

# As Goes Ohio

## Election Theft Since 2004

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**The Best of FreePress.org Election Coverage**

**By**  
**Bob Fitrakis and Harvey Wasserman**

**CICJ BOOKS/Columbus, Ohio**

**As Goes Ohio: Election Theft Since 2004**

**The Best of FreePress.org Election Coverage**

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## **DEDICATION**

This book is dedicated to Susan B. Anthony and Rosa Parks  
for having the courage to get arrested and change history

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# Articles of Impeachment for President George W Bush by Dennis Kucinich

## Article 28

### TAMPERING WITH FREE AND FAIR ELECTIONS, CORRUPTION OF THE ADMINISTRATION OF JUSTICE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, conspired to undermine and tamper with the conduct of free and fair elections, and to corrupt the administration of justice by United States Attorneys and other employees of the Department of Justice, through abuse of the appointment power.

Toward this end, the President and Vice President, both personally and through their agents, did:

Engage in a program of manufacturing false allegations of voting fraud in targeted jurisdictions where the Democratic Party enjoyed an advantage in electoral performance or otherwise was problematic for the President's Republican Party, in order that public confidence in election results favorable to the Democratic Party be undermined;

Direct United States Attorneys to launch and announce investigations of certain leaders, candidates and elected officials affiliated with the Democratic Party at times calculated to cause the most political damage and confusion, most often in the weeks immediately preceding an election, in order that public confidence in the suitability for office of Democratic Party leaders, candidates and elected officials be undermined;

Direct United States Attorneys to terminate or scale back existing investigations of certain Republican Party leaders, candidates and elected officials allied with the George W. Bush administration, and to refuse to pursue new or proposed investigations of certain Republican Party leaders, candidates and elected officials allied with the George W. Bush administration, in order that public confidence in the suitability of such Republican Party leaders, candidates and elected officials be bolstered or restored;

Threaten to terminate the employment of the following United States Attorneys who refused to comply with such directives and purposes;

1. David C. Iglesias as U.S. Attorney for the District of New Mexico;
2. Kevin V. Ryan as U.S. Attorney for the Northern District of California;
3. John L. McKay as U.S. Attorney for the Western District of Washington;
4. Paul K. Charlton as U.S. Attorney for the District of Arizona;
5. Carol C. Lam as U.S. Attorney for the Southern District of California;
6. Daniel G. Bogden as U.S. Attorney for the District of Nevada;
7. Margaret M. Chiara as U.S. Attorney for the Western District of Michigan;
8. Todd Graves as U.S. Attorney for the Western District of Missouri;
9. Harry E. "Bud" Cummins, III as U.S. Attorney for the Eastern District of Arkansas;
10. Thomas M. DiBiagio as U.S. Attorney for the District of Maryland, and;

11. Kasey Warner as U.S. Attorney for the Southern District of West Virginia.

Further, George W. Bush has both personally and acting through his agents and subordinates, together with the Vice President conspired to obstruct the lawful Congressional investigation of these dismissals of United States Attorneys and the related scheme to undermine and tamper with the conduct of free and fair elections, and to corrupt the administration of justice.

Contrary to his oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, George W. Bush has without lawful cause or excuse directed not to appear before the Committee on the Judiciary of the House of Representatives certain witnesses summoned by duly authorized subpoenas issued by that Committee on June 13, 2007.

In refusing to permit the testimony of these witnesses George W. Bush, substituting his judgment as to what testimony was necessary for the inquiry, interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the checking and balancing power of oversight vested in the House of Representatives.

Further, the President has both personally and acting through his agents and subordinates, together with the Vice President directed the United States Attorney for the District of Columbia to decline to prosecute for contempt of Congress the aforementioned witnesses, Joshua B. Bolten and Harriet E. Miers, despite the obligation to do so as established by statute (2 USC § 194) and pursuant to the direction of the United States House of Representatives as embodied in its resolution (H. Res. 982) of February 14, 2008.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

## Articles of Impeachment for President George W Bush by Dennis Kucinich

### Article 29 CONSPIRACY TO VIOLATE THE VOTING RIGHTS ACT OF 1965

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, willfully corrupted and manipulated the electoral process of the United States for his personal gain and the personal gain of his co-conspirators and allies; violated the United States Constitution and law by failing to protect the civil rights of African-American voters and others in the 2004 Election, and impeded the right of the people to vote and have their vote properly and accurately counted, in that:

