

# **THE CASE FOR FRAUD IN THE 2004 ELECTION**

**David Benavides, 18 May 2005**

**The single most important issue of our times is the question of vote fraud. This essay demonstrates beyond any reasonable doubt that something went terribly wrong in the November 2, 2004 Presidential election. Whether you accept or reject the fraud thesis, you are compelled to review the evidence if you take our democracy seriously. Given that the mainstream media refuses to discuss the fraud possibility, not only is the “right of the people to choose their representatives” under attack but the second pillar of democracy, “freedom of the press” appears to be under siege.**

## **PART I**

### **WE NO LONGER LIVE IN A DEMOCRACY**

**The United States of America lost its claim to being a democracy with the 2000 election of George W. Bush.**

**The official story put out by the mass media points to a close election in Florida where Bush beat Gore by a couple of hundred votes. The Florida Supreme Court ordered a recount, but the U.S. Supreme Court over-ruled Florida, handing Bush a victory. Two dissenting U.S. Supreme Court Justices, John Paul Stevens and Ruth Bader Ginsburg, stated that the highest court in the land had “no legal basis” for intervening in the election since election processes are managed by each state according to the United States Constitution. Even if we accept the “the close vote story”, the election of GWB was illegal.**

**The real story is that Governor Jeb Bush and Florida Secretary of State Katherine Harris hired ChoicePoint, a private company, to remove the names of 100,000 Florida voters from the rolls, predominately in minority areas in Miami-Dade county, who would have voted sixty percent for Gore. In short, Gore would have beaten Bush easily by 20,000 votes.**

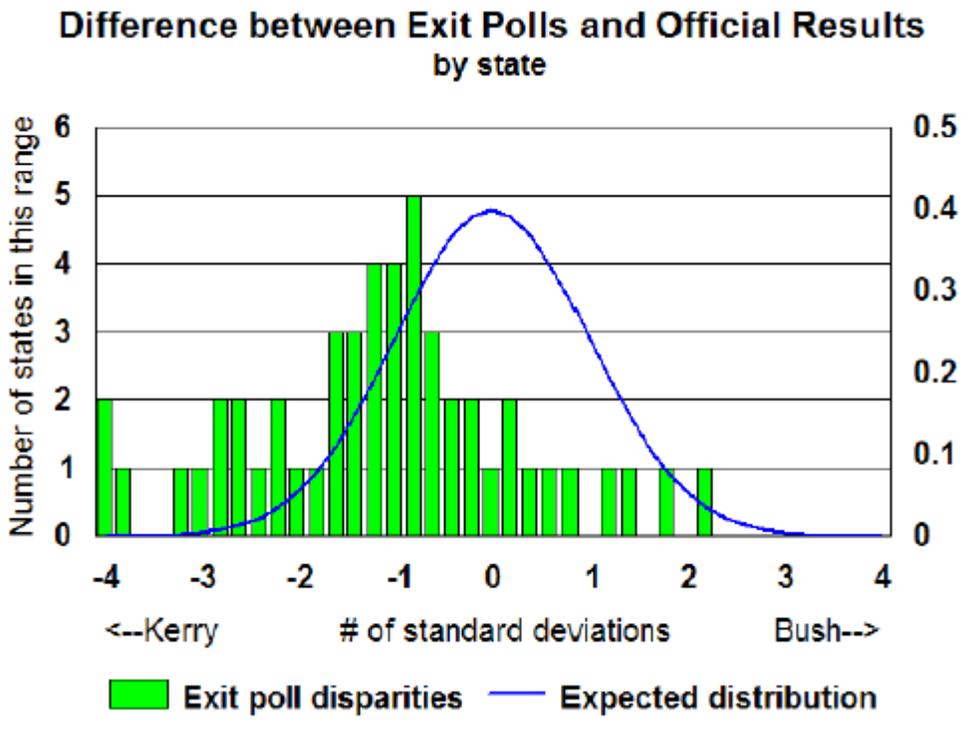
**This act of treason by Republicans in fixing the 2000 election was surpassed by the complicity of the Democratic Party: not one Senator joined the Black Congressional caucus in protesting Florida’s electoral votes during the January 2001 certification process. This was the real shame of the USA: the Party of the people sold out and refused to fight for democracy!**

**Democratic weakness emboldened the Republicans who set out to fix the 2004 election, projecting their domination for another four years both in the House and Senate. The trick was to use the Florida vote-counting fiasco as an excuse to move to electronic voting throughout the USA. Republicans achieved their goal when sixty five percent of the 160 million votes on November 2, 2004 were counted on electronic machines throughout the USA with half of these being “paperless” direct**

electronic recording, voting machines (DREs) without any possibility of doing a recount. To underscore their intentions, Jeb Bush stated before the election: “There will be no recount in Florida”.

