

The Neo-Redeemer Electoral College

by Asa Gordon*



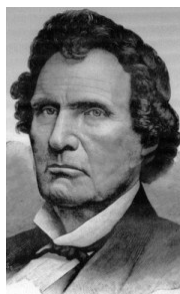
At the turn of the last century, Congressman George Henry White, the last former enslaved black to serve in Congress and by 1898 the only African American in the House of Representatives, challenged the House to punish southern states for disfranchising blacks by calling for a reduction in their congressional delegations. Congressman White appealed in 1899 that southern delegations to Congress ought to be limited to “the benefit of the votes that are allowed to be cast in their representation ... It is a question that this House must deal with some time, sooner or later.”

It is a question that now faces Presidential Electors in eleven states that have a constitutional mandate to halt the inauguration of neo-redeemer politics in our time. The current allocation of 2016 Presidential Electors in at least 11 states is un-Constitutional, owing to the abridgment of electoral votes resulting from the state Governors' selection of electors, December 19th, 2016 on a winner-take-all basis, without any authority in the Constitution, federal, or state law. Therefore, all of the presidential electors of these states have a right to a proportional representation in the Electoral College based on the popular vote split. Indeed there is a Constitutional mandate to allocate the presidential electors proportionally in these "unbounded" states, i.e. states without a specific election code that explicitly specifies how the states electors are selected. Congressman George Henry White has shown us the way.

When Congressman White made his plea, he knew he was destined to be the last black politician in Congress to fall victim to the Redeemers, an eclectic group of individuals dedicated to the reversal of the civil rights gains of the former enslaved blacks during Reconstruction, and the restoration of political dominance by white supremacy. To stop the rising political tide of Redemption politics, White called for the enforcement of the Constitution's malapportionment penalty (MAP) clause. The Federal law (2 U.S.C. § 6) imposes a de jure mandate for the reduction of a state's representatives to Congress should the right to vote at any election "named in the amendment to the Constitution, article 14, section 2" be denied or abridged (Amend. 14§2).

There is a constitutional mandate to amend the 11 unbounded states' Certificates of Vote to adhere to a proportional allocation of electoral votes before the counting of Electoral Votes in Congress, January 6, 2017. This will result in the candidate who has won a majority in the popular vote being awarded a majority in the electoral college sufficient to be elected president.

On May 8, 1866, during a debate on the Fourteenth Amendment, Thaddeus Stevens, the leader of the Republicans in the House of Representatives, delivered a very important speech on the amendment's intent. He said:



“I can hardly believe that any person can be found who will not admit every one of these provisions (of the 14th Amendment) is just. They are all asserted, in some form or other, on our DECLARATION or organic law. ... The second section I consider the most important in the article. It fixes the basis of representation in Congress. If any State shall exclude any of her adult male citizens from the elective franchise, or abridge that right, she shall forfeit her right to representation in the same proportion. The effect of this provision will be either to compel the States to grant universal suffrage or so shear them of their power as to keep them forever in a hopeless minority in the national Government, both legislative and executive.”

The allocation of Presidential Electors, since the ratification of the 14th Amendment in July 1868, has been un-Constitutional in some states. Pursuant to the Malapportionment Penalty Clause of the second section of the 14th Amendment (<http://constitutionus.com/#>), and pursuant Title Two Section Six of the United States Code (2 U.S.C.§6), electors in at least eleven states must be apportioned to the presidential candidates in those states based on the percentage of the popular vote they received in those states. Currently at least eleven (11) states allocate all of their electors to the candidate who merely wins a plurality (not even a majority) of the state's popular vote, absent a specific state law stipulating a Winner Take All provision to their allocation.

These eleven unbounded states are Alabama (with 3 electors pledged to Ms. Clinton), Arizona (5 for Clinton), Georgia (7 for Clinton, 1 for Mr. Johnson), Indiana (4 for Clinton, 1 for Johnson), Iowa (3 for Clinton), Michigan (8 for Clinton), North Carolina (7 for Clinton), Pennsylvania (10 for Clinton), South Carolina (4 for Clinton), Tennessee (4 for Clinton), and Wisconsin (5 for Clinton). These are the number of electors who would be elected to the states' Electoral College IF the states' electors were chosen proportionately to the election returns.

