



The Phyllis Schlafly Report

VOL. 50, NO. 5

P.O. BOX 618, ALTON, ILLINOIS 62002

DECEMBER 2016

Why We Need the Electoral College

On December 19, for the 58th time since our U.S. Constitution was adopted, presidential electors will gather in their respective state capitols to cast their ballots. In 30 states, Republican electors will cast 306 ballots; in 20 states and the District of Columbia, Democratic electors will cast 232 ballots.

On January 6, the 538 ballots will be opened and counted during a joint session of the newly elected 115th Congress. Speaker Paul Ryan and outgoing Vice President Joe Biden will announce that Donald J. Trump has been elected the 45th President of the United States by "a majority of the whole number of Electors" in the Electoral College.

While Trump won a clear majority of the votes in the Electoral College, he did not win the most popular votes. Some liberals are engaging in sore-loser backbiting by falsely focusing on the meaningless outcome in the popular vote.

The Chicago Cubs did not score more runs than the Cleveland Indians in the World Series, yet the Cubs were declared the winner. Was that unfair, or does anyone challenge that result? Of course not. A baseball team is not rewarded for running up the score in one game, and winning a game by 6-0 (as the Indians won game one) does not count any more than winning a game by 1-0 (as the Indians won game three).

Our Electoral College uses the same fair system as our national pastime. Hillary Clinton "ran up the score" in liberal states like California, New York, and Illinois, but that should not and did not give her any extra advantage in the election.

In illegal-immigration friendly California, Hillary Clinton defeated Donald Trump by more than 4 million votes, and ballots were not even fully counted by the end of November. But the election results should not depend on how many votes a candidate can obtain in a liberal, insolvent state like California, and our Nation need not wait until all those votes are counted before declaring the winner.

Our Electoral College prevents tyranny by the majority, or giving one state so much influence over the others. Instead, our Founders wisely compartmentalized our Union such that each state, even tiny ones like New Hampshire, has an influence all its own. This usually ensures that one candidate attains a majority of the Electoral College vote, even though none of the candidates garner a majority of the popular vote. In more than half of the presidential elections over the past quarter century, no candidate attained a majority of the popular vote.

Twice in the last five presidential elections the winner of the Electoral College did not receive more popular votes than his rival, but that is only because California is so one-sidedly Democrat. Without including California, the Republican candidates won the popular vote in three of the past five elections.

Our Nation should not be hostage to California's refusal to enforce America's immigration laws, even refusing to take reasonable steps to prevent illegals from voting. Likewise, we should not be victim to the Democratic political machines in large cities that are notorious for withholding their vote totals until late in the evening, to see how many votes they need to flip a result trending Republican.

Some fail to recognize that the Electoral College is the single greatest safeguard against voter fraud and a potential national crisis if there is a disputed presidential election outcome. Chicago can cheat all it wants in voting, as it has historically done, but that will not change the outcome today under the ingenious system of our Electoral College.

Our Founders opposed tyranny by the majority, and the Bill of Rights stands against allowing a mere "majority vote" to impose its will on everyone else. The Electoral College is there for the same reason, to provide a buffer against the whims of the masses.

Opponents of the Electoral College could repeal it by hijacking a Convention of States, which is a euphemistic term for a new constitutional convention. While promoters of the Convention of States deny repealing the Electoral College as their goal, they do not disclose the identity of

their financial backers so there is no way to know for sure what their real underlying intent is.

The wonderful Republican Platform of 2016, which helped carry Donald Trump to his victory, rejects any “scheme to abolish or distort the procedures of the Electoral College,” including the National Popular Vote Interstate Compact. That compact, enacted by ten states so far, attempts to bypass the Electoral College without changing the Constitution.

To the liberals demanding an end to the Electoral College, why aren't they also demanding that the Chicago Cubs return their World Series trophy? For the same reason it makes sense not to allow a baseball team to benefit from running up the score in a single game of the series, it also makes sense not to allow a liberal presidential candidate to benefit from running up her vote tally in a few liberal states.

