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2004 ELECTION FORUM

Monday, December 13, 2004

10:30 a.m.

Columbus City Hall

Columbus City Council Chambers

90 West Broad Street, Columbus, Ohio

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U.S. REPRESENTATIVE CONYERS: The hearing will come to order and we will begin with an opening prayer by State Senator Ray Miller.

SENATOR MILLER: Let's assume the posture of prayer.

God of our weary years, God of our silent tears, thou who hast brought us thus far along the way, thou who has by thy might led us into the light, keep us forever in thy path we pray.

Father God, we thank you for bringing us all here on this day.

God, we ask that you give everyone a clear mind, that we might behave in a manner that is pleasing in your sight.

God, this is one of the most important opportunities and privileges that we have as Americans. You have given each one of us individually the opportunity to live our lives in a just and honest manner. We pray, Father God, that everyone will participate in this hearing with that spirit and with that purpose.

1           We thank you, God, for the Congress persons  
2 who have come to be with us today, Congresswoman  
3 Maxine Waters and Congresswoman Stephanie Tubbs-Jones  
4 and Congressman John Conyers for chairing these  
5 hearings. We thank you for the leadership of the  
6 Reverend Jesse Jackson Jr., who has worked all over  
7 this country to ensure that the voter suppression and  
8 irregularities are not tolerated in America.

9           So, God, once again, we ask that you bless  
10 everything that is done here on this day. These  
11 prayers, these blessings, these urges we ask in thy  
12 holy name.

13           Let us all say, amen.

14           (Amen.)

15           U.S. REPRESENTATIVE CONYERS: Thank you,  
16 Senator. We'll look forward to your additional  
17 comments as a member of this panel very shortly.

18           Ladies and gentlemen, I am so proud to  
19 introduce our Congressional Black Caucus colleague  
20 from Ohio, from Cleveland. She's been a lawyer,  
21 professor, prosecutor, judge, member of the Ways and  
22 Means Committee, the honorable, one and only Stephanie  
23 Tubbs-Jones. Let's welcome her to these proceedings.

24           U.S. REPRESENTATIVE TUBBS-JONES: Good  
25 morning.

1           I'd like to thank my colleague and good  
2 friend, the Honorable John Conyers, from the great  
3 state of Michigan for hosting these hearings here in  
4 Ohio, and I'd like to welcome my colleague, Maxine  
5 Waters, all the way from the great state of  
6 California. Both of them are always on point on  
7 issues that are important to our community.

8           And I'd like to thank the members of the  
9 Columbus City Council for hosting us here in this  
10 great facility. It is only through your support -- or  
11 actually hosting this hearing. We started off  
12 actually in the statehouse, and for one reason or  
13 another, which I won't get into at the moment, we find  
14 ourselves here at the Columbus City council chambers.  
15 But God is good; he always gives us a location to be  
16 able to bring issues to the table.

17           These hearings are the first in what I hope  
18 will lead to a series to examine voting irregularities  
19 arising from the 2004 elections. The purpose of the  
20 hearing is to fulfill the obligation owed to the  
21 American people who come out in record numbers to vote  
22 but experienced long lines, malfunctioning equipment  
23 and overt attempts at voter intimidation.

24           The responsibility for conducting an open and  
25 fair election process here in Ohio operates under the

1 authority of the Secretary of State. I'm, however,  
2 particularly concerned about both the real and  
3 perceived conflicts of individuals holding top policy  
4 and political positions simultaneously.

5           The Secretary of State and Chief Elections  
6 Officer, Kenneth Blackwell, also served as Ohio's  
7 cochair for the re-election of the Bush/Cheney ticket.  
8 Cuyahoga County Board of Elections chair, Robert  
9 Bennett, is also the chair of the Ohio Republican  
10 party. In fact, the day before the election, our  
11 Cuyahoga County prosecutor issued a ruling that  
12 forbade Mr. Bennett from holding both positions in  
13 terms of making a decision about this particular  
14 election. This discussion needs to be the subject of  
15 serious review here in Ohio and across the country if,  
16 in fact, that is the situation in other states.

17           After the 2000 elections, hearings were held  
18 which resulted in the Help America Vote Act. Funds  
19 were appropriated to improve the process, which is our  
20 most sacred right: The right to vote.

21           But four years later, it is clear that the  
22 system remains broken. Disproportionately, people of  
23 color and poor people were disenfranchised.

24           We must examine the use of funds appropriated  
25 to help America vote. We must improve the system that

1 are supposed to facilitate voting, and we must also  
2 examine the use of, quote, dirty tricks, unquote, and  
3 any possible malfeasance by election officials  
4 designed to disenfranchise people of color and the  
5 poor folk.

6           In the 11th Congressional District, 73  
7 percent of my constituents are registered to vote, and  
8 I'm proud to say that 64 percent of that 73 percent  
9 turned out to vote. We are acquiring a growing body  
10 of evidence that shows that hundreds, and more likely  
11 thousands, of individuals were removed from the voting  
12 rolls without a cause.

13           I am pleased to be joined today by two  
14 citizen volunteers from Cleveland that have been  
15 actively involved in all aspects of voter empowerment.  
16 Their focus today will be a study documenting a  
17 systematic disenfranchisement.

18           As we talk about voting across America and  
19 freedom in the world, it is most important that we,  
20 here in the land of the free, the home of the brave,  
21 assure that every person that gets out to vote, that  
22 his vote is counted. And I'm so pleased to be joined  
23 by the executive director of the NAACP voter fund and  
24 others here today, and I want to thank all of you for  
25 focusing in on Ohio.

1           We must do a focus on Ohio before the  
2           electoral college meets. Otherwise, after the  
3           electoral college, people will not be paying attention  
4           to what's going on. So I thank you very, very much.

5           U.S. REPRESENTATIVE CONYERS: We're in  
6           council chambers and the chair recognizes Councilwoman  
7           Charleta Tavares.

8           COUNCILWOMAN TAVARES: Thank you. Thank you  
9           to our congress persons for coming and hosting this  
10          hearing, this most important hearing in the Columbus  
11          City Council chambers. I am pleased to be here on  
12          behalf of myself and my colleagues who have joined me,  
13          councilwoman Patsy Thomas and Councilman Boyce, Kevin  
14          Boyce, who are with us this evening. And we're here  
15          because we believe this is our role as local  
16          government, that we need to work with our partners at  
17          the state and local level, as well as the federal  
18          level to get to the bottom of this election.

19          What we want, Congressman Conyers, as you and  
20          your colleagues, Congresswoman Stephanie Tubbs-Jones,  
21          Congresswoman Maxine Waters, our State Senator Ray  
22          Miller and my council colleagues and I, what we all  
23          want, is a fair, free, accurate and consistent process  
24          for conducting elections in the United States of  
25          America.

1           What we are doing today is ensuring that we  
2 receive information while it's fresh on the minds and  
3 hearts of those who participated in this last  
4 election. We shouldn't be afraid of the truth. We  
5 shouldn't be afraid of conducting these kinds of  
6 hearings in order to understand what went wrong, why  
7 we didn't have the county done in a consistent, fair  
8 and accurate way.

9           So I am pleased, on behalf of my colleagues  
10 who have joined me here today, to be a part of this  
11 public hearing, to get to the bottom of the 2004  
12 election, to put in place procedures and a processing  
13 so that we can ensure we have that fair, free,  
14 accurate and consistent election in 2005.

15           Thank you.

16           U.S. REPRESENTATIVE CONYERS: Thank you,  
17 Councilwoman.

18           We've sent a letter, a number of members of  
19 Congress, my letter, asking the governor of this  
20 state, Governor Taft, to delay or treat as provisional  
21 the vote of Ohio's presidential electors.

22           Thank you.

23           Secretary of State Blackwell's actions have  
24 had the result of unduly delaying the initial  
25 certification of the vote so that any recount or



1 possible litigation could not be completed by December  
2 13.

3 Under these circumstances of law and equity,  
4 not to mention the credibility of our voting system,  
5 we demand a delay. The closer we get -- the closer we  
6 get to Columbus and the Ohio presidential election,  
7 the more questions arise, the worse it looks. And  
8 each and every day, it becomes increasingly clear that  
9 one political party power structure in this state is  
10 acting as if they have something to hide. Why else  
11 would the Secretary of State advocate the Ohio law and  
12 lockdown public election records in Greene County over  
13 the weekend after our hearings in Washington? Why  
14 else would he, as cochair also of the Bush campaign,  
15 take the -- take position after position to prevent  
16 citizens from registering easily, to prevent  
17 registered voters from getting ballots, and to prevent  
18 lawful ballots from being counted.

19 Now, we have hundreds of pages of testimony  
20 about Ohio already and we're here to get more today.

21 Why else would he refuse to answer a single  
22 one of thirty six questions presented to him in good  
23 faith by members of the United States House of  
24 Representatives? Why else would he unnecessarily  
25 delay the certification of the Ohio vote, making a

1 recount impossible? Why else would exit polls of  
2 which there will be testimony, show a significant lead  
3 for Kerry throughout the day so -- and to be totally  
4 inconsistent with the final returns? Why else would  
5 there not be a single investigation by the state is a  
6 huge Republican effort already revealed to  
7 disenfranchise minority and poor voters.

8           No investigation into the unprecedented  
9 lockdown on Warren County. No investigation into the  
10 mysteriousness of fairness of 4,000 votes in Franklin  
11 County.

12           There is no more right precious under a  
13 constitutional democracy than the right to vote. And  
14 that is why we pledge that this investigation will not  
15 end until we get the answers to these questions that  
16 are being raised here today.

17           Now, in the course of my career, one person  
18 has always been with us on human rights, civil rights,  
19 global issues, and it is very -- and this was before  
20 she came to Congress. And she's been on the CASE.  
21 She's a distinguished member of the House Judiciary  
22 Committee. She has come all the way from Los Angeles,  
23 California, and we're so proud to have joining us at  
24 this hearing the honorable Maxine Waters.

25           U.S. REPRESENTATIVE WATERS: Thank you.

1           Thank you very much, Congressman Conyers, for  
2 scheduling this important meeting and for your  
3 long-standing commitment to election reform. You're a  
4 champion in the struggle to secure the civil rights of  
5 all Americans and I salute you for your determined  
6 efforts to ensure fair elections where every voter has  
7 an equal right to vote and to have his or her vote  
8 counted.

9           I also thank our witnesses for their  
10 attendance and participation here today.

11           But I am particularly thankful to the members  
12 of the city council who are here today and for joining  
13 with us and allowing us basically to use this venue  
14 for this most important meeting.

15           I'm very, very pleased to be here with my  
16 colleague, Stephanie Tubbs-Jones, from Ohio. I know  
17 of her very strong commitment and I'm delighted that  
18 she's providing leadership on this issue.

19           As elected officials from urban areas with  
20 large concentrations of minority voters and low  
21 recount residents, each of us know from all too many  
22 unhappy experiences that whenever America fails to  
23 ensure that all legally qualified voters have the same  
24 opportunity to vote, it is our constituents who  
25 suffers the consequences.

1           The long lines and the shortages of voting  
2 machines were concentrated in many minority  
3 communities. Many of the minority and low income  
4 voters who have been injured by the hostility of  
5 Republican partisans in the states and the  
6 indifference and neglect of the Republican majority in  
7 the Congress are our constituents.

8           I know that you agree with me that our goal  
9 should be to maximize the number of legally qualified  
10 votes that are cast and counted.

11           Ladies and gentlemen, I have a very full  
12 schedule back in my district in Los Angeles. I  
13 canceled that so that I could be here today. While I  
14 cancel my district schedule with great reluctance, I  
15 simply had to be here today as Ohio was ground zero  
16 for the problems that afflicted the 2004 presidential  
17 election.

18           I have made an extra effort to be here today  
19 to deliver one simple message to the people of Ohio  
20 and the people of the United States: While we have  
21 made modest progress in some areas from the election  
22 debacle that occurred in Florida and elsewhere in the  
23 2000 presidential election, the 2004 presidential  
24 election in Ohio, in Florida and many other states  
25 confirms that our election system remains

1 fundamentally flawed.

2           Unfortunately, I believe that our elections  
3 will remain flawed until we end the practice of  
4 allowing partisans like Ohio Secretary of State  
5 Kenneth Blackwell and former Florida Secretary of  
6 State, now Congresswoman, Katherine Harris, to  
7 administer elections and until we have got uniform  
8 standards for federal elections.

9           I want to take the time to detail and remind  
10 you of the partisan outrageous manner in which  
11 Katherine Harris supervised the Florida recount. I  
12 had thought Ms. Harris had permanently secured the  
13 grand prize for partisanship by a state-elected  
14 supervisor in a presidential election. But in the  
15 most recent elections, your Secretary of State,  
16 Mr. Blackwell, has proven to be a serious competitor  
17 for this prize.

18           Despite -- despite the invitations to  
19 Secretary of State Blackwell to testify before us in  
20 Washington last Wednesday and here today, we have yet  
21 to here from him, nor have we received a response from  
22 him to the December 2nd, 2004 election, from House  
23 Judiciary Democrats raising 34 separate questions  
24 about the conduct of the Ohio presidential election.

25           While I still hope that Mr. Blackwell will

1 reconsider and answer our questions, his silence to  
2 date is telling.

3           While there are many issues that I would like  
4 to address, time is limited, so let me discuss one  
5 obvious example of vote suppression. In five  
6 states -- florida, Ohio, Michigan, Missouri and  
7 Colorado -- election officials ruled that voters may  
8 cast provisional ballots only in the precincts where  
9 they are registered to vote. When voters show up at a  
10 polling place that has no record of their  
11 registration, they are given provisional ballots,  
12 which are counted only if their registration is later  
13 verified. A high percentage of these, not  
14 surprisingly, are cast as well. There is no  
15 justification disqualifying for a vote for president,  
16 for senator or any other statewide office on the  
17 ground that a legally qualified voter shows up to cast  
18 his vote in the wrong precinct. Yet, amazingly, in  
19 Ohio, because of Mr. Blackwell's shenanigans, votes of  
20 voters who cast a provisional ballot were not counted  
21 in any election, including the presidential election,  
22 the Senate election and other statewide races if the  
23 voter cast that vote in the wrong precinct. Why would  
24 we not count that vote as valid? The voter's intent  
25 is clear. There is no question as to the voter's

1 right to vote for the office of president or senator.  
2 The ability exists to ensure that the voters not cast  
3 a provisional ballot in more than one location and  
4 there are penalties that can be imposed against those  
5 who seek to do so.

6           There is only one possible explanation for  
7 not counting this vote: A desire to suppress the  
8 votes of those who were confused, were not informed,  
9 or who were misinformed about where they should vote.

10           We need a federal law that, at a minimum,  
11 requires every state to count every provisional ballot  
12 cast by every legally qualified voter for the office  
13 of president or senator, regardless of the whether the  
14 voter cast a provisional ballot was in the correct  
15 precinct. A voter's right to vote for the president  
16 or for senator should not turn upon whether he resides  
17 in a state that prohibits the counting of provisional  
18 ballots that voter cast in the wrong precinct.

19           Ladies and gentlemen, the issues that we are  
20 addressing here today are not simply about winning and  
21 losing elections. They are about something far more  
22 fundamental. Namely, whether every legally qualified  
23 voter is entitled to equal treatment, to equal  
24 respect, to an equal opportunity to count and have his  
25 or her vote counted.

1           If we are supposed -- if we are supposed to  
2     limit our interests and attention to election issues  
3     that are outcome determinative, then why do we even  
4     bother to count write-in votes or count the votes of  
5     most minor parties? Clearly, there are very few  
6     instances in which they are outcome determinative.  
7     Yet hopefully, all of us recognize that all legally  
8     qualified voters should have the same opportunity to  
9     have a voice, to make their views known, whether they  
10    are part of a huge majority or minority of one.  
11    That's what equal treatment is about. That's what  
12    this country should be about.

13           We have millions of men and women who have  
14    sacrificed and served in the military, in the civil  
15    rights movement, to make the promise of equal rights a  
16    reality for all Americans. We must honor their  
17    sacrifice by doing all that is required to make equal  
18    treatment a reality.

19           Ohio revealed that our electoral system is  
20    still broken. And, Ohio, let the word go forward  
21    today, we're gonna fix it.

22           U.S. REPRESENTATIVE CONYERS: Thank you.  
23    Thank you very much.

24           Congresswoman Waters came all the way from  
25    Los Angeles, but Congressman Jerrold Nadler came all



1 the way from New York City to attend our hearing.

2 Let -- let me tell me also take notice of the  
3 fact that Senator Bob Hagan of Youngstown, Ohio, is  
4 here today. Thank you for coming.

5 It is time now for introduction of material  
6 to Congresswoman Stephanie Tubbs-Jones.

7 U.S. REPRESENTATIVE TUBBS-JONES: Thank you,  
8 Mr. Chairman. I have a couple pieces of evidence that  
9 I'd like to submit for the record, one of them being a  
10 letter from -- that has been sent to all of the heads  
11 of the Boards of Election across the state of Ohio  
12 from Senator Kerry, and it reads as follows, I will go  
13 very quickly: Dear Director and Deputy Director,  
14 enclosed you will find a letter personally signed by  
15 John Kerry. This is a letter by John Kerry. This is  
16 a letter from Reverend Jesse Jackson who has been  
17 appointed -- he has been appointed as his legal  
18 counsel with respect to his counsel as president and  
19 vice president of the United States, with full  
20 authority to act on behalf of him and John Edwards,  
21 including appointing witnesses to attend the recount.  
22 Also enclosed is a letter personally signed by John  
23 Kerry designating witnesses to attend the recount in  
24 your county.

25 And it goes on with a final 11 points, and I

1 won't read all 11, but I will go to the couple of  
2 them. It says, on behalf of John Kerry and John  
3 Edwards, I'm making the following requests regarding  
4 the conduct of the recount. The selection of  
5 precincts for three percent hand count should be  
6 according to a scientifically valid random sampling  
7 method. I'm aware that you have received a letter  
8 from Votewatch regarding this issue with an offer by  
9 that organization to provide resources to ensure that  
10 the sampling method is valid. And, therefore, request  
11 that each candidate be given the opportunity to select  
12 at least one precinct for a hand count -- and it goes  
13 on with the request.

14           And this is a letter from the Reverend Jesse  
15 Jackson who has been chosen as the legal  
16 representative for the Kerry/Edwards team.

17           I also have a copy of a newspaper article  
18 from the "Cleveland Plain Dealer" on Friday which  
19 specifically sets out some dilemmas or irregularities  
20 that occurred in the election on a specific precinct  
21 over at Benedict High School. And I won't go through  
22 all the notes of them, but I believe either Ms. Gallo  
23 or Mr. Robbins may include testimony with regard to  
24 that when they testify today.

25           I thank you, Mr. Chairman.

1           U.S. REPRESENTATIVE CONYERS: So those are  
2 three separate items --

3           U.S. REPRESENTATIVE TUBBS-JONES: Two  
4 separate items.

5           U.S. REPRESENTATIVE CONYERS: Two separate  
6 items --

7           U.S. REPRESENTATIVE TUBBS-JONES: Yes, sir.

8           U.S. REPRESENTATIVE CONYERS: -- that will be  
9 included in the record of the election.

10          U.S. REPRESENTATIVE TUBBS-JONES: Thank  
11 you.

12          U.S. REPRESENTATIVE CONYERS: In our audience  
13 is Ohio State Representative Joyce Bee, and we welcome  
14 her. Where is she, please? Thank you.

15          And now we turn to the gentleman from New  
16 York, Mr. Gerald Nadler.

17          Nadler: Thank you. Thank you very much.  
18 I'm going to be very brief, Mr. Chairman.

19          This is the second in a series of hearings;  
20 the first one we held in Washington last week. And  
21 the question of the conduct of this past election and  
22 perhaps equally importantly and the question of  
23 conduct of future elections.

24          It is very, very clear that in states like  
25 Ohio and Florida and probably many other states, a lot

1 of things happened that are aimed at and have the  
2 results at suppressing voters, voter suppression. For  
3 example, we see patterns of many fewer voting machines  
4 in minority election districts per capita than in  
5 other election districts or in other precincts, so  
6 that in certain areas you have lines that stretch up  
7 to five or six hours. In other precincts, you don't  
8 have any lines at all because of the misallocation of  
9 voting machines. That's a deliberate or careless,  
10 probably deliberate, attempt to suppress the voting  
11 areas where you don't want too many voters to come in.  
12 Or as you saw in one place, the vote count was done in  
13 secret and the Board of Election shut out the press  
14 and other observers. And many other things that we've  
15 all seen on the Internet and that Blogosphere and that  
16 there were recounted in the letters that we sent to  
17 the general accountability office and that have been  
18 sent to our offices.

19           The point is, all of these techniques  
20 suppress the vote and make it clear that not every  
21 vote is to be counted equally. They are intolerable.  
22 They call to question the homily and the reliability  
23 and the integrity of our elections.

24           This is not new. Usually, we have been lucky  
25 in the sense that elections haven't been that close

1 and in sloppy elections, perhaps, haven't made a  
2 difference. But we seem to have entered near a very  
3 close elections and that is now intolerable. We  
4 cannot tolerate electronic voting machines with no  
5 paper trail, no ability to find out if the programming  
6 was correct, no ability to find out if someone  
7 deliberately programmed the machine to switch every  
8 fifth vote from one party to the other or to discount  
9 every seven votes. No way of telling. That's  
10 intolerable.

11           And the fact is that we ought to have  
12 national voting standards. Congress -- Congress ought  
13 to pass minimal national voting standards that every  
14 state should have to abide by. And we don't need a  
15 constitutional amendment for this. In the late 1960s,  
16 Congress passed a law prohibiting states from denying  
17 the vote on account of age to anyone 18 years of age  
18 or older. This was several years before the federal  
19 constitutional amendment that did the same thing.  
20 That statute was held by the courts to be binding on  
21 the states for federal elections and elections that  
22 affected federal elections. For instance, elections  
23 through party central committees that had a role in  
24 nominating candidates for federal office.

