



Summary of Meeting with Lyall Schwarzkopf

Civic Caucus, 8301 Creekside Circle, Bloomington, MN 55437

Thursday, September 13, 2007

Guest speaker: Lyall Schwarzkopf, former Republican state legislator, former city coordinator, Minneapolis, and former chief of staff to Governor Arne Carlson

Present: Verne Johnson, chair; Chuck Clay, Paul Gilje, Jim Hetland (by phone), John Mooty, Jim Olson (by phone), Wayne Popham (by phone), and John Rollwagen

A. Context of the meeting —As part of the Civic Caucus' continuing inquiry into election-related issues, today the Civic Caucus meets with a veteran Republican leader in Minnesota.

B. Welcome and introduction —Verne and Paul introduced Lyall Schwarzkopf, who served several appointed and elected governmental positions in Minnesota and who still is active today. He was first elected to the Minnesota House of Representatives in 1962. Later he was appointed city clerk in Minneapolis, and responsible for administering the city's elections. He then was appointed city coordinator of Minneapolis, and then served as chief of staff for Governor Arne Carlson in the 1990s.

C. Comment and discussion —During Schwarzkopf's comments and in discussion with the Civic Caucus the following points were raised:

1. Weakening political parties while strengthening special interests —Political parties have been weakened by statutory limits on raising funds and providing funds to candidates, Schwarzkopf said. The result is ineffective parties and fewer people involved in the parties. Moreover, with both parties moving to the extreme right or left, even fewer people want to be involved in party politics.

Special interest groups, meanwhile, have filled a vacuum because parties are less meaningfully involved in funding, selecting, and financing candidates, and turning out the vote. None of the limits imposed on political parties are imposed on the special interest groups. For example, a political party can give only \$5,000 to a congressional candidate, but a special interest group can spend unlimited amounts as independent expenditures. Schwarzkopf believes democracy is threatened as special interest groups are given nearly free rein in political campaigns.

Schwarzkopf said these groups use questionnaires to candidates to decide which candidates they'll support, and after the election the groups remind the candidates how they said they would vote on issues. In states like Minnesota with precinct caucuses, special interest groups urge their membership

to attend the precinct caucuses and pass resolutions that get into party platforms supporting their special interest. In addition they tell their members whom to elect as party officers and delegates to endorsing conventions.

When elected, candidates become more beholden to special interests groups, not a broad based political party. These groups don't care about governance. They only want their special interests passed.

As examples of special interest groups, Schwarzkopf cited farm, business, labor, and public employee organizations, environmental groups, teachers, pro-life and pro-choice interests, groups on either side of gun control, and, at the national level, MoveOn.org, and the Swift Boat Veterans.

2. Replace precinct caucuses with an open primary system —With the political apathy of moderates in both parties and with continued rise of special interest groups and their take-over of the parties, Schwarzkopf believes it is essential to replace the precinct caucuses with open primaries. He would also advance the date of the primary. Special interest participants in precinct caucuses care little for party governance. Their objective is to get their special interest objectives adopted. The people in the middle get upset and don't bother to show up.

The change won't succeed, he said, if the party rank-and-file doesn't bother to vote in the primaries. He noted than in early 2006, 29 percent of voters in Minnesota identified themselves as Republicans, and 25 percent, Democrats, a total of 54 percent. If the party faithful turned out, therefore, a state primary election ought to produce about 50 percent of total registered voters. However, the actual percentage is closer to 13 to 18 percent. If only a small percentage vote, special interest groups will continue to control candidate selection. Thus, change is not a sure way to involve more people, limit special interest domination, or provide more control of candidates to the people. But he thinks the change is needed because of the "stranglehold" of special interest groups today.

The state is polarized, he said, and the media seem to be moving closer to the pre-1900 era of yellow journalism by providing publicity that seems to give more attention to views of the extremes.

Schwarzkopf also favors using the party primary election for selecting county party officers and convention delegates

Later in the meeting Schwarzkopf clarified that only persons who publicly identify themselves with a party would be permitted to vote in that party's primary. He also favors a presidential preference primary for Minnesota, and in that primary, too, he would only allow persons who publicly affiliate with a certain party to participate in that party's presidential preference primary.

