



*Washington: Taking the Salute John Faed - Oil On Canvas 1856*

# **The Electoral College And The Republic**

**A Balanced Approach To Counter The Threat Of A Tyrannical Democracy**

By Joel Goodman

In 1787, as the United States considered moving away from a confederated government to a new government vested with much greater power, concerns regarding encroachments by this new government into the rights of the states and the people were raised at the Federal Convention.

There was a fundamental disagreement over the establishment of a very energetic government, as opposed to a more limited government with a bill of rights limiting its power and reach. Those disagreements have stayed with us to this day, and are at the heart of much of today's political divide.

From the outset of the debate on the proposed Constitution, those favoring a strong national government were concerned about how they should present their ideas to the voters - as the citizenry had just recently accepted a more moderate government after removing the shackles of the British King. Early on in the debate, those favoring a stronger more centralized national government pulled off a public relations coup. To the chagrin of the Anti-federalists such as Patrick Henry, George Mason, Richard Henry Lee, et alia, the nationalists assumed the inappropriate name of "Federalists." The ill feelings, because of the name grab, carried over well past the Ratification Conventions. When James Madison referred to the term "national religion" during the 1789 floor debate on the religion clause of the proposed Bill of Rights, the fervent Anti-federalist, Elbridge Gerry, pointedly attacked Madison on the floor of the House:

*"I do not like the term **national**, proposed by the gentleman from Virginia, and I hope it will not be adopted by the House. It brings to mind some observations that had taken place in the various state conventions at the time they were considering the present Constitution. Those of us who were called Anti-federalists at that time complained that we had injustice done us by the title, because we were in favor of a Federal Government, and the others, the Federalists, such as the most honorable gentleman from Virginia, were in favor of a national one; the federalists were for ratifying the constitution as it stood, and we, the so-called Anti-federalists*

***– not until amendments were made. Our names then ought not to have been distinguished by federalists and Anti-federalists, but rats and anti-rats."***

Not only was the new government to have access to great power, there was the very real fear that the chief executive of the new government might assume more power than he was granted. Therefore, hindrances were put into place to impede any gradual or sudden grab of power, especially by a cabal backing the executive. The Convention limited the President's power to unilaterally appoint judges, military officers, ambassadors, cabinet members, enter into treaties, make and fund war; and included a way to remove him by impeachment.

The existing Congress of the Confederation, established in 1781, elected its President from among the Delegates, and legislation needed approval from each of the states, each one having one vote, wherein one state could (and did) block any expenditure or legislation.

In today's America, we hear, especially from the Left, that we need to be more democratic; wherein the concept of democracy is presented to us in a very alluring manner, tying it to the egalitarian idea of "one man one vote."

Specifically, the "more democratic" to which they are alluding is the federal presidential election - currently decided by an Electoral College, a system that has cost the Democrats two fairly recent presidential elections; most poignantly the election of 2016.

But, it is not just the Presidency that is criticized when the Left in the United States is dissatisfied with a political outcome. Throughout the past half century, when the Supreme Court was considered somewhat Left of Center, there was very little corporate media disseminated criticism about the make-up of the Court. But, once the Court was perceived as being conservative after the *Dobbs* abortion decision, cries for the need to pack the

Court surfaced, ostensibly to make it more democratic; basically, the same complaint that surfaced after the 2016 election regarding the Presidency.

The conclusion to be drawn, is that a need for a more democratic voting narrative develops when the guy who promised the goodies once he's elected, doesn't win; or if he does win, can't get his way, as it was with FDR in 1937, when he proposed packing the Court. Were elections more reflective of issues concerning the general welfare and operation of the country, it would be somewhat more difficult to establish such a narrative; as the popular voting results wouldn't be so demographically dependant; and the issues wouldn't be so socially based.

