

Campbell, Tracy (2005). *Deliver the Vote: A History of Election Fraud, an American Political Tradition--1742-2004*. New York: Carroll & Graf. Condensation by James Allison, May 5, 2006.

Florida's election fiasco of the year 2000 was no exceptional event in American history. Our deep political culture approves and rationalizes cheating as a necessary defense against the corrupt competition. In colonial Virginia's elections for the House of Burgesses George Washington and Thomas Jefferson liquored up their neighbors to win their votes, a practice called "treating." At a time when only property holders could vote, candidates might swell the vote by creating "temporary property holders." There was physical intimidation and economic retaliation: "Errant" voters might encounter hired bullies, or find their loans called in.

A cherished American document, the Massachusetts constitution of 1780, bears the taint of political fraud. Authored by John Adams, the world's oldest constitution was submitted to the electorate for their approval, which required a 2/3 majority. In 1916 Harvard historian Samuel Eliot Morrison examined the ballots and found that the constitutional convention had invented that majority. Specifically, the returns on two amendments were 8,885 to 6,225 (only 59%), and 6,338 to 5,221 (only 55%). Morrison questioned whether the celebrated Massachusetts constitution was ever ratified legally.

One of our iconic presidents may not have represented the will of the people. The framers of the U.S. constitution found it necessary to strike a compromise in which five slaves counted as three persons for the purpose of apportioning Congressional seats and electoral votes. As a result, the South had fourteen electoral votes because of the non-voting slave population. Jefferson's Virginia had six of those fourteen. As Jefferson and Burr received only eight more electoral votes in the 1800 election than incumbent president John Adams, some historians say that their victory did not represent the will of the people. In that event, neither did it represent the victory of Jeffersonian democracy over Federalism famously enshrined in conventional history.

The tricks were many and varied. "Repeaters" would cast one ballot after another at the same polling place. "Floaters" would vote at many different polling places. Underage voters, new immigrants and prisoners would be paid for their votes. Legitimate voters would be paid to vote a certain way, or to not vote at all. In a practice that came to be known as "Plaquemining" illegal voters would be shipped in from Plaquemines Parish to vote in New Orleans.

Fraudsters worked their tricks in elections large and small. In the presidential election of 1844 Democrat James K. Polk beat Whig Henry Clay by only 38,367 votes out of 2,700,560 cast. Polk's edge was 170 to 105 in the Electoral College. Some state margins were suspiciously thin, and there was massive fraud in New York and Louisiana. Polk, the president who would take us to war with Mexico, won Louisiana by only 699 votes. Oddly enough, he won by 990 votes in Plaquemine Parish, home to a mere 538 white males at a time when only they could vote. Perhaps someone had "Plaquemined" Plaquemine Parish.

"Bizarre" and "blatant" often went together. In Rhode Island, aka "Rogue Island," a Whig-Temperance alliance beat a pro-rum council slate by subverting a wagon load of drunks who meant to vote Rum. The alliance bought their votes for a gallon of gin apiece.

Election fraud inspired the Know-Nothings of the 1850s, often portrayed as little more than bigots. Fired by the conviction that the fraudulent immigrant vote had corrupted our elections, the Know-Nothings became a nativist anti-Catholic movement that never shrank from violence. In Louisville, which had a particularly heavy concentration of German and Irish immigrants, there were three principal methods of suppressing their votes. First, No-Nothing election judges made each voter read his vote aloud, and used accent to spot and reject immigrant votes. Second, in a move reminiscent of the Ohio election of 2004, City Council decreed that a heavily immigrant ward would have only one voting booth. Democrats complained that this constraint had disenfranchised over 1,000 voters. The third method, also redolent of Ohio in 2004, was to require that immigrants present their citizenship papers. These election practices engendered several riots, 10 deaths and major property damage, including the burning of many homes. A similar scenario unfolded in New Orleans. It would not have been the first time that Americans justified revolutionary methods as a response to illegitimate government.

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The burning question of the 1850s was what to do about slavery in the new territories. Illinois Senator Stephen Douglas came out for popular sovereignty and local control, a clear invitation to local election fraud. The first test came in 1854, in the election of a Kansas delegate to Congress. Kansas soon had a flood of free-staters, outsiders looking to prohibit slavery. They were followed by an angry pro-slavery crowd, many from Missouri, who themselves flooded in, threatened the Abolitionists with death, and jiggered the election for pro-slavery candidate John Whitfield. About 61% of the votes were fraudulent. A Congressional committee investigated the election, and the House voted to vacate the seat. Kansas Governor Andrew Reeder ordered a census and an election to constitute the legislative assembly, with the same result as before: of 6,307 votes cast, about 5,000 were fraudulent. Free-staters refused to accept the new pro-slavery government, and formed their own. The pro-slavery government passed laws to rig future elections and formed a territorial militia. In 1856 the militia sacked the town of Lawrence and burned the free-state governor's residence. John Brown and sons arrived in Kansas and murdered several pro-slavers. President Franklin Pierce refused to intercede, and the two parallel governments remained in place.

In 1857 President James Buchanan chose a new Kansas governor, Robert Walker, who held an election for delegates to a constitutional convention. Again Missourians flooded in to elect pro-slavery delegates. Four months later came the election for the new territorial legislature. Walker requested federal troops to counter the Missourians, but Buchanan passed the buck to the members of his pro-slavery cabinet. They refused the request, whereupon the pro-slavery side prevailed in another fraudulent election. At last Congress managed to stage a fair election on the Kansas constitution, which the free-staters won with more than 86% of the vote. President Buchanan appeared incompetent or corrupt, and Senator Douglas' concept of popular sovereignty appeared to be a sham.

