



RESTORING ELECTION INTEGRITY



No matter who one thinks won the 2020 presidential election, the widespread vote fraud — such as dead people and minors voting — makes plain that new voting procedures are needed.

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by Kurt Hyde

Traditional American elections — those from the mid-1800s until the mid-1900s — were among the most trusted elections in the world. This was in no small way due to the fact that America’s elections were open to the public. At that time, every aspect of American elections, except the marking of the voters’ secret ballots (where secret ballots were used), was open to the public. There was no need to apply ahead of time to ask for permission to be an election observer. Any member of the public was welcome to walk in during any phase and observe the process. The only requirement was that the person observing was not allowed to be disruptive.

In the 2020 election, credible witnesses have come forward and even signed affidavits for attorneys such as Rudy Giuliani and Sidney Powell saying that election observers were refused access to witness vote counts and other processing of absentee ballots; that they saw some absentee ballots that had never been folded (which casts doubt that they were ever placed into envelopes as absentee ballots should be); that electronic voting machines changed voters’ selections; that ballots were cast using the names of people known to have moved to other states; that observers were told to leave the building because of a water leak and then some of the election workers stayed behind, with surveillance videos capturing what appeared to be those election workers processing ballots that came from under a table; that there were sudden unaccountable spikes of vote totals for Biden; and other problems.

Many allegations will never be proved or disproved by judicial proceedings because the lawsuits and accompanying affidavits were disregarded by courts, not based on merit but on “standing” — basically having the right to sue. The U.S. Supreme Court stood aside and declined to hear the case of *Texas v. Pennsylvania, et al.*, which documented “voting irregularities that resulted from Defendant states’ unconstitutional actions” — not just in the case of Pennsylvania but in three of the other contested states as well.

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Rampant vote fraud noted: Protesters across the country rallied in support of President Trump under such slogans as “Count All Legal Votes” and “Stop the Steal.”

In the present election, data analysis shows (backed by TV recordings) that vote counts for President Trump often actually went down as the night progressed.

Whether or not one believes the claims of fraud, the fact that the system is so ill-designed that such accusations can be credibly made indicates the system needs to be changed. Otherwise, almost assuredly America will see a situation where those who feel cheated might stop voting or perhaps even act aggressively based on frustration and rage.

America’s election laws, and consequently America’s elections, have gone a long way downhill, especially in the last 50 to 100 years. It’s time to turn it around and restore traditional American election integrity.

Specific Changes in Election Laws and Procedures That Are Needed

- **Reinstate paper ballots:** In the 2020 election, there were numerous affidavits by electronic espionage experts alleging electronic vote manipulation. As well, many

vote checkers have claimed that they literally saw computer screens change votes from Trump to Biden and that they complained about it on election day. Among the evidence of fraud were numerous suspicious bumps in vote totals for Biden and votes repeatedly taken away from President Trump, to an extent that ruled out chance or simple reporting errors.

One way to limit electronic manipulation is through moving to paper ballots. In many voter precincts, voting is done on electronic screens and the vote is recorded electronically. In such places, it is virtually impossible to tell if fraud occurs. Paper ballots not only allow for accurate vote counts, they leave a paper trail to re-check votes.

- **Reinstate voting and vote counting as public acts:** In the 2020 election, election observers — representing Republican

Not only has it been reported that suspected fake ballots were destroyed in large batches to avoid fraud detection, but a main computer server that was set to be checked for vote fraud was spirited away.

candidates and non-partisan volunteers — were often kept from viewing vote counts altogether, as is easily documented by videos online. Fraud would be greatly allayed if many sets of eyes kept track of proceedings (with observers allowed close enough to the counting tables that fraud could be seen). To that end, anyone should be able to observe election processes without need of prior application, though limits may need to be set on numbers of observers.

• **Reinstate the precinct as the place where voters cast their ballots and where the ballots are counted:** In major metropolitan areas, ballots are often counted in large counting facilities, as was the case in locations where vote disputes happened in this election: Philadelphia, Milwaukee, Atlanta, Detroit, etc. The purported reasons that the centers are used is to centralize counting and to speed counting, but these counting centers usually finish their counts last, not first. Logic and many close-call races that usually end up going to Democrats have made many observers suspicious that the main reason large counting centers are used is to assure that there is enough vote fraud to swing important elections — hence the late-arriving vote counts.

Not only do large voting centers often use optical scan vote-counting machines, which can be rigged to favor one candidate over another, but the fact that the ballots have

to be transported to the central counting location provides plenty of opportunity en route to add fake ballots for one candidate or another, throw out ballots, or alter ballots. As well, at a large counting center, a small staff trained to commit fraud could repeatedly be used, limiting the likelihood of getting caught cheating. On the other hand, counting ballots at the precinct level would require a much

greater number of conspirators to commit widespread fraud.

