



Written by [Steve Byas](#) on January 4, 2019

Tennessee Democrat Proposes Dangerous Constitutional Amendments

It is as predictable as the sun rising in the East every morning — a Democrat member of Congress from Tennessee, Steve Cohen, has introduced a constitutional amendment to eliminate the Electoral College on the first day of the new Congress. Cohen's amendment would provide for the direct election of both the president and the vice president of the United States by a national, rather than a state-by-state, popular vote.



Cohen, a member of the House Judiciary Committee, issued a statement explaining why he wishes to change the method of presidential election crafted by the framers of the Constitution: "In two presidential elections since 2000, including the most recent one in which Hillary Clinton won 2.8 million more votes than her opponent, the winner of the popular vote did not win the election because of the distorting effect of the outdated Electoral College. Americans expect and deserve the winner of the popular vote to win office. More than a century ago, we amended our Constitution to provide for the direct election of U.S. Senators. It is past time to directly elect our President and Vice President."

Cohen's proposal to ditch the system of presidential election found in the Constitution is a symptom of the desire of many on the Left to change our system of government from a federal republic into a unitary democracy. The framers of the Constitution were not looking to create a government to insure that the will of the majority prevailed in all matters, but rather were desirous of providing the "blessings of liberty" to themselves and to those Americans would come after them. If making sure the will of the majority prevailed was the goal, then the Bill of Rights, and indeed, the Constitution itself would be superfluous.

The United States was a creation of the 13 states that had entered into a military alliance to successfully secede from the British Empire. They did not like being ruled by a far-off distant government regarding what they considered local matters, and they had no desire to put in place another such national government in America. Instead, they created a federal system of government, with most governmental powers reserved to the states.

As was the case with Congress, in which one house (the House of Representatives) would represent the people directly, giving some states more representation because of their larger population, and another house (the Senate) which would represent each state equally, the mode of presidential election was a compromise. Each state legislature would develop its own method of choosing electors (the number of which would be determined by each state's total congressional representation, House and Senate), who would in turn elect the president.

Alexander Hamilton said the way the president was to be elected under the Constitution was certainly not perfect, but it was "excellent." Writing in *The Federalist*, No. 83, Hamilton said, "The mode of appointment of the Chief Magistrate of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure, or which has received the slightest mark of



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approbation from its opponents.”

Can one imagine a presidential election conducted by a national popular vote, instead of the present system, using the Electoral College? As we saw in Florida in the last mid-term election, and in 2000, with the presidential election, much opportunity for mischief in ballot counting exists. With the Electoral College, this mischief is at least limited to one state. Were the United States to have a national election in which one candidate won by only a few thousand votes, it is doubtful that a recount would even be possible. Naturally, an election by direct popular vote would require the creation of an election process controlled by the federal government, not by the states.

Cohen’s proposal illustrates that there is a significant number of people who simply do not like the work of the Founding Fathers, which should cause those who are conservative and are advocating for an Article V Constitutional Convention to change course. The same electorate that just turned control of the House of Representatives to Steve Cohen and Nancy Pelosi is the same electorate that would elect delegates to any convention considering amendments to the Constitution.

There is no question that the Electoral College would be in the crosshairs at any such constitutional convention. So would the Second Amendment. For that matter, given the opportunity, many would like to undo the Constitution itself, and replace it with something less restrictive of their ability to expand the power, size, and scope of the government in D.C.

Not content with the prospect of scrapping the Electoral College, Representative Cohen wants to restrict the pardoning powers of the president, as well: He introduced a second proposed amendment to limit the pardoning powers of the president. These pardoning powers were given to the president as a check on the judicial branch — part of the system of checks and balances the Founders created when they adopted the Constitution.

“Presidents should not pardon themselves, their families, their administration or campaign staff. This constitutional amendment would expressly prohibit this and any future president, from abusing the pardon power,” Cohen said in his statement.

The fact is, those people are likely partisan targets of judicial misconduct, yet Cohen wants to give the courts unlimited powers, unchecked by the power of a presidential pardon, in this area. It is obvious that Cohen wants to target President Trump.

Fortunately, the Founders wisely made it difficult to make such fundamental changes to the basic law of the country, requiring a consensus that such a change should be made. All 27 amendments to the Constitution have come after a two-thirds vote of each house of Congress, followed by ratification from three-fourths of the states. This makes such partisan efforts as Cohen’s highly unlikely.

But a national convention, called to consider amendments to the Constitution, would be under no such two-thirds restriction. A simple majority of the delegates (chosen by the same electorate that has given us our present Congress) could propose any amendment they wish — including the abolition of the Electoral College, the Second Amendment, or indeed, the Constitution itself.



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