25           So if Congress had the power to bind the

1 states so that 18 year olds could vote by statute,  
2 then Congress clearly has the power with respect to at  
3 least federal elections and elections that affect  
4 federal elections to bind the states to certain  
5 minimal standards, such as a minimum number of voting  
6 machines per 100 voters or per 1,000 voters in the  
7 precincts, such as no use of electronic voting without  
8 verifiable paper trails, such as many, many other  
9 things that we can list.

10 And I hope that out of these hearings can  
11 come some guidelines for legislation that we can pass  
12 to impose federal standards that would go way beyond  
13 the Help America Vote Act to a very employable piece  
14 of legislation.

15 We asked, as you know, the general  
16 accountability, and the general accountability office  
17 has agreed to do a study of the elections. I hope  
18 that that study is finished in six or seven months so  
19 that it can be used to frame such legislation so that  
20 all of this can be in effect before the 2006  
21 elections, because this country cannot afford and the  
22 civil rights of our people will not tolerate more  
23 bought elections.

24 Thank you, Mr. Chairman.

25 U.S. REPRESENTATIVE CONYERS: Thank you very

1 much from New York, Congressman Nadler.

2           Now, does anyone need an introduction to  
3 Reverend Jesse Jackson, Jr., who is the next witness?  
4 Would you want to hear about his lifelong career  
5 dedicated to make American justice, the election  
6 system and peace work in this country and throughout  
7 the world? He is with us. He's just left the  
8 courtroom. He's here with us today. Welcome, please,  
9 the outstanding single American who's done more in  
10 this election and in the 2000 election to bring  
11 justice to the electoral process, Reverend Dr. Jesse  
12 Jackson.

13           REVEREND JACKSON: Congressman and Congress,  
14 let me express my thanks to you for such a kind and  
15 generous introduction.

16           I can't help but think about meeting with you  
17 and Dr. King on a rainy night in Chicago in 1966. And  
18 you were the breakthrough Congressman coming out of  
19 Selma, just before the ascension of Richard Hatcher to  
20 be the mayor of Gary and Carl Stokes to be the mayor  
21 of Cleveland. You are a part of the breakthrough  
22 generation.

23           I want to thank you and Congresswoman Maxine  
24 Waters and Stephanie Tubbs-Jones for today honoring  
25 the legacy of Dr. King and Rosa Parks and Fannie Lou

1 Hamer and Schwermer, Goodman and Chaney, and Liuzzo,  
2 those who paid the ultimate price for the state's  
3 right to vote.

4           You honor that tradition today by holding  
5 this hearing. You, Congressman Nadler, I thank you  
6 for your being consistent on this CASE seeking equal  
7 protection under the law.

8           But I think we owe a special debt to the  
9 Green Party and Libertarians, for they have the kind  
10 of so-called main line force of democracy surrendered,  
11 withdrew and stepped away.

12           These remnants, the Greens, the Libertarians,  
13 the Freedom Fighters, have kept the flame burning and  
14 they have given us standing in the court. And for  
15 that, we're grateful. And for the lawyers who, in  
16 great sacrificial sense, have left their ordinary  
17 duties to be here, because without their prayer --  
18 without their thought and determination, we would not  
19 have a platform today.

20           Of course, to those for Ohio who host us, we  
21 thank you in a special way, for it is difficult to  
22 express how serious is this meeting.

23           What we are doing today, Stephanie, has been  
24 so diminished by the media, diminished by both  
25 mainstream parties, diminished. So we really are



1 giants, but we've been given the grasshopper complexes  
2 and we tend not to fight back. For those who face  
3 these odds, Reverend Weiser, I can't help but think,  
4 speaking of the odds of this hearing today.

5           Dr. King received the double peace prize in  
6 1964. President Johnson gave him a White House  
7 reception, he said, thank you so much for the  
8 reception, but all Americans deserve the right to  
9 vote. And president Johnson said, well, I know what  
10 you're saying, Dr. King, and you know I'm with you,  
11 but the fact is, I can't grant you the right to vote.  
12 I don't have the power to grant you the right to vote.  
13 I wish I could, but I can't. The words of the  
14 Congress can, but won't, so you cannot have the right  
15 to vote. In 1964. That was 40 years ago.

16           So it is not the Democratic party and not the  
17 Republican Party and not the Congress, but the remnant  
18 of the Freedom Fighters that went to Selma, and  
19 through the blood and sacrifice of Viola Liuzzo and  
20 John Lewis and Hosea Williams and SNCC and, really,  
21 the nameless, faceless forces from the margins. And  
22 the margins stood up and gave us light. So on that  
23 blood, I want to thank you today for honoring the  
24 tradition of those fighters by holding this hearing  
25 and how ironic it is that other beneficiaries of that

1 march now stand on the other side.

2           We make three simple requests. One, we want  
3 a thorough investigation. We need forensic computer  
4 experts to analyze the material if, in fact, there was  
5 calibration in the tabulation and manipulation. With  
6 the investigation, we want a recount, and we want  
7 recuse. Those who ran that system cannot check  
8 themselves. We need investigation. We need recount.  
9 We need recuse.

10           We can afford -- we can afford to lose an  
11 election. We cannot afford to lose our vote.

12           In some sense, Mr. Kerry earned a concession  
13 helped to take away meet the scrutiny and the  
14 seriousness of our charge. HAVA, the Help American  
15 Vote Act, was not honored as a way to even the playing  
16 field.

17           We gather today, this is an unbroken line  
18 from Selma to Columbus, an unbroken line. Those that  
19 we defeated in Selma, the Southern Democrats, are now  
20 the Republicans. They changed parties, but they did  
21 not change their stripes on their etiology of voter  
22 denial and voter suppression.

23           It's hard to explain to the people of the  
24 world why these November 2nd, the election day, this  
25 is December the 11th, six weeks later. Can you

1     imagine getting the results of a Ukrainian election  
2     six weeks later? If that election is held in Iraq in  
3     January, can you imagine getting the results in the  
4     Iraq election in March? Can you imagine waiting for  
5     six weeks to get the results of a South African  
6     election? It would be simply unacceptable. Why has  
7     it been six weeks and why are we trying to run out the  
8     clock?

9             Massive irregularities -- please, if you  
10     will, I'm trying to make points. I really wish you  
11     wouldn't applaud, because we have no case today more  
12     serious than this and we don't want people to do  
13     diminish how serious we are and how factual and  
14     correct we are by reducing it to anything other than  
15     the serious session that it is.

16             Massive voter irregularity, maybe greater  
17     than Florida. Massive inconsistencies, schemes of  
18     anomalies.

19             Those in charge with vested interest in the  
20     outcome should be recused from this process.

21             Voter suppression, target communities among  
22     the innocent, the black and the brown, longer lines  
23     are more sportish of votes, are more grants to those  
24     communities, tricked into getting faith-based grants  
25     or getting called against threats. With people

1 outdoors and dry machines unused on the inside. The  
2 Florida parallels are simply clear. An attempt and  
3 preattempt to undermine voters. In Florida it was  
4 taken off the roll, the prisoners. In Ohio, it was  
5 the weight of paper.

6 But the schemes to control the election,  
7 before the parallels, are quite definite.

8 Today we at best have the state's right to  
9 vote, but not the constitutional protected right to  
10 vote. I wish we did. But according to the Supreme  
11 Court in 2000, they argued that it is the 10th  
12 Amendment and that our right to vote is not in the  
13 affirmative.

14 But whether it is a constitutional amendment  
15 Brother Nadler, or whether the Congress is doing its  
16 job, the bottom line is our right to vote is not  
17 protected.

18 We're asking for a full investigation of  
19 voter irregularities, especially the voting machines,  
20 and an expedited recount of the vote.

21 Elections should not be -- electors should  
22 not be seated until the recount is completed. If they  
23 do meet tomorrow as scheduled, or if they meet today  
24 as scheduled, their vote should be considered  
25 provisional ballots.

1           I spoke with the secretary just last night  
2           and his legal team. I'm here, Congresswoman Jones, as  
3           a liaison, not as a legal representative, but as a  
4           liaison. With an able-bodied members lawyer last  
5           night, as well, who are his legal team. Senator Kerry  
6           expressed a direct interest in an investigation and  
7           recount. He issued 11 points of inquiry, which you  
8           put in the record.

9           He has observed this on the grounds that all  
10          88 counties seeking specific review. The recalling of  
11          no votes, 92,000 people are listed as no votes, mostly  
12          poor and minority. It is inconceivable that 92,000  
13          would show up to vote and not vote for the president,  
14          92,000.

15          The rejected provisional ballots, the  
16          rejected absentee ballots, his lawyer seeks a direct  
17          review of the reason for rejection and any  
18          documentation for the rejection.

19          Each county had its own rules as to who was  
20          rejected and who was, in fact, enfranchised.

21          All counties must have the opportunity to  
22          have outside experts to verify and test computer  
23          programming on the central tabulating systems to find  
24          contingencies. Lawyers have not filed the election  
25          contents.

1           Congressman Conyers, in follow-up to last  
2 week's Congressional hearings, we thank you today,  
3 again. Let me share a few disparities and then we  
4 shall proceed.

5           We do not believe the Secretary of State is  
6 part of any conspiracy or that he's engaging in  
7 conscious fraud. That is not quite the point.

8           The voting machines are too susceptible to  
9 glitches, and he admits. Who got glitched? And how  
10 many glitches are there? Where were the glitches? Is  
11 there a pattern of glitches? Who got glitched?

12           Glitches, mistakes happen, even Secretary  
13 Blackwell admits that there are glitches and missteps  
14 in the election process. He had four years to not  
15 have any glitches.

16           Ninety two thousand votes are in process, I  
17 repeat. One hundred and fifty five thousand  
18 provisional ballots are votes that are suscepated to  
19 different counties, with Congresswoman Jones in  
20 Cleveland. We went to Cincinnati where there were  
21 three predicts in one room. If you were in line for  
22 four hours to vote in Precinct A, but should have been  
23 in Precinct B, they would not move you over. They  
24 would give you a provisional ballot and go to the back  
25 of line B and take some more rain while the machines

1 were dry. We know that happened. I'm a witness.

2           Why were there exit polls, specifically in  
3 Ohio, all wrong and outside the margin of error? You  
4 here today 180 million to 1 chance of disparity.

5           Why did the optical scan machines freeze in  
6 Lucas County using software leased by Diebold and  
7 owned by a Bush Texas ranger? Why did the election  
8 officials in Warren County get the word that on  
9 Thursday that there may be, in fact, a homeland  
10 securities alert on Tuesday and, sure enough, it  
11 happened.

12           Why in Miami County 19,000 votes come in  
13 after all precincts had voted, two to one margin for  
14 the president? How did South Concord manage a 98.5  
15 percent turnout heavily tilted towards president, but  
16 a Cleveland precinct heavily tilted towards Kerry just  
17 a 7.1 turnout? Affidavits, documentation.

18           Computer and analysts have discovered that  
19 all votes -- watch this -- in areas using optical  
20 scanning machines in New Mexico, all of them went in  
21 favor of Bush, even in heavily Democrat precincts.  
22 Suggestion.

23           We know that there are glitches in the  
24 election machines used on election day. We know that  
25 they can be hacked by insiders and outsiders. We know

1 that the owner of Diebold has proprietary software  
2 that manipulates voting machines.

3 We need a complete and thorough investigation  
4 of voting irregularities. We must have computer  
5 forensic analysts investigate the voting machines.

6 Let this meeting today to not be seated all  
7 the provisional ballots until the voting  
8 irregularities are completely investigated and until  
9 the voter recount has been completed.

10 I cannot say enough of thanks to city council  
11 persons here, you and the Congress, all of you here  
12 today, you, Ray Miller, because we celebrate  
13 Dr. King's birthday January 15th kind of glibly.

14 This is the celebration of Dr. King's  
15 birthday, life and legacy.

16 I thank you so much.

17 U.S. REPRESENTATIVE CONYERS: Thank you,  
18 Reverend Jesse Jackson.

19 Now you can applaud. Now you can cheer. Now  
20 you can encourage.

21 Thank you, Reverend Jesse Jackson.

22 Congressman Ted Strickland, Ohio, who has  
23 done more on prisons than any other member of  
24 Congress. Let's welcome him for a couple minutes'  
25 worth of remarks.



1           Congressman Ted Strickland, Ohio. Thank you.

2           CONGRESSMAN STRICKLAND: Thank you, my dear  
3           colleague, representative of Congress. Thank you for  
4           coming to Ohio.

5           I want to thank all of my colleagues from the  
6           House of represents and the other distinguished guests  
7           who have come to Columbus today to better understand  
8           the systematic failures that occurred during the  
9           recent election.

10          Notice I did not say that 2004 presidential  
11          election. We're not here today to talk about John  
12          Kerry or George Bush. We're here today to talk about  
13          the thousands of Ohio voters who have come forward  
14          telling of the widespread problems that occurred on  
15          election day, including waiting times of up to 10  
16          hours, counting irregularities, and invalidated  
17          provisional ballots.

18          We're here because we now have information  
19          about malfunctioning voting machines and areas where  
20          there were insufficient numbers of the machines.  
21          Certainly, that was a huge problem. In fact, I have  
22          heard several personal accounts of voters who feel  
23          deeply that they were disenfranchised.

24          As we investigate what happened, I think  
25          we'll find that there are changes that need to be made

1 to the voting process to ensure that these problems do  
2 not happen again and that all Ohioans can have a high  
3 level of confidence in the election process.

4 All eyes were on Ohio as we approached  
5 November the 2nd. They were on Ohio election night,  
6 and they are still on Ohio today. Let us show the  
7 nation and the world that Ohio can get it right.

8 Excuses for mismanagement of the election  
9 process are unacceptable. We need real, meaningful  
10 solutions. If Congress needs to act, and I believe we  
11 do, my colleagues, we need to act. Let us waste no  
12 time in building a consensus on what the reforms  
13 should be.

14 I also think there's a serious problem when  
15 the major election official in the state of Ohio  
16 allows himself to be engaged as a prime spokesperson  
17 for an election issue that he himself is responsible  
18 for overseeing in an objective manner. That should  
19 not happen, and we need to focus on that issue, as  
20 well as all the others that have been discussed here  
21 today.

22 The main thing is that we not give up, as my  
23 colleague from Atlanta, John Lewis, frequently says,  
24 that we not give up, that we not give out, and that we  
25 not give in, representatives of Congress, and that we

1 pursue this issue until we can assure justice for  
2 every voter in this great country.

3 Thank you.

4 U.S. REPRESENTATIVE CONYERS: Thank you,  
5 Mr. Ted Strickland.

6 He was with us in Washington and he's with us  
7 here, Professor Robert Fittrakis.

8 MR. FITRAKIS: Thank you. Is this mic on?  
9 Is this mic on? Okay. I'd just like to --

10 U.S. REPRESENTATIVE CONYERS: I have to  
11 caution you, Bob about the time now, so I don't want  
12 to have to raise the gavel.

13 MR. FITRAKIS: I can pick up the pace.

14 U.S. REPRESENTATIVE CONYERS: You know the  
15 drill.

16 MR. FITRAKIS: Yes.

17 Again, thank you, Representative John  
18 Conyers, from my hometown of Detroit and honorable  
19 Congressman and Congresswomen and my good friend, Ray  
20 Miller, who immediately got a room at the  
21 statehouse -- but apparently they don't believe in  
22 transparency or free speech over there anymore -- and  
23 Charleta Tavares, who bailed us out.

24 I promised you new information and the eyes  
25 of the world are here now. We've already established

1 that we are under a high tech Jim Crow states rights  
2 system of voting. And when we point this out, they  
3 call us conspiracy theorists. We said that they did  
4 not deliver the machines. We said they shorted the  
5 machines. They called us conspiracy theorists. Now  
6 we have it on tape, the words of the Franklin County  
7 Board of Elections chair, Bill Anthony, they held back  
8 a truckload of about 75 machines while people waited,  
9 he admits, for five to six hours.

10           They call us conspiracy theorists, when we  
11 have statisticians here, distinguished academics that  
12 will say the odds of the exit polls in Florida,  
13 Pennsylvania and Ohio being outside the norm  
14 consistently for one man, the president, are 180  
15 million to 1, 180 million to 1.

16           If one flips a fair coin 180 million times  
17 and it comes up heads and only tails once, who is the  
18 conspiracy theorists? Or are they not coincidence  
19 theorists at a certain point, maybe around a million,  
20 should they not inquire as to why that coin is coming  
21 up the same side, the Bush side, over and over again.

22           We said that there was dirty tricks that went  
23 down here. November 1st, at approximately 10:00, a  
24 police call was made. There was a group in town.  
25 They called themselves the Texas Strike Force. They

1 had a list. They were calling from a pay phone at the  
2 Holiday Inn. They were overheard saying -- we have it  
3 on tape from a conservative Republican desk clerk who  
4 believes in democracy -- if you show up at the polls,  
5 you've just got out of prison a few months ago, I will  
6 turn you in to the FBI. And who paid for those rooms?  
7 The Ohio Democratic Party, according to that night  
8 clerk we have -- the Ohio Republican Party. Okay.  
9 The Ohio -- the Ohio Republican Party.

10 U.S. REPRESENTATIVE CONYERS: Glitch.

11 MR. FITRAKIS: That was a real glitch.

12 The other things that we now know is that in  
13 Warren County, as Jesse Jackson, the Reverend, talked  
14 about, premeditated. We also have allegations that  
15 not all the ballots were brought to the tent in front  
16 of the election senator, but were brought to a  
17 warehouse where someone described, as a Republican  
18 Party hack, had access in that county that went  
19 heavily for George Bush.

20 And just in closing, what we also have is  
21 Matt Damschroder went before a court on election day  
22 and said there was nothing left in the warehouse,  
23 there were no machines. Now there's a truckload.  
24 He's either incompetent, the former head of the  
25 Republican Party of Franklin County, or he has

1 committed perjury.

2 I thank you.

3 U.S. REPRESENTATIVE CONYERS: Thank you.

4 Robert Fittrakis, we're still in your debt.

5 Cliff Arnebeck of Arnebeck Associates, please  
6 come forward.

7 MR. ARNEBECK: Thank you very much,  
8 Mr. Chairman.

9 Bob Fittrakis and I in the company of Reverend  
10 Jesse Jackson and Reverend and Mrs. Moss, a short  
11 while ago, filed an election contest in the state  
12 supreme court.

13 Approximately 15 or 20 minutes later, a  
14 motion for a preliminary injunction and temporary  
15 restraining order against the electoral college  
16 convening and voting today at noon was also filed.

17 The objective of our legal action -- this is  
18 the second kind of legal action provided under law --  
19 in addition to the recount, it is the contest, and  
20 that has been implemented.

21 A number of members talked about the need for  
22 understanding what happened. Representative Waters  
23 talked about the need to fix it. Both of their  
24 comments are correct. But as lawyers, our undertaking  
25 through this legal action is to understand it and

1 correct it now.

2           And when I say now, I mean before the January  
3 6th date when the electoral college votes will be  
4 counted in Washington. I would like to -- if I may,  
5 Mr. Chairman, I would like to call on three people to  
6 make very brief remarks. The first is Dr. Ron Baiman  
7 who is the expert witness who's part of the -- who  
8 submitted an affidavit in the pleadings just filed  
9 with the Ohio supreme court. And I'm not going to ask  
10 for him to testify. I'm simply going to ask him to  
11 give the punch line of his testimony already given.

12           Dr. Baiman?

13           DR. BAIMAN: Thank you.

14           I'm an economist and statistician from the  
15 University of Illinois in Chicago and I also teach at  
16 the University of Chicago.

17           Many of us were struck by the exit polling  
18 that showed John Kerry winning Ohio and all the other  
19 critical states except Florida and Colorado. These  
20 were polls that were on the CNN web site and other web  
21 sites after 12:00 a.m. on the night of the election.

22           As many -- as people have already said here,  
23 those exit polls can be wrong in one state, for  
24 example, in Ohio, by about a one in a thousand chance,  
25 given the margin of error that those polls had in

1 favor -- the error that turned out -- for the election  
2 that turned out to be this favor of Bush.

3           If we assume three states, three simultaneous  
4 errors, the chance is less than, as Bob said, in the  
5 millions. My number is slightly different because I  
6 used the certified vote.

7           We also have a national exit poll we found  
8 out was done. And also on the web sites the night of  
9 the election, a national exit poll for a popular vote  
10 showed Kerry winning by 2.4 percent. It was a poll  
11 with 13,000 voters, so it was a very small variance, a  
12 very small error in a poll with that large a sample.  
13 Because of that, there's less than a 1 in 25 million  
14 chance for a random sample of that kind of error and  
15 there's less than 1 in 55,000 chance that that kind of  
16 poll error, national exit poll error, could occur for  
17 the popular vote.

18           The various -- there have been various  
19 explanations about possible errors, but none of them  
20 appear to be plausible. If it was systemic, why were  
21 the polls absolutely on target in California and very  
22 close in Wisconsin and other states? If there was  
23 some group of states for some demographic reason for  
24 which the polling was wrong, why did that group open  
25 states come to be the critical states? In fact, in 5



1 out of 11 critical states, the polls were off at the  
2 five percent level of significance. That's a 1 in 20  
3 chance. But they were off for only four out of the 35  
4 noncritical states.

5 All this evidence suggests that the election  
6 results are not credible and should not be regarded as  
7 a true reflection of the intent of the national  
8 electorate or of Ohio voters until a complete and  
9 thorough investigation of these implausibly erroneous  
10 exit polling and/or of discriminatory suppression and  
11 electoral fraud is completed. Thank you.

