For students of history, the acrimonious and contentious 1876 presidential canvass came to mind during the 2000 election imbroglio. Democrat Samuel J. Tilden won the popular vote, but to the dismay of outraged Democrats, an electoral commission of eight Republicans and seven Democrats decided along strict party lines to give twenty disputed electoral votes to the Republican Rutherford B. Hayes, and thus the presidency. The hotly contested 2000 presidential campaign produced similar howls of protest when Republican George W. Bush won the election with a controversial majority in the Electoral College even though his Democratic challenger Al Gore received approximately 500,000 more popular votes. Scholars, pundits, editors, politicians, and others called for the abolition or reform of this “ridiculous setup, which thwarts the will of the majority, distorts presidential campaigning and has the potential to produce a true constitutional crisis.”

The current demand for change has deep historical roots dating back to 1796 when William Smith, Federalist of South Carolina, urged a revision of the electoral system because “it had been discovered that great inconveniences might arise.” Since that time, hundreds of proposals have emerged and yet, with the exception of the adoption of the Twelfth Amendment in 1804, all have failed. It is likely that present efforts will meet the same fate. Why?

The attempt to answer this question offers American History instructors...
in secondary and college classrooms an opportunity to examine the merits of various reform proposals and how they might impact the "whole solar system of governmental power." Proposals address issues of one person-one vote, differences between large and small states, interest groups, political parties, federalism, checks and balances, separation of powers, majority rule, and minority rights. The purpose of this brief article is to stimulate the discussion by suggesting that the answer to why there has been no change is rooted in the reasons for the adoption of the Electoral College in 1787 and the evolution of the two-party system during the early years of the republic. It is this history which explains why the Electoral College should be preserved.

The Creation of the Electoral College

The delegates who attended the Philadelphia convention in 1787 possessed a deep-seated suspicion of man’s capacity to use power wisely. "Men are ambitious, vindictive and rapacious," wrote Hamilton. The delegates feared that depraved men, particularly those sinister individuals who formed political parties, would erode or destroy America’s dearly won liberty. In the political ethos of the time, any faction or party (the terms were used interchangeably) systematically pursuing governmental power was an enemy of republican government. Party, faction, organized intrigue, agglomerations of political power—these were the evils the delegates wanted to purge from presidential elections. It was a daunting problem which remained unresolved until the Convention’s final days. The solution that was eventually proposed, the Electoral College, was thought to achieve this purpose and won wide public acceptance. Hamilton noted that it "is the only part of the system... which has escaped without severe censure or which has received the slightest mark of approbation from its opponents." The Electoral College plan earned support because it was uniquely fitted to the eighteenth-century ideological requirements for republican government, its institutional arrangements, and the accepted means of conducting public business. First, it was one of the procedural restraints devised to ensure popular government. Under the separation of powers, it provided a mode of choosing a president, the only nationally elected official, from a constituency different from that of federal representatives and senators. Second, it was part of that division of powers known as federalism, for it anchored the whole electoral process in the states where the task of choosing a chief executive would be assumed by dedicated public servants who possessed "extensive and accurate information relative to men and characters." Convening separately in each state and divided
further by the natural barriers of geography, the Electoral Colleges were
temporary groups which would meet once, debate, cast ballots, and then
disband. Membership in the Colleges was also limited; those who might
have a special interest in the final choice, such as federal senators and
representatives, were prohibited from serving.

The Framers concluded, therefore, that this system would protect presi-
dential electors from dangerous party pressures that could be exerted if the
"electors" met at the same time and place. Because the selection process
was purged of an unwanted, selfish grasp for power, a leader would be
chosen who could be trusted to exercise the awesome authority invested in
the executive office. Moreover, the process would produce a chief execu-
tive with both a real and a nationally-distributed majority. The president
would represent a choice that was individual and collective, federal and
national, sectional and unionist. He would have legitimate claim to office
and a real chance to govern.

The Two Party System and the Electoral College

There is little doubt that the Founders hoped to limit the power of ho-
mosogeneous, fiercely aggressive political factions in the vast new republic
they had created. What they failed to anticipate was the development of
the two party system based on the idea of an organized loyal opposition
freely contesting for political power. The parties emerged during the
1820s and 1830s and the Electoral College evolved with them, taking on
a form that bent its original design. State electors were now committed
to specific parties and candidates, and the adoption of the general ticket
or winner-take-all system awarded all of the state’s electoral votes to the
candidate receiving the popular plurality.

