

\$ CHAPTER 1 \$

JIM CROW IN CYBERSPACE: The Unreported Story of How They Fixed the Vote in Florida

In the days following the presidential election, there were so many stories of African Americans erased from voter rolls you might think they were targeted by some kind of racial computer program. They were.

I have a copy of it: two silvery CD-ROM disks right out of the office computers of Florida Secretary of State Katherine Harris. Once decoded and flowed into a database, they make for interesting, if chilling, reading. They tell us how our president was elected – and it wasn't by the voters.

Here's how it worked: Mostly, the disks contain data on Florida citizens – 57,700 of them. In the months leading up to the November 2000 balloting, Florida Secretary of State Harris, in coordination with Governor Jeb Bush, ordered local elections supervisors to purge these 57,700 from voter registries. In Harris's computers, they are named as felons who have no right to vote in Florida.

Thomas Cooper is on the list: criminal scum, bad guy, felon, attempted voter. The Harris hit list says Cooper was convicted of a felony on January 30, 2007.

2007?

You may suspect *something's wrong* with the list. You'd be

12 JIM CROW IN CYBERSPACE

right. At least 90.2 percent of those on this “scrub” list, targeted to lose their civil rights, are innocent. Notably, over half – about 54 percent – are Black and Hispanic voters. Overwhelmingly, it is a list of Democrats.

Secretary of State Harris declared George W. Bush winner of Florida, and thereby president, by a plurality of 537 votes over Al Gore. Now do the arithmetic. Over 50,000 voters wrongly targeted by the purge, mostly Blacks. My BBC researchers reported that Gore lost at least 22,000 votes as a result of this smart little black-box operation.

The first reports of this extraordinary discovery ran, as you’d expect, on page one of the country’s leading paper. Unfortunately, it was in the wrong country: Britain. In the USA, it ran on page zero – the story was simply not covered in American newspapers. The theft of the presidential race in Florida also grabbed big television coverage. But again, it was the wrong continent: on BBC Television, broadcasting from London worldwide – everywhere, that is, but the USA.

Was this some off-the-wall story that the British press misreported? Hardly. The chief lawyer for the U.S. Civil Rights Commission called it the first hard evidence of a systematic attempt to disenfranchise Florida’s Black voters. So why was this story investigated, reported and broadcast only in Europe, for God’s sake? I’d like to know the answer. That way I could understand why a Southern California ho’daddy like me has to commute to England with his wife and kiddies to tell this and other stories about my country.

In this chapter, I take you along the path of the investigation, step by step, report by report, from false starts to unpretty conclusions. When I first broke the story, I had it wrong. Within weeks of the election, I said the Harris crew had tried to purge 8,000 voters. While that was enough to change the outcome of the election (and change history), I was way off. Now, after two years of peeling the Florida elections onion, we put the number of voters wrongly barred from voting at over 90,000, mostly

Blacks and Hispanics, and by a wide majority, Democrats.¹

That will take us to the Big Question: Was it deliberate, this purge so fortunate for the Republicans? Or just an honest clerical error? Go back to the case of Thomas Cooper, Criminal of the Future. I counted 325 of these time-traveling bandits on one of Harris's scrub lists. Clerical error? I dug back into the computers, the e-mail traffic in the Florida Department of Elections, part of the secretary of state's office. And sure enough, the office clerks were screaming: They'd found a boatload like Mr. Cooper on the purge list, convicted in the future, in the next century, in the next *millennium*.

The jittery clerks wanted to know what to do. I thought I knew the answer. As a product of the Los Angeles school system, where I Pledged my Allegiance to the Flag every morning, I assumed that if someone was wrongly accused, the state would give them back their right to vote. But the Republican operatives had a better idea. They told the clerks to *blank out* the wacky conviction dates. That way, the county elections supervisors, already wary of the list, would be none the wiser.² The Florida purge lists have over 4,000 blank conviction dates.

You've seen barely a hair of any of this in the U.S. media. Why? How did 100,000 U.S. journalists sent to cover the

¹ Two years into the investigation, we are still uncovering evidence. The stories of Thomas Cooper and the thousands of other "felons" convicted in the future are new to this edition.

"We" are a team. There's no way on earth I could have conducted this investigation without scores of researchers, some the top names in their technical fields, some inspired amateurs, and many unpaid volunteers. Cyber-wizard Fredda Weinberg of Delray Beach, Florida, deserves special praise for cracking the disks and for indefatigable fact-mining; as do my colleagues at the *Guardian*, BBC, *The Nation*, and Salon.com; database expert Mark Swedlund and so many others. I regret I cannot list them all.

² E-mail from Janet Mudrow (Florida Department of Elections), "Subject: Future Conviction Dates," to Marlene Thorogood (Database Technologies), cc: Bucky Mitchell (Florida Department of Law Enforcement); dated June 15.

14 JIM CROW IN CYBERSPACE

election fail to get the vote theft story (and preferably before the election)?

Part I: SILENCE OF THE LAMBS: American Journalism Hears No Evil, Sees No Evil, Reports No Evil

Investigative reports share three things: They are risky, they upset the wisdom of the established order and they are very expensive to produce. Do profit-conscious enterprises, whether media companies or widget firms, seek extra costs, extra risk and the opportunity to be attacked? Not in any business text I've ever read. I can't help but note that Britain's *Guardian* and *Observer* newspapers, the only papers to report this scandal when it broke just weeks after the 2000 election, are the world's only major newspapers owned by a not-for-profit corporation.

But if profit lust is the ultimate problem blocking significant investigative reportage, the more immediate cause of comatose coverage of the election and other issues is what is laughably called America's "journalistic culture." If the Rupert Murdochs of the globe are shepherds of the New World Order, they owe their success to breeding a flock of docile sheep – snoozy editors and reporters content to munch on, digest, then reprint a diet of press releases and canned stories provided by government and corporate public-relations operations.

Take this story of the list of Florida's faux felons that cost Al Gore the presidential election. Shortly after the U.K. story hit the World Wide Web, I was contacted by a CBS TV network news producer eager to run a version of the story. The CBS hotshot was happy to pump me for information: names, phone numbers, all the items one needs for your typical quickie TV news report.

I freely offered up to CBS this information: The office of the governor of Florida, Jeb Bush, brother of the Republican

JIM CROW IN CYBERSPACE 15

presidential candidate, had illegally ordered the removal of the names of felons from voter rolls – real felons who had served time but obtained clemency, with the right to vote under Florida law. As a result, another 40,000 legal voters (in addition to the 57,700 on the purge list), almost all of them Democrats, could not vote.

The only problem with this new hot info is that I was still in the midst of investigating it. Therefore, CBS *would have to do some actual work* – reviewing documents and law, obtaining statements.

The next day I received a call from the producer, who said, “I’m sorry, but your story didn’t hold up.” And how do you think the multibillion-dollar CBS network determined this? Answer: “We called Jeb Bush’s office.” Oh.

I wasn’t surprised by this type of “investigation.” It is, in fact, standard operating procedure for the little lambs of American journalism. One good, slick explanation from a politician or corporate chieftain and it’s *case closed*, investigation over. The story ran on television, but once again, in the wrong country: I reported it on the BBC’s *Newsnight*. Notably, the BBC is a publicly owned network – I mean a *real* public network, with no “funds generously provided by Archer Mobil Bigbucks.”

Let’s understand the pressures on the CBS TV producer that led her to kill the story simply because the target of the allegation said it ain’t so. The story demanded massive and quick review of documents, dozens of phone calls and interviews – hardly a winner in the slam-bam-thank-you-ma’am school of U.S. journalism. Most difficult, the revelations in the story required a reporter to stand up and say that the big-name politicians, their lawyers and their PR people were *freaking liars*.

It would be much easier, a heck of a lot cheaper and no risk at all to wait for the U.S. Civil Rights Commission to do the work, then cover the commission’s report and press conference. No one ever lost their job writing canned statements from a press release. Wait! You’ve watched *Murphy Brown* so you think reporters hanker to uncover the big scandal. Bullshit.

16 JIM CROW IN CYBERSPACE

Remember, *All the President's Men* was so unusual they had to make a movie out of it.

The Election Fix Story Steals Into the States

In London the *Guardian* and *Observer* received about two thousand bless-you-Britain-for-telling-us-the-truth-about-our-elections letters from U.S. Internet readers circulating the samizdat presidential elections coverage. I also received a few like this:

You pansy brits seem to think that the average American is as undereducated and stupid as the average british subject. Well comrad [sic], I'm here to tell you . . .

. . . which ended with some physically unfeasible suggestions of what to do with the Queen (figure 1.1).

My *Observer* report went to print within three weeks of the election. The vote count in Florida was still on. Watching the vote-count clock ticking, Joe Conason, the most determined of American investigative reporters, insisted to his editors at Salon.com, the Internet magazine, that they bring my story back to America. Salon posted "Florida's Ethnic Cleansing of the Voter Rolls" to the Net on December 4, 2000. It wasn't exactly "print," but at least it was American. Still not one U.S. news editor called, not even from my "sister" paper, the *Washington Post*, with whom the *Guardian* shares material and prints an international weekly.

From a news perspective, not to mention the flood of site hits, this was Salon's biggest politics story ever – and they named Part I their political story of the year. But where was Part II? On their Web site and on radio programs the magazine was announcing Part II would appear in two days . . . and in two days . . . and in two days . . . and *nothing appeared*. Part II was the story blown off by the CBS *Evening News* about an additional 40,000-plus voters whom Jeb Bush barred from

Re: YOUR SOCIALIST SLANTED NEWS/REPORTING

Date: 1/7/01 2:20:41 PM GMT Standard Time

From: wild.bill@mtaonline.net (wildbill)

To: Gregory.Palast@guardian.co.uk

hey greg,

Let me begin by saying that your "article" on the Florida "black list" is so transparently a socialist/democrat attempt to help your socialist cousins in the states that it laughable. You pansey brits seem to think that the average American is as undereducated and stupid as the average british subject. Well comrad, I'm here to tell you that that is not the case. While your average british male was chasing his classmates around the dorms trying to get a little buggery time in, The Average American male was in class paying attention to the subject matter at hand. One of the first things I learned was to spot a liar, and in your case it was'nt hard. Yor story is so full of outright lies and half truths that a 6th grader here in the states could find you out. You claim to be places and to have spoken to people that would be extremely hard if not impossible to a member of the legitimate press and a genuine miracle for a representative of a thirdworld (yes greg, britain is considered here in the states to be a third world country, and one populated by fourth rate acedemics) socialist rag. We yanks have kicked your worthless limey butts twice so far, is that what has your panties in a twist? Does'nt matter anyway, I just wanted to drop you a line to tell you to say hi to prince chuck for me, you know who I'm talking about don't you? He's the one member of the boil family that is squatting in Buckingham palace, the one that from head on looks like a volkswagon with both doors open. Oh, and I almost forgot, tell that bitch the Queen the next time you bugger her that she needs to lose some weight & Stay out of our politics you english pigs. <>

Fig. 1.1. Fan letter.

voting. The fact that 90 percent of these 40,000 voters were Democrats should have made it news . . . because this maneuver alone more than accounted for Bush's victory.

I was going crazy: Gore had not yet conceded . . . the timing of Part II was crucial. Where the hell was it? Finally, an editor told me, "The story doesn't check out. You see, we checked with Jeb Bush's office and they said . . ."

18 JIM CROW IN CYBERSPACE

Argh! It was déjà vu all over again.

Another staffer added, as a kind of explanation, “*The Washington Post* would never run this story.”

Well, he had me there. They hadn’t, they didn’t. Not yet. At least Salon helped me sneak the first report past the border patrols. So God bless America.

While waiting for the United States to awaken, I took my BBC film crew to Florida, having unearthed a smoking-gun document: I had a page marked “confidential” from the contract between the State of Florida and the private company that had purged the voter lists. The document contained cold evidence that Florida knew they were taking the vote away from thousands of innocent voters, most of them Black.

It was February. I took my camera crew into an agreed interview with Jeb Bush’s director of the Florida Department of Elections. When I pulled out the confidential sheet, Bush’s man ripped off the microphone and did a fifty-yard dash, locking himself in his office, all in front of our cameras. It was killer television and wowed the British viewers. We even ran a confession from the company that was hired to carry out the purge operation. Newsworthy? Apparently not for the United States.

My program, *BBC Newsnight*, has a film-trading agreement with the ABC television network. A record twenty thousand Net-heads in the United States saw the BBC Webcast; and several banged on the door of ABC TV’s *Nightline* to run our footage, or at least report what we found. Instead, *Nightline* sent its own crew down to Florida for a couple of days. They broadcast a story that ballots are complex and Blacks are not well educated about voting procedures. The gravamen of the story was, *Blacks are too frigging dumb to figure out how to vote*. No mention that in white Leon County, machines automatically kicked back faulty ballots for voter correction; whereas in Gadsden County, very Black, the same machines were programmed to *eat* mismarked ballots. That was in our story, too.

JIM CROW IN CYBERSPACE 19

Why didn't ABC run the voter purge story? Don't look for some big Republican conspiracy. Remember the three elements of investigative reporting: risk, time, money. Our BBC/*Guardian* stories required all of those, in short supply in U.S. news operations. Finally, in February, my Part II – the report that was too scary and difficult for Dan Rather's show – found asylum in the *Nation* magazine, that distant journalistic planet not always visible to the naked eye.

And then, *mirabile dictu*, the *Washington Post* ran the story of the voter purge on page one, including the part that "couldn't stand up" for CBS and Salon . . . and even gave me space for a bylined comment. Applause for the *Post's* courage! Would I be ungrateful if I suggested otherwise? The *Post* ran the story in June, though they had it at hand seven months earlier when the ballots were still being counted. They waited until they knew the findings of the U.S. Civil Rights Commission Report, which verified BBC's discoveries, so they could fire from behind that big safe rock of Official Imprimatur. In other words, the *Post* had the courage to charge out and shoot the wounded.

