

The Mail-In Ballot and Voter-Fraud

Threat:

A Conversation with John Fund

September 1, 2020

Moderated by: Merrill Matthews

TG: My name is Tom Govanetti. I'm the president of the Institute for Policy Innovation, and I appreciate all of you joining us today. I'd like to welcome you all to our program today which is on the mail-in ballot and voter fraud threat, with our long-time friend, and expert on the topic, the author of two books, John Fund. We appreciate you all being here with us today. We miss seeing you in person, and we miss the opportunity to do in-person events. We hope that we're back to that sooner rather than later. But, in the meantime, we're grateful for technology that allows us to stay engaged with you and to keep doing our job of keeping our audience informed on important public policy issues.

Let me also give a special word of thanks to those of you who chose to make an additional donation to IPI when you registered. We very much appreciate it. A lot of traditional fundraising efforts have been hampered by the epidemic, and so we do appreciate your support.

These days, it seems like barely a week goes by without a story somewhere in the country of someone being convicted or arrested for vote fraud. Now, it tends to be low volume, and it tends to, thus, only affect low ballot races; but not always. It seems to be a more persistent problem than a lot of folks are willing to acknowledge. And, these days, of course, with the desire to expand mail-in voting, absentee voting, and other forms of what you might call other than in-person voting, a lot of people are concerned that that raises

the possibility of fraud at scale; which, of course, is a huge problem. There's really no greater, faster way to undermine our American democratic system than to make people uncertain about whether or not elections are fair and whether or not elections represent the will of the people.

So it's a very timely topic, and so we're delighted to be able to bring it to you today with our friend John Fund. I'm going to turn the program over to IPI resident scholar Dr. Merrill Matthews, and he will be conducting the rest of the program. So, Dr. Matthews, the floor is yours.

MM: Thank you, Tom. It is my great pleasure to introduce John Fund. John and I go back nearly 30 years now. He started his career in California working for the legislature. Then he became a reporter for Rowland Evans and Robert Novak, that was the *Evans-Novak Political Report* that some of you who've been around for a little while will remember. He went to the *Wall Street Journal* and was there for 27 years. For the last few years, he has been the national affairs columnist for *National Review* magazine.

As Tom mentioned, he's written two books on election fraud. He's written some other ones. I think your most recent one, John, is *Obama's Enforcer, Eric Holder's Justice Department*. That was published by Harper Collins.

And, then, in 2012, you did *Who's Counting? How Fraudsters and Bureaucrats Put Your Vote at Risk*, and that was from Encounter Books. And, I think you did one on voting fraud back in 2006.

So John has been working on this area for many, many years. He is one of the most knowledgeable and connected people, both in the political world generally and especially among conservatives. He and Hans von Spakovsky are sort of the two leading people on the right to talk about the issue of voter fraud and the problems that are there.

So with that, I'm going to shut up and turn it over to John and let him explain to us what we need to be concerned about in this coming election.

JF: Well, I want to thank both Merrill and Tom for the platform to address such a distinguished audience. It's great to see people I've known for a long, long time.

You may think this is going to be a downcast presentation for a while, but it'll get a little bit more uplifting towards the end, and perhaps even more so after I get to your questions.

The reason why this is an important issue is the premise that this election is going to be close.

Now, I know you've heard from the “lame stream” media that Biden had it wrapped up and his lead was anywhere from 6 to 13 points. Well, now that the conventions are over, things are coming back down to earth.

The best numbers I can give you that will indicate this is a close race are, if you look at the battleground states, at this point in the campaign in 2016, Hillary Clinton had a 4-point lead in the battleground states. Now, Joe Biden has a 2.7-point lead in the battleground states. And other polls, especially if they only survey registered voters and only survey those registered voters that are likely to vote, also show a close race nationally.

Now, a close race is great for competition. It means a battle of ideas, we hope; but it also means that there's temptation because in a close race—especially in states where you know it's going to be close and where it was close in 2016—there's human frailty involved.

And I have always said that this is not a partisan issue. I've written about Republicans committing voter fraud and Democrats committing voter fraud and everything else in between. It's just that, to be honest, the old-time Republican machines that used to steal votes with abandon—whether it was Nassau County, New York or Chicago in the 1930s or Philadelphia up until the 1950s—are all gone and they've been replaced with left-wing public employee union machines, and those are almost always universally in favor of the Democratic party.

So while it's not a partisan issue, obviously, my comments are directed more towards one party than the other, although that's for reasons of, shall we say, availability and convenience, not necessarily because of better human nature.

So where is our problem? It's not just voter fraud. It's that we have a rickety election system. We discovered how rickety it was in Florida in 2000 with the Bush versus Gore race that was decided ultimately by 531 votes, and we tried to modernize and improve our election system since then; but there are still many places where our election systems are so incompetent and so bureaucratic that you can't tell where the incompetence ends and the fraud begins. And that is especially a problem when you have one political party that likes chaos in politics. If you look at the Democratic party's legal strategy, the 160 lawsuits they filed so far, the demand to go from 0 to 100 in setting up mail-in voting, which is completely impractical, the desire to completely overturn all of our election laws using COVID-19 as an excuse, it's clear that they think they're going to be benefited from a chaotic, delayed, loosey-goosey election system, and that's where we're heading.

