

TAMING THE DINOSAUR?  
THE ELECTORAL COLLEGE AND ITS IMPACT

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**F**ive weeks after the American presidential election of 2000, the world was still waiting for answers from the Florida debacle between two candidates vying for the state's twenty-five electoral votes. The uncertainty of the election was so intense that it began affecting global stock markets, worrying investors everywhere. "Chad" became a household word, and the value of each vote was a serious issue. A ruling from the United States Supreme Court finally settled the nation's most contentious presidential election in 112 years.<sup>1</sup> As a result, while Al Gore won the popular vote, George W. Bush received the 25 most contested electoral votes and thus won the White House. The political tug-of-war for Florida's electoral votes stirred worldwide excitement, confusion, and frustration over the workings of the American electoral process. Even the people of the world's most admired federal democratic republic are baffled by the way they choose their president. While some have criticized the Electoral College as being ridiculously obsolete, others are formulating and testing reform proposals.<sup>2</sup> In fact, Congress has received more proposals for constitutional amendments in electoral reform than in any

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other area.<sup>3</sup> The 2000 presidential election offers a rare and valuable opportunity to reexamine the Electoral College. Though designed more than 200 years ago and viewed by some as a constitutional dinosaur, the Electoral College is a frontier in American history that has shaped the democratic process.

In order to understand better the current situation, one must first study the historical context in which the Constitution was created. Aristotle (384-322 BC), a Greek philosopher, logician, and scientist, certainly had significant influence on the Founding Fathers when they wrote the Constitution. Aristotle defined the constitution as “a certain ordering of the inhabitants of the city-state.” He maintained that the constitution is not a written document, but “a way of life” of the citizens and a regulation on the organization of the city-state. Unlike his teacher Plato (428-347 BC) who advocated political unity, Aristotle focused on the happiness of the individual citizens. Aristotle recognized the forces that may undermine the existing political system and argued that reforming a constitution is as difficult as establishing a new one.<sup>4</sup>

Aristotle’s political thoughts influenced political systems in the ensuing centuries, especially in the 18<sup>th</sup> century. Eighteenth-century Europe was characterized by the Enlightenment (1720-1790), which united the ideas of the Renaissance and the scientific revolution. The philosophers not only worked on pertinent ideas such as reason, nature, progress, and liberty, but they also popularized the political ideas of John Locke (1632-1704), Baron de Montesquieu (1689-1755), and Jean Jacques Rousseau (1712-1778). Locke argued that every individual was entitled to certain natural rights, such as the rights to life, liberty, and property. To protect their rights, the people formed governments and entered a “social contract” to regulate their conduct.<sup>5</sup> Locke’s political ideas, such as that laws should reflect “the consent of the governed,” form the foundation of the United States Constitution.

However, a French nobleman, the Baron de Montesquieu (1689-1755), had perhaps the most significant influence on the separation of powers as stated in the Constitution. Montesquieu

speculated that the best way to protect the people was to separate the government's powers. He admired Britain's government structure and advocated the distribution of government powers into executive, legislative, and judicial branches.<sup>6</sup> This arrangement was believed to balance the powers and prevent one branch from dominating another. The structure of the United States government is indeed based on this idea.

Rousseau was another influential philosopher during the Age of Enlightenment. Although his main thoughts revolved around a single important concept, liberty, Rousseau did not believe that most people would act for the common good. Thus, people needed a government. In his famous political treatise, *The Social Contract*, Rousseau elaborates on the mechanism through which citizens are forced to give up their liberty in exchange for the government's protection of their rights, property, and happiness.<sup>7</sup> If the government ceases to protect the governed, the social contract is broken and the government needs to be replaced. Rousseau's idea laid the foundation for the Declaration of Independence that has influenced the nation since then.

Even though the Founding Fathers studied the political theories of the Enlightenment and incorporated them into a working government, the Constitution did not come into existence easily. In 1786, internally, the thirteen states verged on breaking into separate amalgamations and confederations due to intolerable trade disagreements, while externally, Britain shut off its commerce with the American continent, attempting to coerce the colonies back into the royal fold. In an effort to prevent the thirteen states from further disintegrating and with the hope to bring them into a union, James Madison (1751-1836) organized a meeting in Annapolis in the summer of 1786, a critical event in American history. At the end of the meeting, Madison's hopes were almost dashed as the delegates agreed on none of the issues related to interstate trade and cooperation. On this weary and dull August day, Alexander Hamilton (1757-1804), a delegate from New York, arose and convinced the other delegates that there was a need to reconvene to discuss issues beyond trade. Madison then

called for another convention in Philadelphia to discuss the alteration of the Articles of Confederation.

