

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,  
Plaintiff

**DECLARATION OF  
STEVEN FREEMAN**

v

Case No. 06-CV-0263  
(GLS)

NEW YORK STATE BOARD OF ELECTIONS;  
PETER KOSINSKI and STANLEY L. ZALEN,  
Co-Executive Directors of the New York State  
Board of Elections, in their official capacities; and,  
STATE OF NEW YORK,

Defendants

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Pursuant to 28 U.S.C. sec 1746, **STEVEN FREEMAN**, declares as follows:

1. I am the founder of Election Integrity, an organization established to investigate and scientifically analyze the veracity of election results and legitimacy of election processes. We work with academic organizations, including the American Association for the Advancement of Science, the American Association of Public Opinion Research and the American Statistical Association. We have also worked cooperatively with election integrity organizations throughout the nation.
2. I am co-author of the widely acclaimed book, *Was the 2004 Presidential Election Stolen? Exit polls, Election Fraud, and the Official Count* (Seven Stories Press, 2006) which demonstrates conclusively that election results were altered dramatically in the 2004 election,

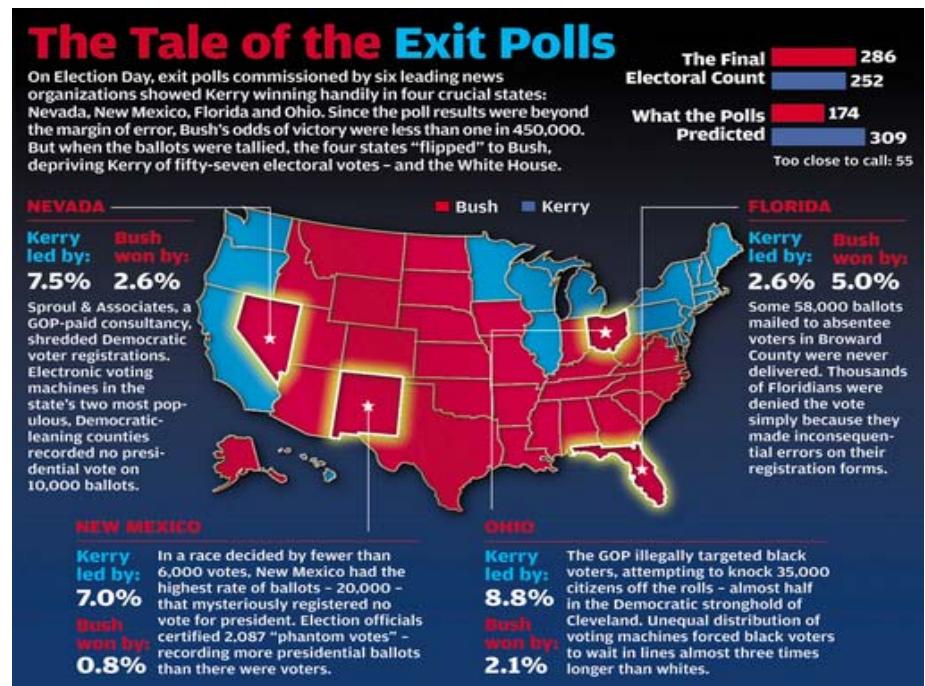
that there is no question, but that had the votes in that election been counted as cast, George W. Bush would have been decisively defeated.

3. I have served on the faculty of the University of Pennsylvania since 2000; currently I am Resident Scholar in Organizational Dynamics in the School of Arts and Sciences, teaching courses in Innovation, Resilience, and Research Methods. I have also taught on the faculty at the Wharton School, and at the Universidad de San Andreas in Argentina and the Central American Institute of Business Administration (INCAE) in Costa Rica, where I have conducted management courses for private and public sector leaders and faculty workshops on research methods.
4. I have won four national research awards for outstanding scholarship from the Academy of Management and also received an award from Sonoma State University's Project Censored for his research documenting one of the three most important (unreported) stories of 2006.
5. I hold a Ph.D. from the Massachusetts Institute of Technology's Sloan School of Management and an M.S. in Social System Science from the University of Pennsylvania's Wharton School.
6. There is little question but that elections using newer HAVA-indicated op-scan and Direct Record Electronic machines *can be* stolen. Indeed, it has been proven time and time again.
7. Industry representatives claim that there are no documented cases of actual election theft, but this is false. It's true that it is difficult to prove such theft because the primary evidence is denied investigators or destroyed. But still, widespread evidence exists.
8. Consider Snohomish County's Parallel Systems and Divergent Results. Absentee Ballots cast on paper/optical scan (2/3 of vote), Election Day on electronic voting machines (1/3 of vote)