A. On November 5, 2002, and prior thereto, James Tobin, while serving as the regional director of the National Republican Senatorial Campaign Committee and as the New England Chairman of Bush-Cheney '04 Inc., did, at the direction of the White House under the administration of George W. Bush, along with other agents both known and unknown, commit unlawful acts by aiding and abetting a scheme to use computerized hang-up calls to jam phone lines set up by the New Hampshire Democratic Party and the Manchester firefighters' union on Election Day;

B. An investigation by the Democratic staff of the House Judiciary Committee into the voting procedures in Ohio during the 2004 election found "widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote;"

C. The 14th Amendment Equal Protection Clause guarantees that no minority group will suffer disparate treatment in a federal, state, or local election in stating that: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." However, during and at various times of the year 2004, John Kenneth Blackwell, then serving as the Secretary of State for the State of Ohio and also serving simultaneously as Co-Chairman of the Committee to Re-Elect George W. Bush in the State of Ohio, did, at the direction of the White House under the administration of George W. Bush, along with other agents both known and unknown, commit unlawful acts in violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution by failing to protect the voting rights of African-American citizens in Ohio and further, John Kenneth Blackwell did disenfranchise African-American voters under color of law, by

D. Willfully denying certain neighborhoods in the cities of Cleveland, Ohio and Columbus, Ohio, along with other urban areas in the State of Ohio, an adequate number of electronic voting machines

and provisional paper ballots, thereby unlawfully impeding duly registered voters from the act of voting and thus violating the civil rights of an unknown number of United States citizens.

E. In Franklin County, George W. Bush and his agent, Ohio Secretary of State John Kenneth Blackwell, Co-Chair of the Bush-Cheney Re-election Campaign, failed to protect the rights of African-American voters by not properly investigating the withholding of 125 electronic voting machines assigned to the city of Columbus.

F. Forty-two African-American precincts in Columbus were each missing one voting machine that had been present in the 2004 primary.

G. African-American voters in the city of Columbus were forced to wait three to seven hours to vote in the 2004 presidential election.

H. Willfully issuing unclear and conflicting rules regarding the methods and manner of becoming a legally registered voter in the State of Ohio, and willfully issuing unclear and unnecessary edicts regarding the weight of paper registration forms legally acceptable to the State of Ohio, thereby creating confusion for both voters and voting officials and thus impeding the right of an unknown number of United States citizens to register and vote.

I. Ohio Secretary of State John Kenneth Blackwell directed through Advisory 2004-31 that voter registration forms, which were greatest in urban minority areas, should not be accepted and should be returned unless submitted on 80 bond paper weight. Blackwell's own office was found to be using 60 bond paper weight.

J. Willfully permitted and encouraged election officials in Cleveland, Cincinnati and Toledo to conduct a massive partisan purge of registered voter rolls, eventually expunging more than 300,000 voters, many of whom were duly registered voters, and who were thus deprived of their constitutional right to vote;

K. Between the 2000 and 2004 Ohio presidential elections, 24.93% of the voters in the city of Cleveland, a city with a majority of African American citizens, were purged from the voting rolls.

L. In that same period, the Ohio county of Miami, with census data indicating a 98% Caucasian population, refused to purge any voters from its rolls. Miami County "merged" voters from other surrounding counties into its voting rolls and even allowed voters from other states to vote.

M. In Toledo, Ohio, an urban city with a high African-American concentration, 28,000 voters were purged from the voting rolls in August of 2004, just prior to the presidential election. This purge was conducted under the control and direction of George W. Bush's agent, Ohio Secretary of State John Kenneth Blackwell outside of the regularly established cycle of purging voters in odd-numbered years.

N. Willfully allowing Ohio Secretary of State John Kenneth Blackwell, acting under color of law and as an agent of George W. Bush, to issue a directive that no votes would be counted unless cast in the right precinct, reversing Ohio's long-standing practice of counting votes for president if cast in the right county.

O. Willfully allowing his agent, Ohio Secretary of State John Kenneth Blackwell, the Co-Chair of the Bush-Cheney Re-election Campaign, to do nothing to assure the voting rights of 10,000 people in the

## "As Goes Ohio" – Election theft since 2004

city of Cleveland when a computer error by the private vendor Diebold Election Systems, Inc. incorrectly disenfranchised 10,000 voters

P. Willfully allowing his agent, Ohio Secretary of State John Kenneth Blackwell, the Co-Chair of the Bush-Cheney Re-election Campaign, to ensure that uncounted and provisional ballots in Ohio's 2004 presidential election would be disproportionately concentrated in urban African-American districts.

