



NEWS from U.S. Senator Bob Dole

(R.—Kans.)

New Senate Office Building, Washington, D.C. 20510 (202) 225-6521

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Statement of Senator Bob Dole
Hearings on Electoral Reform
Direct Popular Election of The President
Subcommittee on Constitutional Amendments
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Mr. Dole. Mr. Chairman, I appreciate this opportunity to join in the discussion of electoral reform, an issue which is of profound importance to this country. Change in the method and mechanics of electing the President and Vice President of the United States is extremely serious business, and it should not be undertaken without the most searching investigation of its desirability and the prospects for bringing about a significant public benefit.

At the outset, I would commend you, Senator Bayh, for your record of pursuing positive reform in this area. The Senator from Indiana is recognized as one of the most knowledgeable leaders in this field, and the hearings he has conducted over the years have added greatly to the dialog over these issues and to the public's understanding of them.

These hearings are in the highest congressional tradition of providing a platform for the exchange and discussion of the various viewpoints, positions and proposals on major issues. And I am pleased to be participating.

These hearings come at an appropriate moment. Other problems are commanding the attention of Congress and the Nation -- the economy, relations between Congress and the Executive Branch, national defense and many others. These are undoubtedly important, but I believe it is necessary for the Nation to look at basic issues before becoming totally absorbed in the resolution of others. And I know of no more basic issue than the constitutional process for filling the office of President of the United States.

Need For Reform

Let me say, initially, I have felt for some time that the present system of choosing a President requires major improvement. It has, of course, seen the country through forty-three elections since it was first set in motion by the twelfth amendment to the Constitution in 1804. But the fact that it has worked, so far, does not obscure the haunting prospect that a number of eminently plausible circumstances could result in the presidential mandate being cast under a cloud that would threaten our tradition of orderly succession of power.

There is a whole catalog of possible election year scripts, and the realization of any one of them could result in 1) a person becoming President through operation of the electoral college even though another candidate received a greater share of the popular vote; 2) the outcome of the election being distorted or subverted in the electoral college by individual electors acting in disregard of the popular vote in their states; 3) the House and Senate choosing a President and Vice President from different political parties; 4) the House and Senate, voting by state delegation, choosing of a President or Vice President in contravention of the popular vote; or 5) a deadlock in the House or Senate resulting either in an inability to fill one or both offices or a massive power struggle which would produce serious discontent and division within the country.

Any one of these eventualities could seriously jeopardize the governing and leadership ability of a person chosen to be President. The more bizzare of them could plunge the country into paralysis and chaos. None of them can be said to be so far-fetched as to be dismissed lightly.

Narrow Miss In 1968

As we all know the realization of a few "ifs" in 1968 could have triggered any one or more of these crises. Fortunately, we got through, and President Nixon was elected carrying 32 states to win by a vote of 301 out of 538 votes in the electoral college. But, he received only 43.3% of the popular vote, the remainder going 42.6 to Vice President Humphrey and 13.5% to Governor Wallace.

Was it a landslide or a squeaker, a clear mandate or a questionable anointment?

To the credit of the candidates and the voters, the 1968 results were accepted as being conclusive. President Nixon assumed office and launched into his first term with the legitimacy of his powers and authority firmly established in the minds of the American people.

But what if ...?

The shift of a few votes among the three candidates producing different results in two or three states, might have set the stage for an entire range of unprecedented consequences.

The records of the subcommittee from the testimony of prior years' witnesses contain ample illustrations of these contingencies, so I will not go into them again today. It is sufficient to recall that the Nation was only a narrow margin away from an unprecedented situation which might have plunged us into real danger.

Like many others in public life and millions of private citizens, the 1968 presidential contest left me convinced that we could not continue to risk the future of this Nation by further reliance on an electoral system so undermined by the prospect of uncertainty, unpredictability and instability.

