



## **Fooled Again**

**How the Right Stole the 2004 Election & Why They'll**

**Steal the Next One Too (Unless We Stop Them)**

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Publisher: Basic Books

Date of Publication: October 2005

ISBN: 0465045790

No. of Pages: 364

[Summary published by CapitolReader.com on March 2, 2006]

### **About The Author:**

Mark Crispin Miller is a professor of media studies at New York University. His writings have appeared in publications such as *The Nation* and *The New York Times*. He is the author of *The Bush Dyslexicon: Observations on a National Disorder* (2001) and *Cruel and Unusual: Bush/Cheney's New World Order* (2004). Miller is also a regular commentator on *Air America* radio.

### **General Overview:**

According to Miller, the 2004 election was marked by mass quantities of irregularities – machine malfunctions, logistical misinformation, bureaucratic red tape and overt partisan harassment. And all of these irregularities, seemingly random in and of themselves, had the cumulative effect of hampering the Democratic vote, but not the Republican vote. Adding to the injury, the press – far from suffering from the ‘liberal bias’ it has been accused of – stayed oddly silent, never giving anything but token shrift to the multitudes of anomalies. Miller believes this pattern of “electoral fraud” is the new Republican strategy, designed not to compete with democracy, but to do away with it.

**\* Please Note:** This CapitolReader.com summary does *not* offer judgment or opinion on the book’s content. The ideas, viewpoints and arguments are presented just as the book’s *author* has intended.

## The Miracle

Bush's victory in the last presidential race was nothing short of a miracle. For example, it was reported that Bush had won 11.5 million more votes than he had received four years before, despite drastically dropping approval ratings. It would have been remarkable enough if, with such ratings, Bush had just squeaked by. That he could win by such a hefty margin in 2004 was extraordinary.

It was not the evangelical vote that made the difference. In the end, rightist evangelicals accounted for only 40 percent of the president's electoral support, the same as in 2000. Regular churchgoers accounted for 42 percent of voters, but its members were relatively evenly divided between Bush and Kerry. As for "moral values," there is solid evidence that they mattered little to the electorate. In a Pew post-election poll asking those who voted to define the issue that concerned them the most, "moral values" was indicated by only 9 percent of the respondents. So, the argument that Bush's flock carried him to victory "would seem to be a demographic and an arithmetical impossibility – unless, of course, God worked a miracle with that minority of pious right-wing voters, multiplying them supernaturally, like Jesus' loaves and fishes."

Another miracle is the fact that voter turnout was immense – 60.7 percent – and yet, despite the historical trend that Democrats have always benefited the most from crowded polls, Bush won. This would mean that the Republicans had registered more new voters than the Democrats – an unlikely coup, given that the Kerry/Edwards registration drive was noticeably stronger.

There was also the unprecedented gap between the exit results and the official tally, the former naming Kerry as the winner in the five states that finally went to Bush. On November 3, those exit polls were hastily dismissed as "wrong" and revised to foretell the final vote. Of the theories floated to explain this oddity, no one other than Steve Freeman, a professor at the University of Pennsylvania, posed the possibility that the exit polls were accurate and the official numbers fraudulent.

The "miracle" disappears when we begin a close consideration of the public record of electoral abuses, copiously documented and attested. There is such a record in Ohio, the pivotal swing state of the election, and the catalogue of wrongs demonstrates that "Bush's 're-election' was no miracle, but a colossal fraud." On January 5, 2005, the Democratic staff of the House Judiciary Committee released *Preserving Democracy: What Went Wrong in Ohio* (also called "the Conyers report"), which found that there were "massive and unprecedented voter irregularities and anomalies in Ohio." The report found that "in many cases, these irregularities were caused by intentional misconduct and illegal behavior, much of it involving Secretary of State J. Kenneth Blackwell, the co-chair of the Bush/Cheney campaign in Ohio."

Despite the significance of this report, and the timing of its release – the day before the reading of each state's electoral results and the call for objections – Conyers' report went virtually unreported by the media. The press ignored its content and allowed the Republican propaganda machine to spin it as an angry fantasy.

## **Taking Care of the Counting**

*Preserving Democracy* addresses the maneuvering that was aimed at pre-empting as many Democratic votes as possible. This was primarily accomplished by the wide discrepancy between the availability of voting machines in more minority, urban and Democratic areas as compared to more Republican, suburban areas. This discrepancy allowed for hours of waiting to vote at Democratic polls – such as having two machines for 1,300 voters at Kenyon College in Gambier – versus many machines, no lines and easy voting at more Republican polls. Such imbalance was deliberate, as there were fully functional machines that went unused that day.