Trump Has a Point About Illegal Votes

When Donald Trump boldly complained about the “millions of people who voted illegally” in the presidential election, he may not have been far from the mark after California is considered. Most Americans are unaware just how far California's election procedures have drifted away from the rest of our country.

In the 49 States other than California, Donald Trump crushed Hillary Clinton by almost 2 million popular votes. The claim that Hillary won the national popular vote is due entirely to the huge run-up in votes that she claims she received in California.

Hillary's reported vote total in California is constantly changing, even weeks after the election, so Donald Trump's skepticism about the popular vote total is healthy. A look at rules in California which are rejected by nearly every other state illustrates why California's vote should not dictate the future of our country.

For starters, California continued to accept mailed-in ballots lacking in safeguards against voter fraud for days after the rest of the country voted on Election Day. How many of these mailed-in ballots, not received until days after the election, are the result of fraud?

California does not require any photo identification or comparable verification before allowing someone to cast a ballot. This is in contrast to the states that do have safeguards against voting by impostors, and most of the voter ID states were carried by Trump.

California is one of only three states that allow convicted felons to vote while sitting in jail behind bars. In most other states, murderers and rapists are denied the ability to influence the outcome of an election even after they have been released from jail, unless they go through a process to have their voting rights restored.

California harbors illegal aliens in far greater numbers than other states, with several major cities in California

designated as “sanctuary cities.” The entire state was declared a “sanctuary” by the Inspector General of the U.S. Department of Justice, a decision which allows the Attorney General to withhold federal funds from the state.

In 2013 the California legislature even passed a law to allow illegal aliens to serve on juries, in contrast with all other states. Democratic Governor Jerry Brown vetoed that bill, but he signed a bill to prohibit state government from using the word “alien” because, according to the bill's sponsor, state senator Tony Mendoza, it “has very negative connotations.”

Illegal aliens have been given so many benefits and protections unavailable to them in other states that the term “California citizenship” has been used to describe its un-American approach. Many of those illegal aliens could have voted because in practice there is nothing to stop them from doing so, and Trump is right to complain about the unknown number who “voted illegally” in the presidential election.

In addition, California did not allow any Republican to be on the general election ballot for U.S. Senator this year, due to an unusual process that eliminated the Republican candidate in the primary. Given a choice between two liberal Democratic minority females, California's U.S. Senate race was more like something found in Cuba or other one-party systems.

Many local races in California also reflected a one-party system where voters were given a choice between two different members of the Democratic Party, both of whom generally supported the same political positions. While Californians could vote for the Republican candidate Trump for president, many could not vote for a Republican candidate for other key offices in the general election.

Neither Trump nor Hillary Clinton spent much time or money campaigning in California, which has expensive media markets and a sprawling population nearly 800 miles from north to south. The final vote tally in that state is as meaningless as the final score in a sporting event where one side continued to run up the score after the outcome was already settled.

If the outcome of the election were based on who won the most popular votes rather than who won the Electoral College, then the candidate who spent the most money would have an enormous advantage. The very problem that liberals criticize so often – the influence of money in determining the outcome of elections – would be far worse if popular votes were all that mattered.

Instead, the Electoral College brilliantly allows a less-funded candidate, as Trump was, to focus on a half-dozen small-media states to take his campaign right to the American people without relying heavily on negative ads as Hillary Clinton did. How ironic it is that the critics of negative campaigning and the corrosive effect of big money in politics are not defending Trump's victory based on his large rallies with the people in a few swing states.

Was the Election Rigged?

Was the election rigged in favor of Hillary Clinton, as Donald Trump repeatedly claimed? The mainstream media have been in collective outrage since Donald Trump, in the third debate, said he reserves the right to contest the outcome on November 8.

Liberals insist that voter fraud is a myth invented by conservatives as a pretext for voter suppression. By defining voter fraud so narrowly as to mean only impersonation at the polling place, liberals ignore other serious threats to the accuracy and legitimacy of our elections.

In a press release dated October 1, Obama's secretary of homeland security Jeh Johnson publicly warned that the potential for cyberattacks from overseas could disrupt the administration of this year's presidential election. "In recent months," Johnson said, "we have determined that malicious actors gained access to state voting-related systems."