The first problem we're going to have that's visible isn't fraud; it's going to be chaos. And I'm going to lay that out.

Remember we used to vote on something called election day? This is in statute law. It is a long tradition in American life. We're supposed to come together, and, at its best, it's like a Norman Rockwell painting. People of different classes and backgrounds and perspectives meet for at least once in the public square. They cast their vote, and then they go home and watch the results come in, and they accept them.

Now we've gone to convenience voting, and it was growing before COVID-19; now it's put on turbo charge.

And the problem with convenience voting is it's gotten way out of control. Absentee balloting is a long-honored tradition in American history, going back to the Civil War. But in 1980 when Ronald Reagan was elected, less than five percent of people voted outside of election day using absentee ballots. This last time in 2016 it was 27 percent. It's clearly going to be much bigger this time.

And the problem that that has created is as follows: We have turned what used to be the political campaign of September and October into election months. In other words, states are allowing people to vote absentee and in some cases early, many weeks before the election day. North Carolina starts voting next week. And other states like Minnesota will start voting shortly thereafter. Something like 75 million Americans will have the opportunity to vote before the first debate is held on September 29th.

Now, we used to have campaigns because the assumption was that there would be some swing voters, and people would want to hear the arguments; and maybe their minds would change. Well the Left doesn't want a campaign. They know that if the campaign is fought on fundamental issues—national security, security at home, taxes, and spending—they know that if the election is fought on that, plus traditional cultural issues, they lose. So, the best way to win an argument, in their view, is not to have the argument, to bank as many votes as possible in advance.

Now, this is not how—not only our founding fathers but even just recently—we thought campaigns should be conducted. Imagine if you were suing someone in court; and, obviously, the case was very important to you. So your opening arguments are made. Finally, there's a summation. Your advocate stands up to make your summation of your case, why you should win it; and half the jury walks out immediately. How would you feel? You would feel you didn't have a fair shot at changing their minds or influencing their opinion on the case.

Well that's what happens when you have millions and millions of Americans voting before the debates are even over. And, of course, there are always last-minute news developments that can happen, that have, in the past, affected people's votes; and once you vote, you can't take it back.

So we have now election months in advance. What do the democrats want to do with this election month? Well, they want to basically change all the rules. There is a difference between absentee voting and all mail-in voting. All mail-in voting is, you mail to everyone on the registration rolls, even though those rolls are notoriously inaccurate and outdated. The Pew Research Center estimates there's something like 20 percent of voter

registration names are inaccurate or mistaken or flawed. And if you're going to mail those votes to people, some of them will no longer be people; they'll be dead. Some will have moved out of state. Some will have registered at trailer courts, UPS postal service outlets, all kinds of places, street corners. And those ballots will be flowing out there; and they're ripe for abuse.

If you're mailing millions and millions of ballots—and I have pictures of ballots on the floors of apartment lobbies in Las Vegas, and I have pictures of ballots stacked on top of an apartment mailing address in Minnesota—you're asking for trouble.

So they want to mail to everyone that's on the registration rolls. Luckily many states have prevented this from happening; but some have passed it, namely, Nevada, New Jersey, and others.

They want to get rid of voter ID and witness signatures or notarization requirements for absentee ballots. They want to override state deadlines so that absentee ballots that are postmarked by election day are counted or even returned seven days after the election. And, of course, they also want to have business reply envelopes so people don't have to pay postage. The problem is the Post Office doesn't postmark business reply envelopes.

So let's take Pennsylvania. Pennsylvania will accept ballots, California will accept ballots, seven days after the election. But many of them will not have a postmark. So, we actually wouldn't know when they were mailed. Maybe they were mailed when it was decided they were needed.

They also are trying to erode signature comparison procedures, which have always been very sloppy and poor. We don't hire graphologists at the election offices to do this work or at the polls.

And all of this means chaos because if you look at the latest survey as to when people plan to vote, obviously COVID-19 has had an impact. This survey is from just this last week. Morning Consult is the pollster. Among voters nationwide something like 35 to 45 percent of people say they plan to vote outside the traditional polling place. Now that affects a lot of things because people say if you're voting in person, Trump is ahead,

Trump 51, Biden 48. Voting in person on election day, Trump 57 Biden 37. That's a 20-point margin. If you're planning to vote by mail, Trump 28 percent, Biden 67.

So you see where this is going. The more votes that come in by mail the more advantageous it is for the Democrats. This is a reversal of previous elections in the past where absentee voting was primarily used by more conservative voters.

Well, we all know what the problem is going to be. This election is not going to be settled on election day. So we've already discussed the election months preceding the election, which have changed dramatically. Election day is also going to change dramatically.

Election day used to be where you would go to bed, and you'd know who the winner was. Or if you stayed up late, you'd know who the winner was. That's not going to happen this time if this race is at all close.

