

ration of a new President, the Commission announced that Hayes had won the Presidency; splitting along straight party lines, it awarded the electoral votes of the four disputed states to Hayes by an 8-7 vote in each case.

The significance of the 1876 precedent, was not that it was a model of reasoned deliberation, but that it indicates the flexibility and open-endedness of the Electoral College procedure under the Constitution. This is a mechanism by which any aspect of the elections can be taken under consideration and investigated.

### What May Happen This Time . . .

The Electors meet and cast their votes for President and Vice President in their respective state capitols on Dec. 18. Only in about half of the states, are they bound by state law to cast their Electoral votes in accordance with the popular vote in their states—and the constitutionality of such binding provisions is open to question. Clearly, under the intent of the Constitution—not only the provisions regarding the selection of the President, but more important, its fundamental principle of the General Welfare—the Electors are primarily obligated to vote according to reason and conscience, and not to support any candidate unqualified to fill the office of the President or to govern according to Constitutional principles.

The new Congress is sworn in on Jan. 3. On Jan. 6, the House and Senate meet in joint session to open and tally the electoral votes transmitted by each state. If no candidate for President has a majority of the votes cast, the House then selects a President from among the top three. There is no requirement that any of these must have been on the ballot, or a candidate in the November general elections—only that these are the top three as the electors have voted for them. So the top three could be anyone who received votes from the Electors in the states—not just Bush or Gore.

Another important, but seldom-noticed provision in the statute, is that members of Congress (one Senator and one Representative) can object on the grounds that a vote or votes has not been “regularly given” by Electors. This clearly could include fraud or irregularities, or another factor which has contaminated the vote. Importantly, there is no definition or limitation in the statute, so it is open-ended. In the first instance, such objections are to be taken up immediately by the separate Houses, before any further business is conducted.

This is a very open-ended procedure, which is entirely left to the discretion of the Congress. The courts are not likely to get involved, any more than they did during the impeachment. The only authority binding the Congress, is the authority of the United States Constitution.

If no President has been selected by Jan. 20, then the new Vice-President would become the acting President. If there is no Vice-President selected, then Congress may itself declare who shall become the acting President—with no Constitutional restriction as to who this may be, except the general qualification for President specified in Article II.

In short, it is clear that the Electoral College mechanism, as set forth in the Constitution, and supplemented by legislation and precedent, provides many ways out of the current impasse, in which the country is otherwise presented with a situation in which a corrupt election campaign, has left the nation with two candidates, neither of whom is qualified to be President under these crisis conditions.

## Complaints Before OAS: Gore Openly Stole LaRouche's Vote

by Mary Jane Freeman

While the Organization of American States' (OAS) Inter-American Commission on Human Rights (IACHR), and the Organization for Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), have pronounced against the elections of Peru and other nations, they have failed to intervene in the fraudulent U.S. election process. Complaints and documentation were filed with both, showing the depth and extent of vote fraud occurring during the U.S. primary elections.

The “one man, one vote,” premise of our democratic republic has been shredded to pieces in the year 2000 election, and it didn't start in Florida on Nov. 7. In February, LaRouche won the Michigan Democratic Party primary election. Gore henchman and Michigan Democratic Party (MDP) state chair, Mark Brewer, tossed out the election results, and opted for holding “private” party caucuses. Brewer excluded LaRouche and his delegates from the caucuses, and thereby stole LaRouche's vote (see *EIR*, March 24, p. 24). Then, in May, 53,280 Arkansas voters (23%) cast their vote for LaRouche, but again, the Gore-thugs threw out his vote, refusing to seat his six duly-won delegates to the national convention. Though Arkansas is a state whose elections are covered by the 1965 Voting Rights Act, the Democratic National Committee (DNC) argued—successfully—to the U.S. Supreme Court, that the Act *not* be enforced, and that they be allowed to “disregard votes cast for LaRouche.”

During the early primaries, there were only three recognized Democratic contenders for the party nomination for President: Al Gore, Bill Bradley, and Lyndon LaRouche. Each was certified to receive Federal matching funds, and qualified as eligible, under the Constitution, to run for President. But there ended the equality. LaRouche was systematically blacked out of the national news, while Gore and Bradley enjoyed almost daily coverage. LaRouche was ex-

cluded from all debates. Gore and Bradley were given automatic ballot status in most states, whereas LaRouche was granted ballot status only in California, and otherwise had to deploy volunteers and resources to petition. Michigan was one such state where, due to an intervention by Brewer, causing the Secretary of State to exclude LaRouche's name, campaign volunteers had to petition. Similarly, in Wisconsin and New Mexico, where vote fraud allegations concerning the Nov. 7 election have surfaced, LaRouche was excluded from the ballot, and had to petition. In Florida, a deal was made by Republican and Democratic party leaders to exclude LaRouche from the ballot altogether.