The Know-Nothings had not disappeared. In 1857 they struck a local election in Washington, D.C., with 50 Baltimore thugs hired to disrupt the Democratic vote. They assaulted lines of Irish and German voters with fists, brickbats and revolvers. The mayor wrote President Buchanan, pleading for a company of 110 marines to restore the peace. The intrepid thugs readied a cannon for combat, but retreated in an exchange of gunfire and left the cannon to the marines. Eight were dead, nearly two dozen wounded.

The newly formed Republican Party was not above election fraud. In 1857 Minnesota conducted a general election where the Republicans won, 68-6, in a precinct that had only 33 voters.

Deep national divisions engendered unprecedented fraud in the presidential election of 1860. In ten southern states Democrats denied Lincoln a place on the ballot. In New York City Tammany Hall, the Democrat powerhouse, registered false names by the thousands in an effort to defeat Lincoln, who lost the city by 30,000 votes but still took the state. Even with ten southern states out of the race Lincoln won the popular vote by more than 500,000, the electoral vote by 180-72.

In the elections of 1862 a big question was whether soldiers should be allowed to vote. Democrats objected because they thought soldiers would vote for the Republican Party of their Commander-in-Chief, Lincoln. As their legal status as voters was unclear, many states left it to the legislatures, 19 of which eventually passed laws that allowed soldiers to cast absentee ballots. In many states the issue divided along party lines. Some states allowed voting by proxy. In a wartime incident Confederate troops ceased fire on election day in the mistaken notion that Billy Yank would vote Democratic.

Several incidents marked the 1864 presidential election, where Lincoln was opposed by his former commander of the Army of the Potomac, General George McClellan, the Democrat nominee. Federal troops dispersed a meeting of Kentucky Democrats. The governor of New York hired agents to collect only Democrat votes from soldiers stationed in New York. One of the agents and an accomplice, charged with vote fraud, were convicted and sentenced to life imprisonment. Lincoln sent troops to New York City to suppress vote fraud; the troops suppressed Tammany Hall, but did not entirely eliminate pro-McClellan fraud or intimidation. Massachusetts troops stationed in Indianapolis voted repeatedly for the Republican candidate for governor. Lincoln was re-elected easily, with an electoral vote of 212-21.

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The end of the Civil War brought great turmoil to American elections. Black suffrage took a heavy toll on southern Democrats, as black voters turned out with a vengeance. In 1867 70% of the blacks turned out for a Georgia vote on a constitutional referendum, 90% for a vote in Virginia. The southerners responded with Ku Klux Klan terror as the operating arm of the Democratic party, which employed murder and bribery to suppress almost completely not only the black vote, but the white Republican vote. In the absence of terror, selective poll taxes did the job.

Tammany Hall made a strong comeback in the presidential election of 1868, with repeaters, immigrants naturalized by fraud, and the full collusion of law enforcement officers. And Boss Tweed had mastered a favorite trick of American fraudsters, controlling the timing of New York City returns so as to overcome upstate totals.

Fraud gave New York state to Democrat Seymour, but Republican Grant won the presidency with an electoral vote of 214-80. Nevertheless, the 1868 election foreshadowed many future elections, where southern Democrats would win at any cost to ensure racial control after emancipation. Voters' clamor about fraud inspired many attempts at reform, mostly futile. Congress did pass the 1870 Enforcement Acts, which forbade intimidation, violence and racially biased election laws, and enabled the president to enforce the law with troops. During the next seven years the Justice Department prosecuted an average of 700 violations per year. For example, in a Congressional election in 1870 Arkansas Governor Clayton declared John Edwards the winner, but was indicted for giving the election to the wrong man. Congressional investigation revealed such rampant fraud that Edwards was removed from office and replaced by his opponent, Thomas Boles.

Viewed in historical context, the famous election theft of 1876 seems not so extraordinary as it is usually portrayed. After Grant's two terms the great issues were economic depression, corruption, Reconstruction and the fate of the new freedmen. Middle-of-the-road Republican Rutherford B. Hayes assured the South that he would end military occupation. New York Governor Samuel Tilden, the Democratic scourge of Boss Tweed, drew high hopes from the image of corrupt Republicans blamed for economic depression.

Tilden was expected to win the southern states, Hayes the northern. The key swing states were Indiana, Ohio and New York. There were alarming rumors of Democrat repeaters bound for Indiana and Ohio. In New York City Tammany Hall got busy with the registration of thousands of new Democrat voters. In Mississippi, where whites saw the election as a crusade, it took a brave Republican to show up at the polls. The lines were drawn in Florida, whose Republican governor warned blacks of the dire consequences of a Democrat victory: all black schools would close; planters would withhold credit and farmable land from those who voted Republican; landlords and doctors would raise their rates for Republican voters, and railroad employees would lose their jobs. They should carry their guns to their polling places.

On election night Hayes went to bed under the impression that he had lost, but a telegram to party faithful in South Carolina, Florida and Louisiana inspired a heroic effort of fraud and intimidation. Tilden had won 184 electoral votes, one short of victory, and if those three states could hold, Hayes would have a chance. Both sides, correctly, felt cheated. After a bewildering episode of warring canvassing boards the mess wound up in Congress, where an Election Commission would decide the issue. The commission comprised five Republican and five Democrat congressmen, and 5 Supreme Court members: two Republicans, two Democrats and one to be chosen by them. The likely fifth member was Justice David Davis, a Republican who was supposedly ready to give Democrat Tilden at least one of the disputed states, and thus the presidency. However, Democrat legislators in Illinois elected Davis to the U.S. Senate, whereupon he left the bench and the commission. Republican Justice Joseph Bradley replaced him, and followed the party line: A flock of 8-7 votes denied Democrat claims and gave Hayes both the 19 electoral votes in question and the presidency, 185-184. Democrats called the new president "Rutherfraud Hayes."

