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A Certain Outcome

January 23, 2005

By Jeff Schult

It was manifestly obvious that something was wrong, deeply wrong, with these elections. The exit polls, the best check on a secret ballot yet devised by man, were desperately at odds with the announced results. From towns and cities throughout the state, reports of frauds both large and small poured in. Ballots were destroyed or lost. Wild charges of vote suppression and voter intimidation were flung about. Observers from foreign nations were aghast.

The losing candidate and his supporters refused to accept defeat. They took to the streets, and to the courts. In the end, the nation's highest court agreed the true results were unknowable due to massive fraud; that a new election must be held.

As we all know, this is the true story of how Viktor Yushchenko won in Ukraine. It also describes what perhaps 15 or 20 percent of the American electorate believe would have been a just and fair outcome for our own federal election. (If you trust the polls, that is.) For them, George W. Bush's presidency is not only about an unpopular war, tax cuts for the wealthy and faith-based initiatives. It is about the cessation of democracy in a country that at the same time proclaims freedom as its greatest export.

About a week after the election, I finally discussed it on the phone with my father, a Bush supporter. He did not express the glee that he certainly felt, nor did I say anything bitter. It was a good talk, right up until I said that Bush "almost certainly" had won the election.

"What do you mean ... `almost?'" he said carefully. "He won by more than 3 million votes."

"He won by Ohio, Dad. That's all he won by. And I'm not absolutely certain he won Ohio fair and square. We'll see."

"We probably ought to drop this conversation," he said, in

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his level voice. And we did.

As time passed and allegations of vote fraud in the Buckeye State swelled, at least on the Internet, it seemed to matter less and less to those who had committed part of their souls to "re-defeating" Bush that Sen. John F. Kerry had conceded the election on Nov. 3. If Ohio was stolen, they reasoned, he would have to reconsider, wouldn't he? Supporters said he was smart not to demand a recount himself, to remain above the fray. Let the Green Party and Libertarians do the heavy lifting. Find the smoking gun.

I was tempted to get in the car, drive to Columbus, hang with some Buckeye folk. If they were going to try to overturn a presidential election, I wanted to watch.

But I didn't. Bush had almost certainly won.

As it turned out, the recount itself was mostly meaningless. Only 3 percent of the 5.7 million ballots were tested, and they were not from precincts at random, as required by law. The most suspect precincts, according to volunteers, were not examined at all. Nearly 15 percent of Ohio's votes were cast on electronic machines with no paper trail. Whatever fraud there was in Ohio was not the sort that would be undone by simply counting again, though it was a good start. Eventually, the House Judiciary Committee Democratic Forum, led by Rep. John Conyers, D-Mich., would issue a 102-page report that alleged massive fraud on Election Day. Separately, lawyers filed suit seeking to overturn the results, to award Ohio's 20 electoral votes - and the presidency - to Kerry. They claimed "a pattern of vote fraud and discrimination" and problems with state voting machines.

The allegations are numerous and wide-ranging. Among the more notable:

- The turnout in many precincts that backed Bush was impossibly high. A small but prominent example: In the Concord South West precinct of Miami County, turnout was certified at 98.5 percent, meaning that all but 10 eligible voters went to the polls. Reporters for the Columbus Free Press found, and pretty quickly, 25 people who were registered to vote and said they had not done so.
- Shortages of voting machines in heavily Democratic precincts kept at least 22,000 Ohioans from voting, according to a mathematician's study.
- In Warren County, the administrative building was locked down on election night, all in the name of a "homeland security alert" that the FBI later denied issuing. No independent observers were allowed to watch the vote count. Bush's margin of victory in the county was nearly 30,000 more than it had been in 2000.

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Summing up all the allegations, a lawsuit filed on behalf of 37 Ohio voters by the Alliance for Democracy concludes that Bush, rather than winning the state by 118,000 votes, actually lost to Kerry by more than that.

The federal Government Accountability Office is investigating. So is the FBI.

