

# Ethan Allen Institute

Newsletter – October 2020 (Printer Edition)

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## Top Story: Make Sure Your Vote Counts

As Vermonters go to the polls – or the mailbox – in this unprecedented and important election season it is critical that your vote counts. In order to prevent large crowds at polling places, the legislature authorized the Secretary of State to mail “live” ballots to every active voter on the statewide checklist regardless of whether or not you requested one.

This has created serious problems in other states from ballots being undelivered by the Post Office, or delivered too late to be counted, to fraud. In the August primary, over 6000 Vermonters mail in ballots were disqualified and the voters disenfranchised because of minor errors in the mail in ballot procedure. That’s over 3% of all voters. Unlike other states that do mail in voting, Vermont does not have a mechanism in place to allow for corrections of spoiled ballots.

So, here are some recommendations for ensuring that your vote counts:

**Vote in person at the polls if you are able.** Vermont is the safest state in the Union regarding Covid-19. Voting in person is the best, most secure way to ensure your vote is cast properly, on time, and will be counted. Be sure to bring the ballot mailed to your home with you to the polls if you can.

**Vote early in person.** If you want to avoid a crowd on election day, you can vote early and in person at your Town Clerk’s office. Due to Covid, most if not all Town Clerk’s offices are requiring an appointment to do so. (When I voted this way in the August primary, I was able to make my “appointment” by cell phone while standing outside the Clerk’s office, but your experience may be different.) Again, bring the ballot mailed to your home if you can.

**Return your mailed ballot in person.** If you fill out your mailed ballot at home, return it to your Town Clerk’s office or a designated drop box in person. Do not rely on the Postal Service. They have said they cannot guarantee their ability to process all of the mail in ballots expected.

**Post your ballot 10 days early.** If you do use the Postal Service to return you ballot, make sure you allow at least 10 days for process and delivery. This is the best way to ensure you votes arrive in time to be counted.

**UNDER NO CIRCUMSTANCES allow a stranger to “harvest” your ballot.** “Ballot Harvesting” is a controversial practice in which political operatives or activists will collect ballots from voters offering to return them to the polling place. While such collecting of ballots is not illegal in Vermont (except by candidates and their campaign

staff), harvesters have been shown to destroy ballots they collect, open the envelopes and replace valid ballots with fraudulent ones, and other criminal actions.

## BE VIGILANT FOR QUESTIONABLE ACTIVITY

True North Reports set up an on-line reporting system for suspicious ballot/election activity. If you see or experience anything that seems out of the ordinary, please go to

### **[Truenorthreports.com/BallotIntegrity](https://Truenorthreports.com/BallotIntegrity)**

And file a report.

Some Examples of what they are looking for:

- Received a ballot at your address for someone who doesn't live there.
- Your vote-by-mail ballot didn't arrive by mail.
- Someone tried to "harvest" your ballot (collect and return your ballot for you).
- Someone other than you filled out your ballot.
- Someone tried to inappropriately pressure you or another to fill out your ballot for a certain candidate(s).
- Election officials inform you that you have "voted" when you have not.

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## Commentary: Free Exercise and Faith-Based Schools

*By John McClaughry*

Vermont tax dollars may soon be going to faith-based elementary and secondary schools, if a case filed last week in Federal district court succeeds. The case is styled *Valente v. French*. The lead plaintiffs are Mt. Holly parents who send their son to the Roman Catholic Mt. St. Joseph Academy in Rutland. French is the Secretary of Education.

The case is the latest product of a decades-long legal debate over a sentence of the First Amendment that reads "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." In a 1947 case the Supreme Court incorporated these protections to bind the states as well.

Montana has long had a "no aid" law prohibiting "direct or indirect" government aid to churches. Five years ago the Montana legislature approved an income tax credit of up to \$150 for contributions to a nonprofit organization that provided scholarships to students attending independent schools.