Many Proposals

I began looking around at a number of proposals then being discussed as vehicles for bringing about this needed change. There was the direct election system, the proportional system, the district plan, the automatic electoral plan and many other variations, combinations and permutations. Each seemed to offer some advantages over the present system, but serious drawbacks were also evident. In an effort to resolve the many conflicts and inconsistencies between these different proposals, I joined with Senator Tom Eagleton of Missouri in proposing the Federal System Plan. Frankly, I felt it went a long way toward anticipating most of the hypothetical situations which could be posed for electoral irregularities. However, in accomplishing this goal it became so complicated and intricate that the forest of reform was lost from sight due to the trees.

When Senate debate on Electoral Reform began in the fall of 1970, I must admit suffering a large degree of uncertainty and ambiguity over the entire matter. Not being sure enough about any single proposal to feel confident in seeing it presented for ratification as a constitutional amendment, I did not support passage of any measure during the 91st Congress.

Support For Direct Election

The experiences of nearly three years and opportunities for further study, however, have lead me to the conclusion that one electoral reform proposal appears to meet the need for change and in ways which satisfy the most important requirements of our democratic system. This is the direct election plan embodied in S.J.Res. 1. This plan has been modified and refined considerably since the Senate debated the proposal in the 91st Congress. And, I believe these changes have gone a long way toward curing the major points over which I and many others had serious reservations. I believe S.J.Res. 1 provides an acceptable approach to electoral reform on the basis of three considerations:

- 1) Its simplicity and certainty of operation,
- 2) Its conformity with the patterns and practices of modern political life, and
- 3) Its compatibility with the strength and growth of the two party system.

Confidence In The System

Direct election is the most straightforward electoral reform measure I have seen so far, and I feel this simplicity and the understanding which flows from it are absolutely vital to the establishment of public confidence in our electoral process.

This confidence requires a system which will deliver a clear-cut result, with the least delay and the minimum opportunity for outside factors to distort the will of the people. A proposal which involves a great many conditions, alternatives mechanisms and subtle distinctions would inevitably be tainted with the suspicion that somewhere in there among all the "whereases" "however's" and "unlesses" somebody had concealed a monkey wrench which might be put to use at exactly the wrong moment by the wrong person to upset the workings of our democracy. That which is not plainly understood in political life is usually distrusted -- and not without reason.

The direct election plan avoids these pitfalls of complexity. It is clean, neat and out in the open -- to the greatest possible extent, consistent with the need to have a system which can be relied on to produce a result under the maximum number of conceivable circumstances.

Ballots Determine the Outcome

It makes the ballots cast by the individual voters the primary determinants of any election.

If any one ticket does not receive a majority the election is still decided by it receiving at least a forty percent plurality. And if such a plurality is not received, a decision can be reached by the leading ticket carrying enough states to constitute what we have previously known as an electoral majority.

Up to this point, the direct vote of the people controls without the interference of an electoral college, individual or automatic electoral votes, or any activities of the Congress to collect, count, or ratify the results of the election. Everything is clear, clean and simple -- just a matter of counting the people's votes. And if future elections follow anywhere near the pattern of the past there is little likelihood that any method beyond merely tallying the popular vote would ever be needed. And even the second step of looking to the strength of the states carried by a ticket would rarely if ever be used.

Congressional Decision

If, due to highly unusual circumstances, additional steps are required to determine the outcome of the election, S.J.Res. 1 turns directly to Congress, thus eliminating the runoff election feature of the earlier direct election plan. Meeting in special session, each newly-elected Congressman and Senator, along with each incumbent member of the Senate, casts a vote to choose only between the Presidential and Vice Presidential tickets which received the two greatest numbers of popular votes. Unlike the present system, the House and the Senate do not separately decide the Presidential and Vice Presidential winners; each Member casts a separate vote for an entire ticket, and this action must be accomplished within 34 days of the election. Also, unlike the previous direct election plan, no chance is provided for a third, minority or splinter party to play a role in this final process, because Congress is given only two tickets to choose between.