Q. In Ohio's Lucas County, which includes Toledo, 3,122 or 41.13% of the provisional ballots went uncounted under the direction of George W. Bush's agent, the Secretary of State of Ohio, John Kenneth Blackwell, Co-Chair of the Committee to Re-Elect Bush/Cheney in Ohio.

R. In Ohio's Cuyahoga County, which includes Cleveland, 8,559 or 32.82% of the provisional ballots went uncounted.

S. In Ohio's Hamilton County, which includes Cincinnati, 3,529 or 24.23% of the provisional ballots went uncounted.

T. Statewide, the provisional ballot rejection rate was 9% as compared to the greater figures in the urban areas.

U. The Department of Justice, charged with enforcing the Voting Rights Act of 1965, the 14th Amendment's Equal Protection Clause, and other voting rights laws in the United States of America, under the direction and Administration of George W. Bush did willfully and purposely obstruct and stonewall legitimate criminal investigations into myriad cases of reported electoral fraud and suppression in the state of Ohio. Such activities, carried out by the department on behalf of George W. Bush in counties such as Franklin and Knox by persons such as John K. Tanner and others, were meant to confound and whitewash legitimate legal criminal investigations into the suppression of massive numbers of legally registered voters and the removal of their right to cast a ballot fairly and freely in the state of Ohio, which was crucial to the certified electoral victory of George W. Bush in 2004.

V. On or about November 1, 2006, members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, brought indictments for voter registration fraud within days of an election, in order to directly effect the outcome of that election for partisan purposes, and in doing so, thereby violated the Justice Department's own rules against filing election-related indictments close to an election;

X. Emails have been obtained showing that the Republican National Committee and members of Bush-Cheney '04 Inc., did, at the direction of the White House under the administration of George W. Bush, engage in voter suppression in five states by a method known as "vote caging," an illegal voter suppression technique;

Y. Agents of George W. Bush, including Mark F. "Thor" Hearne, the national general counsel of Bush/Cheney '04, Inc., did, at the behest of George W. Bush, as members of a criminal front group, distribute known false information and propaganda in the hopes of forwarding legislation and other actions that would result in the disenfranchisement of Democratic voters for partisan purposes. The scheme, run under the auspices of an organization known as "The American Center for Voting Rights" (ACVR), was funded by agents of George W. Bush in violation of laws governing tax exempt 501(c)3 organizations and in violation of federal laws forbidding the distribution of such propaganda by the federal government and agents working on its behalf.

Z. Members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, did, for partisan reasons, illegally and with malice aforethought block career attorneys and other officials in the Department of Justice from filing three lawsuits charging local and county governments with violating the voting rights of African-Americans and other minorities, according to seven former senior United States Justice Department employees.

AA. Members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, did illegally and with malice aforethought derail at least two investigations into possible voter discrimination, according to a letter sent to the Senate Rules and Administration Committee and written by former employees of the United States Department of Justice, Voting Rights Section.

BB. Members of the United States Election Assistance Commission (EAC), under the control and direction of the Administration of George W. Bush, have purposefully and willfully misled the public, in violation of several laws, by;

CC. Withholding from the public and then altering a legally mandated report on the true measure and threat of Voter Fraud, as commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country, because the results of the statutorily required and tax-payer funded report did not conform with the illegal, partisan propaganda efforts and politicized agenda of the Bush Administration;

DD. Withholding from the public a legally mandated report on the disenfranchising effect of Photo Identification laws at the polling place, shown to disproportionately disenfranchise voters not of George W. Bush's political party. The report was commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country

EE. Withholding from the public a legally mandated report on the effectiveness of Provisional Voting as commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country, and keeping that report unreleased for more than a year until it was revealed by independent media outlets.

For directly harming the rights and manner of suffrage, for suffering to make them secret and unknowable, for overseeing and participating in the disenfranchisement of legal voters, for instituting debates and doubts about the true nature of elections, all against the will and consent of local voters affected, and forced through threats of litigation by agents and agencies overseen by George W. Bush, the actions of Mr. Bush to do the opposite of securing and guaranteeing the right of the people to alter or abolish their government via the electoral process, being a violation of an inalienable right, and an immediate threat to Liberty.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

## Introduction

### A Nation on the Brink of Being Stolen Again

After three years of national debate over George W. Bush's highly implausible 2004 victory in Ohio, the Buckeye State's top election official conceded that the state's vote counts remain "vulnerable" to manipulation and theft.