California took five weeks to count its primary votes. Those were primarily mailed ballots. New York's primary, where they turbocharged mail-in voting in June, wasn't settled for six-and-a-half weeks. We did not know the result in some close races for six-and-a-half weeks. Twenty-five percent of the mail-in ballots were rejected in New York City. Twenty-five percent! Now that was a primary. Imagine if it were a general election between Biden and Trump; every one of those rejected ballots would be argued over and litigated. Every one of them, in some fashion.

The race in Pennsylvania, the race in Wisconsin, the race in Michigan. These are the states that delivered the election of Donald Trump in 2016. All of those will not be counting any mail-in votes until after election day. That will mean seven to ten days, at least, before they're counted. If the election is close in any of those states, we won't know the result.

So I see an incredible anger, frustration, and nervousness taking over the American people after the election because they won't be prepared for an election that is like no other. Florida 2000 gives you an idea of what it might be like, but that will be a tea party compared to this affair.

And, then, of course, with election day and the counting that comes in, you'll also have provisional votes. If you're not on the voter registration rolls when you show up at the polls, you cast a provisional ballot. That means your ballot is put in a separate pile, and its legality is decided later. Each one of those ballots is a potential part of a lawsuit.

Let's say you go to the wrong polling place, and you insist that you still want to vote for president but perhaps nothing else on the ballot. That will be litigated if you're handed a provisional ballot or whether you're not you should be handed a ballot.

So, then, of course, after election day will come different lawsuits than the ones trying to change the rules for mail-in voting. Marc Elias is the Democratic quarterback lawyer. He is infamous for having been the bag man for the money that the Hillary Clinton campaign spent to purchase the Steele dossier in the Russiagate scandal. You remember that. It took us many months to learn that this Russia dossier was paid for by Hillary Clinton. And, of course, none of it has been authenticated.

Well, Elias was the bag man. He is a slippery character. And he cut his teeth in a Washington state governor's race in 2004 where the Republican candidate won the first three recounts, and the lead was gradually whittled away. And then the voter registrar in King County, who was known as the "registrar of disaster," found new ballots 17 different times during the last recount, and eventually the Democratic candidate won by 134 votes. Elias was the quarterback of that effort.

Then he really reached his maximum degree of utility to the Left in 2008, the Al Franken senate race against Republican senator Norm Coleman. Coleman led by 700-odd votes after the election day. Elias marched into court and effectively got Democratic counties to count absentee votes using a lesser standard of compliance with the law than Republican-controlled counties; and he did this. It took seven months of litigation and counting; but, ultimately, Al Franken won by 312 votes.

Now months after he was seated, we learned that the election certainly had been stolen. How do we know this? We found out through a group called Minnesota Majority that at least 1300 felons, who were not eligible to vote, had voted in the election. The Fox News

affiliate in Minneapolis went out and surveyed them. Ninety percent of them said they had voted for Franken.

So we can prove, as far as we possibly can in a post-election scenario in a secret ballot race, that people voted for the other candidate, Coleman, not Franken.

But Franken's victory was extremely important. He provided the sixtieth vote for the democrats in the senate that year, 2009. That was the year of Obamacare. Obamacare was voted on at Christmas time. The only reason Obamacare passed, in the dead of night, was the Democrats had 60 votes; they could block any Republican filibuster. This is before Scott Brown won that special election.

Everyone I know in the Senate says we would not have had Obamacare if they hadn't had those 60 votes. They would have been forced to compromise. They would have had to pass a dramatically scaled down bill that was much less destructive of our health care system.

So voter fraud can have consequences. In this case, it brought us Obamacare.

So now we fast forward to the kind of lawsuits Marc Elias is going to be launching. Oh, and, by the way, the sad part of this mail-in voting issue is this did not used to be a partisan disagreement. In 2005, I testified before a presidential commission that was co-chaired by Former President Jimmy Carter and by Former Secretary of State James Baker. There were 20 members on the commission, and we had a relatively civil time.

I covered the commission in depth. In the end, by a vote of 17-3, they voted in favor of a voter ID requirement for all voters. They also published a statement saying that mail-in voting was the method of voting that was most prone to corruption, intimidation, coercion, and fraud.

And, in fact, Jimmy Carter and I had a very interesting conversation then. He was a great opponent of absentee voting conducted outside the normal, you know, excuse voting where if you're sick or you're hospitalized or you're traveling out of state or out of town, then, of course, you should be allowed an absentee vote.

He said, "In my first election for Georgia state senate, it was stolen from me. It was stolen by absentee ballots. My opponent, literally, created 700 absentee ballots out of nowhere."

He was all ready to take office, and finally a federal judge, a Republican, by the way, stepped in and stopped the vote count. And they later went to litigation; and four months later, Carter was declared the winner.

And Carter said, "This issue of voter fraud actually means a lot to me," he told me. He's written about this in his books. He said, "If I hadn't had this federal judge intervene, you would know nothing of me. I would have been a peanut farmer because that would have ended my political career in 1962."

So, Carter's not the only Democrat who has recognized this. Look at what the *New York Times* wrote in 2012. They wrote a front-page story entitled "Error and Fraud Major Issue as Absentee Voting Rises." This is what the *New York Times* concluded, "Votes cast by mail are far less likely to be counted, more likely to be compromised, and more likely to be contested than those cast in a voting booth, statistics show." They said the rejection rate for absentee ballots was "double the rate for in-person voting."