Since 1824, when votes were first fully recorded, five Presidents have been elected by the Electoral College versus the "popular" vote. And, while looking at the supposedly "broken" system, it should be noted that the election of 1800, in which there was a tie in the Electoral College, the issue was settled in the House of Representatives after 36 ballots. Much of that political intrigue was inspired by Alexander Hamilton, the founder of the Federalist Party, who had a personal dislike of Aaron Burr. When the voting was thrown to the House it reverted to a one vote per state basis, as it had been in the previous Confederation. In spite of all the intrigue, and machinations, the country moved forward, albeit eventually without Alexander Hamilton and his Federalist Party.

Non-popular majority elections decided by the electoral College

Candidate	Party	Electoral	Popular
<b>2016</b>			
Donald Trump	Republican	304	62,980,160
Hillary Clinton	Democratic	227	65,845,063
<b>2000</b>			
George W. Bush	Republican	271	50,456,062
Al Gore	Democratic	266	50,996,582

<b>1888</b>			
Benjamin Harrison	Republican	233	5,439,853
Grover Cleveland	Democratic	168	5,540,309
<b>1876</b>			
Rutherford B. Hayes	Republican	185	4,036,298
Samuel J. Tilden	Democratic	184	4,300,590
<b>1824</b>			
Andrew Jackson	Democratic-Republican	99	153,544
John Quincy Adams	Democratic-Republican	84	108,740
William H. Crawford	Democratic-Republican	41	47,531
Henry Clay	Democratic- Republican	37	40,856

The Electoral "College" system, in which the states selected the electors to vote on the Presidency, was not intended to suppress the will of the people. It was a compromise between the President being elected either by popular vote or by Congress. Nowadays, on the evening of the election, while most folks are focused on the popular vote, the President is elected by the Electors who vote more than a month after the general election.

In 1913, the Seventeenth Amendment to the Constitution changed the original indirect election of Senators to the direct election of Senators. The amendment changed the state legislators' input to the national Congress. The election of the House and the Senate, are now based on similar geographical areas, albeit that the House's state-wide vote is essentially a segmented version of the Senate's geographical area. It is this change which has wrought havoc upon an understanding of the Electoral College, which previously had its electors decided by each state's legislature. It is this change that has voters looking at the popular count tally board, and leaves broadcasters unable to properly explain the bastardized system to their listeners. Since the Congress is being elected by the popular vote, there is little understanding of why the President is being selected on a state basis. Americans think of the President as the President of the country, rather than being the

President of the government. Albeit, that the Electoral College is a hold over from an earlier time, it still reflects the will of the states - although now directly through its citizens.

If we can conceive of the United States prior to the progressivization of the country we would see that the states were looked upon as sovereign. Today, the central government's usurpation of so many powers from the states, has increased its size, scope and authority, beyond anything imagined by the Framers, even those favoring a strong national government.

At the Convention, among several suggestions regarding representation in the Congress, one suggestion was to reconfigure the existing states into equal land and population districts, thereby making representation in the Congress more equal. This "forward looking" point of view for the sake of representation ignored the fact that, in addition to states being different sizes, they each had different cultures, and the idea was rejected; preventing an early democratized homogenization of the country.

Many of the changes demanded of our voting system are made by those who either are historically ignorant of, or have disdain and disregard for the republican structure of the nation and the sovereignty of the states. The trend to centralization, though, was obvious from the beginning. At the start of the Virginia Ratification convention in 1788, Patrick Henry, in referencing "the paper on the table," the proposed Constitution, said:

*"I rose yesterday to ask a question which arose in my own mind. When I asked that question, I thought the meaning of my interrogation was obvious. The fate of this question and of America may depend on this. Have they said, We, the states? Have they made a proposal of a compact between states? If they had, this would be a confederation. It is otherwise most clearly a consolidated government. The question turns, sir, on that poor little thing — the expression, We, the people, instead of the states, of America. I need not take much pains to show that the principles of this system are extremely pernicious, impolitic, and dangerous. Is this a*

*monarchy, like England — a compact between prince and people, with checks on the former to secure the liberty of the latter? Is this a confederacy, like Holland — an association of a number of independent states, each of which retains its individual sovereignty? It is not a democracy, wherein the people retain all their rights securely. Had these principles been adhered to, we should not have been brought to this alarming transition, from a confederacy to a consolidated government. We have no detail of these great consideration, which, in my opinion, ought to have abounded before we should recur to a government of this kind. Here is a resolution as radical as that which separated us from Great Britain. It is radical in this transition; our rights and privileges are endangered, and the sovereignty of the states will be relinquished: and cannot we plainly see that this is actually the case?"*

Regardless of the fact that the Framers, even the Nationalists, wanted a mostly limited central government, if one looks back, the handwriting was on the wall for the growth of centralized power.