Of course the election evoked the usual calls for reform--abolish the Electoral College, distribute electoral votes in proportion to the popular vote--and of course nothing was done. A congressional committee headed by a New York Democrat, Clarkson Potter, revealed nasty work in Florida: A

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Republican member of the state canvassing board confessed to having acted for the party, not the voters, for fear of the national tragedy of a Democratic victory. And Hayes had given plum jobs to the stalwarts who delivered the vote. It was suspicions confirmed: Tilden had really won and been cheated, and all sides were corrupt.

Was Tilden robbed? Most historians think so, but the question is debatable. Tilden's strong showing in the South probably owed much to suppression of the black vote. A definitive answer would require a precise comparison of Democrat and Republican fraud, difficult then and virtually impossible now.

In the wake of Tilden's loss southern leaders would have believed even more firmly in their patriotic duty to suppress the black vote. The Tillman brothers of South Carolina showed how. Up for re-election in 1880, Democrat Representative George D. Tillman beat Robert Smalls, a black Republican. Smalls contested the result, and a House committee investigation revealed organized anti-black violence and intimidation at the polls, not to mention more Tillman votes than eligible white males. The committee threw out many of the results, and the House voted to seat Smalls. Tillman tried again in 1882, won the same way as before, and never lost again. His brother, "Pitchfork" Ben, followed suit to become governor and U.S. Senator.

Tammany Hall knew all of the tricks. A prospective repeater would be told to grow a beard, so he could assume the disguise of a four-vote repeater by shaving his beard progressively three times. However, election fraud abounded far beyond big-city lights. In New Mexico a House committee found that Tranquillo Luna had beaten Francisco Manzanares by 4,259-0 in a county that had never had over 2,200 votes. The committee also discovered alphabetical voting and fictitious returns. The seat went to Manzanares.

Violent intimidation remained common. Black Republicans thought twice about contesting elections. In Florida white mobs lynched blacks who testified about election fraud. In Arkansas, after Republican John Clayton lost a congressional race to Democrat Clifton Breckinridge, he visited a place where a ballot box had been stolen. As he questioned local residents, he was murdered. The House investigation upheld Clayton and vacated the seat, but Breckinridge won the next election.

The author attributes some of this culture to the Social Darwinism that prevailed in business, where the Titans of industry cheated all comers: one another, small competitors and consumers. Transposed to politics, Social Darwinism made it perfectly acceptable that those who were born to rule do anything to get and keep political power.

Our two-party system was firmly entrenched by the late 1800s. Democrats and Republicans kept other parties out of the game by outspending them, keeping them off the ballot, demagogery, intimidation and fraud. They printed false ballots to indicate that the third party had withdrawn; they stuffed ballot boxes, all in a good cause.

Frustration with the corrupted system played a part in the Chicago Haymarket Riot of May, 1886. Six years before, Socialist candidate Frank Stauber sued after having lost a race for alderman. The court found excessive fraud and restored Stauber's seat, but the jury refused to convict the "good faith" poll workers. This episode, among many like it, destroyed the Socialists' faith in the ballot. German Socialists, who had long endured the persecutions of Irish police, thought Irish Democrats had long stolen elections in Chicago. Albert Parsons was one of the disillusioned Socialists. He was hanged as a principal of the Haymarket incident, when anarchists on strike for an 8-hour day clashed with police, a bomb was thrown and seven police died, for which four anarchists were hanged. The bomb thrower was never identified, but there is no doubt that election fraud helped to precipitate the Haymarket Riot.

The presidential election of 1884 brought another scandal. In a close race New York Democrat Grover Cleveland beat Maine Republican James G. Blaine by 219-182 Electoral College votes. Attention focused on New York, which Cleveland took by less than 1,000 votes. Blaine cried "imported voters," but did not challenge the result. Earlier reports on New York City revealed a precinct where over 20% of the

vote was bought for \$2.00-\$5.00 per vote.

Some were appalled at how common and widely accepted such fraud seemed to be. In a Mississippi county the “ballot box” was a mere slit in a wall, where a stalwart on the other side examined the ballots as they came through the slit and discarded the unwanted ones. From Florida came news of ballot box thefts and election-day threats to black voters. In Mississippi, Georgia and South Carolina Democrats carried nearly 100 counties that had black majorities favorable to Republicans. In Louisiana 18 blacks died in riots just before election day.

Republicans noted the duplicity and tried to restore some fairness. In 1887 Massachusetts Representative Henry Cabot Lodge sought to install federal supervision of local elections and empower the president to send troops to the scene. His bill passed in the House with no Democrat support, but failed in the Senate when Democrats mounted a 33-day filibuster. The failure of the “Lodge Force Bill” marked the beginning of a seven-decade hiatus in federal attempts to reform southern elections.

The U.S. Supreme Court was supremely unreliable. In 1876 the Court nullified the 15th Amendment when it ruled in *U.S. v. Reese* that the amendment did not give blacks the right to vote, but merely prohibited exclusion on the basis of race. Lower courts followed the lead, and in effect made disenfranchisement constitutional. It was also supremely inconsistent: In 1884 (*ex parte Yarbrough*) the Court affirmed the right of the federal government to punish persons for obstructing another’s right to vote, but ruled in 1903 that Congress had no power to punish election bribery. So much for the Supreme Court as a scourge of election fraud.

The 1888 presidential election sparked another reform movement. One of the most corrupt contests in U.S. history pitted President Cleveland against Republican Benjamin Harrison. Harrison won the electoral vote, but lost the popular vote by about 60,000. One might have thought that Cleveland had been robbed, but for methods Democrats had used for years to suppress the black Republican vote. Also notable was Cleveland’s narrow win in West Virginia, where there were 12,000 more votes than voters.

On the other side, New York Republicans were suspected of importing voters. Worst of all was Indiana, Harrison’s home state (“venal Indiana”). A letter from the Republican National Committee told Indiana’s GOP faithful to “Divide the floaters into blocks of five and put a trusted man with necessary funds in charge of these five and make him responsible that none get away and that all vote our ticket.” (Campbell, 2005, p. 95.) Observers watched Republicans bring their floaters into town the night before the election, and Harrison won his Hoosier state by 2,376 out of more than 500,000 votes.