On June 30 the U.S. Supreme Court ruled (5-4, with seven opinions) in *Espinoza v. Montana* that the State could not allow the tax credits only for scholarships to non-sectarian schools. It must offer the scholarship benefit to students choosing sectarian schools as well. The Court said that not including sectarian schools burdened the plaintiffs' right to the free exercise of their religion.

"Free exercise" once meant that the government couldn't prevent you from holding your own religious beliefs, participating in your own religious services, and maintaining your own churches and schools. With the new ruling the Court goes far

beyond the paltry tax credit at issue. It now declares that denying any government benefit to churches and schools because they are religious places a discriminatory burden on “free exercise”.

If the Valente plaintiffs prevail – and the language in *Espinoza* gives them a fairly strong case – parents in tuition towns will be able to have their school districts pay the tuition directly to the religious school, just as it is now paid to nonsectarian schools. Other parents will want the same privilege.

It’s commonplace to exempt all churches, synagogues, schools, colleges, and veterans’ posts from property taxation. But it’s a big leap from that practice to having the government distribute tax dollars directly as benefits to a church or sectarian school.

There are two arguments against this. First, it makes the religious institution constantly eager to win more government support. That will produce an “excessive entanglement” of church and state that the Founders recognized as an invitation to endless discord, turmoil and bloodshed.

Further, collecting tax dollars from citizens and handing them over to sectarian institutions compels the taxpayers to support teachings and practices that they may view as harmful or even deplorable.

Vermont’s Constitution writers dealt with this problem by specifying that “no man can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his conscience.”

In 1999 the Vermont Supreme Court seized on this “no compelled support” clause to prevent the town of Chittenden from tuitioning 13 students to Mt. St. Joseph Academy. In so doing the Court misread the history and intent of this provision. The “no compelled support” clause does not prevent school districts from giving parents vouchers they can use to pay tuition to approved sectarian schools. It protects individual taxpayers from having their tax dollars spent for that purpose.

A more creative arrangement would be for the school district to give vouchers in various amounts to parents to buy education for their children from providers of their choice, including public schools, sectarian and non-sectarian independent schools, virtual academies, schools run by businesses, unions, colleges, and civic organizations, homeschools, and other yet unimagined types of providers.

The parents direct their vouchers to the providers that offer programs best suited to the needs, interests, abilities and values of their children. Those providers will compete for customers, but this is a far removed from competing politically for government payments.

To meet the “no compelled support” requirement, objecting taxpayers could ask for a rebate of their proportional share of the payments to the disfavored provider. That would reduce the pool of money to cover the vouchers used for tuition at those providers. In practice, however, it’s likely that only a handful of objectors in a district would take the trouble to claim a small rebate.

Admittedly, these transformative changes would never gain the support of those, notably the public school establishment and the teachers union, who are intensely committed to defending the public school near-monopoly. But they would minimize the Establishment Clause’s “excessive entanglement” concern, observe the “no compelled support” requirement, and comply with the (strained) Free Exercise rationale of the *Espinoza* case.

*- John McClaughry is vice president of the Ethan Allen Institute*

## Commentary: Vermont not ready for mail-in-voting says Colorado Secretary of State

By Rob Roper

Live ballots for the Vermont general election are in the mail and on their way to every active voter on the statewide checklist. Since coming up with this vote-by-mail scheme in response to Covid-19, Secretary of State Jim Condos has argued that it will work because other states have been operating vote-by-mail programs for years without any major problems. True. But the reason these states' programs work is because they put in place a number of safeguards that are entirely absent Condos' plan.

Scott Gessler, who served as Secretary of State in Colorado when that state transitioned to a vote-by-mail system, recently submitted a [ten page analysis](#) of Condos' plan for Vermont and found it lacking any meaningful safety and security measures necessary to ensure that election results are valid and free from significant fraud and error. His concluding paragraph reads:

*Vermont is not ready for an all-mail ballot system. It does not have signature verification to ensure election integrity, nor does it have cure procedures that would prevent inadvertent disenfranchisement resulting from voter mistakes. And Vermont does not have accurate mailing addresses for many voters. Because of these problems, the state should not implement an all-mail voting system for the 2020 general election.*

Colorado's system works, for example, because they have implemented several anti-fraud measures to ensure people can't collect and cast multiple ballots in other voters' names. The primary security measure here is signature verification. All voters must have a signature on file with election officials, and that signature must match the one on the returned ballot's envelope, otherwise the vote is not counted. Vermont doesn't have this or any other comparable means to ensure ballots are actually being cast by the voters to whom the votes are being attributed.