Three years into his first term as President, the 1794 Whisky Rebellion saw President Washington on a Horse, at the head of an army of 13,000 militiamen from Virginia, Maryland, New Jersey and Pennsylvania to suppress the insurgency. The federal response to the Whiskey Rebellion demonstrated that the central government had the will and ability to suppress resistance to its laws.

Still, a significantly greater concentration of Federal Authority came some three score and seven years after the Whiskey Rebellion - the Civil War. So, while Lincoln is credited for saving the Republic, the result of the War was an irrevocable consolidation of power by the federal government. Prior to the Civil War, America was referred to in the plural: "The United States of America are a wonderful country". The change of the plural word "are" to the singular word "is" reflects the change in how the country is perceived; from being a

union of sovereign states to a solitary nation with somewhat independent administrative states.

But now, in a day and age when far too many citizens confuse a voting ballot with a wish list placed in a Christmas stocking hung on a tree, just what is it that people are voting on, and what benefits will "democratizing" the Electoral College yield us? The change in the electorate from the educated involved yeoman to the average citizen, lacking any true understanding and familiarity with the major issues facing the nation, leads us to ask: *'are people voting for candidates whose stated policies will have a positive effect on the direction and fate of the country or are they voting for candidates that promise them free things or who pledge to support particular social issues?'*

As a case in point, the abortion question is a prime example of people deciding national governance based on a single issue. When the issue was thrown back into the states after *Hobbs*, the reaction and outcry was immediate and determined. Even though the issue will now be decided in state legislatures, those supporting abortion rights as part of a woman's individual liberty, will be taking retribution against the Republican Party's federal candidates. Without debating the rightness or wrongness of the issue, or where authority for abortion should be placed, this is an example of a limited, albeit important, issue, heavily influencing the election of the Congress and the chief executive, whose concerns should be national security and those responsibilities delegated to them via the Constitution.

To say that this is a conundrum for the proper management of the country is an understatement. But, it is not the only critical issue facing the nation during these volatile times. At the moment of this writing: misguided, poorly educated students, agitated by outside professional activists are supporting international politics that could eventually threaten their own safety and the safety of the nation; the country's financial balance sheet is in the toilet and about to be flushed down the drain along with the not so free 'free market economy'; the world has already crossed the threshold of a world war; the country has been intentionally inundated with foreign people to a degree almost rationally



incomprehensible, and certainly unmatched in history. And, yet, the election of the President and most of the Congress may revolve around a singular choice: a woman's individual liberty, couched in terms of her right to control her body - or alternatively be subject to the belief that life begins at conception and must not be violated.

Again, while the issue of a woman's individual liberty is of the most extreme importance, it is no greater than the question of slavery that was held in abeyance at the Federal Convention. Compromising and postponing a definitive decision on slavery allowed a stronger government to be formed, which could deal with the issues of trade and national security. A compromise was also reached on Congressional representation and the requirement of a religious test to hold office. The Framers focused on what was absolutely necessary in order to put together a Constitutional government.

In looking at the original limited Congressional legislative authority, it is obvious that it has morphed into many various forms of corrupt spending and general economic manipulation. Federal economic manipulation and deficit spending make "*Taxation without representation*" sound like a children's rhyme. Today, there is a spike in the amount of social spending (handouts); more and more aimed at pleasing particular voter groups within a particular demographically delineated electoral base. All in all, the excesses, albeit portrayed in the corporate media as societally beneficial – are, in their net effect, damaging to the fabric of limited republican government, both in its moral effect and its contribution to the national debt and resultant weakened economy.

