

9/28/73

W POST

Nixon Stand Is Aired On Electoral College

United Press International

Robert G. Dixon Jr., an assistant attorney general, yesterday told the Senate Constitutional Amendments Subcommittee that the administration opposes a proposal to allow Congress to select the President if none of the candidates receives at least 40 per cent of the popular vote.

But, he said, the administration supports the idea of abolishing the Electoral College and electing the President by popular vote.

The subcommittee is considering a proposed constitutional amendment under which the President would be selected by direct, nationwide popular vote.

Dixon said a state-by-state proportional plan of computing the electoral vote seemed "statistically fairer on its face" than a simple nationwide tally. The proportional plan, which President Nixon supported when the House debated the issue in 1969, would give each candidate a share of each state's electoral vote in proportion to his percentage of the state's popular vote.

The emergency provision Dixon criticized would allow the newly elected Congress to decide between the two top vote-getting tickets if none of the slates got at least 40 per

cent of the popular vote. Each of the 535 congressmen would have one vote.

Dixon said the provision could "place the President under obligation to those members of Congress who voted for him." Any contingency proposal, he added, must "maintain the independence of the presidency.

"... We should hesitate before turning the selection of the President over to Congress, even on a contingent basis," he said.

Dixon said another proposed contingency plan, a runoff national election, seems to have broad support and some merit.

But Subcommittee Chairman Birch Bayh (D-Ind.) said the runoff provision was one of the key factors contributing to defeat of the amendment by filibuster when the Senate debated it in 1970.

"I personally prefer that route," Bayh said, "but it won't help us win congressional approval and ratification by the states."

The United Auto Workers and the American Bar Association said they would support a runoff election system if none of the candidates received enough of the popular vote.