"Critical security failures" are embedded throughout Ohio's electronic voting systems that decided the 2004 election, stated Ohio Secretary of State Jennifer Brunner, who was elected in 2006. Those failures "could impact the integrity of elections in the Buckeye State."

In other words, the 2008 election could also be stolen.

This book shows how. In the wake of the theft of the 2004 election, we reported extensively, on a day-to-day basis, from Columbus, on the unfolding story of how this election was stolen in Ohio, and how George W. Bush was illegally given a second term in the White House.

We also became attorney and plaintiff in a federal civil rights lawsuit – *King Lincoln Bronzeville vs. J. Kenneth Blackwell* – that is appended at the end of this book, along with the favorable ruling from Judge Algernon Marbley. Unfortunately, Judge Marbley's decision has been ignored by 56 of Ohio's 88 county election boards. Contrary to federal law, the materials critical to conducting a comprehensive recount of the 2004 presidential election in Ohio have been destroyed. No one has been prosecuted for this massive breach of federal law.

Ultimately, the belief that the 2004 presidential election was stolen found expression, among other places, in Articles 27 and 28 of the Articles of Impeachment filed by US Representative Dennis Kucinich (D-OH) in June 2008, which appear at the front of this book.

This introduction offers a brief overview of the story surrounding the second theft of the presidency by George W. Bush and his supporters. The articles that follow provide a comprehensive view of how it happened, and of how the story continues to unfold. It can be ignored only at peril of the total decimation of the American electoral process, and of the democracy that has defined this nation since birth.

Ohio Secretary of State Jennifer Brunner's December 14, 2007 summary of her official \$1.9 million electronic voting systems study confirmed the possibility that Ohio's 2004 presidential election could indeed have been shifted from a rightful victory for John Kerry to an illegitimate one for Bush.

Brunner noted that "the tools needed to compromise an accurate vote count could be as simple as tampering with the paper audit trail connector or using a magnet and a personal digital assistant."

On Election Day 2004, Ohio was riddled with a staggering array of irregularities, apparent fraud and clear illegalities. Many questions remain unanswered about electronic voting machines whose lack of official accountability and a reliable paper trail had been in the news since the bitterly contested election of 2000, four years earlier.

On Election Day, 2004, the *Free Press* put out a news account alleging missing voting machines in inner city polling sites in Columbus. *Free Press* reporters and election observers flooded the [freepress.org](http://freepress.org) website with reports of scores of irregularities throughout the state.

Nonetheless, Senator Kerry conceded in the early afternoon the day after a contest whose exit polls, just twelve hours earlier, showed him winning the presidency with significant margins both in the popular vote and in the Electoral College. His concession came with nearly 250,000 Ohio votes still uncounted.

When both the Democratic Party and the corporate media refused to investigate widespread election irregularities, the Columbus Institute for Contemporary Journalism (CICJ), publisher of the *Free Press*, organized public hearings to take testimony from voters. Those who testified were officially sworn in under oath, and their testimony remains admissible evidence in a court of law.

The Libertarian and Green Parties, Common Cause, the NAACP, the League of Pissed Off Voters, Election Protection, and various local elected officials participated in two Columbus hearings and helped take this under-oath testimony. In all, the CICJ held five public hearings in major urban areas of Ohio: Cincinnati, Cleveland, Columbus, Toledo and Youngstown/Warren. In central Ohio alone, 99 people gave testimony and approximately 500 signed sworn affidavits. While the corporate media would later echo Ohio Secretary of State J. Kenneth Blackwell's mantra that not a single irregularity occurred in the election, the hearings produced the largest known body of evidence on election irregularities in Ohio history.

Early on, among much else, the following evidence emerged:

- Overall voting procedures broke down almost exclusively in inner city and campus areas known to be heavily Democratic, while voting in heavily Republican suburban and rural districts seemed to suffer comparatively few, if any significant problems.

In various polling stations in Democrat-rich inner city precincts in Youngstown and Columbus, voters who pushed touch screens for Kerry saw Bush's name light up. A Youngstown election official later confirmed to a reporter from *Mother Jones Magazine* that at least 18 machines that he knew of did this.