The explicit consequence of the Constitutions' malapportionment allocation of electors is:
306-62=244 electors allocated to Trump
232+60=292 for Clinton
With 2 electors awarded to Johnson.
(CNN PE Results, Dec. 2, 2016).

Explicitly Clinton with a majority in the popular vote also has a constitutionally mandated majority in the electoral college.

The Office of the Federal Register (OFR) and the National Archives and Records Administration (NARA), responsible for the oversight in the Presidential Election, declares that:

"There is no Constitutional provision or Federal law requiring Electors to vote in accordance with the popular vote in their States"

For the 11 states identified here, there is even the absence of state law requiring electors to vote in accordance with the popular vote in their States.

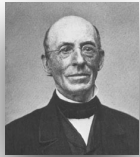
However, there is Constitutional mandate in regards to the allocation of presidential electors in the event the citizens' right to vote is denied or abridged in any manner whatsoever pursuant to the Constitution's Amend. 14§2 as implemented by Federal Law 2 U.S.C. § 6.

If the Democratic Presidential Electors in the aforementioned 11 unbounded states are "faithful" to their pledge to Clinton, and choose to honor the historic plea of the late Congressman George Henry White, the last former enslaved black to serve in in the House of Representatives, and demand that their Electoral Votes are counted before congress in the proportion of Clinton's percentage of the votes cast, wherein there is no state election code under which the Governor or Secretary of State may deny a demand for such a proportional assignment of presidential electors, they will defy neo-Redemptionist politics and earn everlasting gratitude from the ancestral descendants of the enslaved.

Why is it, that a majority of our states choose to allocate their presidential electors by the least democratic means, choosing Winner-Take-All universally over the more obvious and fairer proportional allocation of Electors based on the popular vote split?

We look back to our past, in order to illuminate our present, in order to gain informed insight for the future.

What was the original intent of the Electoral College?



"Resolved, that the compact which exists between the North and the South is a covenant with death and an agreement with hell - involving both parties in atrocious criminality - and should be immediately annulled."

This resolution was drafted by the abolitionist William Lloyd Garrison and passed by the Massachusetts Anti-Slavery Society. The compact to which it referred was the 1787 Constitution of the United States of America. The compact was declared an agreement with hell because in its original form it sanctioned slavery.



"[T]he states were divided into different interests not by their difference of size, by other circumstances; the most material of which resulted partly from climate, but principally from the effects of their having or not having slaves. These two causes concurred in forming the great division of interests in the United States. It did not lie between the large and small states: it lay between the Northern and Southern."- May 30, 1787. _ James Madison.

The constitutional framers of 1787 established a rigged electoral franchise predicated on racial quotas that disproportionately favored a southern white minority. Compromises made at the 1787 Constitutional convention put into place institutional safeguards to preserve racial privilege predicated upon southern white minority privilege quotas for congressional representation. At the very outset the compromised constitutional racial quotas came whole, in fractions, and as a null set: whole if you were white, partial if you were black, zero if you were a Native American.

Article 1 Section 2 Clause 3. "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, (i.e. those of European descent) including those bound to Service for a Term of Years, (i.e. indentured servants of European descent) and excluding Indians not taxed, (i.e. the indigenous natives) three fifths of all other Persons, (i.e. those of African descent). "

This Article established an anti-majoritarian calculus for congressional representation that favored the minority white slaveholding population of the South by counting its disfranchised enslaved population. This disproportionate racial quota was entrenched into the fabric of the "original" Constitution of 1787.

"It seemed now to be pretty well understood that the real difference of interests lay, not between the large and small but between Northern and Southern states. The institution of slavery and its consequences formed the line of discrimination. " - July 14, 1787_ James Madison.