The complaints filed with the OAS and OSCE showed that in 27 out of the 42 states or territories where LaRouche was competing for votes, violations of U.S. laws, Democratic Party rules, and/or international election standards occurred. Excerpts from those complaints, minus footnotes and exhibit references, follow.

## **Complaint to and Request for Investigation by the OAS's Commission on Human Rights**

### **I. Summary Introduction**

This complaint to and request for investigation to the OAS's Inter-American Commission on Human Rights (IACHR) and its Unit for the Protection of Democracy is presented on behalf of U.S. Democratic Presidential candidate Lyndon H. LaRouche, Jr., his supporters, including those who have submitted affidavits herein, and Mr. LaRouche's campaign committee, LaRouche's Committee for a New Bretton Woods (LBW). As is documented below, each complainant has been denied their electoral and human rights due to gross violations of law and procedures governing the year 2000 Presidential election. . . .

In summary, the events and facts . . . show that there is a . . . systematic effort to interfere with free and fair elections in the United States' Presidential primary elections, specifically, to prevent the American electorate from having access to the ideas of Presidential candidate Lyndon H. LaRouche, Jr. who is seeking the Democratic Party's nomination for President, and a concerted effort to prevent votes for Mr. LaRouche from being cast and counted. The violations of fundamental fair election standards and procedures are being perpetrated by a small clique at the top of the national Democratic Party leadership, in concert with local and state election officials, the news media, and elements of the U.S. judiciary.

In brief, the events and facts show: a) Democratic Party officials ordered that votes cast for LaRouche be "disregarded"; b) Party officials, using state power granted to them, have prevented LaRouche's name from appearing on the ballot in some states; c) citizens have been denied their right to vote and to seek political office, including elected officials of the Democratic Party; d) LaRouche's campaign has been denied equal treatment before the law; e) his supporters and

campaign workers have been victims of threats and intimidation; f) LaRouche and his ideas were not afforded equal access to the media; g) news media agencies failed to provide impartial information about candidate LaRouche; h) LaRouche and his supporters have been subjected to *ad hominem* defamatory attacks both by the media and Democratic Party officials; and i) voters were denied the benefit of full information by the exclusion of LaRouche from public debates.

What has been done against LaRouche and citizens who support his candidacy, is nothing but a pretext to exercise the power of position to silence an opposition candidate. The consequence of the acts . . . has been to nullify votes and deny the right of candidacy both to LaRouche and individual citizens who wish to run for office in support of him. International scrutiny is required, as these violations of free and fair elections have occurred through the complicity of those national institutions that are supposed to ensure free and fair elections, including the administrative and judicial branches of government. If these actions are allowed to stand, it will make a mockery of the OAS's assertion that all member states, including the United States, are to uphold the same standards. . . .

### **E. Obstructions of LaRouche's Candidacy by State Public and Party Officials**

In Michigan, the Secretary of State refused to place LaRouche on the ballot on the grounds that LaRouche was not "advocated by the national news media." Having been denied ballot status, LaRouche supporters obtained more than 23,000 petition signatures of registered voters to secure a place for him on the state's primary ballot. LaRouche received more than 12,000 votes in the Feb. 22, 2000 primary.

The Michigan Democratic Party (MI DP) decided to ignore the state-sponsored primary, and opted instead to hold a privately run caucus on March 11, 2000. Party officials then denied LaRouche a place on the ballot for this private caucus. Nevertheless, the MI DP delegate selection plan provides for a write-in campaign.

Just two days before the primary, LaRouche representatives in Michigan were informed that the state party chairman, Mark Brewer, had ordered party officials not to count any votes whatsoever cast for LaRouche.

At the caucuses, LaRouche and his supporters were:

1. subjected to *ad hominem*, defamatory attacks by MI DP Party officials, and DNC Chairman Joe Andrew.
2. Voters who sought to vote for LaRouche were physically intimidated, and observers representing LaRouche's campaign were also physically barred from the proceedings.
3. Pre-distribution of absentee ballots where none were requested and in contravention of Michigan Party rules, amounted to the equivalent of "ballot-box stuffing."
4. Votes cast for LaRouche were not counted.