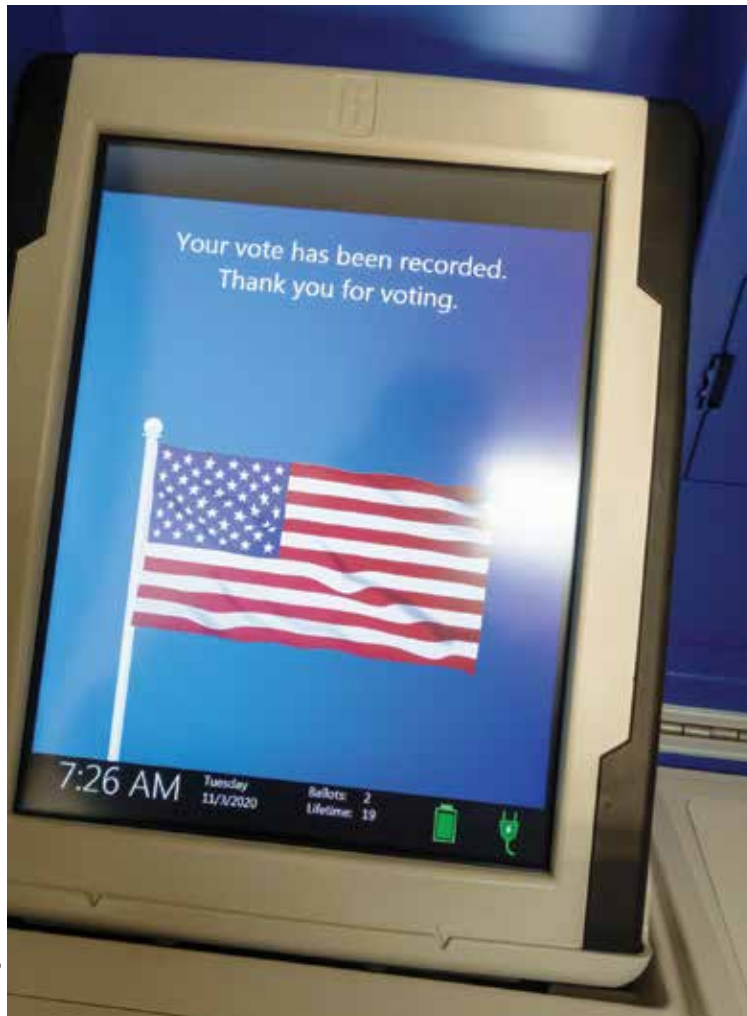
Absent large counting centers, local precincts could hand-count paper ballots in an hour or two if enough pairs of vote counters (usually one Democrat and one Republican) are brought in to count ballots after the polls close. The vote counting must start promptly after the polls close and not be interrupted. No slow counts or delayed counts should be allowed.

This type of law should be enacted at the state level, but where necessary a federal law could be narrowly applied, and it would be constitutional. To require states to reinstate voting in precincts for U.S. House and U.S. Senate elections in places that have abandoned precincts in favor of all-mail balloting, Article I, Section 4 of the U.S. Constitution should be used, which says:

The times, places and manner of holding elections, for Senators and Representatives, shall be prescribed in each State by the legislature thereof, but the Congress may at anytime by law make or alter such regulations, except as to the places for choosing Senators.

This may seem at first to grant carte blanche authority to the federal government to run elections, but as Alexander Hamilton explained in *The Federalist Papers*, No. 59: If “an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power and as a premeditated engine for the destruction of the State governments?”

• **Allow candidates to choose areas to audit the vote:** In every election of substantial size, such as a race for state representative



New, but not better: We need paper ballots, not electronic voting machines. And ballots should be counted at precinct levels, subject to public observation.



Lots of opportunity for fraud: A voter checks in on election day in Midlothian, Virginia. The lines were very short in many places because large numbers of voters had voted early or by absentee voting — unobserved by election officials.

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or larger, candidates ought to be able to choose to audit a certain number of votes to detect suspected fraud. The audit should use a procedure known as a Comprehensive Audit Recount, where candidates, especially losing candidates, would select small segments of the election, usually one or more precincts, to be counted manually in public. Along with a recount, voters who are listed as having voted in an election would be contacted to ensure that they exist and that they voted in the election, rather than someone else using their names. (Methodologies to correct the totals should be put in place, too.)

As well, if fraud is found, candidates should be able to ask for a larger audit.

• **Mandate that the election process be recorded with video and audio equipment:** This would also include repealing all laws in states that forbid audio or video recording in or near voting or vote-counting places. The only part of the election process that should not be recorded is how someone actually votes. Everything else should be recorded. More than a thousand affidavits alleging fraud have been ignored in this election, which should not be true, and there simply is not enough time

between when a vote takes place and the time when the votes are certified to prove fraud, owing to the fact that gathering evidence is presently so difficult.

Extensive monitoring is self-evidently a must: In the current election cycle, even video showing that election officials in Fulton County Georgia kicked out election observers and Republicans (saying there was a water leak in the building) and then took out and counted ballots that were previously obscured beneath tables was dubbed inconclusive of fraud — though there is no reason other than to commit fraud to do what apparently took place.

• **Publicly and immediately post precinct vote results:** Precinct results must be publicly proclaimed, printed on paper, and posted publicly at the precinct voting location for at least seven days. They should also be posted on a website immediately and maintained on the website for at least two years so that researchers have ready availability to the results. In the present election, data analysis shows (backed by TV recordings) that vote counts for President Trump often actually went *down* as the night progressed. Using local ballot counts and instant results notification, a

concerned electorate could quickly verify or disprove fraudulent vote reporting by simply posting vote totals online, inhibiting such fraud.

Hand in hand with this would be abolishing the relatively new and oft-used practice of using encryption to keep precinct results secret, supposedly as a strategy to protect precinct results from tampering. Public disclosure and public access are the best way to prevent tampering with election results.

Moreover, spoiled-ballot totals should be published, and spoiled ballots should be made available for citizens to inspect for at least six months after the election.

• **Mandate the cleaning up of all voter registration lists:** At least two months before each federal election, voter registration lists should be updated. And since many states give driver's licenses to illegal immigrants, states should be required to take steps to prove that voters are actually eligible to vote in this country. In the November election, it is undisputed that tens of thousands of dead people voted (actually they had help), and similar numbers of people who had moved out of state either voted illegally or saw someone else vote using their names. And many thousands of people requested ballots for the same address and thousands of others had ballots sent to post office boxes, which is illegal.

• **Eliminate same-day voter registration:** Laws allowing for same-day voter registration or for Internet voter registration should be repealed. In the recent election, almost all new voters in the areas accused of fraud — mainly from Democratic-controlled areas — apparently voted for Biden, whereas across the rest of the United States, Trump saw huge gains in Hispanic and black votes. The traditional 30-day cut-off for voter registration should be reinstated to allow sufficient time for voter registration to be validated.

• **Put in place laws to protect evidence:** In this election, not only has it been reported that suspected fake ballots were destroyed in large batches to avoid fraud detection, but a main computer server that was set to be checked for vote fraud was spirited away to parts unknown. Candidates should not have to win a court case to protect evidence; the default position should be that all evidence needs to be kept either for a specific period of time — say two

years — or until all challenges are dealt with in the courts. And access to this evidence should be easy to get for candidates and their representatives. (In this election, it is reported, even election data that is normally available on state government sites is being removed from the sites or withheld altogether, making proving fraud extremely difficult.) Those people who try to destroy ballots or other possible evidence of vote fraud should be punished harshly. Again, video monitoring of election processes and ballots would make this feasible.