Blackwell tried a number of illegal ways to neutralize the registration of Democrats, starting with a September order to county board of elections to reject any voter registration forms not on “white uncoated paper of not less than 80 lb. text weight.” This order was ultimately reversed, but it had accomplished its goal. On September 17, Blackwell limited the use of provisional ballots, effectively disenfranchising over 100,000 citizens. Ohio’s Republican Party tried to disenfranchise still more Democratic voters through “caging,” where registered letters were sent to newly registered voters in minority and urban areas, and then challenged the 35,000 individuals who did not collect their registered letters.

Blackwell also attempted to hide the lawlessness on Election Day from public view, seeking to exclude press and exit pollsters from Ohio’s polling places; this was struck down in federal court. The attempted blackout suggests that Blackwell had much to hide.

Election Day in Ohio had a broad range of electoral anomalies in county after county, “*not one of which resulted in a loss for Bush.*” Warren County had a lockdown and barred the press so they could count the votes in secret. In Franklin County, Bush received 4,000 extra votes from one computer and in Miami County, nearly 19,000 votes appeared *after* all the precincts had reported. Throughout Perry County, the number of Bush votes somehow exceeded the number of registered voters, leading to voter turnout rates as high as 124%. Pro-Bush machine irregularities also existed, such as in Mahoning County, where 25 machines transferred an unknown number of Kerry votes to the Bush column. Ohio Democrats were also bullied the old-fashioned way, where voters were falsely told that their polling places had changed or received intimidating calls.

The election fraud continued after Election Day, with Bush and Co. abetting with Ohio’s election boards to thwart Ohio’s recount law. Because of a successful third party candidate lawsuit, the Ohio recount started on December 13, five days after Conyers’ hearings opened. As a result, Conyers and others were able to document examples of duplicity between pro-Bush county bureaucrats and the purveyors of high-tech electoral fraud.

And yet there was a virtual press silence on the Ohio story. “So pointed was the silence that it seemed to indicate an institutional refusal to go near the story.” Caustic articles dismissed concerns about the honesty of the election as “speculation” and questioners were called “conspiracy theorists.” Once Bush was inaugurated, the story was over. The

press' silence on the mysteries of the last election is the best possible example of its civic failure. It was obligated to respect neither Kerry's judgment of concession nor the Republicans' reassertion of their power. The press' obligation is to attempt to ascertain the people's choice – and that could only be known through a free and fair election, which demonstrably had not occurred.

### **The Requisite Fanaticism**

It was the Republicans who, overtly or directly, pushed the press to ridicule any questions that came up about the election; and they themselves did a stupendous job of ruling out or laughing off all inconvenient facts or threatening inferences. This impulse to kill the messenger has become the Right's defining feature in rhetoric and ideology. It does not answer criticism or reply to arguments, but merely seeks to mute the enemy. "The soldiers of the Right are dedicated to total annihilation of other points of view; the major symptom of this paranoid fixation is the portrayal of truth as 'lies,' fact as 'fantasy,' solid case as 'conspiracy theory.'"

Bush and his soldiers view their enemies as truly evil and wicked. And while the soldier himself is not innocent and knows it, the only way to see himself as "good" is to forever attack those "evildoers" who espouse views different from himself. This animus explains the fierce effectiveness with which Bush/Cheney and the theocratic movement backing them stole the White House in 2004.

### **Do Unto Others Before They Do Unto You**

The impetus that impelled the theft of the election was not desire to master politics, but to annihilate it. Thus, the theft of the election was a pre-emptive strike, using the same rationale that Catholics used to slaughter Protestants and vice versa, and as Islamists have lately slaughtered Jews and Christians – that it must wipe out the evildoers who would otherwise wipe out the army first. And yet, their passion suggests that they are not being manipulative, but sincerely believe that they are potential victims and that the threat is against *them*. Only such conviction could explain the futile doggedness, for example, of Vice President Cheney continuing to insist that there is a vast reserve of taboo weapons hidden somewhere in Iraq.

