

History 211 History of US Elections
Discussion Transcript for August 27, 2020
Creating the Electoral Congress

Main Readings: articles by Slonim and Keyssar

Shlomo Slonim's article explains some of the nuances behind the much-maligned Electoral College. His piece is a good example of how deep historical context can explain important matters beyond surface-level understandings. The Electoral College was not simply an expression of anti-democratic elitism or white supremacy –at least not at first. It was a complicated compromise that created an electoral “congress” in a last-minute rush to finish in 1787. Ever since, however, there have been numerous proposals to reform this flawed compromise. There have been many reasons for dissatisfaction over the years, but Alexander Keyssar demonstrates in his short opinion piece for the New York Times that perhaps the most important objection is how the institution has served racist goals over the years.

Keep the Electoral College

STUDENT COMMENT: Slonim argues that the electoral college was an ingenious compromise, first and foremost a practical compromise to different national and federal considerations. He does address the college's connection to slavery, which was acknowledged in the Constitutional Convention by James Madison. Since slaves counted as three-fifths of a person, they contributed to representation in the U.S. House of Representatives and thus the electoral college as well. This fact is the focus of Keyssar's New York Times Opinion piece and most critiques in recent years. However, I feel that Keyssar's critique does not give adequate consideration to other factors at play, as he wholly ignores the small state-big state controversy. Keyssar seems to assert that simply for being a relic of white supremacy and slavery the electoral college should be discarded. By the same logic, perhaps we should abolish the U.S. House of Representatives as well. After all, the House gave slave states a grotesque and unfair advantage by counting African-Americans in representation without granting them a vote. Like the electoral college, southern states' representation in the House increased after the Civil War despite the disenfranchisement of black voters. Most Americans would not feel the need to abolish the House since African-Americans are now counted fully and assured the right to vote.

STUDENT COMMENT: Although [Keyssar's] critiques of the electoral college were targeted at the South's role, I think it is important to remember that today's electoral college is not a system without its benefits. The electoral college is not only integral to federalism but another argument is that without the electoral college campaigners would simply ignore less populated areas and metropolitan areas would be the only ones targeted. The electoral college also encourages these candidates to try to win votes of more moderate citizens which prevents the divide of parties from occurring further. Yet, overall Alexander Keyssar's article was very fascinating and insightful about the steps and stages that the southern states experienced with the electoral college.

Scrap the Electoral College

STUDENT COMMENT: Benjamin Franklin once offered insight into the foundations for our modern government: "In free Governments the rulers are the servants, and the people their superiors & sovereigns" (Slonim, 48). Franklins' words ring true, but have been distorted by the Electoral College. The Electoral College was founded out of the compromise to appease those who feared their voice would be lost in a popular election. In a modern context, the Electoral College does not seem fitting to the people which it represents. Rather, I believe that we would find more equal representation in a popular vote. As the Electoral College began to take shape, James Madison, one of the delegates strongly in favor of popular elections, described that the President should be elected "by the people" (Slonim, 57). He believed that the true values of democracy (or republicanism at the time) were undermined in the establishment of the Electoral College. 'The people,' as Madison put it, were not to be the primary voters of the President. By further examining the animosity felt between delegates, one can better interpret the line of reasoning in favor of the Electoral College, and simultaneously, the blatant disregard for a popular election.

STUDENT COMMENT: Many of the founding father's decisions may seem questionable today, but when put into the context of the time they were made they are easier to understand. I came into this article on the electoral college with certain preconceived notions of the founding father's intent that were shaped by today's political climate. Slonim's use of primary sources shows that the electoral college was not the first choice for the system that we use to elect presidents and that the argument concerning that system was one of the longest and most contentious of the conference. He dispels repeatedly the idea that the electoral college was created primarily because of the founder's fear of giving the citizens full power to elect the president. Instead he paints the electoral college within the context of the greater debate of large state vs. small state. The Connecticut compromise had just been inked and the small states did not want to throw away their win by giving up any chance at the executive branch. Lesser factors involved in the debate were both the fear of a president dependent on the legislature for power and the fear of slave states losing what they gained in the 3/5ths compromise. The type of system and the details concerning it changed many times throughout the conference and the idea of the electoral college was absent for most of it. It took a select committee to even create the idea of an electoral college and it was nearly a perfect compromise for both sides involved. When viewed in this context the electoral college was not a malicious attempt to harm the citizen's right to elect their president.