Part II: THE REPORTS

These are the stories you weren't supposed to see: from reports that ran in Britain's *Observer* and *Guardian*, bits of script from the BBC Television investigation and, to help set out the facts, the U.S. stories from Salon, the *Nation* and the *Washington Post* – followed by new material, never before printed or broadcast on either continent. Documents keep bubbling up from the cesspool of the Florida state offices. I've saved them for you here, having run out of the patience needed to knock heads with "respectable" U.S. papers and networks.

How did British newspapers smell the Florida story all the way across the Atlantic? At the time, I was digging into George Bush Sr.'s gold-mining business (see next chapter), when one of my researchers spotted a note on the *Mother Jones* Internet

20 JIM CROW IN CYBERSPACE

bulletin board flagging a story in the *Palm Beach Post* printed months before the election. The Post's back pages mentioned that 8,000 voters had been removed from the voter rolls by mistake. That's one heck of a mistake. Given the Sturm und Drang in Florida, you'd think that an American journalist would pick up the story. Don't hold your breath. There were a couple of curious reporters, but they were easily waylaid by Florida's assurances that the "mistake" had been corrected, which the Post ran as truth.

But what if the Florida press puppies had been wrong? What if they had stood on their hind legs and swallowed a biscuit of bullshit from state officials – and the "mistakes" had not been corrected?

It was worth a call.

From London, I contacted a statistician at the office of the county elections supervisor in Tampa. Such an expert technician would have no reason to lie to me. The question at the top of my list: "*How many of the voters on the scrub list are BLACK?*"

And the statistician said, "You know, I've been waiting for someone to ask me that." From his leads, I wrote:

"Black-Out in Florida"

The Observer, *London, November 26, 2000*

Vice-President Al Gore would have strolled to victory in Florida if the state hadn't kicked up to 66,000 citizens off the voter registers five months ago as former felons. In fact, not all were ex-cons. Most were simply guilty of being African-American. A top-placed election official told me that the government had conducted a quiet review and found – surprise! – that the listing included ²far more African-Americans than would statistically have been expected, even accounting for the grievous gap between the conviction rates of Blacks and Whites in the U.S.

One list of 8,000 supposed felons was supplied by

Texas. But these criminals from the Lone Star State had committed nothing more serious than misdemeanors such as drunk driving (like their governor, George W. Bush).

The source of this poisonous blacklist: Database Technologies, acting under the direction of Governor Jeb Bush's frothingly partisan secretary of state, Katherine Harris. DBT, a division of ChoicePoint, is under fire for misuse of personal data in state computers in Pennsylvania. ChoicePoint's board is loaded with Republican sugar daddies, including Ken Langone, finance chief for Rudy Giuliani's aborted Senate run against Hillary Clinton.

Voting with the Alligators

When the *Observer* report hit the streets (of London), Gore was still in the race.

Reporter Conason pushed Salon.com to pick up my story and take it further. But that would not be easy. The Texas list error – 8,000 names – was corrected, said the state. That left the tougher question: What about the 57,700 other people named on that list? The remaining names on the list were, in the majority, Black – not unusual in a nation where half of all felony convictions are against African Americans. But as half the names were Black, and if this included even a tiny fraction of innocents, well, there was the election for Bush.

The question was, then, whether the “corrected” list had in fact been corrected. Finding the answer would not be cheap for Salon. It meant big bucks; redirecting their entire political staff to the story and making hotshot reporters knuckle down to the drudgery of calling and visiting county elections offices all over Florida. But they agreed, and Salon's Alicia Montgomery, Daryl Lindsey and Anthony York³ came back with a mother lode of

³ Thank you all.

22 JIM CROW IN CYBERSPACE

evidence proving that, by the most conservative analysis, Florida had purged enough innocent Black voters – several thousand – to snatch the presidency from Al Gore.

At that time the presidential race was wide open. Word was, Gore's camp was split, with warriors fighting the gray-heads of the Establishment who were pushing him to lie down and play dead, advice he'd ultimately follow. Just before we hit the electronic streets with it, someone called a key player in the White House and Gore's inner circle about the story Salon would soon break. The Big Insider said, "That's fantastic! Who's the reporter?" The tipster said, "This American, he's a reporter in Britain, Greg Palast."

Mr. White House Insider replied, "Shit! We *hate* that guy." But that's another story.

On December 4, 2000, I sent this to Salon:

"Florida's Ethnic Cleansing of the Voter Rolls"

From *Salon.com*

If Vice President Al Gore is wondering where his Florida votes went, rather than sift through a pile of chads, he might want to look at a "scrub list" of 57,700 names targeted to be knocked off the Florida voter registry by a division of the office of Florida Secretary of State Katherine Harris. A close examination suggests thousands of voters may have lost their right to vote based on a flaw-ridden list of purported "felons" provided by a private firm with tight Republican ties.

Early in the year, the company ChoicePoint gave Florida officials the names of 8,000 ex-felons to "scrub" from their list of voters.

But it turns out none on the list was guilty of felonies, only misdemeanors.

JIM CROW IN CYBERSPACE 23

The company acknowledged the error, and blamed it on the original source of the list – the state of Texas.

Florida officials moved to put those falsely accused by Texas back on voter rolls before the election. Nevertheless, the large number of errors uncovered in individual counties suggests that thousands of other eligible voters have been turned away at the polls.

Florida is the only state that pays a private company that promises to provide lists for “cleansing” voter rolls. The state signed in 1998 a \$4 million contract with DBT Online, since merged into ChoicePoint, of Atlanta. The creation of the scrub list, called the central voter file, was mandated by a 1998 state voter fraud law, which followed a tumultuous year that saw Miami’s mayor removed after voter fraud in the election, with dead people discovered to have cast ballots. The voter fraud law required all 67 counties to purge voter registries of duplicate registrations, deceased voters and felons, many of whom, but not all, are barred from voting in Florida. In the process, however, the list invariably targets a minority population in Florida, where 31 percent of all Black men cannot vote because of a ban on felons.

If this unfairly singled out minorities, it unfairly handicapped Gore: in Florida, 93 percent of African-Americans voted for the vice president.

In the ten counties contacted by Salon, use of the central voter file seemed to vary wildly. Some found the list too unreliable and didn’t use it at all. But most counties appear to have used the file as a resource to purge names from their voter rolls, with some counties making little – or no – effort at all to alert the “purged” voters. Counties that did their best to vet the file discovered a high level of errors, with as many as 15 percent of names incorrectly identified as felons.

News coverage has focused on some maverick Florida counties that rejected the scrub lists, including

24 JIM CROW IN CYBERSPACE

Palm Beach and Duval. The *Miami Herald* blasted the counties for not using the lists; but local officials tell us they had good reason to reject the scrub sheets from Harris's office. Madison County's elections supervisor, Linda Howell, had a peculiarly personal reason for distrusting the central voter file. She had received a letter saying that since she had committed a felony, she would not be allowed to vote.

Howell, who said she has never committed a felony, said the letter she received in March 2000 shook her faith in the process. "It really is a mess," she said.

"I was very upset," Howell said. "I know I'm not a felon." Though the one mistake did get corrected and law enforcement officials were quite apologetic, Howell decided not to use the state list because its "information is so flawed."

She's unsure of the number of warning letters that were sent out to county residents when she first received the list in 1999, but she recalls that there were many problems. "One day we would send a letter to have someone taken off the rolls, and the next day, we would send one to put them back on again," Howell said. "It makes you look like you must be a dummy."

Dixie and Washington counties also refused to use the scrub list. Starlet Cannon, Dixie's deputy assistant supervisor of elections, said, "I'm scared to work with it because [a] lot of the information they have on there is not accurate."

Carol Griffin, supervisor of elections for Washington, said, "It hasn't been accurate in the past, so we had no reason to suspect it was accurate this year."

But if some counties refused to use the list altogether, others seemed to embrace it all too enthusiastically. Etta Rosado, spokeswoman for the Volusia County Department of Elections, said the county essentially accepted the file at face value, did nothing to confirm the accuracy of it

JIM CROW IN CYBERSPACE 25

and doesn't inform citizens ahead of time that they have been dropped from the voter rolls.

"When we get the con felon list, we automatically start going through our rolls on the computer. If there's a name that says John Smith was convicted of a felony, then we enter a notation on our computer that says convicted felon – we mark an 'f' for felon – and the date that we received it," Rosado said.

"They're still on our computer, but they're on purge status," meaning they have been marked ineligible to vote.

"I don't think that it's up to us to tell them they're a convicted felon," Rosado said. "If he's on our rolls, we make a notation on there. If they show up at a polling place, we'll say, 'Wait a minute, you're a convicted felon, you can't vote.' Nine out of ten times when we repeat that to the person, they say 'Thank you' and walk away. They don't put up arguments." Rosado doesn't know how many people in Volusia were dropped from the list as a result of being identified as felons.

Hillsborough County's elections supervisor, Pam lorio, tried to make sure that the bugs in the system didn't keep anyone from voting. All 3,258 county residents who were identified as possible felons on the central voter file sent by the state were sent a certified letter informing them that their voting rights were in jeopardy. Of that number, 551 appealed their status, and 245 of those appeals were successful. (By the rules established by Harris's office, a voter is assumed guilty and convicted of a crime and conviction unless and until they provide documentation certifying their innocence.) Some had been convicted of a misdemeanor and not a felony, others were felons who had had their rights restored and others were simply cases of mistaken identity.

An additional 279 were not close matches with

26 JIM CROW IN CYBERSPACE

names on the county's own voter rolls and were not notified. Of the 3,258 names on the original list, therefore, the county concluded that more than 15 percent were in error. If that ratio held statewide, no fewer than 7,000 voters were incorrectly targeted for removal from voting rosters.

Iorio says local officials did not get adequate preparation for purging felons from their rolls. "We're not used to dealing with issues of criminal justice or ascertaining who has a felony conviction," she said. Though the central voter file was supposed to facilitate the process, it was often more troublesome than the monthly circuit court lists that she had previously used to clear her rolls of duplicate registrations, the deceased and convicted felons. "The database from the state level is not always accurate," Iorio said. As a consequence, her county did its best to notify citizens who were on the list about their felony status.

"We sent those individuals a certified letter, we put an ad in a local newspaper and we held a public hearing. For those who didn't respond to that, we sent out another letter by regular mail," Iorio said. "That process lasted several months."

"We did run some number stats and the number of Blacks [on the list] was higher than expected for our population," says Chuck Smith, a statistician for the county. Iorio acknowledged that African-Americans made up 54 percent of the people on the original felons list, though they constitute only 11.6 percent of Hillsborough's voting population.

Smith added that the DBT computer program automatically transformed various forms of a single name. In one case, a voter named "Christine" was identified as a felon based on the conviction of a "Christopher" with the same last name. Smith says ChoicePoint would not respond to queries about its proprietary methods. Nor would the company provide additional verification

JIM CROW IN CYBERSPACE 27

data to back its fingering certain individuals in the registry purge. One supposed felon on the ChoicePoint list is a local judge.

While there was much about the lists that bothered Iorio, she felt she didn't have a choice but to use them. And she's right. Section 98.0975 of the Florida Constitution states: "Upon receiving the list from the division, the supervisor must attempt to verify the information provided. If the supervisor does not determine that the information provided by the division is incorrect, the supervisor must remove from the registration books by the next subsequent election the name of any person who is deceased, convicted of a felony or adjudicated mentally incapacitated with respect to voting."

But the counties have interpreted that law in different ways. Leon County used the central voter file sent in January 2000 to clean up its voter rolls, but set aside the one it received in July. According to Thomas James, the information systems officer in the county election office, the list came too late for the information to be processed.

According to Leon election supervisor Ion Sancho, "there have been some problems" with the file. Using the information received in January, Sancho sent 200 letters to county voters, by regular mail, telling them they had been identified by the state as having committed a felony and would not be allowed to vote. They were given 30 days to respond if there was an error. "They had the burden of proof," he says.

He says 20 people proved that they did not belong on the list, and a handful of angry phone calls followed on election day. "Some people threatened to sue us," he said, "but we haven't had any lawyers calling yet." In Orange County, officials also sent letters to those identified as felons by the state, but they appear to have taken little care in their handling of the list.

"I have no idea," said June Condrun, Orange's deputy

28 JIM CROW IN CYBERSPACE

supervisor of elections, when asked how many letters were sent out to voters. After a bit more thought, Condrun responded that "several hundred" of the letters were sent, but said she doesn't know how many people complained. Those who did call, she said, were given the phone number of the Florida Department of Law Enforcement so that they could appeal directly to it.

Many Orange County voters never got the chance to appeal in any form.

Condrun noted that about one-third of the letters, which the county sent out by regular mail, were returned to the office marked undeliverable. She attributed the high rate of incorrect addresses to the age of the information sent by DBT, some of which was close to 20 years old, she said.

Miami-Dade County officials may have had similar trouble. Milton Collins, assistant supervisor of elections, said he isn't comfortable estimating how many accused felons were identified by the central voter file in his county. He said he knows that about 6,000 were notified, by regular mail, about an early list in 1999. Exactly how many were purged from the list? "I honestly couldn't tell you," he said. According to Collins, the most recent list he received from the state was one sent in January 2000, and the county applied a "two-pass system." If the information on the state list seemed accurate enough when comparing names with those on county voter lists, people were classified as felons and were then sent warning letters. Those who seemed to have only a partial match with the state data were granted "temporary inactive status."

Both groups of people were given 90 days to respond or have their names struck from the rolls.

But Collins said the county has no figures for how many voters were able to successfully appeal their designation as felons.

* * *

JIM CROW IN CYBERSPACE 29

ChoicePoint spokesman Martin Fagan concedes his company's error in passing on the bogus list from Texas. ("I guess that's a little bit embarrassing in light of the election," he says.) He defends the company's overall performance, however, dismissing the errors in 8,000 names as "a minor glitch – less than one-tenth of 1 percent of the electorate" (though the total equals 15 times Governor George W. Bush's claimed lead over Gore). But he added that ChoicePoint is responsible only for turning over its raw list, which is then up to Florida officials to test and correct.