Cyberattacks get headlines, but there are many other ways our elections can be stolen. One of the most common is the risk that your vote could be cancelled by the votes of people who are legally ineligible to vote.

Felons are one large category of people who, in many states, are prohibited from casting a ballot unless they regain that privilege by going through a process of application and approval. But that didn't stop felons from illegally voting in close elections, including the 2000 presidential race in Florida (decided by 537 votes out of 6 million cast) and the 2008 U.S. Senate race in Minnesota (decided by 312 votes out of 3 million cast).

Al Franken supposedly won that U.S. Senate race, which led him to become the 60th and deciding vote for Obamacare. But as John Fund said on C-SPAN on October 23, "we have proof that 1,200 felons voted illegally in that election, and 200 of them were actually convicted of casting a fraudulent ballot, and the election was decided by 312 votes."

Virginia, where longtime Clinton fixer Terry McAuliffe is now the governor, is another state that bars felons from voting until they apply for and receive restoration of their voting rights. Saying he "cannot accept" a ruling of the Virginia Supreme Court which struck down his unilateral action to give voting rights to 206,000 felons, Gov. McAuliffe reinstated voting rights to 13,000 felons – which is enough to swing an election in that battleground state.

Besides felons, an even larger category of persons ineligible to vote is non-citizens. Surely we can all agree that U.S. citizenship should be required for anyone to vote in U.S. elections. Yet most states do not demand proof of U.S. citizenship from persons voting or registering to vote.

No one denies that our registration rolls include

millions of non-U.S. citizens, both legal and illegal, who have accidentally or intentionally registered to vote while applying for public assistance or a driver's license. But how many of those aliens actually voted, and how many elections were swayed by those fraudulent votes?

A study published in 2014 by researchers at Old Dominion University provides some answers. Using standard statistical techniques, the ODU study extrapolates from surveys to conclude that tens of thousands of illegal votes were cast in recent elections by citizens of other countries.

In the 2008 Minnesota Senate race that Al Franken supposedly won by 312 votes, the ODU researchers estimate that 3,000 votes were cast by persons who were not U.S. citizens. The study also concludes that in the 2008 presidential election in North Carolina, Obama's narrow victory margin of 14,177 votes was made possible by non-citizen voters.

Remember the 5 million illegal aliens who received temporary legal status under the DACA and DAPA programs because of Obama's unilateral executive action? Some of them went door-to-door to help elect Hillary Clinton and other Democrats, especially in northern Virginia.

Although felons and non-citizens are obvious sources of voter fraud, they are just the tip of the iceberg. According to a study by the Pew Center on the States, published in February 2012, more than 24 million voter registrations are invalid or seriously inaccurate.

Among the 24 million bad registrations are 1.8 million people who are dead and 2.8 million who are registered in more than one state (including 70,000 people who are registered in more than two states). About 12 million registrations had incorrect addresses, which suggests that the voter no longer lived at the address where he registered.

Every bad registration creates the temptation to cheat by someone casting a ballot in the name of a voter who has died or moved away from the precinct. Liberals claim such impersonation is rare because it is rarely punished, but with 24 million bad registrations, many close elections can be determined by fraudulent votes.

In September of this year, a judge in St. Louis threw out a Democratic primary election for state representative because of absentee voter fraud and ordered a do-over. The do-over was held September 16, and this time the challenger (the victim of voter fraud) won in a landslide.

The liberal *St. Louis Post-Dispatch* has strongly criticized Trump's talk of a rigged election, but when it came to the Democratic primary in its own back yard, the paper interviewed dozens of people, reviewed thousands of documents, and found "numerous irregularities." For example, "Many voters said they were duped into filling out absentee ballots and were told to mark that they were incapacitated when they were not."

The Dangers of Early Voting

When FBI Director James Comey announced on October 28 that his agents were reviewing 650,000 emails on a computer belonging to Hillary Clinton's closest aide, Huma Abedin, political pundits immediately speculated about how this "October surprise" would affect the election. But the shocking news came too late for many Americans, because they already voted.