The Philadelphia meeting started in May 1787 and lasted for four months.<sup>8</sup> Revolting against a tyrannical monarchy, the Founding Fathers treated novel democratic ideas with caution. They wanted to avoid the undue influence of the uneducated. One critical issue in the convention centered on how the small and large states would share power in the executive and legislative branches. Small states such as Delaware threatened to leave the convention and call for foreign intervention if the “one state, one vote” practice under the Confederation were to be violated.<sup>9</sup> To avoid the breakdown of the convention, the delegates recognized the urgency of finding a compromise between the “nationalist Virginia Plan” and the “New Jersey Plan of Confederation.”<sup>10</sup> The principle of “one state, one vote” soon became a key feature in the Convention and permeated the Constitution on issues such as Senate, Constitutional amendment, and most importantly, the Electoral College. As constitutional historian Max Farrand indicated, “The proposed method of electing the President was a compromise.”<sup>11</sup>

In fact, the matter of electing the president was the first item that the Convention talked about on May 30, 1787.<sup>12</sup> Proposals included a rotating presidency, one chief for each region, and a lifetime executive.<sup>13</sup> In July, the Convention settled for the proposal for having only one, non-rotating executive. Yet, the controversy continued on how the executive would be elected. The proposal of popular election from Robert Morris (1734-1806) of Pennsylvania received only one vote as the delegates realized that smaller states would become less important. The “one state, one vote” principle therefore narrowed the methods of electing the president to a limited number of choices: election by Congress, by the Senate, by the House voting by states, or by electors chosen by the states. Madison vigorously opposed election by Congress as it obfuscates the separation of power. Hamilton was one of the first to propose election of the president by electors chosen by each state according to the number of its representa-

tives to the Congress.<sup>14</sup> This proposal soon prevailed in the convention except that the delegates disagreed on the procedure if the candidate did not receive a majority of electoral votes. Some suggested involving the Senate in the process. Others disagreed, noting that senators would most likely be the candidates for the presidency. On September 6, the delegates finally reached the agreement that the contingent election should be in the House, with each state casting one vote.<sup>15</sup> Thus far, the Convention settled the presidential election in the spirit of protecting small states.<sup>16</sup> As Madison said in the *Federalist Paper No. 51*:

Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals, or of minority, will be in little danger from interested combination of the majority.<sup>17</sup>

Although the Electoral College has been widely criticized, it is unequivocally a frontier in the history of the United States and democracy, as it pioneers an unique political process. At the time of the Philadelphia Convention, major European countries were under monarchical rule, such as that of Catherine II of Russia, Louis XVI of France, and of course, George III of Britain. However, several developments over the past two centuries have fundamentally changed the Electoral College system and caused it to function differently from the framers' intent. This is perhaps a result of the concise but imprecise statement in the Constitution regarding the Electoral College, and of the rise of parties in the election process. For instance, Section 1 of Article II of the Constitution states that "each state shall appoint...a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress."<sup>18</sup> The Constitution, therefore, leaves two important questions to the states. First, as historian Lucius Wilmerding asked, "Were the Electors to make the election according to their own will, without the slightest control from the body of the people?"<sup>19</sup> Second, should the state vote as a unit, or could it split its electoral votes? Intriguingly, the rise of political parties since the election in 1796, a year each party put forth its own candidates for president and vice president, gave the answer. To win the election, the parties

needed to aggregate the electoral votes, and that led to the downfall of the free Electors and has almost completely eliminated Electors' role as statesmen.<sup>20</sup> The emergence of the political parties and their effort in amassing national support for their candidates also made the House's role obsolete in the election. This clearly was not the framers' intent at the Philadelphia Convention; they wanted the House as part of the selection agency.