In other words, if you want to talk about disenfranchised voters, absentee voting, mail-in voting will get you those disenfranchised voters. Let me give you two very recent examples: NBC News and CBS News—I don't think they expected this result—decided to test the postal service in the last few weeks.

You know, we've always heard that Trump was trying to interfere in the postal service to try to steer the election his direction. Well, the real issue with the postal service is that it's not a very efficient operation. How many of you, if you won the Powerball lottery for a significant sum of money, would turn in your ticket by mailing it? How many? Any? No! If it's valuable, you don't send it by mail. Social security has not sent out social security checks for seven years because the postal service was too unreliable.

So what did CBS news do a month ago? In Philadelphia, they set up a post office box, and throughout the region, they mailed in 100 letters shaped like an absentee ballot would look like, the same weight as an absentee ballot, with first class postage on it.

So a week later, they show up at the post office, and there's nothing in the box. I mean nothing.

So they go to the clerk, "Oh, we don't have anything for you."

They go to a second clerk, "We don't have anything for you."

So, finally, they go to a third clerk who calls over the supervisor; and the supervisor, noticing there's a TV camera there, decides to actually pay attention to their complaint. And he says, "Oh, let me look around here."

So he goes back. Three or four minutes later he says, and you hear this on camera, "Aha! That's where they are! And he brings out 47 ballots." After a week. Forty-seven ballots out of a hundred.

So in the end, 97 of 100 showed up. Well, that's good enough for most purposes. But Pennsylvania, Wisconsin, New Hampshire, Michigan, Nevada. I mean look at all the states in 2016 they were decided by less than three percent of the vote. If three percent of the mail-in ballots don't make it, what's happening? A bunch of people are disenfranchised, and they'll never know it, and that affects everyone in both parties.

NBC News did something similar just this last week. They sent in 150 letters shaped as ballots. Well, it turns out that after 10 days, 98.5 percent showed up but 1.5 percent didn't show up. And, again, Pennsylvania was decided by six-tenths of one percent of the vote.

So, this is what we're going to hang the accuracy, the credibility, and the trustworthiness of our election on. I think we're asking for trouble.

Now, again, in many states, lawsuits have not succeeded in changing the rules as much as the Left wanted. In many states, the rules have not been changed in the end. But the Left has a new tactic; and this is brand new, and everyone should pay attention to this.

This was pioneered by Michael Bloomberg a few years ago because he had his foundation. He was very upset that state attorneys general were not filing lawsuits to get rid of fossil fuels. So what he did was he created grants that he would give to state attorneys general offices to hire lawyers, paid for entirely by his foundation, even though the money went through the attorney general's office, to be hired to prosecute environmental crimes and to encourage environmental lawsuits.

This was finally shut down because most states don't let enforcement agencies take money to dictate their enforcement priorities. This is considered, shall we say, putting your finger on the scale. So this was shut down in most places by a lawsuit by the Competitive Enterprise Institute.

But the Left has a new wrinkle. It started in August when they went to four cities in Wisconsin that were very competitive. Wisconsin, as you know, was one of the closest states in the country in 2016. Green Bay, Racine, which is near Kenosha, Madison, and Milwaukee. These are the areas where the Democrats perform the best in Wisconsin. And they gave a grant of \$6.4 million dollars to the local election officials if they would design their mail-in balloting and their election day balloting and all of their rules in accordance with the rules of the Soros-backed foundation giving the money. In other words, the rules being created by the county election offices are effectively dictated by a Soros foundation because you don't get the money if you don't change the rules.

Now I thought this was an aberration. Maybe it was a Wisconsin-only phenomenon. But last week, the day before the weekend, the Philadelphia silly council—I'm sorry—city council—the Philadelphia city council met in an extraordinary session, a surprise meeting. Nobody expected it. It lasted five minutes. The purpose of the five-minute city council meeting was to accept a \$10 million grant from a Soros-backed foundation to completely alter Philadelphia election law so that it would be in accord with the wishes and dictates of the Soros-backed foundation.

Philadelphia is a notorious voter fraud sinkhole. The joke is in every election more people vote than the census ever discovers in Philadelphia. And I'll remind you that Philadelphia was very hotly contested. In 2016, the state of Pennsylvania went for Trump by 40,000 votes.

So you can see where the Left is going. They want to bend the rules, crush the rules, ignore the rules, do everything possible; and that's before we get to Marc Elias's lawsuits which—I won't go into them in detail, but let's just say they're going to try to legitimate vote harvesting, even the vote harvesting—which is allowing people to collect ballots from strangers and then deliver them personally to election offices. It's a problem fraught with peril as California has discovered. It's illegal in most states.

But there'll be lawsuits saying that if somebody goes door to door and collects ballots and delivers them to an election office, because we can't disenfranchise people, we have to count those ballots even though the collectors may have been intimidating or coercing the voters at the point of collection, such as their doorstep, even though they may have been filling them out themselves, even though they may have forged signatures, even though some of those ballots might have been—shall we say, if they were collected in certain neighborhoods—might have been lost on the way to the election office. There will be lawsuits on that.

