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OPINION | COMMENTARY

The Electoral College Is Anything But Outdated

In a deeply divided nation, a candidate shouldn't be able to win by appealing only to urban sophisticates.



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By **LARRY P. ARNN**

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The outrage from Hillary Clinton supporters came immediately: Donald Trump might have won the Electoral College, but he appears to have lost the popular vote. This was said to be a violation of democracy, one that defied the principle of “one man, one vote.” A Yale professor slandered the Founders by telling the website Vox that the Electoral College was created to protect slavery.

We can think about this better if we understand two things: What does the Electoral College do, and why does it do it?

On Dec. 19, the electors of every state and the District of Columbia will meet. Each state has the same number of electors as it does U.S. senators and representatives combined. The state legislature decides how the electors are selected.

The chosen electors are bound by custom everywhere and by law in many states to support the presidential candidate who won their state's popular vote. If they fail to vote this way, they will be “faithless electors.” This has happened but rarely in the history of the presidency.

Everything about this process is as the Constitution directs, with the exception of the last bit. Nothing in the founding document requires electors to support the candidate who wins the popular vote in their state. In America's early years many states did not even conduct popular presidential elections.

Instead electors were picked by state legislatures or by governors. The Framers had the idea that the electors, in choosing a president, would vote their consciences after deep discussion—and sometimes this happened. Often, however, electors were selected because they had declared support for a particular candidate.

As the practice of holding a popular vote spread, it was natural that the electors would follow those results. Still, the Electoral College continues to recognize that Americans vote by state—in the same way that they elect the Senate and the House, and the same way that they voted those many years ago to ratify the Constitution.

But now there is a national movement to require that electors support the presidential candidate who wins the national popular vote. The proposal, called the National Popular Vote Interstate Compact, has been passed by 10 states and the District of Columbia. Implementing this practice would be a disaster.

Consider for a minute why the Electoral College was invented. Although it is odd, it is also a plain expression of the Constitution, part of the structure that has made America's founding document the best and longest lived in history.

The Constitution reflects the paradox of human nature: First, that we alone among earthly things may exercise our own volition; second, that sometimes we exercise such power badly. This is why we require laws to protect our rights, as well as restraints upon those who make and enforce those laws.

The Constitution is paradoxical most of all about power, which it grants and withholds, bestows and limits, aggregates and divides, liberates and restrains. Elections are staggered, so as to distribute them across time. The founding document also divides power across space; the people grant a share of their natural authority to the federal government, but another share to the states where they live.

This innovation is most directly responsible for the *greatness* of the United States. Think what the Founders achieved: They invented a way of governing, and they extended it without benefit of kings or colonies across a vast continent, bigger than they could imagine, until they got to the other side 30 years later. The magnificent Northwest Ordinance granted free government to the territories, then representative and independent state government thereafter. Ruled from Washington, the nation could never have settled this land in freedom nor made it so strong.

The practical political equality that the American people have achieved depends entirely upon their ability to spread political authority across a vast area. In American political life, it matters how many people are in favor of a given thing. It also matters where they live.

Mr. Trump joins John Quincy Adams, Rutherford B. Hayes, Benjamin Harrison and George W. Bush as the only presidents who won without the popular vote. After 2000, this is the second time in recent years—a product of the deep and wide division in America between the urban and the rural, the sophisticated and the rustic, the cosmopolitan and the local.

It is a shame that the winner this year, Mr. Trump, lost the popular vote by a whisker. But it would be as much or more a shame if Mrs. Clinton had prevailed despite massively losing the geographic vote, the vote across space, the vote that reflects the different ways that Americans live.

We forget that it is a historical rarity to have an executive strong enough to do the job but still responsible to the people he governs. The laws in the U.S. have worked that miracle for longer than anywhere else. Remember that the Electoral College helps establish the ground upon which the American people must talk with each other, while ensuring that they are not ruled as colonies from a bunch of blue capitals, nor from a bunch of red ones.

Mr. Arnn is the president of Hillsdale College.

