

## America First?

An open letter from Europe by Dr. Michael Scheele, attorney and author in Munich, to his friends in the USA

*Dear Friends across the Atlantic*

- Your President, Donald Trump, has openly expressed sympathy for seeing the collapse of the European Union. And there are many people who do not doubt that he will pursue such a goal in order to be able to conclude advantageous bilateral “deals”.
- This is why we Europeans are justified in asking ourselves whether the election results with Donald Trump as winner (who can base his authority on only 25.1 percent of the votes of eligible voters) represents the true wishes of the majority of US Americans.

I was astounded to note that Donald Trump has now spread the message that he was the true winner of the “popular vote” because around 3.5 million “illegally” cast votes had changed the election results to his disadvantage. My subsequent, careful analysis of the fundamental weaknesses and flaws in your electoral system leads to a completely different result – the blatant shortcomings benefited Donald Trump. Truly democratic majority voting looks totally different. And I am not alone with this analysis, either. It is shared by reputable American legal experts and journalists.

Let me first say that I am no anti-American nerd. Quite the contrary. I'll be eternally grateful to Rotarians in the state of Florida for an exciting, interesting, and wonderful year as an exchange student in 1966/67. It marked the beginning of a long attachment toward friends in Florida, California, and New York. It was with curiosity and – during the Obama administration – enthusiasm that I followed the way in which US society struggled for civil liberties, social issues and, finally, for the protection of the environment.

And now?

Donald  
Trump!

How could this happen?

## Does the election result legitimize Donald Trump as President?

The clear answer is, unfortunately, yes, above all because of your electoral system.

**L**et me first assure all those among us who point to the alleged manipulations by Vladimir Putin: The idea of a perfect election based on “free choice” by a “rational” electorate is, and remains, an illusion, regardless of “external” interference and influence, whether in the USA or elsewhere.

It is not even necessary to resort to the determinists among neuroscientists, who generally deny homo sapiens the slightest ability to take free decisions in their everyday lives as well as in elections, in support of this hypothesis. (I dealt with this topic in detail in my book “Schuld oder Schicksal?” [Guilt or Destiny?].)

**N**o, the freedom of a purely “rational” decision is not given credence even by advocates of democratic rules of play. At any rate, there is no other reason or justification as to why and how voters of all persuasions are showered with expensive TV advertising containing subtly packaged and usually quite dubiously, emotionally loaded messages, or even “fake news”.

**E**very single voter is conditioned through genetically inherited prejudices and stereotypes as well as through their own biography. And every single voter – not just in the USA – is receptive to messages and ambiances that have the power to influence opinion and perhaps even voting intention. The flawless perfection of “rational” free choice remains an illusion, especially at the ballot box, and particularly in light of the fact that messages are controlled and spread by computer intelligence (usually of an anonymous origin) using “social bots”. More of that later.

So far, so trivial.

**W**hat is not a triviality, however, is that you have an ailing electoral system to thank for Donald Trump. It is by no means a glorious chapter in the annals of democracy that a controversial political rookie using populist slogans has, with a single attempt, made it to the White House. The election and its outcome may have a certain entertainment value, but they have demonstrated the glaring weaknesses of your electoral system. “*Our electoral system,*” laments David Kairys, the renowned Professor of Law (Temple University, Philadelphia) “*has been overtaken by better systems in virtually every other democracy in the world,*” and prominent journalist Fareed Zakaria (Washington Post; CNN) emphasizes this point even more sharply.

*“It is odd that the United States is so often the advocate of elections and plebiscitary democracy abroad. What is distinctive about the American system is not how democratic it is but rather how undemocratic it is.”*

It is probably worthwhile to scrutinize such apodictic opinions closely.

## **US electoral law ignores a fundamental rule of democracy with its electoral college system: The principle of majority rule**

**A** few numbers from the 2016 elections with which you are no doubt familiar: Hillary Clinton received 65,844,610 votes, while Donald Trump received only 62,979,636 votes, i.e. almost 3 million fewer votes than his opponent Clinton. Thanks to the US electoral college system, the loser of the “popular vote” nevertheless became President. The last time that this occurred was in 2000, when

George W. Bush took the White House instead of Al Gore. The consequences – for example the Iraq War – were regretted and lamented.

