

Why Do We Still Have the Electoral College?

An Interview with Alexander Keyssar by Isabel Morales and Dan Rothstein

Introduction

Isabel Morales. I teach both U.S. Government and AP Government, and the Electoral College comes up every year in class. Students frequently comment that “it’s stupid,” and argue for changing it. When they learn that the presidency can be handed to a candidate who did not win the popular vote, students become even further disillusioned, asking themselves whether their vote even counts.

I teach in a vibrant Latinx community, with many working class and immigrant families. Students understand the role the government plays in their lives, having firsthand experience with housing shortages, access to healthcare, and family separation as a result of deportation. Many of them are activist-minded, but often feel disempowered when learning about national politics and the Electoral College.

My textbooks promoted the idea that the Electoral College was a way of checking the masses in case they fell under the spell of a dangerous leader. Publicly available lesson plans about the Electoral College focus on the same four elements: how the Electoral College works, conflicts in power between small states and large states, “wrong winner” outcomes of presidential elections, and proposals to reform the Electoral College.

After reading Alexander Keyssar’s book *Why Do We Still Have the Electoral College?* I gained new insights about the history of the Electoral College, and began reflecting upon the way in which I had taught it in the past. Keyssar

suggests that the framers faced a dilemma when deciding how the chief executive would be selected, and were themselves dissatisfied with their solution. With few political models upon which to build, they created a system that they hoped would limit Congress’s power over the president, and balance the power of the states. His book connects the history of the Electoral College with the history of race, enslavement, and white supremacy in the United States. I realized that my lessons on the Electoral College did not allow my students to engage in nuanced conversations about the connections between the Electoral College and race. It became clear to me that this was an opportunity to help expand teachers’ thinking about teaching the Electoral College. How could we teach it in a way that was both relevant and empowering to diverse learners, especially students of color? Are there ways of teaching the Electoral College that can inspire hope and political efficacy among students?

Dan Rothstein. Alexander Keyssar is the Matthew W. Stirling Jr. Professor of History and Social Policy at Harvard University. He has worked for decades studying and writing about historical topics that continue to be relevant to this day. This year, two decades as well as four years after elections in which the popular vote winner did not become the president, Harvard University Press published his detailed history of the Electoral College, *Why Do We Still Have the Electoral College?*¹ In previous publications, Prof. Keyssar covered two other subjects likely to be very important

this election year. In 2000, coinciding with a presidential election that was contested long after Election Day and not decided until the Supreme Court rendered a judgement it declared could not be used as a precedent, he published *The Right to Vote: The Contested History of Democracy in the United States*, which is the definitive history of centuries-long efforts to both suppress and expand the right to vote in the United States.² Earlier, in 1986, he published a seminal work on the history of unemployment.³

Teachers are entrusted with the great responsibility of preserving and protecting democracy by teaching history to the next generation of potential voters. Isabel Morales and I asked Prof. Keyssar to speak directly to teachers about the new directions for teaching the Electoral College that his work could inspire. Combining Dr. Morales’s expertise in teaching the Question Formulation Technique⁴ and my decades of experience with it, we came up with a small set of questions in an interview with him that we conducted by email and have edited. Prof. Keyssar’s answers follow.

It didn’t escape our notice that the title of his book is a question, an open-ended one. As you read his responses and go on to read his book, we encourage you to share your own questions with all of us on Twitter (@NCSSNetwork, @RightQuestion, @IsabelJMoraes, @RothsteinDan). What other open-ended questions might you ask about the Electoral College? What closed-ended questions do you want to pose to help us unpack the big open-ended ones?

Interview

Q. What new ways do you suggest for teaching about the Electoral College?

A. I suggest that students need not, and indeed ought not, think about the Electoral College as a brilliant idea handed down by the all-knowing framers of the Constitution and then preserved because of its undeniable virtues (no matter what students may think about it). The Electoral College was created by smart and dedicated men who had a great deal of trouble figuring out how the new nation of the United States should choose its chief executive. The Electoral College was an improvisation, something of a gamble, and within a short time, many of the framers themselves thought that it needed an overhaul. I also suggest that one way to teach about it is to look at it over time, to look at the many efforts to reform or abolish it; and to try to understand why those have failed.