Last year, DBT Online, with which ChoicePoint would soon merge, received the unprecedented contract from the state of Florida to "cleanse" registration lists of ineligible voters – using information gathering and matching criteria it has refused to disclose, even to local election officials in Florida.

Atlanta's ChoicePoint, a highflying dot-com specializing in sales of personal information gleaned from its database of four billion public and not-so-public records, has come under fire for misuse of private data from government computers.

In January 2000, the state of Pennsylvania terminated a contract with ChoicePoint after discovering the firm had sold citizens' personal profiles to unauthorized individuals.

Fagan says many errors could have been eliminated by matching the Social Security numbers of ex-felons on DBT lists to the Social Security numbers on voter registries. However, Florida's counties have Social Security numbers on only a fraction of their voter records. So with those two problems – Social Security numbers missing in both the DBT's records and the counties' records – that fail-safe check simply did not exist.

Florida is the only state in the nation to contract the first stage of removal of voting rights to a private

30 JIM CROW IN CYBERSPACE

company. And ChoicePoint has big plans. "Given the outcome of our work in Florida," says Fagan, "and with a new president in place, we think our services will expand across the country."

Especially if that president is named "Bush." ChoicePoint's board, executive suite and consultant rosters are packed with Republican stars, including former New York Police Commissioner Howard Safir and former ultra-Right congressman Vin Weber, ChoicePoint's Washington lobbyist.

More Votes Fished Out of the Swamps

Following the Salon investigation I was confident that at least 7,000 innocent voters had been removed from voter rolls, half of them Black, and that swung the election. But my investigation was far from over – and I found yet another 2,834 eligible voters targeted for the purge, almost all Democrats.

It was December 10, 2000 – Gore was still hanging in there – when I wrote this for British readers:

"A Blacklist Burning for Bush"

The Observer, London, December 10, 2000

Hey, Al, take a look at this. Every time I cut open another alligator, I find the bones of more Gore voters. This week, I was hacking my way through the Florida swamp-land known as the Office of Secretary of State Katherine Harris and found a couple thousand more names of voters electronically "disappeared" from the vote rolls. About half of those named are African-Americans.

They had the right to vote, but they never made it to the balloting booths.

On November 26, we reported that the Florida

Secretary of State's office had, before the election, ordered the elimination of 8,000 Florida voters on the grounds that they had committed felonies in Texas. None had.

For Florida Governor Jeb Bush and his brother, the Texas blacklist was a mistake made in Heaven. Most of those targeted to have their names "scrubbed" from the voter roles were African-Americans, Hispanics and poor white folk, likely voters for Vice-President Gore. We don't know how many voters lost their citizenship rights before the error was discovered by a few skeptical county officials before ChoicePoint, which has gamely 'fessed-up to the Texas-sized error, produced a new list of 57,700 felons. In May, Harris sent on the new, improved scrub sheets to the county election boards.

Maybe it's my bad attitude, but I thought it worthwhile to check out the new list. Sleuthing around county offices with a team of researchers from Internet newspaper Salon, we discovered that the "correct" list wasn't so correct.

Our ten-county review suggests a minimum 15 percent misidentification rate. That makes another 7,000 innocent people accused of crimes and stripped of their citizenship rights in the run-up to the presidential race, a majority of them Black.

Now our team, diving deeper into the swamps, has discovered yet a third group whose voting rights were stripped. The state's private contractor, ChoicePoint, generated a list of about two thousand names of people who, earlier in their lives, were convicted of felonies in Illinois and Ohio. Like most American states, these two restore citizenship rights to people who have served their time in prison and then remained on the good side of the law.

Florida strips those convicted in its own courts of voting rights for life. But Harris's office concedes, and county officials concur, that the state of Florida has no right to impose this penalty on people who have moved

32 JIM CROW IN CYBERSPACE

in from these other states. (Only 13 states, most in the Old Confederacy, bar reformed criminals from voting.)

Going deeper into the Harris lists, we find hundreds more convicts from the 37 other states that restored their rights at the end of sentences served. If they have the right to vote, why were these citizens barred from the polls? Harris didn't return my calls. But Alan Dershowitz did. The Harvard law professor, a renowned authority on legal process, said: "What's emerging is a pattern of reducing the total number of voters in Florida, which they know will reduce the Democratic vote."

How could Florida's Republican rulers know how these people would vote?

I put the question to David Bositis, America's top expert on voting demographics.

Once he stopped laughing, he said the way Florida used the lists from a private firm was "a patently obvious technique to discriminate against Black voters." In a darker mood, Bositis, of Washington's Center for Political and Economic Studies, said the sad truth of American justice is that 46 percent of those convicted of felony are African-American. In Florida, a record number of Black folk, over 80 percent of those registered to vote, packed the polling booths on November 7. Behind the curtains, nine out of ten Black people voted for Gore.

Mark Mauer of the Sentencing Project, Washington, pointed out that the "White" half of the purge list would be peopled overwhelmingly by the poor, also solid Democratic voters.

Add it up. The dead-wrong Texas list, the uncorrected "corrected" list, plus the out-of-state ex-con list. By golly, it's enough to swing a presidential election. I bet the busy Harris, simultaneously in charge of both Florida's voter rolls and George Bush's presidential campaign, never thought of that.

* * *

JIM CROW IN CYBERSPACE 33

Thursday, December 7, 2 a.m. On the other end of the line, heavy breathing, then a torrent of words too fast for me to catch it all. "Vile . . . lying . . . inaccurate . . . pack of nonsense . . . riddled with errors . . ." click! This was not a ChoicePoint whistleblower telling me about the company's notorious list. It was ChoicePoint's own media communications representative, Marty Fagan, communicating with me about my "sleazy disgusting journalism" in reporting on it.

Truth is, Fagan was returning my calls. I was curious about this company that chose the president for America's voters.

They have quite a pedigree for this solemn task. The company's Florida subsidiary, Database Technologies (now DBT Online), was founded by one Hank Asher. When US law enforcement agencies alleged that he might have been associated with Bahamian drug dealers – although no charges were brought – the company lost its data management contract with the FBI. Hank and his friends left and so, in Florida's eyes, the past is forgiven.

Thursday, 3 a.m. A new, gentler voice gave me ChoicePoint's upbeat spin. "You say we got over 15 percent wrong – we like to look at that as up to 85 percent right!" That's 7,000 votes-plus – the bulk Democrats, not to mention the thousands on the faulty Texas list. (Gore lost the White House by 537 votes.)

I contacted San Francisco-based expert Mark Swedlund. "It's just fundamental industry practice that you don't roll out the list statewide until you have tested it and tested it again," he said. "Dershowitz is right: they had to know that this jeopardized thousands of people's registrations. And they would also know the [racial] profile of those voters."

"They" is Florida State, not ChoicePoint. Let's not get confused about where the blame lies. Harris's crew lit this database fuse, then acted surprised when it blew up. Swedlund says ChoicePoint had a professional

34 JIM CROW IN CYBERSPACE

responsibility to tell the state to test the list; ChoicePoint says the state should not have used its “raw” data.

Until Florida privatized its Big Brother powers, laws kept the process out in the open. This year, when one county asked to see ChoicePoint’s formulas and back-up for blacklisting voters, they refused – these were commercial secrets.

So we’ll never know how America’s president was chosen.

Yet Another 40,000 Located. I Repeat: 40,000

Now it gets weird. Salon was showered with praise – by columnists in the *New York Times*, *LA Times*, *Washington Post* and *Cleveland Plain Dealer* (almost to a one Black or Jewish), who were horrified by, as Bob Kuttner of the *Boston Globe* put it, Florida’s “lynching by laptop.” And still no news editor from print or television called me (except the CBS *Evening News* producer who ran away with tail tucked as soon as Governor Jeb denied the allegations).

My work was far from over. On a tip, I began to look into the rights of felons in Florida – those actually convicted.

Every paper in America reported that Florida bars ex-criminals from voting. As soon as every newspaper agrees, you can bet it probably isn’t true. Someone *wants* the papers to believe this. It did not take long to discover that what everyone said was true was actually false: *some* ex-cons could vote, thousands in fact. I knew it . . . and so did Governor Jeb Bush. Was Jeb Bush involved?

So I telephoned a clerk in First Brother Jeb’s office, who whispered, “Call me tomorrow before official opening hours.” And when I did call the next morning, this heroic clerk spent two hours explaining to me, “The courts tell us to do this, and we do that.”

She referred to court orders that I’d gotten wind of, which ordered Governor Bush to stop interfering in the civil rights of ex-cons who had the right to vote.

I asked Jeb's clerk four times, "Are you telling me the governor knowingly violated the law and court orders, excluding eligible voters?"

And four times I got, "The courts tell us to do *this* [allow certain felons to vote] and we do *that* [block them]."

But Salon, despite a mountain of evidence, stalled – then stalled some more.

Resentment of the takeover of the political coverage by an "alien" was getting on the team's nerves. I can't blame them. And it didn't help that Salon was facing bankruptcy, staff were frazzled and it was nearly Christmas.

The remains of the year were lost while I got hold of legal opinions from top lawyers saying Bush's office was wrong; and later the Civil Rights Commission would also say Bush was wrong. But the political clock was ticking and George W. was oozing toward the Oval Office.

E. J. Dionne of the *Washington Post* told me, "*You have to get this story out, Greg, right away!*" Notably, instead of directing me to the Post's newsroom, E. J. told me to call *The Nation*, a kind of refugee center for storm-tossed news reports.

After double-checking and quintuple-checking the facts, the *Nation* held its breath and printed the story of the "third group" of wrongly purged ex-felon voters (numbering nearly three thousand), and a *fourth* group of voters wrongly barred from registering in the first place – yet another 40,000 of them, almost all Democratic voters.

It was now February 5, 2001 – so President Bush could read this report from the White House:

"Florida's Disappeared Voters"

The Nation, *February 5, 2001*

In Latin America they might have called them *volantes desaparecidos*, "disappeared voters." On November 7, 2000, tens of thousands of eligible Florida voters were

36 JIM CROW IN CYBERSPACE

wrongly prevented from casting their ballots – some purged from the voters registries and others blocked from registering in the first instance.

Nearly all were Democrats, nearly half of them African-American. The systematic program that disfranchised these legal voters, directed by the offices of Florida's Governor Jeb Bush and Secretary of State Katherine Harris, was so quiet, subtle and intricate that if not for George W. Bush's 500-vote eyelash margin of victory, certified by Harris, the chance of the purge's discovery would have been vanishingly small.

The group prevented from voting – felons – has few defenders in either party.

It has been well reported that Florida denies its nearly half a million former convicts the right to vote. However, the media have completely missed the fact that Florida's own courts have repeatedly told the governor he may not take away the civil rights of Florida citizens who have committed crimes in other states, served their time and had their rights restored by those states.

People from other states who have arrived in Florida with a felony conviction in their past number "clearly over 50,000 and likely over 100,000," says criminal demographics expert Jeffrey Manza of Northwestern University.

Manza estimates that 80 percent arrive with voting rights intact, which they do not forfeit by relocating to the Sunshine State. In other words, there are no fewer than 40,000 reformed felons eligible to vote in Florida.

Nevertheless, agencies controlled by Harris and Bush ordered county officials to reject attempts by these eligible voters to register, while, publicly, the governor's office states that it adheres to court rulings not to obstruct these ex-offenders in the exercise of their civil rights. Further, with the aid of a Republican-tied database firm, Harris's office used sophisticated computer programs to hunt those felons eligible to vote and

ordered them thrown off the voter registries.

David Bositis, the Washington, DC, expert on voter demographics, suggests that the block-and-purge program "must have had a partisan motivation. Why else spend \$4 million if they expected no difference in the ultimate vote count?"

White and Hispanic felons, mostly poor, vote almost as solidly Democratic as African-Americans. A recently released University of Minnesota study estimates that, for example, 93 percent of felons of all races favored Bill Clinton in 1996. Whatever Florida's motive for keeping these qualified voters out of the polling booths on November 7, the fact is that they represented several times George W. Bush's margin of victory in the state. Key officials in Bush's and Harris's agencies declined our requests for comment.

The disfranchisement operation began in 1998 under Katherine Harris's predecessor as secretary of state, Sandra Mortham. Mortham was a Republican star, designated by Jeb Bush as his lieutenant governor running mate for his second run for governor. (A financial scandal caused Jeb to replace her with Harris.)

Six months prior to the gubernatorial contest, the Florida legislature passed a "reform" law to eliminate registration of ineligible voters: those who had moved, those who had died and felons without voting rights. The legislation was promoted as a good government response to the fraud-tainted Miami mayoral race of 1997.

But from the beginning, the law and its implementation emitted a partisan fragrance. Passed by the Republican legislature's majority, the new code included an extraordinary provision to turn over the initial creation of "scrub" lists to a private firm. No other state, either before or since, has privatized this key step in the elimination of citizens' civil rights.

38 JIM CROW IN CYBERSPACE

In November 1998 the Republican-controlled office of the secretary of state handed the task to the single bidder, Database Technologies, now the DBT Online unit of ChoicePoint Inc. of Atlanta, into which it merged last year.

The elections unit within the office of the secretary of state immediately launched a felon manhunt with a zeal and carelessness that worried local election professionals. *The Nation* has obtained an internal Florida State Association of Supervisors of Elections memo, dated August 1998, which warns Mortham's office that it had wrongly removed eligible voters in a botched rush "to capriciously take names off the rolls." However, to avoid a public row, the supervisors agreed to keep their misgivings within the confines of the bureaucracies in the belief that "entering a public fight with [state officials] would be counterproductive."

That November, Jeb Bush had an unexpectedly easy walk to the governor's mansion, an election victory attributed, ironically, to his endorsement by Black Democratic politicians feuding with their party.

Over the next two years, with Republicans in charge of both the governorship and the secretary of state's office, now under Harris, the felon purge accelerated. In May 2000, using a list provided by DBT, Harris's office ordered counties to purge 8,000 Florida voters who had committed felonies in Texas.