Another important development concerns the mechanics of choosing the Electors. Since the Constitution gives complete freedom to states in selecting electors, popular election and state legislative selection of the electors become the two most common means. However, over the decades, most states have moved toward popular selection of electors due to the popularization of democratic ideas, the growth of the political parties, and unfortunate experiences with legislative selection.<sup>21</sup> Moreover, political expediency moved each state to decide all of a state's electoral votes using the winner-take-all system, also known as the "unit rule" or "general ticket system." Notably, winner-take-all is not mandated by the Constitution but is currently adopted by every state except Maine and Nebraska.<sup>22</sup>

Finally, perhaps the most dramatic change in the Electoral College system was the Twelfth Amendment, a direct result of the chaotic election of 1800. Thomas Jefferson (1743-1826) and Aaron Burr (1756-1836), the Democratic-Republican (later renamed Democratic) Party presidential and vice-presidential nominees, received an equal number of electoral votes, 73. With Burr making no effort to step aside for his running mate, and the fierce power struggle between the Federalist Party and the Republican Party, it took the House thirty-six ballots between February 11 and 17 in 1801 to settle the election.<sup>23</sup> As a response to that convoluted election, Congress passed the Twelfth Amendment, and it was approved by three-quarters of the states in 1804. This Amendment specifically separates election of the president from that of the vice-president. Nevertheless, the Electoral College's overall structure has remained the same: it exists as a body of representatives who vote in presidential elections on behalf of their home state.

This general structure is the source of many modern-day objections to the Electoral College.

As historian Arthur Schlesinger, Jr., notes, the 2000 election “is not the first time the Republic has endured tight elections and confusing results. Nor is it the first time the Electoral College has been a source of trouble.”<sup>24</sup> However, the criticism of the College and proposals for reform all center on the risk that the popular vote winner may lose the presidency. In both 1824 and 1876, the popular vote winners did not become the president. But in neither case was the Electoral College to blame. John Quincy Adams (1767-1848) defeated Andrew Jackson (1767-1845) in 1824 because Jackson fell short of the necessary majority in the Electoral College and, subsequently, the House voted for Adams.<sup>25</sup> The election of 1876 between the Democratic candidate, Samuel Tilden (1814-1886), and the Republican candidate, Rutherford B. Hayes (1822-1893), resembles the 2000 election in certain aspects. Tilden won the popular vote and also appeared to have won the electoral vote. Three military-ruled Southern states, Florida, Louisiana, and South Carolina, disqualified Democratic ballots to give Hayes the advantage. The case went to an electoral committee, appointed by Congress, which gave all disputed votes to Hayes. The first time a candidate won a national popular vote and lost in the Electoral College was in 1888. Grover Cleveland (1837-1908) defeated Benjamin Harrison (1833-1901) by 91,000 in the popular vote, but lost in the College by 233 to 168. Given the apportionment of the Electoral College votes and the winner-take-all feature, the result should not be surprising in 1888 or 2000.

In United States history, more constitutional amendments have been proposed over the Electoral College than have been introduced on any other topic.<sup>26</sup> Typical of such attacks was that of the American Bar Association when it called the Electoral College “archaic, undemocratic, complex, ambiguous, indirect, and dangerous.”<sup>27</sup> James Duram, a constitutional history professor at Wichita State University, maintains that George W. Bush “stole” the election from Al Gore, and argues that the Electoral College is a Constitutional “time bomb.”<sup>28</sup> In fact, there were a few times

that Congress came close to passing reform proposals.<sup>29</sup> Perhaps, as pointed out by Judith Johnson, a history professor at Wichita State University, this is because Americans have “short memories,” and the anger with the electoral imbroglio soon passes.<sup>30</sup> On the other hand, the fact that the Electoral College still exists indicates that it either commands vast support or is unexpectedly difficult to reform. Table 2 in the Appendix shows the weight of each state in the Electoral College and reveals the dilemma of reform. For example, Kansas (2.23) is weighted more than California (1.62), yet is much less than Alaska (4.79). Reformers ridicule the current system, claiming, “all votes are equal, but some votes are more equal than others.” Even so, Johnson and others who approve of the College claim that the numbers are consistent with the framers’ intent of protecting small states.<sup>31</sup>

