

THE IMPORTANCE OF NOT GETTING OVER IT

Joel Bleifuss

Abstract

In June, Seven Stories Press published the book I co-authored with Steven F. Freeman, *Was the 2004 Presidential Election Stolen? Exit Polls, Election Fraud, and the Official Count*.

We had spent the previous year and a half examining the exit polls and learning about the problems posed by electronic voting.

Resumen

En junio, Seven Stories Press publicó los libros que he escrito con Steven F. Freeman, *Fue robada la Elección Presidencial 2004? Encuestas de salida, el fraude electoral, y el conteo Oficial*.

Habíamos pasado el año y medio anterior haciendo el examen de las encuestas de salida y el aprendiendo acerca de los problemas que plantea el voto electrónico.

I took up this task, devoting evenings and weekends to it; because I thought the subject was vitally important. Yet the months since the book's publication have been frustrating. No newspaper or magazine, from either the corporate or independent media sectors, has taken the subject seriously enough to review our book.

I had thought that with Robert F. Kennedy Jr.'s article "Was the Presidential Election Stolen?" published last June in *Rolling Stone*; the topic would become part of a national

debate. Yet the only media outlet that has given the subject serious consideration is Salon.com, where Farhad Manjoo slammed Kennedy's article and its thesis, and then refused to respond when Salon.com published a devastating critique of his argument by my co-author.

Why the silence? After talking to colleagues in the independent press, I have come to the conclusion that the possibility of a stolen election is not given credence for three reasons.

The first reason is pervasive, continuing ignorance about the 2004 exit polls and what they indicated. A prime example is the obituary written by Washington Post pollster Richard Morin on the death of Warren Mitofsky from an aortic aneurysm on September 1. Mitofsky, the father of exit polling, had boasted that of the 2,500 or so exit polls he worked on only six were wrong. Here is what Morin wrote:

At the time of his death, Mitofsky found himself in the peculiar position of arguing for the inaccuracy of his own 2004 exit poll. *That survey found John Kerry leading early on Election Day*, only to lose his advantage when the actual ballots were counted.

Reading Morin, the reader would conclude that the exit polls indicated that Kerry was only leading "early on Election Day," when in fact by the end of Election Day the exit polls still had Kerry ahead in every state, particularly in the key 11 battleground states, and most particularly in the states of Nevada, New Mexico and Ohio.

That a discrepancy exists between the exit polls and the official count in the 2004 election is not a matter for debate. What is open for discussion is what caused the discrepancy.

One hypothesis is human error. This is the explanation preferred by Mitofsky. Speaking of the discrepancy, he said, "I just don't believe in conspiracies. I'm much more a

believer in something practical, like incompetence.” Mitofsky posited that the discrepancy was caused by more Democrats than Republicans filling out the confidential exit poll questionnaires.

In our book we spend 92 pages examining both Mitofsky’s theory that Republicans refused to participate in the exit polls at a higher rate than Democrats and his explanation that “poorly trained interviewers” were to blame for this phenomenon. Using exit poll data released by Mitofsky, we conclude, convincingly I believe that his incompetence hypothesis does not stand up to scrutiny.

An alternative hypothesis is that the exit polls were in fact accurate, and that the official vote was interfered with.

This raises the specter of a conspiracy. Mitofsky wasn’t alone in wanting nothing to do with the “C” word. Alexander Cockburn wrote in the Dec. 6, 2004 Nation, “As usual, the conspiracy nuts think plans of inconceivable complexity worked at 100 percent efficiency.” His sentiments were echoed by ABC’s Cokie Roberts, who explained, “This notion that there’s just this vast conspiracy flies in the fact of human experience. We’ve never known a conspiracy to work that well.”

Yet on Election Day 2004, 64 percent of Americans voted on direct recorded electronic voting machines or optical-scan systems, both of which are vulnerable to hacking or programming fraud. And with these new technologies, it would only take a few people to steal an election.

According to a September 2005 investigation by Congress’ Government Accountability Office, such systems contain flaws that “could allow unauthorized personnel to disrupt operations or modify data and programs that are critical to the integrity of the voting process.”

Proof of this came on September 13 when Princeton University's Center for Information Technology Policy released the results of a new study, "Security Analysis of the Diebold AccuVote-TS Voting Machine," which found that the most commonly used electronic voting machine is vulnerable to programming fraud.

