

Split Decision

*One quick way to prevent another Quayle:
Let the voters choose the veep.*

by Akhil Reed Amar and Vik Amar

If George Bush's decision in 1988 to put Dan Quayle one cardiac arrest away from the presidency gave you heart palpitations of your own, you might wonder why our system does not inquire into the will of the voters when it comes to the bottom half of the national ticket. After all, the way veeps are now chosen is an utter perversion of democracy: None of *us* asked Quayle to even come within shouting distance of the Oval Office, and the guy who did is the only one who wouldn't be around to endure a Quayle administration if it ever came to pass.

Exit polls four years ago suggested that many Americans liked the idea of Bush and Bentsen in the White House. But no matter how much you liked Bentsen (or disliked Quayle), you couldn't get Bentsen without bringing Dukakis along for the ride. Why is that? Was it the Constitution that denied us the option of casting our ballots for, say, Carter/Dole in 1976, or for Nixon/Shriver in 1972? The short answer is that the Constitution imposes no requirements that national tickets be voted on as a whole. But setting aside legal and historical issues, ticket splitting makes sense not only because it's more democratic, but because it's practical: It could make our federal government more efficient and—hear us out on this—less divided. It could also make the role of the number two man more than that of a high-profile funeral attendee. With Americans going to the polls this November again hamstrung in their choices at the top, it's

time to consider the advantages of an elected vice president.

One good reason for rethinking the current system—at least for strict constructionists—is that the Twelfth Amendment explicitly provides for separate balloting of the president and vice president. In elections in the early 19th century, various members of the electoral college did indeed choose to split their tickets. In 1836, for instance, a crucial bloc of electors cast ballots for Martin Van Buren but not for his running mate, Richard Johnson, sending the veepstakes to the House of Representatives. (Johnson eventually won.) Today, it's state laws that prohibit ticket splitting and since there are no federal laws requiring us to keep the ticket intact, changing the system would not necessitate the cumbersome process of a Constitutional amendment.

States may prohibit ticket splitting for presidential elections, but they're less prickly when it comes to their own elections. Many allow voters to choose a governor and lieutenant governor from different parties, and of course allow senators and representatives from different parties. So long as ticket splitting is allowed at the state level, it's difficult to justify barring the practice when it comes to president and vice president.

But there's more than just consistency at stake. A bipartisan White House might actually cure some of the problems associated with divided government. Washington's gridlock pantomime is now maddeningly familiar: A president from one party tries to lead while a Congress controlled by the other party refuses to follow. Each tries to grab credit for successful legislation while saddling the other with blame when things go wrong or, as is more often the

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case, when things go nowhere. All this finger pointing diffuses responsibility, confuses voters, and encourages elected officials to play games rather than provide leadership.

But put a Democratic VP and a Republican president in the White House and suddenly the rules of the blame game are different. No longer would a Democratic Congress be able to smite the Executive's plans without bringing their man down a notch at the same time. More importantly, bipartisan disagreements could be ironed out in the Oval Office, before the president's ideas make their way to the Hill, where outright rejection is now more common than sensible compromise.

If voters opted for a divided White House, they could also help reverse some recent reforms that have helped to cause the current legislative paralysis. Thanks to changes in House rules introduced in the seventies—such as decreasing the importance of seniority among members and increasing the number of committees—power in Congress these days is far more diffuse. While this dispersion allows for a more democratic legislature, it also poses big problems for the president: With whom can he cut a deal that will stick? Negotiating with a 535-person committee isn't an option. Just ask Jimmy Carter, a Democratic president who was continually stymied by a Democratic Congress.

When the presidency and Congress are controlled by different parties, an elected vice president of the congressional party could act as a bridge and a point man. If the president wanted to go to war or was looking to build bipartisan support on an issue, he could consult with his veep, who, by dint of having won his job in a national election, would have more clout and a stronger mandate to negotiate than any Congressional long-timer. Such an arrangement might have made a difference in the lead-up to the Gulf war. In the months before the shooting started, George Bush often complained that Congress was too unwieldy a body to consult thoroughly. Bush had a point, but he used this fact as an excuse to press ahead with his own plans after only a bare minimum of consultation with the House and Senate.