The last thing I will simply point out is that even if not all of these methods fail, the democrats have a plan. Hillary Clinton has declared that under no circumstances should Joe Biden ever concede the election. She said she made a mistake in doing so in 2016 because, as we all know, Russia stole the election for Trump, as we've all been taught, and obviously it's been “proven” (not).

But Hillary Clinton says, "Biden should not make my mistake. He should never concede. He should fight to the very end.”

Well, they know what the very end should look like if they have no other option. John Podesta, who was Bill Clinton's chief of staff in the 1990s and was Hillary Clinton's campaign manager in 2016, participated in sort of a political simulation war-gaming type

game in Harvard University School of Government. This is in July. They had people playing roles of the Trump campaign manager, an election official, a Washington pundit, you know, various people playing roles as you would have in any election drama.

And they marched through various scenarios: A big Biden victory, a small Biden victory, too close to call, a small Trump victory, whatever.

And here's how it worked out: The democrats wouldn't pay attention to the recount results. Podesta, who was playing the Biden strategist role, goes to the governors of Michigan and Wisconsin, who are both democrats, Governor Whitmer and Governor Earl, and says, "Well, you know the Republicans cheated, and they disenfranchised people, so you're not going to accept the results. You should appoint electors of your choosing, ignoring the interests of what the Republican legislature might want to do; and you should send your own set of electors to the electoral college, which meets on December 14th, and cast votes in favor of Joe Biden."

Well, the Republican legislators, if the election is in dispute, will be sending their own slate of electors, and you'll have a deadlock. Who will be seated? Who will cast the votes?

If there is an impasse in the electoral college on December 14th and if there's no subsequent resolution, we know that this goes into the House of Representatives to decide who is president. The senate chooses the vice president. Each congressional delegation casts one vote, each congressional delegation presumably will vote on a partisan basis. Right now in the current congress, Republicans have 26 state majorities, democrats have 24; but the presidential election will be decided by the new house of representatives elected in November. We don't know what that would look like.

I went through all the races the other day, and I concluded that the most likely result that I could see is 25 for the Democrats and 25 for the Republicans. In other words, a deadlock.

So, if on January 3rd or thereabouts there's no announcement about the votes and there is no resolution, what happens? Well, we have a statute that tells us what happens. The

statute rules that on January 20th at noon, the term of the president ends. The president must step down, and then there's an acting president declared, who is the speaker of the House of Representatives, who, presumably, in this case, would be Nancy Pelosi. So we could have Acting President Pelosi.

And I don't know about you, but I think her incentive would be to wait for all the lawsuits to be resolved; and, in the meantime, she's the first female president. Do you want to be the one who gets up and says we should remove the first female president, even if she's just an acting president? Do you want to go make that argument in front of the American people? I know some Republicans would; I know some Republicans who wouldn't.

So, I'm not saying this is likely. I'm not saying it's even somewhat likely. But that's the kind of scenario we can have when we throw out the rule of law.

You know, there's the famous poem that Merrill and Tom might remember, *The Incredible Bread Machine*. Remember that one? It's about when the rule of law is dispensed with. The judge is about to sentence an entrepreneur for petty violations of government rules, and the guy says, "Why are you doing this to me?"

And the judge looks down at him and says, "We find the rule of law in complex times deficient. We much prefer the rule of men. It's vastly more efficient."

Well, in this case, our inefficient election system could lead to judges deciding how the people voted rather than the people deciding how the people voted; and if that's not the case, maybe electors that weren't seated legitimately deciding how the people voted. Or in the end, Nancy Pelosi deciding that she likes the job of president, and, my gosh, she might just try to keep it.

Thanks Tom and Merrill.

MM: Thank you, John. Well, I think we're going to open it up for questions now.

JF: And then then I get into the optimistic part because I said I was going to get to that. I'm waiting for the questions.

TG: Yeah, I was going to say, John, you promised some optimistic part—

JF: And I will! Ask the first question about what we can do about this, and I'll provide you the optimism.

TG: So far I haven't heard a lot of optimism. John, I want to ask you a question. It seems to me, watching both of the conventions, that the Democrats have made sort of a purposeful strategy of suggesting that that the Trump administration is a threat to democracy itself and that you have to vote for Joe Biden in order to preserve democracy. But it seems to me that there's really no greater threat to the integrity of a democratic system than all of these various machinations that you have described, that in sum total start putting asterisks next to the outcomes of elections. What happens—as you described, the rule of man is a much scarier thing than the rule of law.

JF: Well, you know, I have supported the vast majority of President Trump's policies, but I will say that he does make my job of pointing out deficiencies in our elections often difficult because, shall we say it politely, he engages in hyperbole and exaggeration and sometimes yells wolf too often.

I think that this is an issue independent of the contest between Trump and Biden because, of course, there's control of the Senate at stake and control of hundreds and thousands of local offices.