A limited government was to serve as the basic framework of the federal system. And, as the power of the federal government has grown, the size and power of the executive branch has grown even more. Authority that was intended to be allocated to the two houses of the Congress has increasingly been allocated or merely usurped by the executive branch.

The growth of an overly strong executive was among the greatest fears the Framers had; and although, the Framers put into place several obstacles to federal executive

encroachment into the lives of the citizens, it appears to be a *fait accompli* of executive supremacy over the government and the citizenry. Today's executive, and especially its concomitant bureaucracy, clearly shows that the Framers' planned hindrances have been unsuccessful in controlling the growth of the federal executive.

While history warns of the dangers of such an eventuality, much of the population appears to regard history as irrelevant to America. One might say this disregard of the warnings of history are due to an ignorance based arrogance and its supporting animus, an "*In Medias Res*" doctrinal education system.

Some disparage the Framers' distrust of the population, in that they created a representative republic rather than a pure democracy. Ironically, very soon after the implementation of the Constitution, an example of the pitfalls of democracy was seen in France. The events of the French Revolution and the rise of Napoleon Bonaparte demonstrate a clear example of why the Founders eschewed a pure democracy. The French engaged in referendums that determined the amount of authority Napoleon Bonaparte would have. These referendums were plebiscites, direct votes, considered to be the most democratic of all voting methods. The result was the voters granting Napoleon enough power to become an absolute ruler. The French seemed incapable of conceiving that they could democratically and freely vote away their own liberty - yet, that is exactly what happened.

The original selection of Electors to the Electoral College was determined by Article 2 Section 1:

*"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress:"*

As a result of the Seventeenth Amendment, rather than the people in each state electing their legislature, and in turn, the legislature selecting their Senators, Senators are now

elected directly in a state-wide election. Similarly, whereas Electors to serve in the Electoral College were originally chosen by each state's legislature, over time this too changed, and at some point, "democracy" overtook the states and the Presidency. Now that the President is looked upon by far too many as the spiritual leader of the nation, there is a cry for the President to be elected in a way befitting his *national* role.

During the Presidential election cycle, the Electors for the Electoral College are chosen by a popular vote, although each state has its own method of accomplishing this.

The method of selecting Senators and Electors, as originally laid out in the Constitution, was in response to the same fear that underlay most aspects of the new government, fear of a potentially tyrannical, democratic majority (or even a diabolical minority faction) controlling the government. The proposal that United States Senators be elected by state legislatures, as opposed to a state-wide popular vote, received an almost unanimous approval by the delegates.

When it comes to the Electors, the Framers wanted the Electors to be independent agents, choosing from among those whom they felt would be the best qualified to serve at a particular time. That concept is now looked at as being "faithless."

The Electoral College, even in its modified, less republican form, remains a potential balancing agent against a concentration of demographically similar voters in large population centers, and also against an emotionally charged geographically located majority or minority faction focused on a single issue.

Republicanism, at its core, is a method of governance equal to the exigencies of an expansive country. It is intended to prevent a malignant concentration of power, not only in the central government's performance, but in how that government is formed.

The Constitutional Government that left the Convention vested much more authority in the Presidency than was vested in the Presidency under the Confederation. And, therein lies

the problem; we have created an ersatz dictator; a dictator being one to whom a population continually refers for guidance; rather than looking for a solution at the local or state level - or (Heaven help us) even to the Congress. This reliance upon the President assumes that the President has sufficient authority over the government to impose a solution of his choosing upon the country.

Just recently, the Congress again gave the executive branch authority for warrant-less searches - something which the Bill of Rights explicitly prohibits. This was done in spite of documented FISA abuses, using these same types of warrants against the previous Presidential Administration. The Congress, succumbed to the wants of the Executive, and ignored its obligation to the Constitution. An out of control national government, such as the one we now have, was at the core of the debates at several Ratification Conventions.