The proof for the fixing of the 2004 election is ample and extensive. It can be found throughout the internet websites. One of the best is Gary Beckwith’s <http://election.solarbus.org/> . There you will find several major scientific studies by leading scholars which demonstrate beyond any reasonable doubt that Bush did NOT win the electoral vote (e.g. he did NOT win Ohio and Florida) or the popular vote. The Executive Summary of the definitive report, “Response to the Report Evaluation of Edison/Mitofsky Election System 2004”, by the US Count Votes’ National Election Data Archive Project is located at [http://electionarchive.org/ucvAnalysis/US/Exit\\_Polls\\_summary.pdf](http://electionarchive.org/ucvAnalysis/US/Exit_Polls_summary.pdf) . It can be paraphrased as follows:

- 1- The weighted national exit poll, conducted by Edison/Mitofsky, predicted Kerry to win the popular vote by 3 % but the official vote count had Bush winning by 2.5 %. This discrepancy of 5.5 % is the largest in the poll’s history, representing 5 million less votes for Kerry and 3 million excess votes for Bush: a total of 8 million stolen votes.
- 2- Seven of fifty states (DE;MN;NH;NY;VT;SC;PA) have t values less than – 2.7, meaning that each of their discrepancies had less than 1 % probability of occurring by chance. The probability that 7 of 50 states should be so skewed is less than 1 in 10 million:



**This means that random error must be ruled out as an explanation for the difference between election results and exit polls. Only two other possibilities remain: bias in the exit polling process or a systematic stealing of votes from Kerry and their transfer to Bush. For the bar graphs to be this far away from zero in the normal bell curve means that something was way off -either the exit polls or the official vote count. Edison/Mitofsky International agreed that something was definitely wrong and stated it was their own nationwide exit polls.**

- 3- Edison/Mitofsky concoct a story that Bush voters were “shy/reluctant to answer the pollsters” and therefore, there was a systematic bias in the polling process since, within the 70,000 nationwide respondents, Kerry voters were over-sampled. The US Count Votes study demonstrates that Edison/Mitofsky’s own polling data does not and cannot support this fabrication. In fact, the Edison/Mitofsky data supports the opposite conclusion: (1) response to exit polls were slightly higher in Republican precincts compared to Democratic precincts and (2) exit poll discrepancies are highest where Bush voters predominated.**
- 4- The Edison/Mitofsky exit poll underscores a systematic bias in the official vote count. The corruption of the vote counting process overwhelmingly favored Bush: in 40 of the 50 states the exit polls showed Kerry winning but the vote count was fixed by the machines (not the voters) to favor Bush.**
- 5- Given the above scientific evidence and the fact that Edison/Mitofsky has refused to release all their raw exit poll data, the 2004 Presidential election merits a full investigation and exhaustive recount in the key swing states such as Florida and Ohio.**

**The full US Count Votes report can be found at:**

**[http://electionarchive.org/ucvAnalysis/US/Exit\\_Polls\\_2004\\_Edison-Mitofsky.pdf](http://electionarchive.org/ucvAnalysis/US/Exit_Polls_2004_Edison-Mitofsky.pdf)**

**The May 17, 2005 up-date can be found at:**

**[http://uscountvotes.org/ucvAnalysis/US/exit-polls/USCV\\_exit\\_poll\\_simulations.pdf](http://uscountvotes.org/ucvAnalysis/US/exit-polls/USCV_exit_poll_simulations.pdf)**

**An easy to read companion article, “A Corrupted Election: Despite what you may have heard, the exit polls were right” (Steve Freeman and Josh Mitteldorf, In These Times, February 15, 2005) can be found at:**

**<http://www.inthesetimes.com/site/main/print/1970/>**

**The results in New York State, which did not use electronic voting machines, demonstrate that Kerry beat Bush by a landside: 58 percent to 40 percent. People exaggerate by saying that New York is radically different from the other 49 states. The facts are that New York has a Republican Governor and rural New York is strongly Republican. If you want to compensate for New York’s differences: cut the**

18 percentage point difference in half or again into quarters—the result is still a landslide in favor of Kerry.