• **Punish fraud:** After an election, appoint a committee to seek out fraud, including voter intimidation, illegal ballot harvesting, buying votes, and more, and bring charges against culprits. Nowadays, the lax enforcement of vote fraud virtually means that unless someone confesses to having committed vote fraud *and* has video and audio evidence to prove they actually committed the fraud, the person will face no charges. Multiple people have been caught on camera by the investigative entity Project Veritas admitting to massive vote fraud, but the admissions led to few charges. This lax enforcement is an open invitation to commit fraud, with confidence that, if caught, it will go unpunished.

• **End early voting:** Early voting at polling places leads to multiple problems: It enables repeaters to vote multiple times, it provides opportunity to election insiders to scan the results, and it allows them time and opportunity to alter the ballots or vote counts.

• **Require an absolute chain of custody for ballots:** In Arizona, a poll observer noted that for 10 days after election officials thought all ballots were turned in, truckloads of ballots kept appearing. She asked officials, “How can you not know how many ballots are still out there?” In another case, a truck driver in Pennsylvania noted that his truck with nearly 300,000 ballots disappeared after post office officials refused to offload the ballots at their proper destination. And many Republicans who voted absentee said there was no record they had voted, while many others discovered that someone else had voted using their names.

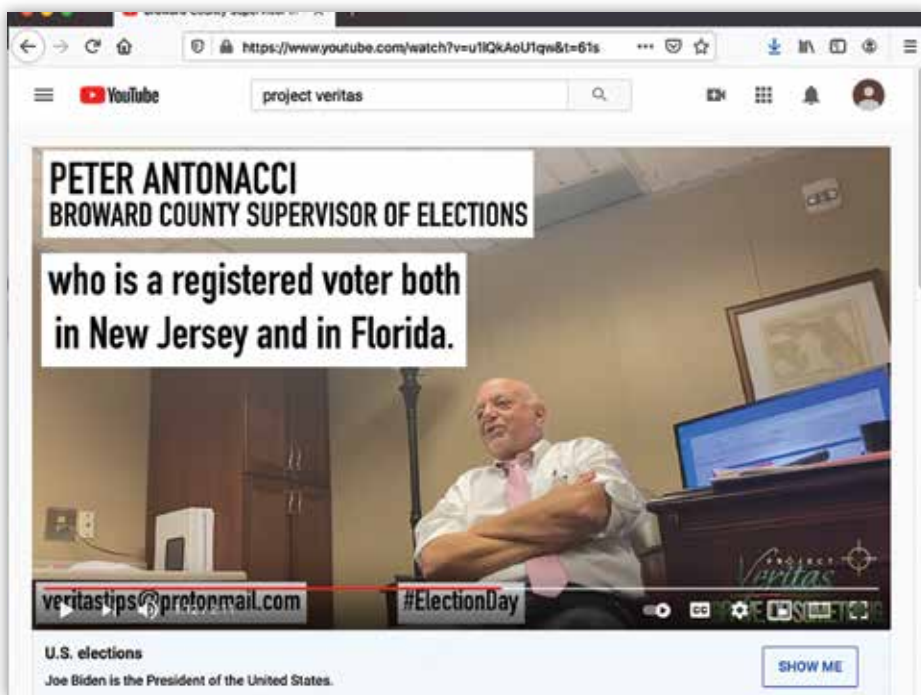
In many states, under the present system, there is virtually no way to discern who voted via absentee ballot and who

didn't, and even if a ballot seems to make it through the mail stream unscathed, there is no way of knowing whether the vote was altered along the way. Supposedly, signatures were checked to see if a ballot was proper, but many reports indicate that signatures were ignored out of hand by ballot checkers. (Likewise, many people believe fingerprint verification would solve identity issues, but once fingerprints are uploaded into a computer system, it would be only too easy to alter the system to retrieve the fingerprints in order for others to have use of them or to have the machine simply ignore the fingerprints.) Even certified mail won't work to stop the problem, because certified mail only assures that a ballot reaches the correct destination, not that the ballot wasn't altered on the return.

Ballots should be treated like physical evidence in court cases: They should be accounted for at all times. Those who remember the O.J. Simpson murder trial remember that his defense lawyers were able to have blood evidence (O.J.'s bloody trail) deemed tainted because an absolute chain of custody of a blood sample from O.J. was broken — the defense

claimed the police used O.J.'s blood sample to frame him despite no proof of such a claim. Most absentee ballots should be delivered directly to a voting place by a trusted proxy on election day — a proxy who should both sign for the ballot when picking it up and sign it into the voting station — greatly eliminating the ability to add fake ballots to the count. (States should require that absentee ballots arrive by election day and be delivered to the precincts to be counted in public on election day.) Moreover, the ballot envelope should contain adequate safeguards against fraud, such as photographic and signature proof of identification put inside by the voter and a seal against tampering. Also, the number of absentee ballots one can submit as a proxy should be severely limited. In the case of military ballots from overseas, ballots should be transferred in tamper-proof bags to their intended destinations, and soldiers should be able to track their ballots through a commercial shipping system to their intended destination, where the ballots should be signed in and stored unopened under video surveillance.

Internet voting and alternative forms of



Blatant fraud: The investigative group Project Veritas set up multiple stings of individuals wherein individuals admitted on camera that they were committing vote fraud.



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electronic voting, such as voting via telephone should also be abolished.

- **Repeal laws that allow for unattended drop boxes for ballots:** Unattended drop boxes allow for large numbers of absentee ballots to magically appear with no record of how or when they were cast. Another election integrity weakness in unattended drop boxes is that they are vulnerable to having someone, ostensibly a voter casting a ballot, deposit an explosive device or an incendiary device in the drop box. Such an act could destroy untold numbers of ballots with no official record of how many ballots were destroyed or whose ballots they were.

