

# UNEXPECTED TURBULENCE IN A REFORMED PRESIDENTIAL ELECTION SYSTEM: BERNIE SANDERS, DONALD TRUMP AND BEYOND\*

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Presidential elections in the U.S. have three distinct phases: 1) primary elections and caucuses which take place between January and June; 2) national conventions which take place in July or August at the discretion of the national political parties and their purpose is to make the presidential nominations official; and, 3) the general election which takes place by custom beginning after Labor Day (in September) and culminating on the first Tuesday after the first Monday in November (November 8, 2016; the members of the Electoral College vote on the Monday after the second Wednesday in December [December 19]; and the Electoral College votes are counted January 6 in the new House of Representatives with Vice President presiding). Your student magazine *Re: Views* published a comprehensive article on the presidential election process, and I contributed a brief very essay on political parties in the 2016 nomination process. I will start there.

## THE NOMINATION PROCESS

***Balloting Deadlines.*** ***The first filing deadline*** to get on the ballot was September 30, 2015, for the South Carolina Republican Primary which took place February 20, 2016. ***The filing deadlines for 14 states were in 2015*** for primary elections held between November 9 and December 30, including South Carolina Democrats (December 7). The filing deadlines for a third (32%) of the Democratic and a quarter (22%) of the Republican delegates were by December 30, 2015, while the filing

deadlines respectively for half (50%) of the Democratic delegates and a third (33%) of the Republican delegates were by January 9, 2016.

Iowa, which held caucuses, voted on February 1, 2016, and New Hampshire which held the first primary in the nation voted on February 9, 2016. Elections for roughly one third (1/3) of the Democratic and Republican National Convention delegates took place by March 8, 2016, and for half (49%) of the delegates in both political parties took place by March 26, 2016. The final primary election was held in District of Columbia (DC), on June 14, 2016. California and five (5) other states voted on June 7, 2016.

## **U.S. Senator Bernie Sanders**

***Outsider Candidates.*** The U.S. presidential election process is a very complicated one, and the 2016 presidential election is very unusual because two “outsider” candidates, **Bernie Sanders** and **Donald Trump**, took advantage of a very loose system of political parties to get on the state ballots to contest the respective Democratic and Republican Party nominations for President. **Sanders**, a social justice activist during the civil rights movement, began his political career when he was elected Mayor of Burlington, VT, as a **Socialist**. Subsequently, he was elected as a **Socialist** to the U.S. House of Representatives and to the U.S. Senate. He joined the Democrats in both chambers as an Independent to participate in the organization of the respective chambers and to receive committee assignments. Sanders, a self-described “democratic socialist,” was said to have changed his party affiliation to Democrat in November 2015 because it was easier to get on the 50 state election ballots and that of Washington, DC, [but his official biography on his Senate website never listed him as a Democrat]. In

essence, he worked with congressional Democrats, but he was never one of them by party affiliation.

Sanders captured the imagination of the millennial generation, and he was able to remain in the presidential candidate nomination contests from Iowa and New Hampshire to the District of Columbia (Washington, DC) largely because Democrats used a system of proportional representation (20% floor) to award convention delegates. In doing so, he early and often **claimed that the system was rigged** against him because of the overwhelming *pledged Super Delegate* support organized by Secretary Hillary Rodham Clinton.

[Super Delegates were created in 1984 by a Democratic Party reform commission, and they have been 16% of the total number of national convention delegates since 1988. They are professional politicians – self-selected members of the U.S. Senate, U.S. House of Representatives, Democratic Governors and big city mayors and members of the Democratic National Committee – whose purpose was the tip the balance toward the selection of a centrist presidential candidate at the Democratic National Convention.]

