

# RIPON FORUM

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## The Ripon Suit

WASHINGTON — The Republican National Committee called in its big guns in its motion for summary judgment in the Ripon Society's delegate apportionment suit in federal District Court here.

In its latest list of affidavits filed for dismissal of the Ripon suit, the RNC lists exhibits from California Gov. Ronald Reagan, Texas Sen. John Tower, House Minority Leader Gerald Ford, and former Republican National Chairman Robert Dole.

With the completion of motions for summary judgment by both parties and submission of additional affidavits, oral arguments in the case are expected to be heard by the end of November. A decision in the case is expected to be rendered shortly thereafter.

The Ripon Society suit contends that there are only three constitutional methods of apportioning delegates: either on the basis of Republican strength, total population, or Electoral College vote. Ripon asserts that the delegate apportionment formula and the uniform bonus delegate allocation violate the "equal protection" clause of the Fourteenth Amendment. "The 1976 formula is not based on constitutionally permissible standards," says Ripon in its suit, "and will result in invidious discrimination between Republicans of different states and regions."

"The 1976 Formula is arbitrary and capricious because, without any basis in variations in Republican strength as measured by the Republican vote, it will result in disparities of more than 11 to 1 in the number of Republican voters, and more than 7 to 1 in the population, represented by a delegate from each State." The maximum constitutional disparity, according to Ripon, is 4.4 to 1 — the disparity which is founded in the Electoral College.

Ripon argues that the RNC affidavits are not directed at the basis of the Society's suit.

In his affidavit for the RNC, Tower testified that "If the Republican Party were to have a formula based on popular vote, determining the percentage of the popular vote cast for Republican candidates for president, governor or senator, it would be insuring a mess of computing headaches." The Ripon Society suit, according to a spokesman for the Society, does not insist on a one-man, one-vote formula for apportionment of delegates.

Several other affidavits alleged that the courts did not have jurisdiction over delegate apportionment. Asserting that Congress has not encroached on the convention process, Ford said that the courts "should similarly avoid unwarranted intrusion into questions involving convention decision-making.

The affidavits also assert that it is impossible to count Republicans in the country. Florida National Committeeman William C. Cramer argued, for example, that: "There are numerous so-called hidden voters throughout the country; that is — in some instances Democrats are encouraged to register Republican, Republicans to register Democrat, to participate in and influence the other party's primary or in fact they decide to do so them-

selves." Cramer is representing the RNC in the suit.

The *Bode* and *Georgia* decisions involving the Democratic Party are cited by Cramer as justification for the bonuses, despite the allegation that the courts have no business in the apportionment controversy. Ripon argues that these court decisions in fact contradict the RNC's position on bonuses.

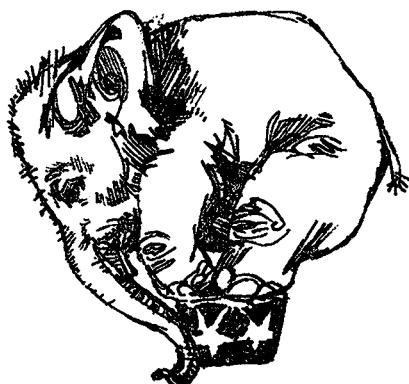
In replying to the RNC's motion, Ripon contends, "Although they review at length the process by which the 1976 Formula was adopted and the factors which purport to underlie it, the affidavits filed by the defendants are silent as to the principal objective of the faction which dominated the 1972 Convention." Ripon quoted a *New York Times* article which cited a statement made by Mississippi Republican Chairman Clarke Reed, "The South . . . will act as a unit and will decide, with the West, who is the Presidential nominee."

Reed said, "The conservatives have been running this party since 1964 . . . and we'll run it in 1976. That was what the rules fight in Miami Beach was all about."

Ripon asserts that the 1976 Formula overweights the West and South at the expense of the North.

"Factions are inevitable and their existence is of no legal consequence. But the willingness of this faction to resort to any means, including invidious discrimination against millions of Republicans to preserve their power to dictate the result of the 1976 Convention, makes judicial intervention essential to ensure that the 1976 Republican National Convention is apportioned on a basis that protects the constitutional rights of Republicans throughout the United States," says Ripon.

