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Liberal Plans to Subvert the U.S. Constitution

The Plan to Ditch the Electoral College

The liberals really don't like our constitutional process of electing Presidents by the Electoral College, and every few years they come up with a new plan to abolish, change or bypass it, sometimes by unconstitutional means. One such plan has been launched by three losers who were defeated in the 1980 Reagan landslide: John Anderson, Birch Bayh and John Buchanan.

Our Constitution requires that a president be elected by a majority of votes in the Electoral College, with each state's vote weighted based on its population. But some who took an oath to defend our Constitution are plotting to undermine its essential structure by a compact among as few as eleven of the most populous states.

The plan of this Campaign for the National Popular Vote (NPV) is to get states with at least 270 votes in the Electoral College to enact identical bills requiring their own electors to ignore the winner of their own state's election and cast all their state's ballots for the candidate who the state believes received more popular votes than the other candidates nationwide, even if he fails to win a majority of the popular vote.

It's ridiculous and un-American to try to force electors to vote against their constituents. Yet NPV wants to require a state like Louisiana to vote for the candidate who won in other states such as New York. The U.S. Constitution established our method of electing presidents and it has served us well for more than two centuries. It ain't broke and doesn't need fixing.

The Electoral College represents the inspired genius of our Founding Fathers. It was part of the great compromise which transformed us from thirteen rival colonies into a constitutional republic.

This great compromise gave us a Congress consisting of the Senate based on equal representation of the states and the House based on population. The Electoral College is the mirror image of this brilliant compromise and allows all states to be players in the process of electing our President.

The Electoral College is the successful vehicle by which a

presidential candidate achieves a majority in a functioning political process. NPV is an outrageous proposal to construct a fake majority by stealing votes away from some candidates and transferring them to another candidate.

Because of third parties, we've had many elections (including three of the last four) when no presidential candidate received a popular-vote majority. Abraham Lincoln won less than 40% of the popular vote and relied on his Electoral College majority for his authority.

Basing the election on a plurality of the popular vote while ignoring the states would be like the New York Yankees claiming they won the 1960 World Series because they outscored the Pirates in runs 55-27 and in hits 91-60. No one challenges the fact that the Pirates fairly won that Series, 4 games to 3.

The fact that most elections are very close makes the Electoral College particularly advantageous. With our loose election procedures (that need to be reformed in several ways), it's easy to make credible charges of election fraud. We remember the Florida recount in 2000 and the attempt to recount Ohio in 2004. If the popular vote were controlling, chaos would be the predictable result in any close election. An allegation of voter fraud in one state would begin a fatal chain reaction of challenges and recounts as campaign managers try to scrape up additional hundreds of votes in many states at once.

The elimination of the Electoral College would overnight make irrelevant the votes of Americans in about 25 states because candidates would zero in on piling up votes in large-population states. Big-city machines would take over, and candidates from California or New York would enjoy a built-in advantage. The Electoral College provides an essential safeguard against the democratic factionalism decried by James Madison in *Federalist 10*. The Electoral College ensures that no single faction or issue can elect a president because he must win many diverse states to be elected.

The NPV slogan "Every Vote Equal" is stunningly dishonest because the NPV proposal is based on legalizing vote-stealing and on changing the rules of presidential elections by a compact of as few as eleven states instead of the 38 states needed to amend the Constitution. NPV should be repudiated.

The NPV proposal would also eliminate the constitutional role of Congress in dealing with the occasional happenstance of a candidate failing to get a majority of Electoral College votes. The Constitution dealt adequately with that problem in 1824.

The NPV plan has been editorially endorsed by the *New York Times*, which called the Electoral College “an anti-democratic relic.” The *New York Times* could demonstrate its devotion to democracy by adopting a democratic one-share-one-vote system of control of its own newspaper instead of its current system that locks in a preferential voting category for the Sulzberger family holdings.

Other Bad Plans to Rewrite the Constitution

Some people, especially liberals, just don’t like our United States Constitution. Every few years, they come up with wild or devious plans to make major changes. The would-be rewriters of the Constitution do not merely propose amendments to remedy a problem, as allowed for in Article V. They seek structural change after hurling put-downs such as archaic, out-of-date, and dating from the horse-and-buggy era.