***When the last nomination contest was over in Washington, DC, Hillary Clinton had received 55.23% of the votes cast by Democrats and ABSOLUTE MAJORITY (54.43%) of the ELECTED national convention delegates. Her majority increased to 59.67% when Super Delegates are added to her totals, making her the first woman to be nominated for President.*** Yet Bernie Sanders continued to claim that he lost to Clinton “because the system is rigged.” **Either he was unaware of the Democratic Party delegate selection reforms that created the Super Delegates, or he simply used the “rigged” rhetoric to motivate his young supporters.** In fact,

Hillary Clinton had well documented plans for the changes she would make as President while Bernie Sanders had popular proposals without substance.

## **Businessman Donald J. Trump**

**Donald Trump**, on the other hand, was a political gadfly (long-time Democrat, then Republican, then Reform Party presidential candidate in 2000, and Democrat again) until 2012 when he changed his affiliation to Republican one more time and copyrighted his campaign slogan “**Make American Great Again.**” He prevailed in the “**rigged presidential nomination system**” over 16 rivals, many of whom were well established politicians with very well-funded campaigns and establishment support largely because the Republican Party’s nomination system (its third in three elections). Its early contests awarded delegates by proportional representation. Then it changed to a “**winner take all**” system to award national convention delegates beginning in the March. Billionaire Trump’s celebrity, successful businessman image, money and New York hutzpah, and Republican Party delegate selection rules helped him rise to the top of a very crowded field of 17 candidates including him. He became the second businessman in history to win the presidential nomination. [The first, also from New York City, was Wendell Willkie in the 1940 election against President Franklin Delano Roosevelt (FDR). While Willkie won 45% of the popular vote, he only won 82 Electoral College Votes to FDRs 449 (85%).]. Trump won 44.95% of the votes cast for Republican candidates by the end of the nomination process, a percentage that translated into the election of 1,441 delegates (58.29%).

Trump’s aggressive and “take no prisoners” persona was shaped as a young man (age 27) by the feared Manhattan Attorney Roy Cohn, who was the attorney for the [U.S].

House [of Representatives] Un-American Activities Committee (HUAC) in its post-WWII communist witch hunt that led to the execution of the Rosenbergs as Soviet spies. In his later years, he had honed his rhetorical skills through seven years of reality TV as a star, and he was very adept in using social media (Twitter) to communicate with Republican voters in the presidential primaries and caucuses. In many respects Trump's rivals were vanquished not only by his dominant, arrogant, crass personality that delivered fabrications of the moment when he debated his rivals but also by this infamous tweets about "Low Energy Jeb" Bush, "Lyn Ted" Cruze, "Little Marco" Rubio and "1 for 38 [40 and eventually 44] Kasich" – and by his relentless mocking of them. Trump also picked on Democrats "Crooked Hillary" Clinton, "Crazy Bernie" Sanders, and, most recently, "Corrupt Kaine." Were he expected not to win a primary state or caucus, it was because, echoing Bernie Sanders, **"the system was rigged."** **In fact, he complained that the November 8, 2016, general election was rigged before one vote was cast.**

Both Republican Donald Trump and Democrat Hillary Clinton remained standing after the presidential nomination phase of the 2016 presidential election and moved on to the certification of their candidacies by their respective national conventions. [Trump was such an unconventional candidate that the news media did not know how to report about him. Rather, they showered him with millions of dollars worth of free publicity. In effect, the new media helped create him, and they were his silent partners in vanquishing his Republican rivals regardless of the political pedigree, campaign war chest, or mainstream acceptability.]

## **NATIONAL CONVENTIONS**

**Republican**, July 18 – 21, 2016 (Cleveland, OH). Prominent Republican elected

officials refused to appear at Donald Trump's Republican National Convention with exception of his vanquished rival Senator Ted Cruz, so Trump showcased members of his family. Trump's wife Melania gave a prime time speech at the beginning of the convention. In doing so, she unknowingly plagiarized her visions for America from the 2008 Democratic convention speech given by First Lady Michelle Obama. Why didn't her speechwriter fact check it? One can still see the split screen images of Melania Trump and Michelle Obama that was repeated over and over again on the national news networks. Trump was beside himself!!! He accused the news media of bias against him and took to tweeting about it.