"The Republican Party and the Republican National Committee must comply with the Constitution," concludes the Society. ■



## KANSAS

TOPEKA — While Gov. Robert Docking (D) publicly vacillates on his prospective Senate candidacy, two Republicans have begun campaigning for Docking's present job.

The Rev. Forrest J. Robinson, who was active last year in Republican Morris Kay's gubernatorial campaign, told his Wichita congregation in late October that he would resign to seek the Republican gubernatorial nomination. Robinson plans to take to a trailer in an across-the-state tour during the next few months. As a "clean," fresh candidate, Robinson may be effective in his new profession.

Lieutenant Governor Dave Owen is not expected to announce his gubernatorial plans until the effects of Watergate become clearer. Owen is frankly worried by the Watergate and is contemplating leaving politics:

"I don't subscribe to the theory that a lot of Republicans seem to subscribe to that the Watergate affair won't affect the state and local scene. I feel it will have a very direct effect on the 1974 elections," Owen told Associated Press reporter Lew Ferguson.

Owen also said party unity, a virtue which has not been prevalent in the Kansas GOP, will be a key factor in his decision. The 35-year-old politician voiced annoyance with party leaders who are skeptical of his youth: "I have done everything anyone could ask for the Republican party of Kansas, and I have done it with more than a little success and endeavor. I think I have been responsible for more progress for economic development than any other state official, past or present." Owen indicated that the fame of the probable Democratic candidate for governor, Attorney General Vern Miller, might work against Miller because of the attorney general's "Keystone Cop" image.

The other announced candidate is a Kansas State University professor, Robert Clark, a political neophyte.

Former State Sen. Glee S. Smith, Jr., 52-year-old attorney is reportedly also considering the race. Meanwhile, State Senate President Robert F. Bennett has suggested to party leaders that they avoid the usual divisive primary. Former GOP State Chairman Don Concannon, who, like Bennett, is also a

possible gubernatorial candidate, has publicly disavowed such tactics, arguing that GOP voters should be given a choice.

Meanwhile, Docking's senatorial ambitions were boosted earlier this year by an Oliver Quayle poll which showed Docking beating Sen. Robert Dole (R). Docking aide John Montgomery is expected to run the Docking campaign with some help from former Democratic National Chairman James Farley. Docking is a conservative Democrat in a state which has paid progressively less attention to party labels. ■

ers at a recent fund-raising dinner showed strong senatorial preference for State Rep. David Stanley, who received 293 votes to 125 votes for State Sen. George Milligan of Des Moines. The GOP's third place in the poll conducted by the *Des Moines Register* went to State Sen. John Murray of Ames with 44 votes.

The jockeying for Iowa congressional nominations is even more intense.

GOP State Rep. John Clark, 26, is ready to challenge freshman U.S. Rep. Edward Mezvinsky in the 1st C.D.

In the 2nd C.D., U.S. Rep. John Culver (D) will be vacating the seat to run for the Hughes Senate post. The Republicans may have to form a line to succeed Culver, but State Sen. Tom Riley, a hard-working legislator, is at the head of that line. Culver defeated Riley for the seat in 1968 with 55 percent of the vote. Another Culver victim, former State Rep. Theodore Ellsworth who won only 41 percent of the vote in 1972, may also seek the post again. Both Riley and Ellsworth are moderates but a third Republican potential candidate, former State Sen. John Walsh of Dubuque, is a conservative.

Walsh himself lost his Senate seat last year to one of the Democratic candidates for the 2nd C.D. seat, State Sen. Michael Blouin. Martin Jensen, who like Rasmussen is currently an aide to Hughes, will also probably seek the Democratic nomination.

In the 3rd C.D., the question is whether veteran U.S. Rep. H. R. Gross, untiring opponent of wasteful federal spending, will retire. Gross has been sounding like a candidate for re-election despite his age; he'll be 75 next year. In case he decides to hang up his campaign shoes, however, the Republicans will feature a contest between Robert Case, a Gross aide, and State Sen. Ralph McCartney, former majority leader of the State House. The Democrats' backfield includes University of Northern Iowa Professor James Skaine, State Rep. Stephen Rapp, and chiropractor Ron Masters.