In fact, none of the group was charged with anything more than misdemeanors, a mistake caught but never fully reversed. ChoicePoint DBT and Harris then sent out "corrected" lists, including the names of 437 voters who had indeed committed felonies in Texas. But this list too was in error, since a Texas law enacted in 1997 permits felons to vote after doing their time. In this case there was no attempt at all to correct the error and re-register the 437 voters.

The wrongful purge of the Texas convicts was no

JIM CROW IN CYBERSPACE 39

one-of-a-kind mishap. The secretary of state's office acknowledges that it also ordered the removal of 714 names of Illinois felons and 990 from Ohio – states that permit the vote even to those on probation or parole. According to Florida's own laws, not a single person arriving in the state from Ohio or Illinois should have been removed.

Altogether, DBT tagged for the scrub nearly 3,000 felons who came from at least eight states that automatically restore voting rights and who therefore arrived in Florida with full citizenship.

A ChoicePoint DBT spokesman said, and the Florida Department of Elections confirms, that Harris's office approved the selection of states from which to obtain records for the felon scrub. As to why the department included states that restore voting rights, Janet Mudrow, Florida's liaison to ChoicePoint DBT, bounced the question to Harris's legal staff. That office has not returned repeated calls.

Pastor Thomas Johnson of Gainesville is minister to House of Hope, a faith-based charity that guides ex-convicts from jail into working life, a program that has won high praise from the pastor's friend, Governor Jeb Bush. Ten years ago, Johnson sold crack cocaine in the streets of New York, got caught, served his time, then discovered God and Florida – where, early last year, he attempted to register to vote. But local election officials refused to accept his registration after he admitted to the decade-old felony conviction from New York. "It knocked me for a loop. It was horrendous," said Johnson of his rejection.

Beverly Hill, the election supervisor of Alachua County, where Johnson attempted to register, said that she used to allow ex-felons like Johnson to vote.

Under Governor Bush, that changed. "Recently, the [Governor's Office of Executive] Clemency people told

40 JIM CROW IN CYBERSPACE

us something different,” she said. “They told us that they essentially can’t vote.”

Both Alachua’s refusal to allow Johnson to vote and the governor’s directive underlying that refusal are notable for their timing – coming after two court rulings that ordered the secretary of state and governor to recognize the civil rights of felons arriving from other states. In the first of these decisions, *Schlechter v. Florida Department of State*, issued in June 1998, Florida’s Court of Appeal ruled unanimously that Florida could not require a man convicted in Connecticut twenty-five years earlier “to ask [Florida] to restore his civil rights. They were never lost here.” Connecticut, like most states, automatically restores felons’ civil rights at the end of their sentence, and therefore “he arrived as any other citizen, with full rights of citizenship.”

The Schlechter decision was much of the talk at a summer 1998 meeting of county election officials in Orlando. So it was all the more surprising to Chuck Smith, a statistician with Hillsborough County, that Harris’s elections division chief Clayton Roberts exhorted local officials at the Orlando meeting to purge all out-of-state felons identified by DBT. Hillsborough was so concerned about this order, which appeared to fly in the face of the court edict, that the county’s elections office demanded that the state put that position in writing – a request duly granted.

The Nation has obtained the text of the response to Hillsborough. The letter, from the Governor’s Office of Executive Clemency, dated September 18, 2000, arrived only seven weeks before the presidential election. It orders the county to tell ex-felons trying to register that even if they entered Florida with civil rights restored by another state’s law, they will still be “required to make application for restoration of civil rights in the state of Florida,” that is, ask Governor Bush for clemency – the very requirement banned by the courts. The state’s

JIM CROW IN CYBERSPACE 41

directive was all the more surprising in light of a second ruling, issued in December 1999 by another Florida court, in which a Florida district court judge expressed his ill-disguised exasperation with the governor's administration for ignoring the prior edict in *Schlenther*.

Voting rights attorneys who reviewed the cases for *The Nation* explained that the courts relied on both Florida statute and the "full faith and credit" clause of the U.S. Constitution, which requires every state to accept the legal rulings of other states. "The court has been pretty clear on what the governor can't do," says Bruce Gear, assistant general counsel for the NAACP. And what Governor Bush can't do is demand that a citizen arriving in Florida ask him for clemency to restore a right to vote that the citizen already has.

Strangely enough, the governor's office does not disagree. While Harris, Bush and a half dozen of their political appointees have not returned our calls, Tawanna Hayes, who processes the requests for clemency in the governor's office, states unequivocally that "we do not have the right to suspend or restore rights where those rights have been restored in another state." Hayes even keeps a copy of the two court decisions near her desk and quotes from them at length. So, why have the governor and secretary of state ordered these people purged from the rolls or barred from registering? Hayes directed us to Greg Munson, Governor Bush's assistant general counsel and clemency aide.

Munson has not responded to our detailed request for an explanation.

A letter dated August 10, 2000, from Harris's office to Bush's office, obtained under Florida's Freedom of Information Act, indicates that the chief of the Florida State Association of Supervisors of Elections also questioned Harris's office about the purge of ex-cons whose rights had been restored automatically by other states.

42 JIM CROW IN CYBERSPACE

The supervisors' group received the same response as Hillsborough: strike them from the voter rolls and, if they complain, make them ask Bush for clemency.

While almost all county supervisors buckled, Carol Griffin did not. Griffin, Washington County's elections chief, concluded that running legal voters through Jeb Bush's clemency maze would violate a 1993 federal law, the National Voter Registration Act, which was designed to remove impediments to the exercise of civil rights. The law, known as "motor voter," is credited with helping to register 7 million new voters. Griffin quotes from the Florida section of the new, NVRA-certified registration form, which says: "I affirm I am not a convicted felon, or if I am, my rights relating to voting have been restored." "That's the law," says the adamant Griffin, "and I have no right stopping anyone registering who truthfully signs that statement. Once you check that box there's no discussion." Griffin's county refused to implement the scrub, and the state appears reluctant to challenge its action.

But when Pastor Johnson attempted to register in Alachua County, clerks refused and instead handed him a fifteen-page clemency request form. The outraged minister found the offer a demeaning Catch-22. "How can I ask the governor for a right I already have?" he says, echoing, albeit unknowingly, the words of the Florida courts.

Had Johnson relented and chosen to seek clemency, he would have faced a procedure that is, admits the clemency office's Hayes, "sometimes worse than breaking a leg." For New Yorkers like Johnson, she says, "I'm telling you it's a bear." She says officials in New York, which restores civil rights automatically, are perplexed by requests from Florida for nonexistent papers declaring the individual's rights restored. Without the phantom clemency orders, the applicant must hunt up old court records and begin a complex process lasting from four

JIM CROW IN CYBERSPACE 43

months to two years, sometimes involving quasi-judicial hearings, the outcome of which depends on Jeb Bush's disposition.

Little wonder that out of tens of thousands of out-of-state felons, only a hardy couple of hundred attempted to run this bureaucratic obstacle course before the election. (Bush can be compassionate: he granted clemency to Charles Colson for his crimes as a Watergate conspirator, giving Florida resident Colson the right to vote in the presidential election.)

How did the governor's game play at the ballot box? Jeb Bush's operation denied over 50,000 citizens their right to vote. Given that 80 percent of registered voters actually cast ballots in the presidential election, at least 40,000 votes were lost. By whom? As 90 percent or more of this targeted group, out-of-state ex-cons, votes Democratic, we can confidently state that this little twist in the voter purge cost Al Gore a good 30,000 votes.

Was Florida's corrupted felon-voter hunt the work of cozy collusion between Jeb Bush and Harris, the president-elect's brother and state campaign chief, respectively? It is unlikely we will ever discover the motives driving the voter purge, but we can see the consequences. Three decades ago, Governor George Wallace stood in a schoolhouse door and thundered, "Segregation now! Segregation tomorrow! Segregation forever!" but failed to block entry to African-Americans. Governor Jeb Bush's resistance to court rulings, conducted at whisper level with high-tech assistance, has been far more effective at blocking voters of color from the polling station door. Deliberate or accidental, the error-ridden computer purge and illegal clemency obstacle course function, like the poll tax and literacy test of the Jim Crow era, to take the vote away from citizens who are Black, poor and, not coincidentally, almost all Democrats. No guesswork there: Florida is

44 JIM CROW IN CYBERSPACE

one of the few states to include both party and race on registration files.

Pastor Johnson, an African-American wrongfully stripped of his vote, refuses to think ill of the governor or his motives. He prefers to see a dark comedy of bureaucratic errors: "The buffoonery of this state has cost us a president." If this is buffoonery, then Harris and the Bushes are wise fools indeed.

Part III: FROM PLANNING TO EXECUTION TO INAUGURATION: What They Knew, and When They Knew It

And that *Nation* story would be the last investigative report on the matter in the U.S. press for a year. An editor at one of the biggest newspapers in the United States told me, "The committee has decided not to continue printing stories about the presidential vote. We think it's over. We don't want to look partisan."

I thought, what "committee"? And I picked up that I wasn't supposed to ask.

America had, as Katherine Harris requested, "moved on."

But I hadn't.

It was now February, and here's what we knew so far. The *Observer/Salon* stories told us that Harris's elections office had wrongly ordered over 50,000 voters stripped from the rolls, thousands of them wrongly. From the *Nation* report we knew that Governor Bush's office had barred the registration of another 40,000 – Democrats by a wide margin. That was the election.

Maybe Governor Bush had simply misread the court orders, and maybe Harris's office had no idea the purge list was wildly wrong; maybe the computer firm DBT simply flubbed the algorithms. One man's mistake is another man's inauguration. Tough, but no criminal intent.

A loose clue still nagged me. As always, it was the money.

JIM CROW IN CYBERSPACE 45

When I looked into state files, I discovered that ChoicePoint's DBT was not the first contractor on the job. In 1998, this first firm, Professional Service Inc., charged \$5,700 for the job. A year later, the Florida Department of Elections terminated their contract, then gave the job to DBT for a first-year fee of \$2,317,800 – no bidding! Then I found out that indeed there had been an open bid for the job. However, when the offers were unsealed, DBT's was the *costliest* – several thousand percent over competitors'. The state ignored the bids and grabbed for DBT, in the end signing a deal for *more* than DBT's original astronomical bid. Hmm.

When I contacted database industry experts about the fee paid DBT by Florida their eyes popped out – “Wow!” “Jeez!” “Scandalous!” The charge of twenty-seven cents per record was easily ten times the industry norm.

Something else bothered me: It was the weird glee, the beaming self-congratulations, from the ChoicePoint public-relations man over my Salon report that 15 percent of the names on his purge list were wrong (even though the error turned around an election). To ChoicePoint, my story was good news: In effect, they said, I reported their list was “85 percent correct.” But was it?

The Killer Stats

The list was 85 percent “accurate,” said DBT ChoicePoint's PR man, because they used Social Security numbers. That was convincing – until I checked the felon scrub lists themselves and *almost none* of them listed a voter's Social Security number. Floridians, until recently, did not have to provide their Social Security number when registering to vote.

Four days after I ran my first report in England, on November 30, 2000, the Bloomberg business news wire interviewed Marty Fagan of ChoicePoint, one of the PR men who'd spoken to me. Based on the big “success” of its computer purge in Florida, ChoicePoint planned to sell its voter-purge operation to every

46 JIM CROW IN CYBERSPACE

state in the Union. This could become a billion-dollar business.

Fagan crowed to Bloomberg about the accuracy of ChoicePoint's lists. The company, he said, used 1,200 public databases to cross-check "a very accurate picture of an individual," including a history of addresses and financial assets.

That was impressive. And indeed, every database expert told me (including DBT's vice president), if you want 85 percent accuracy or better, you will need at least these three things: Social Security numbers, address history and a check against other databases. But over the ensuing weeks and months I discovered:

- ChoicePoint used virtually no Social Security numbers for the Florida felon purge;
- of its 1,200 databases with which to "check the accuracy of the data," ChoicePoint used exactly *none* for cross-checking;
- as to the necessary verification of address history of the 66,000 named "potential felons," ChoicePoint performed this check in exactly *zero* cases.

There was, then, not a chance in hell that the list was "85 percent correct."

One county, Leon (Tallahassee), carried out the purge as the law required. But with doubts in the minds of their in-house experts, the county did the hard work of checking each name, one by one, to verify independently that the 694 named felons in Tallahassee were, in fact, ineligible voters. They could verify only 34 names – a 95 percent error rate. That is killer information. In another life, decades ago, I taught "Collection and Use of Economic and Statistical Data" at Indiana University. Here's a quicky statistics lesson:

The statewide list of felons is "homogeneous" as to its accuracy. Leon County provides us with a sample large enough to give us a "confidence interval" of 4.87 at a "confidence level" of 99 percent. Are you following me, class? In other words, we

JIM CROW IN CYBERSPACE 47

can be 99 percent certain that at least 90.2 percent of the names on the Florida list are not felons – 52,000 wrongly tagged for removal.

Okay, you want to argue and say not everyone tagged was actually removed. Maybe 52,000 did not have their vote swiped, but 42,000 or 22,000. Al Gore “lost” by 537 votes.

Now I was confident the list was junk – it had to be, because ChoicePoint did not use the most basic tools of verification. But why didn’t they? Is ChoicePoint incompetent, hasn’t a clue of the methodology for verifying its output? That’s unlikely – this is the company hired by the FBI for manhunts, and the FBI doesn’t pay for 90.2 percent wrong.

And why would ChoicePoint lie about it? Their list was bogus and they had to know it. Did someone want it wrong? Could someone, say, want to swing an election with this poisoned list? That’s when I went back to a stack of documents from inside Harris’s office – and to one sheet in particular, marked, “DBT CONFIDENTIAL AND TRADE SECRET.”

“When the going gets weird,” Hunter Thompson advises journalists, “the weird turn pro.” In London, I showed this “CONFIDENTIAL” sheet to the ultimate pro, Meirion Jones, producer with BBC Television’s *Newsnight*. He said, “How soon can you get on a plane to Florida?”