- **Repeal laws allowing for no-excuse absentee balloting:** Again, in the states where most fraud purportedly took place, absentee ballots are too easy to obtain. Absentee ballots should be limited to those who can prove they will be out of town on election day or are physically incapable of making it to a polling place. In the case of requested absentee ballots, photographic identification should be required to even request an absentee ballot, and a ballot should be delivered to the recipient via certified mail. A random check of those who ask for absentee ballots should be done every election to cut back on fraud. Limiting the number of absentee ballots would have the added benefit of making vote counting much quicker.

Opponents to such a suggestion will be quick to claim that poor people and those without proper IDs would be disenfranchised by such a system, but if the opportunity for fraud is allowed to happen, not only is it likely that the votes of millions of Americans would be rendered null and void by fraud (which is also voter disenfranchisement — at a greater scale), voting precincts are intended to be relatively small to make access possible — and the federal government already essentially requires that poor people have official IDs so that they can do such things as apply for Medicare and Medicaid or get certain medications at pharmacies.

- **Ballots should have verifying features:** Affidavits and video have documented the claims that numerous ballots in this election were not real, but were likely made on commercial copiers or printers. As in the manner that America puts certain features in paper currency to prove it's real — watermarks, colored thread, and holographic images — similar features should be built into ballots to limit fraud. After all, our votes are at least as valuable as our currency.

Too, after an election, all ballots that were printed should be accounted for — including absentee ballots and those ballots that were *not* used in the election. This is to ensure that ballots are not

Need to verify voter legitimacy: Voter drop boxes, especially unattended ones, have a weak chain of custody for ballots, opening the door for last-minute ballots from unknown sources to arrive at counting centers.

simply handed out illegally or filled in illegally and then added to the vote-count process.

- **Make it easier to recruit election clerks:** To ensure adequate participation in the voting process, the basic standard day for an election worker should include the option of working a half-day, usually about seven hours, rather than the 14-hour work day that is currently in many locations. The election judges and alternate election judges should be able to take time off during the day provided at least one is on duty at all times on election day.

- **Don't allow government employees or political hacks to run the polls:** If not enough ordinary citizens step forward to work at the polls — a situation that can be contrived to justify hiring biased poll workers via the political buddy system — use something like a jury call, if necessary, to get the additional poll workers. Like a jury pool, the people selected can be interviewed to assess their skills.

Most election fraud is committed by election insiders, not by outside hackers.

- **Require paper voter sign-in sheets:** Voter sign-ins should be on paper, and voters should sign in consecutively (the



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There's always an excuse to lower vote protections: A voter gets a swab for contactless voting. Many of the electoral integrity weaknesses introduced in 2020 were justified by COVID-19 overreactions.

voters' names and signatures are in the sequence in which they appear at the polls). The election judges' and election clerks' names should be affixed on the completed sheets to reduce the chance of adding fake voters (a fraud that Lyndon Baines Johnson's cronies perpetrated in his Senate primary runoff against Democrat and former Texas Governor Coke Stevenson).

Electronic signatures should be eliminated. Even the supposed benefits to electronic signatures are faulty. Modern technologies that display voters' signatures for election clerks to use for comparison don't really work because electronic signatures are often poor facsimiles of the real thing. Plus, electronic signatures could enable fraud: A computer system that can retrieve a signature from a voter-registration database and display it on a screen can also be adapted to retrieve that same signature and apply it to an electronic signature block as if that voter had appeared at the polls to vote. This type of technology could lead to computerized ballot-box stuffing the likes of which have never been seen before.

- ***Congress should repeal Motor Voter and HAVA (Help America Vote Act of***

2002): The Motor Voter law is an unconstitutional law that has done much harm to America's voter-registration databases. In addition to registering voters without verifying citizenship, it also restricts the states' ability to accomplish voter registration clean-ups.

HAVA has the dubious distinction of being the law that forced the states to buy voting equipment that in many cases didn't have a voter-verified paper trail. HAVA also created the Election Assistance Commission (EAC), and neither the EAC nor the Federal Election Commission did much to prevent or clear up 2020 presidential election controversies.

The problems encountered in the 2020 general elections have awakened the awareness of the public regarding election integrity. The good news is that solutions to our electoral problems are to be found not in expensive new technologies that can't be monitored by the public, but

rather in restoring the use of tried and true methods of the past and providing additional ability to monitor election proceedings. Not only would the changes restore election integrity, but they would probably also cost considerably less than new technologies, especially once they are in place for a few election cycles.

The reforms listed above should serve well as a litmus test to evaluate whether an election-integrity plan is one that will improve election integrity. In the end, it should be asked, "Does a proposed election change transfer power from the voters to those who run the elections, or will it help return the power of the ballot box back to the voters, where it belongs?" The future of our Republic depends on accurate, honest, and open elections. ■



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LEFTISTS IN POWER

What Can Constitutionalsists Do Now?

It has been said that despair is un-American. So now that Democrats hold the federal government and intend to crush the opposition, we tell what patriots should do.



AP Images

Democrats' great hope: President Joe Biden and his wife, Jill, watch fireworks from the White House. Biden enters office under a cloud, as millions of Americans believe that the election was stolen for him. The Left hopes that constitutionalist Americans will exit the political process.

by *Steve Byas*

At the conclusion of the Constitutional Convention, Benjamin Franklin was asked — probably by Elizabeth Willing Powel, a prominent society figure and the wife of Philadelphia Mayor Samuel Powel — what type of government he and the other delegates had given us. Franklin's famous response was, "A republic, if you can keep it."

Franklin had read his history, and he knew that republican government was rare in the world, and when it did exist was always in danger from demagogues such

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as Julius Caesar. Now, modern would-be Caesars threaten to destroy the republican form of government carefully crafted by the Founders in 1787.

As a result of the November election, our republican form of government is in grave danger. Over the years, it has endured many assaults. The blunt truth is that many simply do not favor limited government, free enterprise, and a constitutional republic. But now, the enemies of liberty have the reins of power at the federal level.

