



thruMYeyes

with PROF. BOLAJI AKINYEMI

THE WEEKLY FOREIGN-POLICY BRIEFING

SESSION 24 · THURSDAY 12 NOVEMBER 2020 · FROM THE ARCHIVE · Syncterface Media

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FIFTY VOTES, NOT A HUNDRED MILLION

The provision almost nobody had read — and a tribute to a man he calls not a coup but a revolution.

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Syncterface Media · tmeinsights.com

Session 24 — recorded on the day Jerry Rawlings died, nine days after the American election.

FROM THE ARCHIVE

Fifty Votes, Not A Hundred Million

The provision almost nobody had read, the two months in which a defeated president keeps every power he had, and a long, complicated tribute to a man he calls not a coup but a revolution.

A solo broadcast recorded on 12 November 2020 — nine days after the American election, with no concession, and on the day Ghana's Jerry Rawlings died. **Half the evening is spent on machinery: the arcane route by which an election can be decided by fifty votes rather than a hundred and fifty million, and the transitional window in which a lame-duck president holds the whole of the office. The other half is a personal obituary that does not simplify its subject.**

An archive edition, recorded 12 November 2020. Several of the constitutional details the Professor gives are approximate and are corrected here — the mechanism he describes is real, some of the numbers attached to it are not. A medical claim he repeats about Covid-19 treatment is corrected in the body rather than the footnotes, because it concerns what people might do.

01 · NOT SURPRISED, AND STILL SURPRISED

Asked whether the refusal to concede surprises him, he separates two things. The refusal itself, no: the indications had been there for four or five years, through a first campaign in which the question was repeatedly put and never answered, and a first debate in which the answer finally came — he would accept a win, and a loss could only mean theft.

What he did not expect was how far it would go. Not merely litigation, but an attempt to reach the constitutional route that ends in the House of Representatives.

And that is where he stops to explain something he thinks almost nobody watching knows.

“I am not surprised that he will not concede. I did not think he would go this far.”

— Prof. Bolaji Akinyemi

02 • ONE VOTE PER STATE

If a presidential election is thrown into the House of Representatives, it is not decided by a vote of the members. Each state delegation casts a single vote. There are therefore fifty votes, not four hundred and thirty-five — and a party can hold a majority of the seats in the chamber and still lose, if the other party holds more delegations.

The Professor's numbers here run ahead of the record and are corrected below; his mechanism does not. A party-line contingent election is settled by counting states rather than people, and the hundred and fifty million ballots cast between the two sides do not enter the arithmetic.

He treats this as of a piece with his standing view of the document. The so-called constitution for democracy, he says, was anything but: written by wealthy landed men, many of them slave owners, who did not intend votes for black people, for women, for native Americans, or for white workers without property. Provisions of that vintage remain buried in it.

Asked whether such an outcome could pass peacefully, he does not pretend to know. He notes that the country has been here before — twice, in the early republic — and observes that people are more enlightened now, that seventy-odd million voters would feel cheated, and that they are not likely simply to roll over.

The confession that follows is unusually frank about his own side. Liberals, he says, have a tendency to weakness in fighting for their rights: they look for the remedy inside the constitution and stop there. The right, he adds, has no such scruple.

Two ways to count the same chamber		
If a presidential election reaches the House, it is not counted the way people assume		
THE QUESTION	AS PEOPLE ASSUME	AS THE AMENDMENT SAYS
Who casts a vote	Each member of the House.	Each state delegation, as a bloc.
How many votes exist	Four hundred and thirty-five.	Fifty. One for every state.
What decides it	The party with more seats.	The party holding more delegations.
Where the ballots go	They decide the outcome.	They do not enter the arithmetic at all.
“One vote per state. Not one vote per representative. And all those millions of voters do not matter.”		
SESSION 24 • FIFTY VOTES, NOT A HUNDRED MILLION		The Twelfth Amendment, as he set it out

The provision he wanted viewers to understand, set out as two ways of counting the same chamber.

03 • WHY THE COURT WAS PACKED

His reading of the Supreme Court appointments is the sharpest analytical point of the evening, and it inverts the common assumption.

People imagined the court was packed so that it would declare a winner. He thinks the opposite: it was packed with people who would say the court has no role in deciding an election of this kind — that the Constitution assigns it to the House, and the parties should go there and settle it.

That, he notes, is the literal interpretation. A more balanced court would say that this may be what was written in the eighteenth century, but the year is 2020, and no reading can justify discarding an entire national vote and a campaign of two years in favour of fifty delegation votes.

