



## Save the Electoral College!

Why should we keep this peculiar institution called the Electoral College (EC)? Wouldn't direct popular election of the president simplify the process? Dispensing with the EC would indeed simplify matters considerably. However, as the Framers of our Constitution understood, in matters of human government the simplest solution is not necessarily the one most compatible with the preservation of free institutions.

It is hardly surprising, observed Congressman Ron Paul (R-Texas), that "calls to abolish the electoral college system are heard most loudly among the liberal/collectivist elites concentrated largely on the two coasts."

A glance at the *USA Today* map of the 2000 presidential election results will suffice to illustrate why this is so — and why Americans who seek to restore limited government must work to preserve the EC. The map offers a breakdown of the popular vote in the 2000 presidential election by counties: The blue ones (677 total) were carried by Al Gore, the red ones (2,434) by George W. Bush. The Gore vote painted a bicoastal fringe of blue, with occasional flecks scattered across the midwest (and several clusters that are found in states with high rates of illegal immigration and large populations of thinly assimilated immigrants). The Bush vote dominates the Western states, the South, and the Midwest. Furthermore, the counties carried by Bush are more economically productive than those that went for Gore: During the last decade, the Bush counties enjoyed a 14 percent rate of economic growth, as compared to five percent in the Gore counties.

This is not to say that the map illustrates the virtues of George W. Bush. However, in a race in which Bush was perceived (however inaccurately) as an advocate of smaller, less intrusive government, and Gore ran a campaign rooted in vulgar appeals to class envy and racial hostility, rural America — where the productive, law-abiding citizenry seeks refuge — voted almost unanimously for Bush and against the Clinton legacy. Urban America, which teems with constituencies that are dependent upon transfers of government-plundered wealth, voted for Gore. Although Gore claimed a slightly larger share of the popular vote, his supporters, who perceived him as the candidate of redistributionist government, are — quite literally — thin on the ground: Measured in terms of aggregate population (rather than the numbers of votes), Bush won counties with a total of 143 million, compared to Gore's 127 million. As commentator Mark Steyn observed, "It's possible to drive from Fort Dick on the Pacific coast in a more or less straight line to Ocean City, Md., without passing through a single county that voted for Gore."

Once again, although the substantive differences that separate Bush from Gore are not as pronounced as most appear to believe, the 2000 election demonstrated how advocates of invasive, plunder-crazed government could win the popular vote by focusing their efforts upon winning population-dense urban centers and ignoring the vast expanse of "fly-over America."

When the Framers settled on the Electoral College as the means of selecting a president, one of their primary concerns was to protect the interests of smaller states against potential domination by larger, more densely-populated states. The results of the 2000 race illustrate how easily such domination could be brought about through direct popular election of the president. In fact, some leftist political pundits have intimated that the county-by-county returns in the 2000 presidential campaign demonstrate that such dominance would be a healthy thing, since rural America is unworthy of self-government.

As a minion in the Bill Clinton administration, commentator Paul Begala endorsed rule by executive order in the following memorable phrase: "Stroke of the pen. Law of the land. Kinda cool." In a column



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he wrote for the MSNBC.com website following the election, Begala described rural America, which had rejected Al Gore, as a region overrun by violent bigots:

You see the state where James Byrd was lynch-dragged behind a pickup truck until his body came apart — it's red. You see the state where Matthew Shepard was crucified on a split-rail fence for the crime of being gay — it's red. You see the state where right-wing extremists blew up a federal office building and murdered scores of federal employees — it's red. The state where an Army private who was thought to be gay was bludgeoned to death with a baseball bat, and the state where neo-Nazi skinheads murdered two African-Americans because of their skin color, and the state where Bob Jones University spews its anti-Catholic bigotry; they're all red too.