The vast majority of the voters had no confidence in the election process. Just prior to November's election, a [CBS/NYT poll](#) indicated that only 35% of registered voters had full confidence that their votes would be counted properly. That leaves around 100 million people who had only partial, little, or no confidence in America's election process.

Those who deny that the 2000 and 2004 elections were fixed are fooling themselves. The sad truth is that the people in the USA have come to accept and participate in what is “a culture of lies”. The mass media promotes the “culture of lies” with false advertising, exaggerated “reality” shows, selling the Iraq War and covering its human horror up by hiding the massive destruction of civilian populations. We now live in George Orwell’s 1984 where Big Brother (the Government and Corporate Media) tell the Big Lie. The story about the 2004 election fits this description.

## PART II

### HOW THE CORPORATE MEDIA SOLD US THE BUSH VICTORY

The mass media went far beyond brainwashing during the 2004 election. ABC, AP (Associated Press), CBS, CNN, Fox, and NBC created the National Election Pool (NEP) to provide tabulated vote counts and exit poll surveys. These organizations appointed Edison Media Research and Mitofsky International as the sole provider of exit polls. The AP collected the vote tallies.

The early CNN/Mitofsky exit polls indicated a Kerry victory in Florida, Ohio, and enough additional states to give Kerry a winning 300+ Electoral College total. The popular vote was projected to be a Kerry win with an exact reversal of Bush's "official" margin: 51%-48%. These projections of a Kerry win were duplicated by the final Zogby poll. Zogby International is a key polling organization.

On election night Kerry was ahead but by early morning Bush was ahead, representing a dramatic shift in the data base. The Exit Polls were contaminated by the Associated Press vote tallies which were fed to the networks. The AP purposely and knowingly mixed the election results from the manipulated electronic machines with the exit poll data (remember exit polls are NOT election results!) in the early hours of November 3, to "force" the exit polls to match the fraudulent election results. Of course, by "contaminating" the exit polls in this manner, they were NO LONGER exit polls but fraudulent results.

Both the New York Times and the MIT/Caltech election analysis team lied to the public by reporting that the earlier exit polls showing Kerry as the winner represented "too small a sample" and an "over-sampling" of Democrats to explain the change in the "exit polls" between 1 to 1:41 AM on November 3. They

have not apologized for this manipulation of public opinion based on unverified voting data and their bias against the possibility of election fraud.

**This is the fundamental reason why the corporate media and press have imposed a news BLACKOUT on reporting election fraud: these companies have knowingly participated in the fraud process through the manipulation of election data. All the major media pronounced Bush the “winner”. All have a vested interest in maintaining the myth of Bush's re-election! All used the same corrupted vote count data base.**

The fundamental questions which the mass media refuses to answer, proving its complicity in fixing the 2004 election, are these:

**1- Why was the raw Election Results data mixed with the Exit Poll data in the early hours of November 3? What purpose did this serve? How can it be justified?**

**2- Why was no step taken or question raised to audit the vote counting procedures and systems in order to find out why there was a discrepancy between the Exit Polls and the Election Results? What justified the assumption that the Exit Polls were wrong and the Election Results right?**

**3- Given these major discrepancies between Exit Polls and Results, as well as thousands of reports around the nation about voting anomalies, especially in Ohio, why was there a rush to declare Bush the winner without any further analysis?**

**4- Why has the Media (broadcast and written) been virtually silent on the events above; the Conyers Report <http://truthout.org/Conyersreport.pdf>; the fact that 31 members of the House of Representatives and Senator Barbara Boxer refused to certify Ohio's 20 electoral votes on January 6,2005; the manipulated recount in Ohio; and the major statistical reports which indicate that Kerry won?**