Ohio Secretary of State Kenneth Blackwell, who also happened to be co-chairman of the Bush-Cheney campaign in the state, said the charges were "ridiculous." He pointedly refused to answer a subpoena and say so under oath, however.

Connecticut's own Secretary of the State, Susan Bysiewicz, is a great deal more accessible than Blackwell, who reportedly does business out of a 12-story building in Columbus that is neither owned by the state nor open to the public. Bysiewicz was happy to chat about the election, and voting in general. She answered simply when asked what she thought of the efforts to change the apparent result of the election: "John Kerry conceded."

"If he had issues, he should have stood up and said so," said Bysiewicz. "If he felt the election was stolen, he should have pursued that." People could investigate all they wanted, and file lawsuits, and she could certainly understand why they would. But if Kerry thought he was robbed, it was up to Kerry to address the problem, just as it had been up to Democratic presidential nominee Al Gore in Florida in 2000.

"Florida was a good thing in some ways," Bysiewicz said, "because it made everyone aware of just how important their vote could be."

Ohio being stolen was not unbelievable, she acknowledged. Elections do get stolen. Not in Connecticut, perhaps, though we have had our share of close results.

Under Bysiewicz, Connecticut is moving - slowly, cautiously - toward electronic voting and to replace the lever machines that have been in use for decades. She is well aware of the weaknesses of some of the electronic systems that have been thrown into place around the country. Instead of hanging chads, we have frozen screens and sometimes worse. No one has yet proven that an election has been stolen by hacking the vote, but it has been shown to be possible and not even terribly difficult.

In Connecticut, the public has been asked to participate in the selection process; whatever computers we end up using to vote, they will comply with all federal requirements. I left Bysiewicz's office in the Capitol building with the idle thought that she could never have cut it as a Republican in Ohio.

For one thing, as she said later, she "has made it my personal practice not to endorse candidates." However, she is seeking the Democratic nomination for governor in Connecticut. In Florida in 2000 and in Ohio in 2004, the secretaries of state - Katherine Harris and Blackwell, respectively - were also high-profile leaders in the Bush campaign. Harris now sits in Congress. Blackwell is now the leading Republican candidate to be the next governor of Ohio, after having boasted of "delivering" the state's electoral votes for Bush.

Never, ever in my life did I expect to find myself feverishly channel-hopping between CSPAN and CSPAN2, trying to catch all the action. It was Jan. 6. A small band of Democrats in the House of Representatives challenged Ohio's slate of Bush electors. With the aid of one senator, Barbara Boxer of California, they were able to force two hours of discussion in Congress on the fairness, or lack of it, of the presidential vote in Ohio. Asked later, Bysiewicz called the effort "an expression of frustration."

What was it about? Well, take your pick:

This objection does not have at its root the hope or even the hint of overturning the victory of the president, but it is a necessary, timely, and appropriate opportunity to review and remedy the most precious process in our democracy.

- Rep. Stephanie Tubbs Jones, D-Ohio

or:

Many observers will discard today's petition as a partisan waste of time, but it is much worse than that. It is an assault against the institutions of our representative democracy. It is a threat to the very ideals it ostensibly defends.

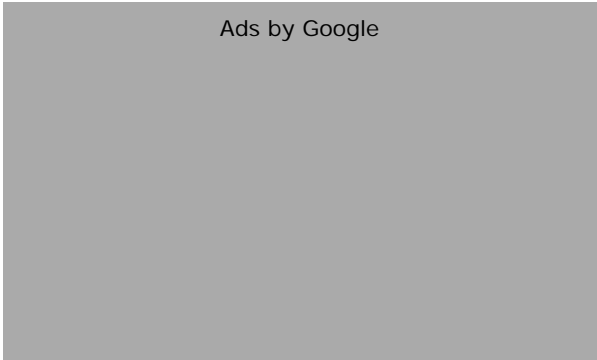
- Rep. Tom DeLay, R-Texas

Who won?

Well, I guess Bush did. Almost certainly ...

Jeff Schult is a writer in Seymour.

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