Gregoire wins on paper; Rossi wins big on electronic voting machines, bigger yet in precincts with problems and machines with maintenance:

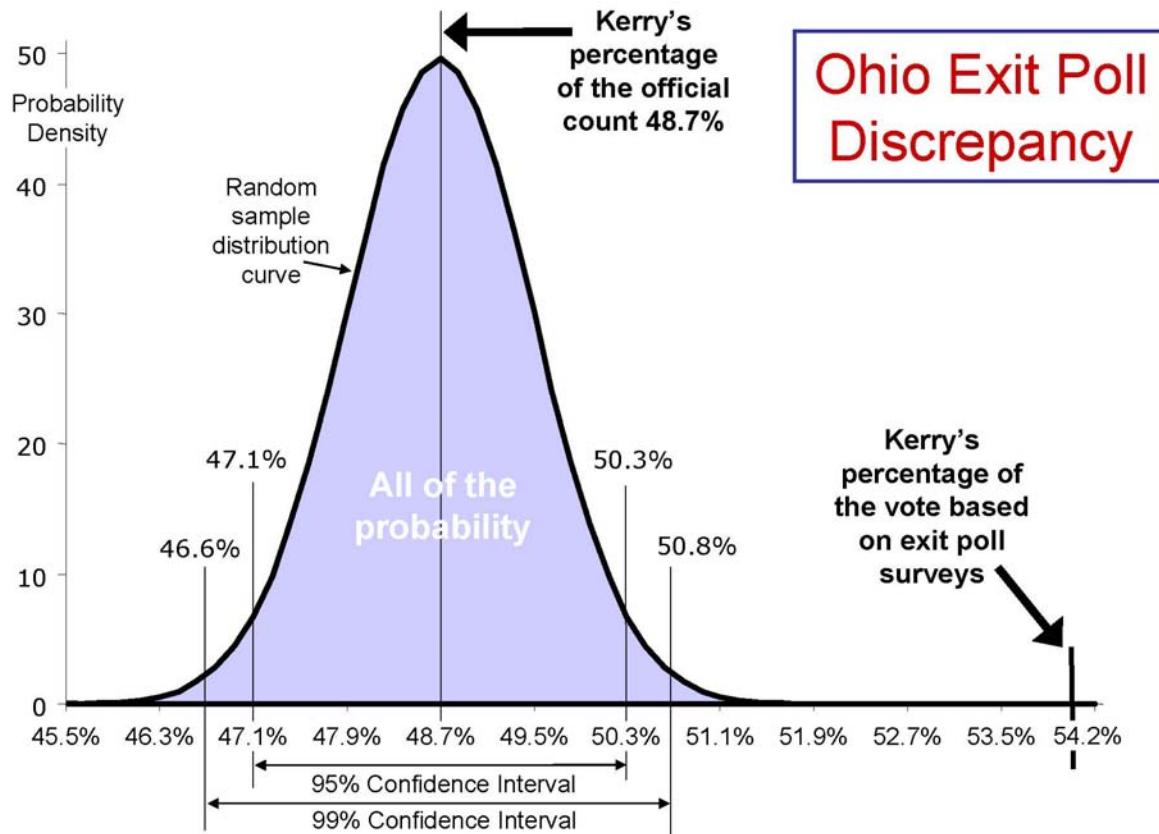
Voting Technology, Condition	Republican Gubernatorial Candidate Dino Rossi	Democratic Gubernatorial Candidate Christine Gregoire	Winner/ Margin
Paper / optical scan	95,228 49.5%	97,044 50.5%	Gregoire 1.0%
Electronic voting machines	50,400 54.5% (+5.0%)	42,145 45.5% (-5.0%)	Rossi 9.0%
Polling places with Election Day problems	21,847 56.1% (+6.6%)	17,100 43.9% (-6.6%)	Rossi 13.2%
Precincts with CPU changes	4,237 58.1% (+8.6%)	3,050 41.9% (-8.6%)	Rossi 16.2%
Malfunctioning DREs	155 60.5% (+12%)	101 39.5% (-12%)	Rossi 21.0%

9. Exit polls have a 40 year track record of accuracy. They have long been used Around the world used as Election verification. In the 2004 US Presidential election, they indicated a decisive victory for John Kerry.