Texas Senator Ted Cruze, still seething over Trump's allegation that his father was involved in President John F. Kennedy's assassination, spoke at the convention before Vice Presidential candidate Mike Pence. Rather than bring the party together with an expected Trump endorsement, Cruze not only still refused to endorse him, but he also not so subtly promoted himself as the 2020 Republican presidential candidate, taking more than the allotted in doing so. A furious Donald Trump unexpectedly appeared at the back of the convention and had his delegates shout Cruz off stage.

**His convention ended up being a media bust rather than a media boost!!!**

**Democratic**, July 25 – 28, 2016 (Philadelphia, PA). In contrast to the Republicans, Secretary Hillary Rodham Clinton had a "deep bench" of "heavy hitters" speak at her convention, e.g., her husband President Bill Clinton, popular First Lady Michelle Obama, President Barak Obama, Vice President Joe Biden, U.S. Senators Bernie Sanders (NH) and Elizabeth Warren (MA), businessman and former New York City Mayor Michael Bloomberg, Basketball legend Michael Jordan in addition to her bilingual (Spanish) Vice President nominee U.S. Senator Tim Kaine (VA). Then there

were little known Muslim -American citizens Khizr Khan and his wife Ghazala who lost their son Army Captain Humayun Khan, a decorated war hero, in Iraq. Mr. Khan, educated at Harvard Law School after immigrating to the U.S., held up a pocket copy of the U.S. Constitution and lectured candidate Trump: “Let me ask you: Have you even read the United States Constitution? I will gladly lend you my copy.” He electrified the convention. Subsequently, the Kahns were made household names by derogatory tweets from Donald Trump.

In effect, Bernie Sanders supporters took on a life of their own as a “movement.” His delegates set out to disrupt the Democratic National Convention from its beginning to its end, and his more ardent supporters marched in the streets and organized disruptions outside the convention (all for the benefit of the media covering the convention).. Sanders urged them to unite behind Hillary Clinton in his convention speech (15 times) and not to disrupt the convention itself. Some did not listen. Not only were his supporters shown protesting in the streets, but his convention delegates were shown by the news media with tape over their mouths with the words “Silenced by DNC” on it and defaced “United Together” signs. Sanders had lost the confidence of his millennial supporters, many on their first venture into the political arena; he was considered to have “sold out” to the establishment.

Both national conventions received a \$18.2 million subsidy from the Federal Election Commission’s (**FEC**) “Presidential Election Campaign Fund” in addition to subventions from their host cities and states, Cleveland, OH, and Philadelphia, PA. Congress, moreover, provided an additional \$50 million for security at each convention. The cost of the 2016 Democratic National Convention was estimated to be \$84 million to come from the national party with contributions from corporations, labor unions, and

wealthy individuals. The grand total to hold the Democratic National Convention, then, was approximately \$152 million. The total for the smaller Republican National Convention was approximately \$132 million, but the national party fell over \$8 million short because of the corporations (e.g., Coca-Cola, Pepsi, FedEx, United Health, Apple, Microsoft, Visa and BP) and wealthy individuals who withdrew their promised contributions because of the nomination of Donald Trump. [Source: *The Financial Times*]

## GENERAL ELECTION

**Democrats, Republicans, and Others.** Ballot access is guaranteed for candidates of the Democratic and Republican parties, and they generally receive 95% or more of the votes cast for President. The strongest of the plethora of minor political parties are the Libertarian Party (1% or less of the vote since 1972) and Green Party (<1% of the vote since 1996). The Libertarian Party was on the presidential ballots of 48 states and the District of Columbia in 2012 and all 50 states plus Washington, DC, in 2016. The Green Party, on the other hand, was on the ballot in 36 states plus Washington, DC, in 2012 and 21 states 2016. Could the Libertarian or Green party candidates determine the winner of the 2016 presidential election? While their candidates did qualify for public funding for their presidential election bids [raised \$100,000 from individuals in 20 different states in amounts of \$250 or less], it is very unlikely they will either receive public funding [**earn 5% or more of the general election vote; all of the minor party candidates together earned 1.5% in 2012**] have an impact on the 2016 presidential election. With that said, Ralph Nader (Green) did deprive Vice President Al Gore of enough votes in Florida for him to lose its Electoral College votes and cost him the presidential election although he won a majority of the popular vote.



