

23 So I guess the point is it wouldn't take anything -
24 -

25 it wouldn't encourage states to stay up front. I think it
26 maybe

1 just would not enhance those pre-window states as much in their
2 influence.

1 That was inarticulate, but I hope you understand my
2 point.

3 MR. FOWLER: I understand exactly what you're
4 saying, and I think this was just a rule of reason that if you
5 gave a bonus to those early states within the window that would
6 deter them, that would be a disincentive to move later. You're
7 right, it might be a motivation not to move outside the window,
8 but there would be no motivation to move later, and at least
9 Harold and I think that we have too many clustered right at the
10 point of the window and we need to move in the theoretical
11 world
12 more states later, and to give them a bonus would just
13 encourage
14 them to stay there.

15 There's another, practical consideration, too, and
16 that is by what number are you going to increase the number of
17 delegates to the convention? Under my original proposal it
18 would be about 600 as best I can guess, 6 to 650. Under this
19 modified proposal that's in your report, it would be something
20 less than that. There is a number somewhere where there are
21 too
22 many delegates. It has an impact on how many cities we can go
23 to because of not having a facility that can accommodate all
24 our
25 delegates. So those kinds of considerations played a role in
26 that.

1 CO-CHAIR HERMAN: One last comment here and then we
2 need to move to another.

3 PROFESSOR OVERTON: Great, thanks.

1 How would you be for discounting the pre-window
2 states by 10 percent? So in other words, not adding to the
3 February 5th through March 3rd, but actually discounting, so
4 you
5 would have the effect of a graduated scale?

6 MR. FOWLER: Speaking for myself, you'd very likely
7 get my vote on that.

8 CO-CHAIR HERMAN: Mr. Stratton, I think this will
9 be
10 the last comment.

11 MR. STRATTON: Well, I think -- Madam Chair, thank
12 you. I think this is obvious, but maybe -- one, I'm very
13 supportive of this concept. Two, one of the other maybe
14 cross-references we can make here in the report is, Mr. Fowler
15 has spoken earlier about party-building, in non-battleground
16 states in particular, and in states that aren't necessarily in
17 play or battleground states there's no better way to develop
18 leadership, bench strength, and achieve party-building than
19 this
20 kind of thing.

21 If we have some state that has five or eight or six
22 more delegates than they previously had, those are five or six
23 or eight more potential county commissioners or state
24 representatives or what-not in the process. So I think we
25 ought
26 to also reference this as a tool of party-building.

1 CO-CHAIR HERMAN: Thank you very much for that
2 additional comment, Mr. Stratton.

3 If there are no other comments from Commission

1 members, I believe that this is what we would call a rap and we
2 are now at the concluding moments of our Commission.

3 Congressman Price, if you would allow me the liberty of saying
4 thank you again to the Commission members before asking you for
5 the adjournment call.

6 I was born and raised in Mobile, Alabama, and
7 growing up there I was always taught that there's no duty more
8 urgent than that of returning thanks. So I want to say again
9 my

10 heartfelt thank-you to the members of this Commission, to the
11 staff who have labored so diligently throughout the process.

12 I think that we have made enormous progress in
13 submitting this report, these recommendations, to Chairman
14 Dean.

15 In accepting this report, should he choose to pass it on to
16 the

17 Rules and Bylaws Committee, obviously we are signaling that we
18 are the party of change for the future, and I believe that we
19 have laid out a very strong process for what we can do to begin
20 setting the stage for an inclusive victory in 2008 for our
21 nominee.

22 So again, my heartfelt thanks to each of you, and
23 to
24 you and your families, merry Christmas, happy holidays.

25 MR. FOWLER: We all should give the Chairs a big
26 round of applause.

1 (Applause.)

2 CO-CHAIR PRICE: Thank you. It's been a great
3 experience. It's been rather intense at times, and now we're

1 done. I think we can feel that the job is well done. I think
2 Ed Turlington's comments about this being a reform package that
3 we can go forth and speak about with pride is exactly the way
4 we
5 have seen this and ought to portray it.

6 I want to say a word before I put the adjournment
7 motion about the Co-Chair, Alexis Herman. I had not worked
8 with

9 Alexis before this experience. Now I have a better
10 understanding of the kind of reports I got secondhand for a
11 long
12 time that we had never had a better Labor Secretary and that
13 she
14 is an outstanding public servant. So it's been -- we've had a
15 tag-team operation here from the beginning, which I think has
16 worked well, and it's been also a pleasant personal experience
17 for us, most of the time. We have had some intense moments and
18 I think we've gotten through them quite well with some issues
19 that aren't easy to work out. We all knew that going in, that
20 we had some disagreements here that we were going to need to
21 work through in a creative way.

22 Thank you for all of your work.

23 Do I hear a motion to adjourn?

24 VOICES: So moved.

25 CO-CHAIR PRICE: It's been moved and seconded. All
26 in favor?

1 (A chorus of ayes.)

2 CO-CHAIR PRICE: The meeting is adjourned.

3 (Whereupon, at 1:07 p.m., the Commission was adjourned.)