12 U.S. REPRESENTATIVE CONYERS: Thank you very  
13 much.

14 MR. ARNEBECK: Mr. Chairman, a number of  
15 people have commented on the problem that arose when  
16 we introduced electronic voting into our system. The  
17 first person in the journalistic community to comment  
18 and analyze this problem was Ronnie Dugger, founder of  
19 the Texas Observer, founder of the Alliance For  
20 Democracy, and he's also author of a current article  
21 on the subject in Harper's magazine. I would ask him  
22 to make a few brief comments.

23 U.S. REPRESENTATIVE CONYERS: Yes. Please,  
24 come forward, Mr. Dugger.

25 MR. DUGGER: Thank you.

1           Mr. Chairman, I shall make a series of  
2 discontinuous points, if I may?

3           First, 16 years ago, the New Yorker informed  
4 voters that the DRE system provided the voter no  
5 assurance that the vote cast would be counted as cast.  
6 It occurred to me recently that perhaps some Texans  
7 were reading the New Yorker at that time, and instead  
8 of being horrified said, ah-ha.

9           Secondly, roughly speaking, 80 to 85 million  
10 votes were cast in the last election. And equipment  
11 controlled and programmed under the authority of  
12 Republican dominated corporations.

13           Third, I'd like to quote David Scottsman of  
14 Indiana that the secrecy of the ballot has been  
15 converted to the secrecy of the vote count. I should  
16 like to say in my own voice that computerized voting  
17 as now practiced in the United States is incompatible  
18 with self-government. It is a system of private power  
19 that will destroy any democracy in the world in a  
20 relatively short time.

21           It is the most anti-Democratic technology  
22 ever employed.

23           The head of the CES fee, the dominant company  
24 in the '70s and '80s, was a man named Prentice Cobb  
25 Day, Jr., a close friend of President Regan and a

1 frequent visitor to the White House.

2           The president of CES told me that he  
3 sometimes woke up at night afraid somebody would offer  
4 one of his programmers \$25,000.

5           The president of the Business Records  
6 Corporation, the largest company counting votes in the  
7 '90s, Perry Esping, told me in the mid-'90s that if  
8 somebody in the back room wants to get us, he can get  
9 us, meaning steel the elections with algorithms.

10           The identification of programmers is a  
11 secret. I asked about eight of the major corporations  
12 counting votes before this last election to provide me  
13 with the names and backgrounds of their computer  
14 programmers who were counting the votes, Mr. Chairman.  
15 None responded.

16           It seems to me that any investigation needs  
17 to get the computer programers present, before you,  
18 under oath.

19           Local and state officials who were swearing  
20 to the truth of the outcome of votes -- of elections  
21 of the votes counted in computers are swearing to a  
22 truth they cannot know, and I think that might raise  
23 some questions at law.

24           Election officials and computer companies in  
25 DRE states, in DRE jurisdictions, who, when called for

1 a recount, have a second printout produced and call it  
2 a recount are giving a lie to the people, because a  
3 second recount is not a recount.

4 The document -- the question of the integrity  
5 of the election, the burden of proof, as David Dillon  
6 Stanford says, it's on the companies, it's on the  
7 computer programmers, and they need to be brought  
8 forth into the public and told how they counted our  
9 votes.

10 Thank you.

11 U.S. REPRESENTATIVE CONYERS: Thank you,  
12 Ronnie Dugger. Thank you for coming.

13 Could you bring your fact witness on very  
14 briefly. We have a time problem that's beginning to  
15 develop.

16 MR. ARNEBECK: All right. I'm going to  
17 summarize, then, briefly, rather than introduce  
18 another witness. Evan Davis has been recently  
19 conducting a study to determine, going around door to  
20 door and telephoning, in one of these precincts where  
21 there was voter suppression by inadequate machines,  
22 how many people wanted to vote and were not able to,  
23 and he's come up with a number: 20 percent. So this  
24 is something that's been verified.

25 In closing, Mr. Chairman, I want to echo what

1 Bob Fittrakis talked about. We're talking about --  
2 people talk about conspiracy theorists in a critical  
3 way. What we're really dealing with here is naivete  
4 versus verification. And we intend to verify.

5 Thank you very much.

6 U.S. REPRESENTATIVE CONYERS: Thank you, very  
7 much.

8 Our next witness is David Cobb. Please come  
9 forward, sir, and welcome back to our hearing.

10 MR. COBB: Thank you, Congressman Conyers.

11 For the record, my name is David Cobb, and I  
12 am the Green Party 2004 presidential candidate. And  
13 as the presidential candidate in Ohio this year, it is  
14 and was my statutory right, under Ohio law, to seek a  
15 recount of the presidential vote in this state.

16 After the election, my office received a  
17 flood of complaints about Ohio and Florida and  
18 Michigan, and interestingly enough, all of the swing  
19 states with large populations. Our office began to  
20 receive reports that -- of machine failures and  
21 breakdowns. And interestingly enough, every one of  
22 these glitches, Reverend Jackson, always seemed to  
23 favor one of the presidential candidates: That is,  
24 George Bush.

25 We also received reports that amounted to

1 intentional fraud in terms of voting suppression,  
2 specifically targeted at African-American communities  
3 and on college campuses. This was voter suppression  
4 and intimidation.

5           So on November 19th, over three weeks ago, I  
6 formally demanded a recount by notifying each and  
7 every one of Ohio's 88 county election directors and  
8 the secretary state of Ohio of my demand. We posted  
9 the required filing fee and requested a hand recount  
10 of all the ballots cast in all precincts in the state  
11 of Ohio. It was paid in full on November 19th.

12           And, Congressman Conyers, on November 19th,  
13 it must be said, over half of all of the counties in  
14 Ohio had already completed their initial canvass. That  
15 recount could have and should have started at that  
16 date, but it was not.

17           Today, December 13th, the day that the  
18 presidential electors are meeting to cast their  
19 provisional votes in Ohio, the recount finally begins  
20 in only 8 of Ohio's counties. The other 80 counties  
21 will presumably begin throughout the week.

22           We have to ask, why has this process been  
23 delayed so long when the election has been over for  
24 six weeks? How is it that the state of Washington has  
25 already begun a statewide recount and begun a second

1 one before Ohio even begins.

2           The answer is no, it has been alluded in  
3 states specifically and I will state it again, because  
4 of the partisan manipulation of Republican Secretary  
5 of State Blackwell in this state. And, representative  
6 Conyers, it is not merely that Kenneth Blackwell is a  
7 Republican. It is that he served as the chair of the  
8 Bush/Cheney re-election effort.

9           If we were to go to a sporting event and see  
10 one of the teams providing all the referees and  
11 umpires, we'd get suspicious. Well, we're suspicious  
12 now.

13           Congressman Conyers, we've asked the federal  
14 judiciaries to intervene. And although two federal  
15 district judges have affirmed my right to a recount,  
16 they have declined to expedite the process, I believe,  
17 undermining the need for a constitutional right to  
18 vote so that any citizen could have ensured that that  
19 recount would be done.

20           It is clear to me that the people of this  
21 nation need and deserve that constitutionally  
22 guaranteed right to vote and, Representative Adler, as  
23 well as needing universal standards for the vote  
24 counting. It's not either or. It's both and,  
25 Representative.

1           We have faced tremendous obstacles in our  
2 efforts to seek our statutory right to a recount. We  
3 were sued by Delaware County, Ohio, in their effort to  
4 block the recount in that county. We prevailed again  
5 in federal court; although, a Delaware County judge  
6 did, in fact, issue a temporary restraining order  
7 against my legal counsel.

8           We've been unable to have even Mr. Blackwell  
9 clarify critical issues concerning mechanics of the  
10 recount process, and in good faith, my legal counsel  
11 sent a letter on December 7, seeking clarification,  
12 Representative Conyers. In the interest of time, I'll  
13 introduce that to the record in total. But in that  
14 letter, we specifically requested assistance and  
15 clarifications from Secretary of State Blackwell,  
16 which he refused.

17           My campaign has also filed for recounts in  
18 New Mexico where, like in Ohio, there were numerous  
19 problems with electronic voting machines. I raise the  
20 status of those other states just to point out that  
21 there is no single standard for conducting elections  
22 or recounts in our county.

23           Today, the presidential electors will cast  
24 their votes. Yet, here in Ohio, over 100,000 of those  
25 so-called spoiled and provisional ballots still remain



1 uncounted.

2           We often hear people saying that voting  
3 doesn't matter or that my vote doesn't count. Sadly,  
4 as the presidential electors gather under a cloud of  
5 suspicion in Ohio, these people are being proved  
6 correct.

7           It is up to us, the people, and you, our  
8 representatives, to stand up, and I thank you for  
9 doing that.

10           Representative Conyers, I have the most  
11 recent breaking information that I -- it will be very  
12 brief, but this is, I think, very important. It's  
13 probably the most troubling incident that has been  
14 related to my campaign. It was related only on  
15 Sunday, December 12th, regarding a very shocking event  
16 that occurred last Friday, December 10th. The person  
17 who is reporting it at this point wishes to remain  
18 anonymous, but I bring it to this committee because  
19 this must be investigated.

20           A representative from Triad systems came into  
21 this county's Board of Election office unannounced,  
22 that is, on this Friday. He said he was just stopping  
23 by to see if they had any questions about the upcoming  
24 recount.

25           He then headed into the back room where the

1 Triad supplied tabulator -- that is the machine that  
2 counts the ballots -- is kept. This Triad  
3 representative told them that there was a problem with  
4 this system, that the system had a bad battery and  
5 had, quote, lost all its data, end quote. He then  
6 took the computer apart and started swapping parts in  
7 and out of it and in another spare tower PC also in  
8 the room. He may have had spare parts in his coat, as  
9 one of the people moved in and remarked how very heavy  
10 it was. He finally reassembled everything and said it  
11 was working, but not to turn it off.

12 He then asked which precinct would be counted  
13 in the three percent recount test, and the one which  
14 had been selected, as if it had the right number of  
15 votes was relayed to him. He then went back and did  
16 something else to the tabulator.

17 The Triad systems representative suggested  
18 that since the hand recount had to match the machine  
19 count exactly and since it would be hard to memorize  
20 the several numbers which would be needed to get the  
21 count to come out exactly right, that they should post  
22 a series of numbers on the wall where they would not  
23 be noticed by the observers, such as to make them look  
24 like employee information or something similar.

25 The people doing the hand count could then,

1 he said, just report those numbers, no matter what  
2 they actually counted in the ballots. This would  
3 then, quote, match, end quote, the tabulator reports  
4 at this precinct exactly.

5 U.S. REPRESENTATIVE CONYERS: David Cobb, I  
6 need you to arrange a meeting with our staff  
7 immediately, as soon as possible, so we can go into  
8 detail on this matter.

9 MR. COBB: Thank you. I know, Representative  
10 Conyers, that you -- in the interest of brevity, I  
11 will stop. It is shocking. It is going on across the  
12 states.

13 Thank you representative.

14 U.S. REPRESENTATIVE WATERS: Mr. Chairman?

15 U.S. REPRESENTATIVE CONYERS: My staff has  
16 been so directed and we will look forward to getting  
17 into this. This could be a very, very serious matter  
18 that, again, has come up since our hearings in  
19 Washington, D.C.

20 U.S. REPRESENTATIVE WATERS: Mr. Chairman?

21 U.S. REPRESENTATIVE CONYERS: Yes, ma'am?

22 U.S. REPRESENTATIVE WATERS: Without  
23 revealing the name of the technocrat that came in from  
24 Triad, I'd just like to ask if he knows the name of  
25 the person who came in and --

1           U.S. REPRESENTATIVE CONYERS: Could we  
2 hold -- I'd rather us do that. You'll be at the  
3 meeting with the staff. I don't want to go over  
4 anything further on this.

5           U.S. REPRESENTATIVE WATERS: I don't want to  
6 know the name. I just want to know if he knows the  
7 name.

8           U.S. REPRESENTATIVE CONYERS: We want to go  
9 into all of that, but I don't want to press that.

10          U.S. REPRESENTATIVE WATERS: He does? Thank  
11 you.

12          MR. COBB: Yes. A first name is known and we  
13 believe we can identify him.

14          U.S. REPRESENTATIVE WATERS: All right.  
15 Thank you. Thank you.

16          U.S. REPRESENTATIVE CONYERS: Briefly, NAACP  
17 National Voter Fund Executive Director, Mr. Gregory  
18 Moore. Welcome.

19          MR. MOORE: Thank you, Mr. Chairman.

20           And I want to start off by first  
21 acknowledging the years of work I've done both with  
22 you and the U.S. Congress, with Reverend Jesse  
23 Jackson, for eight years of my life on voter  
24 registration and with the work of Congresswoman  
25 Stephanie Tubbs-Jones and Maxine Waters and the work

1 that she did on the election reform in 2002. I come  
2 today to bring the name of the NAACP Nation Voter Fund  
3 in support of all the groups who have been working  
4 here for the past several weeks to keep this issue in  
5 the forefront of our --

6 U.S. REPRESENTATIVE CONYERS: Thank you. We  
7 were waiting for the NAACP. They finally got here.

8 MR. MOORE: Thank you. We've actually been a  
9 part of about four hearings. We've come and heard  
10 testimony. We also sat in the audience and listened  
11 and took notes.

12 But we know one thing: That is that the  
13 brave work the people have done here with the Free  
14 Press, with CASE, the National Voting Rights  
15 Institute, has all done what we have always felt was  
16 right: Count of the votes. And the NAACP National  
17 Voter Funds joins in the call for a recount of all the  
18 votes cast on November 2nd in the state of Ohio.

19 And just as there were undervotes and  
20 overvotes in Florida, there are undervotes and  
21 undervotes and overvotes in Ohio, and these ballots,  
22 Mr. Chairman, are not being included in the recounts  
23 that are going on now. So those 90,000 ballots, from  
24 what I understand, are not being included in the  
25 recounts that are taking place in the state right now.

1           We don't know the impact of the 35,000 people  
2 who were threatened with being challenged on November  
3 2nd. And we know that many of those people were  
4 afraid to show up because they felt intimidated.

5           And thank you for your hearing in Washington  
6 and all of you who joined us in Washington, because  
7 those people who stood in line here in Ohio and stood  
8 in the rain are akin to the people in the civil rights  
9 era who stood in at lunch counters and courthouses to  
10 get the right to vote, so they join the rank of those  
11 people who Reverend Jackson mentioned earlier.

12           The NAACP Voter Fund registered over 80,000  
13 voters in the state of Ohio since January 1st and  
14 200,000 across the country. We know that were more  
15 people registered in Ohio than probably anytime in the  
16 short period of time, and yet nothing was done -- or  
17 probably something was done to dilute the efforts of  
18 those registration efforts, and that is why we're  
19 here, also.

20           We hired over 600 community activists who  
21 worked the streets and flushed the votes out in those  
22 neighborhoods.

23           What happened here in Ohio is a microcosm of  
24 the voting rights problems all over the country. And  
25 these hearings that have taken place over the last

1 five weeks have now placed this in the forefront of  
2 the nation's attention.

3 Our democracy is in grave danger when we the  
4 people relinquish to machines the power to decide who  
5 governs our nation.

6 We know that, from our day-to-day lives, that  
7 cars break down, computers crash. In Ohio, we saw the  
8 whole electronic system come apart in Ohio and across  
9 the country because of computer error. So everybody  
10 in this room knows that computers make errors and we  
11 need to make sure that the errors they made in our  
12 democracy are fixed.

13 I want to point out to you, Mr. Chairman,  
14 that in all the hearings that I attended, the  
15 Secretary of Ohio not only did not attend the  
16 hearings, but to my knowledge, never sent a  
17 representative to any of the hearings to listen to the  
18 voices of the people who had legitimate concerns about  
19 the -- about the issues that were being raised. And  
20 imagine a Secretary of State of any state not coming  
21 to hear the voices of people in those states as they  
22 express those issues over and over again.

23 And so the NAACP joins with Reverend Jackson  
24 and our ally in calling the Secretary of State to  
25 recuse himself in the recount process in order to

1 guarantee a free and fair recount.

2           We want all the votes counted, especially  
3 those who stood in the rain. And we also want to make  
4 this point that Maxine Waters made earlier, that a  
5 large percentage of the disenfranchised voters were  
6 denied the right to vote, even though the names were  
7 on the ballot for federal offices in both, the right  
8 and the wrong precincts were the same. People were  
9 being sent home, even though they could vote for  
10 president and could vote for Senate in either of  
11 those. And in some cases in Cuyahoga County, there  
12 were many places where people were uncontested, like  
13 Congresswoman Stephanie Tubbs-Jones. So it didn't  
14 matter if you were in the wrong precinct, you could  
15 still vote for Stephanie Tubbs-Jones, you could still  
16 vote for president and all that or the senator. So  
17 there are no wrong precincts when it comes to  
18 president or when it comes to U.S. Senate.

19           Finally, the NAACP joins in a call for  
20 investigation into the voting machines. We applaud  
21 the efforts of the committee and the house district  
22 committee members who have asked the GAL to do a full  
23 account. And the NAACP National Voter Fund makes it a  
24 commitment to our voters that we will make sure that  
25 all votes are counted and that we are not going to



1 concede in that battle. And the work that was done to  
2 pass the Help America Vote Act, we hope, can be  
3 brought to light and to be strengthen by the efforts  
4 of the hearings and the words of the people of Ohio.

5 Thank you so much.

6 U.S. REPRESENTATIVE CONYERS: Thank you,  
7 NAACP.

8 The general counsel of the National Voting  
9 Institute, Attorney John Bonifaz.

10 MR. BONIFAZ: Mr. Chairman, members of the  
11 committee, thank you for being here today. Thank you  
12 for your leadership.

13 My name is John Bonifaz. I am the founder  
14 and general counsel of the National Voting Rights  
15 Institute based in Boston. We are a national  
16 nonpartisan, nonprofit organization dedicated to  
17 protecting the right of all citizens to vote and to  
18 participating in the electoral process on an equal and  
19 meaningful basis. We serve as co-counsel for Green  
20 Party presidential candidate David Cobb and  
21 Libertarian Presidential candidate Michael Badnarik in  
22 their demand for a full recount of all votes cast in  
23 Ohio for president in the 2004 general election.

24 Four years ago at this time, the United  
25 States Supreme Court stopped the vote counting in the

1 state of Florida, and for the first time, selected the  
2 president of the United States. It marked a dark  
3 moment in our nation's history.

4 Since that time, people throughout this  
5 country committed to the vision of democracy, pledged  
6 to never let it happen again. Never again would we  
7 allow an individual to assume the power of the  
8 presidency without the proper counting of all the  
9 votes.

10 Mr. Chairman, members of the committee, we  
11 are dangerously close to allowing it to happen again.

12 Today, in the State Capitol of Ohio, we are  
13 witnessing a crime, a crime against democracy, a crime  
14 against the right to vote, a crime against the  
15 constitution.

16 Only steps away from this hearing room, Ohio  
17 Secretary of State J. Kenneth Blackwell is presiding  
18 over a meeting of individuals who claim to have won  
19 the right to serve as presidential electors for the  
20 state of Ohio in the electoral college. Mr. Blackwell  
21 and this group gather while a full recount begins of  
22 all votes cast in Ohio for president of the United  
23 States.

24 Mr. Blackwell has done everything in his  
25 power to push through a slate of electors based on an

1 untested initial count.

2           In enacting its recount law, the Ohio  
3 legislature ensured that a proper counting of all the  
4 votes could include a recount. As candidates for the  
5 office of president of the United States, David Cobb  
6 and Michael Badnarik have exercised their right under  
7 the law and have sought a recount.

8           Mr. Blackwell has no right to convene a  
9 meeting of presidential electors prior to the  
10 completion of this recount. And individuals who ran  
11 as candidates for presidential electors have no rights  
12 to cast votes for president in the electoral college  
13 prior to the completion of this recount.

14           This meeting of the electoral college in Ohio  
15 today is illegitimate. It is in violation -- it is in  
16 violation of the United States constitution. It marks  
17 an utter contempt for the promise of democracy and the  
18 rule of law. It must not go unchallenged. We refuse  
19 to be silent in the face of this crime.

20           Today, a full recount has begun of all the  
21 votes cast in Ohio for president in the 2004 general  
22 election. While Mr. Blackwell presides over this  
23 illegitimate gathering in the state capital, he is  
24 also ignoring his responsibility to ensure that this  
25 recount is conducted in accordance with uniform

1 standards as required by the equal protection and due  
2 process clauses of the 14th Amendment to the U.S.  
3 Constitution.

4 As a result, this recount is proceeding in  
5 the midst of inconsistent standards throughout the  
6 state. Some counties are recounting provisional  
7 ballots that have been rejected; others are not. Some  
8 counties are recounting punch card ballots labeled as  
9 overvotes or undervotes; others are not. Some  
10 counties are providing access to poll books and voting  
11 records; others are not.

12 Mr. Chairman, we submitted a letter on  
13 December the 7th, the day after Secretary Blackwell  
14 certified the statewide result of the presidential  
15 vote. We submitted a letter to him outlining in  
16 detail all of the problems that we foresaw with  
17 respect to this recount and the lack of uniform  
18 standards throughout the state. We have yet to  
19 receive any response to that letter.

20 Last Friday, we filed a motion in federal  
21 court here in Columbus seeking a court order requiring  
22 Secretary Blackwell to ensure that this recount is  
23 conducted in accordance with equal protection and due  
24 process guarantees. While the court would not grant  
25 emergency relief, primarily since Senator Kerry is not

1 separately asking for this recount, the court,  
2 nevertheless, indicated the counties which conduct  
3 their recounts in violation of the U.S. Constitution  
4 could be ordered to do it again.

5 We will fight to ensure that this recount is  
6 meaningful and that it is conducted consistent with  
7 uniform standards throughout the state.

8 Mr. Chairman, members of the committee, while  
9 December the 13th, 2004, is an important date in the  
10 continuing struggle for the right to vote, another  
11 critical moment will soon be upon us. On January 6th,  
12 2005, you and your colleagues in the United States  
13 Congress will formally receive the votes of the  
14 electoral college. If at that time the recount in  
15 this state is still proceeding or if in that time the  
16 recount has demonstrated that a different set of  
17 electors won the state of Ohio, we urge you, in  
18 accordance with your duty under the constitution, to  
19 object to the formal declaration of the winner of the  
20 electoral college vote.