Turning to the Congress as the ultimate decision maker may not be the absolutely best means of resolving an election, but its advantages far outweigh whatever is in second place. Again, it is readily understandable by the people -- in contrast to some tortured juggling of congressional districts, proportional percentages or other gymnastics. Its relatively quick operation is vastly preferable to conducting a runoff election in terms of time, expense and certainty of producing a result. And the fact that most electoral reform plans eventually arrive at it indicates a certain consensus that Congress is the most practical and realistic last resort.

Modern Election Patterns

The direct election plan conforms to the established practice, if not the electoral college reality, of our modern presidential campaign life. The idea in the minds of the candidates -- and the voters as well -- is to roll up the greatest number of votes. Every presidential candidate realizes that the electoral votes are the deciding factors, but candidates do not campaign for electoral votes. As a practical matter they cannot; they must go after the popular votes.

I think it is crucial in understanding this aspect of direct election to recognize the vast changes which have undertaken presidential campaign practices in the last 10 or 15 years.

Back in the days up through the Truman-Dewey and Eisenhower-Stevenson races the physical location of the candidate fairly well defined the scope of the campaign. And a candidate literally and personally had to reach the people if he wanted to get his message across to them. If Harry Truman whistle-stopped through 15 states, he had campaigned in those states.

When Ike made his famous candidacy announcement in Abilene, Kansas, he got his campaign under way there. And it went with him from there on.

The candidate really was the campaign, and where he went so, too, went the campaign.

Impact of Television

But even in those days powerful changes were taking place, and that 1951 Abilene announcement of General Eisenhower's was the first appearance of one of the most revolutionary changes -- television. It was the first live television coverage of such a political event. And little did those who participated that day appreciate the impact this new broadcast medium would have on the style and practices of presidential campaigning.

In less than 10 years television had rewritten the rules of the presidential race, and Richard Nixon in 1960 will probably be recorded as the last candidate to touch all 50 states in the course of a campaign.

Physical campaigning -- at rallies, whistle-stops, parades and county fairs -- is simply not an efficient means for a candidate to reach more than 200 million people with his views, his programs and his ideas.

This is not to say that a presidential campaign does not require any physical effort on the part of a candidate. It still remains probably the most grueling and taxing endeavor known to modern man. But physical stamina is not the most important attribute in a prospective President. And, to the extent that television has freed a presidential candidate from making his campaign an odyssey for its own sake and thereby gives him a better opportunity to formulate well-considered programs and engage in intelligent discussion of the issues, television is a positive element in presidential campaigns. If it has failed to live up to its promise or could do better, that is a matter for those of us who pass laws or campaign for office or run the networks to deal with.

And in a recent series of campaign reform laws we have enacted, I believe we have done a great deal to make television a more constructive campaign tool. Limits have been placed on the amounts candidates can spend on broadcast advertising and repeal of the equal time provision of the Federal Communications Act will make debates on the issues between major party candidates for all federal offices possible.

But to condemn television out of hand is merely avoiding the facts of life. It is with us to stay, and it has fundamentally changed all political campaigning, particularly in the presidential area.

We should also remember that the presidential primary system retains much of the old flavor and practice of earlier days. The physical presence of the candidate is much more important in primary states because of the smaller numbers of voters and more confined geography involved. So I do not think there is too great a likelihood of a purely videotaped, robo-lettered, artificial candidate being successfully sold to the voters.

Direct Mail Communications

But television is not the only element of change in presidential campaigns. Indeed, it has given rise to several unrelated developments, most notably direct mail contact with the voters.