Columnist William O'Rourke of the *Chicago Sun-Times* was even blunter in his characterization of what he called "Yahoo Nation" — the primarily Western and rural counties that voted against the left's 2000 standard-bearer. "Yahoo Nation," wrote O'Rourke, "is a large, lopsided horseshoe, a twisted W, made up of primarily the Deep South and the vast, lowly populated upper-far-west states that are filled with vestiges of gun-loving, Ku Klux Klan-sponsoring, formerly lynching-happy, survivalist-minded, hate crime-perpetrating, non-blue-blooded, rugged individualists." "Yahoo Nation," according to O'Rourke, does not contain "one center of thinking America, the teeming centers of creative and intellectual life." The section of the country that went for Al Gore, by way of contrast, contains "America's great cities: New York, Boston, Washington, D.C., Chicago, Los Angeles, San Francisco, Philadelphia, Seattle." Presumably it would be better for everyone, from this perspective, if "Yahoo Nation" were made to submit to the will of "thinking America" — and replacement of the Electoral College with direct popular election of the president would certainly advance that design.

### **A Renewed Campaign**

At predictable intervals — usually coinciding with a presidential election — advocates of a more centralized, socialist national government propose the abolition of the Electoral College, and the prolonged deadlock in the 2000 presidential campaign prompted unprecedented interest in the idea.

In her first public appearance as New York's junior senator-elect, Hillary Rodham Clinton told a rally in Syracuse: "I believe strongly that in a democracy, we should respect the will of the people, and to me, that means it's time to do away with the Electoral College and move to the popular election of our president." Displaying anew the vaunting arrogance that propelled her into a futile bid to re-cast our nation's healthcare system according to her whims, Clinton announced that one of her first undertakings as a senator would be to support an amendment to provide for the "direct election" of the president.

Senator Clinton will find more than a little support on the Hill for this proposal. In a November 2000 press conference, Congressmen Dick Durbin (D-Ill.) and Ray LaHood (R-Ill.) called for the abolition of the Electoral College, which Durbin denigrated as a "Constitutional dinosaur" and "inherently unfair." To rectify what he considers a defect in our system, Rep. Durbin announced that he would propose a constitutional amendment to permit election of presidents by popular vote. "The way this gets changed," commented Rep. LaHood, "is if there's a calamity in the country, where somebody were to get the popular vote but lose the electoral vote." In the wake of the Bush-Gore impasse, Melissa Merz, a spokesman for Rep. Durbin, observed: "Sometimes you have to have some kind of big event to build momentum for a constitutional amendment. And certainly I think this would be considered in that category."



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Rep. William Delahunt (D-Mass.) is similarly dismissive of the Framers' handiwork. "For months I have talked with colleagues who shared my concern that this could be the year when the electoral vote contradicts the popular will," recalled Rep. Delahunt in a November 10 *Boston Globe* column. "For years, most Americans have ignored the Electoral College as a harmless nuisance. Not anymore. The collision between the electoral vote and the popular vote is no longer just a historical curiosity." While the Electoral College "may or may not have made sense in 1787," Delahunt continued, "through 21st Century eyes it is as anachronistic as the limitations on suffrage itself." Describing the College as "a compromise that reflected a basic mistrust of the electorate," Rep. Delahunt — who sits on the House Judiciary Committee — concluded, "It's time to abolish the Electoral College and count the votes of all Americans in presidential elections."

The left-wing League of Women Voters struck a similar note in a November 19 press release, assailing the Electoral College as a feature of a "horse-and-buggy election system" that is overdue for retirement. "It is time to bring our elections into the 21st century to ensure a broad-based representative democracy," insisted the League. "The Electoral College, a curious vestige of the 18th century, violates the principle of one person, one vote. The time has come to abolish it. It is time to ensure that the president of the United States is directly elected by the people."

In a November 2 *USA Today* op-ed column, former presidential candidate (and World Federalist Association President) John B. Anderson boiled the case against the Electoral College down to its essence: "'Majority rule' is a basic tenet of democracy. The Electoral College ... fail[s] this test. Let's send a message to American voters that it is their votes, and their votes alone, that count when electing our leaders."

All of these objections to the Electoral College illustrate two profoundly dangerous notions that have become embedded in our political discourse: The idea that our nation was intended to be a "democracy" and that the president is supposed to be a vessel of the "people's will." Both of these concepts are entirely alien to the constitutional system as designed by the Framers.