21 The nation is at a crossroads. We can stand  
22 by while our democracy erodes around us or we can  
23 stand up and fight for the dignity of our nation and  
24 for the dignity of ourselves. And for the memory of  
25 those who struggled before us, we must choose to

1 fight.

2 Thank you very much.

3 U.S. REPRESENTATIVE CONYERS: Thank you.

4 Thank you.

5 The chair recognizes Stephanie Tubbs-Jones  
6 and asks Congressman Nadler to assume the chair.

7 U.S. REPRESENTATIVE TUBBS-JONES: Thank you,  
8 Mr. Chairman.

9 And, again, I'd like to welcome Congressman  
10 Nadler to the state of Ohio.

11 It gives me great pleasure to have the  
12 opportunity to bring for testimony two people from my  
13 Congressional district who have been working very,  
14 very diligently preelection and post election. It  
15 gives me great pleasure to bring to you, from the  
16 Greater Cleveland Voter Registration Coalition, the  
17 study leader Professor Norman Robbins and the  
18 coalition coordinator Judy Gallo. They testified in  
19 Washington. I'm pleased that they come again to come  
20 to this area from Ohio. I'm so happy that they're my  
21 constituents.

22 Thank you very, very much. And you can  
23 choose what order to go.

24 MS. GALLO: Good morning. I appreciate being  
25 here. It's a great honor. I'm the coconvener of the

1 Greater Cleveland Voter Registration Coalition and  
2 also a graduate of one of the finest university in  
3 this country: SNCC. My instructors included John  
4 Lewis, Julian Bond, Joseph Carmichael and many others.

5 Much attention has been focused today and in  
6 other hearings on what took place on election day  
7 itself, and that is well founded. I would say,  
8 however, that there were things that happened long  
9 before election day that affected the outcome and the  
10 disenfranchised many voters, particularly minorities,  
11 young people, poor people. I speak specifically about  
12 two things: One is the absentee ballot situation; the  
13 other is the training of poll workers.

14 Let me take poll workers first. If you have  
15 the task of training 6,000 people to serve as poll  
16 workers and they need to absorb everything that you  
17 and I have heard today and have been studying for  
18 months and years, they have to absorb all of that and  
19 know how to deal with voters in an intelligent  
20 fashion. That is too much to ask that they do this in  
21 two, two-and-a-half hours. In addition, many people  
22 are aware that the average age of poll workers is 72.

23 Cuyahoga County, to its credit, has a program  
24 to recruit high school students, which I think needs  
25 to be expanded nationwide and can be a model for

1 changing that situation. It's just too much to expect  
2 people, any of us here, to work from 6:00 a.m. until  
3 8:30, 9:00 p.m. and serve adequately the public and  
4 the voters.

5           The second thing I wanted to deal with is the  
6 absentee ballot dilemma. Yesterday, I downloaded,  
7 again, from Secretary of State Blackwell's web site,  
8 the application form for absentee ballots. It says on  
9 there and it cites as its reference Revised Code  
10 Section 3507.9. It says that if you request an  
11 absentee ballot, you cannot vote in your precinct in  
12 person. Whether you get it or not, whether you fill  
13 it out or not, the implication is, you cannot vote if  
14 you simply request it.

15           In point of truth, you can, but how is a  
16 voter going to know that? We got tons of calls from  
17 voters who said, I never got my absentee ballot, it  
18 never arrived, what can I do? Can I vote? The  
19 application says I can't. Well, we had to say, call  
20 the Board of Elections.

21           But it's been reported in the "Plain Dealer"  
22 that Michael Voo says, yes, in fact, you can go and  
23 vote. How many people didn't know that and didn't  
24 even try? We have no idea. We're in the process of  
25 calling 250 people whose absentee ballot applications



1 we personally delivered to the board to find out if  
2 they got them in time and if they successfully voted,  
3 and if they didn't, what they did do.

4           We have had reports from people who said they  
5 flew back from Florida to vote in Ohio because they  
6 never got their absentee ballot. Another person said  
7 she overnighted, at her own expense, her ballot to  
8 make sure it got in on time because she received it so  
9 late. That's fine, if you have the means to do it.  
10 But if you're a poor person, you can't go to that  
11 expense.

12           So these are two particular things of the  
13 very many that could be discussed that I think need to  
14 be addressed and changed by federal standards being  
15 enacted and applied universally.

16           I want to now turn the microphone over to my  
17 colleague, Dr. Robbins, who did a very meticulous  
18 study on voter disenfranchisement and can present  
19 concrete data to the committee.

20           Thank you.

21           MR. ROBBINS: Thank you very much for having  
22 us here and listening to our information and our  
23 experience from Cuyahoga County.

24           I am Norman Robbins. I am an emeritus  
25 professor at Case Western Reserve and I've been

1 working for about a year with Judy Gallo and the  
2 coalition, also led a couple of studies I'm going to  
3 tell you about very briefly. The full information is  
4 in the packs that you've received.

5           Just let me say that if you split up the  
6 voting process into, let's say, 15 steps from when the  
7 voter first learns about registration until the moment  
8 that that person's vote is finally tabulated, from my  
9 experience in this past year, I would say the majority  
10 of those steps are such that youth, poor and  
11 minorities are disproportionately disenfranchised.  
12 And every one of those steps needs to be looked at, I  
13 hope by you, with this in mind.

14           I'm going to come back to that and I'm going  
15 to give you an example right now. In Cuyahoga County  
16 when we heard from voters we were registering that  
17 they never received any word back of confirmation from  
18 the Board of Elections, we began first and then the  
19 second set of studies of about 9,600 registrations  
20 which we have made copies of and then submitted to the  
21 Board of Elections.

22           We tracked down what happened to them. What  
23 we found -- and this is in your packets -- is that  
24 about three-and-a-half percent of those fell afoul.  
25 Either they will never entered, their addresses were

1 not updated or there were mistakes in entering their  
2 addresses. All of those would either completely or  
3 partially disenfranchise people or force them to vote  
4 provisional. That data is in your packets.

5           As a result of the projection from our study  
6 of these 9,600 to the whole 312,000 new nonduplicate  
7 registrations in Cuyahoga County, we estimate that  
8 over 10,000 people in Cuyahoga County alone were  
9 disenfranchised or their votes compromised in this  
10 manner.

11           A second study came about because we began  
12 hearing stories on the day of election that people who  
13 had voted repeatedly, time after time, would show up  
14 at the polls and then be told, your name is not on the  
15 rolls. You have to vote provisionally, if they were  
16 told that. Many of these people were told, sorry, you  
17 can't vote. This gets back to what Judy Gallo said  
18 about poll worker training. But those that insisted  
19 voted provisional, and in many cases, their  
20 provisional ballots were rejected as NR, not  
21 registered.

22           We did a computer search. We compared the  
23 data of all registered voters on two dates before the  
24 election: August 17th and October 22nd. And much to  
25 our surprise, we found in the first pass through this,

1 doing this searches, about 450 people who had been on  
2 the rolls within this 90-day period -- when you should  
3 not be purged for any other reasons except  
4 incarceration, death and moving out of the county --  
5 that these people had been mysteriously dropped from  
6 the polling lists, were forced to vote provisionally  
7 and had their provisional votes rejected.

8           We brought this to the attention of the Board  
9 of Elections on the date when they were going to  
10 certify. We said, you can't go ahead and certify the  
11 rejections of these provisional ballots because here's  
12 data. We gave them very detailed data sheets with  
13 names and addresses saying, you must look into this.  
14 We they went right ahead and certified the election.  
15 They said, oh, this was just human error. And they  
16 went right ahead, knowing that they had probably  
17 disenfranchised American citizens.

18           Now, I made a statement before about the  
19 disproportionate affect of these kind of practices.  
20 And these were only 2 of the, say, 15 practices of  
21 running an election. But in this case, we took the  
22 percentage of rejected provisionals and we looked at  
23 how did that fit with either poverty or with minority,  
24 percent African-Americans. And you have in your  
25 packets a map, which is one of the pieces of data I've

1 submitted which shows a color coding where you can see  
2 red are the areas where more than 37 percent of  
3 provisional ballots were rejected. Mind you, there is  
4 one ward in Cleveland, a majority African-American  
5 ward, where 51 percent of the provisional ballots were  
6 rejected.

7           The red dots of these higher than 37 percent  
8 rejections are all in heavily African-American areas.  
9 The yellow dots, which are the next most, are lesser  
10 African-American, but also poor areas. And finally,  
11 the green dots are very low levels of rejection out in  
12 the suburbs where people are wealthy. We did the  
13 stats on this and the stats show that this is a highly  
14 significant correlation.

15           U.S. REPRESENTATIVE NADLER: Can I ask you a  
16 question, sir?

17           MR. ROBBINS: Yes, sir.

18           U.S. REPRESENTATIVE NADLER: Did you say  
19 there were 237 people who disappeared from the lists?

20           MR. ROBBINS: No. In the first pass, we  
21 found approximately 460.

22           U.S. REPRESENTATIVE NADLER: Four hundred and  
23 sixty. When you brought this to the attention of the  
24 Board of Elections --

25           MR. ROBBINS: Yes.

1           U.S. REPRESENTATIVE NADLER: -- they ignored  
2     it?

3           MR. ROBBINS: We gave them complete data of  
4     names and addresses.

5           U.S. REPRESENTATIVE NADLER: Did anyone, you  
6     or they, ever ascertain as to why these names were  
7     dropped from the voter lists or by whom?

8           MR. ROBBINS: This is one of our huge  
9     frustrations is that we have not been able to get  
10    answers when we've submitted either the results of the  
11    first study or the second one, these names and  
12    addresses of people who we thought had been dropped.  
13    We said, please check into it. That was on October  
14    30th. I've heard nothing directly from the director  
15    of the Board of Elections ever since then.

16           Now, I hear from a reporter today that he's  
17    looking into it. Well, great. How about working with  
18    the citizens and letting us know what's happening.

19           This has been a major frustration of this  
20    whole process. A major frustration is we wanted to be  
21    constructive. Our interest was never to be critical.  
22    Our interest was to reenfranchise voters, as Judy  
23    said, people who were in the registration process and  
24    now in the provisional process.

25           And we cannot -- and this is important for

1 federal registration, this point that I'm making,  
2 which is that there was very little response to very  
3 legitimate concerns, criticisms.

4           We wrote a letter on July 27th to Secretary  
5 Blackwell, which is also in your packet, laying out  
6 very, very clear, constructive criticisms. There  
7 wasn't an ounce of criticism in there. These were  
8 constructive ideas for how to improve the elections in  
9 several different ways based on experience. There was  
10 never any reply.

11           We followed up. It took weeks to go by  
12 before -- and be pointed out that this had to be done  
13 quickly in time of the election.

14           The same thing has been true at Cuyahoga  
15 County. We had repeatedly asked, for instance, when  
16 we found out in the first study that voters'  
17 registrations that we had handed in had simply been  
18 dropped, never entered, we said, oh, let's inform all  
19 the voters. Let's go out there and tell voters before  
20 the deadline, check to be sure you're registered,  
21 right? Makes sense, because you might be among these  
22 10,000.

23           The director of the Cuyahoga County Board of  
24 Elections accused me of inciting panic for doing this.  
25 But fortunately, Congresswoman Tubbs-Jones and many

1 other community leaders joined in and helped us get  
2 the word out to the public, and I do believe we saved  
3 a lot of people from being disenfranchised. But we  
4 had to do that. We had no help.

5 The Board of Election is supposed to be an  
6 advocate of the voter. But what's turned out in  
7 Cuyahoga County is that we've become the advocate of  
8 the voter and the Board of Election is opposing us on  
9 every single point along the way. This is an  
10 intolerable situation.

11 And let me just get to some positive  
12 suggestions, and I'll conclude. I think that federal  
13 voting legislation should insistent that as a  
14 condition for receiving federal funding, like HAVA  
15 money, the states must stop and/or repair all  
16 election-related procedures that have been shown, like  
17 the one I talked about, to produce disproportionate  
18 disenfranchisement, directly or indirectly. By the  
19 same token, all new procedures must meet this  
20 standard.

21 U.S. REPRESENTATIVE NADLER: Let me ask you,  
22 why shouldn't they have to stop all procedures that  
23 produce disenfranchisement disproportionately or  
24 proportionately?

25 MR. ROBBINS: Well, I think it's when a



1 particular sector of citizens, whatever that sector  
2 is, whether they're elderly --

3 U.S. REPRESENTATIVE CONYERS: Why shouldn't  
4 any procedure that produces disenfranchisement,  
5 whether or not it discriminates, be eliminated?

6 MR. ROBBINS: Well, in fact, all of these do  
7 disenfranchise a large group of people, but then some  
8 more than others. That's what I mean to say. Yes,  
9 thank you for the -- that's the correction.

10 But I think it's within the federal domain to  
11 insist that this be the case and you can hold the  
12 purse strings which would make the people listen.

13 The second kind of recommendation that you  
14 have the power, I believe, to pass, is to demand that  
15 every -- at least at every state level, there be a  
16 citizen advisory committee that's bipartisan, broadly  
17 constructed from grassroots organizations, widely  
18 representative, that would have the role of being both  
19 a watchdog and also a place where constructive ideas  
20 can come into the election process. And that this be  
21 demanded and that this committee file a report once a  
22 year to show that, yes, they have been heeded.

23 Because we sure have not been heeded in Cuyahoga  
24 County and we sure have not been heeded by secretary  
25 Blackwell.

1 Thank you very much.

2 U.S. REPRESENTATIVE WATERS: Mr. Chairman.

3 U.S. REPRESENTATIVE NADLER: Please.

4 Congresswoman Waters.

5 U.S. REPRESENTATIVE WATERS: I don't  
6 understand, based on your testimony, that there were  
7 people who registered to vote and never got entered,  
8 so their names didn't show up, would those persons  
9 have -- would they have known where their polling  
10 places were?

11 MR. ROBBINS: Absolutely not.

12 U.S. REPRESENTATIVE WATERS: Because if they  
13 were never entered, then they never would have  
14 received -- I don't know whether you did a data sample  
15 ballot or what have you, that would indicate where  
16 your polling place is.

17 MR. ROBBINS: Correct.

18 U.S. REPRESENTATIVE WATERS: So if they ask  
19 for a provisional ballot and they were given one and  
20 they were in the so-called wrong polling place, then  
21 they were rejected; is that right?

22 MR. ROBBINS: Exactly.

23 U.S. REPRESENTATIVE NADLER: But also, more  
24 equally to the point, if they were never entered, and  
25 assuming that somehow they found the right place and

1 they cast their provisional ballot at the right place,  
2 that provisional ballot would not be counted because  
3 when it was checked against at the polling place,  
4 there would be nothing there.

5 MR. ROBBINS: Exactly. And we showed the  
6 Board of Elections, on the day they certified, we  
7 showed them copies of registration cards that our  
8 coalition had handed in. We have a very regular  
9 procedure of copying them and handing them in once a  
10 week.

11 And it's a very responsible organization, if  
12 I must say so myself. And we had copies of the cards  
13 of people who had not ever been entered into the  
14 system. And sure enough, some of them showed up on  
15 the provisional ballot reject list as not registered.  
16 And we know --

17 U.S. REPRESENTATIVE CONYERS: And have any of  
18 these people bring a lawsuit against the board?

19 MR. ROBBINS: Yes. In fact, we thought of  
20 that and we did have a lawsuit asking the board to  
21 look into the original cards where they might have  
22 misentered addresses, to search for cards that could  
23 have been lost that we had handed in, and that lawsuit  
24 was denied by a judge, Federal Judge Mattea  
25 (phonetic). He said -- I don't have the exact quote,

1 but something like, he was, quote, satisfied that the  
2 procedures in place are quite adequate, and that if  
3 they weren't, the provisional battle mechanism would  
4 take care of it.

5 Well, guess what, it sure didn't, and the  
6 procedures weren't in place. Wrong on both accounts.

7 U.S. REPRESENTATIVE TUBBS-JONES: Chairman  
8 Nadler.

9 U.S. REPRESENTATIVE NADLER: Congresswoman  
10 Tubbs-Jones.

11 U.S. REPRESENTATIVE TUBBS-JONES: Thank you.

12 Again, I want to thank Ms. Gallo and  
13 Dr. Robbins for all the work that they did.

14 We, on a number of occasions, attempted to  
15 try to do some stopgap measures to create -- correct  
16 some of the problems. We did radio spots. We sent  
17 out notices to churches. One thing that the Board of  
18 Elections did, in fact, do, but it didn't give us a  
19 lot of time, was to put a newspaper ad in the paper  
20 saying to people, you have your registration, but  
21 there's something keeping it from being verified, you  
22 left out a Social Security number. And we tried to do  
23 the process. But some of the problems were so  
24 overwhelming, it was difficult to correct them all.

25 But I just, again, want to applaud

1 Dr. Robbins and Ms. Gallo for the work they did in  
2 this area. And it's just representative of what we  
3 need to do to continue to assure that everyone has a  
4 right to vote and that the vote be counted and to look  
5 at whether or not the funding for HAVA that went to  
6 the state never got -- made its way to the local Board  
7 of Elections.

8 I don't believe any of the local Boards of  
9 Election ever got any money to do some of the things  
10 that HAVA required. Most of that money stayed in the  
11 Secretary of State's office and he chose how he would  
12 spend the money for the elections versus letting the  
13 counties do the work.

14 U.S. REPRESENTATIVE NADLER: Thank you very  
15 much. Mr. Robbins, Ms. Gallo, I thank you very much  
16 for your testimony.

17 Reverend Jackson, would you like to be  
18 recognized?

19 UNIDENTIFIED SPEAKER: No need to hear from  
20 the regular citizens of Ohio? Let them speak.

21 REVEREND JACKSON: One of my concerns is that  
22 we struggled against the attempt to marginalize these  
23 hearings. It's a kind of media boycott of what we're  
24 doing, as if somehow we are in the margins and we are  
25 diminished, that we are dealing with something that's

1 already over.

2           It's not already over. We really do need CNN  
3 to do a televised hearing. We want to get them to  
4 broadcast democrats around the world to engage in the  
5 significant testimony of content to be on nationally  
6 global television.

7           If you think that the soldiers in Iraq have  
8 something to say to Rumsfeld, we have something to  
9 say, as well.

10           The second issue is that we need to try to  
11 get at least one U.S. Senator, perhaps Senator Reid  
12 and our Senator Kerry, at least come hear what we have  
13 to say. Because at this point in time -- at this  
14 point Congress cannot diminish us as, again,  
15 exercising as kind of a professional, regular routine  
16 protesters. We really need to call upon Congress  
17 people, Senator Reid and Kerry, to come to a hearing  
18 and soon, before January the 6th, to give legitimacy  
19 to the brokenness of this machinery.

20           Last, this bucket does have a hole in it, and  
21 whatever it is that George Wallace did in the '60s, he  
22 was cruel compared to Jim Crow, Esquire. Jim Crow,  
23 Esquire, in the south, never had this level of  
24 electronic sophistication of stepping into the  
25 marginalization of voters and just wiping out people

1 in mass in this way.

2 That was a crude, but this is a refined  
3 system of control, manipulation, disenfranchisement  
4 that has social acceptance. This is not a dog biting  
5 or a horse kicking, which incites people to react and  
6 to fight back. This is real, cold blooded, odorless,  
7 tasteless gas which we cannot adjust to like we've  
8 adjusted to a bigger knowledge that we go into Iraq  
9 and people are still dying. It's like, that's the  
10 deal now.

11 But lest we forget, and I close for the  
12 record, in the last six years we've lost 4 million  
13 deaths in the Congo, plus 100,000 to date in Iraq,  
14 which is an awful number, of 1,200 Americans. We have  
15 lost 900,000 in Rwanda, 4 million in 6 years, and it's  
16 not even on the radar screen. So in some sense, I get  
17 the diminishing stuff in the margins.

18 So that's why I want to thank you for being  
19 here, but we must struggle not to get this out of  
20 here. Senator Reid, we want a response from him, not  
21 just Republicans. We need Senator Reid and Senator  
22 Kerry and -- thank you very much.

23 U.S. REPRESENTATIVE CONYERS: Thank you,  
24 Reverend Jackson. Thank you, Reverend Jackson.

25 We now call Joan Quinn and Eve Rokerson next.

1 Please come forward, ladies. Welcome.

2 MS. QUINN: Thank you. My name is Joan  
3 Quinn. I'm a 57-year-old retired research attorney  
4 from Sacramento, California. I spent 22 years as a  
5 professional staff research attorney with two  
6 California superior courts.

7 I flew here with Eve Rokerson and arrived in  
8 Dayton, Ohio, Wednesday the 8th. We immediately got  
9 busy and were researching the Ohio election codes the  
10 night of Wednesday the 8th.

11 I might refer briefly to key provisions of  
12 the Ohio Revised Code Sec Title 35. Section 3503.26,  
13 in part, provides that the Board of Elections shall  
14 maintain and make available for public inspection and  
15 copying at a reasonable cost all records concerning  
16 the implementation, et cetera, of what it is that's  
17 all election records.

18 Ohio Revised Code Title 35 Section 3599.161  
19 provides that no director or deputy director of a  
20 Board of Elections shall knowingly prevent or prohibit  
21 any person from inspecting under regulations blah,  
22 blah, blah, the public records filed in the office of  
23 the Board of Elections.

24 Interestingly, it also provides that if a  
25 member of the Board of Election prevents the public



1 access to these records, it's a misdemeanor. Upon  
2 conviction of a misdemeanor, they shall, quote, shall  
3 be dismissed from office.