Reformers urged changes that seemed double-edged. For example, stricter rules for residence could harm workers, who moved relatively often. Everyone knew that leaders of either party would pursue rules to help them and hurt the opposition. One such reform was the secret ballot. The “Australian” ballot, printed by the state and cast in secret, was adopted first by Massachusetts in 1888. The two parties liked it because it could make third-party challenges more difficult: As the state would print the ballots, the major parties would write the rules for placement on the ballot. Moreover, it would become easier to vote a straight party ticket, and harder to split the ballot. By the 1892 election 75% of the states had adopted it. The new ballot decreased the turnout, but left fraud intact. Many saw it as a fine way to disenfranchise poor whites, illiterate immigrants, southern blacks and third parties--it would permit the practice of fraud in innocent disguise. Vermont Republicans confined printed ballots to urban areas, where illiterate immigrants, presumably Democrat, would be unable to read the ballot. Another great reform hope, the voting machine, appeared in 1892.

It was not a good time for third-party movements. In the Alabama race for governor in 1894 Populist Reuben Kolb faced Democrat William Oates, a renowned ballot-box stuffer. When Oates received 57% of the vote, Kolb protested and declared himself the winner. Both candidates showed up in Montgomery to be inaugurated. A local judge declared Kolb the victor and swore him in, whereupon Kolb and supporters marched to the capitol, only to be met by armed troops who denied them permission to speak. Governor Oates was in. Kolb cried “fraud,” but retreated. A similar story came from Texas in 1896, involving several blacks running on a Republican-Populist ticket. When one of them seemed to have won, officials counted him out; when he protested, a judge shot him in the arm. Another black,

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declared the winner in a race for county commissioner, declined to serve for fear of violence. The Populist party was dead by the late 1890s.

The south was ready to accomplish by law what they had long done by fraud: the disenfranchisement not only of blacks, but of poor whites attracted to third-party movements. Many southern states adopted new constitutions that imposed poll taxes and literacy tests. By 1901 they included Louisiana, North and South Carolina and Alabama. In Louisiana voter registration, about 294,000 in 1897, fell in three years to about 131,000, with a 96% drop in black voters and a 23% drop in white voters, mostly poor-white Populists.

North Carolina was symptomatic. In 1894 a fusion of Populists and Republicans won the governorship, the General Assembly and many local offices. The Democrats came back in 1898, winning five out of nine Congressional seats with intimidation and fraud. In Wilmington a white mob attacked a black newspaper office and killed several blacks. In 1900 the Democrats recaptured the governorship and amended the constitution to disenfranchise blacks. As the new governor said, "We have ruled by force, we have ruled by fraud, but we want to rule by law." (Campbell, 2005, p. 106.)

Not to be outdone, Kentucky staged a bizarre political drama in its gubernatorial election of 1899, thanks to its creation of a three-person Board of Elections to certify all elections and settle all election disputes. The author of the enabling legislation was William Goebel, who happened to be the Democratic candidate for governor. Republican William Taylor seemed to have the edge, but the results were contested and the board went into action. Down from the mountains and into Frankfort came hundreds of armed Republicans to support their man. Goebel's board amazed everyone by voting 2-1 for Taylor, who was duly inaugurated.

Goebel carried his case to the Democratic legislature. The Republican mountaineers reappeared, and the Democrats promised to fight force in kind. On Goebel's way to the hearings someone shot him in the chest. As he lay dying the legislature's contest committee certified him governor on a party-line vote. The alarmed Taylor stayed in Frankfort under militia protection, but sent his General Assembly 100 miles south to the Republican town of London as the defiant Democrats held their ground in Frankfort. They called a quorum, declared Goebel governor and a judge swore him in, giving Kentucky two governors and two legislatures.

Three days later Goebel died and was replaced by Democratic Lieutenant Governor Beckham. Taylor asked President McKinley for help, but got none. The dispute went to the Kentucky Court of Appeals, which sided with the Democrats. Next came the U.S. Court of Appeals in Cincinnati, Judge William Howard Taft presiding, which threw out the case, as did the U.S. Supreme Court on May 21, 1900.

Taylor fled the state, spent the remaining 28 years of his life in Indianapolis, and the bitterness persisted for generations. The system had engendered everywhere a culture of corruption and mutual contempt.

Louisville was a fair example: not too corrupt, neither southern nor northern, large nor small, and an early adopter, in 1888, of the "reformist" Australian system. John Whallen, who owned a burlesque theater, was the Democratic boss of Louisville politics and a master of both subterfuge and violent intimidation. Public disgust at his methods came to a head in the 1905 mayoral election, when dissident Democrats joined with Republicans as a party of Fusionists and ran Joseph O'Neal as their candidate.

The Democrat fraud started with registration. Whallen hired criminals to intimidate black registration. The machine-controlled police threatened Fusionists who challenged questionable Democrat registrants. Democrat officials seized registration books and filled them out in private. One Fusionist, given a Mickey Finn, woke up to find his records gone and several dozen names added to his registration list. To help keep the black vote down, registration certificates were bought and stashed in the sheriff's safe.

Whence came the money to buy votes? Candidates for city office gave 10% of their salaries, police gave according to rank: The Chief gave \$125, a Lieutenant \$50, a Patrolman \$32. Other city employees gave 5%. Bigger wards got bigger pieces of the pie, and the records of all such transactions

were burned.

Police broke up public meetings of Fusion supporters. On election day voters at selected places faced insufficient ballots, ballot boxes carried off at gunpoint, properly-registered blacks disqualified by police, Fusion challengers ignored by Democrat election officials and flagrant stuffing of ballot boxes at gunpoint.