"Majority rule" is indeed a basic tenet of democracy. The Framers of the Constitution, however, understanding how democracy rapidly degenerates into mob rule and then into tyranny, created a republic — a government of law — designed to protect the rights of the individual. As James Madison observed in *The Federalist*, No. 10, many issues of grave consequence "are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority." This is particularly the case when the majority is uninformed about the issues involved and is misled by demagogues who claim to have its best interests in mind. Political issues are best decided after sound deliberation. But the closer a country moves toward direct democracy, the less deliberation takes place, and the more political issues are decided by passion based on the agitated, often deliberately misinformed whims of the moment.

The Founding Fathers understood that just as it is wrong for a dictatorship or a monarchy to violate basic rights, it is also wrong for a "democratic" government to do so. The fact that the rulers of a majoritarian system claim to act in the name of the people for some supposed greater good does not make whatever totalitarian measures they impose any more palatable.

"From their vast knowledge of history, the American Founding Fathers knew that unlimited political power cannot safely be trusted to *anyone* — not to appointed officials of government, not to elected representatives of the people, not to the people themselves," observed constitutional scholar Dan Smoot. "Hence, they devised a system to control political power by dispersing it and balancing it so that



Written by [Alias](#) on January 1, 2001

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too much power could not be concentrated in any one place.”

The system created by the Founders could usefully be thought of as a “mixed government,” combining elements of popular, aristocratic, and monarchical governments in a constitutional framework. The functions assigned by the Constitution to the central government were distributed among three branches — legislative, executive, and judicial — with the legislative branch itself split between the House of Representatives and the Senate.

The House represents the people; the Senate was originally elected by the state legislatures, to represent the interests of the various states. The Electoral College — composed of officials chosen by the states in a number equivalent to their respective congressional delegations — was intended to be a limited-term legislative body that would select a chief executive. This system would preserve elements of representation found in both the House and the Senate, while also preserving the powers of the separate states.

Just as importantly, through the Electoral College the process of selecting a president was controlled by the states, rather than by the remote central government, which would always seek to enlarge its powers at the expense of the states. This same arrangement that would protect the states from federal encroachment was also intended to frustrate the emergence of a democratic executive despotism.

To contemporary minds, “democratic despotism” seems like an oxymoron. However, the Founders were quite familiar with the way in which ancient demagogues like Catiline and Caesar had seized power by bribing the masses with other people’s property. In remarks to the 1787 Philadelphia Convention, Elbridge Gerry of Massachusetts, in warning about the evils of an “excess of democracy,” made specific mention of “the danger of the leveling spirit” — the plunder-lust that inspires mob rule. Benjamin Franklin also offered a cogent warning about how the “leveling spirit” that animates democracy can lead to monarchical — or executive — despotism.

“There is a natural inclination in mankind to Kingly Government,” observed Franklin during the June 2 session. “They had rather have one tyrant than five hundred. It gives more of the appearance of equality among Citizens, and that they like. I am apprehensive therefore ... that the Government of these States, may in future times, end in a Monarchy.” That such a monarch would be an elected ruler would be of little comfort, since, as Franklin observed, “There is scarce a king in a hundred who would not, if he could, follow the example of Pharaoh, get first all the people’s money, then all their lands, and then make them and their children servants forever.”

Subsequent history has amply validated the Founders’ rejection of democracy, as tyrants claiming to embody the “general will” have reigned with blood and horror in nearly every clime. Adolf Hitler came to power in Germany after a perfectly democratic election (with little, if any, demonstrable vote fraud) in which a majority of the voters cast ballots for either the Communist or National Socialist (Nazi) party. As measured in purely democratic terms, the “will of the German people” in 1933 was behind some form of totalitarian rule masked in euphemistic language. Hitler — having won a dominant plurality — was appointed chancellor, quickly consolidated dictatorial powers, and abolished what remained of the independence of Germany’s individual states. Had Germany possessed a mechanism like the Electoral College was originally designed to be, Hitler’s ascent may have been prevented. The German people of the 1930s, after all, did not want to be slaves any more than the American people of today. But many were ignorant of Hitler’s true intent and were swayed by his demagoguery. They were promised security and greatness and given totalitarianism instead.



