

INSTITUTE OF WORLD POLITICS

IWP Trustee and Alumnus, Mr. Michael C. Maibach, discussed the Founders' reasoning behind creating the Electoral College in 1787 in a speech before IWP students and friends on February 25, 2020.

“Why America’s Founders Created the Electoral College”

On February 25th, Mr. Michael C. Maibach, IWP Trustee and Founder of the Center for the Electoral College, gave a lecture at IWP titled “Why the Founders Created the Electoral College.” Mr. Maibach was President and CEO of the European-American Business Council from 2003 to 2012-and was the Vice President of Global Government Affairs for Intel Corporation from 1983 to 2001. Mr. Maibach has earned seven university degrees, including a Professional Master of Arts from The Institute of World Politics.

Mr. Maibach began the lecture with a brief comparison of the European Union and the United States. He asserted that the United States is much more democratic than most European nations. Only two nations in the European Union directly elect their head of government, while 26 are elected through their Parliaments. The United States keeps the election of its head of government separate from the US Congress by holding 50 Presidential elections across the Nation. This system is thus more ‘democratic’ than most European nations.

Mr. Maibach then addressed the intentions of the American Founders. He pointed out that the Founders’ understanding of human nature was that it is a constant, broken and an unchanging part of who we are. Man’s constant nature allowed the Founders to take lessons from ancient democracies (especially Rome) and apply them to the new Constitution of 1787. A quote from Plato symbolizes nicely the problem that the Founders discovered in looking at popular government. Plato wrote, “Tyranny naturally arises out of democracy.”

The Founders also drew heavily from Locke and Montesquieu, Mr. Maibach said. Man is endowed by his Creator with natural rights, according to Locke’s philosophy. Montesquieu, in his book *The Spirit of the Laws* (1748) observed that democracies most often fail because the majority tyrannizes the minority. This led to his development of the concepts we now call “checks and balances” and “the separation of powers”. The concept of Federalism also arises from this concern about “majority tyranny”. These lessons were channeled into the Constitutional Convention of 1787 and expressed philosophically in *The Federalist Papers* during the ratification debates of 1787-88. The goal of the Convention was to replace the ill-functioning Articles of Confederation which has no taxing power, no ability to raise an army, no interstate commerce powers... and no Chief Executive. The new Constitution would need “energy in the executive” as Hamilton was to write, but an executive whose election was not subject to the passions of any particular “faction” of society.

The selection of the President by way of votes among the states, said Mr. Maibach, was essential to establishing a strong and independent head of government, one capable in particular of “balancing” the legislative will of the Congress. If the passions of any particular

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group are to be curbed, both Federalism and “checks and balances” must cool those passions. For this reason, the Founders said, the President should not be chosen by Congress, nor should he be elected by a national popular vote. Given the striking differences among the states in terms of size and population, a national popular vote would never have been accepted in Philadelphia. For example, in 1787 Virginia has a population of 750,000 while George had a population of 75,000!

Madison makes clear the Founders’ concern with direct popular election. If there was a national popular election, a “majority faction” could take over the Presidency and tyrannize the minority. Moreover, in 1787 there was no mass communication system. Only elites had the time and resources to see across state borders and know current and rising leaders in other states. Thus, by having trusted elites chosen for the Electoral College, they we thought to use wise judgment to ensure that a person – perhaps tied to foreign interests or otherwise untrustworthy – was not elected.

Madison explains the Founders’ reasoning about curbing factions and majority tyranny in *Federalist #10 and #51*. Each branch must balance the others. An energetic executive is necessary, especially to counteract Congress. Likewise, each branch must have “a will of its own” and be as independent in its own operations as possible. If Congress were to elect the President, the Executive would no longer be independent; he would be subject to Congressional will. Madison summarizes this sentiment when he writes: “ambition must be made to counteract ambition.”

Mr. Maibach concluded by citing Alexander Hamilton’s explanation of the Electoral College. In *Federalist #70* Hamilton writes: “If the manner be not perfect, it is at least excellent.” Hamilton, and the Founders understood that a human institution could never achieve perfection, but that did not preclude them from creating a system that worked to protect each man’s natural rights. Indeed, government is instituted, as Jefferson wrote in the *Declaration*, “that to preserve those rights governments are instituted among men...” This is no less true today than it was in 1787, said Mr. Maibach, for human nature has not changed, nor has the necessity to keep our government limited, balanced and thus accountable. The Electoral College should be preserved not because it is perfect, but because it helps to keep the Nation free from tyranny of the majority.

(This speech summary was written by Ethan Lehman with edits by Mr. Maibach.)

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