In many respects, the seeds for the downward spiral of the **Trump Campaign** began during his campaign for the Republican presidential nomination: mean-spirited characterizations of and fabrications about his 16 rivals for the nomination; build a wall between Mexico and the U.S. to keep Mexicans (rapists, murderers, thieves) out of the U.S. and have Mexico pay for it; ban all Muslims from entering the U.S; and continual derogatory crude comments about women.

Then there was the Democratic National Convention. Trump unnecessarily picked a fight with the Khan family, perhaps because they were Muslim. They are a “Gold Star” family, meaning that they lost a family member in a military action. This twitter fight only riled up military veterans and turned them against him, especially since the Kahn’s son won Bronze Star and Purple Heart medals for sacrificing himself to save the soldiers under his command. He also picked a fight with 1996 Miss Universe Alicia Machado (from Venezuela) who is now a U.S. citizen. Because she gained a little weight, Trump continually called her “Miss Piggy” or “Miss Housekeeping.” She had to have therapy for five years to deal with Trump’s continual barrage of insults, insults that led to medical problems. A guest of Hillary Clinton at the First Presidential Debate, no wonder she is campaigning for Clinton against Trump in the Hispanic community. Subsequently, Donald Trump unleashed a flurry of tweets demeaning Machado, making him no friends with women voters.

Between the first and second presidential debates, two bombshells were dropped on Donald Trump. An anonymous individual mailed the first page of Trump’s Connecticut, New Jersey, and New York **1995 state income tax forms** that he filed with those respective states to ***The New York Times*** in a Trump Tower envelope. The newspaper located the accountant who filed them for Trump and verified that they were

real. The it hired some tax accountants to analyze them. Bottom line, Donald Trump lost \$916 million on his three Atlantic City, NJ, casinos , Trump Airline, and Plaza Hotel in Manhattan, so he legally took tax losses and paid **NO FEDERAL INCOME TAXES for at least 18 years**. As he said in the Second Debate “That makes me smart” although he still refuses to release his federal income tax documents. What is he still hiding? At the same debate, he noted that “Warren Buffett [a Clinton supporter] took a massive deduction.” A short time later, Warren Buffett released his 2015 personal federal income tax forms showing that he paid \$1.845.557 million in federal taxes!

The second bombshell, published in *The Washington Post* and aired on NBC News on October 7, was Donald Trump’s taped graphic conversation with Billy Bush, host of NBC’s “Access Hollywood,” about seducing women. He is heard telling Bush that he is “automatically attracted to beautiful women – I just start kissing them, it’s like a magnet . . . and when you are a star, they let you do it. You can do anything. . . . Grab ’em by the p\*\*\*.” He goes on tell, though newly married to Melania, how he tried but failed to seduce a married woman that he took furniture shopping. While he was admonished by the leadership of his political party, his party’s candidates for the U.S. House of Representatives distanced themselves from his candidacy. Billy Bush and NBC parted ways. Trump threatened those who withdrew their support of his candidacy and actually scared some into coming back fearful of electoral defeat by Trump’s core supporters. Trump tried to diffuse the controversy as “locker room talk,” but athletes said otherwise. Then women who he had abused came forward and described what he did to them, confirming that his conversation caught on tape was anything but “locker room talk.”

