

1 tie, then what harm is there in saying so? I would
2 like to hear some discussion, because this is quite
3 a departure from our present practice.

4 JUDGE ADKINS: I will speak to that as far
5 as the Committee is concerned. First of all in
6 relation to the Federal Government, it seemed to us that
7 the possibility, mathematical possibility of a tie vote
8 there is substantially greater in view of the electoral
9 college and freedom of the electoral college to vote more
10 or less as they choose; surely within the concept of the
11 framers of the Constitution so the possibility of getting
12 a tie vote among 50 people is much greater than among
13 200,000 people, so that we didn't feel it necessary to
14 follow the procedure prescribed in the Federal
15 Constitution. It seemed to us that the mathematical
16 probability of having a tie vote among the two to three
17 hundred thousand votes cast was so completely remote that
18 it did not justify a detailed section of the Constitution
19 providing for its solution. We could be wrong.

20 MR. CASE: Even a sentence?

21 JUDGE ADKINS: We have got a sentence, shall