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FOREWORD

Vox populi, vox dei. Although Americans might reject this rather extravagant proposition, we have created an elaborate electoral process through which the voice of the people (or what we assume to be that voice) may express itself on federal, state, and local issues. Occasionally our political mythology seems to attribute an element of immutability and divine sanction to our electoral process—as if it had been ordained at Mount Sinai. Instead, there has already occurred considerable change in our institutions and procedures for ascertaining and expressing the popular will. For example, political parties—and ultimately a two-party system—have come into being; universal popular suffrage has been adopted—at least, as an ideal; the members of the electoral college, with one or two recent exceptions, have renounced their legal right to exercise their own discretion in choosing a president; and many states have authorized initiative, referendum, and recall procedures.

Events during the 1960 elections—such as the first nationally televised debates between presidential candidates—and the Supreme Court's recent decision in *Baker v. Carr*¹ make it clear that dramatic new changes in the American electoral process are in the offing. Indeed, in view of the many fast-paced changes in other fields now anticipated for American life, it would be unthinkable for the electoral process to remain static.

In evaluating proposed or prospective changes in our electoral process, one must remember that the utterances of *vox populi* are materially affected in content by the procedures through which they are expressed. For instance, some of the election procedures in the United States—such as voluntary, rather than compulsory or automatic, voter registration—are partially responsible for the fact that here a smaller percentage of eligible voters cast a ballot than in some European countries. It is quite questionable that election results would in every instance be the same in this country if a higher percentage of eligible voters exercised their franchise (although in some cases it is also questionable that the change in results would be desirable). The United States Congress and the bicameral state legislatures were structured to produce utterances of *vox populi* that would often be different from those which would have occurred with unicameral legislative bodies elected strictly on a population basis. Similarly, because of the form of our election procedures, not every American President has received even a plurality in the popular vote; and the current incumbent of the White House lacked a majority of the popular vote cast in the 1960 election. Long before *Baker v. Carr* was decided, it was unmistakable that in many states the electoral process for choosing legislators was heavily weighted

¹ 369 U.S. 186 (1962).

toward rural voters. On the other hand, in gubernatorial or presidential elections, the votes mustered by blocs or machines in certain pivotal urban areas have a premium value. Resistance to, or enthusiasm for, proposed future changes in the electoral process will undoubtedly reflect advantages and disadvantages currently experienced.

Not only the electoral process itself but also our views of voting behavior have changed over the years. Once we conceived of the American voter as being primarily a rational being who, at least if properly informed, would give great weight to the public welfare in casting his ballot. In recent years analysts of the electoral process have placed emphasis on the irrational factors that influence voters and on the special economic interests, ethnic loyalties, group ties, and the like which allegedly dictate voting behavior. Thus, after the 1960 elections there was considerable speculation about the effect of one candidate's religious preference and about the extent to which each party drew its support from members of labor unions, business organizations, and minority groups.

Clearly a voter's socioeconomic status bears some relation to how, or even if, he casts his ballot; in some circles certain political affiliations may even be a symbol of status. However, our present "realistic" analyses of voting behavior may have moved too far from the previous over-idealized concept of the voter. There is evidence that some voters—who may even represent a balance of power in particular elections—are motivated by broad norms of community responsibility more than by limited objectives of self-interest. Although the increased mobility of the typical American voter may sometimes tend to impair or lessen his identification with any community, it may also help free him from certain influences or group ties that might otherwise dictate his vote. Also, contrary to the expectations of some pessimists—and perhaps to the hopes of some public relations men—improved communications media may ultimately be utilized to inform the voter and provide the basis for an enlightened ballot, rather than to manipulate his behavior by overt or subtle appeals to his passions and prejudices.

Wider understanding of the subconscious influences on voting behavior may itself help produce antidotes for those influences and promote rationality in the voting booth. Moreover, comprehensive analysis of our electoral process may reveal that the varying, and often conflicting, influences on voting behavior generally tend to result in a synthesis which is consistent with the public welfare. If not, then proposals should be advanced for changing voting behavior and the electoral process in which it operates, so that vox populi will utter more enlightened and rational phrases.

The editors of *Law and Contemporary Problems*, unfortunately, cannot warrant that any aspiring candidate who reads this symposium will find a key to immediate victory at the polls. On the other hand, we are confident that the articles published here will have significance and value for any person who is interested in understanding and improving the American electoral process.

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