As retribution, Trump took the “town hall” style second presidential debate into the gutter by focusing on the indiscretions of Hillary Clinton’s husband President Bill Clinton rather than her. A problem with both presidential debates is that Trump fabricates his answers to questions and has no evidence to back up his assertions about income taxes, derogatory or demeaning behavior with women (dismissed as “locker room talk” and pivoting to criticize President Bill Clinton’s behavior with women even in The White House [not running this time]), threatening to have Hillary Clinton investigated, yet one more time, over her erased emails and having her “locked up,” radical Islamic terrorists, support for the war in Iraq (both candidates supported it), Russian hackers, affordable health care for all Americans, humanitarian aid for Syrians, support for women’s rights, etc. You name it, Trump lied about it.

**Hillary Rodham Clinton.** The Federal Bureau of Investigation (FBI) confirmed that high level operatives in the Russian government sanctioned the hacking of the Democratic National Committee and the Democratic Congressional Campaign Committee (supports House candidates), and there is a strong suspicion that they also were responsible for hacking Hillary Clinton’s campaign manager John Podesta. The hacked email messages were then given to Wikileaks which released them in an attempt to damage Hillary Clinton’s presidential campaign [Hillary Clinton and President Vladimir Putin hate each other.] From published news reports, Clinton was caught off guard when Senator Bernie Sanders challenged her for the nomination and had indecision on how to refocus her campaign. Others showed her as a political realist when she was Secretary of State, e.g., willing to push back on Russia when it got involved in the Ukraine. [The Obama Administration through Vice President Joe Biden vowed it would act in kind.] Others showed the entanglement between her as Secretary of State

(and her high level administrative staff) and either the Clinton Foundation or post-State Department business dealings.

What do we know about the candidates – Republican Donald J. Trump and Democrat Hillary Rodham Clinton?

**Donald J. Trump:**

- **Braggs about his business skills and wealth, but he is nothing more than a failed businessman, having lost nearly \$1 billion on his three Atlantic City, NJ, casinos, Trump Airline, and Plaza hotel in Manhattan;**
- **His wealth, if he really has any [It cannot be determined because he refuses to release his federal income tax records.] comes at the expense of federal taxes and government subsidies for many of his building projects;**
- **He uses his tax exempt Donald J. Trump Foundation to shield income from taxation and appears to use it like a personal checkbook without contributing any funds to it since 2009;**
- **He used his now failed Trump University to enhance his wealth at the expense of “students” who enrolled in it [federal loans passed through as tuition to Trump himself];**
- **He is a womanizer and sexual predator;**
- **He is prejudiced against Mexicans [build a wall], Muslims [bar all of them from entering the country], and blacks;**
- **He enamored with Russian President Vladimir Putin and his authoritarian, aggressive control of Russia;**

- He is a vacuous vicious arrogant bully who gets his way through threats and character assassination, especially with tweets;
- He has destroyed the “Trump Brand” in his campaign for President, a brand big investors thought worth saving when his business empire was collapsing around him;
- He is destroying U.S. citizen’s belief in and support of the democratic process, including honest and fair elections, and
- The most important person in his life is himself, Donald J. Trump.

#### **Hillary Rodham Clinton:**

- Is smart, ambitious, and decisive;
- Is calm, cool, and collected under pressure both in office and in political debates;
- Is a dedicated public servant – First Lady, two term U.S. Senator representing New York, and Secretary of State in the first Obama term – who would work to make the lives of all U.S. citizens better;
- Is tenacious team player [bowed out to Barack Obama in the 2008 presidential nomination process but came back again in 2016];
- Had a tendency against transparency in her political decisions;
- She is a pragmatic establishment political centrist.

\*\*\*TO BE CONTINUED\*\*\*

**Presidential Debate #3 (tonight)**

**News Media Endorsements**

**Election Day: November 8, 2016**

## **CONCLUSION**

The next President of the United States will “Make America Great Again,” but she will not have an easy job restoring civility in political discourse and restoring the belief in democracy, the fundamental fairness of the U.S. election system, and the institutions of government.

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