4 One more. Section 3599.42, prima-facie case  
5 of fraud: A violation of any provision of Title 35 --  
6 that's the election code of Ohio -- constitutes a  
7 prima-facie case of fraud within the purview of such  
8 title.

9 All right. We found that out Wednesday  
10 night. We went to work -- that was Wednesday night,  
11 December 8th. December 9th, on Thursday, Eve  
12 Rokerson, who will speak next, and I went to the  
13 Greene County Board of Election. We requested and  
14 received election information on the 2004 election.  
15 We got the relevant materials. We crunched the  
16 numbers that night, reviewed the records that we had  
17 received and paid for, I might add.

18 There was an average voter turnout for Greene  
19 County of almost 77 percent. However, in four  
20 precinct, there was suspiciously low turnout: 44  
21 percent, 44 percent, 50 and 55 percent.

22 We had asked the director of the Greene  
23 County Board of Election which precincts contained the  
24 largest minority populations. She told us what they  
25 were. Isn't amazing, these number precincts, which

1 were precinct number 354, 355, 275 and 224 were the  
2 ones with the lowest turnout. Now, this is -- you  
3 have to juxtapose this to get the whole 77 percent  
4 turnout in those hearings.

5 U.S. REPRESENTATIVE CONYERS: Were you  
6 prevented from auditing the polls on December 8th?

7 MS. QUINN: Yes, we were. And I'll get to  
8 that very briefly.

9 We requested -- the next day, on Friday, we  
10 requested the relevant precinct -- voter precinct  
11 signature book. That's what the Board of Elections  
12 looks at to see who votes and who doesn't vote. We  
13 requested them for those four counties.

14 We looked at precinct number 354 first  
15 because we were told that it was a precinct where  
16 Central State University students live and they were  
17 mostly African-American. We received those books. We  
18 reviewed them. Eve and I divide precinct number 354.  
19 It's called the voter precinct signature book.

20 And what we found was extremely interesting.  
21 I think this is another method of not allowing people  
22 to vote. We had been informed that the students at  
23 Central State University had a difficult time  
24 registering to vote, that when they gave the address  
25 1400 Brush Row Road, Wilberforce, Ohio, that was

1 deemed not sufficient, that they had to give the box  
2 numbers at which they received mail and that they  
3 didn't do this. Well, they had to have done that,  
4 because in order to appear on the voter precinct  
5 register vote book, they had to give a signature.

6 Well, we -- what we did is we just reviewed  
7 the voters who is signature was blank. That meant  
8 they didn't vote. On not one of them, not one of them  
9 was their mailbox number given. It was only their  
10 generic democracy.

11 During the time that we reviewed the records,  
12 the records were removed from our possession by the  
13 director of the Board of Election upon order of  
14 Secretary of State Blackwell. We were told that,  
15 quote, the records were now no longer considered  
16 public property and that they were, quote, locked  
17 down.

18 When I gave the copy -- the director of the  
19 Board of Elections copies of the relevant statutes and  
20 informed her that we had a right to these records and  
21 also informed her that she could be dismissed for  
22 taking the records from us, she -- anyway, she called  
23 the county prosecutor and he confirmed Blackwell's  
24 orders. The books were physically removed from us.  
25 Actually, she came and took them right out of the

1 book, right out of Eve's hands.

2 U.S. REPRESENTATIVE CONYERS: Who was it that  
3 took the books?

4 MS. QUINN: This was Carol L. Gorman, the  
5 director of the Greene County Board of Election. She  
6 personally removed those materials from our hands. We  
7 left.

8 U.S. REPRESENTATIVE CONYERS: Was that done  
9 under anyone's direction that you know of?

10 MS. QUINN: We were sitting right in her  
11 office when she made a telephone call to Secretary of  
12 State Blackwell's office. She was speaking to the  
13 administrator of elections, Sue Bullock, who informed  
14 her that Secretary of State Blackwell had ordered that  
15 these, quote, be locked down. And when I quoted  
16 those, they are now no longer public record and they  
17 are now locked down, those are direct quotes we  
18 received from the director of the board of public  
19 elections, we were sitting in her office when we heard  
20 that she had phone call.

21 U.S. REPRESENTATIVE CONYERS: Thank you.

22 Now, Mrs. Rokerson, this is very important.  
23 Did you have anything to add or did you want to  
24 corroborate the testimony of Ms. Quinn?

25 MS. ROKERSON: Mr. Chairman and members of

1 the board, I am Eve Rokerson and I'm also -- I am from  
2 California, Santa Rosa.

3 And I just want to tell you that I am a  
4 retired election official. I conducted elections for  
5 15 years. I was a locally elected official.

6 And I came here because I was so concerned  
7 about the things that I had seen documented about the  
8 problems in Ohio. And I just want to tell you that,  
9 as an election official, it's not rocket science. You  
10 know that you have a certain number of voters. You  
11 know you have a certain number of need for machines  
12 and for places for them to go and to park and to get  
13 to an election. I mean, this is not rocket science.  
14 How are we making this so complicated for us? You  
15 know you need a certain number of machines and you  
16 definitely know that you need balance and you  
17 definitely know that you need honest and open.

18 And I would just like to say that there was  
19 also a serious breach of the electronic brevity of  
20 votes. And on Saturday morning, we both went to the  
21 Board of Elections and walked in. The door was  
22 unlocked on a Saturday morning. There was no one  
23 there. We saw -- I saw that there were ballots there  
24 and they were looked to me like they were in locked  
25 boxes. There was no one around, so we did go out. We

1 were shocked. We videotaped it. We have the  
2 videotapes for your review.

3 U.S. REPRESENTATIVE CONYERS: Thank you.

4 MS. ROKERSON: And that is what I would like  
5 to add. I would also like to add that I believe that  
6 what we need is we need to have a full and open  
7 recount of the ballots or a new election, because  
8 three percent of the votes count that we're proposing  
9 is not enough.

10 And just in conclusion, I would like to say  
11 that we do have for you our affidavits under penalty  
12 of perjury to all of the things that we have  
13 presented. They are also on our web site.

14 We've only been here a few days, but we've  
15 been working very hard because we believe firmly in  
16 democracy and the right of the people to vote.

17 Thank you.

18 U.S. REPRESENTATIVE CONYERS: Thank you very  
19 much.

20 Maxine, help us out here?

21 U.S. REPRESENTATIVE WATERS: That's right. I  
22 am very, very pleased that they have taken time from  
23 their lives on their own to travel here from Santa  
24 Rosa and from Sacramento with the kind of background  
25 and expertise that they bring to us to give testimony

1 here today. I'm extremely impressed and I thank you  
2 very much.

3 U.S. REPRESENTATIVE NADLER: I have two  
4 questions to ask the two of you if I may, very  
5 quickly. Number one, when they took that material out  
6 of your hands, what do you think they were trying to  
7 hide?

8 MS. ROKERSON: That's a good question and I  
9 don't -- it seems to me that we need to ask them that,  
10 what are they trying to hide. It looks to me like  
11 what we have seen is so much secrecy and so many lies  
12 that we really, really do doubt their integrity.

13 MS. QUINN: I can tell what you they're  
14 trying to hide. I believe they are trying to hide the  
15 particular voting mailboxes in addition to the address  
16 1400 Brush Row Road where, necessary in order to  
17 register to vote, they had to provide their mailbox  
18 numbers. That was necessary for them to be registered  
19 to vote. However, on those voting precinct roll  
20 books, no box numbers existed. Therefore, if a  
21 student or voter attempted to vote, they would be  
22 rejected from voting because they had an insufficient  
23 address. I'd say 99.9 percent of the addresses of the  
24 voters that I saw that were allegedly did not vote  
25 just contained this generic 1400 Brush Row Road

1 address, no box numbers.

2 U.S. REPRESENTATIVE NADLER: These were  
3 students, primarily?

4 MS. QUINN: We were told these were minority  
5 students.

6 U.S. REPRESENTATIVE NADLER: Thank you very  
7 much. The second --

8 UNIDENTIFIED SPEAKER: When is the black --

9 U.S. REPRESENTATIVE NADLER: My second  
10 question is, since you were election administrators  
11 and are experienced and you spent time examining  
12 procedures and the failures to testify here, do you  
13 believe that there is any reasonable mathematical  
14 chance that the failures, the disenfranchisement,  
15 everything that you've observed and heard here could  
16 have been sufficient to affect the apparent margin of  
17 victory --

18 MS. QUINN: Absolutely not.

19 U.S. REPRESENTATIVE NADLER: Absolutely not,  
20 you say?

21 MS. QUINN: Oh, it wasn't fair. I was with  
22 Election Protection in Reno. That the chaos had to be  
23 planned on the web site of the registrar voters of  
24 Washington County in Reno. There was the official web  
25 site. There was wrong precinct addresses so the



1 voters were going everywhere on the official web site  
2 in the registrar of voters in Washington County in  
3 Reno. This is more of the same.

4 U.S. REPRESENTATIVE NADLER: Reno, Nevada,  
5 you say?

6 MS. QUINN: Reno, Nevada, yes.

7 U.S. REPRESENTATIVE CONYERS: Thank you very  
8 much. Your testimony is very important because you're  
9 eyewitness and experienced election people. So we  
10 thank you again.

11 MS. QUINN: Remember, we've got the video,  
12 Eve and another person. We have got audio video  
13 walking through the empty Board of Elections. The  
14 election materials, every was there, that the recount  
15 cannot be valid because they were unsecured. They're  
16 tainted.

17 U.S. REPRESENTATIVE CONYERS: You need to see  
18 Ted Kalow, our counsel.

19 And I recognize State Senator Ray Miller.

20 SENATOR MILLER: If the witnesses would come  
21 back very quickly, just very quickly, I have one  
22 question to follow up on the congressman's question  
23 that was asked. The question that wasn't directly  
24 responded to was, based on your experience, with all  
25 of the irregularities that you have had a chance to

1 observe here in our state, do you believe that it  
2 would be sufficient to overturn the election?  
3 President Bush won the state of Ohio by 118,000 plus  
4 votes. So based on what you've seen, could you  
5 project or do you believe that sufficient votes would  
6 exist to overturn the election?

7 MS. QUINN: I think there's a clear inference  
8 that it should overturn -- let me just say briefly  
9 that out of the precinct 354 that we looked at, 66  
10 percent were alleged not to have voted. Well, the  
11 ones that did vote, 95 percent voted for Kerry and 5  
12 percent voted for Bush. The inference is clear.  
13 Multiply that.

14 U.S. REPRESENTATIVE CONYERS: Thank you very  
15 much.

16 Reverend William Moss is here. Please.  
17 Thank you. He is a Columbus community leader, and we  
18 can always count on Reverend Moss.

19 REVEREND MOSS: Thank you very much,  
20 Mr. Chairman. And thank you to the members of this  
21 committee and of the Congress who have joined us here,  
22 and a special thanks to our local officials for  
23 accommodating these hearings. And a special thanks,  
24 also, to Congresswoman Sheila Jackson Lee, who spoke  
25 to our gathering here about nine days ago. And a

1 special thanks to our attorneys, to Reverend Jackson  
2 for your participation and your support and to all the  
3 members of the Columbus community who have gathered  
4 here to stand up with us, and even also to the people  
5 who have come in from outside the city, we appreciate  
6 you very, very much.

7           And I just want to say for the record, my  
8 wife and I have agreed and signed on to the complaint  
9 as lead players against the Bush/Cheney/Blackwell  
10 jargonot that allegedly delivered the presidential  
11 election to George W. Bush and Mr. Cheney. And the  
12 reason my wife and I made the decision to do this,  
13 aside from the fact that we observed firsthand and  
14 experienced the voter suppression that has already  
15 been testified to, we observed the voter intimidation.  
16 We observed, Mr. Chairman, challengers being allowed  
17 to come into the community and intimidate voters in  
18 our area and numbers of police cars stationed outside  
19 the polling places. And this was unprecedented. We  
20 had never seen this take place before. And I can only  
21 assume that they were there to protect the  
22 intimidators.

23           So my wife and I agreed to become lead  
24 players, not only for those reasons, but because we  
25 believe that what is at stake here is our liberty in

1 this country, our freedom and this very democracy.

2           The conduct, the conduct of the Secretary of  
3 State who blatantly and brazenly violated conflicts of  
4 interest laws by allowing themselves to act both as  
5 chief elections officer for the state and also cochair  
6 of the Bush/Cheney campaign, what we witnessed was  
7 clearly voter fraud.

8           And the reason we are standing up is because  
9 such activity of the Bush/Cheney/Blackwell jargonot,  
10 as we observed it, is un-American and unacceptable.

11           And I want to say to the people here and to  
12 our supporters and to our attorneys and to this panel  
13 and to these officials, you are brave and we  
14 appreciate you. And this work that you are doing,  
15 this work that you are doing is for, whether we know  
16 it or not and whether we admit it at this juncture or  
17 not, what we are doing here is standing up for all the  
18 people of America.

19           And we were reminded at your hearings last  
20 week, Mr. Chairman, by one of our -- one of our  
21 witnesses who spoke here today, we were reminded of  
22 the words of Muhammad Abdi Gandi and they're worth  
23 repeating here today. First, they ignore us. Then  
24 they laugh at us. Then they fight us. And then we  
25 win.

1           These brave and committed Congress people,  
2           these attorneys, Reverend Jackson and our supporters  
3           have brought us to the point that they are no longer  
4           ignoring us. The lawsuit that we filed today is clear  
5           evidence that nothing is funny, so they're not  
6           laughing, they're already fighting us and we will win.

7           Thank you.

8           U.S. REPRESENTATIVE CONYERS: Thank you very  
9           much.

10          REVEREND MOSS: Thank you. Thank you.

11          U.S. REPRESENTATIVE CONYERS: Some evidence  
12          of that, Reverend Moss, is that the attorney for Kerry  
13          and Edwards, Attorney Daniel Hoffmeyer, is here at  
14          this hearing, and we have not yet recognized his  
15          presence.

16          Cofounder of the CASE Ohio -- CASE Ohio  
17          organization attorney Susan Truitt, welcome to the  
18          hearing.

19          MS. TRUITT: Thank you, Congressman Conyers,  
20          members of the committee. Welcome to the Ukraine.  
21          This is truly a historic day in the growing movement  
22          toward establishing a free, fair and transparent  
23          election system in the United States.

24          The Green party and Libertarian party have  
25          started their recount of Ohio today. You are here

1 continuing the investigation of the Ohio count.  
2 Today, Cliff Arnebeck, Bob Fittrakis, Peter Sakouski  
3 (phonetic) and I filed a contest to the election suit  
4 in the Ohio Supreme Court to contest the election  
5 results of Ohio based on good faith information that  
6 the tallies in Ohio are wrong.

7 The rally will be held at the Ohio Statehouse  
8 today to protest the illegal convening meeting of the  
9 electoral college today when the votes have not been  
10 recounted, when the vote tally in Ohio is so insecure  
11 and so challenged, when there was suppression of the  
12 vote of the African-American community, when they were  
13 denied of machines, when thousands of people who  
14 wanted to vote could not.

15 We know how Blackwell pulled it off. He  
16 wrote an article in the "Washington Times" a few days  
17 after the election entitled, "How Ohio Pulled It Off."  
18 How Ohio pulled it off. What a Freudian title,  
19 Mr. Blackwell. We know how you pulled it off,  
20 Mr. Blackwell, by step by step registration,  
21 provisional balloting issues, challengers in the  
22 polling places, election day fiascoes. We know how  
23 you pulled it off, Mr. Blackwell. It's in the  
24 tabulators.

25 Every county in Ohio has tabulators, whether

1 they're punch card, DRE, or optical scan. And you are  
2 quoted, Mr. Blackwell in a paper about a week ago as  
3 saying that the Ohio election could not have been  
4 stolen because it would have taken the complaisancy of  
5 hundreds of bipartisan Board of Elections.

6 But you know that's not true, Mr. Blackwell.  
7 All it takes is a few unscrupulous election companies,  
8 and there are many. And all it takes is an  
9 unscrupulous software engineer or two and you can  
10 steal an election.

11 Over 70 percent of Ohio counties have ESS or  
12 Triad tabulators. The histories of these companies  
13 are well documented on Bev Harris' web site  
14 [www.blackboxvoting.org](http://www.blackboxvoting.org).

15 What are you trying to hide, Mr. Blackwell?  
16 Why are you taking poll books away from people looking  
17 at your public records? Why are you shutting down  
18 Boards of Elections offices, Mr. Blackwell? What is  
19 it that you are trying to hide? Why are Triad  
20 employees going to Boards of Election and taking the  
21 machines apart before the recount, before the contest.

22 The government has a right to tax us. The  
23 government has a right to draft us. The government  
24 has the right to give tax breaks to companies that  
25 send jobs overseas. And the government has an

1 obligation, yes, a duty, to listen to us. And the way  
2 they listen to us is through our vote. And if our  
3 votes aren't being heard, then we have lost our  
4 democracy. And this is nothing short of an attack on  
5 our democracy. We must recount Ohio. We must contest  
6 Ohio. And maybe we should revote Ohio.

7 Thank you.

8 U.S. REPRESENTATIVE CONYERS: Thank you.

9 Councilwoman Tavares, ladies and gentlemen,  
10 on behalf of our committee, we want to thank you so  
11 much, but we are going to have a commentary from  
12 citizens who have come here and who have not had an  
13 opportunity to testify, and I wanted to invite  
14 councilwoman Charleta Tavares to conduct this  
15 portion -- come on up here.

16 But in the meantime, on behalf of all of our  
17 members of Congress, our distinguished witnesses and  
18 others that have worked with us, this is not over.  
19 This is the second hearing. This is not the last  
20 hearing.

21 We have the -- theories on this subject could  
22 be conducted without coming to Columbus, Ohio. The  
23 record will be open for additional testimony and  
24 witnesses. Our staff will be meeting with you. And  
25 there are more than a dozen people who will be



1 continuing to join Congressman Nadler, Congresswoman  
2 Waters, Congresswoman Stephanie Tubbs-Jones and many  
3 others, oh, Congressman Strickland. We're going to  
4 have the councilman testify, too, Congresswoman.

5 And so on behalf of all of us, we want to  
6 thank you.

7 Let's give our stenographer, who has been  
8 working without a one minute break some applause.  
9 We're now have a permanent record of every word that  
10 was uttered here today and we're going to go through  
11 it with great scrutiny with our lawyers and our staff,  
12 our inside counsel and our outside counsel,  
13 Dr. Jackson and the great Rainbow/PUSH organization,  
14 the NAACP and many others here in Ohio.

15 Ohio, keep organizing. Ohio, keep coming  
16 forward. Ohio, keep documenting the records because  
17 there are many hundreds, maybe thousands of instances  
18 that we have yet hear about. And the one way we want  
19 to make sure that this will not be dismissed or put  
20 down or laughed at is that we have on top of the  
21 thousands of complaints and documents that have come  
22 in. We're going to continue to add to them so that  
23 more and more people around America will gain hope  
24 that Ohio will not just throw away its rightful vote  
25 and end up with someone in the White House who may not

1 have -- shouldn't have been there in the first place.  
2 So that's it.

3 I thank you and turn this over to  
4 councilwoman Tavares.

5 UNIDENTIFIED SPEAKER: Give by partisan  
6 support.

7 COUNCILWOMAN TAVARES: First of all, I'd like  
8 to thank Congressman Conyers and certainly all of the  
9 panel, Congresswoman Stephanie Tubbs-Jones and  
10 Congresswoman Maxine Waters and Congressman Jerrold  
11 Nadler. Thank you very much for being here.

12 I want to give an opportunity to first of  
13 all, our state Senator Ray Miller to share some  
14 comments, and then I'm going to ask that we go to our  
15 audience that has gathered here today who has, you  
16 know, certainly listened and participated in this  
17 hearing, but we also want to make sure that we give  
18 them an opportunity to share some of their thoughts  
19 and their witnessing of what went wrong in the  
20 election on this year.

21 Senator Miller.

22 SENATOR MILLER: Thank you, Madam Chair. If  
23 it pleases the chair, I'd be willing to wait until the  
24 citizens have had the opportunity to offer their  
25 comments, and then I'll offer some brief comments at

1 the end.

2 COUNCILWOMAN TAVARES: Thank you. Now I'd  
3 like to ask my colleague, Councilman Boyce, would you  
4 also --

5 COUNCILMAN BOYCE: Yes, thank you.

6 MR. ARNEBECK: Madam Chairman, could I make a  
7 request?

8 COUNCILWOMAN TAVARES: Mr. Arnebeck.

9 MR. ARNEBECK: We have an important witness  
10 that I would like to make available to the press while  
11 they're still here, if we could. I would like to have  
12 him sworn in, I would like for him to be available  
13 after the hearing, after the public hearing to be  
14 available for cross-examination by the press core, if  
15 I might engage in a colloquy with this witness.

16 COUNCILWOMAN TAVARES: And the witness being?

17 MR. ARNEBECK: Clint Curtis.

18 COUNCILWOMAN TAVARES: Mr. Curtis, if you  
19 would come forward.

20 MR. ARNEBECK: I would ask the court reporter  
21 to swear the witness.

22 - - -

23 CLINTON CURTIS

24 being by me first duly sworn, as hereinafter  
25 certified, deposes and says as follows:

1 DIRECT EXAMINATION

2 BY MR. ARNEBECK:

3 Q. Mr. Curtis, would you please state your full  
4 name for the record.

5 A. Name is Clinton Eugene Curtis.

6 Q. And where do you reside?

7 A. Tallahassee, Florida.

8 Q. And what is your profession?

9 A. I am a computer programmer.

10 Q. Would you please speak into the microphone so  
11 the audience can hear your testimony.

12 A. I am a computer programmer.

13 Q. Mr. Curtis, are there programs that can be  
14 secretly used to fix elections?

15 A. Yes.

16 Q. How do you know that to be the case?

17 A. Because in October of 2000, I wrote a  
18 prototype for present Congressman Tom Feeney at the  
19 company I worked for in Florida that did just that.