Mr. Roberts Does a Runner

Our BBC *Newsnight* broadcast began with a country-and-western twang off the rental car radio:

“After hundreds of lies . . . fake alibis . . .”

Newsnight’s camera followed me up to the eighteenth floor of the Florida Capitol Building in Tallahassee for my meeting with Clayton Roberts, the squat, bull-necked director of Florida’s Division of Elections.

48 JIM CROW IN CYBERSPACE

Roberts, who works directly under Secretary of State Katherine Harris, had agreed to chat with me on film. We sat on the reception sofa outside his office. His eyes began to shift, then narrowed as he read the heading of the paper on the sofa next to me: “CONFIDENTIAL.”

He certainly knew what I had when I picked up the paper and asked him if the state had checked whether DBT (the ChoicePoint company) had verified the accuracy of a single name on the purge list before they paid the company millions.

“No, I didn’t ask DBT . . .,” Roberts sputtered, falling over a few half-started sentences – then ripped off his lapel microphone, jumped up, charged over the camera wires and slammed his office door on me and the camera crew giving chase. We were swiftly escorted out of the building by very polite and very large state troopers (figure 1.2).

Before he went into hiding and called the Smokies, Roberts whipped around and pointed an angry finger at the lens, saying, “Please turn off that camera!” Which we did – BBC rules. But he didn’t add, “and turn off the microphone,” so our lawyers ruled we could include his parting shot, “You know if y’all want to hang this on me that’s fine.” I will. Though not him alone. By “this” he meant the evidence in the document, which I was trying to read out to him on the run.⁴

What was so terrifying to this Republican honcho? The “CONFIDENTIAL” page (figure 1.3), obviously not meant to see the light of day, said that DBT would be paid \$2.3 million for their lists and “*manual verification using telephone calls and statistical sampling.*” No wonder Roberts did a runner. He and

⁴ On the Internet, a self-proclaimed video expert on a pro-Bush Web site wrote that I had faked the Roberts film, “unethical as you can get,” because we clearly must have hidden away “the two-hour interview that preceded” Roberts’s running away – fantasy footage that would have made Roberts look honest. Not so. You can watch the film of the Roberts run for yourself at www.news.bbc.co.uk/olmedia/cta/progs/newsnight/palast.ram.



Fig. 1.2. Clayton Roberts, Katherine Harris's elections division chief, runs for cover, caught on video by my BBC Television crew and by filmmaker Danny Schechter. These shots are taken from his film *Counting on Democracy*. (© 2001 Globalvision)

50 JIM CROW IN CYBERSPACE

Harris had testified to the U.S. Civil Rights Commission – under oath – that verification of the voter purge list was left completely up to the county elections supervisors, not to the state or the contractor, ChoicePoint DBT.

It was the requirement to *verify* the accuracy of the purge list that justified ChoicePoint's selection for the job as well as their astonishingly high fee. *Good evening, Mr. Smith. Are you the same Mr. John Smith that served hard time in New York in 1991?* Expensive though that is to repeat thousands of times, it is necessary when civil rights are at stake. Yet DBT seemed to have found a way to cut the cost of this procedure: not doing it. There is no record of DBT having made extensive verification calls. It is difficult for DBT to squirm out of this one. If they had conducted manual verification as contracted, you'd think they would have noticed that every single record on the Texas felon list was wrong.

I took my camera crew to DBT's Boca Raton, Florida, office complex to confront them about the verification calls, but they barred our entry. On our return to London, we received a call from one of their executives explaining that "manual verification by telephone" did not "require us to actually make telephone calls" to anyone on the list. Oh, I see.

Based on this new evidence, BBC broadcast that the faux felon purge and related voting games cost Al Gore at least 22,000 votes in Florida – forty times Bush's margin of victory as certified by Harris. Quibble with that estimate, tweak it as you will, we now knew the rightful winner of the election. Or at least the British public knew.

New Unreported Evidence: Wrong Is Good, Right Is Bad

I now began to understand the brilliant devilry of the purge game. It did not matter if, on Day One of the purge process, Republicans had some grand plan, some elaborate conspiracy, to eliminate the vote of African-American innocents. Rather, document after document suggested that, once the operatives

<u>EXHIBIT A</u>	
(DBT CONFIDENTIAL AND TRADE SECRET INFORMATION)	
Pricing Structure:	
1. Phases I-IV (1998-1999)* (includes manual verification using telephone calls and statistical sampling)	\$2,197,800 120,000 Total \$2,317,800
* Based on the processing of 8,140,000 CVF Records @ \$.27/record	
2. -Year Two (Optional Renewal) (1999-2000) (includes manual verification using telephone calls and statistical sampling)	\$1,024,000
3. Year Three (Optional Renewal) (2000-2001) (includes manual verification using telephone calls and statistical sampling)	\$1,024,000

Fig. 1.3. Contract secrets. This is a photocopy of a page from the contract that won the election for George W. Bush - between the State of Florida and DBT Online to identify "felon" voters to remove from registration rolls. DBT was paid \$2,317,800 for the first year's work to include "manual verification using telephone calls." The work was paid for but not done - with the approval of the state. Why?

saw the demographics of the raw lists – tens of thousands of names of mostly Democratic voters – they moved heaven and earth to prevent its reduction. A list of 57,000 voters, mostly Black, erased with the flick of a switch was just fine with Mr. Roberts and crew. Make verification phone calls? Have statisticians check the findings? Correct the methods? Why, that would only cut the list . . . by 90 percent at least. Why should a Republican administration pay for *that*?

It's not "conspiracy," but opportunism. The Department of Elections Republicans began to act like a bank customer who accidentally receives a million-dollar deposit that is not theirs: To fail to correct the error, to actively conceal the error, is

52 JIM CROW IN CYBERSPACE

theft in any court. Only here the crime was far bigger: the theft of our democracy.

Opportunism does not require planning and conspiracy; it does require a cover-up. In any investigation, I try to imagine myself in the perps' shoes. If I had a magic list falsely accusing my opponents' voters of crime, how would I prevent the discovery that it is bogus? First, don't dare verify the list; not one phone call. Second, don't correct the methodology: Ignore every warning about crap inputs, crap methods, crap results. And third, *for God's sake, don't allow any independent statistician near it.*

The Case of the Missing Statistician

Florida's contract with DBT states:

During the verification phase, DBT shall use academically-based and widely utilized statistical formulas to determine the exact number of records necessary to represent a valid cross-section [sample] of the processed files. DBT shall consult a professional statistician. . . . Upon the return of the processed data, DBT shall supply the formulas and mathematical calculations and identify the professional statistician used during the verification process.

The 8,000-name Texas list had a 100 percent error rate – which seemed a wee bit high to me. What kind of “academically-based formula” was used to verify the accuracy of these data? Who was the consulting “professional statistician”? Inscrutably silent on whether he or she exists, ChoicePoint DBT referred me back to Clay Roberts. His minions could not name this Man of Mystery either, although the contract requires DBT to provide evidence of the statistician's hiring and analysis. Neither the name nor the calculations were filed as required.

Eventually, I found this: a letter dated March 22, 1999, from DBT to the state. “Our” statistician, said the one-page note, “certified” their list as 99.9 percent “accurate”! I can imagine

why “our” statistician would remain nameless: 99.9 percent accurate but almost every name an eligible voter. No backup. Nada.

How convenient. No independent technician, no expert to see things go rotten, no one to blow the whistle.

Evidence of Innocence: “Don’t Need”

I turned back to the question of Florida hiring DBT for \$2.3 million, booting the company charging \$5,700. When questioned, George Bruder, ChoicePoint DBT’s senior vice president, said, “a little birdie” told him to enter that astonishing bid. What else did the little birdie tell him?

What happened to the 1,200 databases, the millions and millions of records that DBT used in its Carl Saganesque sales pitch to the state? In fact, the state paid for this vital cross-check – or at least DBT’s bid said that for their two-million-dollar fee, they would use artificial intelligence for “cross-referencing linked databases . . . simultaneously searching hundred of data sources, conducting millions of data comparisons, compiling related data for matching and integration.”

In all, they had *four billion* records to check against. Under “Offer and Bid” it read:

DBT will process total combined records from:

8,250,000 Criminal Conviction Records
69,000,000 Florida Property Records
62,000,000 National Change of Address Records
12,590,470 Florida Driver License Records . . .

And so on. The phone calls, the massive data crunching, it all justified the big payoff to DBT and scared away competitors who could not match DBT’s database firepower. DBT’s offer promised “273,318,667 total records to be processed.” But they didn’t do it.

Once the contract was nailed, it seems a little birdie in the

54 JIM CROW IN CYBERSPACE

state told DBT not to bother with all that expensive computing work. In the state files, on the DBT bid, I found a handwritten notation, “*don’t need*,” next to the listing of verification databases (the 62 million address histories, etc.), though this work was included in the price.

Each pass would have cut the list by thousands, thereby letting thousands more Democrats vote. So when the state said, “Don’t need,” the underlying motive was, “Don’t *want*.”

Take a look at the scrub list itself, figure 1.4. I picked a random piece of the scrub sheet for a magazine illustration,⁵ then took a careful look at each name. And, unlike DBT and the state, I dialed the phone.

Besides Thomas Cooper, whose crime is still in the future, there’s Johnny Jackson Jr., thirty-two years of age. He was on the purge list because his name *partially* matched that of a man convicted in Texas, John Fitzgerald Jackson. Johnny Jr.’s never been to Texas, and his mama swears to me he never had the middle name Fitzgerald. Neither is there any evidence that John Fitzgerald Jackson, the felon, ever left Texas – or ever left his jail cell. There are 638 John and Johnny Jacksons (and permutations thereof) in the Florida phone book. How did the state know they had the right Johnny? They didn’t; and it looks like they didn’t want to know. Using the address history database, as the state was promised, would have saved Jackson, a Black man, his right to vote.

Then there’s Wallace McDonald, age sixty-four. Wallace tells me how in 1959 he fell asleep on a bus-stop bench and was busted. Even for a Black man in then-segregated Florida, that was a misdemeanor, not a felony. He never lost his right to vote; and the state agrees he was wrongly “scrubbed.” Had DBT checked the databases, as promised, they would not have named Wallace.

⁵ *Harper’s* magazine, March 2002.

1	Source Method	Full Name	Voter DOB	Voter Race	Felon State	Felon Full Name	Felon DOB	Convicted	Race
346	DOE NAM	SMITH, JC	5/25/1978 M	BLA	FL	SMITH, JC	5/25/1978 M	8/12/1997	BLA
347	DOE SSB	NETTLES, MARY ANN	11/14/1959 F	BLA	FL	DOE, JANE	11/14/1959 F	7/11/1996	WHI
348	DOE NAM	STEWART, ROBERT N	8/19/1948 M	WHI	FL	STEWART, ROBERT NORMAN	8/19/1948 M	2/5/1997	WHI
349	DOE NAM	SEWELL, IMOGENE	8/14/1951 F	BLA	FL	SEWELL, IMOGENE BREWTON	8/14/1951 F	7/18/1988	BLA
350	DOE NAM	WOODBERRY, MARIE	4/8/1988 F	BLA	FL	WOODBERRY, MARIE	4/8/1988 F		BLA
351	DBT NAM	REEDER, WILLIAM T	9/10/1927 M	WHI	SC	REEDER, WILLIAM THOMAS	9/10/1927 M		WHI
352	DOE NAM	FAULK, JOSEPH CURTIS	9/29/1930 M	WHI	FL	FAULK, JOSEPH CURTIS	9/29/1930 M		WHI
353	DOE SDL	HIGGINBOTHAM, RANDALL J	8/28/1960 M	WHI	FL	HIGGINBOTHAM, SEAN DAVID	8/16/1971 M	12/22/1994	WHI
354	DBT NAM	JACKSON JR, JOHNNY	8/8/1969 M	BLA	TX	JACKSON, JOHN FITZGERALD	8/8/1969 M		BLA
355	DOE NSD	WOODS, LAWRENCE LAMAR	3/31/1949 M	WHI	FL	WOODS, CLARENCE L	3/31/1949 M	2/3/1992	WHI
356	DOE NAM	ROBERTS, DUSTY EDWARD	11/21/1954 M	WHI	FL	ROBERTS, DUSTY EDWARD	11/21/1954 M	10/12/1987	WHI
357	DBT NAM	BUTLER JR, DAVID RUSSELL	9/17/1959 M	WHI	IL	BUTLER, DAVID	9/17/1959		WHI
358	DBT NAM	DIXON JR, WILLIE G	10/3/1931 M	BLA	FL	DIXON, WILLIAM G	10/3/1931 M	11/20/1991	WHI
359	DOE NAM	THOMPSON, DOYLE TRAVIS	3/23/1962 M	WHI	FL	THOMPSON, DOYLE TRAVIS	3/23/1962 M	8/8/1983	WHI
360	DOE NAM	ALDRIDGE, LOYAL EDDIE	4/26/1953 M	BLA	FL	ALDRIDGE, LOYAL EDDIE	4/26/1953 M	7/18/1988	BLA
361	DBT NAM	COOPER, THOMAS ALVIN	9/5/1973 M	WHI	OH	COOPER, THOMAS	9/5/1973 M	1/30/2007	BLA
362	DOE NAM	RAMOS, MIGUEL ANGEL	12/19/1956 M	WHI	FL	RAMOS, MIGUEL	12/19/1956 M	5/30/1997	WHI
363	DOE NAM	HALL, ARTHUR LEE	8/3/1943 M	BLA	FL	HALL, ARTHUR LEE	8/3/1943 M	5/7/1970	BLA
364	DOE NAM	BARNES, SHANDA L	12/26/1973 F	BLA	FL	BARNES, SHANDA LATAIN	12/26/1973 F	8/3/1997	BLA
365	DOE NAM	MCDONALD, WALLACE	2/11/1937 M	BLA	FL	MCDONALD, WALLACE	2/11/1937 M	6/12/1959	BLA
366	DOE NAM	MARTIN, MARY A	2/17/1971 F	WHI	FL	MARTIN, MARY A	2/17/1971 F	11/2/1993	WHI
367	DOE NAM	WILLIAMS JR, FRANK DEE	5/13/1975 M	BLA	FL	WILLIAMS, FRANK DEE	5/13/1975 M	7/26/1999	BLA
368	DBT NAM	RODRIGUEZ, MICHAEL A	6/23/1976 M	UNK	NJ	RODRIGUEZ, MICHAEL	6/23/1976 M	6/29/1988	BLA

Fig. 1.4. Scrub list. Florida “felon” scrub list. This is one screen page from the computer “scrub” list of thousands tagged for removal from voter registration rolls.

