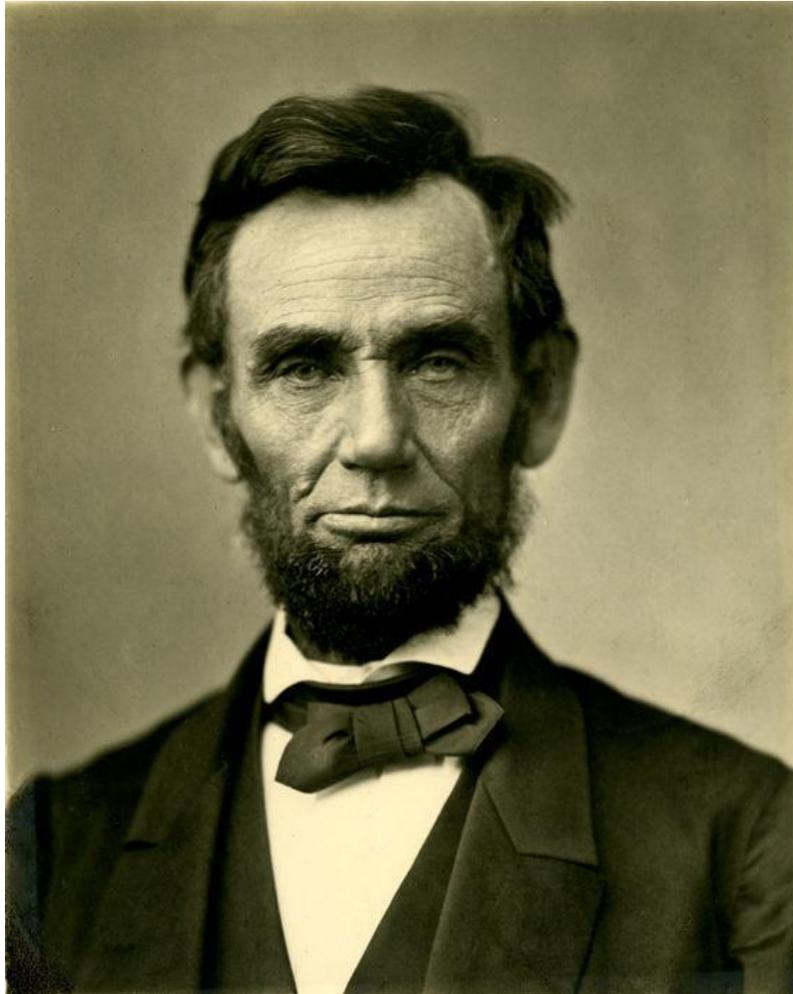


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Editorial: Preserve the Electoral College

The (Fredericksburg) Free Lance-Star
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Alexander Gardner/Wikipedia In the 1860 presidential race, Republican Abraham Lincoln won 1,866,452 votes, or 39.8 percent of the total cast in a four-way race,/span} but his decisive win in the Electoral College (180-123) made him the 16th president of the United States.

Alexander Gardner/Wikipedia

A bill to enter Virginia into an interstate compact designed to bypass the Electoral College has been put on hold in the General Assembly this year. Under the compact, Virginia would join other states that agree to award all of their electoral votes to the

presidential ticket that won the most popular votes in all 50 states and the District of Columbia.

The bill passed the House of Delegates on a 51–46 vote, but the state Senate’s Privileges and Elections Committee wisely put on the brakes, voting 14–1 to put off consideration of the National Popular Vote until 2021. So proponents of the NPV will be back again next year, arguing that the Electoral College is an unnecessary vestige of the past that undermines the principle of “one man-one vote” upon which our democracy rests.

But the Founding Fathers knew what they were doing. The U.S. Constitution creates a carefully calibrated federal system, of which the Electoral College is just one part, that is intentionally designed to keep partisan factions in check and balance the interests of rural residents with those living in more populated areas of the country.

The Electoral College, devised by Virginia’s own James Madison, has worked well for 244 years, with only five presidential candidates in nearly two and a half centuries who lost the closely divided popular vote going on to win the White House. So the NPV addresses the exceptions rather than the rule.

The Electoral College forces candidates to moderate their positions on issues in order to appeal to the largest number of voters in each state. The danger that the NPV poses to smaller states was not lost on Nevada Gov. Steve Sisolak, a Democrat, last year when he vetoed NPV legislation passed by his state’s Democrat-controlled state legislature to become the 16th state to vote to enter the compact.

In his veto message, Sisolak explained that the NPV compact would “diminish the role of smaller states like Nevada in national election contests and force Nevada’s electors to side with whoever wins the nationwide popular vote, rather than the candidate Nevadans choose.”

There are also serious constitutional problems with NPV that its advocates tend to gloss over. Chief among them is the compelling argument that since the Electoral College is part of the Constitution, and nowhere in that document is the national popular vote even mentioned, using the mechanism of an interstate compact as a work-around to nullify it is unconstitutional. Changing any part of the Constitution requires a constitutional

amendment passed by Congress and ratified by two-thirds of the states. This lengthy process ensures that any major changes to our system of government are made only after careful review and buy-in by a majority of Americans and their representatives at the state and federal level.

In a 2018 essay defending the Electoral College, Civil War expert and Princeton Professor Allen Guelzo called it “an unappreciated institution that helps preserve our constitutional system” of federalism. “If anything, the Electoral College was designed to act as a brake on over-mighty presidents, who might use a popular majority to claim that they were authorized to speak for the people against Congress. And from that, we may well have a lot more to fear than from the Electoral College,” he wrote.

Guelzo also debunked claims that the Electoral College was designed to protect slavery. As he pointed out, slavery was practiced in all of the original 13 states when the Constitution (which counted slaves as three-fifths of a person in order to determine the number of representatives each state would get) was being ratified. “The three-fifths clause gave no advantage to slave states until the Northern states, one by one, abolished slavery,” Guelzo pointed out.

“Ultimately, the Electoral College contributed to ending slavery, since Abraham Lincoln, having earned only 39.9 percent of the popular vote in 1860, nevertheless won a crushing victory in the Electoral College,” he added, “leading many Southern slaveholders to stampede to secession in 1860 and 1861. They could run the numbers as well as anyone, and realized that the Electoral College would only produce more anti-slavery Northern presidents.”

And the rest, as they say, is history.

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