It is this projection of the Republicans as potential victim that was the underpinning of Bush's theft of the 2000 election. As soon as *Fox News* called the race in Florida for Bush, the other networks inexplicably followed suit. The Right wrathfully proclaimed that the Democrats were trying to steal Florida, and therefore the national electoral vote, from Bush. This charge resonated loudly, chiefly through those media outlets owned by Rupert Murdoch, until the Supreme Court halted the recount on December 12.

Even as they were damning Gore and warning that the Democrats would try to steal elections in the future, the Republicans were involved in the very actions they were condemning. In the 2002 elections, there were extraordinary upsets in Minnesota, Georgia and Colorado – all statistically remarkable, all effected by the Christian right, and all decisively advantaging the GOP.

Throughout the campaign in 2004, the propaganda machine warned heatedly and often that the Democrats would try to steal the election. From Rush Limbaugh spouting erroneous charges about Democrats importing Haitians and registering dead people, to more subtle propaganda, such as the release of books on voter fraud published by rightist institutions, the propaganda “took” because it was sincere. While the dominance of this propaganda is partly the result of the press’s systemic rightist bias, the Democrats are also to blame for failing to address the issue with sufficient clarity and force.

On the few occasions when a Democrat would mention the 2000 mess in Florida, the rightists would immediately accuse the speaker of poor sportsmanship or mental imbalance. When Rep. Corrine Brown debated a bill that would allow international monitoring of the 2004 election, and mentioned Florida, rightist shock jock Mike Gallagher joked “It’s like her medicine didn’t kick in.” Former President Jimmy Carter wrote an op-ed piece noting that the key provisions in the Help America Vote Act of 2002 had not been implemented and expressed a fear that a repetition of the 2000 problems seemed likely. Republicans did not refute a single charge made by Carter, but instead attacked Carter personally. Rep. Mark Foley (R-FL) said on *CNN* that Carter was “a calamity as president” and that his term shall “live in infamy.”

The long Republican projection came to a climax on January 6, 2005, in the House “debate” over the Conyers Report. Rather than exchange opinions on the report’s findings, Republicans and Democrats took turns at the podium either quoting or maligning the report. Tom DeLay summed up the threat: “It is a threat to the very ideals it ostensibly defends... It is a crime against American democracy...a direct attack to undermine democracy by using a procedure to undermine the constitutional election that was just held.”

### **The Most Uncontrollable Form of Cancer**

Bush Republicans were well aware that they could not win without miracles. Well before Election Day, Bush/Cheney’s soldiers pulled so many fast ones nationwide that many of them were exposed and even reported on, if only locally. In Clark County, Nevada, Dan Burdish tried to have 17,000 voters, mostly Democrats, disqualified from voting; the county’s registrar of voters disallowed it. In Georgia, it was reported that a new initiative allowing early voting also made it possible for Georgians to vote twice, and anyone who voted early also waived their right to cast a secret ballot. The Diebold machines made it possible for state election boards to see who voted how and change the votes at will.

In Minnesota, a new voter registration system slowed the process to a virtual halt, with two-thirds of Minnesota’s counties reporting problems. Minnesota’s Republican Secretary of State, Mary Kiffmeyer, also did her part by refusing to give voter registration forms to grassroots anti-Bush or pro-Kerry groups, and trying to lower voter turnout by placing alarmist posters in polling places warning of a terrorist attack.

In Waller County, Texas, the county DA, Oliver Kitzman, had decreed that the students at Prairie View A&M University, a largely African-American institution, could not consider themselves residents and therefore could not vote. There were countless other

racist ploys, such as a bogus letter ostensibly from the NAACP, circulated throughout South Carolina, warning people not to vote if they had outstanding parking tickets or were behind in their child support payments. In Milwaukee, a similar pamphlet warned people not to vote if they or any family member had been convicted of a crime, however minor.

Hispanic people also seemed to vanish on Election Day. Despite pre-election poll numbers showing high disapproval of Bush, Bush exceeded all expectations by taking 44 percent of the Hispanic vote. In New Mexico, one analyst attributed Kerry's poor performance in part to "spoilage" – ballots deemed illegible or incorrect or otherwise improper – and through the strategic distribution of provisional ballots, most of which were headed for the trash.

### **An Orderly Election**

It was the swing states where, on the eve of Election Day, Republicans took every opportunity to fool, frighten or confuse Democrats into not registering or voting. In Pennsylvania, the party sent official letters to those running Philadelphia's 1,681 polling places instructing them to check voters' signatures "at will," a violation of local election law since such an action would slow the voting process down. They also circulated flyers warning students registered to vote in Pennsylvania that they would lose grants from their home states.