Willie Dixon is on the list, too. The Reverend Dixon was convicted decades ago, and has received *full executive clemency*. That would have been an easy one to catch if the state had checked and verified the clemency records as per the contract.

Mismatches Made in Heaven

Read down the list and mismatches jump out at you. Note they have taken voting rights away from Randall Higginbotham, age forty-one, because of the crimes of Sean Higginbotham, age thirty. The list is lousy with suspicious matches: pairing voter David Russell Butler Jr. of Florida to convict David Butler of Ohio. No question why David R. registered with his full name and appended the Junior. There are sixty-six other David Butlers listed in the Florida phone book and they must get one another’s

56 JIM CROW IN CYBERSPACE

mail all the time. It is disturbingly improbable that they purged the right Butler. That should have been a no-brainer to correct.

The wrong Butlers, Smiths and Jacksons remained on the list because of DBT's "matching logic" and "matching criteria." Credit card companies can require thirty-five matches for verification before they will issue you plastic. The State of Florida was content with a partial match of four: names (the first four letters were good enough), date of birth, gender and race. Not even the address or state mattered in the mad dash to maximize the number of citizens stripped of their civil rights.

Rather than add matching criteria to verify the list, the state told DBT to remove criteria. For example, Messrs. Butler and Jackson so carefully added "Jr." to their official names to avoid such confusion. Tough luck. I found an internal mail in Roberts's office, dated June 14, 2000, in which clerks fretted about what they called "tweaked" data, allowing "matches" between Edward and Edwin (and Edwina!); deliberately ignoring middle names and initials; and skipping the "Jr." and "Sr." suffixes.

I met with a Willie D. Whiting of Tallahassee. The Reverend Whiting confessed he had a speeding ticket a decade ago, but doubted that should cost him his right to vote. But there he was: on the purge list, matched with Willie J. Whiting – no "Jr." – whose birthday was two days different from Willie D.'s.

Our experts looked at the paltry number of match criteria and were horrified. One, Mark Hull, told me the state and ChoicePoint could have chosen criteria that would have brought down the number of "false positives" to less than a fragment of 1 percent. He said it made him ill to learn what the company had agreed to do. These revelations were especially upsetting to him; he had been the senior programmer for CDB Infotek, a ChoicePoint company.

"Wanted More Names Than We Can Verify . . ."

DBT's "expertise" in obtaining data justified their hiring. But it was a con. Janet Mudrow, the state's liaison with DBT,

JIM CROW IN CYBERSPACE 57

confessed to me that DBT merely downloaded lists from eleven states that make the data available publicly, such as Texas. Any high school kid with a Mac and a credit card could have grabbed the names off the Internet. And that was okay with Florida, even though eight of those states do not take away an ex-felon's voting rights, and therefore should not have been used at all.

DBT's negligence in handing Florida the bogus Texas list cost Florida and its counties a pretty penny when they tried to reverse that error. Yet Mudrow, in Harris's office, says the state neither demanded reimbursement nor sought any penalty as permitted under the contract. In fact, the state awarded DBT another contract renewal, bringing total fees to over \$4 million.

Why didn't the state complain, sue, or withhold payment?⁶ Following my first reports, when the stats hit the fan, ChoicePoint DBT agreed to a one-year extension of their contract without charge. But why didn't the watchdog bark?

One can only conclude that Harris's office paid an awful lot of money for either (a) failed, incomplete, incompetent, costly, disastrous work that stripped innocent citizens of their rights, or (b) services performed exactly as planned.

Was DBT paid to get it wrong? Every single failure – to verify by phone, to sample and test, to cross-check against other databases – worked in one direction: to increase the number of falsely accused voters, half of them Black.

How could ChoicePoint, such an expert outfit, do such a horrendous job, without complaint from their client? You'd think their client, the state, *ordered* them to get it wrong.

They did. Just before we went on air in February 2000, ChoicePoint vice president James Lee called us at the BBC's London studios with the first hint that the state of Florida

⁶ Florida Attorney General Bob Butterworth told me our evidence suggested contractor fraud against the state. I asked him if, as chief law enforcement officer for the state, he'd be investigating. Butterworth explained that Florida is unique in limiting his powers. The investigation would have to be conducted by the secretary of state, Ms. Harris.

58 JIM CROW IN CYBERSPACE

instructed the company to give them the names of innocents. The state, he said, “wanted there to be more names than were actually verified as being a convicted felon.” What an extraordinary statement.

When ChoicePoint saw the story with their own words – “more names than were actually verified” – printed across the screen, the company went ballistic. They demanded in writing to my network chiefs that we retract it all. The BBC wouldn’t back down an inch.

McKinney Nails the Confession

Following the February 15, 2001, broadcast, only one member of the U.S. Congress called BBC to ask for our evidence: Congresswoman Cynthia McKinney. This lady is trouble, the kind of trouble I like. A Black single mom and doctoral candidate at Princeton’s Fletcher School of Diplomacy, she is always asking questions. And in the world of politics, that makes her dangerous – “radioactive,” as a staffer from the Democratic National Committee describes her. Unusual for a member of Congress, she reads the detailed memos and evidence herself, not delegating the research to underlings. She knows her stuff.

McKinney represented Atlanta, ChoicePoint headquarters. She demanded their executives appear before a special hearing. As usual, she had some questions she wanted answered, in public. So I handed McKinney – and ChoicePoint – the evidence. ChoicePoint was shoveling a lot of nonsense my way, but I figured the company might hesitate about shucking and giving a member of the U.S. Congress.

On April 17 ChoicePoint VP James Lee opened his testimony before the McKinney panel with notice that, despite its prior boast, the firm was getting out of the voter purge business. Then the company man, in highly technical, guarded language, effectively confessed to the whole game. Lee fingered the state.

Lee said that, for example, the state had given DBT the

JIM CROW IN CYBERSPACE 59

truly insane directive to add to the purge list people who matched 90 percent of a last name – if Anderson committed a crime, Andersen lost his vote. DBT objected, knowing this would sweep in a huge number of innocents. The state then went further and ordered DBT to shift to an 80 percent match. It was programmed-in inaccuracy. Names were reversed – felon Thomas Clarence could knock out the vote of Clarence Thomas. He confirmed that middle initials were skipped, “Jr.” and “Sr.” suffixes dropped. Then, nicknames and aliases were added to puff up the list. “DBT told state officials,” testified Lee, “that the rules for creating the [purge] list would mean a significant number of people who were not deceased, not registered in more than one county or *not a felon* would be included on the list. Likewise, DBT made suggestions to reduce the numbers of eligible voters included on the list.”

Correct the list? Remove those “not a felon”? The state, says DBT, told the company, Forget about it.

Hunting the Black Voter - the June 9 Letter

Florida was hunting for innocents and, it seems, the Blacker the better. To swing an election, there would be no point in knocking off thousands of legitimate voters if they were caught randomly – that would not affect the election’s outcome. The key was color. And here’s where the computer game got intensely sophisticated. How could it be that some 54 percent of the list were Black? There is no denying that half of America’s felons are African Americans, but how could it be that the innocent people on the list were mostly Blacks as well?

In November, ChoicePoint’s PR men jumped up and down insisting in calls to me that “race was not part of the search criteria.” The company repeated this denial in press releases after they were sued by the NAACP for participating in a racist conspiracy against citizens’ civil rights. DBT complained to my producers and to federal investigators: Race was not a search criterion, period! Then, I obtained a letter dated June 9, 2000,

60 JIM CROW IN CYBERSPACE

signed by ChoicePoint DBT's Vice President Bruder written to all county elections supervisors explaining their method:

"The information used for the matching process included first, middle, and last name; date of birth; race; and gender; but not Social Security Number."

They had *not* lied to me. Read closely. They used race as a match criterion, not a *search* criterion. The company used this confusion between "match" and "search" criteria to try to pull the BBC off the track. They tried to slide the race question by the U.S. Civil Rights Commission. However, on the morning of February 16, the day after our broadcast, I faxed to the commission the June 9 letter. Later that day, the commission questioned Bruder.

COMMISSION: Was race or party affiliation matching criterion in compiling that list?

BRUDER: [under oath] No. . . .

COMMISSION: [June 9 letter read into record.] Did you write this letter? It has your signature on it.

BRUDER: Can I see it, please?

COMMISSION: So, you misinformed the Florida supervisors of elections that race would be used as a matching criterion?

BRUDER: Yes.

Wise answer, Mr. Bruder. Misleading elections officials is not a crime; perjury would be. He pleaded confusion. So if race was not a match criterion, how did Black people get matched to felons?

I was perplexed by this until I looked again at the decoded scrub sheets: There were columns for felon race and voter race. How could DBT deny that? (See figure 1.4, Scrub List.) However,

JIM CROW IN CYBERSPACE 61

DBT had simply identified race for every real felon, and the secretary of state provided the race of the voters. It was left to the county supervisors to finish the Jim Crow operation: They would accept racial matches as “proof” that the right person was named. Therefore, a Black felon named Willie Whiting wiped out the registration of an innocent Willie Whiting (Black) but not the rights of an innocent Will Whiting (white).

The Pre-clearance Deception

The U.S. Voting Rights Act of 1965 assumes something very unkind about Florida, that the Old South state will twist the process to stop African Americans from voting. Florida cannot be trusted to change voting procedures on its own. So, with the handful of other states named in the act, Florida must “pre-clear” voting operations changes with the U.S. Justice Department. The state must certify any new voter registration process will have no “disparate impact” on Black voters.

How in the world did Florida zing this racially bent felon purge scheme past the Feds? In 1998, the Justice Department smelled something rotten and asked a few questions, including, Why did Florida need to hire an outside contractor?

On July 21, 1998, a lowly state legislative aide drafted a soothing memorandum of law to the Justice Department, dismissing the purge operation as mere administrative reform. The aide – Clayton Roberts – worked with a state senator – Katherine Harris. In 1998 they sowed; in 2000 they reaped.⁷

Voting Machine Apartheid

Mary Frances Berry, chairperson of the U.S. Civil Rights Commission, said the real horror of the 2000 election was not the vote count that so transfixed our media, but what she calls

⁷ The intensely complex research unraveling Florida’s deceptive moves to obtain pre-clearance was conducted by Paul Lukasiak.

62 JIM CROW IN CYBERSPACE

“the no-count” – the means of keeping citizens from voting or having their ballots voided.

And Florida used more than the voter purge in their “no-count” bag of tricks. In February 2001, I found a doozy.

This fact caught my attention: In a presidential race decided by 537 votes, Florida simply did not count 179,855 ballots. And whether your vote counted depended a lot on your color. In Leon (Tallahassee), a primarily white county, only 1 in 500 ballots was uncounted, “spoiled,” as they say in the vote biz, that is, voided for one reason or another. In neighboring Gadsden, with a high population of Black voters, 1 in 8 ballots was never counted.

Here’s the breakdown of ballots not counted in Florida’s Blackest and whitest counties:

BLACK COUNTIES		
<i>Population 25+% African American</i>		
	Black residents	Ballots not counted
Gadsden	52%	12%
Madison	42%	7%
Hamilton	39%	9%
Jackson	26%	7%
WHITE COUNTIES		
<i>Fewer than 5% African American</i>		
Citrus	2%	1%
Pasco	2%	3%
Santa Rosa	4%	1%
Sarasota	4%	2%

Detect a pattern?

How could this happen? Exactly how do votes “spoil”? And why do Black votes spoil so easily?

I found the answer in the Tallahassee office of Leon County Supervisor of Elections Ion Sancho. Like many other counties, Sancho’s used paper ballots. These ballots are read by machine, “optically scanned.” He had set up a voting machine to demonstrate its use. I tried it out, voting for Pat Buchanan and Ralph Nader – a deliberate error as a gag for a documentary film crew. I marked the ballot, then put it into a slot in the machine and – *grrrr-zunt!* – it shot back into my hands, recognizing my error. You cannot make a voting mistake on this machine, called an “Accuvote.” Mighty cool. But if you can’t make a mistake, how did so many votes “spoil” in paper ballot counties? I asked a clerk: Does every county using paper ballots have this machine? The answer – yes and no – was disturbing. The adjoining county, Gadsden, also had machine-read paper ballots, *but did not activate the reject mechanism*. Make one wrong mark on your ballot in Gadsden and your ballot disappears into the machine – it will not be counted. For example, some voters had checked off and written in the name “Al Gore” – yet their vote did not count for Gore.

So I asked what I call The Florida Question: “By any chance, do you know the racial profile of counties where machines accept bad ballots?”

Then I got The Florida Answer: “We’ve been waiting for someone to ask us that.” The clerk then pulled out a huge multi-colored sheet, listing, for every Florida county, the number of ballots not counted. The proportion of uncounted ballots to the Black population, county by county, was a nearly perfect match. But Ted Koppel’s *Nightline* tells us this was because Blacks were too ignorant to figure out the ballot. Could Ted have gotten it wrong? As the Tallahassee officials demonstrated to me, whether a ballot was counted or not had almost nothing to do with the voter’s education or sophistication – but an awful lot to do with the type of machine deployed and *how the buttons were set*.