Beginning, I suppose, with the small contributor phenomenon first recognized and responded to by the Republican National Committee in the early 1960's, contact with voters through individual mailings of letters, pamphlets and other information has grown to one of the most important elements of all campaigns -- particularly on the presidential level. The effectiveness of this approach to making contact with the public was demonstrated by Senator Goldwater's 1964 campaign. Facing an incumbent President Johnson, with the tragic death of President Kennedy still a vivid memory in the public mind, the Goldwater Campaign was widely regarded as futile from the start. But even in the face of these obstacles the Republican Party's small contribution program, run chiefly through direct mail communications of the candidate's program and proposals, supported a full-scale national campaign that closed its books after the November election with all its bills paid and money still in the bank.

Since 1964, direct-mail has been expanded and refined considerably. In 1972 both the Nixon and McGovern campaigns relied heavily upon it.

Changed Techniques:

I point to television and direct mail as two examples of the fact that the techniques for reaching the voters have changed remarkably in the past few years. These changes have required presidential campaigners to use both broader and finer brushes to touch the voters, but they have given candidates opportunities to conduct far better and more informative campaigns than ever before.

On the far-reaching, general issues the candidate can get his message to countless times more people through one network advertisement, interview program or debate than in a month of whistle-stopping or barnstorming. And on the narrower, more specialized issues a candidate can be much more effective in presenting his views to voters who have a particular or specialized interest.

No longer does a candidate have to deliver a farm speech when he goes to Des Moines or does he have to send only one general letter or position paper to every voter.

His speech in Des Moines can be broadcast nationwide or throughout the region and be keyed to any topic which is current. His correspondence can pinpoint his views on food prices to suburban housewives, can explain his trade policy proposals to the workers in selected industries, and can single out Mexican-American voters to elaborate his views on bilingual education.

Equal Values of Votes

All of this is by way of showing that a presidential campaign is much more than a matter of where the candidate has been, where he is and where he is going. And the votes he seeks are much more than a matter of geographic location, political boundaries or party registration. For by use of electronic and printed media, a candidate today can be everywhere at once -- or nearly so. And this ability, or this requirement, I believe greatly reduces the impact of the argument that direct election would cause smaller states to be ignored and relegated to some sort of second-class voter citizenship. To the contrary, I believe direct election will give greater equality to all voters. Under this system a 42 year-old, suburban housewife with 2.4 children, a high-school diploma and a history of supporting environmental causes is just as valuable to a candidate, and she can be reached just as effectively, whether she lives in Syracuse, New York, or Syracuse, Kansas.

Under our present electoral system there is a built-in bias to a choice between spending a candidate's efforts or funds to reach one or the other of these two women. The bias would clearly favor going after the New York Woman's vote with the hope of securing her State's 41 electoral votes, rather than pursuing her counterpart from Kansas, a State with only 7 electoral votes.

But under a direct election system each vote would have equal weight, and the decision could be made on further information on each housewife and the likelihood of winning her vote.

As the technologies of direct mail communications, public opinion research and broadcast campaigning develop, there will be a continuing trend toward treating every voter alike, regardless of his state's size or the prevailing political majority in his state or precinct. Direct election of the President would be entirely in step with this trend, and in my view would strengthen the positions of smaller states -- such as Kansas -- by making the ballots of each of their voters just as important and valuable and deserving of pursuit by a candidate as any in California, Illinois or Ohio.

Strong Two-Party System

Just briefly, I would like to respond to one of the more frequent criticisms of direct election. Some have raised the alarm that direct election would undermine the strength and stability of our unique two-party political system by encouraging the formation and growth of numerous splinter parties with only narrow ideological or geographic appeal.

At the outset, let me emphasize my unshakable conviction that the two-party system as it has developed in America is one of the major influences for stability, order and rationality in our political processes.