Joe Biden, a man who has openly expressed disdain for both limited government and free enterprise, will wield the executive power as president of the United States. Should he prove unable to finish his term (a possibility that was openly discussed even

before his "election" as the 46th president), he would be succeeded by Vice President Kamala Harris, who is even further to the left, and is, indeed, by any measurement of political philosophy and performance, a dedicated radical.

Congress is also in the hands of those who have little respect for limited government and the free market. Nancy Pelosi is the speaker of the House. When she was asked about the constitutionality of the Affordable Care Act a few years ago, she responded, "Is that a serious question?" She leads a Democratic Party with a very narrow majority in the House — 222 Democrats and 211 Republicans, with two vacancies. We can hope that there are a few Democrats left in the House who do not subscribe to the announced Democratic agenda, but we certainly cannot count on it. Additionally, while there are many fine Republicans in the House, there are also far too many who also have little regard for the Constitution.

The Senate is now split 50-50 Democrat and Republican after Republicans lost both Senate seats in the Georgia runoff election on January 5. With Vice President Harris wielding the gavel as the president of the Senate, she could break any 50-50 tie. For example, Harris will give the Democrats a 51st vote to make Senator Chuck Schumer of New York the majority leader (the most powerful position in the Senate).

And Schumer has vocally supported a radical agenda which, if it were to be enacted, would do perhaps fatal damage to the Republic. Schumer wants to pack the Supreme Court with additional judges so that they would not provide any obstacle to that radical agenda. Perhaps President Donald Trump's greatest domestic achievement was placing three ad-

ditional members on the Supreme Court, but Schumer's scheme would negate it. Another goal of Schumer's is to add more states to the Union, for the political purpose of adding additional Senate positions that would be filled by Democrats.

In addition to adding Puerto Rico, Schumer intends to see that the District of Columbia be added as a state. While Puerto Rico would likely add two more Democratic senators, the addition of the District of Columbia would certainly boost the Democratic Party's Senate majority by two. There, Republican presidential candidates regularly receive less than 10 percent of the vote. Even when Ronald Reagan carried 49 states in 1984, he managed a mere 13.7 percent of the vote in the District. While it is clear that adding D.C. as a state is unconstitutional, it is also clear that Schumer and those of his ilk care nothing about respecting the Constitution if it stands in the way of their agenda. And with a more compliant Supreme Court, it would be probable that the new members Schumer seeks would offer no objections to the addition of D.C.

One long-held check on such wild-eyed schemes is the Senate filibuster. Because Senate rules provide that any senator can continue speaking as long as he likes, once bills have gotten to the floor, this has been

used by both political parties to block legislation they wish to kill. While a cloture vote can be taken to cut off the filibuster, this requires 60 of the 100 senators voting in the affirmative. With only 50 members, the Democrats would be unable to force through any packing of the Supreme Court, the addition of D.C. as a state, or a host of other radical proposals without any Republican support. While there may be a few Republicans who would go over to the Democratic side on these issues, it is highly unlikely that they could get 10 or more to do so.

Under the best-case scenario, the filibuster is retained and Schumer's leftist agenda is not enacted. However, it is possible that he is able to get the votes to terminate the filibuster and follow that up with a radical agenda that will include the Green New Deal, massive tax increases, adding more states, open borders, court packing, and the like.

This leads us to the question that many constitutionally minded Americans have been asking since it became apparent that the enemies of our republican form of government are now in control: *What do we do now?*

Before we explore those solutions, we should first look at what would be ineffective solutions or worse.

- *Start a Third Party:* Former Alaska Governor Sarah Palin is among those who have openly suggested the formation of third political party as a solution. While one can understand the frustration of millions of Americans with the Republican Party, generally, it is much easier to take control of one of the two major political parties and win that way than to create a third party and then expect to win the general election. Had Trump run as a third-party candidate in 2016, he might very well have captured numbers similar to those won by Ross Perot in 1992 (about 20 percent of the popular vote), but he would not have won the election.

In our present environment, a third party led by the likes of Palin would draw votes away from the Republican Party (essentially no Democrat would join this hypothetical party) and ensure the overwhelming victory of the Democratic Party. The most likely scenario in 2016, had Trump made a third-party bid, would have been that we would have had President Hillary Clinton rather than President Donald Trump.

Of course, if the Republican Party implodes or fractures as a result of its treatment of Trump and his supporters, then the dynamics would be different. Regardless, constitutionalist candidates are viable only when the voters are sufficiently informed, and the understanding that is vital to saving our Republic must be created during non-election years and election years alike through educational efforts that are deeper and broader than political campaigns.

- *Term Limits:* Another idea that is just a Band-Aid approach, at best, is term limits. Like the third-party idea, it is simply a "feel-good" measure. Frustrated citizens are open to the idea of term limits because they mistakenly believe the solution is to "get rid of the bums" that are in office right now. The reality is that a really bad member of Congress, such as Nancy Pelosi, would not be replaced by a Barry Goldwater. In her San Francisco district, it is more likely that she would be replaced by someone like her — or worse, if that is possible. The electorate that put Pelosi into office would be the same electorate picking her replacement.

The only way of changing this problem of revolving socialists is to change the nature of the electorate by raising their



They plan to quash dissent: Chuck Schumer, the new majority leader of the Senate, has vowed to enact a sweeping agenda, including ending the Senate filibuster, adding new states (including the District of Columbia), opening borders, and packing the Supreme Court. All are intended to make it virtually impossible for his Democratic Party to be defeated again in the future.

level of understanding. With the proper understanding, the voters would replace socialists with constitutionalists instead of replacing socialists with other socialists.

Conversely, some really good members of Congress would be put out to pasture prematurely. Term limits would limit the franchise of voters, and we would lose individuals such as Kentucky Republican Thomas Massie, perhaps the best member of Congress.

