

Is the Electoral College Passé? - No

Editorial

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by Peter W. Schramm

Those who are keen on abolishing the Electoral College in favor of a direct election of the president, are, whether they know it or not, proposing the most radical transformation in our political system that has ever been considered. I am opposed to such transformation for the same reason that I support the Constitution.

Those who make the argument that a simple majority, one man, one vote, as it were, is the fairest system, make the mistake of confusing democracy, or the simple and direct rule of the majority, with good government. When they argue that democracy is subverted by the Electoral College they are mistaken.

The opponents of the Electoral College confuse means with ends, ignore the logic of the Constitution, have not studied history and are oblivious to the ill effects its abolition would have.

The framers of the Constitution knew that all previous democracies were short-lived and died violently; they became tyrannies, wherein the unrestrained majorities acted only in their own interests and ignored the rights of the minority. The framers' "new science of politics" sought to avoid this.

While all political authority comes from the people—hence Madison calls this a "popular" regime—the purpose of government according to the Declaration of Independence is to secure the natural rights of each citizen. The purpose of our intricate constitutional architecture—separation of powers, bicameralism, representation, staggered elections, federalism, the Electoral College—is to try to make as certain as possible, knowing that people are not angels, that this be accomplished. The Constitution attempts to combine consent with justice. This is what we mean when we say that the Constitution is a limiting document. It is self-evident that all these devices depart in one way or another, from simple numerical majoritarianism. For the Constitution, the formation of majorities is not simply a mathematical or quantitative problem.

Why should California have only two U.S. senators, while Wyoming also has two? Why should the election of senators be staggered so that only a third are up for election in any one cycle? Why should there be an independent judiciary? Why should the president be elected by an Electoral College that is controlled by the states?

The answers revolve around this massive fact: The Constitution encourages the people to construct a certain kind of majority, a reasonable majority, a majority that tempers the passions and interests of the people. The Constitution attempts to create a majority—one could even say many majorities—that is moderate, that is limited and one that will make violating the

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rights of the minority very difficult. In short, the Constitution is concerned with the *character* of majorities formed.

The Electoral College is the lynchpin in this constitutional structure. Although Alexander Hamilton admitted that it wasn't perfect, yet he called it "excellent." The framers of the Constitution debated at length how a president should be chosen before settling on the Electoral College.

At the Constitutional Convention they twice defeated a plan to elect the president by direct vote, and also defeated a plan to have Congress elect the president. The later would violate the separation of powers, while the former would, they argued, lead to what Hamilton called "the little arts of popularity," or what we call demagoguery.

So they crafted the Electoral College. This has come to mean that every four years a temporary legislature in each state is elected by the people, whose sole purpose is to elect a president. It then dissolves, to reappear four years later. In other words we have a democratic election for president, but it is democratic within each state. Yet, within each state, the winner of the popular vote takes all the electoral votes of that state. Citizens in Colorado this month made the right decision to keep a winner-take-all system.

This method not only bolsters federalism, but also encourages and supports a two-party system. In large measure because of the Electoral College, each political party is broad-based and moderate. Each party has to mount a national campaign, state by state, that considers the various different interests of this extended republic. Majorities are built that are both ideologically and geographically broad and moderate. While the two-party system does not eliminate partisanship, it does moderate it.

Each party is pulled to the center, producing umbrella-like coalitions before an election, rather than after, as happens in the more turbulent regimes of Europe, for example. As a result, we do not have runoffs, as most other democracies do. It forces both parties to practice politics inclusively.

Nor do we have a radicalized public opinion as the Europeans do. What we have is a system that produces good, constitutional politics, and the kind of stability that no other "popular regime" has ever experienced.

The Electoral College ensures that an elected president would be responsive not to a concentrated majority, but to the nation as a whole. This process is one of the most important safeguards of our democratic form of government. Leave the Electoral College and the Constitution alone.

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