You know, my liberal friends that suffer from Trump Derangement Syndrome, I tell them, look, I've known Donald Trump for 32 years. The entire time I was a journalist in New York, I knew and interacted with him. I know him quite well. He is way too disorganized and unable to focus with his attention span to be in danger of ever taking us in authoritarian direction. That's not possible.

He can confuse matters. He can distract from other issues. He can do all kinds of things, but we have a very strong system. After all, the federal courts have ruled 90 percent of the time against Donald Trump in various regulatory struggles and other issues regarding his asserting the rights of the president against the other branches.

Donald Trump, for all of his eccentricities, even if you dislike him and fear him, is hemmed in by a great weight of legal, political, and institutional guard rails.

I fear that when the other side performs their act, there will be less resistance. Judges are throwing away laws saying that COVID-19 is an extraordinary emergency; therefore, we need to dispense with laws that have been on the books for decades or longer. Even though election officials say you need at least one or two years to set up a complete mail-in election system to have reliability, we're trying to do this zero-to-a-hundred miles an hour in a matter of months or even weeks.

The Supreme Court intervened famously at the end just before the electoral college was set to meet to shut down the Florida recounts, which by the way, when the New York Times and the Associated Press ultimately conducted the recounts, they found that Bush had won. But when the Supreme Court decided the deadline had to be met and they ended the recount, the flawed recount in Florida in 2000, there was a hullabaloo, and the Supreme Court specified we would never allow this as a precedent for another election. It was a one-time-only affair.

I think the Supreme Court would be highly, highly unlikely to intervene in an election like this unless there were facing a crisis we can't even imagine.

So playing games with the electoral college, playing games with the recounts, playing games with the lawsuits, judge shopping to try to find sympathetic judges to allow some ballots that were sent in gosh-knows-when and arrived seven days after the election demanding that they be counted, that is the genuine threat to democracy.

It's said that Trump can steal the election. Well, Trump has many problems, but he does not have the authority or the ability to do that. In places like Philadelphia or Milwaukee or Detroit, places that are notorious for voter fraud that often have crushed reform efforts launched by minority members of that community who want to get rid of the bad schools and the bad services and the bad of public officials that are holding them down, and their hopes are thwarted over and over again by voter fraud.

In my books, I've documented how in St. Louis, Detroit, Milwaukee, Philadelphia reform-minded members of the minority community have had elections stolen from them

by machines, and there's usually little recourse once the election is held because there's not enough evidence to overturn the election.

Detroit reelected a horrible mayor named Kwame Kilpatrick a few years ago who had ripped the city blind, and he finally went to “federal public housing” for several years. The reformer who lost to him because of voter fraud would have done a much better job arresting Detroit's decline.

So it really offends me when people say that minority voters are having their votes disenfranchised or being prevented from voting; when, actually, the real victims of voter fraud, which we know happens all over the country—we just had a story in the *New York Post* the other day by a Democratic political consultant who said, "I know how to steal mail-in votes. I've done it every election. Here's how I did it." That's in the *New York Post*!

And, of course, Paterson, New Jersey and other places, which have recently had to call new elections because of voter fraud. It really burns me to hear people say that this is going to disenfranchise voters when it's voter fraud that disenfranchises minority voters, and that can be proven.

TG: Yeah, thanks John. I'm going to invite Dr. Matthews to exercise his prerogative as moderator to ask a question.

MM: John, thank you for the presentation. My question has to do with, if democrats are pushing mail-in voting, we know those are more likely to be discounted because of their inability to be able to match signatures or something of that nature, and we've seen so many elections where a number of the mail-in votes have been rejected because of that. And Republicans are more likely to be going to the polls and voting in person. It seems like, to me, it's counterproductive for Democrats to be pushing that because their voters are more likely to do mail-in ballots. If that's the case, they're more likely to have their votes not counted and thereby benefit Republicans who are going to the polls and voting in person. So why would you do that?

JF: Why, Merrill, everything you say makes sense! Maybe there's something that they're planning for behind the curtain that they haven't told us about. Do you think that just might be the case? Maybe they have a plan in place to—oh, I don't know—as one Democratic official once told me, "You know if you can't win a majority, maybe you have to create a new majority."

Now, I asked him what the word *create* means, and he wouldn't answer. I don't know, maybe *create* could mean something that's new, out of nowhere or something.

TG: Here's the next question: "Even if we assume there's no vote fraud with mail-in voting, don't we lose the secret ballot? For instance, maybe husbands force their wives to vote a certain way. Or perhaps a union worksite tells everyone how to vote."

JF: Oh, sure. In fact, Philadelphia had some of them where people would go door to door and say we have a new way of voting. And in Spanish neighborhoods they would say, "*una nueva forma de votar*," and they would stand there and offer to save them the postage, and they would watch them fill out their ballots, they'd answer any questions they had, and they'd deliver the ballots. Well, it's one step removed from offering to stand by and watch them fill out their ballot and offering suggestions to even perhaps inducements to vote.

You know, we have examples all over this country of a vote being considered valuable enough that people will pay, sometimes, forty or fifty dollars for a vote. Or, you know, in Kentucky, a fifth of bourbon.

