

REWRITING OUR ROTTEN HISTORY OF ELECTIONS

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Posted on February 15, 2006, Printed on April 18, 2006

www.alternet.org/story/32262/

Depending whom you ask, the state of the union's elections are either peachy-keen or in dire straits. With voting irregularities fast becoming the norm, election officials moonlighting as campaign leaders and highly suspicious differences in polling places from region to region, there is an ill-disguised sense that perhaps our democracy is not quite as strong as politicians and their mouthpieces would have you believe.

As of now, with Republicans in control of every branch of the federal government, much of the finger-pointing is aimed at the GOP. After all, if election reform has stalled in Congress since the 2000 election, it's likely that Republicans have built and maintained the roadblocks holding it up.

But it hasn't always been that way; in fact, as recently as 12 years ago, Democrats were the ruling party, riding out the tail end of a political dominance that stretched through much of the century. And Americans voted to give Congress to the GOP partly in response to widespread Democratic corruption. Now that cycle has turned again, and the Republican Party is staring down the barrel of voter wrath.

These kinds of cycles, the regular booms and busts of American politics, are at the heart of Andrew Gumbel's book "Steal This Vote: Dirty Elections and the Rotten History of Democracy in America," published last year by Nation Books. Gumbel, a reporter for the British newspaper the Independent, wrote extensively about the aftermath of the 2000 presidential election. But in *Steal This Vote*, he looks at elections throughout this country's history, and although the picture he paints is not pretty, it offers solid hope for solutions. Gumbel spoke with AlterNet recently on the phone from Los Angeles.

Matthew Wheeland: I know this is a terribly complex and loaded question, but I feel like I have to ask you this first, to get it out of the way: Do you think that the 2004 election was stolen?

Andrew Gumbel: Well, a lot of people saw the kind of shenanigans that went on in Ohio, Florida and elsewhere, and were so appalled by what they saw that they concluded that the outcome of the election must have been compromised.

I think the question that you've asked, which a lot of people have asked, is actually the wrong one. And the reason for that is that we have a vast amount of evidence that the Republican Party in particular played very dirty in Ohio, they played very dirty in Florida. And the really urgent thing that needs to be addressed are those tactics and the rules that make those tactics possible, and in particular the political structure that enables the party in power with the means to be able to play dirty to do so. There's no real oversight by Congress or anybody else on how elections are conducted on the state and local level. That's the key point that needs addressing.

As far as the outcome of the results is concerned, we have the evidence about crazy rules that were issued by the secretary of state in Ohio, who was doubling as the co-chair of George Bush's reelection campaign. We have evidence of strange things going on in certain counties, as regards the counts, the functioning of the computer tabulation machines, the distribution of the machines to enable people to vote in the first place, the number of provisional ballots were issued, the number of provisional ballots that were rejected, both of which were abnormally high in Ohio and on and on and on.

These add up to a deeply dysfunctional electoral system. They do not, however, add up to proof that the election was stolen. The numbers just aren't there.

And you ask anybody, you ask Mark Crispin Miller, you ask Bob Fittrakis, any of the people running around, desperately wanting to believe that Kerry was the rightful winner of the election. They don't have the evidence either. When you press them, they will admit that they don't, and to insist that because there was this manipulation of the system, therefore the outcome is wrong, I think is absolutely disastrous in terms of political strategy.

Then you are guaranteeing yourself marginal status, and it means that the Republican Party and others who want to believe that the voting reform movement is somehow a bunch of kooks on the extreme left fringe making outrageous claims that they can't back up only get extra evidence to further those allegations.

What we need is very cool, clear accusations for which there is substantiating evidence in terms of the various malfeasance and foul play and lack of oversight. That needs to be the focus. This would create a situation where you can get on board not only Democrats who wish that George Bush hadn't been reelected for a second term, but also Republicans, because if we're talking about voting rights, then it is of burning interest to all voters, not just voters from one party or on one side of the political spectrum.

MW: I'll come back to this in a minute, but I think that one of the strengths of your book is that it shows that it is not limited to either side. But at the same time I can see how it's easy to reduce all these circumstances of shady play or just partisan politics structure for election systems to this — it was stolen, it was this conspiracy, and it's very comforting for people to be able to limit it to that.