20 Q. And when you say did just that, it would rig  
21 an election?

22 A. It would flip the vote 51/49 to whoever you  
23 wanted it to go to and whichever race you wanted it to  
24 win.

25 Q. And would that program that you designed be

1 something that elections officials that might be on  
2 county boards of elections could detect?

3 A. They'd never see it.

4 Q. Mr. Curtis --

5 REVEREND JACKSON: Ask that question again.

6 Q. Would you answer that question once again.

7 A. They would never see it.

8 Q. So how would such a program, a secret program  
9 that fixes the election, how could it be detected?

10 A. You would have to view it either in the  
11 source code or you would have to have a receipt and  
12 then count the hard paper against the actual vote  
13 total. Other than that, you won't see it.

14 Q. All right. Mr. Curtis, if you had been  
15 asked, you or others with your professional expertise  
16 had been asked to design and protect a program that  
17 would protect the Ohio elections against such software  
18 to fix the election, could you have done so?

19 A. If we had been asked to make a program that  
20 would fix the election? Sure, anybody could.

21 Q. No. Could you have designed a program or a  
22 procedure or a protocol that would have protected Ohio  
23 against this kind of rigging?

24 A. No. You have to look at the source code.  
25 You have to get probably programmers from both or all

1 parties to look at the source code and determine if  
2 there's something in there that shouldn't be there. I  
3 mean, it's a simple program. You're adding one to a  
4 person's total. It's a hundred lines of code, tops.

5 Q. All right. Are you aware of whether there  
6 was any protective action in Ohio against this kind  
7 of, quote, rigging through software?

8 A. I don't know.

9 Q. You don't know?

10 A. I don't know.

11 Q. You were not asked to assist in that  
12 development of any protective system; is that correct?

13 A. No, I was not.

14 Q. In your -- have you reviewed at all the  
15 election results in Ohio?

16 A. No, I haven't.

17 Q. Okay. Given the availability of such vote  
18 rigging software and the testimony that has been given  
19 under oath of substantial statistical anomalies and  
20 gross differences between exit polling data and the  
21 actual tabulated results, do you have an opinion  
22 whether or not Ohio election -- the Ohio election,  
23 presidential election was hacked?

24 A. Yes, I would say it was. I mean, if you have  
25 exit polling data that is significantly off from the

1 vote, then it's probably hacked.

2 Q. And your testimony is under oath?

3 A. Yes, sir.

4 Q. And the testimony you've given is true?

5 A. Yes, sir.

6 Q. Thank you.

7 COUNCILWOMAN TAVARES: Congresswoman  
8 Stephanie Tubbs-Jones.

9 U.S. REPRESENTATIVE TUBBS-JONES:  
10 Congresswoman Waters and I have the same question.

11 Mr. Curtis, can you come back to the podium, please.

12 COUNCILWOMAN TAVARES: Mr. Curtis, please  
13 come back.

14 U.S. REPRESENTATIVE TUBBS-JONES: Who did you  
15 say you were asked to prepare?

16 MR. CURTIS: I was asked by Tom Feeney. He's  
17 now a Congressman. At that time, he was speaker of  
18 the House in Florida, Yang Enterprises who to work for  
19 lobbyists, and their corporate attorney. He wore a  
20 lot of hats.

21 U.S. REPRESENTATIVE TUBBS-JONES: And at the  
22 time, he was the speaker of the House of Florida, is  
23 that what you're saying?

24 MR. CURTIS: Yes.

25 U.S. REPRESENTATIVE TUBBS-JONES: Thank you.

1 COUNCILWOMAN TAVARES: Congressman.

2 U.S. REPRESENTATIVE NADLER: Did you say he  
3 was the lobbyist to the voting machine company at the  
4 same time he was the speaker of the House?

5 MR. CURTIS: I don't know what the voting  
6 machine company is. He was a lobbyist for Yang  
7 Enterprises. We had NASA contracts and --

8 U.S. REPRESENTATIVE NADLER: Yang Enterprises  
9 is what, computers?

10 MR. CURTIS: Computers.

11 U.S. REPRESENTATIVE NADLER: Okay. And he  
12 was your lobbyist, the lobbyist for that company?

13 MR. CURTIS: Yes.

14 U.S. REPRESENTATIVE NADLER: And he asked you  
15 to design a -- to design code to rig an election?

16 MR. CURTIS: Yes.

17 U.S. REPRESENTATIVE NADLER: While he was the  
18 speaker of the Florida House?

19 MR. CURTIS: Yes.

20 U.S. REPRESENTATIVE NADLER: This is during  
21 or previous to the 2000 election?

22 MR. CURTIS: Yes, October, end of  
23 September.

24 U.S. REPRESENTATIVE NADLER: And did he ever  
25 say and why he wanted the code to rig an election?



1           MR. CURTIS: No. I immediately assumed that  
2 they were trying to keep you guys from cheating on  
3 them. So I wrote up the documentation of what you  
4 would look for in the source code, how you would make  
5 sure that you didn't get taken advantage of, make sure  
6 that all voting machines had receipts and that way you  
7 could back count the ones that looked funny, and I  
8 handed in --

9           U.S. REPRESENTATIVE NADLER: By receipts, you  
10 mean the paper trail?

11          MR. CURTIS: Yes, yes, paper trail. And I  
12 handed that in to Mrs. Yang and said, here's a report,  
13 here's your program. And she said, you don't  
14 understand, we need to hide the fraud in the source  
15 code.

16          U.S. REPRESENTATIVE NADLER: Hide the fraud,  
17 not reveal the fraud?

18          MR. CURTIS: Not reveal the fraud, because  
19 it's needed to control the vote in south Florida was  
20 what she said.

21          U.S. REPRESENTATIVE NADLER: That's what she  
22 said?

23          MR. CURTIS: That's what she said.

24          U.S. REPRESENTATIVE NADLER: To your  
25 knowledge, was this used?

1           MR. CURTIS: I have no idea. I was ready to  
2 leave, so -- I was tired and left the company.

3           U.S. REPRESENTATIVE NADLER: But your  
4 testimony a moment ago, I think you said just before  
5 you left in response to Stephanie Tubbs-Jones question  
6 that -- would you just repeat what you said in terms  
7 of the exit polls.

8           MR. CURTIS: Oh, the exit polls should not be  
9 significantly different than the vote.

10          U.S. REPRESENTATIVE NADLER: And if they  
11 were, you would conclude what?

12          MR. CURTIS: I would conclude someone is  
13 playing with the vote.

14          U.S. REPRESENTATIVE NADLER: Not with the  
15 exit polls?

16          MR. CURTIS: That's possible, too. Something  
17 is definitely skewed.

18          U.S. REPRESENTATIVE NADLER: Something is  
19 definitely skewed in one or the other?

20          MR. CURTIS: Right. To select which one,  
21 you'd have to see where the problem is.

22          U.S. REPRESENTATIVE NADLER: Let me ask you  
23 one further question. Assuming for the moment that  
24 such software -- that's what called it, such software  
25 to rig a vote was used in one or more machines in Ohio

1 or in Florida, could you, today, detect that if you'  
2 looked at the source code?

3 MR. CURTIS: If you get the machines and they  
4 have not been patched yet -- once they get in and  
5 touch them, anything can happen. You could also set  
6 timers to do that, but then you'd see the timers.  
7 Then you'd have to take those machines, decompile  
8 them, which I couldn't do, but possibly Microsoft, an  
9 MIT something could do, you might, you might be able  
10 to see it.

11 U.S. REPRESENTATIVE NADLER: You might?

12 MR. CURTIS: It depends on how good they are  
13 at destroying what they had.

14 U.S. REPRESENTATIVE NADLER: Destroying what  
15 they had by tampering with the machine afterwards or  
16 by programming them to destroy instructions in the  
17 first place?

18 MR. CURTIS: Right.

19 U.S. REPRESENTATIVE NADLER: Either or both?

20 MR. CURTIS: Either or both. You didn't  
21 actually see what's in there, so you don't know if the  
22 code is running as a single executable or running in  
23 various modules. If it's running in modules, you can  
24 make the code actually eat itself.

25 U.S. REPRESENTATIVE NADLER: Let me ask you

1 one further question. I have been told that people  
2 who assume that lots of the election results, that a  
3 large fraction of the election result within the state  
4 may have been affected by deliberate fraud in the  
5 computer are paranoid because, in order to do that,  
6 you'd have to have access to thousands of machines and  
7 then that would be readily detectable. To what extent  
8 is that true?

9 MR. CURTIS: It depends on the technology  
10 used. If you did a central tabulation machine that  
11 fed in, all you'd have to do is set a flag. You set a  
12 flag, a central tabulation machine would then flip  
13 your vote.

14 U.S. REPRESENTATIVE NADLER: So one person  
15 putting in bad code in a central tabulation machine  
16 could affect thousands and thousands and tens of  
17 thousands of votes?

18 MR. CURTIS: Right. And you could activate  
19 it either automatically or you could make it so  
20 there's code existing on an obtomic machine that would  
21 feed it, where you would punch it in, it would see the  
22 flag, the server would see the flag and then --

23 U.S. REPRESENTATIVE NADLER: And if you had a  
24 recount and there was no data trail, would that be --  
25 assuming that that had happened, would that be

1 reversible by seeing the discrepancy between the  
2 tabulator, the central tabulator showed and what the  
3 individual machines which had not been tampered with  
4 showed?

5 MR. CURTIS: Not if I wrote it.

6 U.S. REPRESENTATIVE NADLER: Why not?

7 MR. CURTIS: I would make it match.

8 U.S. REPRESENTATIVE NADLER: You could work  
9 back to tabulate the individual machines so that the  
10 tabulator could tell the machines to switch their  
11 results?

12 MR. CURTIS: Yes. It talks both ways. You  
13 can flip it to whatever you need.

14 U.S. REPRESENTATIVE NADLER: And they  
15 actually do talk to each other?

16 MR. CURTIS: Yes. As long as they're hooked  
17 up and networked together, they could copy each  
18 other.

19 U.S. REPRESENTATIVE NADLER: So in other  
20 words, there's absolutely no assurance whatsoever on  
21 anything with regard to these machines?

22 MR. CURTIS: Absolutely none unless you look  
23 at the source code and make sure it's safe before it  
24 goes in.

25 U.S. REPRESENTATIVE NADLER: Thank you very

1 much.

2 COUNCILWOMAN TAVARES: Thank you, Congressman  
3 Nadler. I know that Congresswoman Waters has a  
4 question and then Senator Miller and then  
5 Congresswoman Stephanie Tubbs-Jones.

6 U.S. REPRESENTATIVE WATERS: This will only  
7 take a moment. If you would, come back to the  
8 podium.

9 MR. CURTIS: I'm new at this.

10 U.S. REPRESENTATIVE WATERS: As you know,  
11 there has been a lot of discussion about I think it  
12 was Diebold company and their relationship to the  
13 president and the administration and supposedly  
14 comments about helping to ensure that the president  
15 was reelected. In your world, in your environment,  
16 have you heard any of these kind of discussions? Do  
17 you know people from Diebold? Do you have any sense  
18 of any actions that may have been taken?

19 MR. CURTIS: I don't know anything about that  
20 at all.

21 U.S. REPRESENTATIVE WATERS: Thank you.

22 MR. CURTIS: I'm sorry.

23 COUNCILWOMAN TAVARES: Senator Miller.

24 SENATOR MILLER: Thank you, Madam Chair.

25 Sir, I suspect people will attack you in

1 terms of your credibility. Could you restate, once  
2 again, your credentials.

3 MR. CURTIS: I am a programmer. I worked for  
4 NASA. I worked for Exxon/Mobil. I worked for the  
5 Florida Department of Transportation.

6 And other elements of my story -- because  
7 this company -- well, let's get into it. Why not.  
8 This company also, they have a NASA contract. And  
9 they were basically downloading tons of information, I  
10 mean gigabytes worth, and handing them off to this  
11 little Chinese guy named Henry Nee. It didn't seem  
12 right and, you know, he was hacking things. And I  
13 wrote a program for DOT that allowed contractors to  
14 send their information into DOT, and he was kind of  
15 the quality assurance guy for software. He put a wire  
16 tapping module in the program that went out to the  
17 contractors so that it actually sent everything they  
18 sent back to Yang. So I reported all this. And just  
19 last March, I think, he was arrested for attempting to  
20 send an anti-tank missile chips to the capital of  
21 Communist China. So if that's correct, this is such a  
22 small thing. Of course, I think he only got a \$100  
23 fine and no time.

24 U.S. REPRESENTATIVE NADLER: Thank you.

25 COUNCILWOMAN TAVARES: Thank you.

1           Congresswoman Stephanie Tubbs-Jones.

2           U.S. REPRESENTATIVE TUBBS-JONES: No more  
3 questions. Thank you.

4           COUNCILWOMAN TAVARES: Thank you. We are now  
5 going to go back to the public testimony, and I have a  
6 request from State Representative Joyce Beatty.

7           STATE REPRESENTATIVE BEATTY: Thank you so  
8 much, Madam Chair, for your leadership, to our  
9 Congress folks here, and especially to who I finally  
10 call my Congresswoman, Stephanie Tubbs-Jones,  
11 Congresswoman Maxine Waters, to Senator Ray Miller and  
12 others here. I'm an assistant minority leader in the  
13 Ohio House of Representatives, but today I'm here as a  
14 concerned citizen, a lawyer and a representative of  
15 the Beatty family, long time community advocates.

16           And also I'd like to say for all of those who  
17 are there in the audience, if we don't get to  
18 everyone, let me just briefly share some of the  
19 concerns that I am sure many citizens here and not  
20 present are concerned about. And that is certainly  
21 efforts to express or restrict our vote or our voting  
22 process.

23           This past election will certainly be recorded  
24 in history as a day of great concern, a day of  
25 suppression. We will remember the long lines



1 resulting in three to four or six to nine hours to  
2 cast a vote. We will remember the senior citizens and  
3 the disabled who stood in the rain to dramatic  
4 increase of first time voters. We will remember the  
5 provisional ballots, the challengers, and we will  
6 remember the number of people who could not wait in  
7 line, those who were confused, those who were  
8 frustrated, those who were excited by mainstream media  
9 and political sabotage.

10 I know. I stood in line for three hours and  
11 18 minutes to vote. I know, as a person who has voted  
12 in the same spot for more than a decade. I received a  
13 provisional ballot challenging my vote. My husband, a  
14 former legislature, a prominent attorney who has lived  
15 in this community for 60 years, voted every election  
16 from the time he was able, was challenged by his vote  
17 and almost thrown out of the place we were voting  
18 because he would not answer the questions of the  
19 challenger. Tell me that we were not intimidated.

20 Clearly, we had a failed system and a system  
21 failure, system failure that includes black  
22 communities being disproportionately targeted by  
23 having fewer voting machines; disproportionate number  
24 of provisional ballots, more of those who were  
25 African-American or poor or more likely to vote for

1 Kerry; blatant problems with voting machines.

2           Let me just give you one example. We've  
3 heard a lot of statistics, so I don't want to repeat  
4 that. But in Gahanna, the neighboring precinct to my  
5 district, it was reported that 4,000 votes were --  
6 that more than 4,000 votes were for Bush. Explain  
7 that to me when only 638 people voted. We were told  
8 that it was a voter glitch.

9           I resolve today. Thank you for the  
10 testimony. Thank you, Reverend Jesse Jackson.

11           Let me just briefly say, we have a very  
12 strong Ohio Legislative Black Caucus. We are in  
13 support of your efforts and they thank you.

14           But today, I have some resolve. There is a  
15 House bill. Because as a legislator, part of our  
16 world is to introduce legislation. House Bill 336, of  
17 which I am the cosponsor, this legislation can make a  
18 difference. The legislation qualifies any elector to  
19 vote by absent voter's ballot.

20           If we really want to affect a change, this is  
21 one piece of legislation that we would like to ask  
22 you, Mr. Moss, to also include that we can make the  
23 change that more people will also be able to vote. We  
24 also are willing to be out in front of getting more  
25 voting machines.

1           I had the privilege to serve on the Help  
2 America Vote Act. And when I heard the last  
3 gentleman, Senator Miller, testify, it brings cause to  
4 us to know that one of the reasons we did not have  
5 uniformity in the voting machines was because we asked  
6 for that paper audit, a verifiable audit trail, and we  
7 were denied. It was not accepted, through the  
8 Secretary of State's office, that we could put in our  
9 machines in time for this election to have that audit  
10 trail. Because if you had that verifiable audit trail  
11 and someone manipulated the computer system, you would  
12 now know how you voted and they would have a copy of that.  
13 In this state, we were denied that right as members of  
14 HAVA.

15           I know there are many more who are going to  
16 come and testify, so I will close my testimony by  
17 saying, it is not where you stand in a time of comfort  
18 and convenience, but the stance you take during times  
19 of controversy and challenges. We are certainly  
20 challenged today, and I pledge to you on behalf of the  
21 140,000 people in my district, mostly African-American,  
22 those who have been disenfranchised, I stand with you  
23 because I stand with them.

24           Thank you.

25           COUNCILWOMAN TAVARES: Ladies and gentlemen,

1 I just want to caution all of you, we have until 2:00,  
2 because we have council meeting tonight and we have to  
3 prepare the chambers for council. And my colleague  
4 and I, Councilman Boyce, have a meeting. So we're  
5 going to have to conclude at 2:00. So I'm going to  
6 caution you about speaking for a brief three minutes.  
7 Otherwise, we're not going to get many people in to  
8 testify.

9           So my legislative aide, Bo Shilton, has a  
10 timer. Congresswoman Tubbs-Jones -- I'm many okay.  
11 I'm sorry. My legislative aide, Bow Shilton, has a  
12 times and we are going to keep you to those three  
13 minutes because we want to get as many people in as  
14 possible.

15           We're going to start with he -- I believe  
16 it's Eleanor LeCain. Following her will be Damia  
17 Sheppard. Following Damia will be Marlene  
18 Featherstone.

19           MS. LECAIN: Thank you, madam chair.

20           My name is Eleanor LeCain and I'm a former  
21 assistant Secretary of State in Massachusetts And an  
22 election official there and I'm currently the founder  
23 of a group called Audit The Vote, a national network  
24 of computer experts and community leaders who are very  
25 concerned about the irregularities and the problems in

1 the vote around the country.

2           We respect the sanctity our vote. Our  
3 intention is to ensure that the express will of the  
4 people is heard and followed. We are concerned about  
5 having over 400,000 citizens who have called into  
6 nonpartisan monitoring lines registering voting  
7 problems on election day.

8           In order to fix the problems, we need to get  
9 under the hood and identify what the problems are. To  
10 this end, Audit the Vote supports investigations of  
11 the election, including ballot recounts, public  
12 records searches and data analysis.

13           We must find and fix the problems in our  
14 voting system. Our democracy depends on it.

15           There are currently recounts underway in both  
16 Ohio and New Mexico. Audit the Vote has two  
17 independent groups analyzing the voting data in both  
18 Ohio and New Mexico. The preliminary findings suggest  
19 in New Mexico a pattern of fraud. We will be  
20 releasing the results of our analysis soon.

21           Meanwhile, the electors are meeting in Ohio  
22 and every other state today just on the same day the  
23 recounts are beginning in both Ohio and New Mexico.  
24 As a previous speaker said, the recounts should be  
25 completed before the electors are seated.

1           In addition, there are a number of questions  
2 for Congress and citizens to ask. How can we check  
3 the results of elections in states where there is no  
4 paper trail? Why would we allow partisan politicians  
5 to oversee elections in which they have a vested  
6 interest? Why do we allow private companies who  
7 produce voting machines to block public officials from  
8 seeing the voting software? Why do we rely on voting  
9 equipment provided by private companies whose  
10 executives actively support candidates on the ballot,  
11 such as Mr. O'Dell, the chairman and COE of Diebold  
12 Corporation, a major campaign supporter and donor of  
13 Bush who wrote that he was, quote, committed to  
14 helping Ohio deliver its votes to the president? And  
15 why do American politicians use exit polls as proof  
16 that the elections in the Ukraine were wrong, but tell  
17 us to ignore the exit polls in the United States?  
18 This election is not over until all the votes are  
19 counted accurately.

20           As president Ronald Regan said frequently,  
21 trust but verify. If we can't verify this vote, then  
22 we need another vote that we can verify.

23           Thank you.

24           COUNCILWOMAN TAVARES: Please be up towards  
25 the front as I call your name.

1           Following Damia will be Marlene Featherstone,  
2   so if you would move, towards the front, give your  
3   name and who your representative anyway.

4           MS. SHEPPARD: My name is Damia Sheppard and  
5   I am here and I'm representing my mother and my aunt,  
6   who I took to election for the vote.

7           I just want to say I relocated back to Ohio.  
8   I'm from Ohio. I lived in California for forty years.  
9   And I'm glad to see Maxine Waters has been a warrior  
10   for us in the House, because the people need some  
11   strong leaders and they need some strong warriors,  
12   because they're being beat down. And I'm happy to be  
13   here in Columbus among people like Gayle Moss, Don  
14   Trace, the various charities.

15           But anyway, what I want to say is I come from  
16   a family that has always voted and we've taken it  
17   seriously. And I've come from ancestors that have  
18   given their lives.

19           So on election day, I took my mother, who is  
20   70-some years old, and my aunt to the voting polls.  
21   We had to wait in line an hour and a half. It was in  
22   a small room where they had three booths. And my  
23   mother has emphysema, unfortunately. They had chairs  
24   and tables in the room already, but my mother had to  
25   keep drag the chairs while we waited. They asked for

1 ID and there was a worker who kept calling the polling  
2 number -- there was only one polling number -- when  
3 different things came up. It was hot in there. There  
4 was just three booths.

5 And they should have been prepared. They  
6 knew how many people had registered. I guess they  
7 didn't think we were coming to vote, but we did. And  
8 I saw a lot of people who left who were intimidated.  
9 They had to get back to work. They felt threatened.

