



**MR. SABATO:** Geri, thank you so very, very much. That was exactly what we hope the day will bring. Geri Ferraro told you what she liked about the Constitution and what she disliked about the Constitution and what she wanted to keep the same and what she wanted to see change. And we just want a debate and a discussion. And we hope that all of you are going to participate in it.

Now, before we begin our first panel discussion and before I introduce our distinguished moderator for the day, I'd like to draw your attention to two important matters. First, the books written by our guests today -- and there are about 20 plus of them -- can be purchased from our friends from Borders who have a book store set up in the front lobby. And that is the only legitimate reason for getting up during the program is to go out there and buy those books. As I always tell people, they make wonderful holiday gifts. And you may even get a discount if you argue with the Border's representative.

But, in any event, please take a chance to do that. And maybe some of the guests here today would sign them for you and inscribe them and, you know, for the students call you the best student in American History, something like that, for your parents.

Second, you may notice in your program, we've included a ballot. This is a constitutional convention after all. And I'm sure you didn't think you would get out of here without voting on something. The ballot includes a series of hypothetical questions that might appear on a ballot if a constitutional convention were called for the purposes of amending the Constitution.

Please take the time to vote your opinion on these issues. Just mark the ballots by 3:00 p.m. Listen to the discussion first. Please don't mark them immediately. I've detected a very disturbing trend in modern American debate not to listen to the debate. Everybody has an opinion, but nobody wants to learn. People love to critique books without reading them.

This is unusual. You know, when I was in high school, we at least read the Cliffs Notes. People don't even do that anymore. So it's really disturbing. And I think television has a lot to do with that -- apologies to Bob Schieffer; it has nothing to do with Bob Schieffer.

Okay. Over the last several weeks, through our signature program at the Center for Politics called the National Youth Leadership Initiative, we've posed many of these same questions to schoolchildren all across the nation, beginning on Constitution day, which I'm sure you know is September the 17th every year.



We launched a national effort to conduct mock constitutional conventions in America's schools. We developed lesson plans and created a secure on-line balloting system for students to vote on many of the same amendments that we're asking you to consider here. I'm happy to announce that it was a tremendous success. We have students from all 50 states participating as well as students in the District of Columbia, many U.S. territories, a host of American Department of Defense schools around the world.

Later on in the day, we're going to tally your votes and add them to the results from the schools. And we had hundreds of thousands of young people in all 50 states and around the world voting in this mock convention. So the numbers will be, I think, astounding to many of you.

Now I'd like to introduce a friend and universally-respected journalist who's agreed to serve as the moderator of our first two panels today. I really appreciate his interest in substance. I don't want to say it's rare in television journalism. But, increasingly, I'm afraid it is and particularly on subjects like this. There's no gossip and sex in the Constitution. There may have been at the convention. We don't know. Journalists weren't as inquiring as they are today -- but no gossip or sex so it doesn't tend to draw much interest from television. Thank goodness for our print friends. They are interested.

Bob Schieffer, long one of America's leading broadcasters, serves as host to CBS's Face the Nation. He's covered Washington for CBS News for more than 30 years and is one of the few broadcaster print journalists to have covered all four major beats in the nation's capitol -- the White House, the Pentagon, the State Department, and Capitol Hill.

Bob Schieffer has covered every presidential campaign and been a floor reporter at all of the Democratic and Republican National Conventions since 1972. He began anchoring Face the Nation in May 1991. He's won so many broadcast journalism awards I couldn't name them all. But they include six Emmy Awards, and I think he's up for the Nobel Peace Prize next year. I'm going to be nominating him. I think he's as deserving as Al Gore.

In 2002 he was chosen as broadcaster of the year by the National Press Foundation. Not content to be an award-winning broadcaster, Bob began moonlighting as a country singer at a Washington benefit last fall where he performed Anchorman with an enthusiastic singing style that can probably best be described as Johnny Cash meets Rex Harrison. Bob Schieffer has received so much encouragement that he has since released a CD entitled "Road Kill Stew and Other News." And we recommend that to you, too.



Washington is not really home for Bob Schieffer. He's a native Texan. He grew up in Fort Worth where he cultivated a passion for baseball. An avid fan of the Fort Worth Cats, Bob pursued a career in baseball when he attended TCU. Sadly, Bob's college career terminated abruptly when he was hit by a pitch by the nephew of the famous Dizzy Dean.

Would you please join me in welcoming our convention moderator for the day, Mr. Bob Schieffer.

*(Applause.)*

**MR. SCHIEFFER:** Thank you. Well, we have a very distinguished panel here to talk this morning. And I think we're going to let everybody come out; and then I'll do a brief introduction, and we'll get started.

I know all of you have resumes -- well, all of these people here. And they are all very well-known so I'm going to kind of abbreviate the introduction here.