AG: I think you're absolutely right. It is very comforting for people, and it becomes a substitute for other kinds of political desires, most notably the desire not to have George Bush president anymore. But I think strategically it's a big mistake.

Having said that, lets not make any bones about it — the Republicans are in control in some of the key states, they're obviously in control in the Congress, in the White House, and what I've discovered in the course of my historical research is that the problem is not with one party rather than the other. It's not that the Republicans are inherently bad and the Democrats are inherently better, or for that matter, vice versa.

What it is is a problem with the two-party system where one party is in control and where the stakes are high enough to give them the motivation to try and cheat in close races. That's where you're going to see the shenanigans.

If you look at the historical record, it really doesn't matter if it's the Democrats or the Republicans in charge. Where those conditions exist, cheating happens. There are fundamental underlying structural problem with the U.S. electoral system that have not been addressed ever, and we're seeing the fruit of them now.

I would say that there are a couple of things that are different about the situation that we're in at the moment. One is that both parties have a long history of being surprisingly non-ideological, certainly by European standards. Both parties represent a broad coalition, very different interests on the state and local level across the country that have come together in these two big grab bags in the Republican and Democratic parties.

I do feel that that's been changing in the last few years, and its been the Republicans that have been making a run on that. They've become highly ideological. It's a curious kind of ideology, unlike European parties where the ideology is something that is open and shared by the supporters and by the party leaders alike. I think what you see is an ideology that exists on the level of leadership in the Republican Party but isn't necessarily represented in their communications to the voters or in the motivations that the voters have in voting for the Republicans. It's a sort of intriguing setup.

MW: Sure, like even if you were to spell out the agenda of the Republican leadership, most of the items on their to-do list would not likely be repeated on your everyday Republican voter's list of things they want to accomplish.

AG: Right, they have this rhetoric. This very populist rhetoric which is what both parties talking about standing up for American values and the common man against the nasty elitist liberals, where in fact, when you look at what they're

doing, they're representing corporate interests. Very much it's a matter of defensive power against popular interest in my view, and I think in the view of a lot of people on the left.

But the way this effects the electoral setup is that I think you see that not only do the Republicans have a very specific ideology, but it's an ideology at the leadership level that is based to some degree on a "take no prisoners" attitude to power. And I think you've seen a much greater ruthlessness in the way that they have waged their political battles, including their electoral battles, than you ever did in the past.

One thing I write about in the book is that you've seen evidence of a kind of an unspoken pact between the parties. Neither has ever really talked about the dirty electioneering of the other. For a couple of reasons, one because they both do it, so to reveal the others' secrets is to risk exposure of your own. And also there's this sense that the system needs to be safeguarded, the belief in the civic religion of America as the greatest democracy on earth needs to be upheld, and it's in nobody's interest to put a dent in that.

Richard Nixon, after the 1960 election, which a lot of people believed was stolen from him in Illinois and possibly elsewhere, actually took steps to stop a friend of his who was a journalist investigating shenanigans in Illinois and Texas and elsewhere. And his name was Earl Mazo, and he worked for the New York Herald Tribune, and Nixon turned to him and said, "They're very interesting stories that you're writing, Earl, but nobody steals the presidential election in the United States." And I think that sense that we need to preserve the veneer of the greatness of the system is very powerful.

That has changed to some degree since the 2000 election, I think. The deep concern over the tactics that were deployed in Florida by the Republicans and the strong feeling, certainly, among Democrats. And I think among many, many foreign observers that George Bush didn't win that election for a number of reasons has blown open this issue, and then on the heels of that was all the concern that has grown up about the safety of a new generation of electronic voting machines. Suddenly, we have the first real debate in this country about how elections are conducted that has ever existed.

MW: You give the example of the 2002 elections, the OSCE's ten-person team that came to monitor elections and all the many obstacles they faced because there are no centralized, national standards conducting elections.