An elected VP could also act as a watchdog in the executive branch. Here, parliamentary systems offer a useful model: Even when the minority party in such a system lacks the power to block the majority's policies—just as a VP might find himself unable to effectively influence a president's objectives—it can protect the people by alerting the public to possible

government misconduct and dirty-dealing. In any future Iran-contra type fiascos an elected veep would sound the alarms (or gripe about being left out of the meetings) before the scandal hit the headlines. Gone would be any talk about being "out of the loop."

Absentee ballot

An untied ticket would have important effects even if it did not yield a two-party executive. For one, it would force voters to focus more seriously on the vice presidency; the job may seem insignificant when the commander-in-chief is feeling spry, but let's not forget that over one quarter of vice presidents in this century have ascended to the presidency. The split ticket would also make the candidates themselves consider their choices more seriously; if a candidate doesn't select his running mate wisely, he runs the risk of riding into the White House shadowed by an unfriendly deputy. Just as a president need only threaten a veto to cajole Congress into acting more to his liking, voters need not exercise their ticket splitting option to encourage better nominations for vice president.

What would have happened if separate ballots for president and vice president had been allowed in 1988? At first blush, it might seem that Lloyd Bentsen would be vice president today, for he may well have beaten Quayle in an untied election. But of course, had ticket splitting ground rules been in place, Quayle would probably never have been tapped for the number two spot, and he'd still be an unremarkable senator from the land of the Hoosiers. At the very least, the Republican party would have vetted its potential vice presidential candidates more carefully, perhaps in the presidential primary system or even via a separate vice presidential primary. Thus, the real winner in our hypothetical 1988 contest might not have been Bentsen, but Bob Dole or Jack Kemp.

The real question for future elections is this: Shouldn't our electoral rules be designed to put the best vice president in the White House? Currently, the president-in-waiting has virtually no constitutional duties and, to make matters worse, no personal electoral mandate from the American people—an especially grave problem if the commander-in-chief dies. Maybe it's time to make the vice president a useful part of our system and make the qualifications for this awkward and slightly ridiculous job something rarer than a beating heart. □

TIDBITS & OUTRAGES

LOOTING: YOU CAN'T WIN IF YOU DON'T PLAY

Sergio Hernandez was arrested after police discovered that in his house he was hiding five vacuum cleaners, a camcorder, a couple of cellular telephones, and clothes stolen in the L.A. riots. Hernandez won the \$3 million jackpot in the 1989 California lottery.

GIVEN HIS TRACK RECORD, IT'S A WISE PRECAUTION

The new \$100 million home built by producer Aaron Spelling, creator of "Charlie's Angels," "The Love Boat," "Dynasty," and "Beverly Hills, 90210," contains a bombproof anti-terrorist room.

PENTAGON ANNOUNCES TRUTH-IN-CAROUSING ACT

Navy Pilots to Make Late-Night Maneuvers

Navy jets will be screeching through the skies near Miramar Naval Air Station as late as 1:30 a.m. for the next month, the service

statement that apologized for "any inconvenience this noise may cause our neighbors."

Miramar, one of the Navy's prin-

AND IF YOU RUN BANANAS BACKWARDS, IT SHOWS ALLEN OFFERING CANDY TO SCHOOLGIRLS

Newsweek's cover story about the Woody Allen-Mia Farrow controversy stated that a record album made in 1970 by Dory Previn, the former wife of Farrow's ex-husband Andre Previn, contained "facts that might bear on the matter." The article cited the following lyric from one of the album's songs: "With my Daddy in the attic, that is where my being wants to bed . . . and he'll play his clarinet when I despair," and then observed that although Allen didn't meet Farrow for another nine years and is not known to have any relationship to Dory Previn, Allen "is a well-known clarinetist."

BOB SAGET, PLEASE CALL YOUR OFFICE

In Potosi, Missouri, a hunter showing off a turkey he thought he had killed was shot in the leg when the wounded bird triggered the man's shotgun with a claw.