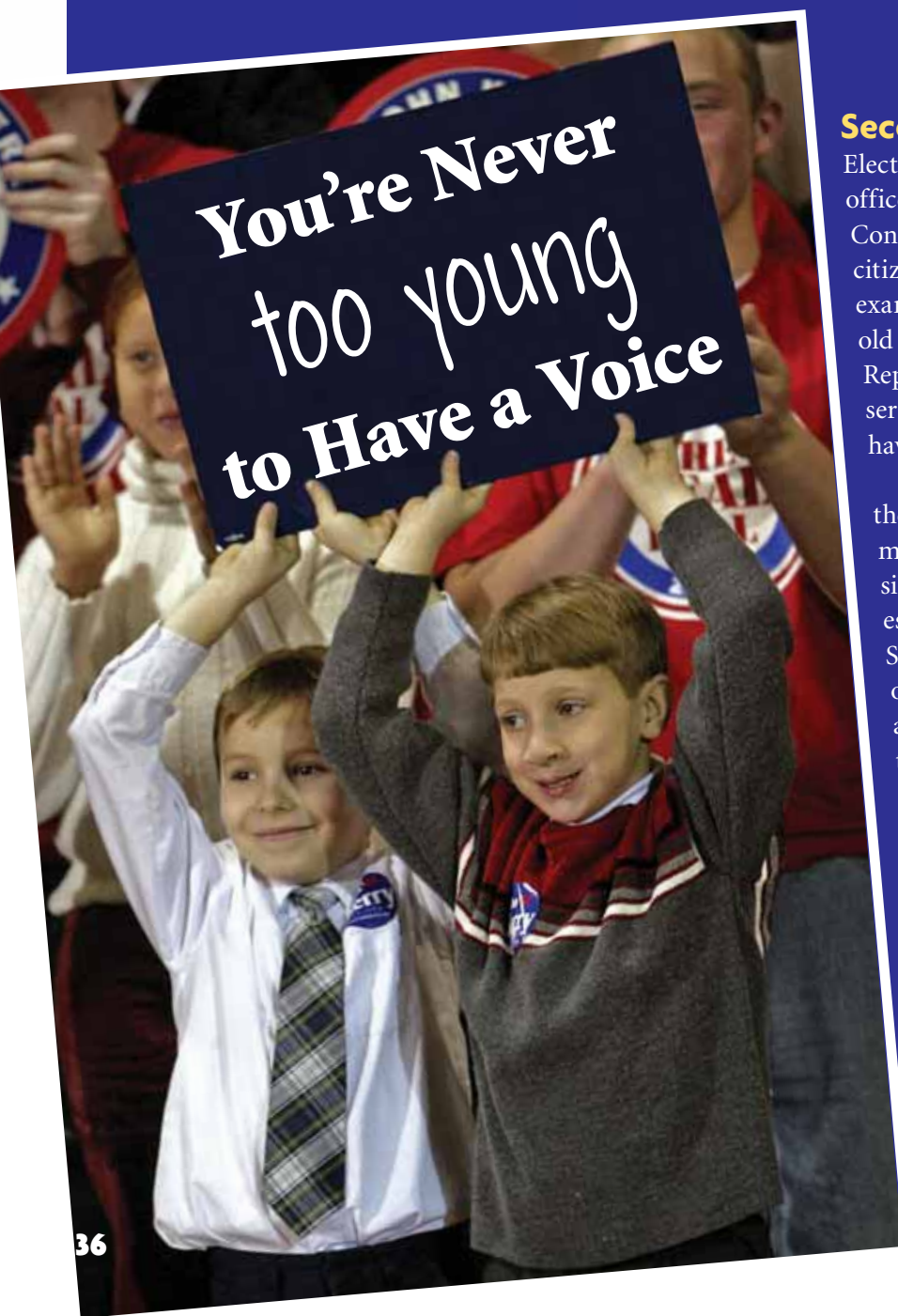


# Calling the Constitution's Bluff

by Sanford Levinson and Cynthia Levinson

The U.S. Constitution is the oldest written Constitution in the world. It established what many people think is the world's most successful government. That does not mean, though, that all of it makes perfect sense all the time. Take a look at the following...



## Second-Class Citizens?

Electing our leaders and running for office are two of our most important Constitutional rights. But not all citizens enjoy these rights equally. For example, you have to be at least 18 years old to vote. To serve in the House of Representatives, you must be 25; to serve in the Senate, it's 30. And you have to be at least 35 to be president.

The Constitution originally gave the states the right to determine the minimum voting age. But the Twenty-sixth Amendment, ratified in 1971, established a national voting age of 18. Some teenagers argue that if they are old enough to vote and to serve in the armed forces, why aren't they eligible to serve in Congress — where the decisions about whether or not to go to war are made?

What do you think? Does the Constitution grant first-class citizenship to older Americans and second-class citizenship to younger ones? And who should decide these issues — the federal government or state governments?

**“Political rallies rock! I think the voting age should be 10, don't you?”**

**Arnold Schwarzenegger currently is serving as governor of California, but he was born in Austria and therefore cannot run for president.**

## **Born to Be President!**

Anyone can be president, as long as he or she is a natural-born U.S. citizen. Natural-born citizens are people born in this country or born abroad to parents who are U.S. citizens. The Constitution does not allow *naturalized* citizens to run for the presidency. So, people who were born abroad to noncitizens are ineligible, even if they came to this country shortly after birth.

What do you think? Must presidential candidates be citizens from birth? Or should experience, moral character, and leadership qualities be more important factors than birthplace when choosing a president?

## **When the Majority Doesn't Rule**

When voters go to the polls for presidential elections, they mark the ballot next to the name of the candidate they like. However, their vote really is used to determine *electors*, not the president.

The Constitution gives each state as many electors as it has members in Congress: two senators plus the number of its people it sends to the House of Representatives. The District of Columbia also has three



electors, making the national total in the Electoral College 538. The political parties in each state and the District each nominate a slate of electors pledged to vote for that party's presidential candidate. The electors pledged to the candidate who wins the state's popular vote (the votes, literally, of the people) then cast their votes in the Electoral College. The candidate who wins a majority of the Electoral College votes wins the presidency.

This Constitutional provision has resulted in upsets four times: 1824, 1876, 1888, and 2000. That is, the candidate who did *not* win

**Naturalized** citizens are people who are not born in this country, but become citizens by choice.

Recent elections have made people think more carefully about the role of the Electoral College. Here, protesters question the Electoral College's controversial role in the outcome of the 2004 presidential race.



the most popular votes was nevertheless elected president. What were the Framers thinking?

In 1787, the Framers encouraged the smaller states to support ratification of the Constitution by guaranteeing that all states would have equal representation in the Senate. Yet today, for example, there are more people living in New Mexico than there are in Alaska, North Dakota, and Wyoming combined. But New Mexico has only five Electoral College votes, compared with the nine that Alaska, North Dakota, and Wyoming have together. In the 2000 presidential election, George W. Bush won the nine votes from these three small states, while Al Gore was awarded New Mexico's five Electoral College votes. So even though Gore received about half a million more popular votes nationwide than Bush, the Electoral College system determined that Bush won the presidency.

What do you think? Should people vote directly for the president or for electors?

There are many reasons to admire our Constitution, but even George Washington admitted that "the best supporters the Constitution has do not contend that it is free from imperfections." As citizens, we have the right and obligation to question possible flaws and decide whether or not to correct them. What do you think? 🇺🇸

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