His conclusion is a shrug rather than a prediction, and it is the honest one available at the time: the literalists have the majority, so he does not know.

“He was not packing the court to have it declare him the winner. He was packing it with people who would say the court has no role at all.”

— Prof. Bolaji Akinyemi

04 • WHAT A CONCESSION IS ACTUALLY FOR

The moderator notes that the president-elect is playing the obstruction down. The Professor understands the posture — he does not want to heat the system — and disagrees with the substance, in the most useful passage in the broadcast.

A concession is not a message to the winner, and it is barely a message about the loser. It is a message to the losing side's own voters, and the Professor scripts it: we played fair and square, we lost this time, calm down, four years is a short run to the corner and you will have another opportunity. Even, he says, if the man delivering it privately believes the election was unfair — for the sake of the republic and of the values you claim to hold.

What a concession delivers, in a word, is graciousness: the thing the losing side needs in order not to feel cheated. Withhold it and you have denied the republic that.

And the alternative is not neutral. Instead of allowing seventy-two million people to accept the result with some dignity, they are being worked up and told they were cheated.

He also lists what else is happening in the same window: a defence secretary fired and the department restaffed, transition funds withheld, intelligence briefings refused. On the last he is relieved rather than reassured — the president-elect was vice-president for eight years and chaired the Senate foreign relations committee, and heads of government in Europe and Asia are already briefing him directly. The president-elect's own description of how allies see it — embarrassing — he calls the understatement of the century.

“The concession is not for him. It is for his seventy-two million voters — to tell them we played fair, we lost, and there will be another opportunity.”

— Prof. Bolaji Akinyemi

05 • MOSCOW, BEIJING AND THE TEA LEAVES

On Russia and China withholding congratulations pending certification, he calls the position condescending and gives the reason it is: for as long as anyone can remember, whoever passes the threshold has been called by the media and accepted by everyone — which is precisely how the incumbent himself arrived.

The motives he assigns are different in each case. Moscow's candidate lost. Beijing, he suspects, is enjoying itself — and he offers a note on method that is worth keeping: with Chinese diplomacy you often have to read the tea leaves to work out what is being said, and the tradition places a high

value on letting the other party save face. On that reading the delay is less about the winner than about not grinding the loser's face into the wall.

His advice to any American watching is brisk. Do not treat the Russian and Chinese reaction to your election as a barometer of what is right.

Asked whether the slight will colour the new administration's dealings, he says no — the man is too sophisticated and too mature, is surrounded by experienced advisers, and is not childish in foreign affairs. He notes in passing that even a close ally's first message was wishy-washy and was made up for later.

“For as long as anyone can remember, whoever passes the threshold is called and accepted. That is how this president himself came in.”

— Prof. Bolaji Akinyemi

06 • TWO MONTHS ON HORSEBACK

Asked whether the transitional period should be shortened, he first corrects the question — no chief of defence staff was fired; the United States has no such post, and the man dismissed was the defence secretary — and then makes the argument the correction was clearing the ground for.

The timings in the Constitution were written for a country in which people rode to their state capital on horseback, took weeks to get there, and needed to rest before assembling. You cannot run that clock in 2020.

What it produces is a window of roughly two and a half months in which a defeated president and a lame-duck congress hold the entire powers of a regular president and a regular congress. And the incumbent has just demonstrated what that permits — in his phrase, a bull in a china shop, wrecking institutions on the way out. His question is the comparative one: which other country does this?

He is impatient with the standard defence. People tell him: that's democracy for you. On that basis, he says, you can call anything democratic. You have already stretched the word to accommodate a system in which votes do not directly decide the outcome. Now you stretch it to accommodate two and a half months of a defeated man exercising the totality of the powers.

“That's democracy for you? Excuse me. On that basis you can call anything democratic.”

— Prof. Bolaji Akinyemi

07 • THE STEP NOBODY WATCHES

He then raises the intervening structure between a called election and a president: the electors themselves, who meet in December and whose votes are certified in Congress in January.

His claim — that the electors are not bound by the popular vote in their state — was historically true and had been substantially overtaken four months earlier, when the Supreme Court upheld state laws requiring them to vote as pledged. That correction belongs beside the point rather than instead of it, because the point survives it: a mechanism this consequential is understood by almost nobody, and rests on layers most viewers had never been told about.