Term limits would more likely make a bad situation even worse. A person who has been a member of Congress for a decade or longer evidently likes being in Congress, and is thus likely to be more responsive to an organized constitutionalist constituency so as to remain in Congress. On the other hand, a member of the House or Senate who is in his or her last term (due to term limits) is less likely to respond to such pressure. Such a term-limited member is more likely to care what powerful lobbyists want — after all, if he is being term-limited, the member of Congress needs to look for his next job. Voting in lock-step with a powerful special interest group or a large corporate entity could prove just too tempting.

If this sounds overstated, consider how a lame-duck (post-election) session of Congress is more likely to ignore the

wishes of the voters than a regular session, particularly during an election year. Under term limits, congressmen who are in their final term are the equivalent of lame-duck congressmen.

• *Constitutional Convention (Convention of States)*: The most dangerous idea is that of a constitutional convention or, as some like to call it, a Convention of States. The late Supreme Court Justice Antonin Scalia strongly opposed this proposal, telling the Federalist Society that this is a bad century in which to write a Constitution.

Powerful leftists, such as Harvard Law Professor Lawrence Lessig, are proponents of a constitutional convention, because they believe it is the best way to get rid of our present Constitution and replace it with something more to the liking of progressives. Many liberals are salivating at using a con-con to gut the Second Amendment or the Electoral College. While there are more than a few conservatives who have supported the idea of such a convention, which they generally prefer to call a “Convention of States,” they should stop and think what such a convention would actually look like.

If these naïve conservatives do not like the current makeup of Congress, why do they think that a convention would have delegates who are more faithful to the

Constitution? After all, the electorate that picked the present members of Congress would be the same electorate picking delegates to any such convention. In short, the Convention of States would include individuals such as Alexandria Ocasio-Cortez, Nancy Pelosi, and Bernie Sanders, as well as those such as Rand Paul, Thomas Massie, and Mike Lee.

Should we have such a convention, and if actually produced something good and nothing bad, what difference would it actually make? After all, members of Congress, presidents, and judges regularly ignore the clear wording of the Constitution we have now. What makes one think they would suddenly start following any new amendments to the Constitution?

In 1791, the Bill of Rights was adopted, including the First Amendment, which explicitly said that Congress was to make no law abridging the freedom of speech or of the press. Yet, only seven years later, Congress did just that when it passed, and the president signed, the Sedition Act, which made it a crime to criticize members of the legislative or executive branch of the government. And the courts applied it by fining or jailing violators of the law!

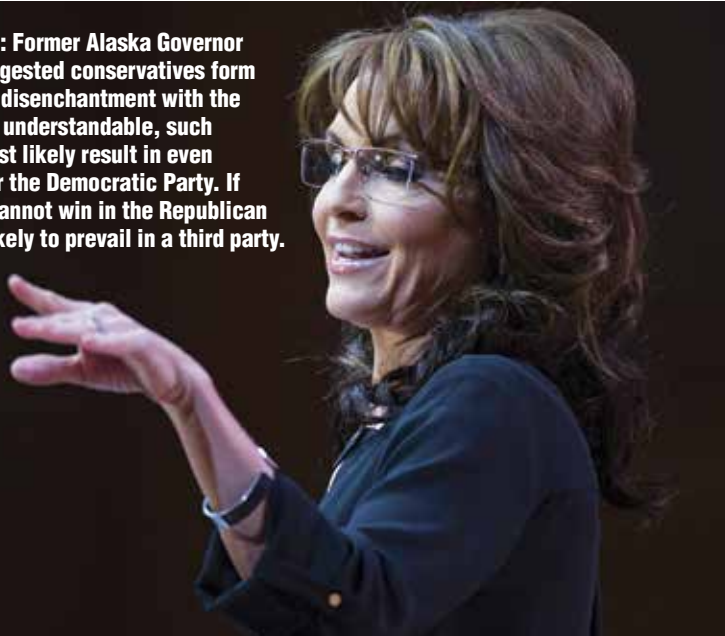
What Can Be Done to Save the Republic

At this point, some readers might be throwing up their hands and asking, “If none of these things is the right idea, then just what do you propose?”

That is an understandable response, but there are other strategies that can certainly mitigate our difficult circumstances, and maybe even reverse the drift away from the republican form of government we are in danger of losing altogether:

• *Restore Election Integrity*: Americans have long settled our political differences either at the ballot box or in the jury box. While we do not like to lose an election, we feel confident that another election is coming up in two years, and we can right the ship then. The problem with this past election is that nearly half the population believes — with good reason — that there was massive vote fraud that took place, enough to alter the outcome of the election. Once people lose faith in the election process, thinking it makes no difference because the other side is going to just steal the election anyway, they either drop out

Third party mayhem: Former Alaska Governor Sarah Palin has suggested conservatives form a third party. While disenchantment with the Republican Party is understandable, such an action would most likely result in even greater victories for the Democratic Party. If constitutionalists cannot win in the Republican Party, they are unlikely to prevail in a third party.



AP Images

of the process or resort to more violent means to make a difference.

Because of this, it is imperative that we push for reforms of the election process that will restore confidence in settling differences at the ballot box, and will make sure that cheating is either eliminated or reduced to insignificance.