It was noted that in a previous Civic Caucus meeting, John Wodele advocated that anyone be allowed to participate in a party's primary, without being publicly identified, which is the case in Minnesota today. Schwarzkopf believes that only party members should participate in a party primary. He noted his preference to use the party primary as the vehicle to elect party officers and convention delegates as well as to nominate candidates for the general election. He said he believes that some non-party participants, if allowed to vote in a party election, would deliberately attempt to distort the outcome.

Even without precinct caucuses, the parties still would be expected to have pre-primary candidate endorsement, Schwarzkopf said.

3. Impact of discouraging non-endorsed candidates from filing in the primary —In discussion it was noted that currently the parties strongly discourage non-endorsed candidates from filing against the endorsed candidates. Such influence might not be overly serious if the parties were more broadly representative.

It also was noted in discussion that some people advocate that anyone receiving a certain percentage of votes in an endorsement convention, say 25 to 30 percent, would be regarded as endorsed. Thus, a party could have multiple endorsements. In discussion it was noted that when party endorsement was first begun by Republicans in Minnesota it was possible to gain endorsement with 40 percent of the vote.

4. Historical change in role of legislative caucuses and political parties —Schwarzkopf recalled that many years before party designation was adopted for Minnesota legislators, the Conservative Caucus in the Legislature, not connected with the Republican Party, ran campaigns. With reapportionment in 1960, Republicans began efforts to provide for party endorsement and to conduct campaign schools for candidates. When party designation was adopted in 1973, the parties took a much larger role. In the 1980s, Schwarzkopf said, the Republican Party weakened as special interests with extreme positions moved in. By the 1990s, the party people were at odds with the Republican Legislative Caucuses in the Legislature. The party wanted candidates who would support the party platform. The Legislative Caucuses wanted who could be elected. Today the Legislative Caucuses play a major role in candidate selection.

Schwarzkopf would like the parties to play a larger role in legislative races, but only if the parties are more moderate. Legislative caucuses are more moderate today than the parties because the job of the legislative caucuses is to get their people elected and to remain in, or gain, the majority.

5. Abolish annual sessions of the Legislature —The Legislature would meet regularly in odd-numbered years, with campaigns occurring in even-numbered years, Schwarzkopf proposed. Thus, a June primary, for example, would not occur close to the time that the Legislature is in session, a reason that some legislators are cool to moving the primary from September to June. A special session could occur in the even-numbered year as necessary to pass agreed-upon emergency legislation, he said.

6. Require all political contributions to be given by individuals, not groups — Schwarzkopf favors allowing individuals to give as much money as they want to a party or a candidate. All cumulative contributions over \$100 a year would be publicly disclosed, immediately. All expenditures by the party or candidates would be disclosed. No association, Political Action Committee, or any other kind of organization would be allowed to make contributions.

The discussion immediately focused on the constitutionality of prohibiting contributions by organizations. The question, to which no one present had an informed answer, is whether only individuals, not organizations, have constitutional rights.

Schwarzkopf wishes independent expenditures could be prohibited, but he acknowledged such an effort probably is unconstitutional. The discussion briefly centered on whether it would be constitutional to permit independent expenditures for political campaigns, provided that only individual contributions toward those expenditures would be allowed and would be publicly reported, immediately.

7. Ways to increase voter turnout —Schwarzkopf is opposed to weekend, multiple-day, on-line voting, or widespread mail-in voting. He recalled that because of his work in administering elections in Minneapolis as city clerk, he was an observer of elections in Albania. He said he saw individuals who would bring their entire families to the polling place and then fill out the ballots for everyone who came along. He fears such abuses by special interest groups if Minnesota were to change its current voting procedures. He said that MoveOn.org, a political group, will set up a table as close as legally possible to a polling place and check off voters on a list as they go to the polls.

One person commented that if precinct caucuses were eliminated, the primary election would take on any entirely different characteristic, and that might produce more voters.

