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YES, WE DO NEED THE ELECTORAL COLLEGE

ON MONDAY, 538 presidential electors will assemble in the nation's 50 state capitals and the District of Columbia. While this meeting of the sometimes-mysterious Electoral College will receive scant notice, it will, in fact, choose the next president of the United States, based on the expression of the popular will witnessed on Nov. 6. Given the significance of its role, this is a good time to consider the worth of this obscure and often controversial institution.

The Electoral College is typically subjected to three related criticisms: that it is "undemocratic"; that it permits the election of a candidate who is not the choice of the majority; and that its "winner- take- all" provision unfairly cancels out the votes in each state which are not cast for that state's presidential choice.

THOSE WHO CALL the Electoral College "undemocratic" often claim that it represents the Founding Father's fear of an imprudent electorate, whose choice for president had to be confirmed by wise and detached electors. This view ignores the fundamental debate of the Constitutional Convention, which pitted advocates of a strong national government (federalists) against those more concerned with states rights (confederalists). The character of the U.S. Congress is a fair reflection of this tension with each state having two senators regardless of size, while representatives are allocated according to the population of each state.

The Electoral College evolved from this same sort of compromise. Fearing dominance from the most populous states such as New York, the small state delegates proposed election of the chief executive by the 13 state legislatures, each holding a single vote. Large- state delegates such as Madison of Virginia and Wilson of Pennsylvania favored direct popular election. The Electoral College was an ingenious compromise, allowing for popular election state- by- state. The people of each state voted as members of their

own political communities, and the weight of their vote was determined by the number of seats their state held in Congress. Thus, it can be argued that the Electoral College is no more undemocratic than say, the U.S. Senate. In fact, it is a vital part of that unique democratic arrangement known as American federalism.

THE SECOND criticism of the Electoral College is the most challenging to deal with because it clearly shows that this is an imperfect institution. One is left to defend the College not as without fault, but as the better course than the alternative- direct popular election of the president.

Critics here note that, in close elections, victory can be denied to the candidate receiving the most popular votes. They point to three instances- John Quincy Adams in 1824, Rutherford B. Hayes in 1876 and Benjamin Harrison in 1888- where this has occurred.

But this has been the case only three times in 51 elections, and not at all since 1888. Moreover, the election of Adams in 1824 was decided by the House of Representatives after neither he nor Jackson won a victory in the Electoral College vote. Second, as mentioned above, the Electoral College is a part of American federalism, and as such elects a president by majorities within each state. Two political wills are involved here, that of the citizenry of each state, and that of the 50 states together. Without the present scheme, how would we determine the winner in a presidential election? Simple, you might say. Just declare the candidate receiving more than 50 percent of the popular vote the victor. Unhappily, this would engender a set of new problems because very often no one receives a majority of the votes cast due to "third party" candidates such as Socialist Eugene Debs (1912) AND George Wallace (1968). America has held 51 presidential elections since 1789, and 15 times no candidate has achieved 50 percent. Abraham Lincoln received 39.7 percent of the popular vote in 1860; Woodrow Wilson, 41.8 percent in 1912; Harry Truman 49.6 percent in 1948; and John F. Kennedy 49.7 percent in 1960- to name the most famous of the "minority" presidents. They did assume the presidency, nevertheless, because all of them garnered a majority of the Electoral vote.

The 1860 election is a perfect example of the role of the Electoral College. In a sense, it creates a majority for each president, regardless of the margin of victory. As a gauge of the will of the 50 states and their citizens, it legitimizes what might otherwise be called into question. Without the Electoral College, the divided American public of 1860 might easily have dwelled on the fact that 6 out of 10 did not vote for President Lincoln. As it turned out, his 180 electoral votes were more than double that of his closest rival, John Breckinridge, with 72. A clear victory, indeed, at a time when America was torn as never before or since.

Reformers, in light of these facts, might then call for a run- off election with all the attendant problems of delay, added cost and political deals involving endorsements of those candidates not reaching that stage. Such an approach would only encourage “third party” candidates, whose numbers would swell with their ability to render elections inconclusive.

Finally, reformers might suggest allowing for a victor as long as, say, 40% of the vote is captured. Again, the number of candidates would increase as would the nation’s preoccupation with the fact that their president was not elected by a majority vote so well provided by the Electoral College.

THE THIRD CRITIQUE of the present system holds that the ‘winner take all’ provision cancels out those votes not cast for a particular state’s presidential choice. In other words, those Californians who voted for Carter in 1980 were somehow disenfranchised because all of this state’s electoral votes went for Reagan. The simple fact is that all elections have that attribute.

The abolition of the Electoral College would be a sever blow to this “nation of states.” It would end a system whereby our head of state is chosen by the collective will of our 50 political communities. In national affairs, the importance of states- their governments, political characteristics and individual attributes and needs- would be lessened considerably because their importance in the political process would be diminished. Without the Electoral College, candidates would be more prone than ever to campaign only in populous urban areas, no longer sensitive to “winning statewide” or gaining the electoral votes of smaller states whose importance is today enhanced by the Electoral College. The reason upon which that basic compromise between small and large states was reached still exists, perhaps stronger today than 200 years ago.

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