Let me just start out -- I think we're all here. Robert Bishop is a member of the House from Utah's First District, his first term beginning January 2003. He's on the Armed Services Committee, the Resources Committee, the Science Committee. He's also on the Congressional Constitution Caucus. I think the most impressive thing about the Congressman is for almost 30 years before being elected to the House of Representatives, Congressman Bishop taught high school history, government, German, and he coached debate. We often talk about people being on television who are opinion makers. But, you know, I've run into a lot of people who can't remember what I said yesterday on television. But when I talk to people and say, Can you remember something that your favorite teacher told you, everybody in the room raises their hand. And so, Congressman, we're glad to have you.

Donna Brazile is one of the most admired and well-known political strategists today. She's the founder, the managing director of Brazile & Associates. She's an adjunct professor at Georgetown University. She is the former campaign manager for Gore-Lieberman in 2000. She was the first African-American to lead a major presidential campaign. She's also a weekly contributor and political commentator on CNN's Inside Politics. And you also see her with Wolf Blitzer on The Situation Room. Ms. Brazile, we're proud to have you here today.

Paul Freedman is the associate professor at the University of Virginia -- an associate professor. He serves as associate professor focusing on public opinion, media and politics, and research methods. His current research projects focus on campaign advertising and issue framing. He's the 2003 recipient of the University



of Virginia Alumni Board of Trustees Teaching Award. Mr. Freedman, thank you for coming today.

Congresswoman Eleanor Holmes Norton, she is the delegate from the District of Columbia. She's spent a lot of time -- she's in her ninth term now -- trying to get the vote for those of us who live here in the district. And she works full time on that and for full democracy for people of the District of Columbia. Congresswoman Norton, thanks to you for coming this morning.

Lowell Weicker, down now on the end, he's spent more than 30 years in politics and government, representing the people of Connecticut. He was elected to the Assembly in 1962. He was elected to the U.S. Senate in 1970. He was on the Watergate Committee. And these days, as various television people are going back looking for TV clips -- Fred Thompson, who was the counsel on that committee -- you run into a lot of pictures of Lowell Weicker, who was one of the key members of the committee. He today serves as president of the Trust for America's Health, which is a non-profit dedicated to improving the nation's public health system.

Fred Barnes, right here, is one of my oldest friends. Fred and I covered the White House together when Jimmy Carter was President and when President Ford was President. In those days he worked for the Washington Star. Today he's the executive editor of the Weekly Standard. He's had an outstanding career in political journalism. He is the host now, along with Mort Kondracke of the Beltway Boys on the FOX News Channel. And he also appears regularly on FOX's Special Report with Brit Hume.

Jamie Raskin is the professor of constitutional law at American University's Washington College of Law. He is the author of dozens of essays and law review articles and several books, including the very best-selling *Overruling Democracy, The Supreme Court Versus the American People*. In 2006 he won 67 percent of the vote in the Democratic primary for the State Senate from Maryland's District 20. And then, if this is right, it says in November he captured 99 percent of the vote in the general election. And he is a member of the Maryland State Senate. The Washington Post has described him as the Senate's authority on constitutional issues.

Have I gotten everybody here? I believe we're all here.

Well, we want to talk on this panel about the way we elect Presidents, the way we elect members of Congress, the whole electoral process. Campaigns these days take longer, and they cost more. Yet who would say they are providing better candidates than this country has seen in times of years past? Perhaps just as good, but who would say this system is producing better candidates?



We saw one sign of how we have come to view our campaigns and those who seek the presidency just last week when Former Vice President Al Gore won the Nobel Prize. His friends said he had vindicated himself, that he now had the stature to be a major figure on the world stage and a voice of authority. Yet his friends said if he chose to run for President, he'd be just another politician, which to me is kind of a sad commentary on how we've come to view this whole process.

So today I guess we'll talk about: Has our political system and is it producing the best candidates, or is it just attracting those to public office who are willing to spend their lives and most of their day begging people from money?

Let me just start out -- and I'll just -- since you're on my left, Fred Barnes, what do you think of our -- the way we go about electing our candidates today?

**MR. BARNES:** Well, it's obviously unsatisfactory. I mean, the worst thing we see now is right in front of us; and that is the presidential primaries and caucuses, which are going to be crammed into one month. It's a lousy way to serve the voters. My impression is voters don't start paying attention to presidential races until the voting is near or -- and even if you're in California, you'll start watching when the voting is going to be in Iowa and New Hampshire.

But it used to be, if you remember the way the primaries work, they would start in early February or late January and go until the first Tuesday in California -- Ohio, California, the first Tuesday in June, when California, Ohio, and New Jersey would all have their primaries. And they used to matter. This was four months later.