U.S. Rep. Neal Smith, having apparently decided to forego a shot at the Senate, will probably not face any strong opposition in the 4th C.D.

If Ray retires, U.S. Rep. William Scherle (5th C.D.) may seek the gubernatorial nomination. In any case, attorney Thomas Harkin (D) apparent-

## IOWA

DES MOINES — The decisions of Gov. Robert Ray (R) and Sen. Harold Hughes (D) not to seek their respective parties' Senate nominations next year has opened up Iowa's political scene.

Republicans are awaiting Ray's decision on a re-election bid. Moderates are hoping that Ray will seek a third term (his first four-year one) and thus preclude a bitter primary battle between Lieutenant Gov. Arthur Neu, a moderate, and former Lieutenant Gov. Roger Jepsen, a conservative. The Democratic field for governor includes William Gannon, former House minority leader; State Sen. James Schaben, and Clark Rasmussen, former Iowa Democratic chairman.

A poll of Republican party lead-



Robert Ray

ly was not discouraged by last year's 55-45 percent loss and will run again. A similar situation is shaping up in the 6th C.D. where businessman Berkley Bedell (D) wants another shot at U.S. Rep. Wiley Mayne after last year's 51-49 percent defeat. ■

## ALABAMA

MONTGOMERY — Gov. George C. Wallace, stung by reports in the spring that he lacked physical stamina, now is off and unofficially running for re-election.

The doughty Alabama Democrat faces only one announced opponent, State Sen. Gene McClain (D) of Huntsville, but Attorney General Bill Baxley (D), who survived an October assassination plot, may also enter the race for governor. After winning a

federal suit against Tennessee Valley Authority plant air pollution, Baxley filed state court suits against the truckers associations called "Big Mules," which exercise considerable leverage on the legislature and campaign financing. The trucking organizations raised Baxley's ire for opposing annual sessions in a legislature not known for working proclivity in biennial sessions.

"Baxley has the public on his side," said Don F. Wasson, Montgomery correspondent for the Atlanta newspapers. "Baxley is going to play consumer advocate in years to come." He has some competition for the title in Gene McClain. Easily Wallace's chief critic, McClain travels up and down Alabama blasting "ineffective leadership," drawing black and young white professional support in Huntsville and Birmingham, but not making much headway far south in the "black belt," the rural area that gives Wallace his winning margins. ■

The Wallace forces want to restrict the 1974 race to two candidates: the governor and McClain. The goal of this strategy is Wallace's re-election without a risky primary runoff. Wallace barely won a runoff in 1970 over then-Gov. Albert Brewer. The strategy may not work; Lt. Gov. Jere Beasley (D) is reportedly interested in Wallace's job if Atty. Gen. Baxley doesn't seek it himself.

Wallace has recovered remarkably from his gunshot wounds and his July 4 appearance with Ted Kennedy was a political plus with state moderates, but Wallace has yet to devise a way to deal with his prospective opponents. Gov. Wallace doesn't appear to relish a bruising, physically-draining general Democratic primary followed by a frantic runoff. His southern clout would suffer. Southern Republicans, however, have no plans to challenge him next year, southern strategy or no southern strategy. ■

## POLITICS: PEOPLE

● Melvin R. Laird, who has made much of his White House advice public in recent months, has done the same with his efforts to revive the Nixon Administration's overall "income strategy" and the Family Assistance Plan. "I'm against cash assistance for housing. I'm against cash assistance in the food stamp program. I'm against cash assistance as far as health is concerned, but eventually you've got to get all these separate cash programs brought together and have an income strategy program and not piecemeal separate cash programs all over the government."

● Reports that Florida's embattled Republican senator, Edward Gurney, is considering not seeking re-election because of ill health, have been denied by a source close to the senator. The source maintained that Gurney would run, and "played tennis every day." Human Events had reported that Gurney, who has been plagued by his own funding scandal, "has been in poor health."