Indeed, there are several reasons for not confusing politics with arithmetic and not choosing the winner using popular vote numbers alone. The Electoral College actually protects and advances our nation’s democratic principles. First, the Electoral College provides numerous benefits to the United States, such as encouraging popular cohesiveness. The electoral system is designed so that a candidate must attain popular support distributed throughout several states. This safeguard prevents “majority tyranny” and avoids most civilian uproar after a candidate’s election.<sup>32</sup> Secondly, the Electoral College actually boosts the significance of the country’s minority groups. Such minorities include farmers and blacks, who make up 2 percent and 12 percent of the country’s voting population, respectively.<sup>33</sup> This observation is especially important in noting that many of the country’s minority groups reside in states with the most electoral votes, such as California and Florida. Finally, the Electoral College is essential to the preservation of federalism, the balance of state and federal powers, on which much of American government is based. Without this state-friendly precaution, the nation’s governance would be too dependent on only a few of the country’s most heavily populated areas.<sup>34</sup> To obliterate the Electoral College is to risk disruption of the existing, yet precarious, balance of power that

the Founding Fathers intended, and may not be a wise course of action to take.<sup>35</sup>

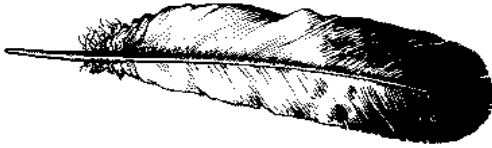
In practice, history proves that changing the Electoral College system is extremely difficult, if not impossible.<sup>36</sup> Historian Homer Hockett estimates that less than one percent of thousands of proposals have been adopted. Since changing the Electoral College would require a two-thirds vote in Congress and ratification by three-fourths of the states, an almost impossible task, the growth of the Constitution has come mainly through interpretation of the fundamental document by Congress and the courts.<sup>37</sup> On a theoretical basis, Kenneth Arrow (1921-), who won the Nobel Prize for his contribution to public choice theory, also offered a fascinating theory fifty years ago that no voting scheme would produce rational or consistent results. He argues:

The problem of choosing by election one among a number of candidates...if no prior assumptions are made about the nature of individual orderings, there is no method of voting which will remove the paradox of voting, neither plurality voting nor any scheme of proportional representation, no matter how complicated.<sup>38</sup>

The main point of Arrow's theory is that no voting system is perfect; in correcting one injustice, another is created.<sup>39</sup> Choosing an election system thus becomes a matter of figuring out the one that produces the least harm. David Epstein, a political scientist at Columbia University, offers a unique argument. He believes that there is a critical human element, beyond the mechanism, in choosing a voting system. Since elections are key to democracy, a system should be chosen based not on how well it works on paper, but on how voters "feel" about it.<sup>40</sup>

Since its creation as a power-balancing tool, the Electoral College has evolved into an integral part of our democratic federal republic. While many reform proposals have been presented, history proves that change is a truly daunting challenge. Although some indict the Electoral College as a constitutional dinosaur, this democratic frontier has benefited the nation in several aspects such as promoting national unity, heightening minority influences, and preserving federalism. As historian Hendrick stated,

the Electoral College “was a thing made for men, and took due account of the strength and weakness that constitute human nature.”<sup>41</sup> A successful political system does not simply tally votes and rule strictly by majority. Rather, it should “promote the general welfare” and “secure the blessings of liberty,” as promised in the Constitution. Due in no small part to the Electoral College, the United States is still the world’s archetypal democracy. Such is the genius of the Founding Fathers.



## Appendix

Table 1: Allocation of Electoral Votes based on the 2000 Census (Total: 538; Majority Needed to Elect: 270)

ALABAMA - 9	MONTANA - 3
ALASKA - 3	NEBRASKA - 5
ARIZONA - 10	NEVADA - 5
ARKANSAS - 6	NEW HAMPSHIRE - 4
CALIFORNIA - 55	NEW JERSEY - 15
COLORADO - 9	NEW MEXICO - 5
CONNECTICUT - 7	NEW YORK - 31
DELAWARE - 3	NORTH CAROLINA - 15
D.C. - 3	NORTH DAKOTA - 3
FLORIDA - 27	OHIO - 20
GEORGIA - 15	OKLAHOMA - 7
HAWAII - 4	OREGON - 7
IDAHO - 4	PENNSYLVANIA - 21
ILLINOIS - 21	RHODE ISLAND - 4
INDIANA - 11	SOUTH CAROLINA - 8
IOWA - 7	SOUTH DAKOTA - 3
KANSAS - 6	TENNESSEE - 11
KENTUCKY - 8	TEXAS - 34
LOUISIANA - 9	UTAH - 5
MAINE - 4	VERMONT - 3
MARYLAND - 10	VIRGINIA - 13
MASSACHUSETTS - 12	WASHINGTON - 11
MICHIGAN - 17	WEST VIRGINIA - 5
MINNESOTA - 10	WISCONSIN - 10
MISSISSIPPI - 6	WYOMING - 3
MISSOURI - 11	