Written by [Alias](#) on January 1, 2001

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Hitler's Nazi Party, like proponents of a directly-elected U.S. president, believed that the Executive should personify the "will of the people." In the section setting forth the concept of *Führerprinzip* (the "leader principle"), the Nazi Party's *Organization Book* explained: "The Führer-Reich of the people is founded on the recognition that the true will of the people ... in its pure and uncorrupted form can only be expressed through the Führer.... He shapes the collective will of the people within himself.... [His] power is not limited by checks and controls ... but is free and independent, all-inclusive and unlimited."

In recent decades the office of the president has come to acquire many of the features associated with dictatorship. This trend has escalated dramatically during the second Clinton term, during which the operative maxim was the aforementioned witticism of Paul Begala: "Stroke of the pen. Law of the land. Kinda cool." Coupled with the grotesquely exaggerated powers now claimed by the presidency, elimination of the Electoral College would put additional impetus behind the transformation of the office from that of a constitutionally restrained executive to that of an elected dictator.

In a refreshing departure from her generally liberal tilt, syndicated columnist Georgie Anne Geyer has pointed out that direct election of the president would presage the emergence of "the totalist state in America." "In history, the development of 'direct democracy' — in which the leader communicates directly with 'the people' instead of being chosen (and controlled) by intermediary organizations such as ... an Electoral College — has distinctly ominous undertones," observed Geyer in her November 17 column. "In modern times, the phrase can be traced to Italy during the '30s and to the fascist regime of Benito Mussolini, who developed a mesmerizing hold over the Italian people. In Cuba, from the very beginning, Fidel Castro defined his charismatic spell over the Cuban people as a case of 'direct democracy,' a 'spontaneous approval of the masses,' and a 'constant plebiscite of public opinion.'"

Referring to the growing trend across the United States toward various forms of "direct democracy," Professor Laurence Berns of St. John's College warns that our nation is headed toward "that degenerate form of democracy called variously plebiscitary democracy, totalitarian democracy, or more simply, demagogic despotism."

Fisher Ames, a congressman of America's founding era, warned that "Every step ... towards a more complete, unmixed democracy is an advance towards destruction; it is treading where the ground is treacherous and excavated for an explosion. Liberty has never yet lasted long in a democracy; nor has it ever ended in anything better than despotism."

## **No National Elections**

In the system designed by the Framers of the Constitution, there were to be no national elections. As originally specified in the Constitution, electors were chosen by state governments through any method deemed by them to be appropriate. The electors would meet in their respective states and cast votes for two candidates, one of whom must be from another state. The candidate receiving the most votes (if he receives a majority) would be president, with the second-place finisher serving as vice president. If no candidate received a majority, the House would select a winner from among the top five contenders in a special election in which each state would receive one vote, and the winner would be required to claim an absolute majority.

The 1800 election, which ended in an electoral tie between Thomas Jefferson and Aaron Burr, was thrown to the House for resolution. Both Jefferson and Burr represented the fledgling Democratic-Republican Party, and were perceived as running on the same ticket. After 36 ballots, Jefferson prevailed, and Burr became his vice president. As a result, the 12th Amendment — which requires that



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each elector cast one vote for president, and a separate vote for vice president — was adopted in 1804. The Amendment also specifies that in the event no presidential candidate receives an electoral majority, the winner will be selected by the House from among the top three finishers. As before, each state would cast a single vote, and an absolute majority would be necessary to win.

The Framers intended that the individuals chosen to serve as electors — forming what amounts to a temporary legislative body with one specific purpose — would be sober, public-minded men. As Alexander Hamilton put it in *The Federalist*, No. 68, “the immediate election [of the president] should be made by men most capable of analyzing the qualities adapted to the station and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice.” One of the principal advantages to this system, insisted Gouverneur Morris, was “that of taking away the opportunity for cabal.”