But, because signature verification is not a foolproof system, and mail-in voting is more likely than in-person voting to result in careless mistakes or confusion leading to spoiled ballots, Colorado requires that election officials notify a voter if there is an issue with their ballot and give them an opportunity to correct the error. Vermont does not have this or any other "cure procedure" either. As such, in the recent August primary election over 6,000 Vermonters (more than 3% of total votes cast) were disenfranchised without their knowledge because of easily correctable mistakes.

A major concern with mail-in voting is "ballot harvesting," a controversial practice in which activist organizations or political operatives systematically collect ballots from voters and turn them in on their behalf. This can and has led to illegal activity, such as the destruction of ballots, the fraudulent filling out of ballots, and voter intimidation (see the North Carolina 9<sup>th</sup> District 2018 Congressional race). Colorado protects against ballot harvesting by making it illegal for any person to collect and remit more than ten ballots. Vermont doesn't have this simple safety measure, and, in fact, a

legislative majority actually voted against implementing a number of reasonable ballot harvesting protections.

Gessler notes that in order for a vote-by-mail system to work it requires extremely accurate databases of where people live (and, by default, where they do not live having died or moved away). Again, Vermont does not have this. On the contrary, our voter checklists are notoriously bad and filled with outdated information that is difficult to expunge.

The final catch-all argument Condos makes in defense of his zero-safeguard system is that fraud and error on a significant scale is a myth. There is no need for safety provisions because there is no evidence anybody breaks the rules. Gessler puts the lie to this as well.

*Because Vermont does not conduct signature verification, nothing prevents a person from illegally voting a ballot that has been delivered to an incorrect address or delivered to an address where the voter no longer lives....*

*Unfortunately, it is often impossible to prosecute people who have illegally filled out the voter affidavit, because the affidavit is unlikely to contain any clues as to the perpetrator. (Emphasis added).*

The reason there is no evidence of voter fraud and therefore perpetrators are rarely prosecuted is because the crime, especially under Condos' un-watchful eye, produces no evidence, and certainly none that could be used to trace and identify a criminal for prosecution. All we have is a system of see no evil, hear no evil, speak no evil.

The truth is we have no idea how extensive vote fraud by absentee ballot is in Vermont, because there are no reliable mechanisms in place at all for detecting it when and if it occurs. This was bad enough before Covid-19, but as we flood the state with hundreds of thousands of unclaimed and unwanted ballots ripe for mischief, this is negligence on an especially grand scale.

*- Rob Roper is president of the Ethan Allen Institute.*

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## Events

**November 11:** EAI's 27<sup>th</sup> Annual Jefferson Day Event. EAI will host a virtual Jefferson Day event on November 11, 6 pm, available in real time and then in recorded form, featuring Art Woolf, who recently retired as Associate Professor of Economics at UVM. His topic will be **"Settling Mr. Jefferson's Republic, and Resettling Ours"**, and he'll look at what demographic and migration trends Vermonters can expect after the pandemic subsides. Information on how to tune in forthcoming.