Sources: National Archives and Records Administration at <http://www.nara.gov/fedreg/elctcoll/>

Table 2: Index of Each State's Weight per Voter in the Electoral College:

ALABAMA - 2.02	MONTANA - 3.36
ALASKA - 4.79	NEBRASKA - 2.92
ARIZONA - 1.95	NEVADA - 2.50
ARKANSAS - 2.24	NEW HAMPSHIRE - 3.24

CALIFORNIA – 1.62	NEW JERSEY – 1.78
COLORADO – 2.09	NEW MEXICO – 2.75
CONNECTICUT – 2.06	NEW YORK – 1.63
DELAWARE – 3.83	NORTH CAROLINA – 1.86
D.C. – 5.24	NORTH DAKOTA – 4.67
FLORIDA – 1.69	OHIO – 1.76
GEORGIA – 1.83	OKLAHOMA – 2.03
HAWAII – 3.30	OREGON – 2.05
IDAHO – 3.09	PENNSYLVANIA – 1.71
ILLINOIS – 1.69	RHODE ISLAND – 3.82
INDIANA – 1.81	SOUTH CAROLINA – 1.99
IOWA – 2.39	SOUTH DAKOTA – 3.97
KANSAS – 2.23	TENNESSEE – 1.93
KENTUCKY – 1.98	TEXAS – 1.63
LOUISIANA – 2.01	UTAH – 2.24
MAINE – 3.14	VERMONT – 4.93
MARYLAND – 1.89	VIRGINIA – 1.84
MASSACHUSETTS – 1.89	WASHINGTON – 1.87
MICHIGAN – 1.71	WEST VIRGINIA – 2.76
MINNESOTA – 2.03	WISCONSIN – 1.86
MISSISSIPPI – 2.11	WYOMING – 6.08
MISSOURI – 1.97	

Sources: (1) National Archives and Records Administration for electoral votes.

(2) U.S. Census Bureau for 2000 population.

(3) The method used by the author in constructing the index:  $\text{Index} = (\text{each state's electoral votes} / \text{each state's population}) \times 1,000,000$

## Endnotes

<sup>1</sup> The election in 1888 was the first time the Electoral College directly denied the presidency to the popular vote winner. See Danny M. Adkinson and Christopher Elliott, "The Electoral College: A Misunderstood Institution," PS: Political Science and Politics 30 (1997) p. 78

<sup>2</sup> Hillary Clinton, the newly elected Senator from New York, claimed that she would be working on the reform at the beginning of her term. See "The Pitfalls of One Person, One Vote," Business Week (27 November 2000) p. 48

<sup>3</sup> Robert Hardaway, The Electoral College and the Constitution (Westport, Connecticut: Praeger Publishers, 1994) preface

<sup>4</sup> "Aristotle's Political Theory," Stanford Encyclopedia of Philosophy <http://plato.stanford.edu/entries/aristotle-politics/> (April 20, 2002 )

<sup>5</sup> John T. Scott, "The Sovereignless State and Locke's Language of Obligation," American Political Science Review 94 (2000) p. 547

<sup>6</sup> Steven L. Jantzen, Kenneth Neill, and Larry S. Krieger, World History: Perspectives on the Past (Lexington: D.C. Heath and Company, 1988) p. 453. Also see Homer Hockett, The Constitutional History of the United States 1776-1826 (New York: the Macmillan Company, 1939) p. 64

<sup>7</sup> Jean Jacques Rousseau, The Social Contract (translated and introduced by Maurice Cranston, Baltimore: Penguin Books, 1968)

<sup>8</sup> There was an agreement that nothing discussed in the convention should be made public until the end. Since James Madison attended and took notes in every session, the publication of his notes in 1840 has become the major source for historians in analyzing the Constitution. See Hardaway, p. 76

<sup>9</sup> Burton J. Hendrick, Bulwark of the Republic: A Biography of the Constitution (Boston: Little, Brown and Company) p. 29

<sup>10</sup> Edmund Randolph, governor of Virginia, proposed the Virginia plan on May 29, 1787. James Madison supported this plan that called for a strong central government. New Jersey delegate William Paterson proposed a union based on federalism. The New Jersey plan was defeated after three days of debates. See National Archives web site: [www.archives.org/index.html](http://www.archives.org/index.html), for details.