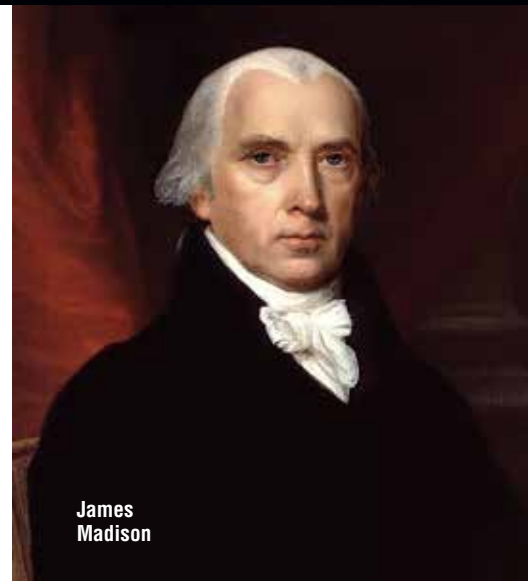
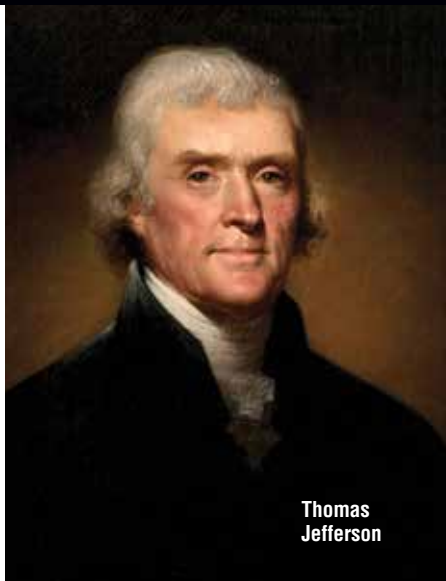
While Republicans lost control of the federal legislature, they still control the legislatures in most of the *states*. We are more likely to bring effective pressure to bear against members of the state legislatures than members of Congress, and constitutionalists should use such clout to pressure the state legislatures to reform election laws to eliminate, or at least substantially reduce, vote fraud.

Among the reforms I would suggest is the elimination of all voting machines that are connected to the Internet. Additionally, all voting should be done by *paper* ballots, so an actual record exists of how people voted. With optical scan machines, these paper ballots could be swiftly counted, and the results transported to the county election boards. If there were to arise any disputes, we would have the paper ballots that could be counted by hand.

There should be no centralized vote counting, as was done in Atlanta and in other places across America. Transporting ballots out of the precinct to a centralized counting site is an open invitation to vote fraud—adding or subtracting ballots, changing votes, and more. It is much more difficult to manipulate vote counting if all counting — of paper ballots — is done within the precinct.

Election officials should not be allowed to change election law — law designed to reduce the possibility of fraud. Interestingly, a national commission created in the aftermath of the disputed Florida presidential vote (between George Bush and Al Gore) of 2000, and chaired by former President Jimmy Carter and former Secretary of State James Baker, actually had some very good ideas. They recommended that states create a “uniform system of voter identification,” which would include a photograph. They also suggested that states “do more to prevent voter registration and absentee ballot fraud.”

Also interestingly, in light of the controversies of the past election, they expressed concern about widespread mail-in voting



Tactic: Thomas Jefferson, who authored the Declaration of Independence, and James Madison, considered the Father of the Constitution, faced the difficult question of what to do when the federal government refused to abide by the Constitution. Their solution was the concept of nullification, in which states simply refuse to cooperate with any enforcement of unconstitutional federal laws. In 1798, the two Founding Fathers penned the Kentucky and Virginia Resolutions in response to the unconstitutional Sedition Act, which violated the First Amendment. They suggested that states could interpose themselves between the federal government and their citizens.

and even in-person early voting. They argued that widespread mail-in voting “increases the risk of fraud” and that in-person early voting “allows a significant portion of voters to cast their ballots before they have all the information that will become available to the rest of the electorate.”

These and other reforms are necessary to restore integrity to the voting process. State legislators can make these and other needed changes, and they can emphatically state that neither the courts of their states nor election officials can change these laws — making law is the province of the legislature.

- *Utilize Nullification:* A powerful weapon for state legislatures, *nullification* is another tool in the fight to preserve liberty and save the Republic. Nullification is not a fringe idea, nor is it a dangerous or even novel idea: It is simply a recognition that states and their citizens created the Union and that the Union should answer to them. They should not answer to the Union.

In the aforementioned 1798 Sedition Act, in which Congress, the president, and the courts — the entire federal government — blatantly violated the Constitution, James Madison and Thomas Jefferson

responded by developing the idea of nullification. Writing anonymously (so as to avoid being jailed under the Sedition Act), they were able to get the state legislatures of Kentucky (Jefferson) and Virginia (Madison) to adopt resolutions condemning the Sedition Act and interposing between their states’ citizens and the federal government.

Actually, Madison had already addressed this problem — what to do if the federal government refused to follow the Constitution — in *The Federalist*, No. 46. “Should an unwarrantable measure of the federal government be unpopular in particular States, which would seldom fail to be the case, or even a warrantable measure be so, which may sometimes be the case, the means of opposition to it are powerful and at hand. The disquietude of the people; their repugnance and, perhaps, refusal to cooperate with officers of the Union; the frowns of the executive magistracy of the State; the embarrassments created by legislative devices, which would often be added on such occasions, would oppose, in any State, very serious impediments.”

Thomas Jefferson expressed similar sentiments: “The several states composing the United States of America are not united on a principle of unlimited

Joe Biden, a man who has openly expressed disdain for both limited government and free enterprise, will wield the executive power as president of the United States.



A good first goal: While it is unlikely that citizen groups can make a whole lot of difference in the outcome of a presidential contest, or even a Senate race, patriotic Americans have a very good chance to elect true constitutionalists to the U.S. House of Representatives through educating their neighbors.

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submission to their general government.” On what to do if the federal government pushes its boundaries, Jefferson said, “Where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy.”

While it is very clear that these two Founding Fathers — Madison (known as the Father of the Constitution) and Jefferson (the author of the Declaration of Independence) — saw nullification as a way to peacefully check actions of the federal government that go beyond their constitutional authority, some today have argued that nullification was just a doctrine to protect slavery and the issue over which the Civil War was fought. Both of these assertions are historically incorrect. The nullification doctrine was developed in opposition to the Sedition Act, which had nothing to do with slavery. And the Civil War was not fought over nullification, but rather over the question of *secession* — a state leaving the Union. Jefferson and Madison did not propose secession. On the contrary, they wanted to see the preservation of the form of government — a

federal republic — created by the Constitution, in the face of the unconstitutional Sedition Act.

In fact, arguing that nullification was used to protect slavery turns history on its head. Rather than being used to protect slavery, it was often used by northern states against slavery. After the passage of the Fugitive Slave Act of 1850 — which required the return of accused runaway slaves, without due process of law — several states, including Michigan, Vermont, Wisconsin, and Massachusetts, enacted statutes to frustrate the federal law. Abolitionist William Lloyd Garrison said, “Nullification [to fight the Fugitive Slave Act] is loyalty to goodness.”