However, it is by no means a good system even though it was the best possible choice for the founders. Though the New York Times article is heavily influenced by the political subtext of both recent elections and racial inequality, it does show that the electoral college has served as a guardian of slavery and later voter suppression in the south. Slave states pushed for the electoral college because it protected their population boost from the 3/5ths compromise without having more voters. It is clear that the electoral college is hugely political and has been for the entire course of US history

and major change has been attempted and then blocked many times before. I believe that any change to the US election system must be made through the states because constitutional change is nearly impossible. The best shot that the nation has is the National Popular Vote Interstate Compact which is an agreement between states that when enough states have signed to reach the 270 electoral vote total, that the entire group will vote for the popular vote winner nationally. "It has been adopted by fifteen states and the District of Columbia" for a total of "196 electoral votes" (Wikipedia) which means that it is only 74 votes away from its goal. This agreement shows a lot of promise and I believe it could finally turn the United States into a true democracy and cut out the archaic middleman which is the electoral college.

STUDENT COMMENT: The two readings serve to demonstrate how seemingly-unintentionally ingrained systemic racism has been in American politics since the writing of the Constitution. Keyssar points out examples of purposeful racism like the Three-Fifths Compromise and segregation laws, and he argues that the electoral college itself is a purposefully racist institution designed to disenfranchise minority voters, especially Black Americans. However, Slonim's descriptions of the Constitutional Convention depict the electoral college as a compromise between delegates who supported popular-choice elections and those who were distrustful of direct democracy, not an intentionally race-based solution. Politically-active citizens in the time of the Revolution had primarily been land-owning white men, so the Framers wrote the Constitution with that group in mind. They were not actively seeking out ways to permanently prevent minority groups from voting. The Framers largely left the issue of race and slavery out of the Constitution, passing it to future generations to sort out, including in the case of the electoral college. They designed the Constitution and America's government to be somewhat flexible with the intent of revision, albeit only in times of clear necessity when two-thirds of Congress can agree on an amendment. Slonim claims that almost 700 proposals to amend the electoral college have been introduced since 1789, and Keyssar notes that one very nearly passed in 1970. It is clear that the electoral college is deeply racist due to the Framers' ignorance of its long-term effects, and America has been demanding change for centuries. After 50 years, it is certainly time to try again and enact necessary change to create freer, fairer elections in America.

STUDENT COMMENT: For over 200 years, America's electoral college has been mired in debate. What to the founders of the Constitution seemed like their crowning achievement, has since become the single most controversial aspect of the Constitution as it was originally written. In Alexander Keyssar's article *How Has The Electoral College Survived This Long?*, he asserts that the result of the electoral college is institutionalized racism; and it is to that racism that the college owes its longevity. The southern states gained a lot of representation in congress, and by extension the electoral college which derives its membership in the exact same way, because the constitution enabled them to count their slave population when deciding their number of representatives due to the infamous three-fifths clause. The fact that the most popular alternative to the electoral college, a popular vote, would deprive the south of this advantage, the south has repeatedly blocked efforts for a popular vote, rather deciding to safeguard their slaveholding lifestyles. Keyssar here points out that the first major

effort to replace the electoral college with a popular vote in 1816, "it was derailed by the protestations of Southern senators." This trend remained at the very least until the last major effort to make this change in the 1970s, when "the white supremacist regimes of the South stood as a roadblock in the path of a national popular vote from the latter decades of the 19th century into the 1960s, when the Voting Rights Act and other measures compelled the region to enfranchise African-Americans." These examples serve as a compelling argument that the electoral college stands today simply because of racist institutions.

STUDENT COMMENT: The Electoral College has been a part of the United States Constitution since its inception in 1789. However, that does not mean it was always well liked and excepted. In fact, it was one of the more controversial and talked about parts of the Constitution. We learn in *The Electoral College at Philadelphia: The Evolution of an Ad Hoc Congress for the Selection of a President* by Shlomo Slonim that the Founding Fathers had experienced much difficulty in deciding how the president should be chosen. There was much debate over whether the people themselves oversee the selection of the "chief magistrate" or that the legislature be the ones to represent the people's choice and choose the president. Something that I find incredibly interesting is that even in that back then there was still some doubt that the American voters would be able to select one person to lead the nation. This to me seems to lead to partisanship and the formation of a system in which the voter can only choose between a small, limited amount of people. There were, however, a few representatives that believed in a popular election, but found it unreliable or impossible. Mason of Virginia stated that: "It would be as unnatural to refer the choice of a proper character for a Chief Magistrate to the people, as it would, to refer a trial of colours to a blind man. The extent of the Country renders it impossible that the people can have the requisite capacity to judge of the respective pretensions of the Candidate." I would be inclined to agree with Mason. During their time, there was no instant communication across the new states and learning of potential national leaders was not something that every voter was able to do. A popular election could be disastrous. However, in our modern day and age I believe a popular election would be more accurate and in fact inspire more people to vote. People would no longer feel as though their vote is being wasted in this winner-take-all situation.