- A voting machine in Mahoning County recorded a negative 25 million votes for Kerry. The problem was allegedly fixed.
- In Gahanna Ward 1B, at a fundamentalist church, a so-called “electronic transfer glitch” gave Bush nearly 4000 extra votes when only 638 people voted at that polling place. The tally was allegedly corrected, but remains infamous as the “loaves and fishes” vote count.
- In Franklin County, dozens of voters swore under oath that their vote for Kerry faded away on the DRE without a paper trail.
- In Miami County, at 1:43am, the Wednesday morning after Election Day Tuesday, with the county's central tabulator reporting 100% of the vote in and counted – 19,000 more votes mysteriously arrived; 13,000 were for Bush, coming in at the same percentage as those that had been counted prior to the arrival of these additional votes, a virtual statistical impossibility.
- In Cleveland, large, entirely implausible vote totals turned up for obscure third party candidates in traditional Democratic African-American wards. Vote counts in neighboring wards showed virtually no votes for those candidates, with 90% going instead for Kerry, meaning these alleged third-party votes were in essence subtracted from the Democratic column.

A wide range of discrepancies on both electronic and paper balloting systems leaned almost uniformly toward the Bush camp. About 14.6% of Ohio's ballots were cast on computerized devices that left no paper trail.

But even where votes were cast on paper ballots, virtually all the votes counted in the state were tallied up on computerized central tabulators. Their results then sent to a final centralized computer housed in a basement in Chattanooga, Tennessee, which operated alongside the servers that also handled the business of the Republican National Committee. The software used to report out the final tabulations of the presidential vote for Ohio 2004 was written by a programmer with deep ties to the Bush family and the Republican National Committee.

With more than 5.7 million votes cast in a state yielding an official margin for Bush of less than 119,000 votes, a skewed vote count on the computerized, no-paper-trail e-voting machines alone could have turned the election from Kerry to Bush.

The most widely publicized Ohio problems came as predominantly African-American precincts turned up suspiciously short of voting machines in Columbus. Inner-city voters waited more than three hours on average and up to seven hours, according to election officials, election protection observers and to sworn testimony of local residents. Many voters stood in the cold rain to cast their ballots while nearby white Republican suburbs suffered virtually no delays. The wait at liberal Kenyon College, located in Knox County, Ohio, was eleven hours, while voters at a nearby conservative Bible school could vote in a few minutes.

At the first public hearing on the election, held on November 13, in Columbus, a Franklin County Democratic ward leader submitted a list of voting machines with 125 listings blacked out. The blacked out machines had been initially assigned to Democratic wards in Columbus. But on Election Day they were mysteriously held back for a so-called "emergency," according to Franklin County Board of Election Director Matt Damschroder.

Damschroder, who was in charge of the balloting in one of the nation's most pivotal counties, was former Chair of the Franklin County Republican Party. He was admonished by the election board – but not removed – for personally accepting a \$10,000 donation for the Republican Party while in his office at the Board of Elections. The donation came from the representative of the Diebold voting machine company at a time when the BOE was deliberating on what voting machines to buy.

In a series of post-election visits to Ohio, the Rev. Jesse Jackson rallied an African-American community that felt it had been deprived of its vote. Terming the campaign here "a bigger deal than Selma," Jackson likened what happened in Ohio 2004 to the deprivation of black voting rights throughout the Jim Crow South dating to the Ku Klux Klan era that followed the Civil War.

Jackson enlisted the support of US Congressman John Conyers (D-MI) and Rep. Stephanie Tubbs Jones (D-OH). Rep. Conyers, the ranking Democrat on the House Judiciary Committee, convened two Congressional forums, one in Washington and one in Columbus on voting irregularities in Ohio's election. Ohio activists delivered thousands of public records and hundreds of sworn voter affidavits documenting the election irregularities. These became the basis of Rep. Conyers' January 5, 2005 report, entitled "Preserving Democracy: What Went Wrong in Ohio, Status Report of the House Judiciary Committee Democratic Staff."

A grassroots movement led in part by the Green and Libertarian parties grew within the Buckeye state – and across the nation – to demand a recount. On December 13, an Ohio legal team filed two election challenge lawsuits, *Moss v. Bush*, and *Moss v. Moyer*, at Ohio's Supreme Court in Columbus. Their purpose was to overturn Bush's impending victory in the Electoral College.

The suits were filed on behalf of Green and Libertarian Party candidates. They demanded that the Ohio Electors not be seated until a full investigation of both the balloting and the recount could be conducted. But Ohio Secretary of State Blackwell used a wide range of legal and bureaucratic maneuvers to deprive the public of meaningful scrutiny or a legal recount prior to the convening of the Electoral College. Blackwell's maneuvers in essence made the lawsuits moot. As Florida's Secretary

of State, Katherine Harris, had done in 2000, Blackwell had proclaimed the election would go for Bush long before all the legal appeals were played out.