Seeing the candidates, how they react to winning and losing and so on, over time, when voters are really paying attention, matters. I'm afraid we can't do anything about these. I think it's Lamar Alexander, the Senator from Tennessee, has a bill that would -- that would require regional primaries, four regional primaries, I think in March, April, May, and June, the first Tuesday in those months. So maybe they would -- maybe allows them just to be -- there are other proposals. I think Larry Sabato, in his book, has a proposal where you could have them -- you'd have to have them in a certain month -- I mean a certain Tuesday in that month. But you would be -- if you were in the Northeast, say, you'd be required to have your -- your primary in March.

The problem here is we can't solve this. I think there's a -- the states have to do it. There's a federalism problem here. The states are going to have their primaries and caucuses whenever they want. And I don't think we can do anything about it.



But it is -- it is too bad we have this horrible system. And I have no idea who the Republican nominee -- I have a little more idea who the Democratic nominee is. But that -- regardless of that, it's a crummy system where actual voters are really only paying attention for about a month or six weeks. We need longer than that to really see the candidates and -- and if you -- I have to watch all these presidential debates on television.

They've gotten a couple million people. I think the last one got 3 million viewers. That's out of 300 million people in America. And these are the people that are activists in politics. But they, I think, were paying attention, but the rest of the people aren't.

The -- by the way, you know, I've experienced what you have, being on television where people never remember a word you said, but they always remember your ties. They tend to see them because, you know, you're there from the waist up. They see your tie. And that seems to be more memorable, at least in my case, than anything I've said.

**MR. SCHIEFFER:** There probably is not a constitutional remedy for that, however.

**MR. BARNES:** You know, one thing, if you all had read Larry Sabato's book, which I have, *A More Perfect Constitution*, where he proposes -- mentions, at least, 23 potential constitutional amendments, one of the achievements of the book -- and I'll have to say I only agree for sure with one of the amendments, and I'll get to that in just a second -- he really demystifies or de whatever it is the idea of a constitutional convention. I used to think it was a scary idea. But it's really not. You elect the -- you elect the delegates to the convention. And anything they pass has to go through the states and be ratified. It makes sense. You know, it used to be that liberals thought a constitutional convention would repeal the First Amendment, and conservatives thought it would repeal the Second Amendment. You know, that's not going to happen.

It really and clearly -- the process of going through Congress is one -- if you want to reform Congress, certainly isn't going to work. So you have to have a constitutional convention, and I -- Larry Sabato has made a great case for that.

**MR. SCHIEFFER:** Let me just ask one of the lawyers on the panel here: Would you have to have a constitutional amendment? Couldn't you simply pass a law that maybe had some sort of a lottery where you have regional primaries, whether -- and would just -- or would that be challenged on constitutional grounds? One of the lawyers, what would you say?

**MR. RASKIN:** Well, I think it would be perfectly constitutional for either the states to organize it themselves or for Congress to get involved through its power to



regulate the time and place and manner of elections. There's no problem with that. I mean, the real issue is the Electoral College itself. Think about it. When the country started, there were a series of undemocratic mechanisms that were built into the Constitution, which we have, over the centuries, been able to reverse and undo. For example, we had the state legislatures choosing U.S. Senators. And then with the Seventeenth Amendment in 1913, we went to direct popular election of Senators.

When the nation began, despite, you know, President Lincoln's beautiful statement about government of the people by the people and for the people, the electorate was basically Christian white male property owners over the age of 21 in the states, according to state law. Well, with the Fifteenth Amendment -- the Nineteenth Amendment giving women suffrage, the Fifteenth Amendment saying no race discrimination in voting, the Twenty-third Amendment giving people in DC the right to participate in presidential elections, the Twenty-fourth Amendment banning poll taxes, the Twenty-sixth Amendment extending the right to vote to 18-year-olds, we've seen this steady extension of the franchise.

In fact, you know, since the Bill of Rights was adopted, there have only been 17 amendments. And two of them cancel each other out, Prohibition and Anti-Prohibition. Of the remaining 15, 13 of them deal with who gets to participate, who gets to be involved in our politics. And so I think what we need is a constitutional amendment to guaranty the right of every citizen in the United States to vote and to be represented so we don't get situations like 600,000 tax-paying American citizens, who Congresswoman Norton represents, being disenfranchised and not having the right to vote in the House and the Senate, and you don't get millions of people --

*(Applause.)*

**MR. RASKIN:** -- you don't get millions of people living in federal territories -- Puerto Rico, American Samoa, Guam, the Virgin Islands -- without any representation in the government that passes -- passes their laws.

So I think that the Electoral College is a relic. It's an anachronism. It's deeply rooted in slavery politics at the time of the -- that the Constitution was written. It's undemocratic. It doesn't give us the majority vote winner. It gives us the person who can sew together a majority of Electoral College votes from the different states. And it leaves two-thirds of America essentially on the couch as spectators in the presidential election because we live in safely red or blue states.