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## News & Views

**Behind the Unemployment Numbers.** “The latest report says Vermont’s seasonally-adjusted unemployment rate dropped from 8.3 percent in July to 4.8 percent in August. However, the primary reason for the dramatic shift in the unemployment rate was not because more people found jobs, but instead because so many people supposedly dropped out of the workforce according to the employment survey.” ([Caledonian Record, 9/29/20](#))

**Act 46 Unravelling.** “The State Board of Education this week allowed the southern Vermont towns of Halifax and Readsboro to go their separate ways just a few years after they merged their schools.... ‘It was a nightmare. To hire a bus, it was \$90,000, so we paid parents in lieu of transportation,’ Sumner said. ‘And the town wasn’t happy. The parents weren’t happy.’... There is a state law, and it goes back to the late ‘60s,... [that] says that if a town votes, and if there’s a school in that town for the kids to go to, then **the State Board has to approve the breakup.**” Look for more towns to follow.” – [VPR, 9/22/20](#)

**GWSA Battle Not Over.** At Friday’s [9/18] press conference, News 5 reporter David Schneider asked Gov. Scott, “Is there room to fight this bill even if the Senate votes to override?” GWSA gives carbon-reduction decision-making to an unelected, appointed 22-member Climate Council. That will likely mean a constitutional challenge from “someone,” Scott said. (VDC 9/20/20)

**Covid Makes VT Real Estate Market Healthy.** “While we can’t say with certainty that there has been a surge in out of state buyers, we can say that since 2015, the average number of contracts from May-July has been 1087. In 2020, there were 1844 contracts, which is an increase of nearly 70%. This number is not explained by “pent up demand” of buyers deciding not to purchase in March and April.” – [Greenlight Real Estate, 8/27/20](#)

**California’s Environmental Farce.** So called environmentalists have long argued we need to leave forests alone and not manage them, and they have been successful in implementing such policies. This has been disastrous for animal habitats and land preservation, especially in California where wildfires, fueled by accumulated dead wood, are ravaging millions of acres. But here’s insult to injury for the climate change crowd. A “[report](#), ordered by the [California legislature in 2010](#), shows that the portion of California’s National Forests protected from timber harvesting is now a net contributor to atmospheric carbon dioxide due to fires and trees killed by insects and disease.” ([Forbes, 2/25/19](#)). Good job, folks. Good job. We’re sure your upcoming ban on gas powered cars and trucks will fix everything.

**EPA Head Slams California Car Ban with Common Sense.** “California’s record of rolling blackouts – unprecedented in size and scope – coupled with recent requests to neighboring states for power begs the question of how you expect to run an electric car fleet that will come with significant increases in electricity demand, when you can’t even keep the lights on today.” -- EPA Administrator Andrew Wheeler ([Source: Reuters](#))

**Vaunted Paris Climate Agreement Fails.** The GWSA bill declares that “the IPCC has determined that industrialized countries must cut their emissions to net zero by 2050,

which is necessary to achieve the Paris Agreement’s goal of keeping the increase in global average temperature to below 2°C.” The bill says this is a global climate emergency. So, how fares the Paris Agreement? “Of the 189 signatories, 181 countries have not updated their Nationally Determined Contributions (NDC) targets to indicate decarbonization ‘progress.’ For the Climate Action Tracker, the nation-by-nation analysis (updated May 20, 2020) is quite grim with ‘critically insufficient,’ ‘highly insufficient,’ and ‘insufficient’ predominating over ‘2C compatible,’ ‘1.5C Paris Agreement Compatible,’ and ‘Role Model.’ - Robert Bradley Jr. (Master Resource, June 4, 2020)

**“Free College” Is Robin Hood in Reverse.** The New York Times reports that a study of the Bernie/Biden free college plan really won’t help low income students but will rather transfer wealth to the already affluent. “What’s the bottom line? A nationwide program of free college would be extremely expensive, Angrist said. And many of the benefits [would flow to upper-income students](#) likely to finish anyway. But a targeted program, focusing on lower-income students, could have a big impact while also leaving more money available for other priorities...” ([New York Times, 9/29/20](#)). The same can be said of Universal Preschool, but these programs remain “universal” because transferring money to the already affluent is really what they’re supposed to do – but just not appear that way.

**Listen to the “Science.”** NASA climate scientist Dr. Kate Marvel makes frequent appearances in the media to stress the menace of climate change. On June 1 she offered this on Twitter: “climate justice and racial justice are the same thing, and we’ll never head off climate catastrophe without dismantling white supremacy.” And we thought it was all about saving the Planet from Al Gore’s heat death.