8. Opposition to instant runoff voting —Schwarzkopf is opposed because he fears that a special interest group might run three candidates, only identifying one as part of its group, but supporting the other two, in order to pick up the second and third choice votes in the election.

The idea also is confusing and might end up discouraging people from voting, he said.

9. Reluctant support for term limits —Schwarzkopf would limit House and Senate members to 16 years. He said he doesn't like such limits and only recently decided that they are needed today. With so many safe seats in Congress through redistricting or concentration of voters in some districts who re-elect the same person, he sees term limits as the only way to shake up the legislative bodies.

10. Should candidates select the party, instead of the party selecting candidates? —

Schwarzkopf was asked about an idea that political parties would mainly concentrate on adopting their platforms, not seeking out candidates. Then all candidates who wanted to run in a party primary would file and pledge support for the party's platform. The primary election would then determine the party's endorsee.

Schwarzkopf doesn't like that idea. Many people in the Republican Party and, he suspects, in the DFL want candidates today to sign a pledge that they will support the party's platform. Special interest groups have had their members work within each party to get their interest into the party's platforms. After the meeting Schwarzkopf said that as a legislative candidate he would never sign any type of pledge. When one is in a legislative body, he said, legislation is very seldom black or white, it is usually grey. He would not want to be held to a pledge when some benefit can be accomplished for the public by supporting a piece of grey legislation.

11. Contrast with European elections —It was noted that elections in other countries seem to attract significantly higher voter turnout. Schwarzkopf noted that in most of those countries, coalitions are built after the elections. Many different parties—often closely affiliated with certain special

interests—will get out the vote for their candidates. After the elections, then the parties create coalitions in order to form a group with majority control. In the USA, the coalitions are built before the election, through the parties.

12. Shift responsibility for redistricting —Schwarzkopf said he was involved in redistricting at the state level three times and has had experience working under a multi-partisan group for redistricting wards within the city of Minneapolis. Redistricting brings out the worst in elected officials, no matter who they are or what party they come from, he said. Invariably they selfishly think only about themselves and making their own districts safer. They bring as much pressure as possible on whoever is responsible for redistricting. He cited personal experience with redistricting where blatant efforts were undertaken to create wards that would elect someone who would help advance a commercial development.

Legislative leaders use redistricting to keep control or gain control of the body, to protect friends, and to get rid of troublemakers. By contrast, political parties have an interest in creating more districts that are close to 50-50, so they can have a chance at gaining seats.

Schwarzkopf favors shifting the responsibility for redistricting to some group other than the Legislature, but he said people should recognize that it is virtually impossible to remove political considerations. Judges are subject to political pressures and, certainly, whoever is placed on any commission will have such pressures placed upon them.

13. Remove unnecessary names from the judicial ballot —On the matter of selection of judges, Schwarzkopf has advocated what he calls a "short ballot" for judges. It's unnecessary to have a long ballot filled with unopposed candidates for judge. Under his proposal, if a judge files unopposed, the judge would be declared elected automatically without appearing on the ballot. The only judgeship elections on the ballot would be where at least two persons filed for the same office. He likes having a judicial commission that would screen candidates for appointment by the Governor when vacancies occur between elections. Schwarzkopf isn't excited about an appointment-only process.

14. Don't use the constitution to end-run the Legislature —Schwarzkopf noted that certain special interests who have trouble getting their legislation passed are seeking constitutional amendments instead. Constitutional amendments shouldn't be a way for legislators to pass their responsibility on to the public.

He noted that for more than 50 years the state constitution has specified how the gasoline tax should be distributed. That formula has made it impossible to shift funds among state, county and municipal highways as needs have changed.

15. Thanks —On behalf of the Civic Caucus, Verne thanked Schwarzkopf for meeting with us today.

The Civic Caucus is a non-partisan, tax-exempt educational organization. Core participants include persons of varying political persuasions, reflecting years of leadership in politics and business.

A working group meets face-to-face to provide leadership. They are Verne C. Johnson, chair; Lee Canning, Charles Clay, Bill Frenzel, Paul Gilje, Jim Hetland, John Mooty, Jim Olson, Wayne Popham and John Rollwagen.