Hardly surprisingly, one week after being sworn in, Donald Trump had an explanation for his defeat in the “popular vote”: 3.5 million voters voted “illegally”. He appears not only to know **that** approximately as many people voted “illegally”, but also **for whom** they “illegally” cast their vote, i.e. his opponent Hillary Clinton.

“Wishful thinking” is what even some of those Republican Governors say who were responsible for the due and proper organization of the elections in their respective states.

**T**he outcome of the election of Donald Trump definitely does not reflect the majority of votes cast. This is something that is undisputed even among Republicans, except for Donald Trump. Donald Trump’s election success was alone due to the fact that there is an imbalance between the number of delegates (with the right to vote in the electoral college) and the number of inhabitants. While large states such as California and Texas have one electoral delegate for over 600,000 inhabitants, the number in the smallest states is only half as big.

This is a systemic defect, at any rate if the principle of majority rule is regarded as one of the mainstays of a democracy. It is a systemic defect that benefited Donald Trump.

## **Manipulation through “gerrymandering”**

A further systemic defect in the US electoral system is called

“gerrymandering”, in other words, the manipulation of electoral districts by those in power to their own advantage. This manipulation of the electoral districts also distorts majorities.

**B**ut what exactly is “gerrymandering”? Let me provide some clarification of a phenomenon that is a puzzle even for some of your fellow citizens.

In many states, the respective governments decide on the grouping of the electoral districts. It must be the dream of all office holders to be able to select their electors by “tailoring” electoral districts accordingly. In the past, Democrats and Republicans were equally guilty of such manipulation. Acting alone or with others, they defined

the boundaries of the electoral districts according to the color, age, income, and religious affiliation of the inhabitants. Colored city dwellers and intellectuals, who from experience tend to vote Democrat, were “herded together” into one electoral district while the Republicans’ “regular customers” (rural, white, Evangelical) were put in a different electoral district. The result can be seen on an electoral map of the USA: A mosaic of sometimes irregular and jagged, or even tube-like voting districts. Two tricks are used when tailoring the boundaries to turn a minority into a majority. First, the “enemy” areas are parceled into a stronghold (to the opponent’s benefit). In return, those districts are incorporated where (supposedly) one’s own followers live. This gerrymandering, which Democrats and Republicans were equally guilty of in the past, have led to today’s absurd situation where the election outcome can be more or less predicted in around 370 (of 435) electoral districts. Only 16 to 20 voting districts are regarded as really contested and disputed.

In 2005, the Supreme Court ruled this gerrymandering to be constitutional, provided the division was politically, and not racially, based (but who is really able to “measure” or judge this?). However, this way of dividing up electoral districts takes voters for a ride, as it effectively deprives them of alternatives. An appeal by the Organization for Security and Cooperation in Europe (OSCE) to change the way voting districts are defined in order to safeguard the competitive character of Congressional elections fell on deaf ears.

The latest “victims” of gerrymandering live in Texas. Electoral districts there were manipulated in such a way after a Republican governor acceded to power that the state, where Democrat members of Congress were traditionally returned, became a Republican stronghold.

Conclusion: A highly undemocratic form of manipulation in which both parties have participated, but with greater effect for Donald Trump.

### **Actual discrimination of minorities**

The OSCE, however, has complained of other obstacles in the exercise of the right to vote. These are obstacles that particularly affect minorities such as Afro-Americans, Latinos, and young Americans: A clientèle that from experience overwhelmingly votes Democrat.

Sometimes postal voting is restricted, sometimes polling places close early, and sometimes the number of days on which votes can be cast are reduced abruptly. What is more, there is a growing demand for proof of identity such as a driver’s license or firearms certificate. (The student ID card from one Texan university was, however, not permitted.) Supreme Court judge Ruth Bader-Ginsburg used harsh words to criticize the decision of her more conservative colleagues. “*The ruling*” the judge said, “*risks denying the right to vote to hundreds of thousands of voters*”. She condemned the decision as “racial discrimination”. The rules, which were introduced

during the term of Ronald Reagan, resulted in a decline in voter turnout, which, as election observers unanimously think, ultimately benefited the Republicans.