How did the news media respond? The Democrat *Courier-Journal* printed a glowing report of a Democrat victory--Barth 19,645, O'Neal 16,557--despite the outrage of Fusionists wielding clubs and ax handles against peaceable Democrat voters. "All things considered [the election] was as free of disturbances as could be expected . . . that the beaten party should cry 'fraud' has become a matter of course; the fairest among them, however, and the manlier--conscious of their own shortcomings and seeing both sides of the record--have been disposed to take their medicine and abide by the result." (Campbell, 2005, p. 127.)

The Fusionists founded and funded a committee to investigate fraud, collected much evidence thereof, and in a series of back-and-forth court decisions won in 1907 a 4-2 ruling by the Kentucky Court of Appeals. The ruling overturned the 1905 election, ordered a new one for 1907, and ordered that the governor appoint a new person to hold the office until then.

The Republican mayoral candidate won that closely watched election, but 1909 was a different story. Whallen, the Democrat boss, abandoned his old tactics and played the white supremacy card: The day before the election the *Courier-Journal* printed as true a forged letter from one black to another that chortled about the advantages they would enjoy from a Republican victory at the polls. The Kentucky *Irish-American* took a similar line of its own, and the Democrat candidate made speeches about a black boss cussing out white workers on a city street. The race-baiting worked: The Democrat won by 2,312 votes, Whallen shook hands with a judge and won several thousand dollars in election bets. The new administration kicked blacks off the city payroll and segregated the city jail.

Election fraud continued to pay in many subsequent elections. Whallen became rich, paid no fine, spent no time in jail, and had one of the greatest funeral processions in Louisville history. His brother carried on until 1930, when one of his pallbearers was Arthur Wallace, the reformer who had championed Louisville's adoption of the Australian ballot.

The culture of corruption was planted everywhere. In 1905 Lincoln Steffens described Rhode Island as "a state for sale" (Campbell, 2005, p. 136), controlled by big business and grounded on the bribery of voters, a practice accepted as just compensation for time spent at the polls. Many reformers pinned their hopes on structural change, despite the failure of the Australian ballot. New Jersey had the new voting machines in 1908, but the machines were hard on ticket-splitters and write-in candidates, and the public voted overwhelmingly to return to paper ballots. The gamblers seemed to have an answer for everything, including the secret ballot. An example was the "chain ballot," where the vote buyer would cast a blank piece of paper and pocket the real ballot, which he marked and handed over to a vote seller. The seller would cast the marked ballot, pocket his blank ballot and hand it to the buyer in exchange for the agreed price, whereupon the buyer would find another seller to repeat the process. The introduction of absentee ballots opened new avenues to fraud by permitting the removal of ballots from the polling place.

Even great wealth was no match for fraud, as newspaper magnate William Randolph Hearst discovered in his run for the mayorship of New York. In 1905 Hearst fought Tammany Hall on a third-party reform platform. His appeal to the working class had the major parties worried, but the odds-makers knew better. A major cause of electoral corruption themselves, the odds-makers favored McClellan, the Tammany candidate, 2/1--a circumstance that foretold a Noah's flood of false registrations and floaters.

Election day saw much in the way of voter intimidation by Tammany thugs, all condoned by the police. McClellan won 50.3% of the vote. Hearst and his papers screamed "fraud," the *New York Times* shushed "nonsense," and Hearst sued for a recount. Now the smart money was on Hearst. His stock went up with the discovery in a barber shop of an unsealed ballot box full of uncounted ballots; two more abused ballot boxes showed up in a tailor shop. The New York Superior Court ordered a recount. The

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Hearst forces, reminiscent of Al Gore in 2000, chose to recount only a few selected precincts as an opening wedge to a bigger recount.

All went well until the New York Court of Appeals ruled that Hearst had no right to demand a recount, and McClellan was declared mayor. Further courtroom battles revealed more Tammany fraud. Another recount ensued in 1908, with further Hearst gains that still fell short of McClellan. The saga ended when the New York Superior Court, having finally had enough, also declared McClellan the winner. Hearst withdrew, declared himself satisfied with the result, and Tammany Hall had beaten one of the most powerful men in the world.

Of course New York was rotten to the core, but so was the American heartland. Take Adams County, in southern Ohio, where a vote in the 1910 election sold for \$8 on average, but ranged from a drink of whiskey to a princely \$25. Voters vowed to oppose any reform effort to stop the buying of votes. They counted on elections as vote markets, providers of economic opportunity; they didn't care who won or why the winners won. But a reformist judge named Albion C. Blair turned things around in 1911 with hundreds of indictments that loosed a parade of witnesses, guilty pleas and punishments that included some 1,700 temporary disenfranchisements. The lesson was clear: Throughout the land the countryside was full of counties where bribed voters overwhelmed the voters of conscience.

Federal prosecution entered the picture in 1915 with a Supreme Court ruling that local officials who conspired to suppress votes were subject to federal indictments. That very year, federal prosecutors in Terre Haute, Indiana, indicted 114 men for conspiring to fix the 1914 election for mayor, sheriff and circuit judge. Sensing a federal assault on states' rights, two Kentucky Democrats, a Senator and a Representative, tried to block the prosecutions, and Mayor Donn M. Roberts played the race card. The prosecution showed a Roberts-run election full of false registrations, votes bought with a big slush fund, and thugs to intimidate voters. The police chief implicated Roberts, and numerous defendants pleaded guilty. The judge sentenced Roberts to Leavenworth for six years, a circuit judge and a sheriff got five years each, and fifteen more went to prison. The *New York Times* crowed that Roberts and company had failed to notice that political fashions had changed: Almost overnight, the commendable had become the reprehensible.

The *New York Times* had nothing to brag about. In 1923 one of its reporters, working in the Bowery, noted of a precinct with 300 voters that the Democrat candidates for the Assembly, Alderman and Municipal Court each won by a count of 300-0. There was no outcry: It was election-day business as usual in New York City.

