

Why the "no more majorities" argument is wrong.

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The Sept. 8 Wall Street Journal editorialized in favor of the Electoral College, probably in response to an Aug. 29 New York Times editorial calling for its abolition. I'll bet the Journal wishes it hadn't run this editorial on the very same day that the Charleston Daily Mail reported that South Charleston Mayor Richie Robb, who is one of Bush's five electors in West Virginia, was threatening to withhold his electoral vote or cast it for a third-party candidate to protest the Bush administration's policies. If there were no Electoral College, Robb would not be able to defy the will of West Virginia voters (who are counting on Robb to vote for Bush if Bush wins West Virginia's popular vote, as occurred in 2000). *

The Journal's main argument for the Electoral College is that "it strengthens the Presidency by transforming a popular plurality into a majority, or a majority into a bigger majority." A less euphemistic way to say this is that it creates the false impression that a majority of Americans voted for the winning candidate. No presidential election since 1988 has produced a winner who received even 50 percent of the votes. Bill Clinton won in 1992 and 1996 with pluralities of 43 percent and 49 percent, respectively, but the Electoral College's tendency to exaggerate individual state victories gave Clinton Electoral College victories of 69 percent and 70 percent, respectively. I can live with somebody being made president based on a plurality of 43 percent. What I can't live with is someone being made president despite failing to win a plurality, which is what happened in 2000 when George Bush "won" in the Electoral College (more precisely, the Supreme Court awarded Florida's electors to Bush).

But what if the Electoral College were abolished and people started winning the presidency with pluralities of 36 percent, or even 28 percent? That conceivably might occur if one or more splinter-party candidates made a decent showing, which is much easier to do in the popular vote than in the Electoral College. (Ross Perot won 19 percent of the popular vote in 1992. Percentage-wise, that was better than any third-party presidential candidate since Theodore Roosevelt ran as a Bull Moose in 1912. Numerically, it exceeded the number of votes cast for any other third-party presidential candidate in history. * But Perot still didn't win any electors, because his support was spread throughout the country.) I'm not sure a 28-percent presidency is a realistic threat, given the relatively weak support most third-party candidates receive. But to ensure against its happening the constitutional amendment repealing the Electoral College could state that if no presidential candidate received more than 50 percent of the popular vote there would be a runoff of the top two vote-getters.

In his new book, *War and the American Presidency*, Arthur M. Schlesinger Jr. argues that runoffs are a bad idea because they would allow third-party candidates to become power brokers. "Splinter parties would aim to extract concessions from the runoff candidates in exchange for pledges of support," he complains. But that assumes that splinter candidates have much greater control over the people who vote for them than is likely to be the case. It's a truism of contemporary politics that political endorsements

don't sway many voters. If a candidate achieved a runoff majority by adopting a particular policy—which he could do only by persuading the faction favoring that policy that he sincerely intended to implement it—he would have to do so in public. Secret deals don't work in a popular election because the people you're selling out to have to know you're selling out to them. (Or, if you prefer: The people whose wisdom you're belatedly recognizing have to know you're belatedly recognizing it.) Maybe the concession would turn other factions off, costing the candidate votes. Maybe it wouldn't, and the candidate would win. In either case, it's the voters as a whole, not politicians working in the shadows, who would determine the outcome. That's precisely the way democracy is supposed to work.

Addendum 1: In the first installment, I observed that if John Kerry should lose the popular vote but win in the Electoral College, a happy result might be the creation of a bipartisan movement to abolish the Electoral College. The race remains much too close to call, but my friend and former boss Charles Peters reports in the September 2004 Washington Monthly that in a mock election this past June, the National Association of Student Councils achieved the split decision I'm rooting for. Click here for the details.

Addendum 2: The Journal editorial states that voters in only 11 states would acquire greater clout with the abolition of the Electoral College. Drawing on calculations by Lawrence D. Longley, I've stated that voters in 44 states (six more than a constitutional amendment would require) would either acquire greater clout or see no change. The Journal used 2000 census figures, while Longley (who has since passed away) used 1990 census figures. That doesn't account for the difference, however; the distribution of population among the states didn't change very dramatically between 1990 and 2000. Rather, the Journal is using a different—and, I would argue, more evanescent—definition of clout, which takes into account the cohesiveness of partisan allegiance. That, of course, is ever-changing. Longley's calculation is a truer picture of the political reality, especially when you consider that it can take several years for a constitutional amendment to clear the necessary 38 state houses.

America's Worst College Archive:

Aug. 17: "Why the '50 Floridas' argument is wrong."

Aug. 11: "Let's choose our president by popular vote."

Correction, Sept. 9, 2004: An earlier version erroneously identified Robb as an elector for South Carolina. Return to the corrected sentence.

Correction, Sept. 13, 2004: An earlier version of this column stated, erroneously, that Perot's "nearly 20 percent" of the popular vote was a higher percentage than that enjoyed by any previous third-party candidate for president. (Return to corrected sentence.)

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