Alexander Keyssar

Q. For students learning about the role of the Electoral College for the first time, what historical example or period discussed in your book would you recommend to teachers?

A. Two episodes strike me as particularly interesting to teach. One would be the episode when the state of Michigan adopted district elections (in which electors are elected from districts within a state) in the 1890s to replace winner-take-all (in which all of a state's electors go to the candidate who got the most votes in that state), producing an enormous outcry of opposition. Individual states had, and have, the power to make such changes because winner-take-all is not inscribed in the Constitution. The Constitution leaves it to the states to decide the manner in which electors will be chosen; it does not even require that states hold popular elections. By the late nineteenth century, all states were utilizing winner-take-all popular elections.

In Michigan, as in many midwestern states, the Republican Party tended to have reliable majorities in presidential elections in the 1870s, 1880s, and into the 1890s. The Democrats repeatedly won 40+% of the popular vote in presidential elections in these states but came away with no electoral votes. When the Democrats came to power (briefly) in Michigan in the early 1890s, they instituted a district elections proposal. This was hardly a radical idea, because winner-take-all was

not in the Constitution and districts had been utilized quite a bit in the early nineteenth century. In fact, many leading Republicans had embraced district elections in the 1870s. But in the changed political context of the early 1890s, this was anathema to Republicans, and they fought Michigan's innovation in every way they could, in part because they feared that other states would follow the Michigan pattern.