I'm from Maryland, safely blue state. We're ignored by the Democrats. We're ignored by the Republicans. DC, ignored by both. California, safely blue,



ignored by both. Texas, safely red, ignored by both. So the election comes down to a handful of states.

And so I think if we really want to revitalize our politics and transform the way that American politics works, then we've got to get rid of the Electoral College and move to a national direct popular election for President the way most of the world does it.

**MR. SCHIEFFER:** All right. Let me go back just to the system of primaries. And now we're moving all of them up into January and the first week of February. We're now talking -- some people think that the New Hampshire primary is actually going to be sometime in December.

Donna Brazile, you managed a national campaign. When you jam all these primaries together like this, aren't you just making it a lot easier for the front runner -- aren't you just making it a lot easier for the candidate who's able to raise the most money and buy the most commercials to win the nominations in both party [sic] because, after all, when you have primaries -- 25 primaries on one day, you're at the front of the system, like it is now, been so front loaded. It's the person who has the money to buy the commercials that has the advantage, does he or she not?

**MS. BRAZILE:** Absolutely. And let me just, in full disclosure, tell you that I'm -- in the past, I think I've been part of the problem. And those of us who have served on the Rules Committee of both political parties, we have used the rules, tampered with the rules, re-written the rules to help our candidate have a unique electoral advantage.

I'll give you a good story. In 2000, when I -- I was appointed to the Rules Committee by both Former Congressman Gephardt, who was at that point lead in the House, a Democratic leader, and Former Vice President Al Gore. So I was a two-for. I had the support of two strong politicians.

My role on the Rules Committee was not just to ensure that the state parties complied with the rules but also to ensure that my candidate -- and at the time it was Al Gore -- could put together a nominating calendar that would help him secure the nomination.

We made a decision, of course, that our New Hampshire would be given the traditional waiver to go ahead of the schedule. And afterwards we decided, because Al Gore would win in our Hew Hampshire, that we would create a system by which five weeks would -- would be created so that Bill Bradley would not have any opportunity to have a contest or have an ability to recover from his losses in our New Hampshire.



Now, on the Republican side, they had a different set of rules that enabled then Governor Bush to take advantage of his party rules and put states in between that would give him an electoral advantage.

By March 7, when 16 states held their primary caucuses, Al Gore won all 16 states. And, effectively, we secured the nomination. And 33 states had not one word, not one -- 33 states had no participation at all in the 2000 electoral process in nominating Al Gore.

There's no question that the system is broken. It's broken on both sides. And the Supreme Court ruled -- and here I'm not a lawyer so I can defer to the lawyers -- in 1981 that the state -- that the national political parties is -- they are responsible for putting together the rules for their nominating system.

**MR. WEICKER:** Decisions are made when everybody's agreeing. It is. And that can be very well proved by the course of history, the history in this town.

**MR. SCHIEFFER:** All right. Well, we have --

**MR. WEICKER:** Let me just -- so if I can just finish.

**MR. SCHIEFFER:** Yes, sure.

**MR. WEICKER:** I want debate over everything we do. There's no -- there's no sacred area. And I certainly want other voices other than Democrats and Republicans to be a part of that debate. And I think you're seeing what agreement has brought us in the way of government. And it is exactly the reason why the American public aren't voting. You want to have them start voting again? Start getting some people into the races that are neither Democrat nor Republican --

**MR. SCHIEFFER:** All right.

**MR. WEICKER:** -- to stir the pot.

**MR. SCHIEFFER:** All right. We have about 15 minutes left. There are microphones in both aisles here, if you'd like to start lining up to ask some questions. And while you're doing that, let me just -- maybe we could get very short answers to this.

Professor Sabato has proposed an amendment in which Former Presidents and Vice Presidents are given the option of serving as national Senators with full voting rights. The intent is that the nation would benefit from their experience.



Could you foresee an official role for past Executives? I would just say I would vote no. Fred?

**MR. BARNES:** No.

**MR. SCHIEFFER:** Congressman?

**MR. BISHOP:** The Senate's arrogant enough already. No.

**MS. BRAZILE:** No.

**MS. NORTON:** God, no.

**MR. RASKIN:** Absolutely not. The only place it's been tried is with President Pinochet in Chile.

**MR. SCHIEFFER:** Senator Weicker.

**MR. WEICKER:** May I suggest they do what John Quincy Adams did, go back and run for office after you've been President.

**MR. SCHIEFFER:** Where are those microphones out there? I'm looking for people who may want to ask some questions. Are you over there? Yes. Okay. Let's go to the questions.