**T**he decision to only open polling places just on Tuesday, i.e. a normal working day, has a similar effect. It is not always easy for poorer people who are eligible to vote to leave their place of work in order to go to vote. Civil rights groups also complain that less well educated voters in particular fail to register, as they are occasionally told that not only will their police record be known when they go to register, but also any open offenses and unpaid taxes right down to any unpaid parking ticket. These citizens fear having to pay a fine or even being arrested when registering or casting their vote, and this discourages them from exercising their right to vote.

Michael Link, Chief OSCE Election Observer: *“Not everyone in the USA has a means of identification, as the fees for them are too high. This is a way of keeping poor groups of the population in particular from voting.”*

**I**ndependent election observers also complain that there are far too few polling places across the USA as a whole, which means that voters have to queue for hours in order to be able to cast their vote. This, too, primarily affects the poorer classes in America, i.e. those citizens who on working days have to take a day's unpaid vacation.

Conclusion: Advantage Trump.

### **6 million (in part former) felons without voting rights**

Independent election observers also complain that convicted prisoners are excluded from voting in 48 states.

**E**ven released felons are not permitted to vote in 12 states. In Florida, for example, offenders are barred from voting for a period of 5 years following their release. These voting restrictions impacted around 6.1 US citizens in the 2016 election. The civil rights movement “The Sentencing Project”, which campaigns for the abolition of these rules, says that this ruling denies 1 in 13 Afro-American adults the right to vote. It affects only 1 in 56 citizens in white sections of society.

This system may not seem very surprising in a country that continues to uphold the death penalty, and where more people are currently imprisoned than in the whole of Europe. Nevertheless, a democracy characterized by the rule of law loses credibility when 2.5% of its electorate is excluded from presidential elections by such a ruling.

Conclusion: I leave it to you to speculate about who benefited from this restriction on voting rights.

**“Money makes the world go round”. The system of financing is undemocratic, too**

The system by which the candidates and their parties finance their advertising strategies is no less deplorable.

**A**lmost all floodgates have been open ever since a judgment by the Supreme Court in 2010. Businesses, labor unions, organizations, and private individuals are allowed to give as much as they like. Donations are bundled or stashed away in a “Political Action Committee” (PAC). And these PACs, which are managed by close collaborators of the respective candidate, understand only too well how “to invest” the money for the benefit of their candidate. This is how hundreds of millions of dollars are collected. According to research conducted by the New York Times, 158 of the richest families contributed more than half of the money collected in the last election campaign. The logical consequence is that ordinary people on average or below-average incomes seldom venture to run for Congress out of fear of excessive costs of the election campaign. Another consequence is that no third or fourth party is likely to succeed in challenging the established parties in light of this system of financing. And given the nature of the voting system (“the winner takes all”), there is no chance of coalitions that could act as a corrective factor (as in a number of other democracies) and contribute toward more balanced government policies.

Conclusion: An unsatisfactory deficit that Democrats and Republicans should rectify.

**The composition of the Senate does not reflect the true majority of voters, either**

The “principle of majority rule” that characterizes a democracy is not reflected in the second chamber of the US Congress, the Senate.

**J**ournalist Fareed Zakaria states on the issue: *“The Senate is the most unrepresentative upper house in the world (with the lone exception of the House of Lords in the UK, which is powerless). Unrepresentative because every state sends two senators to Washington regardless of its population. California’s 30 million people, for example, have as many votes in the Senate as Arizona’s 3.7 million. It is therefore right to say that what is striking is not the power of majorities, but that of minorities.”*

Conclusion: If the principle of majority rule were honored, the Democrats would have more members in the Senate.

**Even the composition of the Supreme Court does not meet the ideal of a democracy**

The arrangements governing the composition of the Supreme Court are similarly far

from ideal and not worthy of imitation.

Its total of 9 members, who constitute the court of ultimate resort in all legal matters, are appointed for life. It is the exclusive responsibility of the incumbent President to appoint a judge when a position becomes vacant due to death or resignation. It is therefore hardly surprising – if at all – that four of the current eight judges currently holding office who were appointed by the Democrats Clinton and Obama are Democrat-“minded”, and that the other four judges appointed under the Republicans Reagan and Bush tend to be conservative or Republican in outlook.