64 JIM CROW IN CYBERSPACE

Then I got to the 64 Dollar questions: What did Harris and the governor know and when did they know it? Was either aware of this racially loaded technical problem? Harris's office and Jeb's are literally a stone's throw away from Sancho's. The technicians told me, "That's why we set up this machine, so they could see it – *before* the election."

Cover-up and Counterspin

While virtually none of the new investigate material reached America's shores, the counterspin machine was in full throttle. The *Wall Street Journal*, usually unbiased, ignored the racial demographics of the mountains of spoiled ballots and proclaimed that there was no racial difference in the geographic division of sophisticated voting machines.

My felon purge reports got Florida's press poodles up in arms. Months after the election, the *Palm Beach Post*, ChoicePoint DBT's hometown paper, announced dramatically, "thousands of felons voted in the presidential election last year. . . . It's likely they benefited Democratic candidate Al Gore." *Wow!* Thousands! The Post's FELONS VOTED! shock-horror story ran one week before the U.S. Civil Rights Commission aimed to blast the state/DBT purge list as garbage.

What did the Post's sleuths use to hunt for felons? The DBT list. They then looked for voters who matched, by name, birthday, race and gender, "felons" among the 6 million Florida voters. It was DBT Lite. They failed to do even the lame cross-checks done by the state and counties.

The *Post* did not find "5,643 felons voted," or anything close to it. Rather, they simply had a list of common names (for example, John Jackson) and birthdays, maybe some misdemeanor violators or felons with clemency. (Think of this: If every birthday were a city, America would have 365 cities with 750,000 people in each. How many in that city's phone book would have the name "Joe White"?)

JIM CROW IN CYBERSPACE 65

This was not just bad journalism, it smacked of a disinformation campaign.

There's good reason to suspect the motive and method of the Post's story. This is the paper, remember, that began to sniff the fake purge before the election, but then swallowed what an internal preelection memo from the state to DBT's Bruder called the "Department of Elections News Coverage Game Plan."⁸ In that memo, discovered after the election by our researchers, the Department of Elections gloated that they had gotten the Palm Beach Post to "correct" their story and had successfully planted happy-talk stories in the *Sun-Sentinel* and other papers.

The Ultimate Measure

And there's the ultimate test of the veracity of the DBT and Post lists: The attorney general of Florida, Bob Butterworth, told me he absolutely would prosecute anyone who registered or voted illegally. A felon voting has committed a new felony – that means more jail time. The idea that 57,700 Floridians – or even 5,643 – would chance years in the pokey by voting illegally was on its face incredible. If DBT and the Post found these criminals, why haven't they had them arrested? Butterworth was checking six cases when I spoke to him, and as of this writing, has not busted one single "felon voter."

The Consortium That Couldn't Count

Twisted press coverage murdered the story of ethnic cleansing of the voter rolls. But simply smothering the news wasn't good enough for the *New York Times*, CNN and the other keepers of the New Information Order. With other major news outlets,

⁸ E-mail dated June 26, 2000, from Janet Carabelli, Department of Elections, to Dee Smith, Bruder, others; obtained through Florida Open Records Act.

66 JIM CROW IN CYBERSPACE

they joined together as “the Consortium” and spent a wagonload of cash to hire the National Opinion Research Center (NORC), of the University of Chicago, to conduct what was wrongly called a “recount” of the ballots. For months they held back the results. Finally, more than a year after the election, they released their findings. “Bush would have won anyway,” headlines reassured us. So shut up, move on, get over it: The Lion of Kabul won fair and square.

Or did he?

First, understand that NORC did not “recount” the ballots. Rather, its teams described each of the 180,000 “spoiled” ballots that Katherine Harris barred from the official total. This was the first count of these ballots. Also, NORC “coders” were not allowed to count these ballots either, merely provide physical descriptions of each ballot. They could note, in code, “Paper ballot, Gore circled,” but could not count that ballot as a vote for Gore. The newspaper and television executives and editors, not the NORC experts, called the “winner” in this one.

Most Americans would have thought the goal of this million-dollar investigation was to find out whom Floridians wanted to vote for. That tends to be what we mean by “democracy.” But the news bosses were in no mood for a democracy that threatened the legitimacy of authority, especially with the war on in Afghanistan and an economy in the toilet. So, despite the fact that NORC coders clearly found that the majority of Florida voters thought they had voted for Gore, the papers called the NORC findings for Bush. Like, huh? NORC has put its data on the Web, so the Gore majority is there for all to see (for those who bother to look). The media chiefs’ trick was to say that, going by various Florida rules, which knock out ballots with stray markings, Bush would have won. Well, we already knew that: That’s how Katherine Harris called it for Bush – on technicalities, not votes. Through this editorial three-card monte, the Republic was saved.

I watched the NORC operation firsthand in Miami in February 2001. There was an Alice in Wonderland weirdness in

the process – “First we announce the winner, then we count the ballots.” It was not difficult to discern which candidate the voters wanted. “It screamed at you,” said one counter. If someone circled “Gore,” who do you think he or she wanted as president? Yet, thousands of such ballots were tossed out of the official count. Tens of thousands were disenfranchised because of a wrongly placed or stray mark – often made by the voting machine itself, as it turns out. The Consortium members did not comment on this exclusion of tens of thousands of clearly marked ballots or on its effect: the inauguration of the wrong person.

The Evidence Vanishes

And then, evidence began to disappear.

The counsel for the Civil Rights Commission told me he was most concerned about the purge of the 2,834 felons who did have a right to vote (he’d read my Nation article) – a willful violation of two court orders. Proof of the illegal procedure was in a September 18, 2000, letter to county supervisors.⁹ The letter was read to me by two county clerks, but the sources were too nervous to fax me a copy.

So I called Janet Keels in Governor Jeb Bush’s Office of Executive Clemency; I wanted a hard copy of the letter. A crew with the documentary *Unprecedented* captured the call on camera. . . .

My name is Gregory Palast and I’m calling from London.

My name is Troy Walker.

Troy, maybe you can help me. There is a letter from Janet Keels’s [Governor’s] Office of Executive Clemency, dated September 18, 2000. This is to Hillsborough Board of Elections dealing

⁹ The tenacious Dave Ruppe of ABC.NEWS.com discovered this document switch-a-roo independently, though his network did not broadcast the story.

68 JIM CROW IN CYBERSPACE

with registration of voters who moved to the state, committed a felony but have received executive clemency. I'm sure you have a copy of it. . . .

We do have a letter referencing something close to that.

Okay, what date is that letter?

This letter is dated February 23, 2001.

What? He then read me a letter from Keels saying the exact opposite of the September 18 memo.

September 18 (before the election): convicts from other states moving to Florida “would be required to make application for restoration of civil rights in the State of Florida.”

February 23 (after the election): out-of-state convicts “need not apply for restoration of civil rights in Florida.”

The postelection letter was drafted one week after the Civil Rights Commission began to question Florida about the illegal maneuver – and now Troy was telling me there was no record of the first letter in Keels’s files, or in the office’s files, or in the state computers.

Uh, oh. There were two explanations. Maybe I had screwed up. My most serious accusation, that the governor’s office barred and removed thousands of legal voters in violation of two court rulings, may have been dead wrong. After all, the cautious clerks had merely read me the text of the letter. What if it had never been sent? What if I’d been had by my sources? The first edition of this book had already gone to press.

The other possibility: The letter existed but had been purged faster than a Black voter from the governor’s files, replaced by the February 23 letter, with opposite meaning. If so, then Jeb Bush’s office was skirting close to obstruction of justice.

Did the incriminating September 18, 2000, letter exist? In 2002, I obtained the answer – from the most extraordinary source.

“Twisted”

“Greg Palast distorts and misrepresents the events surrounding the 2000 presidential election in Florida in order to support his twisted and maniacally partisan conclusions.”

Had I said something to upset the secretary of state? So began Harris’s letter, a vein-popping screamer running beyond a thousand words, dated April 2002, to my editors at *Harper’s*.¹⁰ It contained, despite its gonna-beat-you-up tone, astonishing confessions. First, she does not deny the core allegation: that her list of 57,700 felons contained the names of thousands of innocent Democratic voters. You could have knocked me over with a feather when I read her acknowledgment that the debacle over which she presided as secretary of state “exposed flaws in the elections process that had festered across America for decades.”

In the world according to Harris, blame flew everywhere, from the legislature to the attorney general, never landing on herself.

But what caught my eye and made me grab for the phone was her excuse for the illegal purge of out-of-state convicts. Harris wrote that the governor’s Office of Executive Clemency “issued a letter” telling her elections divisions to carry out the deed.

“Hello. I just received a note from Secretary Harris regarding a letter she received from Governor Bush’s office regarding [here I mentioned the felon issue, leaving off the bits about “twisted”]. . . . Could you fax me a copy?”

And within the hour, the clerk had sent me, word for word as it had been read to me by my sources, the letter dated September 18. And here it is:

¹⁰ See www.gregpalast.com/Harris/ for the entire text.

PRE-ELECTION LETTER MISSING FROM FILES
LANGUAGE VIOLATES COURT ORDERS

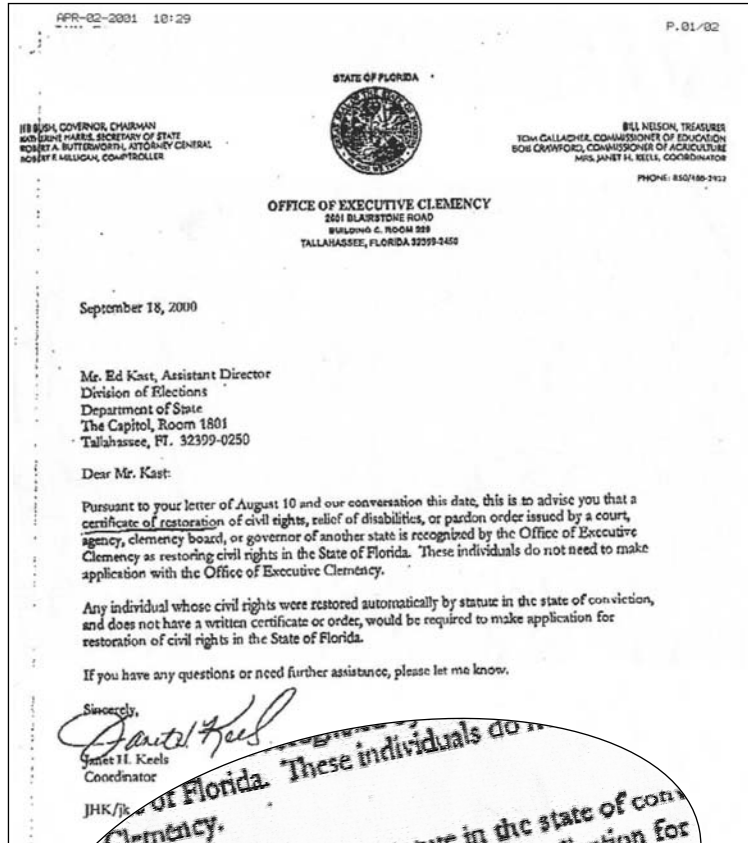
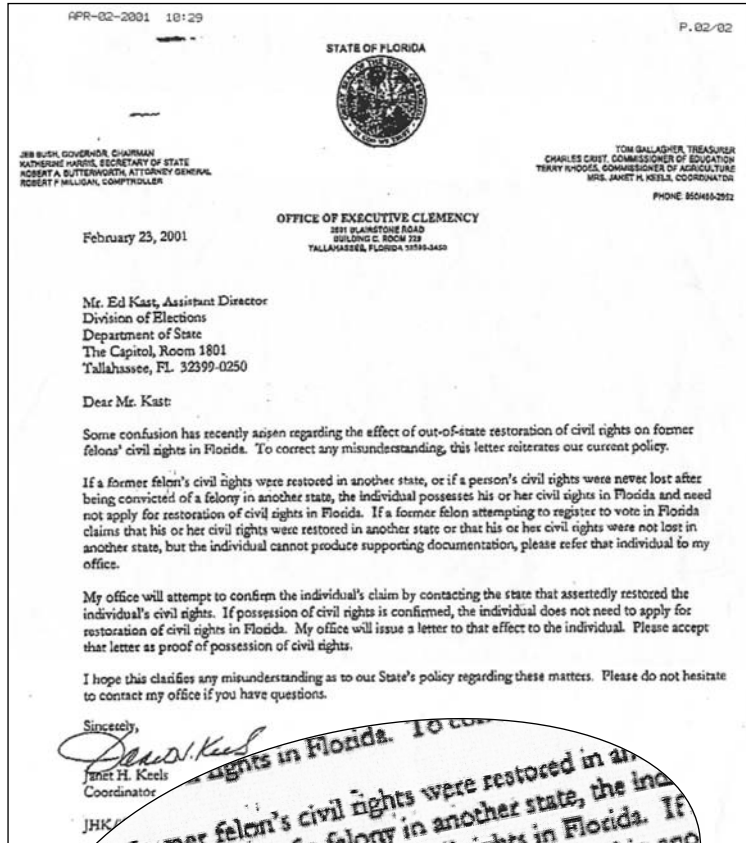


Fig. 1.5. Switched letters. Note that the letter dated September 18, 2000, six weeks before the presidential election, requires ex-felons to seek executive clemency from Governor Jeb Bush before they can vote. That directly violates court rulings. The letter dated February 23, 2001, written three

POST-ELECTION LETTER FOUND IN FILES
LANGUAGE AGREES WITH COURT ORDERS



months after the election and a week after the U.S. Civil Rights Commission began to investigate the matter, says the opposite: These voters need not apply for clemency. The voters need not seek Governor Bush's "clemency."

72 JIM CROW IN CYBERSPACE

**Part IV: THE THEFT OF THE PRESIDENTIAL
ELECTION - 2004**

Maybe, as Ms. Harris and Florida Republicans suggest, we should just “get over it. Just move on.” *They* have moved on: to 2002 and 2004. They fixed the election of November 2000 – and went right to work on monkeying with the *next* election cycle. Harris and Jeb Bush weren’t chastened by the exposure of their purge operation. After all, in 2000 *they got away with it*.