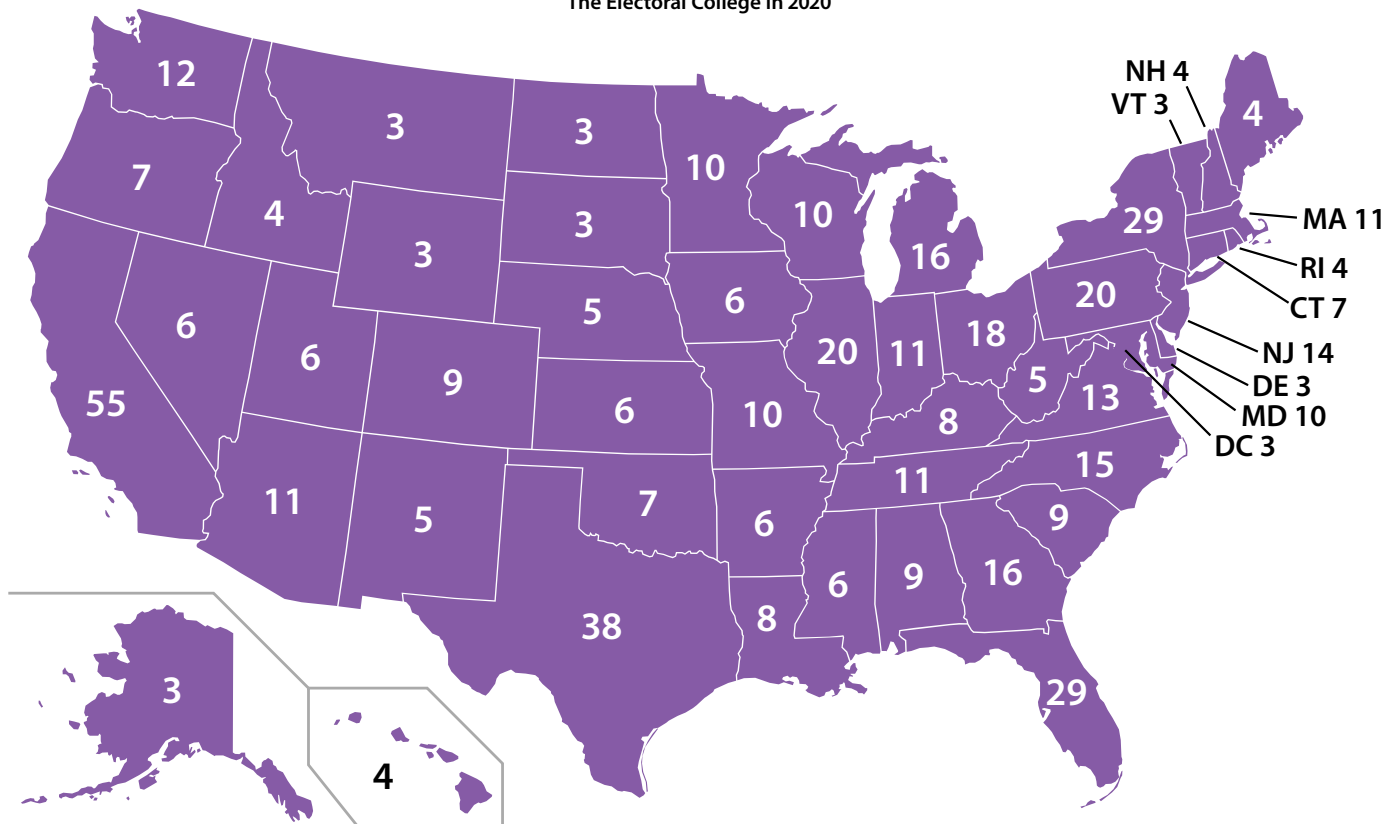
photo by Martha Stewart

A major reason for the Republican opposition was that by the 1890s, it was apparent that the South was becoming a one-party region, entirely dominated by Democrats (and with African Americans disenfranchised). Republicans thus believed that district systems would cost them 40–45% of the electoral votes in the North without permitting them to gain any electoral votes in the South (if districts were instituted there). They believed that losing 40–45% of the electoral votes in the Midwest would mean that the Democrats would thereafter win every presidential election.

Another issue that is present in this episode is the difficulty of individual states trying to end winner-take-all by themselves—although doing so would be perfectly legal. In my book, I discuss episodes of this that occurred in the twenty-first century in North Carolina and California, among other places. These might be interesting for students to explore, in part because they are more contemporary.

The second period that I would recommend to students and teachers would be the late 1960s and into 1970 when there was an initiative to pass a constitutional amendment to replace the Electoral College with a national popular vote; it came very close to being approved by Congress.

By the mid-1960s, there was broad bipartisan agreement that the Electoral College needed to be either reformed or abolished. Several different factors contributed to that consensus. The 1948 multi-candidate election had raised fears of the election reverting to the House and of Strom Thurmond, the leader of the Dixiecrats, becoming a regional kingmaker. That threat was repeated with the independent candidacy of George Wallace in 1968. There were also recurrent problems with faithless electors, primarily among Southern Democrats who did not want to support the national party, and a growing ideological conviction that “one person, one vote”—the principle announced by the Supreme Court in the early 1960s with respect to legislative districting—ought to apply to all elections. The initiative was led in Congress by the



Democratic Indiana senator Birch Bayh, who had originally supported more piecemeal reforms but changed his mind to endorse a national popular vote. It had the support of nearly all Northern, liberal Democrats and many Republicans. The opposition came from the South, which believed that a national vote might undermine white supremacy in the South, and from some Midwestern Republicans who seemed to fear that a national vote would end up granting all power to the metropolitan population centers.

Q. What is the connection between the Electoral College and white supremacy?

A. During the first 60 years of the nation’s history, it was widely understood that the slave states would reject outright any attempt to replace the Electoral College with a national popular vote. This was so because the number of electoral votes each state received depended on the number of representatives that it had in Congress, and that number was determined by the well-known (and notorious) three-fifths clause: the representation of slave states depended on its white population plus three-fifths of all slaves. If the Electoral College had been abolished, the slave states would have lost a considerable number of electoral votes. That problem did not end with the Civil War and the abolition of slavery. After the era of Reconstruction, and after the return to power of white

supremacist “Redeemer” governments in the South, the states of the region benefitted from what amounted to a “five-fifths clause.” African Americans counted fully towards congressional representation and electoral votes, but once again they could not vote. White Southerners, thus, wielded power in presidential elections out of proportion to their numbers. A national popular vote would have resulted in a loss of power and/or pressure to enfranchise African Americans. As a result, the South constituted an obstacle to the adoption of a national popular vote into the 1970s.

Q. For students who are doing research on the connection between the Electoral College and white supremacy, which examples or period covered in your book would be most relevant?