The ninth (and therefore deciding) seat on the bench is currently vacant, and it is expected that Donald Trump will soon make the appointment. It is therefore certain that the Republican President will not only have the backing of a majority in Congress, but also in the Supreme Court.

**Conclusion: This is anything but a separation of powers.**

### **Electoral manipulation through Twitter, Facebook, and social bots**

The electoral result known as Donald Trump is the outcome not just of systemic weaknesses or defects alone.

Compared to the propagation of so-called social bots – which have the power to influence, if not decide, elections – the flawed US electoral system has the weight or importance of a neglected children's zoo. I pointed out the dangers, or influence, of data robots in my book “Schuld oder Schicksal?” [Guilt or Destiny?], which appeared six months before the US elections. At the time, nobody really knew just what importance this phenomenon would have for the election battle in the USA. What exactly are these “social bots” and what makes them so dangerous? (Extract from “Schuld oder Schicksal?”)

*Social media have been teeming with so-called bots – robots that Internet users perceive as human participants in the communications loop – for some time now. Bots are software developed by a programmer to automatically perform certain tasks such as clicking on links, copying content, and generating content, etc. Bots have mingled with users in social networks. They operate their own profiles and interact with Internet users. Occasionally, this artificial intelligence – which is, however, created by human hand – manages to influence opinion. Facebook, for example, admits that 1.2 percent of its accounts are not genuine and “belong” to so-called bots. There are approximately 15 million accounts here (in Germany). According to Twitter, it has around 28 million worldwide! And as already stated, users consider all these bots to be real people. What consequences does this have on opinion formation? Simon Hegelich, professor in a new discipline with the charged designation of “Political Data Science” (Technical University Munich) discovered in the course of his studies that there are social bots that stir up hatred against refugees*

*using systematically managed rumors and falsehoods. Or against the German Chancellor. “I suspect that most of the Twitter traffic under hashtag # Arrest Merkel comes from “social bots,” says Hegelich. And he suspects – and not without good reason – that when thousands of people constantly air a certain opinion in social networks, it influences a large number of users. A couple of cleverly programmed bots is all that it takes to manipulate people.*

*One office in the US Department of Defense (the Defense Research Projects Agency) warns: “A sharp rise in bots intended to influence opinion in social networks can be expected in the coming years.” These are not just advertisers, but also criminals, politicians, states, and terrorists. It is Chinese whispers in cyberspace that influence debate and sentiment. The German newspaper “Welt am Sonntag” fears that this type of algorithm will change the public sphere over the long term (Welt Online: Christian Meier, Jennifer Wilton: (06/14/2015): <http://bit.ly/welt-socialmedia>). Not just in the asylum debate!*

End of the extract from my last book.

**T**he election in the USA showed how true the predictions cited above turned out. Nobody uses “artificial intelligence” better or more often than Donald Trump. Let me give you a couple of numbers again.

Between September 16 and October 21, 2016, Alessandro Bessi and Emilio Ferrara from the University of Southern California monitored activities relating to the election campaign on Twitter. They were struck by the fact that a total of almost 400,000 bots had interfered in the presidential debate on Twitter. Almost 3.8 million tweets were issued, approximately 20 percent of all Twitter communication relating to the election. 75 percent of the tweets from bots supported Trump, while only 25 percent were in favor of Clinton. 20 percent of Twitter traffic during the TV clashes was automated, i.e. came from so-called bots.

**F**ollowing the first TV debate, these opinion robots resulted in the hashtag “Trump Won” becoming the top trending topic on Twitter in the USA and creating an alternative storyline to the media story, that Clinton had actually had a slight edge in the presidential debate. While Donald Trump was not very well received in the classic media, he was always the winner in the election battle on social media, where he was two to three times as popular as Hillary Clinton.

This was a success for the many automated social media followers.

4.6 million of the 12.4 million followers that Trump claimed for himself were not genuine. There were many bots among these fake accounts that ensured that Trump slogans ended up as apparent applause among the trending topics. This is at least what Phil Howard from Oxford University established.