So what if somebody's vote harvesting door to door, and they say, "You know, we'll deliver your ballot for you; and, by the way, because we want to reward your civic mindedness, here's \$40 cash"?

We've also had examples of people coercing and intimidating. And it can happen on both sides. Employers can intimidate employees. Unions can intimidate union members. Spouses, friends. Ballots can be stolen from the mailbox. In Texas there've been many documented cases of people convicted of this.

In fact, in Fort Worth, Texas, the chair of the Democratic party in Fort Worth was convicted of arranging a ring of people who would steal ballots from mailboxes because they knew when they were being mailed out, and they would fill them out and send them in! A few voters learned that their ballot hadn't been delivered when they would go to the polls to vote, and they were told, "Well, you can't vote. Your ballot's already been counted." That's disenfranchising.

You know, we have we have two methods of making sure civil rights are practiced in our elections. One is continuing the great struggle of the civil rights era to make sure there's no poll taxes, coercion, blocking people at the poll house door, and that's something we have to preserve and extend.

But there's also the deprivation of civil rights when your ballot is canceled out by someone who shouldn't be voting, dead, moved, otherwise ineligible. That erodes your civil right to vote just as much as someone preventing you from voting.

TG: You know, John, when you talk about inducements, it reminds me of the old phenomenon of "walking-around money."

JF: Well, anything under \$200 (per transaction) does not have to be reported.

TG: OK, our next question is, "How far up the Democratic machine does this go? Is this a national, organized thing? And would the Supreme Court ever get involved to protect us from this?"

JF: Our elections are determined at the state and local level and the Supreme Court has been very loath, except on issues of fundamental access to the ballot, to get involved.

Former democratic congressman Artur Davis of Alabama wrote a famous op-ed piece in which he said, "I know all about voter fraud. Every election I've run in someone or some people have come to me and said, 'You know, we can get you 5,000 votes. This is how much it will cost you.'" And they've bargained with him. And, of course, he didn't take the bargain. But he said, "I know all about voter fraud, and I know where it's held, and I know who controls the votes." It's often people who are very frightened of disturbing the political powers that be—those who decide whose sewer connection gets hooked up and

whose road gets paved and other things. Those things can be delayed if you don't agree to—shall we say—“lease” your vote.

As for how far up it goes, think of this as a lake with winds, and there's a sailboat; and the sailboat is labeled “fraud.” No one pilots the sailboat, but people decide what the prevailing winds will be legally and institutionally and rule based. And the Left creates the conditions of chaos, and—I would call it almost manufactured incompetence—that creates the conditions by which the boat can take off across the lake, and the prevailing winds will carry all the way to the other side.

Is anyone manning the boat? No, or, at most, it's a couple of low-level people. Is anyone steering the boat? It goes with the prevailing winds in a certain direction. Does anyone know what the boat's real purpose is? As few people as possible.

So I can say with almost complete certainty that the people in the Biden campaign or the Hillary Clinton campaign or even the Republican campaigns that have gotten caught, in some cases, like the congressional victory in North Carolina in 2018—they make certain they don't know anything about it. Or, what is the term? Plausible deniability.

TG: Our next question is, “Having watched signature verification in action in Dallas county (which is controlled by the Democrats), I have observed fraud around signature verification. What can we do about that?”

JF: Well, there's a recount process if the election is close enough, and that's where you need observers, official and otherwise to monitor that situation and to challenge the counting of certain votes. It's a problem. There are machines that are available; they're expensive. But if the recount is enough, you can demand that machines be brought in to compare signatures. They often are much more reliable than untrained part-time workers that are often hired for this task.

This takes me, by the way, to the optimistic part of this message that I said I would deliver. Voter fraud is very similar to shoplifting in a retail establishment. If you do one or more of the following in a retail establishment—let's say you put up a camera, even though no one is watching. You have a security guard, even though he may be not

particularly observant. You have a sign that says shoplifters will be prosecuted. If you do those three things, studies show that you will reduce shoplifting by 35-40 percent. And the reason is it's like the broken-windows theory of crime. If no one feels that they're suffering from any risk in doing something that's anti-social, they might do it. People are tempted. But if they think there's even a little bit of risk, a lot of people will think twice or three times about doing it.

So, in the voting sphere, if you have U.S. attorneys, all of whom are appointed by Donald Trump, announce that we're going to have a taskforce watching for election irregularities. We're going to be prosecuting anyone we find. If you issue press releases to that effect— If you have the President saying that the justice department is going to be dispatching teams to certain trouble spots that have had voting problems in the past. If you have this discussion in the media (which is why I'm doing this webinar and why I'll be publishing with a booklet with Hans von Spakovsky which I urge all of you to get. It'll be distributed free by The Heritage Foundation in the near future. And I'm sure Tom and Merrill can provide you with information on that.) If you do those things, we can cut this back a lot.

In fact, the left understands this. Notice their response to all of the news about voter fraud. It's to say there is no voter fraud which is a preposterous argument because there's obviously voter fraud. There are 1,296 cases of people convicted of it at The Heritage Foundation's website, and just that's just in recent years.