**FROM THE AUDIENCE:** The purpose of this convention is to explore the possibility of Congress convening a National Constitutional Convention. And that, of course, is based on Article V of the Constitution, which most of the panel are very familiar with. It is widely known that the two-thirds requirement of the states petitioning the Congress to convene a convention has been met many, many years. And I've been told by some organizations that all 50 states have now submitted requests of the Congress, but yet the Congress ignores this request that is mandated in Article V.

**MR. SCHIEFFER:** So what is your question, sir?

**FROM THE AUDIENCE:** My question is: Is Article V itself the only -- the sole method of proposal to the constitutional -- amendments to the Constitution? They have no restrictive language, specifying language, defining language, or forbidding language within Article V itself.

**MR. SCHIEFFER:** Professor Raskin, you're a lawyer. What would you say?



**MR. RASKIN:** It's interesting. It's always been interpreted to be permissive on the part of Congress rather than mandatory. Do you have authority for that proposition that Congress has to?

I was not aware that 50 states had requested a constitutional convention. Is that right? That is correct?

Okay. Well, it's an interesting argument. I think that the Supreme Court would view this as a so-called political question; that is, it would be within Congress's sole discretion to decide this matter. I don't know that the Supreme Court would ever order Congress to call a constitutional convention. But certainly there's some moral authority in that. And I -- you know, not having heard it myself, I can't imagine that many people have heard that there are outstanding petitions for -- that are the same text for a constitutional convention? Is that right? Maybe somebody can -- it does not have to be the same text. But I think that speaking politically -- and maybe Congresswoman Norton could help shed some light on this -- I imagine that if some people are asking for a constitutional convention for a human rights amendment and some people want it for a balanced budget amendment -- although we don't hear a lot about that anymore -- but for different things, I don't know that Congress would necessarily feel impelled to act. I think if the 50 state legislatures sent in a request with the same language, that would be pretty irresistible.

**MR. SCHIEFFER:** Would anyone else on the panel like to comment on that?

**MS. NORTON:** Well, on -- all on application of the legislatures of two-thirds of the several states -- are you saying that two-thirds of the states have -- at any one time had an -- a congressional session? That would be quite a feat. I mean, you know, the "shall" would make it mandatory. But it would probably mean that you'd have to show that these states still -- it would probably take you some time to get two-thirds of the several states. And then you'd have -- then somebody would say, Oh, wait a minute. We're not for that anymore. And so you'd have a hard time showing that you really do have two-thirds of the states saying, "We want a constitutional convention."

**MR. SCHIEFFER:** All right. Let's go to the next question over here.

**FROM THE AUDIENCE:** Hi. My name is Joseph Bamer.

**MR. SCHIEFFER:** Yes.

**FROM THE AUDIENCE:** I'm a student at University of Virginia.

**MR. SCHIEFFER:** Yes.



**FROM THE AUDIENCE:** And I wanted to know what you folks thought was the role of the media in possibly implementing changes in the Constitution and what role you folks had in possibly using the media to implement these changes.

**MR. SCHIEFFER:** Well, did you ever see the movie "Being There," and there's a famous line that Shirley MacLaine says, I like to watch? I think the role of the media is, we don't make the laws. And this is just my view. And maybe Fred will have a different view. We report what the citizens do and what their elected officials do. I do not think it is the role of the media to take the lead in something like this.

Obviously you're going to have commentators. You're going to have people who analyze. But I think basically what the media does is report what the government does and the views of the citizens.

Fred, what would you say?

**MR. BARNES:** Well, I agree with that, obviously. But I remember in the -- I think it was the 1988 presidential campaign when Bruce Babbitt -- I think he was the Governor of Arizona that was one of the candidates. And he didn't have many voters supporting him. But he had a -- he was a favorite of the press. You know, there's always the candidate who the press likes the most. And it's usually a guy that has no chance of winning. And his battle cry was -- Bruce Babbitt's was in the nominating -- in the nomination of a democratic presidential candidate, he said, Let the press decide. And, of course, he was out after Iowa and New Hampshire. He was gone. The press doesn't decide. Never will.

One of the things I've written about favorably is congressional term limits, an idea that I think ever since I've been advocating it has been losing support. So don't rely on the press for this.

**MR. SCHIEFFER:** Anybody else want to talk about that?

**MR. RASKIN:** I'll say one thing. This question we mentioned before about debate exclusion, I do think that the media has an important role to play in not falsely constricting and narrowing public debate. Governor Ventura, when he was elected governor in Minnesota, said he never would have been elected had he not been allowed to participate in the League of Women Voters' debates. And yet so often we see the media collaborating with, you know, the Commission on Presidential Debates, an entity whose purpose is to restrict public debate and to narrow down what the public's choices are.