The latest to imagine that he can write a 21st century improvement on our great Constitution is University of Virginia professor Larry J. Sabato, whom the *Washington Post* once dubbed “the Mark McGwire of political analysts.” His rhetoric may be on steroids but his ideas for a “more perfect” Constitution sound like warmed-over Rhodes-scholar dissatisfaction with impudent American revolutionaries who dared to reject the British system and write an original document. Here are some of Sabato’s “23 Proposals to Revitalize Our Constitution,” which he set forth in his new book entitled *A More Perfect Constitution*.

Sabato wants to make all former Presidents and Vice Presidents “National Senators.” I guess the prospect of Bill Clinton as First Gentleman in the White House isn’t a sure thing, so we should meanwhile guarantee him a speaking platform in the Senate.

Sabato would erase the great compromise of our Constitution which produced a federal union: the bicameral Congress with the House based population and the Senate based on state representation. He wants to give the 10 most populous states two additional Senators, the 15 next most populous states one additional Senator, and the District of Columbia one Senator.

Of course, Sabato doesn’t like our Electoral College. The liberals have been carping about the Electoral College system for years, and when Hillary Clinton celebrated her victory as Senator from New York, her first pronouncement was that we have “outlived the need for an Electoral College” and it should be abolished.

Sabato wants to manipulate the Electoral College in a way he claims will reduce the chances that a president will

win without a majority of the popular vote. The public should be reminded that we’ve had many elections (including three of the last four), when no presidential candidate received a popular-vote majority. Sabato can’t prevent this unless he bans third parties. We are fortunate that we now have a proven system that allows our President to achieve an Electoral College majority that validates his election.

Sabato would abolish the constitutional provision that the President and Vice President shall be “a natural born citizen.” That will bring cheers from the open-borders crowd eager to build a majority of diverse people unfamiliar with our American rule of law.

Sabato wants to elect our President and all Senate and House members at the same time. He would accomplish this by changing House terms from two to three years, and setting Senate terms to coincide with presidential elections. But our Constitution was not designed for efficiency of process in either elections or legislation. It was designed to limit the power of government in order to preserve liberty. Sabato wants to allow Members of the House of Representatives to be appointed (rather than elected) in the event of extensive deaths or incapacitation. It’s a very undemocratic idea ever to abandon the requirement that House Members must be elected by the people.

Sabato’s proposals are a potpourri of so many bad liberal ideas. His proposed constitution would require two years of mandatory national (military) service for all young men *and women*, and taxpayer financing for congressional campaigns.

Sabato calls for giving federal judges guaranteed cost-of-living pay increases. That’s one more way to reinforce special privilege for elitist judges.

Sabato wants to write a new procedure for a four-month presidential primary system into the Constitution. Whatever problems we have with primaries cannot be remedied by imposing the rigidity of a constitutionally mandated calendar.

Who knows what mischief is lurking under Sabato’s proposal that his new constitution would require an automatic registration system for U.S. citizens in order to guarantee that their right to vote is not “abridged by bureaucratic requirements”? Is this an underhanded way to help the liberals repeal state requirements that voters show a valid ID?

The worst of all Sabato’s proposals is to call for a new Constitutional Convention that would scrap our present Constitution and start over from a clean slate. We don’t see any James Madisons, George Washingtons or Ben Franklins around today, and we’re mighty worried about the men who think they are capable of rewriting our Constitution.

When Sabato gathered a few people to discuss his proposals, Supreme Court Justice Samuel Alito summed up the reaction not only of those at the meeting, but of the rest of us, too. “I’m pretty fond of the Constitution we have now,” he said. Thank you, Justice Alito. So are we.

D.C. Is Not a Congressional District

Some current Members of Congress are toying with a devious plan to subvert the District Clause of the U.S. Constitution (Article I, Section 8, clause 17), which makes clear that the District of Columbia is **not** a state or a congressional district, and that Congress is given the power "To exercise exclusive Legislation in all Cases whatsoever over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States."

Our Constitution's framers decided on a separate and independent federal enclave to serve as the seat of the new government, a territory outside of and independent from every state. This means that the District of Columbia does not have its own Senators and Representatives. That decision was not a mistake by the Founding Fathers, but was an integral part of the original constitutional design to keep the seat of our Federal Government out of the political process.