● Former OEO Director Howard Phillips has a new job with the American Conservative Union. Phillips is running a new ACU program called the "Public Monitor," which will attempt to ensure that federal spending is right on track. "Howie's henchmen" in this new public interest group will be primarily volunteers.

● The former campaign director for Sen. James Buckley (Cons.-N.Y.) has been lured to Tennessee to direct the gubernatorial campaign of Dr. Nat Winston, former commissioner of the state Department of Mental Health. Jones, 35, directed the campaigns which elevated Donald Sundquist and Richard Smith to the chairmanship of the National Young Republican Federation. He is also a past executive director of the

Americans for Constitutional Action. Jones will join the consulting firm of Holder, Kennedy & Co., which has already claimed the services of Bill Goodwin, former aide to Sen. Bill Brock. Winston, an experienced banjo picker, is one of several possible gubernatorial candidates.

● The decision of U.S. Rep. William Keating (R-Ohio) to resign from Congress to become president of the Cincinnati Enquirer was a family, not a political decision. The announcement by Keating took even his own staff by surprise. Keating wishes to spend more time with his seven children and so decided against a campaign for either governor or senator in Ohio next year. The two-term congressman had been considered a likely candidate for one of the two posts.

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## DULY NOTED: POLITICS

● "Denenberg On Spot As Maneuvering Gets Underway for 1974 Campaign," (Philadelphia) *Observer*, October 29, 1973. "State Insurance Commissioner Herbert S. Denenberg finds himself in a delicate political position in Harrisburg because of his reputed ambition to run for the U.S. Senate next year," reports the *Observer*. Denenberg's desire to oppose Sen. Richard S. Schweiker conflicts with Gov. Milton Shapp's re-election ambitions. Denenberg and Shapp are Jews, liberals, and hail from metropolitan Philadelphia. The possibility of such ticket imbalance reportedly does not please the Pennsylvania governor, who is fearful that Pittsburgh Mayor Peter Flaherty might receive the Democratic gubernatorial nomination. Meanwhile, advisors to Shapp are attempting to pressure Denenberg to "take his voter popularity and put (it) squarely behind Mr. Shapp in 1974, then seek the senate seat now held by Minority Leader Hugh Scott in 1976.

● "Conservatism In America — After Agnew," by George F. Will. *Washington Post*, October 28, 1973. "Indeed, conservatism is well off, philosophically and politically, losing its identification with Agnew-style conservatism. This conservatism, was, at best, a narrowly useful overreaction to the worst excrescences of the 1960's — the counter-culture and all that," writes Will. Former Vice President Spiro Agnew "was the very model of a candidate who could be nominated but not elected. He had great appeal to Republican 'McGovernites of the right' — those most adept at nominating and least concerned with winning." Will concludes, "If our ideological lemmings can restrain themselves, they will be able to pick from the likes of Ronald Reagan, John Connally and Nelson Rockefeller, all of whom embody aspects of our rich and varied and honorable conservative tradition."

● "Conservatives turn on Agnew," by Lyle Miller, Jr. *San Francisco Chronicle*, October 21, 1973. "Among those who loved Spiro Agnew best — the heavyweights of American conservatism — his name is now mud. In the week since Agnew rocked the nation by resigning the vice presidency and accepting conviction for a felony, the reaction from the American Right has been almost uniformly a sorrowful cry of disillusionment with its former hero." For instance, Miller quotes columnist James Kilpatrick as writing, "(Agnew) himself has stained this Administration, shattered his believing friends, and dealt one more blow to the crippled President who raised him from obscurity. Don't bother, Ted, to say it ain't so."

