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## The electoral college is a failure. The Founding Fathers would probably agree.

by JOSHUA SPIVAK

As the presidential campaign heats up, so too has the movement to abolish or otherwise neutralize the electoral college.

Some advocates argue that the electoral college was originally established to help less-populated states retain power, or to have every part of the country heard from in electing a chief executive. Rep. Steve Cohen (D-Tenn.) claims the system was designed to help the slave states.

But these are modern interpretations of what really happened at the Constitutional Convention of 1787. The electoral college was designed with two purposes: to separate the branches of government in an attempt to avoid “cabals” and to prevent foreign corruption. Some of the Founding Fathers assumed it would almost never actually elect a president. In other words, we could say the electoral college failed to achieve most of what the founders designed it to do.

The electoral college was not a replacement for direct election — because that possibility never received serious consideration at the convention. (Only two of 11 states voted for a popular election of the president.) As James Madison’s notes make clear, there was very little support for a popular election of the president. The original idea in his influential Virginia Plan was that the new bicameral legislature — Congress — would itself gather to elect the executive, and the convention repeatedly returned to that idea.

We may find this odd, but during the 1780s, such a setup was the norm. In eight of the 13 states, the state legislature elected the governor. In two other states, if no candidate received an absolute majority of the popular vote, the legislature had the power of selection.

Nevertheless, the idea of the legislature electing a president disturbed the convention delegates, who were focused on establishing separation of powers and averting foreign interference. Having Congress elect the president would result in “corruption and cabals,” according to Pennsylvania’s Gouverneur Morris (who is credited with actually hand-writing the Constitution). Alexander Hamilton, who first proposed the electoral college, focused on the potential dangers of foreign corruption. Having the selection spread among the states rather than in the compact Congress would help ward off the dangers of “foreign powers” gaining “an improper ascendant in our councils.”

The electoral college was adopted to serve as an alternative to Congress in the presidential election process, spread out among the states and with no members of Congress allowed to serve in the body. To win election, a candidate would have to win a majority of electoral votes, and if

that failed to occur, Congress would ultimately decide who among the candidates receiving votes would become president.

In fact, most delegates thought the latter scenario would be the norm, with the electoral college “nominating” the five most worthy candidates so that Congress could select a president from that group. One delegate, George Mason, predicted that Congress would be deciding the president “nineteen times out of twenty.” Antifederalist Paper No. 72 claimed that the electoral college settling on a president was “not likely to happen twice in the same century.”

That’s not what happened, though. George Washington would easily win electoral majorities in 1789 and 1792. But after he left office, the electoral college plan almost immediately began to break down. Instead of multiple candidates running for the presidency as the Founding Fathers had expected, political parties quickly formed and presidential elections seemed to become one-on-one fights. The election of 1800 spelled doom for the original plan, resulting in an electoral college tie between Thomas Jefferson and his presumed running mate, Aaron Burr. The vote went to the House of Representatives (which took 36 ballots to elect Jefferson). The debacle led to the adoption of the 12th Amendment, which changed the vice president from a competitor and runner-up to (in most cases) a subservient running mate.

The next time Congress had to choose the president was in 1824, when Andrew Jackson, who finished first in the electoral college, lost in the House to John Quincy Adams. Since then (except for the disputed 1876 election), Congress has not been involved in a single presidential selection. The electoral college, instead, has moved up from its more humble beginnings as a potential nominating body to serving as the real selector of presidents.

The electoral college did not succeed in warding off the creation of “cabals” — better known today as political parties. And as the 2016 election showed, foreign powers have been very happy to try to manipulate the election, and the current version of the electoral college did nothing to limit such behavior.

Despite this, all the plans to get rid of the electoral college are, at the moment, fantastical. The Republican Party is firmly opposed to the idea, and there seems little hope that Republicans will change their minds. The Interstate Compact has not been adopted by any “red” states, and even if it passed, it would be certain to face legal challenges.

It’s safe to say the electoral college is here to stay. But in accepting that, we shouldn’t pretend as though the electoral college is part of some grand bargain that the founders enacted to balance the country. It’s not. Instead, it’s a relic of the 18th century that failed in some of its most important intended purposes.

*Joshua Spivak is a senior fellow at the Hugh L. Carey Institute for Government Reform at Wagner College. He writes at the Recall Elections Blog.*