With an almost total blackout on all coverage from the corporate/mainstream media, the vast bulk of the breaking information was spread from the [www.freepress.org](http://www.freepress.org) website and out to such websites as [www.commondreams.org](http://www.commondreams.org), [www.truthout.org](http://www.truthout.org), Buzzflash and Counterpunch, along with Air America radio shows, Pacifica Radio, NPR, independent radio stations and Amy Goodman's "Democracy Now" TV show. In particular, an appearance by co-author Wasserman on Democracy Now apparently generated a significant flow of e-mail traffic to the office of US Senator Barbara Boxer (D-CA), who at the time was considering whether to join a challenge to the seating of the Ohio Electoral College delegation.

The fact that the story spread at all was a tribute to the ability of the Internet to operate independently from the corporate media. There the coverage of what happened in Ohio was scant at best, and almost uniformly hostile to the idea that anything could have gone seriously wrong.

One lone exception was a post-election headline from the *Akron Beacon Journal* citing a critical report by twelve prominent social scientists and statisticians, reporting: "Analysis Points to Election 'Corruption': Group Says Chance of Exit Polls Being So Wrong in '04 Vote is One-in-959,000."

On January 3, 2005, Rev. Jackson hosted a rally in downtown Columbus at which Rep. Jones officially announced that she would formally question the seating of the Ohio Electoral delegation on January 6. The next day, a busload of activists left from Columbus for an overnight "Winter Freedom Ride" to Washington. As they arrived the morning of January 5, the burgeoning "Election Protection" coalition staged a media briefing at the National Press Club. Moderated by co-author Wasserman, the event was held in a packed conference room, and finally generated the first significant global media coverage – which included ABC's Nightline – of the irregularities that surrounded the 2004 election.

Throughout the days of January 5 and 6, Rev. Jackson, with co-author Fittrakis and others in tow, lobbied the Congress, providing in-depth briefings for key Democratic senators, including the newly installed Democratic leadership and former first lady Sen. Hillary Clinton (D-NY).

On January 6, at a morning rally across from the White House, Rev. Jackson announced that Senator Boxer would join Rep. Tubbs Jones in challenging the seating of the GOP delegation from Ohio to the Electoral College.

The law for challenging a state's delegation to the Electoral College was established by Congress in 1887. It was passed a decade after the election of presidential election of 1876 had been stolen by the Republican Party, which installed Rutherford B. Hayes in the White House despite his having lost the national popular vote by some 250,000 ballots.

Pressure was strong in 2001 to use this law to challenge the seating of the Florida delegation for George W. Bush. Much of the House Black Caucus, and a number of other US Representatives, supported the challenge. But under direction from Vice President Al Gore, no Democratic Senator would join in, and the challenge was stymied.

In 2004, in the wake of another tainted election, Senator Boxer and Rep. Jones made history. Much to their very public anger, the Republicans who dominated Congress were forced to hear two hours of protest about how the Ohio vote was replete with efforts to disenfranchise Democratic voters and suppress turnout in a torrent of tactics reminiscent of the worst abuses of the Jim Crow South. Where the Democratic Vice President Al Gore killed the challenge in 2001, now, four years later, the Republican Vice President Dick Cheney was forced to order each chamber to debate the merits of the Ohio vote for two hours.

The national news media, particularly the major television networks, imposed a virtual blackout in the January 6 evening news on the challenge. But what those watching on C-SPAN, listening on public radio and through the Internet saw and heard was the emergence of a new generation of Democratic leaders, prodded by grassroots activists, willing to fight for progressive causes, starting with the most fundamental tenet of American democracy, the right to vote.

The *Moss v. Bush* lawsuit challenging Ohio's 2004 presidential race was withdrawn from the Ohio Supreme Court after Bush's January 2005 inauguration. The contesters stated that Ohio Secretary of State J. Kenneth Blackwell, Karl C. Rove, Richard B. Cheney and George W. Bush "were properly noticed for depositions" and "failed to appear for their depositions."

Blackwell forced an attempt by the Ohio Attorney General to level sanctions at the attorneys who filed the suit. He also argued that he did not have to testify because he was "a public official." His office labeled the deposition notices a form of "harassment." Without his testimony, or that of the other Bush cohorts, or the ability to examine actual election records in a more detailed manner than the statewide recount, *Moss v. Bush* had little chance of proving what really happened November 2.

Blackwell finally testified on March 21, 2005 about the controversial 2004 election before the House Committee on Administration in Columbus, chaired by Rep. Bob Ney (R-OH), now a federal prisoner.