That's right. First of all, one of the things Jimmy Carter talked about was the fact that the United States has no provisions for international observers. Or for that matter, almost no provisions for observers of any kind other than members of the two political parties, and it varies a little bit from county to county, and some counties are more liberal than others, but it is absolutely standard in international electoral procedure to have a provision for international observers.

In fact, the United States, through the OSCE when it conducts monitoring missions, say in the Balkans or in the former Soviet countries in Eastern Europe, they expect full access for international monitoring. They have no such provision domestically. And yes, you're right, when you see what can happen at the local level, what essentially has happened historically is that the two parties have filled electoral offices with party hacks, usually not the brightest bulbs.

It's been observed for a long time that election offices are places where people get dumped when they're not considered bright enough for any other kind of political office. There are notable exceptions to that, but my experience in talking to electoral officials is that they tend to be underpaid and under-resourced and rather unloved.

MW: Right, there was the case you mention in the book of the election official in Washington State who quit her job to go be a waitress because the pay was better.

AG: Yes. It was a rural county, but still the point is made.

The most extreme examples of corruption on the local level, the most wonderful example of a stolen election that I've ever come across, was how Lyndon Johnson won the Senate in Texas in 1948. He did it in a very large number of ways, but what it came down to in the end was that he was trailing by about 120 votes. It was six days after the election, and

it seemed like all the votes were in and one of his operatives in Jim Wells County, which is down near the Rio Grande River on the Mexican border, changed that 7 to a 9, gave him 200 more votes, and he ended up the winner.

When they inspected the voting ledger, they saw that the last 200 names had been written in in alphabetical order in a different color of ink from all the rest. And Coke Stevenson, who was the losing candidate, went down to Jim Wells County with Frank Hamer, the marshall who caught Bonnie and Clyde 15 years earlier. They went through this list and tried to find the people on the list, and they found every irregularity conceivable.

The story which I go into is quite extraordinary, not only because LBJ stole that election, but that he got away with it when his theft was so brazen. He essentially got away with it because it was a primary election rather than a general election, so the ultimate authority was the Democratic Party. The executive committee of the Texas Democratic Party took a crucial vote, and people were so afraid to vote against LBJ that some of them didn't even show up to the meeting.

The absolutely last, critical vote came when LBJ's operative searched the building for a couple of people who were missing and found one of them skulking in the mens' toilet and hauled him out and forced him to vote for LBJ, and that was the end of that. They voted against conducting further investigation, and he became the senator.

MW: That really illustrates why I think that the historical viewpoint of your book is so important: It demystifies politics, it takes the mythologies out of politics. People on the left want to believe that Democrats are good and honest and have always been, but really they're just not as capable of stealing an election as the Republicans.

But another facet of the historical view you're offering is that it shows all these cycles from relatively calm elections to incredibly corrupt, and there are always solutions on offer, but they have yet to stick. Is there any reason to believe that now we're in a position to break this cycle, or that 30 years from now we'll be back in the same situation?

AG: The real culprit for the way things are now and the way they've been for a long time is the two-party system. What I spend a lot of time doing in the book is looking at how that system came about in the United States. This country's development of its democratic institutions was really quite anomalous, which I don't think people fully appreciate.

In many ways, the U.S. was way out in front of any other country in developing universal suffrage in the 1830s and 1840s. Suffrage was granted to just about all white men, and in some cases black men, and in a few cases, in certain states, women too. Whereas at the same time in Europe, suffrage was extremely restricted to men of property, if that. But by the late 19th century in the U.S., starting with the post-Civil War era, you had a lot of restrictions on voting — literacy tests, good character tests, and so on — aimed to systematically deprive not only blacks but poor whites and immigrants of the right to vote.

And gradually the two parties took political control, and essentially what happened in the late 19th century was that instead of the parties corrupting voters one by one — by paying them, by getting them to cast more than one ballot, by taking them around from precinct to precinct to vote repeatedly — the parties changed tactics and started corrupting the electoral officials and the electoral process instead.

So you had corrupt officials working on behalf of the parties, and in jurisdictions where one party was in control, they managed to fiddle the vote. And you also had the introduction of voting machines, which were trumpeted as something that of great value to the individual voter by making the process of voting much easier, but in every instance, whether you're talking about lever machines from the 1890s onwards or whether you're talking about punchcards from the 1960s onwards, or now if you're talking about computer voting machines, the real interested parties are the county's voting officials. These machines were designed to make their jobs easier.