10 And another thing, one of the things I was  
11 concerned about in this voting booth, why was there a  
12 blinking line, and blinking flash under George Bush's  
13 name when I went into my booth.

14 And I think it was a little intimidating,  
15 especially for new people, the young people who were  
16 just voting for the first time, and I just want to  
17 give kudos to them because they came out, even though  
18 they were skeptical, they didn't believe in the  
19 system.

20 But I'm here to tell them that, like  
21 Dr. Martin Luther King said about the difficult days  
22 ahead, and I think he said deal with it. But like  
23 Pastor Reener (phonetic) said, ain't nobody gonna turn  
24 us around.

25 And thank you. Thank you for coming.



1 COUNCILWOMAN TAVARES: Thank you.

2 Ms. Sheppard, there's a question from one of our  
3 panelist, Councilman Boyce.

4 COUNCILMAN BOYCE: I'm just curious, what was  
5 the voting location you're referring to?

6 MS. SHEPPARD: At the elementary school on  
7 Mock, Mock Road.

8 COUNCILWOMAN TAVARES: Mock Road Elementary  
9 school?

10 MS. SHEPPARD: Yes.

11 COUNCILMAN BOYCE: Is that the name of it?

12 MS. SHEPPARD: It's on Mock Road. I can't  
13 think of the name of it right off.

14 COUNCILWOMAN TAVARES: Arlington Park.

15 MS. SHEPPARD: Thank you.

16 COUNCILWOMAN TAVARES: Marlene Featherstone.

17 Give your name and if you're representing  
18 anyone other than yourself.

19 MS. FEATHERSTONE: Good afternoon. My name  
20 is Marlene Featherstone and I'm here because I'm a  
21 concerned citizen. I picked up the Saturday paper and  
22 I looked on there and I seen where they said they had  
23 39 machines, voting machines. And it also said that  
24 they asked the poll workers did they need any machines  
25 and they told them that they was all right, they could

1 make it with what they had. I'm here to say that's a  
2 lie.

3 I am a presiding judge and I worked at  
4 Precinct 4A. And we usually have four machines there.  
5 This time we go in there and we only had three. I  
6 called them up and asked them why we only had three  
7 machines because we usually had four and could they at  
8 least bring me the one. The one lady I first called,  
9 she told me, we going to try and think about getting  
10 you a machine. I called back later on and she said,  
11 Marlene, they're not going to get you no machine.

12 So I looked in the book and I got the one  
13 where it said supplies and machine trouble. So I  
14 called them and I told them that I needed the machine,  
15 that we usually have four and we only have three and  
16 could you bring me a machine. They said, well, we'll  
17 try and get you one.

18 Well, I called back again later on because  
19 people had been in line three or four hours and people  
20 was leaving, so I called back. And they told me, they  
21 said, we're trying to get you a machine. I said,  
22 well, don't get me one, get me two. So the man called  
23 me and told me, said, we're not going to get you no  
24 machine. We're not going to do anything. We can't  
25 get you none and you just do the best you can with

1 what you got. And I said, well, that's just what  
2 we'll do, because he was really nasty.

3           So what happened, at 7:30, here come a little  
4 skinny man. And I heard people out in the hall  
5 clapping hands and hollering and applauding. And  
6 here's a little skinny man come in and said, I brought  
7 you a machine. And I was standing there looking like,  
8 where did he get this machine from they ain't had all  
9 day long? How did their machine -- what are they  
10 doing, voting over top somebody else or what.

11           I'm like, well, where did the machine come  
12 from? They had a machine and they gave it at 7:30 and  
13 we didn't get out of there until 10:25. And that's  
14 what I wanted to say.

15           They knew all these people had been out  
16 worrying to death about registering, that they knew in  
17 the black neighborhood that these people was coming  
18 out to vote. And to me it was like they took that  
19 machine away from us because they knew we was going to  
20 do it and to intimidate people.

21           And I think it's a shame that this happened  
22 because it gave me a different outlook on this. I  
23 always wondered who would be in this place when  
24 they're going to count the votes. Who is there?  
25 Because the workers working the -- at the voting

1 place --

2 COUNCILWOMAN TAVARES: The Board of  
3 Election.

4 MS. FEATHERSTONE: -- the Board of Election,  
5 they don't be there when we close it. It be different  
6 people. And when I went to turn my supplies in, all  
7 the people was gone.

8 Thank you.

9 COUNCILWOMAN TAVARES: Thank you very much.  
10 Ma'am, could you give your name and who  
11 you're representing.

12 MS. WIMBERLY: My name is Jacqueline Wimberly  
13 and I represent no one but Jesus, if you don't mind.  
14 I'm a preacher. But anyway, I represent justice, too.

15 And I was home and I live ten miles outside  
16 of Gahanna, and I heard Jesse was in town the other  
17 day and I didn't get to see him. But I came to give  
18 my testimony today because I heard you on the news  
19 because I've lived in the same house for 49 years. We  
20 were the first blacks to integrate Gahanna, I kid you  
21 not. There were 231 people in that town and we were  
22 the only blacks. My children were the only blacks in  
23 the school, 11 of us, smart ones too, praise God, very  
24 smart, passed her CPA test the first time around and,  
25 a mathematical genius just like her father.

1           So anyhow, praise God. I went to vote. I've  
2 also been a presiding judge in Bexley at one time, so  
3 I know the procedure in voting. But this time, I went  
4 to vote and of course we had to stand in line. We  
5 stood in line two hours outside, and then we were  
6 inside and we stood there two hours. And then when I  
7 got up to the -- to the desk where you give your name,  
8 the lady said -- looked at my name, I gave my name and  
9 she said, what do you mean? I don't see you here.  
10 She said, you're in Precinct C.

11           Now, I have voted in Precinct D since 1956.  
12 We are in the same house that we never got a loan for  
13 because we were the first blacks there and they  
14 weren't going to give nobody a loan that was black out  
15 there then, and I know why, because the millionaires  
16 that are sitting there now are having a good time.  
17 Hey, I'm here to tell you. They got all the land  
18 except ours, practically. Praise God.

19           I have many more things I'd like to say, but  
20 in the future, by the grace of God, I'll let you know  
21 my experience living in Jefferson Township for 49  
22 years.

23           COUNCILWOMAN TAVARES: Thank you,  
24 Ms. Wimberly.

25           Harvey Wasserman? Harvey Wasserman? As

1 Harvey Wasserman is coming forth, following Harvey  
2 Wasserman is Barry Egney is Juan Val. Following Juan  
3 Val is Marilyn Ward.

4 Go.

5 MR. WASSERMAN: Okay. I'll do this quick.  
6 I'm a senior editor of the Freepress.org. We have  
7 been putting out these stories before the election. I  
8 want to tell you, this is no surprise. Just before  
9 the election, we put out a story called, "Twelve Ways  
10 Bush is Now Stealing the Ohio Vote." It turned out to  
11 be an underestimate. But there was no surprise there.

12 I am the requester of a series of freedom of  
13 information act letters that have been sent to all 88  
14 counties in the state of Ohio requesting their records  
15 for the election. And I will tell you that the very  
16 first letter that we got from Shelby County indicated  
17 that they had disposed of crucial election information  
18 we believe illegally.

19 We got -- I've only gotten five or six  
20 letters so far. We got another one from a county  
21 saying that the couldn't give us the election  
22 materials we wanted, but that we should write to the  
23 software company that programmed their election  
24 machines. So that's the statement. We expect more.

25 In your future investigations, please consult

1 with us on this freedom of information act requests.  
2 But I will tell you that the very first one that we  
3 got indicated illegalities and the disposal of crucial  
4 materials for these elections.

5 I will stay finally on a personal note, I've  
6 voted at the same precinct in Bexley for 20 years. I  
7 applied for an absentee ballot this year. I got a  
8 letter in the mail saying I had put down a wrong  
9 address, but it came to the right address. And it  
10 took me four phone calls to finally get an absentee  
11 ballot in this town.

12 I registered as a Democrat. My wife  
13 registered as a Independent. She had no problems  
14 whatsoever.

15 Thank you so much. We will turn this around.

16 COUNCILWOMAN TAVARES: Thank you,  
17 Mr. Wasserman.

18 Following Barry Egney is Juan Val, Marilyn  
19 Marshall Ward and then George T. Chavez.

20 MR. EGNEY: First of all, let us give honor  
21 to God. I'm thankful that the Congress is here.  
22 Maxine Waters, you have been one of my favorites.  
23 I've watched you for years doing the south central  
24 ballots when they had the rights and they didn't  
25 understand why the people was doing it.

1           But what I see now young people being  
2 disenfranchised today. And for the first opportunity  
3 some of them got a chance to vote, some felons that  
4 was told that they couldn't vote got a chance to  
5 vote.

6           I vote in the precinct on Broad Street  
7 Presbyterian Church right at Broad and Garfield. And  
8 what I examined there was the fact that, you know,  
9 in -- let's give a big hand for those elderly that  
10 had been doing those polls for years. Let's give them  
11 a big hand. You know, and I respect them. And it was  
12 tough for them this year because it was a lot of stuff  
13 that they wasn't used to, the large crowds. And, you  
14 know, what.

15           You know, I just -- like I'm always  
16 volunteering. I had to help people that didn't know  
17 which line to take get in when they was coming in  
18 because they was confused because there was a line  
19 when you go up there and there was a line at the door.  
20 So they just didn't have enough workers to tell people  
21 what was going on.

22           One young lady had to leave because she had  
23 to take her kids to school. She was in line for over  
24 two hours. And it was sad that what happened there  
25 happened clear across the state of Ohio. And I just



1 want to thank you all for giving the opportunity to  
2 the small people to speak, because we've heard all  
3 these people come in town and, you know, we appreciate  
4 everything you've done, whether you're an organization  
5 or politician, but it's time to hear from the citizens  
6 of Ohio and American people, and especially from the  
7 African-Americans who have been very well  
8 disenfranchised from this election. So I just wanted  
9 to let you know that that's important to us.

10           So I thank all of y'all for staying here and  
11 listening to the ordinary people, the regular people.  
12 My name is Barry Egney. I am an activist in the city  
13 of Columbus and I am also a barber. So I work with  
14 people all the time and I register for people to vote  
15 right at my barber shop. I'm very active and I will  
16 be here at city council tonight.

17           So I just believe that we have to stay  
18 active, we have to stay proactive and we have to keep  
19 fighting for this fight. And I just want people to  
20 know, don't give up. And there's a lot of young  
21 people that are discouraged, and I know that we won  
22 this election. And no matter what they cheated on the  
23 machines, you know that we won this election.

24           So I just want to say that it's very  
25 important that when we go to this the next time

1 around, let's not go through what we did in the year  
2 2000 and 2004.

3 I want to say that we need a national  
4 referendum. If we have an ATM machine that can track  
5 down where you've got it, where your receipt is at; if  
6 you play the lottery, you played in Ohio, wherever you  
7 played, it can tell you where you played at and it  
8 will also give you the number. So we need a --  
9 instead of these long lines, you get one of those  
10 tickets like you have in the machine and you would be  
11 able to have all the candidates and all the issues on  
12 that card, the voter registration people send them to  
13 us in advance and we take that to the ballot with us  
14 with our ID to put that in the machine and then we're  
15 out of there.

16 Thank you.

17 COUNCILWOMAN TAVARES: Thank you, Mr. Egney.  
18 Juan Val. Following Mr. Val is Marshall Ward then  
19 George T. Chavez and then Karen Hampton.

20 MR. VAL: First, let me acknowledge my  
21 appreciation this morning to all the Congress members,  
22 state senator representatives and city officials, as  
23 well.

24 Let me tell you what I went through when I  
25 went to my voting area when I went and experienced

1 everything that was taking place at Walnut Ridge  
2 Recreation Center. The center was very small,  
3 something like this right here, like four voting  
4 machines on this side and four voting machines on this  
5 side. When I arrived at 6:30, it was approximately,  
6 I'd say, about 200 people out there. I had my wife  
7 and --

8 U.S. REPRESENTATIVE TUBBS-JONES: a.m. or  
9 p.m.?

10 MR. VAL: a.m., 6:30 a.m. I had my wife and  
11 my child with me. And it took about two hours for me  
12 to get inside the building. And once I got inside, I  
13 realized how small the area was. But if the people  
14 that was organizing that area, they could have just  
15 put all the voting machines all against the walls, at  
16 least 15 or 20 or 30 of them. That way people would  
17 be able to get in more quicker and more faster.

18 But also I looked at it as to where the  
19 responsibility falls on those that didn't do their  
20 job, all right. And some way, somehow, we've got to  
21 find these individuals and hold them accountable for  
22 this right here. Because they found -- have no other  
23 facts of what's going on and what's not taking place  
24 and we've got all these people that is in leadership  
25 or in positions who continue to allow these things to

1 take place, what does that say for us here in Ohio.

2           And the bottom line is that for those that  
3 continue to keep turning back the clock and we don't  
4 say nothing and we just allow this to continue to take  
5 place, then shame on us.

6           So I'm a citizen of Columbus, Ohio. I'm  
7 standing right here and saying what I feel was wrong,  
8 you know what I'm saying.

9           Maxine Waters, I love you very much. You  
10 just don't know how much I idle you, because you come  
11 through some hard times just like Reverend Jackson  
12 comes through some hard times.

13           But many of us coming right now to give our  
14 statement has been shut down. Every time we come to  
15 office or business office or political office, people  
16 have a tendency to want to shut us down and don't want  
17 to here what, you know, we have to say.

18           I always say that God will give you vision.  
19 And when God gives you that vision, you'd better stand  
20 on it on his word.

21           And I'm the type of individual, you either  
22 believe in him or you don't believe in him.

23           And with that, I just thank everybody that  
24 came out to support this and continue to fight for  
25 this struggle, because it's not over with.

1 Thank you very much.

2 COUNCILWOMAN TAVARES: Thank you, Mr. Val.

3 Marilyn Marshall Ward, is she here? If she is --

4 UNIDENTIFIED SPEAKER: Can I say something?

5 COUNCILWOMAN TAVARES: No. If it's Marilyn

6 Marshall Ward. Next we're going to hear from George

7 Chavez, then Karen Hampton, then Marcia McCoy.

8 George Chavez, is he here.

9 Karen Hampton? She's not here.

10 Marcia McCoy?

11 MS. MCCOY: Thank you. Marcia McCoy,

12 Cleveland AFL-CIO.

13 COUNCILWOMAN TAVARES: I apologize.

14 MS. MCCOY: That's okay. Federation of Labor

15 and the co-covenor of the Greater Cleveland Voter

16 Registration Coalition. And to my wonderful

17 Congresswoman Stephanie Tubbs Johns and Congresswoman

18 Waters, what I'd like to first say is that back in

19 June of 2001, we received the voters guide that we

20 went by. And we did -- we held one of the largest

21 voter registration coalitions along with our

22 Congresswoman Lee back during the election before.

23 And we thought in this wasn't going to happen in Ohio

24 because we were forewarned of what happened in

25 Florida.

1           And on the voter's guide it says, vote with  
2     pride. And it gave us things that would take place.  
3     It said, vote with pride, not vote set aside. It said  
4     that it would help to reduce long lines and that  
5     election day officials will make sure voters vote in a  
6     timely matter. That did not take place.

7           What I'd like to say is that someone called  
8     some individuals from the -- and it comes from the  
9     sheriff's office, telling black males that if you  
10    showed up at the polls and you presented  
11    identification, that -- and you owed back child  
12    support, that you may be arrested.

13          We were told by -- we were called by  
14    individuals from nursing homes indicating that people  
15    from the Board of Election, inspectors, one inspector,  
16    Republican inspectors, walked into nursing homes, one  
17    in particular was Fairview Nursing Home, and asked the  
18    people helping them with their absentee ballots, are  
19    you a Republican or a Democrat? If they were  
20    suffering from dementia, they told the person, the  
21    democratic person, that Bush was the democratic  
22    nominees and they would fill this information in for  
23    them.

24          Upon the registered nurses finding that these  
25    individuals were doing that, they asked what their

1 names were. They inspector in particular didn't give  
2 their name. They called down to the Board of Election  
3 and found out that that individual worked inside of  
4 that -- you know, worked for the Board of Election,  
5 but there was not a democratic person with them on.

6 This voters guide, it says that during  
7 elections, election day officials are not permitted to  
8 influence voters or to discuss issues or candidates at  
9 the voting locations, and it also said that two  
10 election day officials of opposite political parties  
11 can assist voters who request help in reading the  
12 ballot and/or vote. And this did not take place at  
13 that particular place.

14 What I'd also like to say is we questioned  
15 our Board of Election and asked why -- okay. In  
16 Woodmere Village, there were 498 registered voters;  
17 however, 18,047 voters cast votes. So we just found  
18 this appalling.

19 COUNCILWOMAN TAVARES: Ms. McCoy, if you  
20 would, stay at the podium. Senator Miller has a  
21 question and I think Congresswoman Tubbs-Jones has a  
22 question.

23 SENATOR MILLER: Thank you, madam chair. I  
24 don't have a question, but Congressman Tubbs-Jones, go  
25 ahead.

1           U.S. REPRESENTATIVE TUBBS-JONES: Would you  
2 repeat that last statement that you made that you  
3 rushed through. Would you repeat it, please.

4           MS. MCCOY: We asked our county Board of  
5 Election officials how is it that there are only 498  
6 registered voters in that area and why is it that  
7 1,847 people cast votes. We asked that question and  
8 was given a crazy answer indicating that that was  
9 overseas ballots and that there were absentee ballots  
10 and things of that nature. But we said, if they're  
11 not registered, how can they cast votes?

12           U.S. REPRESENTATIVE TUBBS-JONES: Thank you,  
13 Ms. McCoy.

14           COUNCILWOMAN TAVARES: Next I'd like to call  
15 up Brother Darnell Mohammed.

16           BROTHER MOHAMMED: Thank you.

17           I am representative of a nonpolitical  
18 organization. I'm here today as a private citizen.

19           I voted at Koebel Elementary School, which is  
20 located in the south end of Columbus. There was  
21 approximately six voting machines in the school. The  
22 lines were extremely long, extending to the outside.  
23 I waited approximately two and a half, three hours.

24           And during the course of this, they brought  
25 in another machine. They had trouble activating the



1 machine. And when the machine was quote/unquote  
2 allegedly activated, that's the machine I got a chance  
3 to vote on. After I cast my vote and left and was on  
4 my way to my vehicle, I was chased down by one of the  
5 registrars to come back and vote again because they  
6 weren't certain whether the machine took my vote or  
7 not. And when I left after the second time, we still  
8 were not sure.

9 My question is, had I not been Minister  
10 Darnell Mohamed, how many other ordinary citizens who  
11 were not recognized voted on that same machine and did  
12 not get a chance to vote at all.

13 Thank you.

14 COUNCILWOMAN TAVARES: Thank you, Brother  
15 Mohamed.

16 Next, Senator Miller wanted to share some  
17 comments. We haven't called up the next row of  
18 witnesses as of yet. So senator Miller, if you can,  
19 go ahead, please.

20 SENATOR MILLER: Thank you, madam chair.

21 Reverend Jackson -- I wish he was still  
22 here -- but pointed out the seriousness -- and I might  
23 need, Madam Chair, more than three minutes. I just  
24 might need four or five minutes, but I'll talk as  
25 quickly as I can.

1           But Reverend Jackson talked about the  
2           seriousness of what we're doing here today. And the  
3           tone that he expressed in his own presentation was  
4           very serious.

5           I want to thank David Cobb and Cliff  
6           Arnebeck, Bob Fitrakis for all that he has done, good  
7           friend Bill Moss for his leadership and so many others  
8           who have stood up.

9           The one point that I would like to make,  
10          Madam Chair, and to everyone who is here, is the issue  
11          of fear. Fear paralyzes us. And there are those who  
12          would say, fold up the tent. It's over. Shut your  
13          mouth and go away. There are those who would  
14          intimidate you at this point into remaining quiet.

15          And so Reverend Jackson called the roll. He  
16          talked about Goodman and Chaney and Schwerner and  
17          Viola Liuzzo. He talked about Evers and Fannie Lou  
18          Hamer and Dr. Martin Luther King. But even before  
19          them, 134 years ago -- and our members of Congress  
20          know this well -- we had the same issues with Tunis  
21          Campbell back in Georgia in 1870 and Hiram Revels and  
22          Rainey and Ransier all of those who came into the  
23          Congress during that Reconstruction period, that very  
24          brief Reconstruction period that we had.

25          And the seriousness of what Reverend Jackson

1 was saying, I was looking at his face because we knew  
2 them. He talked with them. He marched with them. He  
3 fought with them. And I thought about these Congress  
4 members who served back in 1867, 1877, who were beaten  
5 down. And if they knew that in the year 2004 we were  
6 sitting here talking about the same issues that they  
7 were beaten down on, that they were denied the  
8 opportunity to participate in the political process,  
9 they would say, who would not stand up, particularly  
10 those who were in a leadership position.

11 If you're in a leadership position, you have  
12 the responsibility to stand up. So we appreciate the  
13 citizens being here. But there's some leaders who are  
14 probably waiting to exhale. There are some leaders  
15 who are at this point saying, I wish you would leave  
16 town, pack up your bags and get out of here so I can  
17 breathe again. And I simply want to say to the  
18 leadership that dissent should be encouraged.

19 We live in a country where the majority  
20 rules, but the minority certainly has rights. And we  
21 have reason to question, particularly when you look at  
22 the chairman of Diebold and his support of George  
23 Bush, even before the election. The commitment that  
24 he gave that the president would win the election, yet  
25 he is the person who has placed these machines all

1 over our state.

2           When you look at Blackwell, Secretary  
3 Blackwell serving as the cochair -- these things have  
4 already been stated. I don't want to spend a lot of  
5 time on this, but they knew that we had registered  
6 102,000 new voters in Franklin County. And so only  
7 logic would say, we need more machines, particularly  
8 in the black community. 102,000 new registered voters  
9 and the overwhelming majority in the African American  
10 community. A million new registered voters in the  
11 state of Ohio, 800,000 in the African-American  
12 community, and we're going to short change the people  
13 on the process.