The impact of these developments on the American political system
was profound. Parties and politicians were forced to bring together coalitions
of interest groups in order to capture the Electoral College majority
required for victory. As a result, the major parties developed into great
enveloping coalitions, embracing and moderating the struggles of special
interests, and performing most effectively as election machines. Before
a presidential candidate was selected, the multiple interests of the party
were muted or accommodated at a lower level in the cause of party unity
and success. As a result, irreconcilable issues (with the major exception
of the Civil War era) rarely stirred the nation during a national campaign,
making the result easier to accept when the vote was tallied.

In truth, most elections were really standoffs, with many citizens am-
biguous about the "issues" and just a few votes out of millions separating
the two major candidates. What the Electoral College did was to provide
a way to view a close or contested canvas through a prism that enabled one of two individuals to secure an undisputed majority and absolute right to the presidency.

**One Proposed Alternative:**
**Direct Popular Election of the President**

This successful and satisfactory system, one that has worked with only a few close calls, would dissolve with the abolition of the Electoral College, exposing the nation to dangerous forces that could tear it apart. The point can best be illustrated by examining one widely supported reform proposal: direct popular election of the president. While there are variations of this plan, most call for the winning candidate to receive a popular plurality (forty percent is often mentioned) and a run-off election if that is not achieved. If no longer required to win electoral votes, however, every regional, ideological, or special interest group would have a chance to influence the outcome. By sponsoring candidates who could prevent major party nominees from securing a plurality of the popular vote, they would have the leverage to determine which of the leading candidates prevailed in the run-off election. Or they could so dilute the popular vote that the run-off would be between two candidates who had received only a fraction of the tallies, producing a leader who lacked broad, national support. Moreover, the staggering financial costs of run-off elections would increase the influence of special-interest brokers with deep pockets in a system that is already too much influenced by money. In any event, factions would have a deleterious impact upon our national plebiscite. The Founders worried about the negative and dangerous influence of such groups and it should worry us today.

Direct popular election of the president would also disrupt our political equilibrium by opening the campaign to sharp ideological debates leading to severe fragmentation in the electorate and possibly irreconcilable splits in our society. These tensions always exist below the surface in America where, like a steaming volcano, the right forces would permit them to erupt. Today these explosive issues have generally been resolved or tempered at a secondary level in the national conventions where hard-edged interests are compelled to compromise to gain the broad popular support necessary to ensure a majority in the Electoral College. It is difficult to measure the value of this safety valve in our heterogeneous society, but it must be counted as one factor that contributes mightily to stability in America, even in this time of heated partisan politics.

Another troublesome problem with a system of direct popular election of the president involves the complexity of counting the vote on a national
rather than a state level. In close or disputed elections a national recount might be required, an enormous task that could delay a result indefinitely. Today recounts in one or more states are important only if having an accurate count would determine the winning totals in the Electoral College. Finally, the ultimate effect of direct popular election of the president is the sum of all stated above: the demolition of what remains of the two-party system. This system is an integral part of the delicate mechanism which makes it possible for our vast, complex society to govern itself with some stability. Its destruction would make us dangerously vulnerable to those very evils the Founders feared: special interests, ideologues, and a host of minor parties attempting to manipulate governmental power and the presidency for their own narrow, selfish ends, threatening the nation's core values and institutions. This very real danger makes the most compelling argument for preserving the Electoral College and should warn us to be wary of the unintended consequences in other proposals to reform it.¹⁰

Notes

2. The Debates and Proceedings in the Congress of the United States (Washington, Gales and Seaton, 1834-1836) 4th Cong., 2nd sess, 1824.
4. John F. Kennedy, as quoted in Alexander M. Bickel, "The Case for the Electoral College," The American Zionist, December 1969, 16. Major reform proposals include: to abolish the Electoral College and replace it with direct popular election of the president in a nation wide vote; adopt the system used in Nebraska and Maine which awards two electoral votes to the candidate with a popular plurality in the statewide vote and one electoral vote to the candidate receiving a popular plurality in each congressional district; adopt a proportional formula which apportions electoral votes based on the candidates' percentage of the state's popular vote; eliminate human electors and automatically record the state's electoral vote in proportion to the statewide popular vote; award the nationwide popular vote winner a bonus of two electoral votes for each state and the District of Columbia (a total of 102 votes); adopt the National Vote Plan in which the states cast all of their electoral votes to the candidate winning the nationwide popular vote. For comment on this new proposal, see "Drop Out of the College," New York Times, 14 March 2006, A26 and "Letters to the Editor," New York Times, 17 March 2006, A22.
6. Ibid., No. 68, 411
7 Ibid., No. 64, 391; Also see Ibid., No 68, 413.
8 Ibid., No 10, 77-84.