And to differing degrees it made the job of them corrupting the electoral process, if they were so inclined, much easier as well. Every technology was trumpeted as a kind of miracle solution that was going to clean up the system. What it turned out to be was a different platform on which electoral shenanigans could be carried out. That has been true of every single type of machinery.

We are now in a situation where the new generation of touch screen computer voting machines hold that very particular danger, not because people cheat more or less, but because instead of being able to cheat in one county at a time, which was essentially the way you had to do it in the old days with lever machines or with punch cards, you now have computer tabulation software that applies to machines that might be used over several counties, or indeed over several states.

If you have access to Diebold tabulation software or the Sequoia tabulation software, it's the same software that is used in every single one of those companies' machines. So you can then manipulate outcome over large swathes of the country. That's something utterly new and holds new dangers, but the basic structure of how elections are corrupted and who corrupts them hasn't really changed at all in 100 years.

MW: Obviously, voting machines are one of the biggest issues at play in discussions about election fraud. Is there a way to make voting machines, as we have them now, a fair and accountable system, or do we need to go back to something like a paper ballot?

AG: Well the very simple way that you could make the system more transparent is to stop this ludicrous practice of having proprietary software put into voting machines that no one, not even the election officials, is allowed to inspect. It's absolutely insane, the idea that you have a public process in an election that is being carried out with proprietary software that everybody just has to take on trust.

My own personal take on the electronic voting machines is that I think they are absolutely the wrong technology for voting for a number of reasons. One is because they're very expensive. Another is because you need to keep upgrading and changing the software, which is also a huge expense, and also, everytime you do that, it has security implications.

Essentially, it's just a much too complicated, much too risky system for running something that could be done much more simply and much more cheaply. I'm not the only one who thinks this. A lot of experts who have looked at this think that the best technology that is out there at the moment is the optical scan system. That's the one where you have the paper ballot and you fill in little bubbles like you do on an SAT test.

MW: One of the more interesting long-term issues that you bring up in the book is that race seems to be behind most, if not all, the most egregious voting rights violations that starting even from the very beginning of the country.

AG: I work as a foreign correspondent in the United States, and anyone who comes here is prepared to delve into the issue of race and assume that it is a much bigger issue in the United States than many Americans are prepared to acknowledge. When I went about researching this book, I had a good idea that race played a big part in this story, and I was consistently surprised that it really seemed to play an even bigger role than I had suspected.

For example, it's a well-known fact that slavery was condoned when the Constitution was drawn up. What I didn't realize was that because of the existence of slavery, that gave certain in-built advantages to slave owners in the South, and in a way it was reflected in the architecture of the American democratic institution. Essentially what you have is for the purposes of weighting congressional districts, slaves were considered $\frac{3}{5}$ of a person; when it came to voting rights, they were considered $\frac{0}{5}$ of a person, and this was part of the negotiations between the Southern states and the Northern states.

This created congressional districts where white slave owners essentially had more say than Northerners did. This is also reflected in the Electoral College, because that was based on congressional districts and in the Senate likewise, you had two seats per state, and populations in the South were much smaller because only whites were allowed to vote. Right from the beginning, you had a bias towards slave owners, and slavery was the great issue that haunted the whole system.

Then, when you skip forward to the Civil War, the emancipation, the end of slavery, then over the next 30 to 40 years, you had not only the rewriting of the Constitution that effectively made it impossible for blacks to vote that in the north as well a lot of the discrimination in terms of literacy tests, good character tests. A lot of that was directed towards blacks in particular and other minorities, all of whom were considered to be alarming and essentially for the country and there

was an very explicit attempt to exclude them from the right to vote.

And then, if we skip forward to the Voting Rights Act in the mid-1960s, that certainly solved a lot of the problems in theory, but not always in practice. If you look at the pattern of discrimination and exclusion from voting since then, you see a very heavy burden being carried by African-Americans. The kinds of stories you hear about people being misdirected to the wrong precinct, or told if they have outstanding warrants or parking tickets they're not going to be allowed to vote, or having too few voting machines or too few precincts always seem to be in heavily African-American areas.

