

required to meet a standard of constitutionality. This does not mean that the steps outlined will happen, but it describes what may, and in many cases, *should* happen. We will be pleased to consider any comments or refinements from readers.

# Constitutional Choice Of a New President By Electoral College

by Edward Spannaus

1. During the process which runs from now, through the Dec. 18 voting by the Electoral College, and then the Jan. 5-6 consideration of those Electoral votes by the Congress, it is essential that the Constitutionality of the process be respected and preserved, while at the same time the process be guided by a commitment to the intent and spirit of the U.S. Constitution, particularly its General Welfare Clause.

2. This was the most corrupt election in U.S. history. It is incumbent upon the Electors who Constitute the Electoral College under the Federal Constitution, to take into account

during their deliberations, the contamination of the vote, as it bears upon the authenticity of the vote count, and the integrity of the Presidency itself.

3. The principal elements of the corruption of the Presidential campaign during the entire year 2000, are:

- The nomination process of the two major parties was rigged to ensure that two look-alike, thoroughly unqualified candidates, were awarded their respective parties' nomination with virtually no public dissent. This rigging took place through thuggery and intimidation, illegal vote-stealing tactics, and the use of the news media to create the perception of an unstoppable momentum for both "leading" candidates.

- The news media further rigged the election process through its general refusal to provide substantial news coverage to any but the two "leading" candidates, the exclusion of third-party candidates Ralph Nader and Pat Buchanan from the Presidential debates, and the falsified reporting of results early on the night of the Nov. 7 elections, before polls had closed in many parts of the country.

- Unprecedented amounts of money were thrown into a Presidential campaign, in which there was no fight over ideas, no substantial difference between the two "leading" candidates, and no reason for voters to go to the polls to vote *for* a candidate, but only to vote *against* a worse one.

- Under these conditions, vote fraud and illegalities—which are endemic to U.S. elections under any circumstances—became the primary feature of the election process, including the rampant violation of the Constitutional and civil rights of minority voters and others.

4. The Electoral College, and the United States Congress, have a solemn Constitutional and moral responsibility to consider such evidence, respecting the contamination and pollution of the electoral process, as this bears upon the integrity of the reported vote. Even if such evidence were not sufficient in a court of law to overturn the results in particular states or jurisdictions, the Electoral College and the Congress may not blind themselves to these realities, in the interests of procedural efficiency or "finality" of results.

5. There are three points of inflection of the Constitutional process of the selection of the President, of which we should be aware, including possible courses of action to be taken at each point:

*The First Point*—Dec. 18, 2000: The Electors meet and cast their votes for President and Vice President in their respective state capitals. Only in about half of the states, are Electors bound by state law to cast their Electoral votes in accordance with the popular vote in their states—and the Constitutionality of those provisions is dubious. Clearly, under the intent of the Constitution—not only the provisions regarding the selection of the President, but above all, 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 and unable to govern according to Constitutional principles. (The leading example of this, is

## Next LaRouche Webcast

The second in a series of historic addresses by U.S. statesman and former Democratic Presidential candidate Lyndon LaRouche will be held on Dec. 12, 2000, at 1:00 p.m. Eastern Standard Time. LaRouche will address a live audience at an *EIR* seminar, and his speech will be simultaneously webcast via [www.larouchespeaks.com](http://www.larouchespeaks.com).

The title of the Dec. 12 webcast is: "Now Comes the Electoral College: How the United States Must Change Its Course of Action in Order To Deal with the Now-Onrushing World Political and Strategic Crisis."

In his first post-election webcast, LaRouche addressed the question of how the U.S. Constitution can be used to find a solution to the current electoral crisis. LaRouche will hold a third seminar, in January, right before Congress convenes to get the results of the Electoral College vote.

Preregistration is required for this *EIR* seminar.

To be notified of future LaRouche webcasts, send an e-mail request to [eirns@larouchepub.com](mailto:eirns@larouchepub.com).

Alexander Hamilton's campaign to ensure that Thomas Jefferson, and not Aaron Burr, became President in 1801.)

Electors are not bound to vote for either Bush or Gore, but may cast their votes for any person who meets the Constitutional qualifications to be President.

*The Second Point*—Jan. 3-6, 2001: The new Congress is sworn in on Jan. 3. On Jan. 6 (or perhaps Jan. 5, since Jan. 6, 2001 falls on a Saturday), the House and Senate meet in joint session to unseal, and tally, the Electoral votes transmitted by each state. If no candidate for President has obtained 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 any who received votes from the Electors in the states.

More important, members of Congress (one Senator and one Representative) have the right to object to any Electoral vote, on the grounds that a vote has not been "regularly given." This clearly could include fraud or irregularities, or any other factor which has contaminated the vote. 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 of Congress, before any further business is conducted.

This is a 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 recent impeachment. The only authority binding the Congress, is the authority of the United States Constitution.

One mechanism by which evidence of fraud, irregularity, or other contamination can be examined, is the creation of a special National Electoral Commission, such as was established in 1877 to investigate allegations of fraud, and to resolve the issues of competing Electoral slates, arising out of the 1876 Hayes-Tilden race.

*The Third Point*—Jan. 20, 2001: If no President has been selected by the date for the inauguration of a new President, 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 qualifications for President as specified in Article II of the Constitution. Congress could follow the order of succession, which is defined not by the Constitution, but by statute, and which begins with the Speaker of the House, but it need not do so.

6. In sum, it is clear that the Electoral College mechanism, as set forth in the Constitution, and supplemented by legislation and precedent, provides a number of paths 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 conditions of financial and strategic crisis.

# How Gore Destroyed The Democratic Party To Get the Nomination

by Debra Hanania-Freeman

The most corrupt election in America's history began to unfold during the summer of 1998.

Remember, that in the aftermath of the so-called Asian financial crisis of 1997-98, the short-lived Russian government of Sergei Kiriyenko was forced, in effect, into sovereign debt default on Aug. 17, 1998. At that moment, the unravelling of the global financial system accelerated.

This culminated in Alan Greenspan's Federal Reserve arrangement on Sept. 23 for a massive bailout of the bankrupt Long Term Capital Management (LTCM) hedge fund, which had placed roughly \$1 trillion of derivatives bets with only \$4.8 billion of core capital. The President of the New York Fed admitted in Congressional testimony, that the Federal Reserve Board had feared that the failure of LTCM would lead to an immediate global systemic collapse.

It was in the midst of this chaos, that U.S. President William Jefferson Clinton took an important step in the direction of Lyndon LaRouche's call for a New Bretton Woods. Clinton called the financial crisis "the worst in 50 years," and called for an emergency meeting of representatives of both advanced and developing sector nations, to discuss a "new architecture" for the world financial system.

That was the financial establishment's worst nightmare, and they responded with a vengeance. During this time frame, the scandals against Clinton were escalated with incredible ferocity.

The impeachment was soon accompanied by frantic efforts by Vice President Gore and Secretary of State Madeleine Albright to launch new wars, in the Middle East, and in the Balkans.

Supporters of Lyndon LaRouche and a group of Democratic state legislators formed Americans to Save the Presidency, and catalyzed support for the President at a very critical moment. That support grew, and the President decisively defeated his accusers in the Senate. But something else happened as well.

We don't know what threats were levelled against President Clinton, or who levelled them. But he dropped his drive for financial reorganization and a "new financial architecture." In doing so, he also did something that those closest to him said he was very reluctant to do: He threw his full backing behind Vice President Al Gore's designs on the Democratic