The electorate swelled in 1913, after a constitutional amendment for the direct election of senators, and 1920, with the advent of women's suffrage. But when women got the right to vote, blacks had largely lost their own voting rights. They faced a mountain of impediments, both lawful and otherwise, including open warfare by the Ku Klux Klan. Still they continued the struggle. In the 1920 election in Florida thirty to sixty blacks were killed as the state stood by, with hundreds more wounded or hounded out of the state.

Besides the occasional courageous judge, both houses of Congress could and sometimes did refuse to seat the winner of a fraudulent election. This happened more often in our early years than of late. Between 1789 and 1901 the House considered 217 contested elections; in 94 cases (43%) the decision was to vacate the seat or give it to the contestant. Victory could be hollow, and election fraud could pay: In 1921 a belated House decision seated the contestant for the last six days of the term.

The tradition-bound Senate was more reluctant to overturn elections, and when it did it almost always voted along party lines. A famous Senate case arose from a Pennsylvania election in 1926. Representative Vare, the boss of Philadelphia, won, but when Democrat Wilson alleged electoral fraud the Senate refused to seat Vare. Although subsequent investigation uncovered much fraud in Philadelphia, and the special committee reported that Vare was not entitled to the seat, another Senate committee declared that Vare would have won even without the disputed votes. In 1929 the Senate finally voted to deny both men the seat.

Even in the Senate party politics could take strange turns. In an Iowa election in 1924, which the Republican incumbent won by a razor-thin margin, the Democrat contested the result and the investigating committee supported his claim. Oddly, a Democrat committee member dissented, and the Republican “winner” was on the outs with his own party for having refused to endorse Republican President Calvin Coolidge. These peculiar complications were resolved in 1926 when the Republican Senate removed the Republican incumbent and seated the Democrat contestant, a clear lesson in obedience to higher authority.

In the South, of course, what really mattered was which Democrat won the primary. The controlling precedent was set by a 1930 election in Alabama, when challenger Bankhead defeated incumbent Heflin, who contested the result. The investigating committee split. Republicans thought the fraud so massive that the Senate should void the election; Democrats pointed to Alabama law, which said that fraud didn't count unless it was enough to determine who won, which it was not in this particular case. In 1932 the Senate voted to seat Bankhead. The committee, having learned its lesson, ruled that in the future the Senate would not concern itself with the legality of the primary. Indeed, with the arrival of the 1930s the country was generally inclined to look away from local elections.

Do you know how St. Louis got that magnificent arch? In 1934 city leaders, preying on a weakness for patriotic hagiography, asked the federal government to help create a monument to Thomas Jefferson. Bingo! Both Congress and FDR approved the project that June. The federal government was to “match” city funding by a ratio of 3/1, and the plan would clear 37 blocks of riverfront property. But first, the city would need 2/3 of its voters to approve a bond issue--a most unlikely proposition in the depths of the Depression.

The political muscle would come from Mayor Bernard Dickmann, a real-estate man, who soon launched the offensive. He promised the public that the project would bring gobs of new jobs and clear away huge areas of blight. He squeezed and threatened city employees to work for the bond issue. Phony polls indicated massive popular support, and trade unions fell in line for the promise of new jobs. Nevertheless, opposition groups sprang up. The Chamber of Commerce went along, but found that 34 out of 290 businesses in the area to be demolished would have to go out of business.

On election day the “Ayes” had 70.9% of the vote, but the vote total was suspiciously large. A gunfight broke out in City Hall between warring Democrat factions, and four stalwarts were wounded. A Citizens' Non-Partisan Committee sent a protest to FDR and, working with the St. Louis *Post-Dispatch*, soon discovered massive fraud: false registrations, vote buying and vote stealing. Election records were “lost.” The City Elections Board temporized, but Governor Park demanded a full investigation.

By July, 1936, 46,301 registrants remained unfound, almost 12% of the electorate. When a grand jury decided not to investigate because an investigation would not be good for the city, the public became outraged. The project stalled in Washington until Mayor Dickmann threatened to campaign against FDR in St. Louis. In his diary Secretary of the Interior Harold Ickes expressed much disgust, but the project went forward all the same. Another grand jury indicted 67 principals, despite which a primary election in September, 1936, saw still more fraud, and Dickmann easily won re-election the following year.

We return to 1936, when 36 property owners sued to stop Ickes' release of funds. Their claim was that the real purpose of the project was to boost real estate values at federal expense. In 1937 a Federal Appeals Court denied their appeal for an injunction, saying in effect that no matter whether the election was fraudulent, a contract is a contract. In 1938 the Missouri Supreme Court halted further examination of fraud in the bond-issue election despite ample evidentiary records. The *Post-Dispatch* called the decision a miscarriage of justice and a legal violation of common sense and community interest. Congressional objections proved useless.

The area was cleared in 1939. Over the next 20 years the city lost \$5.4 million in property taxes, and businesses and residences were swept away to be replaced by a ghost town with rampant unemployment. Rents went up, and realtors made a killing from the federal money that bought their property.

In 1947, after the hiatus of WW2, an architectural competition picked Eero Saarinen to design the memorial. The Korean War halted further progress until 1965, when the keystone was laid. Dickmann was

on hand to boast about “the greatest memorial since the Eiffel Tower.” (Campbell, 2005, p. 188.) Two more bond-issue elections came up in 1966. The first one lost, having received only 59.5% of the vote. The second try, four months later, was headed by Dickmann, who later said he always knew it would pass. And pass it did, in a remarkable turnaround, with 69.5% of the vote.

Visitors to the arch can read government literature about Thomas Jefferson, the Louisiana Purchase, the Lewis and Clark expedition and the Gateway to the West. Whatever else it might be, the arch is truly a monument to the triumph of money over the will of the people, and a monument to the byproducts of stolen elections. [The condenser was reminded of “The Third Man,” a movie where Orson Welles compares the corrupt Borgias and their Renaissance with the squeaky-clean Swiss and their cuckoo clock.]

