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## OUR OPINION: Don't end run the Constitution

There's a right way and a wrong way to reform elections. The National Popular Vote Initiative is the wrong way.

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On July 17, 1787, America's founders considered whether the Constitution should provide for the direct election of presidents.

Their conclusion: No, it shouldn't. Representatives from nine states rejected the idea, while those from only one state, Pennsylvania, voted for it.

Today, are we so confident in our wisdom and institutions that we can dismiss the founders' view?

For that's what would happen if the National Popular Vote Initiative keeps gaining support. And Minnesota may play an important role, given that the initiative has passed a House committee and likely will be voted on by the Legislature next year.

Here's hoping the lawmakers respect the founders' view and reject this constitutional end-run.

The initiative is an effort to elect presidents by popular vote. It does this by getting states to pledge their electors to whoever wins the national majority or plurality vote, regardless of which candidate won in that state.

California recently signed on, putting the initiative halfway to its goal of guaranteeing the popular-vote winner enough electors to put him or her in the White House.

But as mentioned, the founders explicitly rejected a popular-vote system. Instead, they turned (as they did elsewhere in the Constitution) to a method that balances the interests of voters, lawmakers and states.

The Electoral College that resulted isn't perfect. But over the course of 224 years, we've learned it has fundamental advantages: First, it turns presidential campaigns into national contests, pushing candidates to build majorities across the country rather than supermajorities in densely populated regions.

Second, it narrows the basis for recounts, usually to a single state. So, in 2000, the election turned on what happened in Florida rather than in every precinct in the U.S.

That point should be decisive in Minnesota, by the way. Twice in recent years, the state has experienced the disruption of a close election forcing a statewide recount. In the 2008 Senate race, the court battles delayed Al Franken's taking the Senate oath for a full six months.

Do we really want presidential elections to force hand counts, ballot challenges and the like across all 50 states?

Third, the Electoral College gives states a key role in presidential elections, exactly as the founders intended. One effect of electing presidents via popular vote would be to eliminate state boundaries in presidential politics. Gone would be the days of, say, the vice president visiting East Grand Forks, as happened in 2004. That visit was part of the GOP's drive to win Minnesota, a strategy that the initiative would render as obsolete as the Lincoln-Douglas debates.

Instead, all the attention would shift to where the votes are: America's big cities. That's not a change the state best known as "The Land of 10,000 Lakes" should welcome.

Then there's the fact that the initiative relies on a loophole to bring foundational change to America's founding document.

For the Constitution gives Americans a way to change our government's structure. That way is through amending the document. Granted, amending the Constitution is hard; it's meant to be. By requiring the approval of two-thirds of the Congress and three-fourths of the states, the founders made sure that alterations would have supermajority support.

Few things are as fundamental to the Constitution as its method of electing presidents. But by substituting cleverness for wisdom, the initiative skirts the pesky requirement for supermajorities. Indeed, that's the whole point, says columnist E.J. Dionne, an initiative supporter: "This is an effort to circumvent the cumbersome process of amending the Constitution," Dionne wrote. "That's the only practical way of moving toward a more democratic system."

But just because a majority can overturn the founders' explicit rejection of direct elections, does that mean they should? John Samples of the Cato Institute put it this way: "Would E.J. Dionne agree that the wishes of a majority should trump the Constitution's guarantee that Congress shall make no law abridging freedom of the press?"

Ours is a federal republic, a system where states play a key role. It's unique in the world and has delivered unique-in-the-world results. Let's keep it that way by insisting that constitutional changes be brought about the old-fashioned way: through amendments, not loopholes.

— **Tom Dennis for the Herald**