

# BOOK REVIEWS

---

## *ENLIGHTENED DEMOCRACY: THE CASE FOR THE ELECTORAL COLLEGE*

BY TARA ROSS

REVIEWED BY BRADLEY A. SMITH\*

---

To those of us who follow politics closely, it is a constant surprise that many Americans – a majority according to some – have never even heard of the Electoral College, and believe that the President is automatically the candidate who wins a popular vote plurality. At the same time, those Americans who are familiar with the Electoral College have long supported its abolition, in favor of direct popular elections, with majorities reaching as high as 81% in a 1968 Gallup poll.

Indeed, we have all read countless times that if we were to have an election in which the popular vote winner did not also win the Electoral College vote, the United States would face a “constitutional crisis.” And then came the presidential election of 2000. In 2000, for the first time since 1888, the candidate winning the popular vote did not also win the Electoral College tally. Rather, George W. Bush, with 47.9% of the popular vote, defeated Al Gore, who won 48.3% of the popular vote, by a tally of 271 to 266 in the Electoral College, and assumed the presidency. And yet, as Tara Ross notes, there was no “constitutional crisis” at all. Indeed, while many controversies simmered over the 2000 election results, the Electoral College was not one of them. A Constitutional Amendment to do away with the Electoral College, introduced immediately after the election and supported by such Capitol Hill heavyweights as Senator Hillary Rodham Clinton and then-House Minority Leader Richard Gephardt, went nowhere. And while polls taken after the election continued to show that most Americans favored direct popular election of the president, only 59% favored abolishing the electoral college – a sizeable majority, but the lowest percentage since Gallup first asked the question in 1944.

How could this be? Could it possibly be that Americans are not complete democrats, but still retain some affection for constitutional, republican principles? Is it possible that there is still a belief that process and compromise matter as much as “the will of the people?” Could it be that when Americans actually give serious thought to the Electoral College, as many undoubtedly did for the first time after the 2000 election, they see that it offers many advantages over direct popular election?

If so, then things are looking up for the Electoral College. For the 2000 election, and the ensuing proposals to amend the Constitution to do away with the College, seems to have roused the Electoral College’s defenders. For the most part, however, those defenses of the Electoral College have come in the form of short opinion pieces in newspapers and magazines, law review articles, and collections of essays. Thus the importance of Tara Ross’s *Enlightened Democracy: The Case for the Electoral College*, which adds a

reader friendly, book-length treatise to the list of pro-Electoral College writings. Better still, unlike at least some other defenses of the College, Ross’s defense is no curmudgeonly conservative plea for respecting tradition. It is a full throated roar in favor of an institution she is “absolutely convinced” is of “immense value... to our republican democracy.”

As is appropriate, given the general lack of public knowledge about the Electoral College, Ross begins by tracing the history of the College, especially its creation at the Constitutional Convention. Ross takes on the conventional wisdom that the Electoral College was a hurried afterthought passed with little debate in the final days of the Convention. To the contrary, she points out, the method of selecting the executive waited until the end of the Convention precisely because it was one of the thorniest issues the Convention faced. Far from being a late afterthought, the method of selecting a chief executive may have been given more thought than any other issue at the Convention, as the delegates pondered the problem for weeks while continuing to debate and draft other, less difficult provisions. Thus, unlike Electoral College detractors such as Lawrence Longley and Neal Pierce, who belittle the institution as a hurried compromise to meet immediate political needs, Ross argues that the framers’ choice deserves serious study and respect before being changed or discarded.

As the Electoral College provides for what are a set of simultaneous state elections rather than a single national vote to elect the president, and given the inclusion of two senators in each state’s electoral vote count, regardless of the state’s population, the Electoral College is an important part of the fabric of our federalist system of government. Ross makes the case that the College is an important bulwark of federalism, but oddly, this makes for some rough going. Federalist principles and virtues are so rarely taught in school or the university these days that Ross must digress at some length to explain why this matters. A thorough discussion of the pluses of federalism, however, would require a volume of considerably greater length. *Enlightened Democracy* handles this problem as well as could be expected, but the problem shows just how much work needs to be done to educate the public on the virtues and benefits of federalism.

Ross is strongest when she argues that the Electoral College forces candidates to assemble broad national coalitions, rather than narrow, sectional ones. She skillfully uses the election of 1888, when Grover Cleveland won the popular vote by rolling up enormous margins across the south, but carried few states outside the south and so lost the electoral vote to Benjamin Harrison, as an example of how the Elec-