**MR. SCHIEFFER:** All right. Let's go to the next question.



**FROM THE AUDIENCE:** Mr. Schieffer, please tell Sharon that Cosby says hello. We went to high school and college together. I do have a question. I'm a high school social studies teacher here in DC. As the young people would say, I got my students all psyched up about the cloture vote and the Senate for DC voting rights, and then you saw what happened. What do I tell them now? What's the next step?

**MR. SCHIEFFER:** Who'd like to take that?

**MS. NORTON:** Well, you know who'd like to take that.

*(Laughter.)*

**FROM THE AUDIENCE:** Keep up the good work, ma'am.

**MS. NORTON:** The key to -- thank you, sir. The key to bring it to this subject -- first of all, we're really only two votes short. And Harry Reid, the majority leader, has said he will bring the bill up again.

But I'd like to use your question to illustrate one of the great issues of democracy. My colleague and I in the House look over at the Senate. The Senate has gotten to the point where you need 60 votes to do anything. They have used the 60-vote margin over and over again. It used to be it was used on certain kinds of things. And now it's gotten so literally because the Senate is a place with virtually no rules, and they blame the filibuster on the Framers, interestingly.

Remember, I said that the Framers had a distrust of democracy. But all the time on every bill? So the district has simply fallen victim to this 60-vote margin, and I do not envy you because if you were trying to teach history and civics and you've now had to explain to people why you need two-thirds to get virtually anything through the Senate, all I can say is, Good luck. You're a brave man.

**MR. SCHIEFFER:** Congressman Bishop.

**MR. BISHOP:** Could I have said -- one other thing you tell your kids at the same time, I also believe that DC should have representation in the House because DC had representation through the States until 1801. So historically it was there. But there are ways in which you can do it outside of this particular law. You can retrocede the rights to Maryland to make it a part of it. You could do a constitutional convention which would probably satisfy even the most ardent critics of the process.



It should be done, and we shouldn't give up. But there are multiple ways of actually accomplishing that. And if one avenue is blocked, we work on the other avenues. And that's what you should be telling your kids.

**MS. NORTON:** And you should tell the kids that the constitutional avenue was blocked, and that's why we're using this avenue. And if this avenue is unconstitutional, that's what the Supreme Court of the United States is sitting there for.

**MR. BISHOP:** Then you work through the options that are still there. There are multiple options that should happen.

**MR. SCHIEFFER:** Over here.

**FROM THE AUDIENCE:** Hi. Thank you. Hi. Thank you. I'm glad the proportional representation model came up. I've been a fan of it since studying comparative politics in college. And I'm just curious if the panel could discuss, one, any constitutional barriers to such a system being put in place on a federal level; and, number two, just on a purely political level whether there's any chance that a political system in which two parties greatly benefit from the way it's structured would be willing to implement a system that would lead to a proportional model.

**MR. RASKIN:** Well, sure, if it's done all together, it's sort of like Electoral College change. You now, there was a proposal in California to go to appoint electors in that state by each congressional district, which are clearly partisan. And there's no way that's going to get through.

If we decide to move to a national popular vote for President, for example, and we all say, whoever gets the most votes wins -- I know it's a radical idea -- then all the parties could agree. So Republicans in Massachusetts clearly would agree to a proportional representation model for House representation just like Democrats in Utah would do the same.

So, you know, I think that this -- it's perfectly constitutional to do it this way. In Maryland we could say we've got eight U.S. House districts. And we could say, In order to win, everybody runs together; you need one-eighth of the vote plus one, which really empowers people. You let the voters district themselves according to their political beliefs and their political desire.

So there's no constitutional impediment to doing it. In fact, most states used at-large forms of congressional election before; but we do have to get over the idea that representation means territorial single district -- single member districts because it's not the only way to do it. And, you know, America is the first nation on earth conceived in democratic insurgency against monarchical government led in terms of democratic creativity. The rest of the world now has moved beyond



us in terms of thinking about modes of democratic representation. So we've got to catch up with our own legacy.

**MR. SCHIEFFER:** Fred Barnes.

**MR. BARNES:** Well, maybe you can do this constitutionally; but it's a terrible idea, proportional representation is. Look how it works in Israel, for one place where they do have it. It means that small party -- tiny parties, some of them that can be quite extreme, are ones you often need in order to get a majority and form a government. It puts hands in -- it puts power in the hands of tiny minorities. And I don't think we want that.

Look, there are flaws in the two-party system. And as Lowell Weicker has said, there are -- I mean, there are ballot restrictions that are unfair for other -- for third parties or independents and so on. But it's still better than -- a heck of a lot better than -- our system is a heck of a lot better than a proportional representation system.

**MR. SCHIEFFER:** Anybody else on the panel?

**MR. BISHOP:** Yeah, let me -- I can do this very quickly. There is no constitutional prohibition of doing that because the Constitution is "apolitical" and "a-party". There is a statutory prohibition -- it was passed first in 1842, repealed and passed again in 1967 -- that requires single-member districts. A single-member district will eventually result in a two-party system. That's why we have a two-party system.