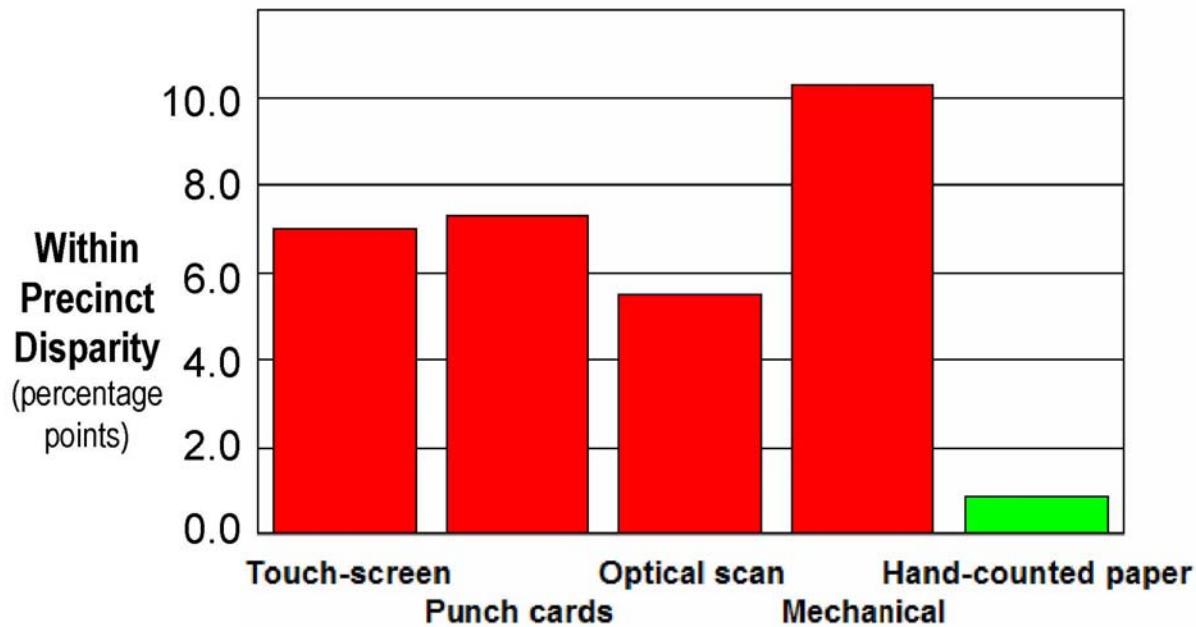


10. According to **official, machine tabulated results**, Bush defeated Kerry by 3,000,000 votes nationally (2.5%) and a slim majority in the Electoral College. **Exit poll data** based on 114,559 sampled voters at 1,460 precincts across the nation indicated that Kerry defeated Bush by 7,000,000 votes nationally (4.6%) and a decisive majority in the Electoral College.

11. The disparity between the official count and exit poll survey data is far, far, far beyond any possible random error.



12. All explanations for the disparity between the official count and exit poll survey data other than election fraud have been systematically refuted by independent data analysis. See Freeman and Bleifuss, *Was the 2004 Presidential Election Stolen? Exit Polls, Election Fraud, and the Official Count* (2006).
13. Where machines tabulated results, there was nationally a seven percentage point disparity between how randomly selected voters say they cast their ballots voted in confidential questionnaires as they walk out of the voting booth, and the official counts in those same precincts. Where votes were cast on paper and counted by hand, there was no disparity at all.



14. There are a dozen other indicators of widespread fraud in the 2004 US Presidential election. And many indicators of widespread fraud in other federal elections since the introduction of the kind of voting machines prescribed by HAVA legislation.

I declare under penalty of perjury that the foregoing is true and correct.

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Executed on December 10, 2007

**STEVEN FREEMAN**