Democrats and Republicans have been great adversaries over the years, but the fruits of their struggles over the majority vote in America can be measured far more effectively in terms of unity achieved than division wrought in our social fabric. For rather than appealing to opposing poles of thought and practice in our society, their major efforts -- especially the successful ones -- have been directed toward persuading the greatest number at the center of the spectrum. This great tugging and hauling at the central mass of the voting public has been aimed at formulating the broadest possible platform appealing to the maximum number of voters while alienating the fewest. These efforts to stretch the party umbrellas and offer something politically for everyone have woven a very strong bond of mutual interest and shared concern between the two parties. And they have prevented the proliferation of a fanatical party mentality about election outcomes. Of course some individual always says "if so-and-so wins, I'm moving to Australia." But that commonwealth's immigration statistics will show very few four-year surges in American visa applications.

Basic Agreement

This is not to minimize the real and valid distinctions to be drawn between the two parties, but their mutual dedication to a strong, secure, prosperous and equitable society has promoted the development of our unparalleled degree of domestic harmony and political effectiveness.

I imagine that anonymous questionnaires filled out by Larry O'Brien and myself at the time we were serving as our parties' national chairmen would have disclosed few if any differences in our views on the basic institutions and processes of our system. We, of course, disagreed strongly over certain priorities and the ways and means of achieving them. But I doubt that Larry and I -- or Bob Strauss and George Bush -- are much more than a hair apart in our belief in and support for the fundamental values of this country. And this similarity -- admitted or not -- pervades the majorities of both parties down to the smallest precinct committees.

Our consensus politics, regardless of the formal system for electing the President, is the most powerful influence against development of third parties. But the single-party institution of the presidency, the plurality election of Congressmen from single member districts, established social patterns, and many other legal, economic and traditional influences also support the two-party structure. I would point out that S.J.Res. 1, by allowing only the two strongest national tickets to be presented to the Congress for ultimate choice, also provides additional influence to strengthen the two-party system.

Valuable Stimulus

My two years' service as Republican National Chairman only increased my deep belief in the value of the two party system. And I would oppose any statutory or constitutional change which appeared likely to impair or weaken the strength of our two parties. But direct election would not -- in my view -- undermine the parties. In fact I feel it would provide them still greater opportunities for their consensus-building efforts. It would make a likely voter in a Republican state like Kansas just as attractive to the Democrats as one of their died-in-the-wool stalwarts in Massachusetts. And it would give the Republicans the same incentive for going after a likely vote in the District of Columbia as one in Arizona.

I would look with favor on any stimulus such as this which encourages one party to go into the territory -- philosophical or geographical -- of the other, for it cannot help but have a strengthening influence on the entire system. Every possible impetus should be provided for Democrats and Republicans to extend their missionary efforts to the faithful of their own party, to the heathen unbelievers of the opposition, or to the great unbaptized mass of independent voters. A healthier and more vigorous political climate would follow -- to the benefit of the entire nation.

Conclusion

So, Mr. Chairman, I would conclude by observing that you have chosen an appropriate and fitting moment to renew the quest for electoral reform. The next presidential election is three years away, and thus we have an ideal atmosphere to have a rational and studied discussion of these issues.

The offices of President and Vice President are national offices. I believe it is time to place the electoral process for these offices on a national basis also. By so doing we will be strengthening the nation by improving the electoral system and eliminating a significant source of potential peril for the whole political process. Direct election offers real hope of promoting the interest of every American in seeing that his vote for the highest offices in the land is equal to that of any other citizen, regardless of the size of his state. It also holds the seeds of opportunities and incentives for the Republican and Democratic parties to expand their efforts to reach the voting population and build broader and more effective consensus coalitions to lead our Nation.

The direct election system of S.J.Res. 1 has undergone constructive change since the proposal of 1970 was considered. I believe it should again be presented to the full Senate, so it can be examined, criticized, defended and debated. Perhaps additional changes will be proposed. Perhaps they will be shown to be desirable.

But I believe the Senate has a real obligation to deal with these issues now -- before another presidential election is upon us -- and before the crisis of another 1968-type situation threatens our political institutions again.

I thank the Chairman for his invitation to participate in these hearings, and I look forward to working with him to bring about real and positive reform in our electoral system.