The scenario he sketches is the one that mattered. One faithless elector is a curiosity. Fifty acting in concert would be a constitutional crisis, and the man presiding over the count would be the sitting vice-president.

His conclusion is the same one he keeps arriving at. You cannot run this in 2020 and still call it democratic.

“One elector is a curiosity. Imagine fifty who had arranged it among themselves — and the vice-president in the chair.”

— Prof. Bolaji Akinyemi

08 • LANDMINES

On the twenty-three billion dollar arms package to the United Arab Emirates notified to Congress two days earlier, he does not dispute the legality at all. The president is within his powers.

That is the whole point, and it is the same point as the previous section. A lame-duck president with undiminished powers can commit the country in ways his successor must then live with.

The image he uses is the one to keep: he can lay landmines in foreign policy and in the economy for the incoming administration to step on.

“He is within his powers. He can lay landmines in foreign policy and in the economy for an incoming president.”

— Prof. Bolaji Akinyemi

09 • RAWLINGS, AND THE COUP HE DID NOT LEAD

The news of Jerry Rawlings's death reached the programme that day, and the Professor's response is personal before it is analytical. He is not sure protocol permits a former foreign minister to claim a former president as a friend, and claims him anyway — as he does Thomas Sankara.

What he admired was standing up for Africa: in what Rawlings did in Ghana, and afterwards, in how he handled Western interviewers, by asking whether they would accept a system that promoted external interests over their own national ones. The programme is asked constantly why African leaders are docile. Rawlings, he says, was the answer to that question.

Then the historical correction he thinks Africans have never absorbed, and it changes the shape of the story. Rawlings did not carry out the coup that installed him. He had already been arrested for planning one, court-martialled, and was in detention with the trial still running when junior officers and the rank and file — sergeants and privates — went and took him out of jail and put him at the head of the country.

The consequence he draws from that is the analytical payoff: Rawlings was beholden to those junior officers, and that dependence explains a good deal of what happened in the first months.

He also records his own unfinished business with it. One of the generals executed was a man he had a fondness for, and he asked Rawlings directly, years later, what the man had done. He was given reasons. He declines to repeat them on air.

“It was not Rawlings who carried out that coup. He was in detention. The rank and file went and took him out of jail.”

— Prof. Bolaji Akinyemi

10 • WHAT HE CREDITS, AND WHAT HE DOES NOT

Asked whether Rawlings deserves credit for Ghana's growth, he declines the easy version. The growth came later, with offshore oil and gas, after Rawlings had left office.

What he credits is the system left behind: one in which the ruling elite invested Ghana's resources in Ghana rather than in their own pockets. The contrast he draws is with his own country, where resources from oil and gas were diverted privately and the elite grew richer as the country grew poorer.

The formulation is the memorable one. Ghana did not produce billionaires while the country's growth crawled at the pace of a snail.

Asked how Rawlings governed with those ideas, he says the man was committed to the point of not minding losing his life — and then gives the harder half of the account, which this issue reports as his analysis and not as endorsement. By executing generals, colonels and judges, Rawlings established that his regime was not business as usual and that nobody would feel above retribution. Elsewhere in Africa, he says, generals come and go with their loot, which teaches their successors that looting carries no risk.

Those executions were extrajudicial, remain bitterly contested in Ghana, and left families and an army with wounds that have not closed. The Professor is describing a political effect rather than defending a legal act, and the distinction should be held onto by any reader.

He closes with Rawlings's own answer to the suggestion that he was himself corrupt: having executed generals and judges for corruption, did you imagine I would then soil my hands — and the young officers who pushed for those executions are still here. Would they let me off? Which is why, in his summary, this was not a coup. It was a revolution, and its leader was on trial every day.

“Ghana did not produce billionaires while Ghana's growth crawled at the pace of a snail.”

— Prof. Bolaji Akinyemi

11 • THE LIGHT AT THE END OF THE TUNNEL

On the vaccine results announced that week — over ninety per cent from one developer, ninety-two claimed by another — his answer is about morale rather than immunology, and it is the warmest thing he says all evening.

There is nothing as devastating to the human psyche as loss of hope, and that is what a year without any light at the end of the tunnel has done. Catching the virus felt like a death sentence, and he says he would not be surprised if hopelessness had done as much damage as the infection. That is a rhetorical figure rather than an epidemiological claim, and he offers it as one.

What the news changes is the shape of the future rather than the present. The rain has stopped; the flood is still there; you can see the sun on it and you know it will dry. It does not matter that nobody may be vaccinated for six months. What matters is knowing that salvation exists and where it will come from — and that the light is not an oncoming train.