The day after Comey's announcement, the *New York Times* reported that 22 million Americans had already voted in this year's presidential election. That's more than one-sixth of the expected turnout.

To put that number in perspective, 22 million is more than the margin of victory in every presidential election in American history. President Obama's 2008 margin of victory was only 10 million votes, and even Ronald Reagan's "morning in America" landslide was only 15 million votes.

Early voting began when a few states stopped requiring voters to provide a good excuse for obtaining an absentee ballot. Then a few more states began to set up special polling places for no-excuse early voting. In several states, most ballots are returned by mail long before Election Day.

Like so many bad ideas, early voting began as an accommodation for a small number of sympathetic people who were inconvenienced because they were elderly, disabled, or needed to be away from home on Election Day. The exception widened in a gradual creep, until early voting became taken for granted, and then claimed as a right belonging to everyone.

Early voting is not a constitutional right, as proved by the fact that Pennsylvania, New York and Michigan still allow no early voting at all. Unfortunately, some federal courts have ruled that once a state allows early voting, that practice can never be curtailed because of its "disparate impact" on minority voters.

A federal court ruled that Ohio could not reduce its 35 days of early voting, and another federal court ruled that North Carolina could not cut back its 17 days. The U.S. Supreme Court has never addressed the claim that early voting, once allowed, can never be limited.

Before 2008, when Obama exploited early voting so successfully, many Republicans were lulled in the complacent belief that both parties would benefit from the added convenience of early voting. Republicans failed to foresee how labor unions and other interest groups could turn early voting into a powerful and one-sided engine for turning out Democratic votes.

Early voting enables Democrats to badger, berate, bribe, or bamboozle reluctant, low-information voters to the polls. Democratic Party and union workers can identify reluctant voters and harass them until the party worker

verifies that they have actually cast their ballot.

Democrats no longer hide the advantage that early voting gives them. In October, according to *Politico*, Democrats were going "pedal-to-the-metal" in "an all-out blitz to turn out the early vote, hoping to bank enough votes to overwhelm Donald Trump even before the polls open on Election Day."

Democrats made a special effort to win the swing state of North Carolina, where a federal court overturned needed election reforms passed by the state legislature and signed by the governor. It's no surprise that the African-American early vote for Hillary ran behind what Obama achieved four years ago, but Democrats were trying to make up that lost ground in the final 7 days.

It's time to enforce the federal law which provides that federal elections take place in even years on the Tuesday after the first Monday in November, also known as "Election Day." With a few exceptions for good cause, such as active-duty military service, all votes should be cast in your home precinct on that one day, all across America.

The U.S. Constitution requires that the delegates to the Electoral College cast their ballots for President on the same day, which is the third Monday in December following Election Day. By requiring each state's presidential electors to meet on the same day at their respective state capitols, the Constitution prevents any state from interfering with another state's election process.

We can all agree that no member of a jury should vote on guilt or innocence until all the evidence has been presented at a trial. By the same token, voters should not cast their ballots before the political campaign is over.

The integrity of elections is just as important as the universally accepted rules for jury trials, whereby jurors are asked to keep their minds open and withhold judgment until after closing arguments. Spreading out voting over an extended period of several weeks, or even a month or more, makes it impractical for poll watchers to monitor the voting for fraud.

Internet searches on "can you change your early vote" spiked after the FBI reopened its investigation of Hillary Clinton. Voters obviously did not want another Watergate, which is what Hillary would have been. Early voting should be replaced by traditional, informed voting on Election Day.

The Phyllis Schlafly Report

PO Box 618, Alton, Illinois 62002

ISSN0556-0152

Published monthly by the Eagle Trust Fund, PO Box 618, Alton, Illinois 62002. Periodicals Postage Paid at Alton, Illinois. Postmaster: Address Corrections should be sent to the Phyllis Schlafly Report, PO Box 618, Alton, Illinois 62002. Phone: (618) 462-5415.

Subscription Price: \$20 per year. Extra copies available: 50¢ each; 10 copies \$4; 30 copies \$8; 100 copies \$15; 1,000 copies \$100.

www.eagletrust.org

www.psreport.com