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I'll Have a Ham(ilton) on Why

"The process of election affords a moral certainty, that the office of President will never fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications."

— Alexander Hamilton, in Federalist #68, on the merits of the Electoral College as originally envisioned

A few columns back, I said I might not vote for President this year, or, perhaps, vote quixotically for Nader again (I relented from my no-donation stance, and gave in to the Nader campaign's plea for \$10 to help him get on the ballot in some tough states to, at least, give *others* the option of voting for him), even though I still feel the outcome is out of our hands and won't really matter. (In a future column, I will re-visit the whole notion of *not* voting at all, and why it's a valid position; as one staunch non-voter put it — "It only encourages them!")

For years, I also railed against the Electoral College (EC) as being obsolete, un-democratic, and (as it allows a person *not* getting the most votes to still "win" an election) a method no other country would tolerate, and even *we* don't use for *any other* elections.

Surprisingly, the EC that exists today is nothing like what Alexander Hamilton proposed and described! Rather, we vote for an *unnamed* (to us) slate of electors *pledged* to a *pre-selected* party candidate. Thus, the *winner-take-all* slate in each state is essentially a rubber-stamp formality, not expected to think or act independently for themselves, or for a local district.

If it weren't for the *present* EC set-up, states wouldn't factor in at all as they do now... only voters would. A state with 300,000 persons should not have it so one of their voters has *4-10 times* the voting power of a voter in a state with over 15 million people, as is *now* the case with the EC. There is no moral justification to deny each ONE person ONE equal vote. In a truly democratic system, a majority of *all voters* in the US would elect the nation's President directly, as some Founders (like James Wilson) proposed.

And, although abolishing the Electoral College could be part of an overall election reform package (including ranked voting, proportional representation, and taking corrosive money out of campaigning, for example), there is another option... *go back to the original EC concept*, just as the Founders such as Hamilton conceived and understood it.

Would that I could vote for *an* elector — ONE person from my area — who, as Hamilton indicated in *Federalist #68*, would be an *individual* of known virtue and local accountability (party affiliation was not contemplated, nor was being part of a "package-deal" slate). These men (in 1789, alas, only free, white, adult, male property-owners could vote for or hold political office), "men chosen by the people for the special purpose, and at the particular conjuncture," were to meet and *to deliberate* and choose a man of unquestioned qualifications, "the man who in their opinion may be best qualified for the office."

"It was equally desirable, that the immediate election 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. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations." It's similar to the way a board of directors selects a company's CEO.

The current EC does *not* function in this manner. If it *did*, I'd be less critical of it; yes, it would be steps away from direct democratic selection, but, in theory, it is a noble

gesture, and could eliminate today's obscenely long and costly circus.

"It was also peculiarly desirable to afford as little opportunity as possible to tumult and disorder... But the precautions which have been so happily concerted in the system under consideration, promise an effectual security against this mischief. The choice of SEVERAL, to form an intermediate body of electors, will be much less apt to convulse the community with any extraordinary or violent movements, than the choice of ONE who was himself to be the final object of the public wishes... Nothing was more to be desired than that every practicable obstacle should be opposed to cabal, intrigue, and corruption."

Hmmm, as opposed to what we witnessed in Florida in 2000, with chicanery and interference by the candidate's brother (also the Gov!) and campaign chair (also Sec of State!) and partisans of all stripes. And, similarly, in 2004 in Ohio, again with a Secretary-of-State-as-campaign-chair. The EC as Hamilton described it was also circumvented when Jackson lost to Adams (1824) and Tilden lost to Hayes (1876), where partisan "corrupt bargains" picked the winner in each case.

"They have not made the appointment of the President to depend on any preexisting bodies of men, who might be tampered with beforehand to prostitute their votes; but they have referred it in the first instance to an immediate act of the people of America, to be exerted in the choice of persons for the temporary and sole purpose of making the appointment."

Instead, in 2000, we got partisan Florida state legislators hurriedly picking their own slate along party lines, and craven and partisan US Supreme Court justices (who had personal agendas and family conflicts of interest) ultimately deciding the "election," 5-4. Hamilton would have been appalled.

Finally, what great benefit would this authentic Electoral College provide that could still justify it today, in spite of all?

"The process of election affords a moral certainty, that the office of President will never fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications. Talents for low intrigue, and the little arts of popularity, may alone suffice to elevate a man to the first honors in a single State; but it will require other talents, and a different kind of merit, to establish him in the esteem and confidence of the whole Union, or of so considerable a portion of it as would be necessary to make him a successful candidate for the distinguished office of President of the United States. It will not be too strong to say, that there will be a constant probability of seeing the station filled by characters pre-eminent for ability and virtue."

Of course, when Hamilton wrote this, the job of Chief Executive had already been molded to fit the man most likely to first receive it, the president of the Constitutional Convention, sitting before them daily, George Washington, the only president to receive 100% of the electoral votes. Twice.

How we have fallen! Do we now have as, Resident of the White House, a man who is "in an eminent degree endowed with the requisite qualifications"? A man "pre-eminent for ability and virtue" who has "the esteem and confidence of the whole Union"? *George III?* I think he's best described thusly: "Talents for low intrigue, and the little arts of popularity, may alone suffice to elevate a man to the first honors in a single State." Indeed, another George (Carlin) always referred to him as *Governor Bush*, that being the *only* office he was actually legitimately elected to (perhaps).

No, the EC has NOT operated as the Founding Fathers designed it to. Therefore, we should either go back to its original non-partisan and deliberative function... or else scrap it entirely.