Actually, I also agree with what Mr. Barnes said about whether you'd want to eliminate that or not.

**MR. SCHIEFFER:** Professor Raskin, do you want to make a --

**MR. WEICKER:** Well, I'd to make --

**MR. SCHIEFFER:** Governor Weicker?

**MR. WEICKER:** Yeah, I'd like to make one comment. Because Fred alludes to the fact of splinter parties each, you know, with their little domain. One of the problems I'm finding today is that, at least in the case of one major party, it's totally captured by very small ideology, if you would. It's no more centrous to all issues, you know, than you can possibly imagine. You tell me now, in other words, in terms of the Republican party, what it stands for.



Yes, in other words, I was born in a Republican party that included both Ed Brooks and Jack Cavits, Cliff Gates (ph). Barry Goldberg said it was a broad party. No more. And so what I'm -- what I say to you here is the competition I propose is that to get additional success on the political front, you would have third-, maybe even fourth-party candidates that are centrous candidates that apply themselves to all the issues.

Right now, major parties are masquerading as being broad based when indeed they're very narrowly controlling so far as the ideology is concerned.

**MR. SCHIEFFER:** Okay. On this side.

**FROM THE AUDIENCE:** Great. Thank you all for being here. And I wanted to say I love the irony of the Congressman from Utah and the Congressman from the District being on the same panel here. I wish you all had additional representation in Washington, thanks to the bill. Unfortunately, that doesn't look likely.

My concern about congressional districting emanates from the perspective of congressional accountability. When we have districts that look like Jack Pollock paintings, it's very hard for voters to know who their member of Congress is. It's very difficult for the media to cover them. The prospect of congressional accountability seems dramatically lower. And so my question to both of you in the House is: What specifically would you think of Representative Tanner's bill, in effect, minimum split districting, which is advocated in Larry J. Sabato's book, to mandate that legislatures minimize the extent to which specific governmental subdivisions are split in the redistricting process so that we can finally bring some sense to this matter?

**MR. SCHIEFFER:** Congressman.

**MR. BISHOP:** I hate to say this, but you have to go back to Baker vs. Carr, which mandated one man, one vote. And that requires you make funny lines somewhere. In every one of those processes I've gone through, there's what we call the buckle in Utah. There is always -- you can make nice boundaries until you find the one spot where nothing fits together. And to make one man, one vote fit, that's where you have to draw the funny-looking lines.

And when you start drawing those funny-looking lines there, then that creates a ripple effect that draws funny-looking lines everywhere else. Even if you're trying to be totally fair with it, it's going to happen. If you want to keep communities of interest together, you have to get rid of one man one vote, bottom line.

**MR. SCHIEFFER:** Other panelists want to comment on that? Okay. Over here.



**FROM THE AUDIENCE:** I think the panel was too quick to dismiss Larry's idea about Former Presidents becoming Senators. What would Nixon have done or Clinton have done in the face of impeachment if they had known that they could become Senators? Maybe they would have chosen that rather than put the nation through this -- through that trying time. And, you know, perhaps the -- the bar for impeachment is a little too high. There might be another way to encourage poor leadership to move on. So -- just a comment.

**MR. SCHIEFFER:** Okay. Over here.

**FROM THE AUDIENCE:** There have been 500 -- over 500 -- 567 state applications for a national federal constitutional convention under Article V from all 50 states. Let me remind everyone that there have been hundreds of state constitutional conventions, none of which have wrecked state governments or state constitutions. Congress has never passed a law expanding or modifying the requirements for an Article V convention as stated in the Constitution. There is only one requirement, the two-thirds requirement of state legislatures. That has been more than satisfied.

By the way, there was a case that reached the Supreme Court. And the Supreme Court, as you indicated, refused to decide it, invoking the political, you know, doctrine. But, in fact, Congress has disobeyed and violated Article V of the Constitution. And I raise this issue for you. Some of you seem to be very against having a convention. Well, why hasn't Congress then tried to propose an amendment to remove the Article V convention clause from the Constitution? Either use it or get rid of it.

**MR. SCHIEFFER:** Any comment?

**MR. RASKIN:** Well, let me just say, I am not opposed to a constitutional convention. I'm going to go back and research this whole field. But I do think that it's going to be within Congress's unilateral power to decide. And I think that the strongest case to be made is if you've got a champion in Congress who's saying we've got this application from two-thirds or more of the states -- but I do think that it would have to be a common application. Maybe the wording doesn't have to be precisely the same everywhere. But it's got to be basically on the same theme, I would assume. Otherwise, just as a practical matter -- and, again, I defer to Congresswoman Norton. I think it's going to be very hard to move that in Congress.