"Despite the circumlocution, slavery was sanctioned throughout the Constitution. ... Art. I, sec. 2, par. 3. The three-fifths clause provided for counting three-fifths of all slaves for purposes of representation in Congress. ...The most prominent indirect protections of slavery were: Art. II, sec. 1, par. 2. This clause provided for the indirect

election of the President through an electoral college based on congressional representation. This provision incorporated the three-fifths clause into the electoral college and gave whites in slave states a disproportionate influence in the election of the President. "_Garrison's Constitution, The Covenant with Death and How It Was Made, By Paul Finkelman, Prologue, Quarterly of The U.S. National Archives and Records Administration, Winter 2000, Vol. 32, No. 4.

This Article established an anti-majoritarian electoral college math that disproportionately favored a minority white population.

The Constitution of the United States established racial quotas to institutionalize disproportionate affirmative action articles for white minority representational privilege in the legislative and executive branch of government, as explicitly expressed in the constitution's plain text by the founding delegates to the constitutional convention of 1787 as recorded in "Notes of Debates in the Federal Convention of 1787" by the "Father of the Constitution" James Madison.

The early "Republicans" were fully aware of how the Electoral College system altered the weight of votes depending upon where they were cast. Abraham Lincoln followed John Locke in arguing that Social Contract and Consent of the Governed means that each person has an equal right to form the government:

The most eminent statesmen of the republic plainly noted the discriminatory effect of the political calculus of Article I which is carried over into Article II by the Electoral College from the beginning:

"They neither vote themselves nor increase the votes of their masters. Upon what principle, then, ought they to be taken into the federal estimate of representation?"
_The Federalist Papers, No. 54, by James Madison, "The Apportionment of Members Among the States," from the New York Packet, (Tuesday, February 12, 1788).

"Every planter South of the Potomac has three votes in effect for every five slaves he keeps in bondage; while a New England farmer who contributes ten-fold as much to the support of the Government has only a single vote."
_John Quincy Adams and the Foundation of American Foreign Policy, by Samuel F. Bemis, (Nov. 8, 1804), quoted at p. 123, note 37 (1949).

"The slaves do not vote; they are only counted and so used, as to swell the influence of the white people's votes."
_Speech on the Kansas-Nebraska Act, by Abraham Lincoln (October 16, 1854).

The disproportionate Southern white minority privilege quotas established in the 1787 Constitutional Convention worked well. The Southern white minority privilege quotas favored the slave state of Virginia with over a quarter of the electors required to elect a President, resulting in the election of white slaveholding Virginian to the presidency for 32 of the Constitution's first 36 years. A slaveholder served as president for 50 of the nation's first 60 years. From the constitutional convention of 1787 to the election of 1860 at the dawn of the Civil War, only two Presidents were elected who were not favorable to slavery.

The constitutional framers of 1787 established a rigged electoral franchise predicated on racial quotas that disproportionately favored a white minority. The original constitution of 1787 racially privileged white minority affirmative action articles is reconstituted in our time by the

mechanism of "winner take all" politics that is not grounded in the Constitution or Federal law. Furthermore "winner-take-all" explicitly violates the plain text of the second section of the Fourteenth Amendment malapportionment penalty clause.

The Supreme Court ruled in *Fortson v. Dorsey* (1965) that "at-large (Winner-take-all) voting always operates to minimize or cancel out the voting strength of racial or political elements of the voting population".

District Court Judge Henry H Kennedy Jr.(Jan. 4, 2011) in the matter of Gordon et al v. Clerk, US House of Representatives declared "Mr. Gordon raises some weighty issues having to do with the consequences or results of an electoral system where a minority, a minority number of votes are not recognized, that is when there is a winner-take-all system." _

With apologies to Albert Einstein for modifying the meaning of his quotation: "Everything that can be counted does not necessarily count; everything that counts cannot necessarily be counted" (Winter-Take-All, Gerrymandering), the true measure of a Democracy is not in counting how many votes are cast, but in how many of those votes that are cast truly count. Only a proportional apportionment in the counting of votes in every state ensures that every vote cast in the nation is an effective vote that represents a fair allocation of its weight in the total count. Thaddeus Stevens is to be admired for his selfless support of Lincoln in the passage of the Thirteenth Amendment that freed a people, but honor and praise is overdue to Thaddeus Stevens for his role in the passage of Section Two of the Fourteenth Amendment empowering all of the people, should they ever acquire the will to use it.

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