But what about today? How can this principle, created late in the 18th century, and used frequently in the 19th century, work in modern America to prevent the loss of liberty and to preserve our Constitution?

Thomas Woods explains how to make effective use of nullification today in his book *Nullification: How to Resist Tyranny in the 21st Century*. Writing for the Mises

Institute, Woods said, “Nullification is the Jeffersonian idea that the states of the American Union must judge the constitutionality of the acts of their agent, the federal government, since no impartial arbiter between them exists. When the federal government exercises a particularly dangerous power not delegated to it, the states must refuse to allow its enforcement within their borders.”

Also writing for the Mises Institute, Ryan McMaken noted that, while nullification is today associated with the Right, the Left has often used nullification in such matters as their unilateral legalization of marijuana and the sanctuary city movement. While many conservatives might differ with the use of nullification in some areas, it does demonstrate that nullification can be an effective tool to fight for the Constitution, as well.

McMaken wrote, “The conservatives have had some successes in their own way. Eight states (at the prompting of conservatives) have passed laws that nullify federal laws on guns within their own borders. Like the marijuana nullifiers, the gun-law nullifiers simply refuse to assist the feds in enforcing federal gun laws.” In Michigan, conservatives helped pass a law that kept state officials from helping the feds in indefinite detention under the National Defense Authorization Act (NDAA).

“When nullification enjoys either the indifference or support of a sizable portion of the local population, and is based on encouraging government *inaction*, it tends to work,” argued McMaken. He noted that federal officials can only do so much to enforce federal law on their own, without the assistance of local government.

On the other hand, “If nullification consists of requiring an active role for state and local officials, follow-through is a problem,” McMaken wrote. But state governments can do a lot — by doing nothing. Doing nothing to help federal officials in pushing unconstitutional laws via nullification is what states *can* do. Without assistance from local authorities, federal officials are often frustrated in attempting to enforce unconstitutional laws.

• *Concentrate on the House of Representatives:* While the Democrats gained three Senate seats in the last election, they actually lost seats in the U.S. House of Representatives. It is more difficult to fraudulently

win House seats than Senate seats because there are more of them — 435 — and they “fly under the radar,” so to speak. Senate races are contested across an entire state, while House contests are in districts, which are smaller both geographically and in population (except in a state such as Wyoming, which has only one member in the House of Representatives).

Because of this, an individual citizen can have a much greater impact on a U.S. House race than either a U.S. Senate contest or a presidential contest. If a House candidate had, say, a dozen dedicated volunteers in each county of a congressional district where contests are usually close — where candidates lose by less than five percent of the vote — the candidate would have a very good chance of winning. If this were to be multiplied across just 25 congressional districts, it would be very significant.

Candidates who are true constitutionalists have a much better chance of emerging victorious in a House contest than in a Senate race, especially if the candidate can

spend his or her time campaigning on issues, and does not have to explain the *why* of limited government. In other words, if the electorate is already attuned to the ideas of limited, constitutional government, a candidate espousing those views is much more likely to win.

This brings us back to the remarks made earlier on term limits. Unless the electorate is changed, either by a mass influx, or mass exodus, of voters, limiting a leftist congressman to six years, or whatever, will only result in his or her replacement with another leftist congressman. Another way of changing the electorate is by educating the electorate with the principles of limited government, free enterprise, and all of the ideas found in the U.S. Constitution. Then, after the electorate is thus educated, they must take *action*. Effective action requires *organization*.

• *Organize for Less Government, More Responsibility, and — With God’s Help — a Better World:* There are many fine conservative organizations in the fight to

save our republican form of government. Some are good at education, while others concentrate on political action.

The organization that does the best at both *education* and *organization* is The John Birch Society, the parent organization of THE NEW AMERICAN. Its slogan sums up its goal — “Less government, more responsibility, and — with God’s help — a better world.” The way to achieve these lofty goals is through the methods of education and organization.

Robert Welch, the founder of The John Birch Society, said in 1966, “Our job is simply to create sufficient understanding, in the confidence that all else, including the correct and necessary political action, will automatically follow.” He explained that attempting to achieve needed changes though “the organization of political forces and without a sufficiently thorough educational program and the underlying base, is to act like the ancient Egyptians in trying to make bricks without any straw to hold the clay together.”

William Hahn, the CEO of The John Birch Society, told THE NEW AMERICAN that in the aftermath of the election, we can expect to be “hit from nearly all sides by those who wish to subvert Americanism into globalism. However, this fight didn’t begin with President Trump and it certainly won’t end with him.” Hahn said the way to fight those who are organized against limited government is with our own organization.

“Constitutionalists need to use the constitutional tools given to us by our Founding Fathers,” Hahn said, “especially through interposing and nullification,” but advised that “to do so, elected officials need to understand these tools and how to use them.”

Hahn added that JBS has “the structure to establish reach and influence in a locality through face-to-face interaction. This is what sets us apart from many other organizations who are reeling from censorship and tyranny.”

Hahn invited the readers of THE NEW AMERICAN to “join our educational army by applying for membership today at JBS.org.”

As Sam Adams is quoted as saying before the American Revolution, “It does not take a majority to prevail ... but rather an irate, tireless minority, keen on setting brushfires of freedom in the minds of men.” ■



Here you go: The conservative organization that best combines educating the electorate in constitutional principles with organizing to advance these ideas is The John Birch Society. This patriotic organization has been fighting for Americanist causes — with many successes — for decades. Their slogan sums up their noble goals: “Less government, more responsibility, and — with God’s help — a better world.”

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Frédéric Bastiat, in his classic exposé of socialism and communism as “legal plunder,” explains the fundamental principles involved in determining the proper scope of government. It explains socialist fallacies. New excerpts from Bastiat’s other writings such as “The Broken Window” & “The Candlemakers’ Petition.” (2019ed, 87pp, pb, 1-9/\$6.95ea; 10+/\$5.95ea) **BKLN**

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