

November 6, 2013

**Comment of Attorney Cliff Arnebeck
Before the
President's Commission on Election Administration**

Thank you for the opportunity to comment on the important work of your Commission.

President Nixon's senior aide H.R. Haldeman quoted the president as suggesting: "You have to face the fact that the whole problem is the blacks. The key is to devise a system that recognizes this while not appearing to." This quote is reproduced in the epic work of Michelle Alexander, [The New Jim Crow: Mass Incarceration in an Age of Colorblindness](#) at page 43.

The problem with voter suppression at the registration and voting phase as a covert Jim Crow strategy is the same as for mass incarceration as described by Michele Alexander. It must be done on a massive scale to overcome the democratic will of the people. The same is true of vote count rigging. Electronic voting machines facilitate the secrecy of it, but the scale on which vote count rigging must be done – way outside the margin of error for scientific exit polls – makes it readily apparent to any critical observer.

That is the problem presented to your commission: you cannot really alleviate flagrant voter suppression targeted by Pres. Obama without taking on the whole problem of Jim Crow, each element of which operates on a massive scale.

To do that you would need to broaden your panels of experts beyond those associated with the electronic voting machine industry from whom you have already heard. And, you would have to extend the timeline for the work of your commission.

In 2006 Jennifer Brunner and Debra Bowen were elected to the office of Secretary of State in Ohio and California, respectively. Both undertook studies, calling upon the best experts in the world, of the vulnerabilities of electronic voting systems to fraudulent manipulation. For doing so both received Profiles in Courage awards from the Kennedy family.

Journalist and author Greg Palast has documented how tens of thousands of qualified voters were knowingly removed from the Florida 2000 election rolls because of superficial similarities of their names to people with felonies.

Professor Lance deHaven-Smith revealed in his book on the 2000 Florida Presidential election that many voters—most of them African American--cast ballots in which they both marked the ballot designated for their choice and also wrote-in that choice by name. This resulted in the electronic tabulators rejecting these ballots as over-votes.

In each of these cases reported by Palast and deHaven-Smith, the number of voters and votes affected were many thousands more than would have changed the outcome of the 2000 Presidential election.

Professor Mark Crispin Miller published the Conyers Report on the 2004 Presidential election as the most important report ever made by the U.S. Congress. Miller published and/or contributed to the creation of many other books on this subject as well. Professor Robert Fittrakis revealed in one of his books on the 2004 Presidential election a variety of mass voter suppression activities and mass vote switching activities in Ohio. Professors Steve Freeman and Joel Bleifuss document the exit poll proof of this. Professor Robert F. Kennedy, Jr., presented this story in a landmark article in Rolling Stone Magazine. Kennedy's article quotes legendary pollster Lou Harris as follows: "Ohio was as dirty an election as America has ever seen. You look at the

turnout and votes in individual precincts, compared to the historic patterns in those counties, and you can tell where the discrepancies are. They stand out like a sore thumb."

<http://www.commondreams.org/views06/0601-34.htm> One of our experts in Ohio litigation relating to the 2004 Presidential election, Richard Hayes Phillips, PhD, analyzed the citizens' digital archive of the 2004 Ohio ballots reflected in Witness to a Crime — a ballot-by-ballot, precinct-by-precinct explanation of the massive election fraud in Ohio 2004.

Both voter suppression and vote switching affected more than the reported margin of victory in the Ohio election and consequently the nation.

Professional mathematician Richard Charnin has scientifically documented, on his blog and in two books, an ongoing pattern of the systematic shifting of votes from one major party to the other. This shifting, referred to as red-shifting when shifting votes from Democrat to Republican, resulted in changing the outcome of the 2000 and 2004 Presidential and the 2010 state and federal elections.

The 2010 election cycle was the biggest election heist to date—achieved through a combination of unprecedented swamping of the commercial airwaves and across-the-slate application of a six point red shifting of votes. Swamping of the airwaves was made possible by two new Justices, vetted by Karl Rove, for the U.S. Supreme Court in the notorious “Citizens United” decision. The definitive discrediting of “Citizens United” was provided by Justice Stevens, and was underscored within academia by Professor Ronald Dworkin calling the decision, among other pejoratives: “devastating” and “appalling.”

NSA trained and certified computer security expert Michael Duniho reported evidence of possible vote count shifting in the recent Republican primary elections. See “The Technological

Foundations of Today's Election Are Shaky, Especially in Ohio.”

<http://www.forbes.com/sites/anthonykosner/2012/11/06/the-technological-foundations-of-todays-election-are-shaky-especially-in-ohio/>

Professor Cynthia Boaz at <http://www.huffingtonpost.com/cynthia-boaz/why-vote-fraud-is-possible-b-2070602.html>, discussed these concerns in regard to the 2012 election, including the infamous ES&S patch as to which Michael Duniho provided expert testimony in state and federal court on election day; and Jill Simpson and Jim March’s presentation of a map of “Karl Rove’s Electronic Empire of Fraud.” <http://electionprotectionaction.org/updates.html>.

All of these documented examples of mass voter suppression, mass vote shifting and swamping of commercial airwaves benefitted the candidates and the major party that are most obedient to global corporate interests, and against the major party that is more committed to the general public welfare. Together these corrupting influences enabled the “glacial partisan shift” of 2010 that set up an unprecedented level of partisan legislative gerrymandering to entrench special interest control of the U.S. Congress and state legislatures for this decade. Professor Richard Gunther rates the 2010 Ohio gerrymander to be twice as bad as the next worst case in the entire world.

Maintenance of political power for the benefit of the one-percent and against 99% of the population has required massive voter suppression, vote switching, commercial airwaves swamping, as well as grotesque gerrymandering. The pay off has transformed the U.S. economy from industrial to casino capitalism. Its Wall Street purveyors, as reported by banking expert Ellen Brown, Esq. established a preference for their speculative bets over all other forms of debt in the 2005 amendments to the U.S. Bankruptcy Code, laying the foundation for the transfer of

trillions of dollars of wealth from the American public to the casino capitalists, beginning with the 2008 economic collapse.

Professor William Black thoroughly documents his charge that all of the 21st century financial manipulations constitute fraudulent cheating on a massive scale.

Considering what is at stake: Democracy in the United States, the survival of a middle class, peace, justice, the rule of law and civilization as we have known it, let us hope that you may rise to challenge the President has placed before you.

Thank you for your consideration.