**Burying the Loot: Keeping the Florida Voter Rolls
Whiter Than White**

On January 10, 2001, picking up on our Salon story, the NAACP sued ChoicePoint’s DBT, Katherine Harris and Clayton “Road Runner” Roberts for violating the civil rights of thousands of Florida citizens as guaranteed by the 1965 Voting Rights Act and the U.S. Constitution.

Harris insists she did no wrong. Now she could tell it to the judge. (However, that can be a risky move for Harris. In June 2002, the last time she tried to defend herself in court, a judge reached an unusual, albeit insightful, verdict: “This lady is crazy.” Lucky for Harris the judge’s remarks referred to her perverse interpretations of law, not to her general state of mind; otherwise, under Florida regulations, she would have to be purged from the voter rolls.)

The bad news for defendants Harris and Roberts is that DBT would not take a dive for them in court. Once DBT shut down their Vote-Scrubs-R-Us business, the database operators had nothing to gain by defending the officials that got them in hot water. The company pleaded for mercy from the NAACP, begging for settlement, thereby avoiding class-action claims.

In July 2002, DBT signed off with People for the American Way, which acts as the NAACP’s law firm, to provide a new purge list – one that comes closer to the work originally promised the state. I had estimated that the list had at best one in

JIM CROW IN CYBERSPACE 73

ten verifiable names. I was too kind. DBT indicates the new list would contain only one in twenty from the original. In other words, over 50,000 people will be removed from their hit list.

The NAACP's lawyers didn't just fall off a hayrick. They know that they can't reverse the 2000 election. Their goal: to prevent the theft of the races in 2002 and 2004. To this end, armed with DBT's admissions, the NAACP simply asked the state to return voting rights to those they acknowledge were wrongly named as felons. You'd think after DBT confessed and cut the poisonous list by 95 percent, Harris, Jeb and Clay Roberts would at least do right by those they had wronged. Not a chance. DBT has removed 50,000 names from their list . . . but not Harris. Her office refuses to return their civil rights. You can see her logic: What's the use of stealing the 2000 race if you have to give it all back in 2002? Like a confessed bank robber who hides the loot and tells his victims, "It's still mine, suckers!" the state is using every technical and legalistic trick in the book to keep illegally purged Black registrations buried for good.

But eventually, those votes must rise. How, then, can the Jeb Bush team keep the voter rolls whiter than white? The answer: new "felon" lists for 2002 and 2004. But creating new lists runs into a new obstacle: the law. Following the Salon and Nation stories, an embarrassed Florida legislature voted to bar the secretary of state from ever again hiring an outside firm like DBT to generate a purge list. The legislature directed Harris to turn over this work to the experts, the Florida Association of Court Clerks. The problem for Republicans is that the Clerks had done this work before and in a reasonably fair, accurate and notably unbiased way. After all, felons were removed from voter rolls long before Mortham, Harris and DBT came along.

Harris overcame the problem of the new law in a forthright manner: She broke it. The law says her office "may not hire an outside firm . . ." The law couldn't be clearer. Yet, in

74 JIM CROW IN CYBERSPACE

December 2001, Harris cut off a series of meetings with the county Clerks – and she hired an outside firm. Her hit man Roberts told local papers the Clerks were dumped because they requested \$300,000 for their costs to assess the current system. He must have had a good laugh at that one. The fee he's agreed to pay the new consultant: \$1.6 million.

With DBT out, who is this new firm with whom Florida is entrusting its citizens' civil rights? Accenture – alias of Arthur Andersen Consulting.

The Harris Touch

One can't sabotage democracy with felon lists alone. Ballot-eating machines worked well in Gadsden and other Black counties, but cyberspace offers even more opportunities for fun and games. This time, it's "touch screen" voting. No paper trail, no audit path, no fights over recounts: recounts are impossible.¹¹

Florida is the first state to adopt this video-game voting technology. Secretary of State Harris immediately certified the reliability of one machine, the iVotronic, from Election Systems and Software of Omaha. On their Web site, there is a neat demo of their foolproof system you can try out. I did – and successfully cast an "over-vote," a double vote for one candidate. Then the site crashed my laptop. But hey, the bugs will be worked out . . . or worked in.

The question is, who else is touching the touch screen? In the case of the iVotronics, it's Sandra Mortham. Ring a bell? She was Harris's Republican predecessor as secretary of state, the one who hired DBT. Now she's iVotronics representative in Florida.

¹¹ Investigator Ronnie Dugger has warned of the dangers of computerized voting for years. See *The New Yorker*, November 7, 1988.

The New American Apartheid: Race and the Bush Brothers

In 2002 Harris told a campaign rally, “Before God, before my family, before my friends, before my nation, before the nation, I sleep well at night.”

You’re thinking, “With whom?” Well, shame on you. My thoughts were more sobering. Harris had, after all, effectively admitted in her note to Harper’s that she’d moved to disenfranchise thousands of innocent Black folks. Even if she believes she wasn’t at fault, how could she sleep at night? I suspect she – and the government and press – would have been a bit more troubled if the wrongly purged voters came from country-club membership rolls: moneyed, important and white.

Don’t kid yourself: the color of the excluded voters had an awful lot to do with why this investigation was dismissed by the U.S. media for so long. The “liberal media,” as Harris calls them, would never recognize their own subtle prejudices. Remember my story of Pastor Johnson of Alachua, convicted in New York and therefore entitled to vote in Florida? Publication was rejected by a U.S. outlet because of the doubts of one reporter. The preppy white Ivy Leaguer could not understand why a middle-aged Black man, an ex-con to boot, did not raise a ruckus in a county office in the rural South to demand his rights. Why didn’t Pastor Johnson pound the table? After all, voters in Palm Beach had no problems complaining publicly.

Of the victims I spoke with, the only African Americans who would agree to talk on camera were the three clerics, whose collars afforded them a kind of cultural protection. Alachua County, Okeefenokee . . . this is still the Old South where, within the memory of many of these people, Black voters were hanged from trees. The deep, wounding history of Jim Crow explains the initial quiet of so many victims of the illegal purge, a caution echoed and affirmed by the silence of the Democratic Party.

76 JIM CROW IN CYBERSPACE

At the beginning of the twenty-first century, America is back to asking the question we thought resolved by the 1965 Voting Rights Act: Should Black people be allowed the vote?

So far, we've discussed only the purge of citizens falsely accused of having felony records. Even if that wrong is righted, a good half a million Floridians will still be barred from voting. And we know their color. One-third of all Black men in Florida have lost their right to vote.

And the Bush Brothers like it that way.

Within two months of the 2000 election, President Bush convened a Bi-BURP, a Bipartisan Blue Ribbon Panel to recommend reforms to prevent "another Florida."

Our president, to ensure that we understood clearly he had no intention whatsoever of heeding his panel's findings and recommendations, put two men in charge of the Bi-BURP for whom he has the fondest disregard: Jimmy Carter and Gerald Ford. Relieved of the pressure of having to produce a plan that might be implemented, Carter and Ford got right to the heart of the matter on the faux felon purge: race. The former presidents called for an end to barring the vote to people who have served their time and gone straight. After all, only thirteen states hold on to these exclusion laws, originally passed by Deep South legislatures after Reconstruction while the Ku Klux Klan's night riders successfully cleared the voter rolls by more direct means.

Neither President Bush nor Governor Bush have bothered with even a false gesture toward implementing the Carter-Ford call to restore the rights of these (un-white) citizens. Jeb Bush's reforms are limited to multi-dollar contracts for Arthur Andersen Consulting and the Mortham-matic touch screens.

Beyond Florida

I know what you're thinking: They *all* do it. Republicans and Democrats both. Yes, but not on this scale, not so successfully. I remember my years in Chicago, watching Boss Daley's

JIM CROW IN CYBERSPACE 77

machine hacks carry stacks of absentee ballots into nursing homes, then carry out the same stack, all “signed,” every vote for every office Democratic. But this is a new game, vote rustling of the future.

Opening night in Florida was so successful, the Republicans are taking their show on the road. Since the 2000 elections, politicians have been busy “Floridizing” state elections procedures from sea to shining sea. The race for the White House in 2004 may already be decided for you, the voting only a formality.

The Florida vote count vaudeville has been used as cover to monkey with voting systems in several states – all under the grinning disguise of “reform.” These reforms suspiciously repeat the methods pioneered by Florida: centralized, computer purge lists. Who is the carrier of this ill “reform” wind? One vector is the high-sounding Voter Integrity Project, based just outside Washington, DC. The conservative, nonprofit advocacy organization has campaigned in parallel with the Republican Party against the 1993 motor voter law that resulted in a nationwide increase in voter registration of 7 million, much of it among minority voters. Its founding chairwoman? Helen Blackwell, wife of Ronald Reagan’s staffer Morton Blackwell. Just before the November 2000 election, VIP presented its special Voter Integrity Award to DBT – at a VIP conference substantially paid for by . . . DBT. Noting proudly that “DBT is the company tasked with helping Florida clean up the State’s voter registration records,” VIP then launched into a campaign to take DBT’s Florida methods to other states. VIP announced it had “entered into an agreement with DBT Online to identify small communities with demonstrated need for similar pro bono voter rolls ‘scrubbing.’” Offers were extended to Pennsylvania and Tennessee, with Florida, the states considered toss-ups in the Gore-Bush race.¹²

¹² According to the stellar research of Catherine Danielson, it looks like Al Gore won Tennessee – a less sophisticated operation than Florida’s but just as odoriferous.

78 JIM CROW IN CYBERSPACE

After the election, when the name DBT lost its marketing appeal, VIP told me their joint offer with the company was “void,” like an expired coupon for detergent. But Republican senator Chris Bond, joined at a press conference by VIP’s chairwoman, announced he was introducing a bill to force Florida’s voting methodologies on the entire nation. Then-Senator Bob Torricelli stood with him – which proves one can always find Democrats willing to attend their own political funeral.

In June 2001, the *Washington Post* finally, and in the most cautious tones, rereported the *Salon* and *Nation* stories on the theft of the last election. And they granted me a platform to warn about this theft of race in 2004:

“The Wrong Way to Fix the Vote”

Washington Post, *June 10, 2001*

Lord, save us from “reform.”

If you liked the way Florida handled the presidential vote in November, you’ll just love the election reform laws that have passed since then in 10 states, and have been proposed in 16 others. These laws mandate a practice that was at the heart of the Florida débâcle: computer-aided purging of centralized voter files. The laudable aim is to rid registries of the names of the dead, as well as of felons and others legally barred from voting. But the likely result will be the elimination of a lot of legitimate voters and an increased potential for political mischief.

You would think other states would run from Florida’s methods. But in their current legislative sessions, Colorado, Indiana, South Dakota, Texas, Virginia, Georgia, Kansas, Montana and Washington have passed bills that – while varying in specifics – would follow the Sunshine State’s lead in centralizing, computerizing and cleansing voter rolls. Senator Christopher S. Bond (R-Mo.) has intro-

JIM CROW IN CYBERSPACE 79

duced a bill in which certain conditions in any state would trigger mandatory voter list purges.

To a large extent, these bills are a response to “motor voter” legislation, which has added millions of citizens, particularly minorities, to voter registries. Since minority voters tend to be Democratic, it is not surprising that “motor voter” laws are popular among Democrats, and most of the bills attempting to purge the rolls are sponsored by Republicans.

But many factors go into the ill-advised rush to reform. Take the case of Georgia. The day before the November 2000 election, the Atlanta Journal-Constitution and WSB-TV jointly reported that records indicated that deceased Georgians had voted 5,412 times over the last 20 years. They specifically cited one Alan J. Mandel, who apparently cast his ballot in three separate elections after his demise in 1997. Subsequently, a very live Alan J. Mandell (note the two L’s) told the secretary of the state that local election workers had accidentally checked off the wrong name on the list. But in the midst of the chad mania that dominated the headlines in November 2000, details became less important than the newly energized drive for so-called reform.

If the reformers succeed, look out. Florida’s Black-hunt purge began under the cover of the voting “reform” law passed by the state in 1998. Under a law signed April 18, 2001 – an imitation of the ill Florida code – Georgia’s secretary of state now controls “list maintenance” and has taken over the power of deleting the names of dead voters.

The centralization of state voter registries hands an all-too-tempting monopoly to whichever party controls the office of secretary of state. The highly technical (and, where contractors are involved, commercially confidential) nature of computer-aided purges makes bias in the cleansing of supposed felons, deceased

80 JIM CROW IN CYBERSPACE

voters and duplicate voters astonishingly easy to carry out and difficult to uncover.

Even uncovered, apparent bias is difficult to challenge.

After all, one man's overzealous purge is another man's inauguration.

Democracy and the People Who Count: A Conclusion

This story of stolen elections – the last one, the next one – is not about computers, database management or voting machinery. If the theft of the U.S. election could have been prevented by fixing our voting methods and equipment, we could solve our problems by the means suggested by the Russian Duma. The Russians voted a resolution demanding that American presidential elections, like Haiti's and Rwanda's, should be held under the auspices of the United Nations.

The solution to democracy's ills cannot be found in computer fixes or in banning butterfly ballots. All that stuff about technology and procedure is vanishingly peripheral to this fact: In 2000, the man who lost the vote grabbed the power. I reported these stories from Europe, where simple minds think that the appropriate response to the discovery that the wrong man took office would be to remove him from that office.

So where do we turn? The Democrats' employing William (son of Boss) Daley as their spokesman during the Florida vote count, and Al Gore's despicably gracious concession speech, show that both political parties share, though in different measure, a contempt for the electorate's will.

Two other presidential elections were nearly stolen in the year 2000, in Peru and in Yugoslavia. How ironic that in those nations, though not in the United States, the voters' will ultimately counted. Peruvians and Yugoslavs took to heart Martin Luther King's admonition that rights are never given, only asserted. They knew: When the unelected seize the presidential palaces, democrats must seize the streets.