Eight international experts were present to observe the conduct of the March 11th Michigan caucuses. The delegation included Dr. Godfrey Binaisa, former President of Uganda;

Mr. J.L Chestnut, Attorney for Martin Luther King; Mrs. Amelia Boynton Robinson, recipient of the Martin Luther King Freedom Medal; Professor Ernst Florian Winter, who formerly served as an election observer for the United Nations in Bosnia; Mrs. Ortrun Cramer, authorized observer for the Austrian-based International Progress Organization (IPO); and Mr. Hunter Huang, President, National Association for China's Reunification.

What they observed caused their initial concern to turn to deep disturbance about the democratic process in the United States. In specific: a) some of these observers were physically barred from observing a caucus site; b) men identifying themselves as "goons" physically threatened voters who supported LaRouche, as well as the international observers; c) voters were required to make a public vote by raising their hands for the candidate whom they wanted to vote for (to which Dr. Winter commented that this reminded him of "plebiscites practiced by the dictatorships of unhappy memory"); and d) in only one caucus observed, could LaRouche supporters speak up for LaRouche with the consent of the caucus manager, who explained the possibility of writing in LaRouche's name on the ballot.

Forty-three Michigan Democrats filed a challenge, pursuant to Party rules, to the implementation of the MI DP delegate selection plan. It was ignored and the MI DP failed to respond, thereby failing to provide equal treatment.

## Supplement filed May 30, 2000: Arkansas Primary Election

This communication is a Supplement to our formal Complaint and Request for Investigation. . . . [Y]our acknowledgment letter stated our petition is "under study" by the OAS's IACHR, it is of the utmost urgency that you consider the newest evidence of acts being perpetrated to defraud over 53,000 American citizens of the state of Arkansas, and Presidential Candidate Lyndon H. LaRouche, Jr. It is incumbent upon OAS IACHR officials to act on this Complaint **before** the June 24, 2000 Arkansas Democratic Party conventions at which the national convention delegates from Arkansas will be selected.

The facts detailed below, make it quite clear that should the OAS turn a blind eye to the ripping up of legally cast votes here in the U.S.A., it then would cast doubt on the OAS's professed concerns to protect democracy in this hemisphere.

### I. New Facts

On May 23, 2000 the state of Arkansas held its primary elections. In the Democratic Presidential preference primary, mandated by Arkansas law (Code §7-7-201, and 7-8-201), candidate Lyndon H. LaRouche, Jr. is reported to have so far received 53,280 votes with 2,789 precincts reported out of 2,834 precincts all together. Mr. LaRouche's only opponent, Vice President Al Gore, reportedly has received 194,171 votes. Thus, Mr. LaRouche's current statewide percent of the vote is 21.53.

There are four Congressional Districts. Mr. LaRouche's vote, so far, in those CDs is:

- CD 1: 20.3%
- CD 2: 18.67%
- CD 3: 24.7%
- CD 4: 22.1%

The rules of the Arkansas Democratic Party with regard to allocation of national convention delegates to be awarded to Presidential candidates provide that allocation is based upon receipt of the percent of the vote cast by the electorate for the respective candidates. A candidate must receive at least 15% of the vote cast to be considered viable to receive delegates. As is clear from the above totals, Mr. LaRouche has received qualifying vote percentages in each of Arkansas' four CDs to be awarded state and national convention delegates, and sufficient percent of the vote, statewide, to qualify for statewide delegate allocation as well.

However, as indicated by comments reported in the Arkansas *Democrat Gazette* by Arkansas Democratic Party officials Chairman Vaughn McQuary and Executive Director Glen Hooks, as well as the Democratic National Committee's national spokesman in Washington, Richard Hess, those 53,280 voters' votes will be disregarded. Neither the Arkansas Democratic Party, nor the DNC will allocate delegates to Mr. LaRouche, despite the will of the citizens, and contrary to Arkansas law, and the Party rules.

Such egregious and blatant disenfranchisement, is in violation of all recognized international standards for free and

## DO YOU KNOW

- that the American Revolution was fought *against* British "free trade" economics?
- that Washington and Franklin championed Big Government?
- that the Founding Fathers promoted partnership between private industry and central government?