The other important category in the South in particular is the laws that do not grant automatic restoration of voting rights to a felon once they've completed their sentences. This was a particularly big issue in Florida in 2000, when roughly 600,000 people were excluded by this law.

You also had the problem that they drew up a felon purge list which was supposed to identify people who had criminal records and therefore should be disqualified. That list turned out to be riddled with errors to where in counties where they checked, up to 95 percent of the names turned out to be wrong, which again was another big suppression mechanism against African-American votes.

The states where this is particularly acute tend to be these Southern states where Republicans are in control, and they have absolutely no interest in changing the rules. Jeb Bush is a prime example — you can petition to death to make it easier for convicted felons to vote once they've completed their sentences, but he has done absolutely nothing about it because he knows perfectly well that 90 percent of those voters, were they granted the right to vote, would vote against his party.

MW: This last question is probably the first question I should have asked you, but we'll just go at it backwards. You're British and you write for a British newspaper, among other American sources, so how did you come to write this book?

AG: It seemed to be an issue that kept coming back at me. I was in Austin, Texas, on the night of the 2000 election — that extremely strange night that never ended — and I was very heavily involved in covering the battle in Florida that ensued. Then a couple of years later, I was told about the problems with the computer voting machines and wrote about it from sources that I didn't necessarily trust terribly well. There was a neighbor of mine who also alerted me to it, and I thought I would make some phone calls and see if there was something to this.

I talked to Rebecca Mercury, a computer scientist who was teaching at the time at Harvard. She seemed to be a pretty impeccable source who talked me through some the hair-raising things that had been going on that hadn't really received any media attention at all. I read the report that came out from Johns Hopkins and Rice universities, which after they got ahold of the Diebold source code and found it was riddled with absolutely elementary security problems.

I talked to activists in Georgia, I started to investigate more and more because really nobody else had written about it. I wrote a big piece in the Independent in October of 2003 that got a huge response and one of the responses was from people who said, "Isn't it strange that our system is riddled with problems, given how well it has worked in the past?" To which my response was, "I think there's something wrong with that picture, and maybe it would be worth delving into the historical research to explain exactly why there's something wrong with that picture, so that was the origins of the book."

MW: Everyone does assume that sometime in this mythical past things worked well, but if you try to pin down exactly which decade it was that everything worked well, you just lose it. Your book really shows that it has been a constant problem in this country.

AG: I think part of the reason that no one has done this is because, between 1960 when you had the Nixon-Kennedy race and 2000 with Bush-Gore, there hadn't been a really high-profile national election where the issue of malfeasance had come up. There had been plenty of issues locally, but there's a habit with the U.S. press to focus on the local issues and

not to look what's happening in the counties a couple of states over, that people weren't looking at that patchwork of constant problems that never went away.

The other thing, which is perhaps an advantage of being a foreigner, is that to the extent that people have written books about problems with the electoral system, they've tended to want to assert that Democrats cheat more than Republicans, or Republicans cheat more than Democrats, and I think that's really the wrong approach.

I think you've really got to look at the system as a political system and how it has benefitted each of the parties separately and both of them together over a very long time, and I don't know if it takes a foreigner to do that, but whenever I address groups, there tend to be Democrats who are more interested in this issue at the moment because they're the ones who are suffering at the moment from elections that don't go their way. They want to believe that I am a Democrat like them, and they say, how can we do something about these awful Republicans. It gives me great pleasure to tell them that I am not a Democrat, and I'm not a Republican either. That is the great advantage that I have.

MW: The opening chapter of the book is incredibly harsh on Democrats and justly so; it's important to air this eye-opening information, so we can understand the big picture that there is no good guy and no bad guy.

AG: Right. Electoral malfeasance is not something that good politicians never do and bad politicians do habitually. It's really a matter of how high the stakes, and who is in a position to play dirty. And if the stars align in that way for one party to be able to chaff the other, usually they will.

Matthew Wheeland is AlterNet's managing editor.

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