"While much has been written by the conspiracy theorists, I would like to point out that there has only been one complaint filed by the HAVA process," Blackwell said, referring to the Help America Vote Act, which was enacted by Congress after Florida's 2000 election debacle. "I am interested in clean, fair and transparent elections."

"We had the most successful election on a punch card system ever," he said. "It's silly on its face to say there was systematic attempt to disenfranchise blacks in Franklin County... We have to work very hard to make sure our system is fraud proof... and that's what I found so offensive that charges were made against the system by folks who didn't have the decency to check the facts... We were targeted for such chaos and confusion."

Blackwell's wholesale denial of the legal record documenting the scores of Election Day problems that disenfranchised tens of thousands of voters did not go unanswered by Democrats on the House Administration Committee. His testimony proved so contentious that at one point Rep. Tubbs Jones told him to "haul butt" if he was unwilling to answer questions about irregularities in the 2004 election.

Also testifying was an obscure Republican political operative serving as general counsel for a newly formed "voting rights" group, the American Center for Voting Rights (ACVR). Mark F. "Thor" Hearne alleged that the voting problems in Ohio were the result of the NAACP paying people with crack in order to entice them to register to vote.

As it turned out, Hearne was the former national general counsel for Bush-Cheney '04 with no history of working in a voting rights organization. Hearne relied on a lawsuit filed against the NAACP in Wood County Ohio "alleging fraudulent voter registration under the Ohio Corrupt Practices Act." Hearne wrote a letter to the U.S. Department of Justice in March 2005 claiming there was "substantial evidence to suggest potential criminal wrongdoing by organizations such as Americans Coming Together (ACT), ACORN and the NAACP – Project Vote."

Ohio Congressman Ney, HAVA's principle author, served time in a federal prison, in part for illegalities surrounding his dealings with voting machine companies and his ties to tainted lobbyist Jack Abramoff.

The Republican state legislature used the "voter fraud" spin to introduce a draconian anti-voter measure, Ohio House Bill 3. The "election reform" bill passed both Republican-dominated houses at the end of 2005 and became Republican Governor Bob Taft signed it into law for the 2006 elections.

HB 3's most publicized provision requires voters to show their ID before casting a ballot. But it also opens voter registration activists to criminal prosecution, exempts electronic voting machines from public scrutiny, quintuples the cost of citizen-requested statewide recounts and makes it illegal to challenge a presidential vote count or any federal election result in Ohio. HB 3 reduces voter rolls by ordering county boards of elections to send cards to registered voters every two years. If a card comes back as undelivered, the voter must rely on a provisional ballot.

As the League of Women Voters put it in a letter to Republican legislative leaders, "Its [HB 3's] purported purpose of preventing voting fraud is based on the fallacy that there was widespread fraud perpetrated by voters in Ohio. In fact, the fraud was committed against Ohio voters by inadequate

preparation that suppressed the votes of those whose registrations were not recorded correctly, those who could not wait for hours to vote, or those whose votes were not counted because of misdirection or mishandling.”

As the reason for his repressive legislation, the Senate sponsor of HB 3, Kevin Coughlin, could only cite the names of a few cartoon characters and celebrities on voting registration forms. County election boards had easily weeded all these out.

As chief administrator for all Ohio Boards of Elections, Blackwell had virtual dictatorial powers over those who worked in the voting process. In 2005, when Sherole Eaton, an Ohio county Board of Elections official refused to go along with Blackwell’s “most successful election” and “voter fraud” stories, she was fired.

Eaton was Deputy Director of the Hocking County Board of Elections. She got national notoriety when she blew the whistle on a Triad vote count technician during the 2004 recount. Eaton swore the technician swapped-out a hard drive in the tabulating computer located at the Board of Elections office before a statewide recount could be completed.

According to a December 3, 2004 affidavit sworn by Eaton, the Triad technician “advised” the Hocking County Board of Elections Director Lisa Schwartz, a Republican, on how to “post a ‘cheat sheet’” to make the recount match the officially reported election total. Advocates of the recount complain that the unexplained intrusion by the technician compromised the integrity of the recount.

Under Ohio law, all election board members serve at the Secretary of State’s pleasure. Despite the request of the Hocking County Democratic Central Committee, Blackwell refused to reinstate Eaton.

One notable except to the virtual news blackout by the mainstream media came from *Vanity Fair Magazine*, which in March, 2005, published an article by Christopher Hitchens entitled “Ohio’s Odd Numbers.” In May, 2005, the CICJ released *Did George W. Bush Steal America’s 2004 Election: Essential Documents*, a 772-page compilation of evidence focusing on Ohio. Also in May, Academy Press published the Conyers report *What Went Wrong in Ohio* with an introduction by Gore Vidal. And during 2005, a number of highly visible national reports came out evaluating the U.S. and Ohio election systems.