He is careful not to oversell it, and the care is worth noting. Infections will keep rising. People will keep dying. What changes is that in six months or a year this becomes a manageable disease rather than a rampaging one — not because it disappears, since influenza does not disappear either, but because vaccines drive the fatality rate down, as they have for measles and for the viral diseases he knows best.

“We can see the light at the end of the tunnel, and we know it is not the light of an oncoming train.”

— Prof. Bolaji Akinyemi

12 · A TREATMENT CLAIM, AND WHAT THE TRIALS FOUND

Asked why African candidate remedies faded from view, he draws a distinction that is entirely sound — research into a vaccine is one thing, treatment of the infection is another — and then repeats a claim this programme heard from him in October, flagging as he does that he is not a doctor.

The claim is that Africa's low fatality rate is explained by early treatment with hydroxychloroquine, zinc and vitamin C, that a Nigerian research institute has confirmed it, and that the drug remains the treatment of choice in Nigerian hospitals.

This issue does not carry that as a finding, and the reason belongs here rather than in a footnote. By June 2020 the RECOVERY trial in Britain and the World Health Organization's Solidarity trial had both found no benefit from hydroxychloroquine in hospitalised patients; the American regulator revoked its emergency authorisation in the same month; and trials of early and preventive use, and of zinc and vitamin C, reported no effect on outcomes. The lower recorded fatality across much of Africa is generally attributed to a far younger population and to substantial under-recording of cases and of deaths — the second of which he anticipates and sets aside.

The rest of his answer stands without it, and is the part worth arguing about. Africa has never invested in research and development, and countries with the resources to do it — he names South Africa and Nigeria — offer no encouragement to the talent. He would not be surprised, he says, to find Africans working inside the overseas institutes that produced these vaccines. The deficit he names is not of ability. It is of leadership, foresight and vision.

“We have never invested in research and development. There are countries with the resources and no encouragement for the talent.”

— Prof. Bolaji Akinyemi

13 · A QUESTION HE DECLINES

The last question is ethical: a pharmaceutical chief executive sold several million dollars of stock the day the results were announced. Should anyone profit from a vaccine at such a moment?

He will not take it up, and says why. It is only being human, and the people who raise such questions would probably do the same in that position. He does not spend his time asking people to be more moral than human predisposition encourages.

It is worth recording what he was not told, because it bears on the question he waved away: the sale was made under a trading plan adopted months in advance, an arrangement designed precisely to remove the discretion the question assumes. The criticism that followed was of the timing rules rather than of the individual.

“You are asking people to be more moral than human predisposition encourages.”

— Prof. Bolaji Akinyemi

THREADS TO PULL

- A rule that counts states rather than people was designed for a federation of unequal populations. Is there any version of it that a modern electorate would accept?
- He reads the court appointments as a bet on abstention rather than intervention. Which is the more dangerous judicial posture in a contested election?

- If a concession is a message to the losing side's voters, what else could deliver that message when the candidate refuses to?
- The Rawlings account credits fear of retribution with producing clean government. What institution delivers that deterrent without the executions?
- He declines the ethics question about the share sale as unrealistic about human nature. Is that realism, or the argument that makes every rule unenforceable?

Watch Session 24 in full on the Syncterface Media channel. New episodes every Thursday, 7pm WAT (7pm UK, 2pm ET).

More analysis: tmeinsights.com · profbolajiakinyemi.com

*An early broadcast with a correspondingly rough automatic transcript; quotations have been cleaned for readability — punctuation and obvious mis-transcriptions only, never sense — with the raw forms listed in the transcript header. Corrections: the mechanism of a contingent election is as he describes, but Republicans held a majority in roughly twenty-six to twenty-seven state delegations rather than the thirty-three he cites; the previous contingent elections were resolved in 1801 and 1825, not 1804; the Constitution dates from 1787, not 1776; and in *Chiafalo v. Washington*, decided in July 2020, the Supreme Court upheld state laws binding electors to their pledge, so his statement that electors are unbound had been substantially overtaken. The episode he recalls from January 2001 involved the presiding vice-president gaveling down objections from members of the House, not a faithless elector. The medical claim about hydroxychloroquine is addressed in the body of this issue. The executions carried out under the regime he discusses were extrajudicial and remain contested in Ghana; his account explains their political effect and is not reproduced as a defence of them.*