Electoral College votes for Bush, sealing an anti-democratic election

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Completing the anti-democratic travesty of the 2000 US presidential election, the 538 members of the Electoral College met December 18 in 50 states and the District of Columbia, handing the presidency to the candidate who lost the November 7 popular vote.

Republican George W. Bush narrowly edged Democrat Al Gore by 271 to 267, in ballots that will be formally tallied in Congress January 6. According to the latest running tally of the popular vote, including large numbers of absentee ballots, Gore won the popular vote by a margin of over 540,000. Bush is the first candidate to assume the presidency after being defeated in the popular vote in more than a century, since Benjamin Harrison defeated Grover Cleveland in 1888.

Bush's victory came by virtue of the US Supreme Court decision which shut down the recount of disputed ballots in Florida, allowing him to carry the state by only 537 votes out of 6 million cast, and capture all 25 of the state's electoral votes. The Republican electors met in the state capital, Tallahassee, and cast their ballots at a session of the state legislature chaired by the Republican candidate's brother, Governor Jeb Bush.

There was some concern in the Bush campaign over efforts by some Democratic Party activists—disavowed by Gore and his running mate Joseph Lieberman—to persuade Republican electors to desert Bush and vote for the candidate who won the popular vote nationwide. No such “faithless electors” materialized, however.

The freedom of the electors to cast their votes for a candidate other than the one chosen by the people of their state is only one of the many peculiar features of the reactionary and archaic Electoral College structure. Only 27 of the 50 states require electors by law or by oath to cast their ballots for the candidate to whom they are pledged, but only five states impose any penalty on faithless electors. The remaining 23 states and the District of Columbia have no restrictions at all. As a result, 140 of the 271 electors for Bush were not bound to vote for him.

The Electoral College is a thoroughly antidemocratic institution, established in the US Constitution in 1789 because of the distrust of popular sovereignty on the part of the “Founding Fathers.” Rather than direct election of the president by the American people, they established an indirect system in which each state selects electors equal to its representation in Congress, senators and representatives combined, plus three more for the District of Columbia.

The result is to grossly over-represent smaller states, which are entitled to two senators and one representative, for a total of three electoral votes, no matter how small their population. New York state, for instance, has 33 times the population of Wyoming, the least populous state, but only 11 times as many electoral votes, 33 compared to 3. Fifteen small states, with a combined population of 15.5 million, have a combined electoral vote total equal to that of California, a state with more than twice as many people.

In the 2000 election this disproportionate influence for small and rural states benefited the Republican candidate, who carried 30 of the 50 states, but only 3 of the 10 largest (Texas, Florida and Ohio). Of the states with five or fewer electoral votes, those which are most over-represented, Bush carried eleven compared to seven for Gore.

With the exception of Nebraska and Maine, each state awards all its electors on a winner-take-all basis, regardless of whether the prevailing candidate wins by a huge margin or a handful. Thus Gore received no electoral votes from Florida, despite winning nearly 3

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million votes.

When it was first established, the Electoral College was only one of a number of buffers against popular sovereignty, including the equal representation of all states in the Senate, regardless of population, the election of Senators by state legislatures rather than by the people of the states, and the requirement that constitutional amendments be approved by a two-thirds majority of both houses of Congress and by three quarters of the states. (The latter provision has made it effectively impossible to abolish the Electoral College.)

In the course of over 200 years, many of these anti-democratic barriers have been attenuated or eliminated, beginning with elimination of property requirements and the establishment of a universal manhood franchise, then the extension of the franchise to blacks, women and youth aged 18 to 21, the popular election of senators, and the one-man, one-vote requirement for apportioning state legislatures. Today the president is the only public official elected in the United States by indirect rather than direct suffrage.

There is an important aspect of the Electoral College vote which was little noted by the US media. In their reactionary ruling shutting down the Florida recount, only three of the nine justices pronounced in favor of the position of the Bush campaign that a manual recount under any circumstances was unconstitutional. The two key “swing” justices, Anthony Kennedy and Sandra O'Connor, adopted a somewhat different position—though no less reactionary—than that put forward by the three justices representing the ultra-right, Antonin Scalia, Clarence Thomas and Chief Justice William Rehnquist.

Kennedy and O'Connor claimed that regardless of the merits of the Gore campaign's request for a recount, there was no time to complete it by December 12, the supposed deadline for selecting state electors and forwarding their names to the National Archives in Washington. This claim was cynical on two levels. First, it was the stay imposed by the Supreme Court—as well as repeated acts of obstruction by the Bush campaign—which prevented the recount from being completed by the December 12 date.

Furthermore, in the week since the court ruling, it has been clearly demonstrated that December 12 is not and never has been a genuine requirement for the selection of electors. Only 29 of the 50 states met the supposed “deadline”; 21 states and the District of Columbia did not submit the names of their electors by December 12, and 11 had still not officially notified Washington as of December 18, when the electors met in the various state capitals to cast their votes.

This includes a number of states which had extremely close vote tallies, including Iowa, New Mexico, Wisconsin, and Florida itself, all of which were, according to the argument made by the Supreme Court majority, risking disqualification of their electors in the event of a challenge by Congress. But none of these electoral votes will actually be subject to any challenge.

The December 12 deadline was nothing more than a pretext utilized by the US Supreme Court, the Florida state government and the Bush campaign, with the complicity of the American media, to justify the grossly antidemocratic action of shutting down the recount of legal votes in Florida and awarding the election to the candidate who lost both the national popular vote and the popular vote in Florida, but who now stands to be inaugurated president of the United States next January 20.

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