Edited by Nancy Spannaus and Christopher White

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fair elections. Further, this nullification of votes is explicitly in violation of the spirit and letter of the law as proscribed in the American Declaration of the Rights of Man and the American Convention on Human Rights.

## II. Laws and Party Rules Being Violated

As has already been documented for you in our May 16 Complaint, laws of the United States as well as the Democratic Party are being violated, arbitrarily, at the will of a small clique of Party officials who claim the Democratic Party is a “private club” so that they can silence any opposition candidate. The media blackout employed has only amplified such totalitarian measures. The newly violated laws pertaining to the acts described in this Supplement are detailed below.

### A. Arkansas Election Code

Arkansas Election Code states: “§7-8-201. Preferential elections required — Apportionment of delegates. Each political party in the state desiring to select delegates to attend a quadrennial national nominating convention or the party to select a nominee for [President] shall hold a preferential primary election in the state, and the delegates to the national party convention **shall be apportioned** to the Presidential candidates whose names were on the ballot at the preferential primary . . . **in the proportion that the votes cast for each candidate** . . . bear to the total votes cast at the election, rounded to the closest whole number” (emphasis added).

It is important to note that Arkansas primary elections are paid for by the state, and thus are public elections, i.e., not for private parties. (Code §7-7-201.)

### B. Arkansas Democratic Party Delegate Selection Rules

The Delegate Plan clearly states, “The Presidential Preference Primary Election *shall* be governed by the election laws of the State of Arkansas. . . .” (Rule II C 3) Further, “The Arkansas presidential primary election is a binding’ primary. Accordingly, delegate and alternate positions *shall* be allocated so as to fairly reflect the expressed presidential preference of the primary voters in each district” (emphasis added). (Rule II C 7 a)

Based upon the mathematical formula provided in the Delegate Selection Plan as applied to Presidential Candidate LaRouche’s vote, he is entitled to 1 national convention delegate from each of the four CDs, 1 national convention delegate who is a Party Elected Official, and 1 national convention delegate who is selected as an At-Large delegate. This means that Mr. LaRouche is entitled to a minimum of 6 national convention delegates from the state of Arkansas so as to fairly reflect the will of the voters.

It is the announced position of Arkansas Democratic Party Chairman McQuary, his Executive Director Mr. Hooks, and the DNC under the direction of national chairman Joe Andrew, that the Party will refuse to allocate delegates pledged to Mr. LaRouche, and will refuse to allow the participation of Mr. LaRouche’s elected delegates at the up-coming June 24 CD and State conventions in the state of Arkansas.

## III. Conclusion

Based upon the new facts detailed, herein, and those presented to you in our May 16th Complaint, it is imperative that you act to reverse these arbitrary and capricious violations of electoral rights of tens-of-thousands of American voters, and those of Presidential candidate Lyndon H. LaRouche, Jr. The very foundation of each sovereign republic on this earth to have and promote representative democracy is at stake in this case. If such violations go unchecked in the United States of America, then institutions such as the OAS will be condoning the practices of the once notorious Nazi plebiscites, or the racist “Jim Crow” “whites only” policies imposed on African Americans in the early part of the 20th Century. . . .

# Vote Fraud: An Endemic Problem In U.S. Elections

by Edward Spannaus

To listen to the television commentators, one would think that this is the first time that election irregularities have called a Presidential election into question, or, that “hanging chad” is one of the earliest discoveries of the new millennium.

Every major election in the United States — and probably many lesser ones — is riddled with fraud and irregularities. What is different this time, is that there is no Establishment consensus for one or the other candidate, and therefore, there is no “fix” in from the top for one or the other. And with both leading candidates lacking any ideas or significant issues by which they could differentiate themselves from each other, the issue of fraud and irregularities has loomed far more important than in most other elections.

We will examine here particularly, the most notable previous case in recent history: that of the disputed 1976 election, which put the incompetent and unqualified Jimmy Carter into the White House (see box). But first, we will touch on some of the other pervasive problems.

First of all, vote fraud is a *bipartisan* affair. The Democratic Party has no monopoly on this dirty business — although Democratic Party fraud is often more obvious, because it is concentrated in urban areas. Perhaps the best-known example is that of the 1960 Presidential elections, in which fraudulent votes cast in Chicago from graveyards and other precincts, are generally credited with handing the election to John F. Kennedy. Less well-known, is that one of the reasons that Richard Nixon and the Republicans did not challenge the Chicago fraud, is because it was understood that the fraud carried out in downstate, Republican areas, more or