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Vanishing Votes

by Gregory Palast

On October 29, 2002, George W. Bush signed the Help America Vote Act (HAVA). Hidden behind its apple-pie-and-motherhood name lies a nasty civil rights time bomb.

First, the purges. In the months leading up to the November 2000 presidential election, Florida Secretary of State Katherine Harris, in coordination with Governor Jeb Bush, ordered local election supervisors to purge 57,700 voters from the registries, supposedly ex-cons not allowed to vote in Florida. At least 90.2 percent of those on this "scrub" list, targeted to lose their civil rights, are innocent. Notably, more than half--about 54 percent--are black or Hispanic. You can argue all night about the number ultimately purged, but there's no argument that this electoral racial pogrom ordered by Jeb Bush's operatives gave the White House to his older brother. HAVA not only blesses such purges, it requires all fifty states to implement a similar search-and-destroy mission against vulnerable voters. Specifically, every state must, by the 2004 election, imitate Florida's system of computerizing voter files. The law then empowers fifty secretaries of state--fifty Katherine Harrises--to purge these lists of "suspect" voters.

The purge is back, big time. Following the disclosure in December 2000 of the black voter purge in Britain's Observer newspaper, NAACP lawyers sued the state. The civil rights group won a written promise from Governor Jeb and from Harris's successor to return wrongly scrubbed citizens to the voter rolls. According to records given to the courts by ChoicePoint, the company that generated the computerized lists, the number of Floridians who were questionably tagged totals 91,000. Willie Steen is one of them. Recently, I

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Gregory Palast, a reporter and columnist for Britain's *Observer* newspaper, is investigating the Florida vote story for BBC television.

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caught up with Steen outside his office at a Tampa hospital. Steen's case was easy. You can't work in a hospital if you have a criminal record. (My copy of Harris's hit list includes an ex-con named O'Steen, close enough to cost Willie Steen his vote.) The NAACP held up Steen's case to the court as a prime example of the voter purge evil.

The state admitted Steen's innocence. But a year after the NAACP won his case, Steen still couldn't register. Why was he still under suspicion? What do we know about this "potential felon," as Jeb called him? Steen, unlike our President, honorably served four years in the US military. There is, admittedly, a suspect mark on his record: Steen remains an African-American.

If you're black, voting in America is a game of chance. First, there's the chance your registration card will simply be thrown out. Millions of minority citizens registered to vote using what are called motor-voter forms. And Republicans know it. You would not be surprised to learn that the Commission on Civil Rights found widespread failures to add these voters to the registers. My sources report piles of dust-covered applications stacked up in election offices.

Second, once registered, there's the chance you'll be named a felon. In Florida, besides those fake felons on Harris's scrub sheets, some 600,000 residents are legally barred from voting because they have a criminal record in the state. That's one state. In the entire nation 1.4 million black men with sentences served can't vote, 13 percent of the nation's black male population.

At step three, the real gambling begins. The Voting Rights Act of 1965 guaranteed African-Americans the right to vote--but it did not guarantee the right to have their ballots counted. And in one in seven cases, they aren't.

Take Gadsden County. Of Florida's sixty-seven counties, Gadsden has the highest proportion of black residents: 58 percent. It also has the highest "spoilage" rate, that is, ballots tossed out on technicalities: one in eight votes cast but not counted. Next door to Gadsden is white-majority Leon County, where virtually every vote is counted (a spoilage rate of one in 500).

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How do votes spoil? Apparently, any old odd mark on a ballot will do it. In Gadsden, some voters wrote in Al Gore instead of checking his name. Their votes did not count.

Harvard law professor Christopher Edley Jr., a member of the Commission on Civil Rights, didn't like the smell of all those spoiled ballots. He dug into the pile of tossed ballots and, deep in the commission's official findings, reported this: 14.4 percent of black votes--one in seven--were "invalidated," i.e., never counted. By contrast, only 1.6 percent of nonblack voters' ballots were spoiled.

Florida's electorate is 11 percent African-American. Florida refused to count 179,855 spoiled ballots. A little junior high school algebra applied to commission numbers indicates that 54 percent, or 97,000, of the votes "spoiled" were cast by black folk, of whom more than 90 percent chose Gore. The nonblack vote divided about evenly between Gore and Bush. Therefore, had Harris allowed the counting of these ballots, Al Gore would have racked up a plurality of about 87,000 votes in Florida--162 times Bush's official margin of victory.

That's Florida. Now let's talk about America. In the 2000 election, 1.9 million votes cast were never counted. Spoiled for technical reasons, like writing in Gore's name, machine malfunctions and so on. The reasons for ballot rejection vary, but there's a suspicious shading to the ballots tossed into the dumpster. Edley's team of Harvard experts discovered that just as in Florida, the number of ballots spoiled was--county by county, precinct by precinct--in direct proportion to the local black voting population.

Florida's racial profile mirrors the nation's--both in the percentage of voters who are black and the racial profile of the voters whose ballots don't count. "In 2000, a black voter in Florida was ten times as likely to have their vote spoiled--not counted--as a white voter," explains political scientist Philip Klinkner, co-author of Edley's Harvard report. "National figures indicate that Florida is, surprisingly, typical. Given the proportion of nonwhite to white voters in America, then, it appears that about half of all ballots spoiled in the USA, as many as 1 million votes, were cast by nonwhite voters."

So there you have it. In the last presidential election, approximately 1

million black and other minorities voted, and their ballots were thrown away. And they will be tossed again in November 2004, efficiently, by computer--because HAVA and other bogus reform measures, stressing reform through complex computerization, do not address, and in fact worsen, the racial bias of the uncounted vote.

One million votes will disappear in a puff of very black smoke. And when the smoke clears, the Bush clan will be warming their political careers in the light of the ballot bonfire. HAVA nice day.

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