“As specified in the Constitution,” writes Randall G. Holcome, an economist at Florida State University, “the election process should resemble the way that a search committee might serve to locate a high-ranking corporate (or government or academic) administrator. The committee, like the electoral college, would develop a list of candidates, and the CEO (or bureau chief, or university president) would then select his or her most preferred candidate from the list.” Holcome’s analogy, as foreign as it may sound to those who have been suckled on pious platitudes about “our democracy,” is quite sound. The Framers intended that the presidency would be a significant, but necessarily subordinate, office — an executive tasked to carry out limited and well-defined duties, rather than the ruler of a centralized political system.

One crucial advantage of the electoral system over direct election, James Madison observed in 1823, is that “although generally they are the mere mouths of their constituents, they may be intentionally left sometimes to their own judgment, guided by further information that may be acquired by them” subsequent to their appointment. Acting upon this new information, the electors would “be able, when ascertaining, which may not be till a late hour, that the first choice of their constituents is utterly hopeless, to substitute in the electoral vote the name known to be the second choice.”

At the time Madison offered this insight, the electoral mechanism designed by the Framers was already being supplanted by a scheme based upon the emerging political party system. However, even though the electors of that era were expected to carry out their partisan instructions rather than exercise independent judgment, Madison pointed out that they still had the power — and the civic obligation — to protect the republic from an unsuitable presidential candidate.

To understand why this role of the Electoral College is valuable, consider what might have happened in 1996 if the electors, following Madison’s formula, had taken a serious look at the evidence — largely suppressed until just before the election — that Bill Clinton had received what amounts to bribes from China in the form of illicit campaign donations. Having learned of this treachery at “a late hour,” the electors could have decided, in all constitutional propriety, that Clinton was “utterly hopeless,” and have cast their votes for a worthier candidate (who would not have been difficult to find).

Under the current “winner takes all” system, most people find it inconceivable that the Electoral College would ever take such independent action. The system as it presently stands does not reflect the Framers’ intentions. Instead, as William C. Kimberling of the Federal Election Commission points out, it is “the logical consequence of the direct statewide vote for Electors owing to the influence of political parties.” The “winner takes all” system is the product of two trends: Selection of electors by popular vote; and the adoption of the electoral “general ticket” by states during the 1820s.



Written by [Alias](#) on January 1, 2001

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By 1832, most states provided for popular selection of electors, and an increasing number of states were delivering their electors *en bloc* to presidential candidates. In the post-Jacksonian “spoils system,” the “general ticket” approach created incentives for presidential candidates to bid for those votes; it also created incentives for other states to follow suit, lest they be deprived of presidential favors. “Once the legislatures of some states seized upon the plan of delivering the entire electoral vote *en bloc* it became necessary for politicians in other states to imitate that idea, in order to preserve their relative power in the selection of a president,” wrote Roger MacBride in his study *The American Electoral College*.

### **Restoration Through Reform**

There are sound reasons for supporting reforms of the present electoral system that are intended to restore the original function of the Electoral College. For example, some constitutional scholars, such as Roger MacBride and Dan Smoot, believe that electors should be chosen by congressional districts, with two electors-at-large selected by the state legislatures, as senators originally were. This would break up the “winner-take-all” system and encourage greater independence on the part of electors. However, any reforms of this type must be pursued by the states, rather than being imposed upon them by the federal government.

Most importantly, Americans must resist and defeat all efforts to abolish the Electoral College, which — even in its present degenerated form — serves as an important safeguard against tyranny. “To abolish the Electoral College in favor of a nationwide popular election for president would strike at the very heart of the federal structure laid out in our Constitution and would lead to the nationalization of our central government — to the detriment of the States,” warns Kimberling. It would also recreate, in our nation, the mechanisms of power that characterized such despotisms as National Socialist Germany and Fascist Italy: A consolidated national government under a ruler who represents the “general will.”

Fortunately, every previous effort to abolish the Electoral College has come to naught. In addition, current advocates of abolition have a serious disadvantage: To succeed, they need the support of three-fourths of the states for a constitutional amendment. Most states would stand to lose their voice in presidential politics were we to abandon the Electoral College. This is why concerned citizens should contact their state representatives and senators, as well as the governors, and urge them to pass resolutions opposing any amendment to abolish the Electoral College.

This is a monumentally important battle to preserve our Constitution and restore our republic — and it is a battle that can be won!



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