But they have to say there is no voter fraud because their whole modus operandi is to tell people, "No one believes there's voter fraud. We say there is no voter fraud. Therefore, nobody's looking for it."

It's preposterous to say there's no voter fraud and to say there are only like so many cases of it. How many cases of insider trading in the stock market are there? There're lots, but we only can catch a few because it requires a lot of evidence, it requires, frankly, bad luck or incompetence on the part of the people doing it. But we prosecute.

How many people misreport their taxes? Well, lots of people do. We don't catch many of them, but we still have audits, and we still know it's out there.

So it's not the size of the issue, it's the deterrent that we have to talk about. And even though we're not going to stop everything that happens, we can deter a lot of people from doing the worst things in this area.

TG: John, we don't have any more questions, so I'm going to ask you a question that is not directly to the topic of today's discussion but sort of tangential to it. We are going to be putting together a program later this fall on the issue of the national popular vote initiative which I see as a direct attack on the electoral college and sort of the fundamental bargain that was cut that allowed us to have a union in the first place. Would you talk for just a moment about your view of the national popular vote initiative and how big of a problem you think that is?

JF: Well, Trent England, who is director of the Oklahoma Center for Public Affairs up in Oklahoma City has done a great little booklet on this, which I urge everyone to get. Just google Trent England, and you'll come up with all kinds of good arguments on the popular vote.

I'll just say one thing about this to keep it simple: I've attended several conferences in which there have been speakers advocating the national popular vote, and they always emphasize this is a bipartisan effort; this is not designed to tilt the playing field in any one direction. This is to correct imbalances in our system.

But right now only states controlled by democrats have passed national popular vote. Colorado, which is voting on it rejected it when there was a divided government in Colorado. It took complete Democratic control to pass it, and that's now being challenged in the ballot initiative or referendum this November, which will really show the people feel about this and not just if how they're surveyed in a vague question.

So I told them, "Well this were truly bipartisan, and you'd sit down with the other side and say, 'Okay, what can we do to convince you that the system could be made better using our approach but also incorporate some of the things you're worried about?'" For

example, like voter fraud. Let's have voter ID along with this. Let's have ballot integrity measures. Let's limit early voting to the 10 days before the election rather than six weeks. Let's improve confidence and trustworthiness of our election across the board.

They're not interested in talking, so that gives the game away. Regardless of the merits of this, this is clearly a move by a partisan group. The founder of it was an elector from Al Gore who got very upset that Al Gore lost the electoral college vote even though he won the popular vote. It's driven by partisan inclinations and motivations.

If they were really serious about public policy change, they'd sit down and compromise. They have no interest in doing that. This is completely partisan.

MM: John, let me weigh in with one more quick question. John Durham, attorney, is supposed to be releasing his paper [on the FBI's investigation of the Trump 2016 campaign] sometime soon. What do you expect that to do, and do you expect it would have an impact on the election?

JF: The answer to your first question is almost nothing, no matter what he finds because it was all years ago. Time passes.

The Left is very upset that climate change is always on the bottom of the issues that people vote on. They're very upset about that because of course it's "the existential threat to our age." Conservatives can be upset that the percentage of people interested in Russiagate is zero. Zero will say it sways their vote. It's down in the weeds.

Now, it doesn't mean it's not important. Whatever John Durham discovers or finds or whatever prosecutions are initiated are a very important deterrent to try to make sure this doesn't happen again and to try to spur the laggard FBI to even further cleaning its ranks and improving its procedures so this doesn't happen again. And the same with the national intelligence agencies. We should not give the national intelligence agencies any more authority than they have, seeing how that authority has been misused and abused in recent years. So it's extremely important, but as far as affecting the election, people are going to be voting on concerns that affect them much more in their daily lives.

TG: John, I just want to thank you for a typically very substantive presentation. That's what we're accustomed to hearing from you. We look forward to our next opportunity to bring you back down to Dallas, whenever we're able to do things like that again.

JF: Well if you don't read me on this subject, read Deroy Murdock because Deroy has also been following this issue almost as long as I have, and I learn things from Deroy's columns, and since I'm an expert on this subject, that's saying a lot. So don't just follow me; follow Deroy Murdock.

TG: Let me remind folks that we will be doing these programs periodically throughout the fall. We do have a program on the socialist temptation scheduled for September 24th, so please join us for that.

JF: Ian Murray is a friend of mine. He has written an excellent book. I urge everyone on this call to tune in on September 24th for his presentation. The great thing about his book that makes it different is he has talked to a lot of socialists about the moral and emotional and equity appeals of socialism. He has taken seriously the reasons they say they want socialism, and it's not just an economic efficiency argument. He dismantles those arguments.

I can summarize his insight that I got from the book very simply: One of the reasons people are tempted by socialism is they grew up in families where socialism was part of the operating structure; and a family extending that to a community, a state, a nation, that's the fatal conceit, as Hayek would put it. Something that can work or is a natural arrangement among a very small group of people related to each other stops there for a variety of reasons. It doesn't work when you scale it up. And Ian goes into that and many, many other very important insights.

TG: Thanks so much, John. Yeah, I'm excited about that as well.

Thank you all for joining us.