**FROM THE AUDIENCE:** Well, that's not what Article V requires.



**MR. RASKIN:** Yeah. And I agree that every part of the government should be loyal to the Constitution. It's sworn to uphold and defend the Constitution. But, obviously, there are, you know, differences in interpretation. But I think that that's an argument that should be brought to Congress.

**MS. NORTON:** You don't -- you don't get rid of something unless you have to. So Congress is not going to -- and the American people are not going to go through a constitutional change unless the issue has become of such importance that you get a democratic -- a democratic call for a change. And I haven't heard any such call on this issue.

**FROM THE AUDIENCE:** By the way, some of you may not know that one of the amendments that has been ratified took over 200 years for that ratification process. So this notion of that -- that everything has to happen within a proscribed time period has already been shown to be invalid by the actual ratification of one of the amendments.

**MR. SCHIEFFER:** Okay.

**FROM THE AUDIENCE:** By the way, I have a handout. I'm with Friends of the Article V Convention. If you want to learn more, I have a handout.

**MR. SCHIEFFER:** Okay. All right. Over here.

**FROM THE AUDIENCE:** Hi. I was wondering, do you think it would be feasible to change the presidential primary system to allow states with the highest voter turnout in the previous presidential election to have primaries first in the next presidential election? Perhaps this would encourage voter turnout by rewarding states with the higher voter turnout to have more influence in the next election.

**MR. BARNES:** Yeah, but who's going to do that? I mean, the states decide when their primaries are. It would be up to them.

**MS. BRAZILE:** But the national parties decide if those -- if -- when they hold their primary or caucus, it complies with the rules for nominating a President. I support that idea to encourage more civic participation. I support that because I do believe we need a rational system to select our nominee as well as a system that encourages voter participation across the board.

But under the current system we have in place, unless the two parties sit down together, hammer out some rules, some principles that will guide our -- our thinking in 2012, we are going to have even more leapfrogging in the future. The Republicans will decide their rules at their convention next year in Minnesota. The Democrats will decide their rules for 2012 over the next three years. So we



need to sit down starting now to figure out what the system will be in place by 2012. I don't believe Congress will act quick enough, soon enough, and will come up with a fair system that will guide our thinking for the future.

**MR. SCHIEFFER:** Donna, is there any chance whatsoever that the two parties could somehow come together and work this out?

**MS. BRAZILE:** The reason why I think -- and I'm optimistic right now -- is that, as you all know, this is the first election since 1952 where we don't have an incumbent President or Vice President seeking re-election. And the reason why I mention that is in 2000, we made an agreement in our NH that they would go first in 2004. I'm sure that Karl Rove made that same agreement on the Republican side.

At this point, we don't have a nominee. We don't have an incumbent President and Vice President. So I do believe that we can sit down and discuss these guiding principles. And Curtis Gans with the Center for the American -- Study of the American Electorate has put together a small group of rules -- members from both political parties, and we're already taking time to look at it.

**MR. SCHIEFFER:** Okay. We -- I think we're about out of time. And it looks like we have one more questioner over there so it all came out even here. Yes, sir.

**FROM THE AUDIENCE:** I was wondering --

**MR. SCHIEFFER:** Step up to the mic.

**FROM THE AUDIENCE:** A lot of you seem that you don't -- you kind of don't, you know -- a lot of you seem that you don't -- you don't agree with the Founding Founders' principle of not believing [sic] in common man. How -- to what extent should the government trust common man at this stage in the nation right now?

**MR. SCHIEFFER:** Well, I hope I haven't left that impression. Would anyone else like to comment on that?

**MR. RASKIN:** Well, I think it's a great question because the -- you know, the founding generation was split. On the one hand, Jefferson, in the Declaration, gave us the beautiful principle that all men are created equal and the idea of popular sovereignty, as opposed to Kings getting their power from God, divine right of the Kings to rule. But at the same time, the country was founded on slavery and dispossession of the Indians and, you know, horrific atrocities against Indians. So it's been a constant social struggle to bring into the public space all of the American direct national election for President. We can have a primary system that does not close out the vast majority of the American people. I like the last proposal also about basing primaries on when -- on the performance in the last



election, which is a lot less arbitrary than the current system, which just selectively favors two states for no particular reason.

So I think that we've got to stake it all on democratic sovereignty in government and government by all of the people. And we can continue to perfect our institutional instruments to make it happen.

**MR. SCHIEFFER:** All right. Well, we've come to the end of the first panel. Thank you very much. Now we can all have lunch, and we'll be back after lunch. Thank you.

*(Applause.)*

**MR. STROUPE:** Thank you, Mr. Schieffer, and thank you, all the distinguished panelists of panel one. Would you join me once again in thanking them for spending this time with us this morning.

*(Applause.)*

*(Recess.)*