**Gun Purchase Report.** “Firearms sales rose 94% for the March-to-July period from a year earlier, according to the National Shooting Sports Foundation, the gun industry’s trade group. About 40% of those sales went to first-time gun owners...The biggest increase in gun ownership by demographic group is among Black people — 58%. (Dave Boyer, WT 9/8/20) Looks like it’s getting to be a lot harder to pass more gun control bills.

**Who’s Cashing in on Renewables.** “The last time Democrats spent big on renewables, during the 2009 green stimulus, 10 members of former President Barack Obama’s finance committee, and more than 12 of his ‘bundlers’ benefited from \$16.4 billion of the \$20.5 billion in stimulus loans...Tom Steyer, Michael Bloomberg, and many other renewable energy investors also donate hundreds of millions of dollars to groups like the Sierra Club, which turn around and lobby for more spending on renewables, and for the closure of nuclear power plants.” – Michael Shellenberger, *Apocalypse Never* (2020). Hot Climate Issue? Gallup Poll asked Americans (7/20) what were the most pressing issues. Nine percent cited economic issues. The leading non-economic concerns were COVID 30%, Race 16%, and – in 11th place – climate, one percent.

**RAP Sheet.** The Regulatory Assistance Project is a group of energy regulation experts working behind the scenes in Montpelier to find ways to make rate payers pay for

“decarbonization”, in ways they cannot easily perceive. Here are some financial contributions to RAP over the 2010-2017 period: Energy Foundation \$4.45 million; Sea Change Foundation \$3.16 million; Hewlett Foundation \$3.8 million. Clearly it’s not all spent in Vermont, but what it has an inordinate effect on your electric bills.

**California’s Costly Obsession:** “California politicians spend much of their time obsessing about a climate change problem they can’t fix. Their state accounts for less than 0.1% of global emissions. There’s nothing they can do.... Only a revolution of ideas can save it from the path it’s on. And the first idea is easy to see. The state will have to wake up from the sheer ludicrousness of devoting so much of its politics to a problem its politics can’t fix at the expense to those it can.” – Holman Jenkins (WSJ 8/321/20)

**The Democratic Program.** “The socialists of the Cold War era saw inequality as largely economic. The new left sees every inequity as a result of racism, sexism or other institutional bias. Mr. Sanders at age 78 may be having his last campaign hurrah, but he is serving as the transition figure to the new socialist generation who will redistribute income and wealth, regulate and direct business, and micromanage American social arrangements based on ethnic and gender categories.”- Wall Street Journal editorial 8/18/20

**Somebody Cancel these Morons.** “Vandals in Whittier, California,... spray-painted “BLM” and “F— Slave Owners” on a statue of the town’s namesake [poet John Greenleaf Whittier].. Whittier, a founder of the American Anti-Slavery Society, an Electoral College member who twice cast his ballot for Abraham Lincoln, and the author of several collections of abolitionist poetry, did not, needless to say, own slaves.” - Daniel Flynn, (American Spectator 8/7/20)

**How Criminals Obtain Guns.** “Every time anyone in the United States purchases a gun from a federal firearms licensee—a gun store, a gun show, it doesn’t matter—the seller runs a background check on the buyer through the National Instant Criminal Background Check System database. Those who cross state lines to buy guns undergo the same background check, and the sale is processed by a federal firearms license in the buyer’s home state. The exact same laws apply to all online sales.” The vast majority of Americans obtain their guns in this manner, and they rarely commit crimes. Around 7% of criminals in prison bought weapons using their real names. Fewer than 1% obtained them at gun shows.’ - David Harsanyi, Daily Signal, 7/31/20

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## **Book of the Month: Shorting the Grid**

*The Hidden Fragility of our Electric Grid*

By Meredith Angwin

Wilder VT: Carnot Communications, 2020)

369 pp

Meredith Angwin, originally a University of Chicago chemist, has had a long career in the electric power industry. For years she was a project manager at the Electric Power Research Institute, the industry’s cutting innovation center. More recently she has been much involved in the lengthy debate over the future of the Vermont Yankee nuclear



plant. Since its closing in 2014 she has focused her work on the New England power grid, on which she has become a leading expert. Meredith also managed the Ethan Allen Institute's Energy Education Project for four years.