14           And so my message very simply is, we can't  
15 afford to be afraid. We have to look at the legacy.  
16 We have to look at those on whose shoulders we stand  
17 and we have a responsibility to do three things: We  
18 need a recount, number one; we need real election  
19 reform, number two; and we need greater courage on the  
20 part of our leaders and the citizenry to demand  
21 fairness and justice in the conduct of our elections.

22           Thank you.

23           COUNCILWOMAN TAVARES: Thank you, Senator  
24 Miller.

25           Congressman Nadler?

1 COUNCILWOMAN TAVARES: Thank you.

2 Did you have a question? Councilman Boyce.

3 We've still got quite a few people on our  
4 list and I know that Charles Traylor wants to come  
5 forward next and I have, following him, is W.J.  
6 Sheppard, and then I cannot -- it looks like Paula  
7 Gregory and then Mark Dunbar, Robert Bucero and Robert  
8 Bowen and then Ann Silverman.

9 Okay. Councilman Boyce?

10 COUNCILMAN BOYCE: Mr. Traylor, I'll be brief  
11 because I know there are still others who want to  
12 provide some comment.

13 Enough has been said about the importance of  
14 being here today and how much we appreciate, as  
15 members of the Columbus City Council, those who took  
16 time out of their busy schedule to join us today and  
17 talk about an issue that affects all of our lives.  
18 And so to those that are here with us, Bob Fittrakis,  
19 Bill Moss and his lovely wife, to Reverend Jesse  
20 Jackson, to Congresswoman Waters and Congresswoman  
21 Tubbs-Jones, Senator Miller and Joyce Beatty and all  
22 of those, Congressman Nadler and Strickland and all of  
23 those that have been here today, we really appreciate  
24 you being here.

25 But I want to also just extend, as well as

1 Senator Miller stated, the importance of tomorrow, the  
2 importance of not so much what we do today and what we  
3 look at from the election of yesterday, but what we do  
4 from this point on.

5           When I think about the election, my  
6 experience this past November, I recall being in my  
7 polling location and I, too, stood in line for four  
8 hours, two outside and two inside, and in the rain.  
9 But I recall being in line. And there was a senior  
10 citizen, African-American woman, and I'm not going to  
11 guess her age, but she was an elderly woman from the  
12 community who was in line to vote and was offered a  
13 chair to sit down. And her comments were, I refuse to  
14 sit down in that chair on behalf of the -- on behalf  
15 of those who came before me, on behalf of those who  
16 fought before me and on behalf of those who died for  
17 me. And so she refused to sit down in that chair at  
18 the polling location that day.

19           But what was even more telling about the  
20 significance and the importance of what was happening  
21 is that chair sat there empty the rest of the day. No  
22 one sat in the chair, and I believe that it was a  
23 symbolic statement by all of those who were in line at  
24 the Northeast Recreation Center that day.

25           And so when we talk about the importance and

1 the magnitude of what happens, think about not only  
2 those who have come before us, but those who will  
3 follow behind us and the difference that we can make.

4           The last point that I want to make is on  
5 behalf of young African-Americans and the age category  
6 of 18 to 35, which I qualify for both, keep up the  
7 fight. Because the difference that we can make  
8 together as a community is a difference that makes a  
9 difference for all of those who come behind us. And  
10 I'm speaking of my five-year-old son and speaking of  
11 my two-year-old son, I'm speaking of all of their  
12 friends, I'm speaking of the families in my community,  
13 I'm speaking of the families in my city and in my  
14 state.

15           We need and demand for everyone to stay with  
16 us on the fight. Make sure that we're represented in  
17 the way that our votes will count, now and in the  
18 future.

19           And finally, I join Senator Miller and all of  
20 those who have been here today in calling not only for  
21 a full scale investigation of the voter process, but a  
22 full scale reform of the election process. And  
23 together as partners and as a community, we all can  
24 make that difference.

25           Thanks for being here today and I appreciate

1 being allowed to be a part of the panel and listening  
2 to the comments and testimony today. Thank you.

3 COUNCILWOMAN TAVARES: Thank you, Councilman  
4 Boyce.

5 Charles Traylor.

6 U.S. REPRESENTATIVE TUBBS-JONES:  
7 Congresswoman Waters is the last of my colleagues to  
8 have to leave, and I just a want to thank her for her  
9 leadership and her service and thank her for coming  
10 here.

11 MR. TRAYLOR: Thank you Congresswoman Waters  
12 and Representative Tubbs-Jones and Mr. Nadler and  
13 everyone. I just want to say on behalf of 1580 WVKO,  
14 we broadcast this whole hearing live to our audience.

15 I want to say to Senator Miller and to other  
16 state legislators that in this whole fiasco, Ken  
17 Blackwell has also done other wrongs to the citizens  
18 of Ohio. He has taken up residence in a private  
19 building, in the Borden building at 180 East Broad  
20 Street.

21 UNIDENTIFIED SPEAKER: He's not there.

22 MR. TRAYLOR: And he's holed up in that  
23 building. And the people that own the Borden building  
24 take the liberty of denying the public access to a  
25 public official while the tax payers' dollars are



1 paying for a private citizen.

2           There's something wrong when an elected  
3 public official can hold up and hide from the public  
4 building and then instruct the State Highway Patrol  
5 and the Columbus Police Department to arrest anyone  
6 that comes in that building that he doesn't want to  
7 see.

8           Dan Hamburg and his wife, Carry, were  
9 arrested last Wednesday by the State Highway Patrol  
10 and Columbus Police because Ken Blackwell ordered them  
11 to arrest anybody -- these people were sitting in the  
12 coffee house right on the first floor. They were  
13 arrested because there was there to see Kenneth  
14 Blackwell. They weren't disturbing anyone.

15           But something needs to be changed in our  
16 constitution in Ohio that elected officials should not  
17 be allowed to take up residence and actually hole up  
18 and hide in private buildings when they're public  
19 officials.

20           COUNCILWOMAN TAVARES: Thank you, Mr. Traylor  
21 for the airing of this public meeting.

22           Next we're going to hear from W.J. Sheppard  
23 and then following Mr. Sheppard is -- I believe it's  
24 Jill McCoughlin. I'm sorry. Go ahead.

25           MR. SHEPPARD: My comments will be very

1 brief. But first, Mr. Miller, you hit it right on the  
2 head.

3 U.S. REPRESENTATIVE TUBBS-JONES: Pull the  
4 microphone back, please.

5 MR. SHEPPARD: Mr. Miller, you hit it right  
6 on the head. We are our prisoners. In the early  
7 1900s, the men in Congress and them that you say, they  
8 were in fear of power, so organized, so southern, so  
9 in a line, so pervasive and so corrupt that when they  
10 speak in combination of that power, they were afraid  
11 to speak above that voice.

12 And today, we are afraid of the same power  
13 because our representatives on the CBC, a lot of our  
14 members of it belong to the council in foreign  
15 relations. Mr. Jackson, a member of the council on  
16 foreign relations.

17 So my question to our Congress people, when  
18 you caucus and you have Lewis, you have Pain, you have  
19 Wayngo, who are a member of the counsel for foreign  
20 relations, have you asked them, and Mr. Jackson, also,  
21 what impact did this vicious organization, this  
22 vicious group, have on the outcome of the election  
23 system?

24 But I'm afraid to -- I'm going to answer for  
25 them, because we are still afraid of something. I'm

1 going to answer. What's the name of it? Did I commit  
2 to this out here today?

3 U.S. REPRESENTATIVE TUBBS-JONES: Well, on  
4 behalf of my colleagues of this nation, earlier I was  
5 Air America this morning and I was asked why is it or  
6 does it appear that when it is time for issues like  
7 this it's the Congressional Black Caucus that stands  
8 up, and my response is we were conscious of elections.  
9 And that's why you see that.

10 But we're joined by my colleagues across the  
11 board who are concerned about the issue. And you have  
12 to keep in mind, sometimes the fact that many times  
13 we're standing up when the media is not paying  
14 attention to us. And when you don't have a vehicle by  
15 which you can be heard, it's also very difficult, sir,  
16 but count on us. We'll be there on behalf of all of  
17 those who are disenfranchised, left out, and locked  
18 out of the process, not only in the United States, but  
19 across the world.

20 Thank you very much.

21 COUNCILWOMAN TAVARES: Thank you  
22 Congresswoman Tubbs-Jones, Senator Miller.

23 And then Jill, if you could go ahead to the  
24 microphone.

25 SENATOR MILLER: Very quickly, Madam Chair, I

1 don't think you should have to speak on your own  
2 behalf.

3 We do appreciate your outstanding leadership  
4 over the years, even before you were a member of  
5 Congress, when you were a prosecutor in the city of  
6 Cleveland. You've always stood strong.

7 Congresswoman Waters we know well, the  
8 Congressman who was here from New York and then  
9 Congressman Strickland, we appreciate the leadership  
10 that every one of you provide. And so I just needed  
11 to say that. I don't want you to speak on your own  
12 behalf. We know what a fighter you are. Thank you.

13 COUNCILWOMAN TAVARES: Thank you, Senator  
14 Miller.

15 And I echo those feelings. You know, it's  
16 only too easy to criticize, but these Congress persons  
17 are here because they're trying to get to the bottom  
18 of what went wrong in the 2004 general election.  
19 They're trying to hear from people throughout this  
20 state, throughout the country, reclamations as well as  
21 problems, so that we can fix the system. So I thank  
22 you for sharing those comments.

23 Ms. McCoughlin.

24 MS. MCCOUGHLIN: I'm Jill McCoughlin, Ph.D.  
25 And I'm here today. I hope that I can represent all

1 the voters as a coplaintiff on the suit with Mr. Moss  
2 and his wife, and I feel very honored to be a part of  
3 this. And I'd just like to thank all the of the  
4 Congress people, senators, Mr. Fitrakis, all of you,  
5 the Reverend Jackson and Cliff Arnebeck, for allowing  
6 me to take part in this.

7 I was an election official in precinct 72F  
8 during this last election, and that was a very heavily  
9 Republican area that I was assigned to up on Route 23  
10 between Worthington and Delaware. And my experience  
11 was that we had a whole lot of people. We had lines,  
12 too, of two-and-a-half to three hours long. But at  
13 the end of the day when all of us went back to look at  
14 the -- behind the machines to see how many votes had  
15 been counted by each machine, our four machines  
16 registered -- the first one was 169 votes. The second  
17 one was 167 votes. The third was one 169 votes and  
18 the fourth one was 167 votes.

19 We made no attempt whatsoever to make sure  
20 that all of those machines were used at the same  
21 number of times. And when we looked at the tapes, we  
22 saw that the percentage or proportion for George Bush  
23 over John Kerry was almost exactly the same on each  
24 one, as well.

25 I feel very confident that we had more than

1 672 voters that day. And although there are no paper  
2 trails to figure out who voted for whom, I believe  
3 there is one way to figure out whether or not those  
4 machines registered all of the votes, and that is to  
5 count the signatures in the poll book to see if it  
6 matches the number that was on the machines. And  
7 that's what I am calling for as far as these Diebold  
8 machines are concerned is that during this recount  
9 process, we count those signatures and make sure that  
10 they match the number on the machines.

11 So thank you all. I appreciate it very much.

12 COUNCILWOMAN TAVARES: Thank you very much.

13 The next witness is Paula Gregory. I believe  
14 that's the name.

15 Mark Dunbar. Mark Dunbar.

16 Robert Bucero.

17 MR. BUCERO: Thank you very much. My name is  
18 Robert Bucero. I'm a national activist. I'm from  
19 California, but I spent three months in Ohio during  
20 the campaign, including just after election day.

21 I have three points to make, but one main  
22 point, which is that what you had on November 2nd and  
23 what you have to actually look at is you had a fascist  
24 coup. You had a cold coup by a bunch of fascists.

25 We've documented in this book many of you

1 have probably seen or have called the Children of  
2 Satan. The Strausian roots of people like Paul  
3 Wolfowitz, Dick Cheney and the whole crew, these  
4 people are serious. This was a fascist coup, okay.  
5 Now, nobody said that and I wanted to bring that up.

6 As an added point on this, what the good --  
7 here's a joke: Do you know the difference between  
8 Bush and God? God doesn't think he's Bush.

9 Bush has a God complex at this point, okay.  
10 This is why he's moving for the privatization of  
11 Social Security right now: To steal trillions of  
12 dollars. He's even pointed twice to the Chilean  
13 model, the model implemented under General Pinochet  
14 who I understand was arrested today in Chile, okay.  
15 This is a pack of fascists.

16 So we need to realize that, that the world  
17 financial system is crashing. The dollar has  
18 collapsed for ten weeks straight. These guys want to  
19 lose Social Security.

20 So getting back to the point that's in  
21 question of the constitution, the constitution, the  
22 general welfare of principle of the constitution, on  
23 January 6th, the Congress should not certify the  
24 election.

25 Thank you.

1 COUNCILWOMAN TAVARES: Thank you, Mr. Bucero.

2 And I want to thank Congressman Nadler for  
3 being here today, as well. He is getting ready to  
4 leave. But thank you very much for coming to  
5 Columbus, Ohio and thank you for sharing your time and  
6 energies on this issue amid our Ohio delegation and  
7 those from Congress and local and state government.

8 I have Robert Bowen, Ann Silverman and Nancy  
9 Fuller.

10 MR. BOWEN: Thank you very much for the  
11 opportunity to address you.

12 My name is Robert Bowen. I am the regional  
13 coordinator for the Linden LaRouche Political Action  
14 Committee. One of the things which Mr. Bucero  
15 mentioned was the Social Security rip off that the  
16 Bush administration is planning on the model of  
17 Pinochet Social Security plans in Chile. That may  
18 appear to be somewhat of an obscure topic for these  
19 hearings, unless you consider the fact that  
20 Mr. Blackwell is also one of the national  
21 spokespersons for the organization Social Security  
22 choice that is promoting that Social Security rip off  
23 plan.

24 I would submit that there are two issues that  
25 the panel that convened here today and the members of



1 the audience should take, three, really. One would be  
2 a full investigation and actually a political  
3 mobilization to stop the Social Security rip off plan  
4 of the Bush administration. Number two, any act of  
5 voters suppression, especially acts of voter  
6 suppression carried out by elected officials, public  
7 officials, party officials or others with  
8 responsibility to protect the electoral process are  
9 criminal violations of the Voting Rights Act, and  
10 regardless of the impact on the outcome of the  
11 election, they should be prosecuted to the full extent  
12 of the law.

13 And finally, on January 6th when the Congress  
14 convenes in joint session to receive the votes of the  
15 electoral college, this time around -- and this is  
16 where the members of the audience come in -- we must  
17 ensure that there is at least one senator who will  
18 join Congressional challenge of the electoral college  
19 vote.

20 In 2000, there were repeated challenges to  
21 the electoral college vote raised in the U.S.  
22 Congress, and not one senator stood up to back them  
23 up, and that included every Democratic senator.

24 This time around, there are a few senators I  
25 think who could be challenged who have a personal

1 stake in the outcome, including both Senators Kerry  
2 and Senator Edwards. Senator Edwards, even though  
3 he'll be leaving his seat January 20th, will be  
4 participating in that joint meeting on January 6th.

5 I call on everyone to join us in efforts to  
6 ensure this time, whatever the outcome of the recount  
7 efforts in the state of Ohio, whatever the outcome of  
8 the legal investigations, that a political  
9 mobilization be carried out to ensure that that  
10 challenge is made and this election not accepted by  
11 the U.S. Congress.

12 Thank you.

13 COUNCILWOMAN TAVARES: Thank you very much,  
14 Mr. Bowen.

15 Ann Silverman. Ann Silverman.

16 Following Ms. Silverman is Nancy Fuller. The  
17 final speaker, Greg Donaldson.

18 MS. SILVERMAN: Hello. I'm Ann Silverman.  
19 Thank you very much for having these hearings and  
20 having them here in Columbus.

21 I'm here as a parent of two first-time  
22 voters. And I'll try and make this really brief  
23 because I am speaking actually on my daughter's behalf  
24 and she just had her wisdom teeth out.

25 She registered and got her voting card back

1 from the Board of Election with a misspelling on her  
2 first name and middle initial. She called the board  
3 and they told her that she could fill out a change of  
4 address at the precinct when she voted.

5 She took her registration card to the  
6 precinct early in the morning and she was not on the  
7 voter rolls. She had kicked up a huge fuss, but in  
8 the end was forced to vote provisionally.

9 This morning I went to the Board of Election  
10 to find out what the dispensation of her provisional  
11 ballot was. And when I called, they said they didn't  
12 have a record of her having voted at all, but that she  
13 would check on it. So she did find an envelope which  
14 at the top has written in it, change of name only, but  
15 she said that her vote was thrown out because the  
16 envelope wasn't signed. So she made me a Xeroxed copy  
17 of that vote.

18 And I took it and showed it to my daughter  
19 and I said, is this what you filled out? She said,  
20 yes, they made me fill out two of them, one for a  
21 change of name and one which had her ballot in it.

22 I went back to the Board of Election. I  
23 explained this. She looked through the envelopes  
24 again, couldn't find the second one. And I don't know  
25 whether we need to really have the voter registration

1 books open and accessible throughout this recount, but  
2 as a first-time voter out to do the right thing and  
3 she says she signed the one that had her ballot in it,  
4 is there any way to kind of check for these  
5 irregularities.

6           Anyway, thank you very much.

7           And the other thing that I actually just had  
8 a question about was the timing of this particular  
9 meeting, why we're doing this here, now, when the  
10 electors are voting over there.

11           Anyway, thank you.

12           COUNCILWOMAN TAVARES: Thank you. Next we're  
13 going to hear from Nancy Fuller, final speaker, Greg  
14 Donaldson.

15           MS. FULLER: I'm Nancy Fuller. I'm a  
16 graduate student at Ohio State University. And I  
17 wanted to thank a couple people -- I don't know their  
18 names -- who helped me get up to the podium.

19           I'm speaking for precinct 18A and 18C in the  
20 north end and for the black brothers and sisters. I  
21 do want to say that this election affects  
22 working-class whites, blacks, blacks, whites. It  
23 really is a rainbow coalition effort. It truly is so  
24 important.

25           The north end polling site where I was has

1 mainly working class whites, I would say. And a  
2 couple things I want to note for this to put on the  
3 record was, we worked from -- the polls opened at  
4 6:00. We started -- we get there -- as a polling  
5 official, I was there at 6:00 a.m. We opened the  
6 polls at 6:30. We're supposed to close at 7:30. We  
7 worked until midnight.

8           Why? Because under the primaries, there  
9 were -- we had four machines. When it came time for  
10 November 2nd, we had three. Not good, right? Not  
11 good. And the average wait time for -- at 6:00 p.m.,  
12 because I had time to get out and just talk to people  
13 because the line was very long and I was talking to  
14 people, we were getting them chairs, we were getting  
15 them water. The average wait time was four hours.

16           Now, you tell me, you know, I'm sure that  
17 many people, some people, we can't say how many, but  
18 I'm sure that that wait time was punishing, and then  
19 people walked away.

20           So those are irregularities that really need  
21 to be addressed. And I particularly want to  
22 compliment Ann Silverman, and Reverend Jackson, for  
23 being here. But this mother was concerned about  
24 whether her daughter's vote was cast correctly, and I  
25 think that's very good of her to figure out. Hey,

1 what went wrong here? Well, plenty went wrong.

2 So thank you for this opportunity.

3 COUNCILWOMAN TAVARES: Thank you very much.

4 Is Mr. Donaldson here? Mr. Donaldson.

5 He is not here. Are there any closing  
6 remarks from Congresswoman Stephanie Tubbs-Jones?

7 U.S. REPRESENTATIVE TUBBS-JONES: Just thank  
8 you very much Councilwoman Charleta Tavares and  
9 Councilman Boyce for giving us a location to schedule  
10 this event. I want to thank you and I wish everyone a  
11 happy holiday.

12 COUNCILWOMAN TAVARES: Thank you very much.

13 Councilman Boyce, any closing remarks.

14 Senator Miller?

15 I just want to thank our Congress members for  
16 having a field hearing here in Columbus, Ohio, to hear  
17 from the people, to hear from the activists, the  
18 lawyers, and those who want to ensure, as I hope we  
19 all do, that we have a fair, free, accurate and  
20 consistent process for electing those who are to  
21 govern us. That's what this is all about, and I'm  
22 sure that they're going to take all the testimony and  
23 develop recommendations and reforms in our election  
24 process so that it is not vulcanized, that it is, in  
25 fact, a federal system with federal standards.

1 Thank you, and we will now conclude.

2 - - -

3 Thereupon, at 2:24 p.m. on Monday, December  
4 13, 2004, the hearing was concluded.

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1 CERTIFICATE

2 STATE OF OHIO :

SS:

3 COUNTY OF LICKING :

4 I, Breanna Schwart, a Registered Professional  
5 Reporter and Notary Public in and for the State of  
6 Ohio, duly commissioned and qualified, do hereby  
7 certify that the foregoing is a true, correct and  
8 complete transcript of the proceedings in this matter  
9 as reported by me in stenotype and transcribed from my  
10 stenographic notes to the best of my ability; that I  
11 am in no way related to or employed by any attorney or  
12 party hereto or financially interested in the action,  
13 and I am not, nor is the court reporting firm with  
14 which I am affiliated, under a contract as defined in  
15 Civil Rule 28(D).

16 IN WITNESS WHEREOF, I have hereunto set my  
17 hand and affixed my seal of office at Pataskala, Ohio,  
18 on this 29th day of December, 2003.

19

20 BREANNA SCHWART, RPR  
21 NOTARY PUBLIC-STATE OF OHIO

22 My Commission Expires: December 27, 2006.

23

24

25