To determine who won the 2004 election all the votes in Ohio and Florida must be hand recounted. Of the 67 Florida counties, 52 used Optical Scan machines which have paper ballots which can be recounted. But 15 counties in the southern part of Florida used DREs, so there cannot be a recount. However, thousands of votes in these counties, including absentee votes were lost and not counted. Given these facts, *a special election in the 15 Florida DRE counties is justified and should be conducted on Optical Scan voting machines which produce paper trails that could be sampled after the vote to check the electronic outcome. THESE ARE THE MOST POPULOUS COUNTIES IN THE STATE OF FLORIDA.* Of the 88 counties in Ohio, only three (which were among the 10 most populous counties) used DREs. Therefore it is possible to recount the vast majority of Ohio's votes plus the 8,000 provisional ballots and the 93,000 “spoiled ballots” which had “no vote for president”. If this is to be a real democracy, the votes must be recounted in Florida and Ohio!

### PART III

## WHAT IS TO BE DONE?

### INVADE WASHINGTON, D.C. AND SET UP DEMOCRACY CITY

People need to take action. Otherwise they will die from depression and repression. By now it must be apparent what Bush represents:

- 1- The elimination of Social Security.
- 2- The impoverishment of the middle classes.
- 3- The privatization of the public school system.
- 4- The transfer of wealth to the rich and super-rich.
- 5- Imperial wars to hold or capture oil reserves and markets.
- 6- The termination of labor unions and workers' pensions.
- 7- The destruction of any opposition through the use of "national security" mechanisms and laws to suppress dissent.

Bush represents a Plutocratic, Corporatist State, which benefits the rich and cloaks itself in religious morality when, in fact, it is one of the most immoral governments which the USA has ever had. People in every Federal bureaucracy are forced to lie and participate in the manipulation of information. The campaign to privatize Social Security is but one example. Before that, there was false Medicare costs and the false reports about global warming put out by the EPA. The war on Iraq was based on lies.

Since oil reserves have "peaked", the USA, which is totally dependent on this source of energy, is now in the first stage of a major crisis. This crisis will be transformed into a "national security" issue. These Plutocrats plan to fix future elections. More DREs will be used in more states. A prime example of this was the removal of California Secretary of State, Kevin Shelley, the only secretary of state in the nation to stand up against the Diebold DREs. If there is any chance that the Plutocrats might loose the next presidential election, it may be postponed with a declaration of a "National Emergency" based on a real or fabricated terrorist attack. The Plutocrats need another ten years to fully remake U.S. society and hold down revolts from the masses. Keep in mind that key Bush operatives ( John Negroponte; Elliot Abrams; Richard Armitage; Otto Reich; Colin Powell; plus hundreds of lower echelon operatives loyal to them and past CIA Director George Bush ) led the Iran-Contra, extra-official government operation, *THE ENTERPRIZE*, against the will of Congress (e.g. the Boland Amendment). See

<http://www.webcom.com/pinknoiz/covert/icsummary.html>

<http://www.counterpunch.com/mcgovern04272005.html>

They lied to Congress and WE THE PEOPLE. They set up their own government. They defrauded the Constitution of the United States. How can anyone doubt that they stole two elections and will not attempt to impose their will no matter who dares to get in their way?

**Stealing elections is one more manifestation of the character of the people who now rule the United States. In this sense, the argument for election fraud goes beyond mere statistics and points to the type of people who are willing to engage in this activity and approve its execution.**

**If the people wait to ride out Bush over the next four years, it will be too late. Our nation as we know it will have been destroyed. Now is the time to take action.**

**We must occupy Washington, D.C., as soon as possible and create a TENT CITY FOR DEMOCRACY. All the progressive organizations must coordinate and bring millions of people into D.C. to occupy it on a rotational basis. The major goal of this occupation will be to “de-legitimize” the Bush government so that it cannot implement its political program.**

**The call for mobilizing people to D.C. will be: COUNT THE VOTES IN OHIO AND FLORIDA. The major activities in the TENT CITY FOR DEMOCRACY will be “teach-ins” where experts will explain how the 2004 election was fixed. While we can expect that the U.S. mass media will not televise the “revolution”, other, alternative media will, including the foreign press. This will further erode the credibility of the U.S. mass media, forcing it to cover the OCCUPATION.**