In this third book from her pen Meredith explains how a power system composed of fuel production and transportation, generators, utilities, transmission companies, distribution companies, ratepayers, and regulators works to light up our homes when we flip a switch. This is an enormous undertaking, worthy of a year-long college course on that broad subject.

Meredith is thoroughly knowledgeable, immensely perceptive, and to her credit, compulsively fair minded to the various interests involved. That said, despite the clarity of her writing this is a challenging book. That's because the subject matter is so complex, both from a physical standpoint and, more importantly, from a policy standpoint.

Some thirty years ago I served on the Senate Natural Resources and Energy Committee, the only former nuclear engineer ever to do so. I daresay I had a better grip on energy issues than most if not all of my colleagues. Reading *Shorting the Grid*, I now realize how primitive our deliberations were back then, and I wonder if any of our 180 legislators today has even a tenuous grip on the many issues raised in this book. To look at their legislative output over the past decade, I seriously doubt it.

In her gentle but indefeasible way, Meredith dismantles and scraps many energy policy fetishes that prevail in Montpelier. Chief among them are the anti-nuclear baseload phobia, the passion for subsidizing wind and solar, the still-impossible dream of grid-scale battery storage, renewable portfolio standards, and net metering at retail, not wholesale, rates.

Thanks to these legislative obsessions (my term, not hers), plus a vast regulatory structure (PUCs, ISO-NE, NEPOOL, BA, FERC) that deliberately invites regulatory capture and defies accountability, plus a multiplicity of "stakeholders" constantly working to game the system, "grid meltdown is coming."

Unlike California, where the same combination of ignorant advocacy produces summer-day rolling blackouts, New England's blackouts will likely come in the dead of winter, for instance, when a Russian liquefied natural gas tanker can't get into the Massachusetts terminal to deliver just-in-time fuel for the gas plants essential to back up erratic and intermittent renewables.

In her words, "To some extent, the California RTO is a poster child for how not to run a grid. California is closing down zero-emission nuclear plants, setting high requirements for widespread use of renewables, depending heavily on natural gas (no surprise there) and on imported electricity. California rates are far higher than they should be for a state with significant hydro power and in-state natural-gas supplies. But the California ISO is running out of California money."

What can citizens do to spare us from the collapse of an increasingly fragile power grid? Meredith devotes a final chapter to mobilizing for constructive changes. Drawing on her experience influencing the Vermont Yankee debate, she lists forming citizen organizations, attending hearings, filing motions, and the like. I wish I could believe in that. My long experience tells me that the "stakeholders" and their battalion of high priced lawyers like the Regulatory Assistance Project will always defeat a concerned citizen uprising, unless the target is something highly visible and objectionable, like wind turbines.

That said, *Shorting the Grid* is a very valuable –albeit challenging –book. It's not likely to make the New York Times Best Seller List, but it will certainly prove to be the

gold standard for anyone working to keep the lights on, who needs to know how electric power is produced, distributed, and priced. Hint to readers: first read the extensive Glossary.

- Review by John McClaughry, vice-president of the Ethan Allen Institute.

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## The Final Word

### **October Survey: Voting Options**

#### **How do you plan to cast your ballot this election?**

- In person at the polls on November 3
- In person but early at the Town Clerk's office.
- By absentee ballot, dropped off in person.
- By absentee ballot through the mail.
- Not voting.

Take the Survey!

### **September Survey Results: Post-Covid Recovery**

Are you optimistic or pessimistic about Vermont's prospects for rebounding from the Covid economic recession?

- Optimistic. Our economy will bounce back quickly when restrictions are lifted.  
31.03% (18)
- Pessimistic. The damage done to our economy will take a long time to fix.  
68.79% (40)