In the 1980s, the liberals who don't like our Constitution the way it was written tried to eliminate this provision by a proposed constitutional amendment to give Washington, D.C. representation in the Congress "as though it were a state." The proposed amendment, called the "D.C. Representation" Amendment, passed Congress, but it was rejected by the American people and died on August 22, 1985, after a decisive majority of 34 of the 50 states refused to ratify it.

The 23rd Amendment, which was ratified in 1961, is our modern reaffirmation of the District of Columbia as a unique juridical entity in the American system. The 23rd Amendment allows District residents to vote for President and Vice President just like all other citizens, and even gives them an electoral vote disproportionately larger than all but the smallest states. That should have been the end of it, but some misguided Members of Congress keep trying to make an end run around the Constitution.

Some liberal Members of Congress led by Rep. Tom Davis (R-VA) have launched an attempt to bypass the District Clause of the U.S. Constitution by pretending the District is something that it isn't. They would give the District a House seat by stating: "The District of Columbia shall be considered a Congressional district for purposes of representation in the House of Representatives."

Assuming that a Representative from the District would always be a Democrat, the Democrats hope to get Republicans on board by including in the D.C. bill a provision to increase the number of House members from 435 to 437 and give the extra Representative to Utah, a Republican state.

The chief problem with this plan is that it is unconstitutional — D.C. is **not** a state and **not** a Congressional district, and it should not have voting power in Congress. The District of Columbia already has more voting power than it is entitled to in the Electoral College.

Creating a Race-Based State

Hawaii is asking Congress to create a Hawaiian race-based government for persons with Native Hawaiian blood living anywhere in the United States. A Native Hawaiian is defined as anyone of the "indigenous, native people of Hawaii" who is a "direct lineal descendant of the aboriginal, indigenous, native people" who resided in the Hawaiian Islands before 1893 and "exercised sovereignty" in that region. That convoluted definition must have been written by lawyers. The use of the word sovereignty is peculiar because only nations and kings or queens exercise sovereignty. Hawaii was a monarchy in 1893, and Queen Liliuokalani exercised sovereignty, but the bill can't mean only her direct lineal descendants.

So, to be a Native Hawaiian, you don't need to have lived in Hawaii or ever had any affiliation with Native Hawaiian culture, language or politics. You just need to have one drop of the right kind of blood.

The Hawaii bill would create a racially separate government that would operate like an Indian tribe with its own laws and racial voting restrictions anywhere in the United States. This new "tribe" would include about 20% of Hawaii's residents plus some 400,000 Americans nationwide, making it larger than all Indian tribes. The people under the jurisdiction of this new government would not be defined by geography, community or cultural cohesiveness, but by race. This sort of racial division, separatism, and ethnic separation is so offensive that it's hard to see how grown-ups could be seriously considering it.

Hawaii is our preeminent example of the success of the melting-pot theory: people of all races have intermarried for nearly two centuries. Nearly half of all marriages in Hawaii are interracial, a figure that is ten times higher than the rest of the United States. Three-fourths of those who claim to be "pure" Native Hawaiians marry other races. More than half of those who claim to be "part" Native Hawaiian do likewise.

We are trying to spread democracy around the world, but that message doesn't seem to have reached Hawaii. This bill does not assure that the new race-based government will be democratic; nothing in the bill prevents it from becoming a theocratic monarchy (with a new Queen Liliuokalani?). Nor is there any procedure to enable Hawaiians to decide whether they want to authorize this race-based government in our midst.

When Hawaii became a state, it became settled law that Hawaiians would accept the United States Constitution and give up its monarchy, separate government, and sovereignty for Native Hawaiians. We had a national consensus both in and out of Hawaii that Native Hawaiians would be Americans, not treated as a separate racial group. Advocates for Hawaiian statehood then repeatedly emphasized that Hawaii is a melting pot of racial and national origins who are joined in a common patriotism and faith in American institutions.

Creating a race-based society would take us in the wrong direction. It's a step backwards, offensive to our Constitution and to our national commitment to equal justice for all.