● "Perspective: If Rocky Leaves," by Vic Ostrowidzki. *Albany Times Union*, October 14, 1973. "The spectre of the state GOP without (Gov. Nelson) Rockefeller at its helm is causing deep concern among some party officials who as much as they would like to see the governor achieve his lifelong ambition of one day occupying the White House, are convinced that the organization would find itself divided in loyalties and, in the months ahead, thrown into the political turmoil," write Ostrowidzki. "This view isn't shared by all, especially the more optimistic party chieftains who feel that the organization would close its ranks, after a few initial skirmishes and sabre rattling behind Lt. Gov. Malcolm Wilson, the Rockefeller heir apparent, and support him for election to a full four year term in 1974. They say that the ambitious Assembly Speaker Perry B. Duryea, who has been rumored at one time to have given serious thought of even challenging Rockefeller for the nomination, will give in without a fight and probably, in a gesture of party harmony, place Wilson's name in nomination at the party convention early next spring."

● "S.C. Clout Fades in Congress: No Chairmen in '75," by Carl Stepp. *The Charlotte Observer*, October 12, 1973. Three years ago, South Carolina's six representatives "had a combined total of 100 years in seniority," reports Stepp. "They held two major chairmanships and two vice chairmanships." But when the next Congress convenes in January 1975, "that seniority may be down to 16 years — with no chairmanships held by South Carolinians." This will be true if Rep. William J. B. Dorn, with 25 years of seniority decides to run for governor in 1974. In 1970 L. Mendel Rivers, chairman of the House Armed Services Committee died; John L. McMillan who chaired the District of Columbia Committee was defeated in the Democratic primary last year.

● "The Agnew Resignation: Bitterness Among Conservatives," by William S. White. *Washington Post*, October 13, 1973. "The forced resignation of Spiro Agnew, under implacable pressures from investigative agencies within his own administration, will wound the Republican Party gravely and perhaps even fatally for 1976," writes White. "While the Vice President has, in the police phrase, gone quietly, after acknowledging an income tax evasion of six years ago, this affair will form a series of delayed and buried time bombs from now until the next presidential election." White concludes that conservative Republicans will be embittered because in their view, Agnew has been "hounded" from office. White sees these conservatives as potential defectors from the party in 1976.

● "Ford's Rise Hurts State GOP and Milliken," by Roger Lane. *Detroit Free Press*, October 16, 1973. "The political aftermath of U.S. Rep. Gerald Ford's nomination as vice president could cause a leadership crisis in the Michigan Senate and threaten Gov. William Milliken's legislative program in 1974," writes Lane. "If Ford is confirmed for the vice-presidency, State Sen. Robert VanderLaan, R-Kentwood, is expected to be the chief contender to replace Ford as congressman from western Michigan's 5th District." Republicans control the Senate, which is split 19-19 between the Republicans and Democrats, with the vote of Lieutenant Gov. James Brickle. Lane calls VanderLaan Gov. Milliken's "most reliable ally in controlling the Michigan Senate." VanderLaan's departure would weaken Senate Republicans already struck by the illness of one member. Another vacancy may occur when U.S. Rep. James Harvey (R) is confirmed to a federal judicial post and his seat is in turn sought by State Sen. Bob Richardson (R). One or two other Democratic Senate vacancies may also be the offing, however, somewhat limiting the impact of Republican losses.

● "A Famous Doodle And Some Guffaws," by Jeanette Smyth. *Washington Post*, October 25, 1973. It must be a reflection on the Washington, D.C. Chapter of Ripon that a report on its fall fundraiser made the "Style" section of the *Washington Post*. U.S. Representatives Silvio Conte (R-Mass.) and Bill Frenzel (R-Minn.) auctioned off items ranging from a day in the Shenandoah Valley with U.S. Rep. Pete McCloskey (R-Calif.) to a tennis match with Sen. Charles Percy (R-Ill.). Some of the hottest bidding was on an item donated by a former Nixon Administration member: "This doodle by Elliot Richardson has great value. It's the only item the FBI allowed him to take out of his office last Saturday! What am I bid?" said Conte. According to Smith, "Bidding for the former Attorney General's doodle ('His doodles were famous in the Justice Department,' said the president of the D.C. Ripon Society) quickly escalated to \$110, \$115, \$118, \$120, \$123, until only three diehards were left: a 'Hathaway man' in a three-piece suit and black eye patch, a woman in gold sandals and horn-rimmed glasses and another man in an orange shirt suspected by the woman in gold sandals of being a Ripon Society plant."

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