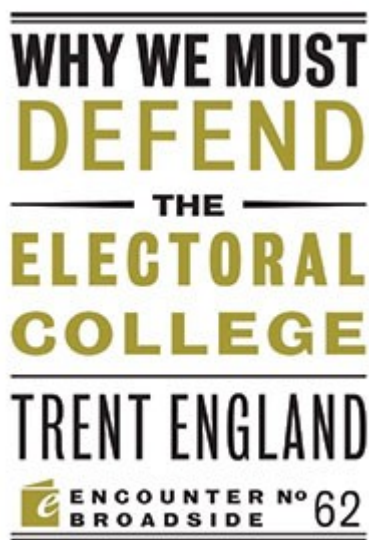




Written by [Steve Byas](#) on December 4, 2020

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Electoral College Vital to Nation's Future



Why We Must Defend the Electoral College

Why We Must Defend the Electoral College, by Trent England, New York: Encounter Books, 2020, 38 pages, paperback.

Author Trent England has been an informed supporter of the Electoral College system of choosing the president of the United States since his undergraduate days at Claremont McKenna College in the late 1990s, inspired by his professor Michael Uhlmann. “He started me down this path,” England told me.

England, the founder and executive director of Save Our States and the executive vice president of the Oklahoma Council of Public Affairs, has written a slim volume that should serve as a handy reference book for patriots desirous of saving the system conceived by our Founding Fathers at the 1787 Constitutional Convention.

In a convention marked by disagreements on how best to implement the limited-government vision of the Constitution’s framers, the Electoral College was perhaps the least controversial creation of those 55 men, who were learned in history and political philosophy. Alexander Hamilton said it might not be perfect, but it was “excellent.”

Perhaps the biggest problem in defending the Electoral College in today’s America is the abysmal ignorance of much of the American public as to what exactly is the very purpose of government. Most detractors of the electoral vote system of electing the president of the United States argue that it is undemocratic, and that the national popular vote should determine who is selected as president. England notes that this thinking is a result of the misconception that “democracy is an end in itself.” On the contrary, the purpose of government is to protect the life, the liberty, and the property of its citizens.

England makes the strong case that choosing the president via the system that the Founders created serves that purpose much better than simply giving the office to the person who has the most popular votes nationally. Besides that, England writes, “The president did not need to represent the people but to put into effect the decisions of the people’s representatives in Congress.”



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In their discussions on the creation of the office of president (partly to provide a check on the power of that Congress), delegate George Mason dismissed the idea of direct, popular election of the president as “impracticable.” Almost all of the delegates agreed with Mason’s conclusion, but finding an alternative presented its own problems.

Elbridge Gerry of Massachusetts proposed an interesting method — have the states’ governors elect the president. That didn’t go over well; neither did having Congress choose the president. The latter idea would defeat the idea of having a chief executive provide a check on the Congress, and the delegates did not want the president picked by politicians, either governors or members of Congress.

After many ideas had been put forth and rejected, the delegates finally created a system where the states would choose electors, and the electors would then choose the president. Article II, Section I of the Constitution states, “Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress.”

This formula followed, and was similar in intent to the compromise that resolved the dispute as to how many votes each state would have in Congress. While in the House of Representatives states would be awarded a number of representatives based on their population, the sovereignty of the states would be protected by giving two senators to every state, regardless of its population. By giving each state a number of electoral votes determined by adding together its membership in the House and the Senate, the delegates were able to produce the system we have today, popularly known as the Electoral College (although that term never appeared in the Constitution itself).

England notes that, in practice, the Electoral College has operated somewhat differently than the Founders anticipated, but that was because state legislatures were left to choose *how* their state’s electors would be selected. Over time, all the states adopted a method whereby electors would be chosen by the state’s popular vote. In 48 states and in the District of Columbia, it is “winner take all,” in which the candidate who runs first in the state’s popular vote gets all that state’s electoral votes. Two states — Nebraska and Maine — award two of their state’s electoral votes to the winner of the state popular vote, but then give the winner of each congressional district one electoral vote.

A complaint about the Electoral College that England expertly dismisses is the concern about “faithless electors.” England explains, “They [the electors] are partisans, well vetted by their own party, and often bound by an oath to their party to support its nominee. When electors do go rogue, they are usually on the losing side and are simply trying to wage some sort of protest rather than throw an election.”

An argument for the Electoral College, England says, is, “Disputes over mistakes or fraud are contained within individual states rather than spilling over into a need for nationwide recounts or greater federal control.”

England cites the “powerful incentive” the Electoral College “creates against regionalism” as another reason to retain the Electoral College system. He notes that in 1888, Grover Cleveland won the popular vote by 94,350 votes, but that was due to his strong support in one region of the country, the Deep South. In six Southern states, Cleveland won by more than 30 percent of the vote, and his margin of victory in Texas alone — 146,461 — was enough to win him the popular vote. But because Cleveland was unable to win his home state of New York, and he failed to garner more support in the Midwest and New England, as well as in some of the Western states, he lost. Four years later, Cleveland did get



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broader support, and was returned to the White House in the election of 1892.

“Swing states get a lot of attention,” England writes, “and other voters feel left out.” Rather than conceding that this is somehow an argument against the Electoral College, England contends that this is rather an argument *for* the Electoral College, saying that a political party must reach out beyond its “safe states” to win. “Would we really prefer it if the path to the presidency was driving up the vote total in the deepest red or the deepest blue states?”

The United States is not the only country to elect its chief executive indirectly, England notes, citing the example of the United Kingdom and other countries.

Because it is almost impossible for the enemies of the Electoral College to ever muster enough votes in Congress to eliminate it (two-thirds of each house) and in the states (three-fourths of the legislatures), the anti-Electoral College crowd has turned to a devious method of overturning the Electoral College by making an end-run around the Constitution.

It is known as the National Popular Vote (NPV). The plan is the creation of a compact of states who would agree to award their state’s electoral votes to the “winner” of the national popular vote, rather than the winner of their state’s popular vote. The “trigger” for it to go into effect is the participation of states totaling 270 electoral votes or more (the number needed to make a majority of the electoral vote, as required by the Constitution).

England contends that the NPV has multiple problems. One is that fraud in one state would affect every other state, and would result in more power in the hands of the federal government. “An especially close election would require a nationwide recount,” England explains. “Candidates could win based on intense support from a narrow region or a small collection of big cities.”

Despite its name, England argues, “the plan cannot actually create a national popular vote.” He adds, “Finally, each NPV state would certify its own national vote total.”

The likelihood of fraud in one state would inevitably lead to more federal control over elections. A national popular vote to determine the winner of a presidential election would shift power toward urban centers of the country.

England writes that interstate compacts, such as NPV, require congressional consent, according to the U.S. Constitution. Thus, the NPV is unconstitutional, but considering that judges regularly ignore the clear wording of the Constitution, he cautions against depending on federal judges to save the Constitution. England told me, “I never put my faith in federal judges. Hopefully, all conservatives have learned that lesson by now.”

England’s passion for saving the Electoral College is summed up in his book: “The very idea of a constitutional republic is at stake.”



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