Deceitful Tactics to Make Puerto Rico a State

Even though Puerto Rico has three times voted against becoming a U.S. state, yet another effort is being made to persuade Puerto Rico to change its mind by the Puerto Rico statehood bill (H.R. 900). Of course, the Democratic Party thinks making Puerto Rico our 51st state is a cool idea because that would give the Democrats two additional U.S. Senators and 6 to 8 additional Members of the House, more Congressional representation than 25 of our 50 states.

Despite millions of dollars being spent to promote statehood, on December 13, 1998, Puerto Ricans voted only 46.5% for statehood, 2.5% for independence, and 50.5% for "none of the above," which must be seen as an endorsement of the status quo, the present commonwealth status.

The Puerto Rican independence faction is small, but that doesn't mean its members would acquiesce in being outvoted in a democratic election. They are among the most militant groups in the world and are responsible for domestic terrorist incidents in the United States. The 1998 percentage of Puerto Ricans favoring statehood was approximately the same as in the 1993 referendum. It is asking for big trouble to admit a new state in which nearly half the people oppose the idea.

The most important issue about Puerto Rico statehood is that it would transform the United States overnight into a bilingual nation. At least half of Puerto Ricans don't speak English, and Puerto Rico's leaders are antagonistic to the whole idea of having English as our official language. English is the language of our Declaration of Independence and our United States Constitution. It would be divisive and troublesome to admit a state whose people don't speak the language of our founding documents.

Puerto Rican statehood would cost the rest of us plenty in taxes. The average income of Puerto Ricans is less than half that of our poorest state. The infrastructure and environment are far below American standards, so statehood would bring immediate demands for massive federal funding.

The smoking gun proving that Puerto Rico statehood is designed to make us a bilingual nation is H.Con.Res. 11 introduced by Rep. Jose Serrano (D-NY), who is also the sponsor of the Puerto Rico statehood bill. H.Con.Res. 11 levels a stinging attack on English as our national language and demands that the Federal Government "oppose" our many state laws and bills that designate English as our official language.

H.Con.Res. 11 demands that our government provide services in languages other than English and even encourage all U.S. residents to learn languages other than English. The bill falsely asserts that our nation has "drawn strength from a

diversity of languages," whereas the truth is that having English as our common language is a principal factor in making us *e pluribus unum*.

H.Con.Res. 11 is dishonestly entitled "English Plus Resolution" and is all dressed up in flowery rhetoric to make it appear that its purpose is to protect Native American Indian languages. That ruse doesn't fool anyone; it's obvious that the bill is just cover for the impudent demand that we accept Puerto Rico as a Spanish-language or bilingual state.

Serrano's statehood bill, H.R. 900, would set up two plebiscites that rig the process to deceive Puerto Ricans into voting for statehood. In the first plebiscite, scheduled for this year, Puerto Ricans would be given a choice of (a) remaining as a U.S. territory or (b) pursuing an (undefined) "constitutionally viable permanent non-territorial status."

If the majority chooses (a), Puerto Rico would be required to vote again at least every eight years (presumably until they are bamboozled into voting for statehood). If the majority chooses (b), a second plebiscite would be held at which Puerto Ricans could choose between "only" two "nonterritorial" options: statehood or independence.

Not only is the double-plebiscite procedure rigged to prevent a vote to continue the present commonwealth status, but the ballot propositions are written so that only a lawyer can figure out what they really mean.

A vote on Puerto Rico would have momentous effects on whether America remains "one nation, indivisible" or whether we start down the road of countries that have fought bloody wars when minority populations tried to maintain a separate language and cultural identity within another nation, such as Quebec, Ireland, Bosnia and Iraq.

With a 92% turnout in the October 30, 1995 referendum in Quebec, secession lost by only a razor-thin margin: 50.6% of Quebecers voted to keep Canada one nation, while 49.4% voted for Quebec to secede from Canada. The close vote adversely affected Quebec's financial markets and caused a flight of capital and people.

Puerto Rico is a vestige of the 19th century era of colonialism; we got it as booty in the Spanish American War of 1898. In the 21st century, colonialism is so retro; we should give Puerto Rico its independence. Tell your Representatives to vote NO on all Puerto Rico bills.

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