A. The conflict over a national popular vote amendment in 1969-70 would be one of the most relevant examples, and another would be the fight over the Lodge-Gossett amendment in Congress in 1949–1950. It might be interesting for students to research how senators and representatives from their states voted (and to learn what they said about their votes) during these episodes.

The Lodge-Gossett amendment was backed by an odd coalition of forces. Senator Lodge, a liberal Republican, actually believed in a National Popular Vote, but didn’t think he

could get an amendment through Congress, so he endorsed instead a proportional system—one in which a state’s electoral votes would be allocated according to the proportion of the popular vote received by each candidate in the state. Lodge believed that this system would lead to the electoral vote more closely matching the popular vote and that it would eliminate the distortions introduced by winner-take-all.

Gossett was coming from a different place: he was an emphatic segregationist, and he (and many of his colleagues) believed that a proportional system would greatly diminish the importance of large Northern states like New York, Pennsylvania, and Illinois. In those states, he believed, Black voters (and Communists, and labor unions, and the list goes on) had become key swing voters and that to attract their votes, Northern politicians were backing the civil rights movement in the South. Gossett and others like him believed that a proportional system would lessen the influence of Blacks in the North and their ideological allies, and thus help preserve segregation in the South.

When the measure was introduced first in the Senate, many Northern liberals (as well as Southern Democrats) supported it because it did seem to be a more democratic system than winner-take-all; opposition came from conservative Republicans who thought it would help Democrats and hurt them. After it passed the Senate, some key Northern liberals (for example, Clifford Case, a Republican congressman from New Jersey), along with African American opinion leaders, mounted a strenuous educational campaign designed to reveal that this measure could, in fact, hurt the civil rights movement (and other liberal causes). As a result, and within weeks, liberal support for the measure evaporated. The resolution was defeated by a large margin in the House within a couple of months of its having been approved by the Senate.

Q. For people of color who traditionally have been disenfranchised, how could the study of the Electoral College provide hope for making their voices heard?

A. I think that studying the Electoral College may help people to understand why their voices have often been unheard. The particular feature of the Electoral College that does this is the winner-take-all feature, which is not part of the Constitution and which emerged as a result of partisan competition between parties and states. With winner-take-all, the outcome of the vote in most states is known in advance, and there is no competition to earn votes, which leaves many constituencies feeling powerless.

It’s also notable how things can change over time. In the 1970s, there was a significant debate within the African American community about whether Blacks would have more influence with the Electoral College or with a national popular vote. Some Black leaders believed that African Americans were the swing vote in swing states and thus that they gained

leverage from the Electoral College. But it turned out that if this was true at all, it was only in the unusual political circumstances of the 1960s and 1970s. Since that time most minority leaders have favored a national popular vote because it makes all votes equal—something which in itself is empowering.

Q. How can we nurture hope when teaching and studying history?

A. I think we can nurture hope by understanding that things do change and by trying to understand why things have changed. In my book on the right to vote, for example, I chronicle the progress that we have made, over two centuries, in expanding the franchise; at the same time, I emphasize that each period of progress has been followed by a period of reaction, by efforts to undercut those expansions. Knowing that this pattern exists can help to understand what is going on in the United States at present. Knowing that each period of “reaction” has been eventually followed by a new period of expansion can give hope. One of my favorite phrases about the study of history is that of a French historian, Marc Bloch, who wrote that “history is a way of knowing.” It is a means of understanding how we got from the past to the present. History also underscores the critical roles that individual citizens, regular people like us, can play in sparking change. ●

Notes

1. A. Keyssar, *Why Do We Still Have the Electoral College?* (Cambridge, Mass.: Harvard University Press, 2020).
2. A. Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2009).
3. A. Keyssar, *Out of Work: The First Century of Unemployment in Massachusetts*. (New York: Cambridge University Press, 2008).
4. The Question Formulation Technique is a step-by-step process that teaches students how to formulate their own questions: <https://rightquestion.org/what-is-the-qft/>

ISABEL MORALES is a secondary social studies educator with the Los Angeles Unified School District. **DAN ROTHSTEIN** is Co-director of the Right Question Institute. He is co-author with Luz Santana of *Make Just One Change: Teach Students to Ask Their Own Questions* (Cambridge, Mass: Harvard Education Press, 2011)