**It is quite possible that a “critical mass” of the population will demand a full recount of the vote in Ohio and Florida, including a new election in Florida’s 15 DRE counties, but this time with Optical Scan machines. If this happens, Bush will be legitimately removed from government.**

**Another major goal in the TENT CITY FOR DEMOCRACY is to set up a CITIZENS COMMITTEE to write the new VOTING REFORM LAW.**

**This new Voting Reform Law should contain the following elements as recommended by US Count Votes [http://uscountvotes.org/ucvAnalysis/US/exit-polls/USCV\\_exit\\_poll\\_simulations.pdf](http://uscountvotes.org/ucvAnalysis/US/exit-polls/USCV_exit_poll_simulations.pdf) (pages 11-12):**

**“...**

- full funding of the National Election Data Archive precinct level database.**
- election equipment that permits access by non-specialist citizen election judges to recount voter verified paper ballots.**
- routine 3%, randomly selected, independent audits of all elections.**
- transparent and publicly accessible exit polling.**
- election administration by non-partisan public civil servants.**
- non-proprietary open-source coding for all computerized election equipment.**
- no wired or wireless network connections to any vote casting or counting equipment.**

**Vote counts in America need to be routinely and independently audited. It is not enough to require voter verified paper records of ballots. These paper records must be easily and "independently"auditable by persons other than the voting machine vendor, preferably without having to hire computer technicians, paper roll advancers, bar code readers, and laptops, as is true with many voting systems on the market today.**

**In particular, 3% of randomly selected precincts can be recounted, using the paper record, immediately when polls close, in the precinct, before removing ballots from the precinct. If discrepancies are found, a county-wide recount can be automatically triggered. Additional funding may need to be allocated to state and county election offices to routinely perform independent audits of vote counts.**

**In order to audit their vote counts and monitor the accuracy of vote counting systems, all state and county election offices should set up election data reporting systems to quickly and easily make publicly available, their precinct-level vote totals, broken out by vote type (i.e. election day, absentee, overseas, provisional, early voting, etc.) If vote counts are not reported down to this detailed level, then padded votes in one vote type can easily "cancel out" under-votes in another type. In other words votes can be subtracted from one candidate in one vote type, while being added for another candidate in another vote type, yet these two problems, when added together, may look perfectly normal.**

**The Future: How would a National Election Data Archive Protect Democracy?**

**If, for decades, we had never independently audited our financial institutions, we would expect to see ubiquitous insider embezzlement of monies. For decades now, we have counted the vast majority of U.S. votes via mechanical or electronic methods, yet there have never been any routine independent audits of vote counts.**

**US Count Votes is seeking funding to create the first-ever nation-wide database of precinct-level and vote-type election results in order to statistically audit U.S. vote counts to detect patterns that suggest the embezzlement of votes. To obtain all the needed election data in all its diverse forms from the over 33,000 separate election offices in America is a huge project. Full-time programming staff, statisticians, and administrative staff are needed. For somewhat less than one million dollars, the National Election Data Archive could assist all candidates of any party to determine whether or not their elections were accurately counted, and produce court-worthy evidence that is needed to obtain recounts, investigations, or possibly even re-elections.**

**The "National Election Data Archive" project is particularly important, given the fact that private exit pollsters could, in the future, elect to adjust exit poll data to conform to actual official election results and neglect to publicly release any "unadjusted" exit poll data. The development of a "National Election Data Archive" would provide the public with all the data it needs to analyze vote counts within days of the November 2006 election. The technical implementation of well-developed and sound plans for such a system needs to begin very soon, in order to ensure by January 2007 and thereafter, that the candidates actually selected by the voters, are sworn into office. Our hope is that through careful analysis, we can develop the capacity to identify future vote count errors, whether fraudulent or inadvertent, in time to challenge the outcomes. “**

**THIS, MY FELLOW CITIZENS, IS WHAT MUST BE DONE. ANYTHING LESS WILL BRING GREATER SUFFERING TO ALL OF US AND THE WORLD.**