<sup>11</sup> Max Farrand, The Framing of the Constitution of the United States (New Haven: Yale University Press, 1987) p. 25

<sup>12</sup> Hardaway, p. 80

<sup>13</sup> Lolabel House, A Study of the Twelfth Amendment (Ph.D. Dissertation, University of Philadelphia, 1901) p. 60

<sup>14</sup> *Ibid.*, p. 10

<sup>15</sup> Hardaway, p. 82

<sup>16</sup> Along with being influenced by the Enlightenment, it is noteworthy that the design of the Electoral College was actually based on the Centurial Assembly of the Roman Republic. In the Centurial Assembly, groups of 100 adult male citizens cast one collective vote in favor or against Roman Senate proposals. Similarly, the first Electoral College design modeled states after the groups of 100 and allocated each state's electoral votes using the size of its Congressional delegation. See William C. Kimberling, Essays in Elections: The Electoral College (D.C.: Federal Election Commission, 1992) p. 2

<sup>17</sup> James Madison, Alexander Hamilton, and John Jay, Federalist Papers: A Commentary on the Constitution of the United States (New York: M. Walter Dunne, Publisher, 1901), see page 2 of Federalist Paper No 51.

<sup>18</sup> The Constitution of the United States, (Washington, D.C.: Commission on the Bicentennial of the United States Constitution 1986) p. 9

<sup>19</sup> Lucius Wilmerding, Jr., The Electoral College (Boston: Beacon Press, 1958) p. 19

<sup>20</sup> Six of the 16,321 electoral votes cast for president between 1820 and 1972 were against instruction or pledge. See Lawrence Longley and Alan G. Braun, The Politics of Electoral College Reform (Clinton, Massachusetts: Yale University Press, 1975) p. 29

<sup>21</sup> New York Legislature failed to choose electors because of a political deadlock in 1789. See Longley and Braun, p. 30

<sup>22</sup> Danny Adkinson and Christopher Elliott, "The Electoral College: A Misunderstood Institution," PS: Political Science and Politics 30 (1997) p. 78

<sup>23</sup> Hamilton distrusted Burr and persuaded enough Federalists to vote for Jefferson for the presidency. Four years later, Burr killed Hamilton in a duel. See Arthur M. Schlesinger, Jr., "It's A Mess, But We've Been Through It Before," Time (20 November 2000) p. 64

<sup>24</sup> *Ibid.*, p. 64

<sup>25</sup> This is the infamous “Corrupt Bargain” election. Adams allegedly made a deal with Henry Clay, then Speaker of the House, to secure all of the House votes after an electoral tie. After Adams won, Clay became Adams’ Secretary of State.

<sup>26</sup> “Proposals for Electoral College Reform,” Hearing before the Subcommittee on the Constitution of the Committee on the Judiciary, House of Representatives, September 4, 1997 (Washington: U.S. Government Printing Office, 1999) p. 1

<sup>27</sup> “Electing the President: Recommendations of the American Bar Association’s Commission on Electoral College Reform,” American Bar Association Journal 54 (1967) p. 219

<sup>28</sup> Duram, telephone interview

<sup>29</sup> In September 1969, the House passed the reform bill by a vote of 338-70 and the Senate failed to move because of extreme time pressures. See Hardaway, p. 12

<sup>30</sup> Johnson, telephone interview

<sup>31</sup> Ibid.

<sup>32</sup> Judith A. Best, The Choice of the People? Debating the Electoral College (Lanham, Maryland: Rowman & Littlefield Publishers, 1996) p. 18

<sup>33</sup> Ibid., p. 24

<sup>34</sup> “The Pitfalls of One Person, One Vote,” Business Week (27 November 2000) p. 48

<sup>35</sup> Kimberling, p. 13

<sup>36</sup> Stanga, telephone interview

<sup>37</sup> Hockett, pp. 301-302

<sup>38</sup> Kenneth J. Arrow, Social Choice and Individual Value (New York: John Wiley and Sons, Inc., 1951) p. 6

<sup>39</sup> John Stanga, a constitutional law professor at Wichita State University, confirmed this point.

<sup>40</sup> “Consider the Alternative,” Business Week (4 December 2000) p. 126

<sup>41</sup> Hendrick, p. 93

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