Under the control of the Tom Pendergast machine, Kansas City was even more corrupt than St. Louis. His formula was simple: Register the vote, then get it out. With his support, Harry S. Truman became a county judge, then a U.S. Senator in 1934. Truman won that year’s primary because Pendergast got more fraudulent voters to the polls in Kansas City than Dickmann did in St. Louis. The methods made a now familiar list: phantom registered voters, armed thugs by the carload, stolen ballot books, repeaters, police corruption, intimidation and violence up to and including homicide. A newspaper indulged in sarcasm: As Pendergast was winning by means of beatings and killings, the U.S. sent the Marines to monitor elections in Nicaragua.

Years of this had conditioned Kansas City voters to expect fraud as a matter of course. It was rampant in 1936, when in many precincts every candidate, from constable to president, received the same number of votes. The U.S. District Attorney, Maurice Milligan, thought this too obvious, and brought the matter to a grand jury. Eventually he convicted 259 people for election fraud. Truman, after his presidency, called Milligan a “dumb cluck.” (Campbell, 2005, p. 197.)

Pendergast went to prison in 1939 for the usual reason, income tax evasion, but his style of fraud continued through the 1946 election, where machine wards recorded 95% of the vote for machine candidates and were characterized by absent election judges, deliberate miscounts, no count at all, false registrations and votes by dead souls. Pendergast was gone, but his spirit lived on in Kansas City.

In the corruption derby Pendergast ran far behind the greatest of them all, “Kingfish” Huey Long, Louisiana governor and U.S. Senator. His was a state where a candidate might be kept off the ballot by a courthouse employee who claimed to have run out of qualifying forms, or that the form had been filed right enough, but with the wrong filing and postage fees. None of this mattered anyway, because in the election itself an unfavored candidate might lose St. Bernard Parish by 3,152-0, or the winner might get 3,977 votes out of 2,454 registered voters. Alphabetical voting was not unusual. Long’s machine routinely coerced state employees into supporting machine candidates. Long was also adept at the use of state election law for his own ends, as in his use of “dummy candidates.” Hundreds of candidates for local office would appear on the ballot, their filing fees paid by the Long machine. Few of them expected to hold office, but each could put forward a candidate for local election commissioner. By packing the election commission, Long was able to control the election itself.

A typical episode occurred in 1932, when the citizens of Louisiana voted on fifteen constitutional amendments. All passed, but the two that meant big money for Long insiders had suspicious margins: unanimous in sixteen New Orleans precincts, and identical vote totals in 28 others. District Attorney Eugene Stanley presented evidence of fraud to a grand jury. When the state attorney general tried to get him to drop the case and Stanley refused, the attorney general stepped in and announced that the grand jury would take no action. However, the presiding judge refused to accept the grand jury’s “no fraud” finding. A new judge also rebuffed the grand jury, and fresh charges were leveled at the Registrar of Voters, accused of purging the names of lawful voters. At Senator Long’s behest Governor O.K. Allen declared martial law to “protect” the grand jury, whose members opened up the ballot boxes as National Guardsmen stood by with machine guns. Allen recalled the troops. A new grand jury proceeded with the investigation and confirmed massive vote fraud. When Stanley indicted 513 New Orleans election officials, Long had the legislature change the law so as to give *ex post facto* protection to the defendants,

and there the matter ended.

Reform-minded women of the Honest Election League became election commissioners themselves, checking poll books and going door-to-door to verify registration lists. But in the residual climate of intimidation they made little headway against the Long machine.

The Depression threatened to do wonders for out-of-the-mainstream candidates. One such was novelist-Socialist Upton Sinclair, in his 1934 bid for the governorship of California. His 3/1 victory in the Democrat primary shook the establishments of both major parties.

A Republican organization, United for California, tried to head him off by means of a sealed list of "illegal registrants," who supposedly could be arrested if they tried to vote. This project, the brain child of a former U.S. Attorney, George Medalia, was soon exposed as a shabby attempt to terrify eligible voters into staying away from the polls. Apparently not all fraudsters looked or acted like Tom Pendergast or Huey Long. Just before the election the California Supreme Court issued a writ against Medalia's ploy. Nevertheless, Sinclair lost to Republican Merriam by more than 230,000 votes.

This was when a coal county in eastern Kentucky gained national fame as "Bloody Harlan." The Republican party held sway there, partly because of its mastery of the "late return." Harlan elections often evoked gunfire, dynamite blasts, stabbings and beatings, sometimes mortal. The Louisville *Courier-Journal* reported the killings as routine inner-page news. Coal-company precincts routinely rigged the ballots as the company prescribed, and whiskey bribes and alphabetical voting were common. On the eve of the 1938 election ballot-box theft disenfranchised nearly 500 voters, as a result of which state courts nullified the the Harlan election results.

Harlan won its greatest notoriety in the U.S. Senate race in the WW2 year of 1942. As the local paper flogged voters to do the patriotic duty for which their soldiers were fighting, Democrat Chandler racked up wildly implausible margins over Republican challenger Colbert, 11,228-1,477 in Harlan. In 1943 a federal grand jury indicted 99 Harlan defendants; the legal back-and-forth ended with a U.S. Supreme Court ruling that allowed the prosecution to proceed to its conclusion, over 70 sentences that ranged from heavy fines to two years in prison. Nevertheless, subsequent Harlan elections showed that nothing had really changed the climate of corruption in the coal-company precincts.

Poll taxes, literacy tests and white primaries had made fraud and violence less necessary in the South. Nevertheless, white supremacists kept many of the old methods close at hand, just in case. Thus, when the U.S. Supreme Court eliminated the white primary by declaring a constitutional right to vote in the primary (*Smith v. Allwright, 1944*), the decision mattered little to Georgia white supremacist Gene Talmadge. Although he lost the popular vote for governor in the 1946 primary, he still won the nomination because of a "county-unit" system that gave sparsely populated rural counties more weight than densely populated urban ones.