In June 2005, the Democratic National Committee (DNC) released their “investigative” report: “Democracy at Risk: The 2004 Election in Ohio.” Although it conceded that African-American voters were suppressed, it downplayed the extent. It stated that African-American voters waited an average of 52 minutes in line, compared to white voters waiting an average of 18 minutes. That calculation defies the experience of tens of thousands of inner-city voters who waited four, five or six hours. In a sense, it was like having the National Weather Service describe a tornado touchdown in capitol city, on average, as “a breezy day” in Ohio.

The Democrats’ report also said nothing about the devastating discrepancies between exit polls and official tallies, whose gaps were the virtual statistical improbabilities that gave George W. Bush a second term. It made no case about precinct-by-precinct illegalities including thousands of ballots left unguarded at numerous polling stations, election day machine tampering, an unexplained bogus Homeland Security alert in Warren County Ohio, the firing of the Democratic whistle-blowing election board official Sherole Eaton, and much, much more.

In response to the DNC report, Chief of the Voting Section of the U.S. Department of Justice John Tanner issued a June 29, 2005 letter denying there was any suppression of black votes in Ohio. He sent the denial to Nick A. Soulas, Jr., Assistant Prosecuting Attorney, Civil Division, and Franklin County.

The long-awaited Carter-Baker Report, released in September 2005, warned that voter confidence in the electoral system was disappearing. The report recommended photo IDs be required of all voters.

It also recommended that officials who run elections should not be aggressive partisans. Co-chairs of the state Bush-Cheney campaigns administered both the Florida 2000 and Ohio 2004 elections. Secretaries of State Harris and Blackwell were both extremely outspoken Republican advocates

allegedly running non-partisan elections. Among the panel's 87 recommendations is also a warning that electronic voting machines must have verifiable paper trails.

A powerful confirmation of key indicators that the election of 2004 could have been stolen came in a report from the Government Accountability Office (GAO) that received virtually no mainstream media coverage. Rep. Conyers had asked the GAO to investigate electronic voting machines as they were used during the November 2, 2004 presidential election. In October 2005, the GAO responded.

Among other things, the GAO confirmed that:

1. Some electronic voting machines “did not encrypt cast ballots or system audit logs, and it was possible to alter both without being detected.” In other words, the GAO now confirms that electronic voting machines provided an open door to flip an entire vote count. More than 800,000 votes were cast in Ohio on electronic voting machines, roughly seven times Bush's official margin of victory.
2. “It was possible to alter the files that define how a ballot looks and works so that the votes for one candidate could be recorded for a different candidate.” Numerous sworn statements and affidavits assert that this did happen in Ohio 2004.
3. “Vendors installed uncertified versions of voting system software at the local level.” Falsifying election results without leaving any evidence of such an action by using altered memory cards can easily be done, according to the GAO.
4. The GAO also confirmed that access to the voting network was easily compromised because not all digital recording electronic voting systems (DREs) had supervisory functions password-protected, so access to one machine provided access to the whole network. This critical finding confirms that rigging the 2004 vote did not require a “widespread conspiracy” but rather the cooperation of a very small number of operatives or technicians with the power to tap into the networked machines and thus change large numbers of votes at will. With 800,000 votes cast on electronic machines in Ohio, flipping the number needed to give Bush a margin of less than 119,000 votes could be easily done by just one programmer.
5. Access to the voting network was also compromised by repeated use of the same user IDs combined with easily guessed passwords. So even relatively amateur hackers could have gained access to and altered the Ohio vote tallies.
6. The locks protecting access to the system were easily picked and keys were simple to copy or buy, meaning, again, getting into the system was an easy matter.
7. The GAO identified problems with the security protocols and background screening practices for vendor personnel, confirming still more easy access to the system.
8. One DRE model was shown to have been networked in such a rudimentary fashion that a power failure on one machine would cause the entire network to fail, re-emphasizing the fragility of the system on which the Presidency of the United States was decided.

An example of a “fragile” electronic voting system had already occurred in a August 2005 special election for a Cincinnati-area Congressional seat. Outspoken Iraqi War vet, Democrat Paul Hackett, lost to Republican Jean Schmidt amidst a bizarre Election Day glitch. As of 9pm Election Day, Hackett and Schmidt had been in a virtual dead heat, with Schmidt's leading by less than 900 votes.