

Point

Nomination Should Go To the Winner in Primaries and Caucuses-Balance

By Bala Prasad

Why nomination should be given by a party only to a candidate who has entered in a primary is not a complicated problem. You want to be President of the United States, you present your case to John Q. Public who are members of your party to support your candidacy and that is how you win the nomination. Then you beat the other guy in the general election.

Over the centuries this system has evolved to give the “one person, one vote” strength. Party bosses should not have the power to override the voice of the public. This goes back to the time of Washington and Jefferson. Even Lincoln was nominated by his party and not anointed. He won the nomination on the third try. Of course there were no primary in those days. But since the advent of the primary, its result has been ignored only once and that too at the peril of the party. It was in 1968. The sitting President, Lyndon Johnson, had decided not to run. Eugene McCarthy and Robert Kennedy ran for the nomination. Neither had locked up the nomination before the latter was shot dead, a national calamity. The Democratic Party Convention took place in Chicago, and Hubert Humphrey was nominated as the democratic office bearer without having run in a single primary. He lost in the general election. Again in 1972, because of their dislike for the nominee, George McGovern, the democratic convention invented the rule of super delegates. This again no doubt was to circumvent the wish of the public.

The rule of democratic society is very simple. One person, one vote. When one achieves majority, every other rule, regulation or conjecture is superfluous. Whether we like the nominee or not is not important. The will of the majority should trump everything. This is very much like Supreme Court decisions. It's the law of the land and whether we like it or not, must be obeyed.

Counterpoint

Open Convention Has Its Value

By Anil Shrivastava ‘Musafir’

Many of us have this false notion that the person winning the most delegates in primaries and caucuses should automatically win the nomination of his or her party. The truth is that legally delegates are not bound to vote for the winner until the party decides so.

Because the primaries get so much attention, people often forget that in the end it is the delegates who award a presidential candidate the nomination. There is no law anywhere that says these delegates can't do exactly what they want to do if a majority of them decide. The Supreme Court has ruled on more than one occasion that political parties are protected by the First Amendment's freedom of association and thus in most conflicts between state law and party rules the party rules win.

Brokered conventions also occur when there are deep splits inside the Party—splits that can't be easily resolved. Deep splits inside the party are generally also accompanied by a wide-spread belief that the front-runner coming into the convention is weak and almost sure to lose in November. That was certainly true for McGovern in 1972 and for Presidents' Ford (1976) and Carter (1980)—both of whom lost.

The reason we haven't seen a brokered convention in more than half a century is that these days the voters in the primaries and caucuses usually manage to have awarded someone the most delegates before the conventions meet. As that happens, the other candidates drop out leaving the party with one nominee. Thus when the actual delegates are chosen and go to the convention, they don silly hats and cheer for the television cameras and, off-camera, they plan to turn out the vote in November and conduct their own state and local party business.

But just because it hasn't happened in a long time doesn't mean that it can't happen. If there was ever a year for it—2016 is it.