The Federal Convention understood the problems inherent with strong centralized power and searched for a way to safeguard both the people and the states from the potential power that the new central government and the chief executive might assume.

At the Federal Convention, there were several plans for the form of the new government. Much of the discussion centered around the basis for representation, and whether it should be by a state's population or economic worth.

The Convention ultimately settled on a bi-cameral Congress. The final plan had the states selecting their two Senators by votes in their state houses, and the people selecting their congressional representatives for the House with votes in their local voting districts. In this way, the state legislatures maintained some control over the President with their involvement in the election of the President through their appointment of Electors.

Especially important to the Convention was that the elections for the various offices be distributed among different electoral bases, and staggered over different years. The term of office for the House is two years, the Senate six years, and the President four years.

There were several different proposals as to the length of the President's term. Alexander Hamilton proposed that the president serve for life - reflective of Hamilton's somewhat monarchical perspective on government.

As of this writing, the United States are embroiled in a situation in some ways akin to what had occurred in France during the Reign of Terror after the 1791 Revolution. France was under external and internal attack. The mob ruled - and there was no political mid-ground. The passions in 1793 ran high, and more than 20,000 people were guillotined - as animosities were great.

In the United States, we are now seeing large anti-Semitic gatherings, reminiscent of the 1930's. There is a danger of this well-funded hysteria gaining electoral momentum and threatening the safety of Jews around the country.

Warnings of events such as this were given as early as 1794 during the debate on the Immigration Bill, with Representative Theodore Sedgwick of Massachusetts, a future Speaker of the House, essentially proposing that no White Christians from Europe be admitted to the U.S., fearing that the mutual animosities held by Europeans during the widespread revolutions would not be extinguished just because hate-filled people put their feet on American soil. He said he believed that if European animosities were brought to the United States, they would cause great harm to America's tranquility, and that those raised under tyrannies would not easily accept the American republican culture.

Sorrowfully, Sedgwick's words ring true today, as we see Palestinian Arab hatred for Jews being spread throughout the country. Many of those spreading their hatred are fairly recent immigrants, or children of immigrants from traditionally anti-Semitic Muslim tyrannical countries. Urging the protestors on are professional activists and academicians promoting a political movement having taken the form of a *'Red-Green Alliance'*. To underscore the potential danger, the current President, in trying to appease his boisterous Muslim Democrat voting base, is proposing to fly in more Muslims from Gaza. It would appear that, at the moment, the squeaky wheel gets the oil.

It is here that we see the Electoral College affording protection to the value of our vote. A mob assumes a mob mentality, and although the country is vast, concentrations of people whose voting is based on a particular issue at a particular time, can overwhelm more diverse voting patterns; and will render irrelevant those votes based on more fundamental issues important to the country.

If we look at the riotous protests in the large population concentrations, dangerous factional passions promulgated in these enclaves might have a spillover effect, and be reflected in the states' voting. Even a partially successful geographically situated majority / minority faction, could cause widespread disruption to the overall welfare of the country if the election brought in just a few more anti-Semitic Representatives, which are, at their core, part of this Red-Green Alliance. The growth of this well funded Red-Green Alliance, as an animated minority faction, espousing hate-filled, economically destructive anti-Capitalist rhetoric, could cause social disruption and mayhem.

Ill-considered legislation, backed by regional factions with Socialist underpinnings, would have the potential to cause disruptions in farming, trucking, energy production, and manufacturing - as well as being capable of upsetting many aspects of the financial markets with conflagrate spending, leading to a continuing deflation of the Dollar's value. Elements of the free market could be seriously impacted through inappropriate progressive personal and business taxation.

The policies that would emanate from such an activist supported majority or empowered faction could further exacerbate problems in the already corporatist subjugated free-market economy, as well as threaten the very republican foundation of the country.

Many potential socio-political disruptive outcomes are quite possible if economic times worsen, and an activist faction, especially attractive to gullible students, were to get its hooks further into the country.