**A**nd another thing that was ascertained: The pro-Trump bot @amrightnow had around 34,000 followers, and during the election campaign issued tweets with



conspiracy theories concerning Clinton every few minutes while glorifying the Republicans. During the final presidential debate, this bot published an incredible 1,200 postings. However, Hillary Clinton also used bots to Trump's detriment. For example, @loserDonaldTrump generated more than 2,000 tweets in a single day, with all messages referring to the official Twitter account @realDonaldTrump and containing the word "loser" being retweeted. However, the account had fewer than 700 followers.

**T**he big disadvantage about this automated communication is that online visitors cannot distinguish between fake and genuine accounts. This led to Facebook and Twitter customers being hoodwinked by an armada of bots that succeeded in generating automated trends and creating their own sway over opinion. And Donald Trump admits quite openly: *"I believe that I have such power in terms of numbers with Facebook, Twitter, etc. I think it helped me win all of these races where they're spending much more money than I spent."*

Donald Trump reached around 28 million users via social media in November 2016.

**A**t a cyber security conference held in Berlin at the end of November, Hans-Georg Maassen, President of the German Federal Office for the Protection of the Constitution, warned: *"Propaganda that we find in some parts of social networks is sometimes wrong, sometimes exaggerated, very often emotionally charged, and induces people to form a different opinion – a flawed opinion – of reality."*

Donald Trump's election campaign director called this election technique "political direct marketing".

**D**onald Trump in particular – or at least the agency he hired – proved just how subtle the algorithms are programmed to be. Specially developed propaganda algorithms send personalized messages to potential Trump voters. For example, if online profiling revealed that a voter did not like Muslims but was unsure as to whether Trump would deal with Muslims severely enough, he or she was sent a tailored message explaining Trump's policy against Muslims that matched the voter's expectations. A voter wishing to have the Obamacare health insurance scheme pushed back received personalized mails confirming that Trump would rescind those provisions of Obamacare that the voter objected especially to, e.g.

*"We will repeal this terrible disaster called Obamacare and replace it."* Steelworkers and workers in the coal mining industry fearing for their jobs received Donald Trump's announcement on their smartphones that he would create 25 million jobs. To quote: *"I've created tens of thousands of jobs and I'll bring prosperity back to America."*

Or: *"Fraudster Hillary promised two thousand jobs in New York and failed. We'll create 25 million jobs when I'm President. And I'll deliver (Trump, tweets dated August 30, and October 2 and 20, 2016)."*

**A**n accomplice in this type of "political direct marketing" for Donald Trump was

“Cambridge Analytica”, which had already proven its ability in the Brexit vote.

The chief strategist in the Trump entourage was no other than Jared Kushner, Donald Trump’s son-in-law.

Conclusion: In every expert’s opinion – and would you believe it, in the opinion of the man himself – Donald Trump “used”, if not to say manipulated, computer-controlled bots more successfully than Hillary Clinton’s team.

Dear Friends in the USA,

We all know that 75% of US Americans eligible to vote did not vote for Donald Trump. And in light of this reason, I am convinced that a genuinely democratic electoral system would have prevented Donald Trump from getting to the White House.

However, it is your electoral system and your President. Therefore, I will not comment on the President’s decree in violation of the law of nations, which discriminates Muslims worldwide. Nor will I comment on this president’s open advocacy of torture contrary to the Universal Declaration of Human Rights

But the many derogating remarks or tweets about the European Union must be vehemently repudiated. The European Union is more than just a “deal”. For us, the Union is also a guarantor of peace on our continent. It is a community of shared values that will not accept the sowing of the seeds of contention. I am convinced that 75% of those eligible to vote in the US – the 75% who did not vote for Donald Trump – will share the same opinion.

Best regards



Dr. Michael Scheele

*Munich Jan 30th  
2016*

About the author: Dr. Michael Scheele was an exchange student at Deland High School (Florida) in the first year of Afro-American integration, and graduated from there in 1967. As an attorney, he represented various clients, including Michael Jackson when he separated from the “Jackson Five” in 1979 and started a solo career. Dr. Scheele has contributed his expertise as a constitutional legal expert, for example in 1993 in the development of a constitution for the Republic of Albania. He has written a total of 12 books, including “Das jüngste Gerücht” [The Last Rumor] (2006) and “Schuld oder Schicksal?” [Guilt or Destiny?] (2016).