The researchers obtained a Diebold AccuVote-TS direct recorded electronic (DRE) voting machine. (They decline to say from whom.) After analyzing the machine's hardware and software, and subjecting the machine to a number of experiments, they reported, "We found that the machine is vulnerable to a number of extremely serious attacks that undermine the accuracy and credibility of the vote counts it produces."

The AccuVote-TS and the AccuVote-TSx are the most widely used electronic voting machines in the United States, with 33,000 in use nationwide. In the November general elections, about 10 percent of registered voters will vote on one of these machines. And in the states of Maryland and Georgia, all voters will vote on the AccuVote-TS model.

The authors of the Princeton study present three key findings:

1. Malicious software running on a single voting machine can steal votes with little if any risk of detection. The malicious software can modify all of the records, audit logs, and counters kept by the voting machine, so that even careful forensic examination of these records will find nothing amiss. We have constructed demonstration software that carries out this vote-stealing attack.
2. Anyone who has physical access to a voting machine, or to a memory card that will later be inserted into a machine, can install said malicious software using a simple method that takes as little as one minute. In practice, poll workers and others often have unsupervised access to the machines.

3. AccuVote-TS machines are susceptible to voting-machine viruses—computer viruses that can spread malicious software automatically and invisibly from machine to machine during normal pre- and post-election activity. We have constructed a demonstration virus that spreads in this way, installing our demonstration vote-stealing program on every machine it infects. Once installed on a single “seed” machine, the virus would spread to other machines, allowing an attacker with physical access to one machine (or [memory] card) to infect a potentially large population of machines. The virus could be programmed to install malicious software, such as a vote-stealing program or denial-of-service attack, on every machine it infected.

In other words, it would not take a “vast conspiracy” implementing “plans of inconceivable complexity” to steal the 2004 presidential election. It would only take a few Bush operatives in key states, with access to voting machines, which were armed with doctored memory cards and willing to break the law (with little chance of being caught, apparently).

What more do the skeptics want? We have an indication that something was amiss in the 2004 presidential election: a discrepancy between the exit polls and the official count that defies explanation. Now we have the means by which the election could have been stolen: the doctored memory card created by the Princeton researchers. But is that a smoking gun? If so, whose fingerprints are on that gun? Are the naysayer's waiting for answers to these questions before endorsing a call for a wider investigation?

In an effort to spur decision makers into taking action, Freeman and I are collecting endorsements from respected academics and pundits. For example, Jack H. Nagel, a professor of political science at the University of Pennsylvania, provided us this quote:

After Steven Freeman first pointed to the statistical improbability of the discrepancy between 2004 Election Day exit polls, which forecast a Kerry victory, and the officially reported results, opinion leaders accepted with relief the mea culpa offered months later by exit pollsters Joe Lenski and Warren Mitofsky. The careful analyses presented in this book demonstrate that the pollsters' explanation is utterly unsatisfactory. Indeed, the additional evidence that Freeman and Bleifuss develop is even more disquieting than the original discrepancy. Their book deserves to stimulate follow-up investigations into the threat to our democracy posed by insecure electronic voting machines, and into the possibility that their vulnerability was exploited in 2004 with fateful results. As a citizen, I very much hope that the answer is "no," but it is time for mainstream scholars, journalists and public officials to stop avoiding the question.

Yet will such calls be enough? "Conspiracy theorist" is a powerful pejorative, a label no journalist wants to be tainted with. After all, some conspiracy theorists are total mutters. Look no further than 9/11. (See Terry Allen's "[The 9/11 Faith Movement](#)" in our June issue, a story that has garnered more than 1,300 reader comments)

But some conspiracy theories are legitimate. Take the 2000 presidential election. Clearly, state officials in Florida, where Jeb Bush was governor, conspired with state officials in Texas, where George W. Bush was governor, to purge thousand of African Americans from the voter rolls using fraudulent felon lists—and that’s only the beginning. Or, take the Iraq war. Clearly, the Bush administration and adjunct neocons conspired to deceive the American public about the threat posed by Iraq in order to invade the country.

Being tarred as a conspiracy theorist is not the only hurdle. That brings us to the final reason this story is not given credence. The idea of the 2004 Bush/Cheney campaign “winning” the presidential election through vote theft creates profound cognitive dissonance. Many people find the idea overwhelming, the implications scary, and the consequences profound. For, if one accepts that Republican operatives stole the election, what will we do about it?