Election Day was a kind of national catastrophe, with transgressions and mistakes occurring coast to coast, all advantaging the Bush ticket. The press's fixation with Ohio was unfortunate, for it served as a distraction from the mess that littered nearly every other state. In Pennsylvania, a major swing state, voters in Bush-unfriendly precincts had to stand in line to vote for up to five hours. In a dozen precincts, touch-screen machines repeatedly malfunctioned, some of them requiring the voter to vote backwards for their votes to allegedly count.

The South saw plenty of problems as well. On November 5, an organization called "Count Every Vote 2004," having monitored the events in 700 precincts in Alabama, Florida, Louisiana, Georgia, Mississippi, and the Carolinas, reported "hundreds" of irregularities in all seven states. There were also reports of racist bullying throughout the South, such as at Benedict and Morris Colleges in Columbia, South Carolina, where Republicans demanded to see drivers' licenses and told voters that they had to return to their original county and file provisional ballots. There was also subtle interference built into the system, where on Election Day, registration forms and absentee ballots had not arrived. Numerous reports of mechanical collapse, logistical misinformation, bureaucratic interference and/or blunt partisan harassment poured in from every corner of the state.

Nationwide, the anti-Democratic point of seemingly random accidents and errors was often confirmed by overt obstructionism of Republicans. In Iowa, a state Bush won by just over 10,000 votes, Mary Mosiman, auditor of Story County, illegally dispersed

would-be voters still in line at closing time and refused to organize a second day of early voting on November 1 to compensate those who had been dismissed. In Milwaukee, Wisconsin, over 36,000 Democratic addresses were challenged by the GOP, claiming they were fraudulent.

It was Florida's race that was the most significant for the election. After the 2000 fiasco, Election Systems & Software, Inc. (ES&S), a manufacturer of touch-screen voting machines with Republican ties to Sen. Chuck Hagel, lobbied for and won the contract to provide Florida with a new voting system. In its first outing, the ES&S system failed spectacularly, with machines not starting up on time and performing very slowly. Florida also used provisional ballots to suppress the vote by so narrowly restricting their acceptability as to render them useless. In January 2005, the *Associated Press* reported that two-thirds of Florida's provisional ballots had been tossed.

The systematic use of overly inclusive "scrub lists" was a huge issue in 2000, its aim was presumably to purge ex-felons from voting, but it actually disenfranchised as many Democrat African-Americans as possible. The issues of election reform led to a promise to clean up the felon-purging operation, so the fact that Florida again devised a felons list secretly in the 2004 election provoked loud outrage in many quarters. Florida was sued on First Amendment grounds and lost, and the list was released and withdrawn. Despite this, according to the Election Incident Reporting System, 11 Floridians showed up to cast their ballots on Election Day and found that they could not, as they were guilty of fictitious crimes

### **One Last Scandal**

Expatriate America, consisting of civilian and military expatriates, makes up seven million voters and is largely Democratic. This global vote was a plus for Kerry, and a potentially decisive one. Predictably, many Democrats abroad found it just as difficult to vote as Democrats at home. In 1988, the Federal Voting Assistance Program (FVAP) website was created to make ballots more accessible to citizens abroad. The site was a huge success, yet on August 23, the site suddenly shut down and stayed shut down until September 22, making it unlikely that absentee ballots would arrive in time to count in the election, and having a powerful disenfranchising effect on U.S. citizens abroad. Additionally, over a dozen states, including Ohio and Florida, missed the recommended deadline for mailing ballots overseas. According to the Overseas Voting Foundation, 43 percent of expatriate voters never received their ballots or received them too late.

### **Epilogue**

This episode should concern us as citizens because it is still happening and will continue until there is little left of our democracy. The theft of the 2004 election will continue unless we – not the Democratic Party and not the press, but we the people – take the necessary action to prevent it. The shady civic reign of Diebold, ES&S, and other private vendors must be ended as one part of a comprehensive program of U.S. electoral reform. The landmark Voting Rights Act of 1965 and its addenda passed a decade later must be protected from the Right's drive to re-authorize sections of it. If it were deemed invalid and nullified, states would be free to try all sorts of novel hurdles to fair voting.

“The choice *is* finally ours. What Thomas Paine wrote in 1775 is actually still true today: ‘We have the power to begin the world all over again.’ So how will America vote in 2008?”