Most people, if questioned today, would say that the overwhelming majority of the country would not support a Leftist / Muslim cult acting out their hatred for America, and threatening the lives of Jews. They would say that It might survive for a while in the streets of cities like Seattle and on the campuses in the big cities, but it would not survive on the streets of most of America.

But, to put things in an historical perspective, the results of WW1 and the hardships that an intellectually sophisticated and educated German society encountered as their post war economy tanked, led enough Germans to accept policies that a majority of the Germans also felt never could happen. To say that, "It will never happen here," is to ignore both history and reality.

The Electoral College was intended to act as a brake on an extreme America, bringing in a government able to function smoothly during difficult times because the Presidential selection was less affected by the *passion of the moment*.

At the time just preceding the writing of the Constitution, a full fledged rebellion was underway in Massachusetts. It continued until sufficient force was accumulated and it was put down. It was within the context of Shay's Rebellion that the Framers created what they saw as a balanced approach to electing a President who would have greater authority over a limited, yet "more energetic," general government than the President had in the Confederation.

So, while the main goal of the Convention was to create a stronger government equal to the exigencies of the country, there was concern about safeguarding the people and the states from the increased authority that the Constitution placed in the new central government and chief executive; and also for protecting a minority of the population from majority or minority / factional aggression; similar to the situation we have today.

During the ratification process, James Madison visited this concern in "*The Federalist Papers*." He stated that under a strong central government, the minority should be

protected from the majority; that a democratic government should never function as a majority subjugating a minority to its will. He was similarly concerned with factional power subjugating the majority. Even back in 1788, with the relatively slow dissemination of opinions and news, Madison was concerned about preventing what he called a "*passion of the moment*," a transient inflammatory issue during any particular election cycle, from overwhelming the government. Madison's concern is amplified in our contemporary environment, wherein there is a new critical issue being propagated before the public at least once a week; and issues are very often ginned up, riling peoples' emotions and creating anxiety and anger.

With today's media, critical issues are continual. There is little time to digest one issue before it is replaced by yet another; and each individual, depending upon their political bent and the depth of their familiarity and true understanding of an issue, will react in some pre-ordained manner, fulfilling the intent of the biased news propagators - the contemporary propagandists. It was only with the promise of adding a Bill of Rights to the Constitution, which would act as a shield between the government and the states and the people, that the Constitution was ratified unanimously.

As we can see, even back in 1787, there was an awareness of the potential danger to the republic from the influence of a transitory passion coupled with pre-existing biases. To counter the potential for socio-political strife, as mentioned, the Constitution distributed voting among different electoral bases, and the election cycle for the several offices were staggered over different years.

The system followed the desire of the Convention to keep voting for all federal offices from being held at the same time; and, just as importantly, to keep the different federal offices from being selected by a confluence of electoral bases. This explains why the original plan for the Electoral College (an unofficial name given to describe the meeting of the electors) was created as an additional uncommitted mini-electoral base, even during a time when voting was limited to yeomen.



The separation of electoral bases was intended to serve as a brake on political passions affecting the federal government, slowing radical change and forcing debate.

After the Federal Convention proposed the Constitution, still operating under the Confederation, ratification was held in Conventions and not in the Congress, each state having one vote. This was the federal influence on the formation of the new government. As we have seen, the country has continually moved away from its original federal structure.

An explanation of the intent of the voting system is explained in "*The Federalist Papers*":

*"The House of Representatives will derive its powers from the people of America; The Senate, on the other hand, will derive its powers from the States, as political and coequal societies; and these will be represented on the principle of equality in the Senate, The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same society."*

From a larger perspective, putting any particular voting system aside, one has to examine, just what democracy is, and what it is supposed to accomplish; and are there guidelines and rules, that are supposed to be followed in its implementation?

The perceived problem with the Electoral College may not be the system itself, but that its federal structure has been compromised, and that through sheer historical ignorance, disdain and disregard for the overall republican design of the nation, dangerous expectations have been placed upon the Presidency, giving it far too much authority.