The plot thickened when governor-elect Talmadge died of cancer before he could take office. Next in line was Lieutenant Governor Melvin Thompson, a moderate. But the racists hoped to beat Thompson by using Gene's young son, Herman Talmadge, who had earned some write-in votes, plus a state law that compelled the legislature to choose from the two candidates with the most votes. (There was no Republican candidate in the final election.) Miraculously, a ballot box that turned up months after the election contained enough pro-Herman write-ins to raise him from third place to first among the write-ins. The final counts were 675 (for Herman), 669 and 637. The legislature duly elected Herman Talmadge to the governorship, with 0.004% of the popular vote. However, the sitting governor refused to accept Herman's legitimacy, and the *Atlanta Constitution* launched an investigation that revealed rampant fraud in the primary election.

Herman and his cronies in the legislature raged against the newspaper. Nevertheless, the state Supreme Court declared the lieutenant governor to be the rightful governor in a 5-2 vote, and ordered a special election for the following year, 1948. Herman dutifully cleared out, but reclaimed the office by a 40,000-vote margin. A newspaperman's house was bombed. A minister critical of Talmadge was fired and left the county. In 1950 late returns gave Herman Talmadge the governorship again, and in 1956 a united white vote sent him to the U.S. Senate, where he stayed until 1981.

12

Lyndon Johnson stood at the center of the most famous election fraud of the 20th century, one that raised him from relative obscurity to the U.S. Senate. In 1948 south Texas was ruled by masters of deceit. George Parr ran Duval County, sometimes by importing thousands of Mexicans to vote as instructed, sometimes by armed enforcers. Johnson had already lost one Senate race to late returns, and was determined not to lose the 1948 race the same way.

He started the Democratic primary as a sure-to-lose underdog to former governor Coke Stevenson, but ran strong enough to force a two-way runoff. Polls had Johnson far behind, but with the help of a 93% Johnson vote from Parr's six counties, he finished only 854 votes short of Stevenson out of a million cast. Parr rose to the occasion by producing some amended returns that gave Johnson a 693-vote lead.

The lead went back and forth for six days, until the official count gave Stevenson a 113-vote margin. At that point Parr pulled another rabbit out of the hat: Precinct 13, which had originally gone for Johnson 765-60, now reported 965-60. Someone had simply pen-stroked the "7" into a "9".

The ensuing court battle focused on the famous "Ballot Box 13." When the investigation revealed fraud the federal judge ordered an injunction, but the state Democratic Committee supported Johnson by a vote of 29-28. U.S. Supreme Court Justice Hugo Black opined that a federal judge had no power to enjoin a state election, whereupon LBJ rode his 87-vote margin into the Senate. Stevenson carried the fight to the Democrat-controlled Senate, which rebuffed him, and finally to the F.B.I. Unfortunately for Stevenson, Congressman Johnson had been a neighbor of J. Edgar Hoover, and was a good friend of Attorney General Tom Clark. The Justice Department whitewashed the affair and pursued it no further.

Hoover could be hell on election fraud when it suited him. A well documented example was his vigorous pursuit of a liberal defender of civil rights. The hapless victim was Kentuckian Edward Pritchard, Jr., a New Deal *Wunderkind* of WW2 who returned home from Washington with every expectation of a bright political future in the Senate or even the White House. But on the morning of the 1948 election a sheriff found some marked ballots in a ballot box that should have been empty. Agents of the F.B.I. came to Bourbon County to investigate. As usual, Hoover declined to push the investigation. But when he found that Pritchard was a possible suspect, he ordered his troops to "Press Vigorously and Thoroughly." Pritchard and his law partner were tried in 1949, and Pritchard's prison sentence finished his political career. That was Hoover's F.B.I.: The right sort of folks could stuff ballot boxes with impunity, but the wrong sort went to prison.

In the 1960s several U.S. Supreme Court decisions ended the county-unit system as a violation of equal protection under the 14th Amendment. Its demise started the era of "one-person, one vote." However, that did not end election fraud in Georgia. Jimmy Carter encountered it in his run for the Georgia Senate in 1962, when Joe Hurst, a stereotypical boss in Quitman County, rigged elections the old fashioned way. Hurst had the polling booth moved from the courthouse to a place where he and his cronies could jawbone every voter who showed up at the polls. If a voter tried to vote and run, Hurst might simply fish out the ballot, tear it up, mark a new one, put it in the box and warn the voter off. The *Atlanta Constitution* described a pattern of fraud that included alphabetical voting, false registrations, dead souls, and voting prisoners and out-of-town families. After much ado with the state Democratic Party, a judge discarded the results from a tainted precinct and threw the election to Carter.

Of course the race card stayed in the deck. That same year, George Wallace became governor of Alabama on a segregationist plank reminiscent of Talmadge. Voter registration drives became a key element in the fight for civil rights.

By the time of the Kennedy-Nixon contest in 1960 election-day murders were relatively rare, but fraud was not. In the West Virginia primary--not exactly Camelot--John Kennedy won by buying more county bosses than Hubert Humphrey could afford. For example, the leader of one county first endorsed Humphrey in exchange for \$2,500, but later switched to Kennedy for \$35,000. The money bought votes.

13

As November approached both sides knew that Illinois was crucial to victory. Chicago Mayor Daley was especially motivated, because his own job was threatened by strong Republican challengers. The Kennedy side counted on the Daley machine to counteract a strong Nixon showing downstate. On election night the Chicago Democrats gave Kennedy the edge by resorting to one of the oldest tricks in the book, the late return. The Republicans suspected fraud, and at Nixon's urging the national chairman, Thruston Morton, loudly pursued that charge while Nixon played the role of the aloof, high-minded statesman. The Republicans mounted recount campaigns in eight states, headed by Illinois and Texas.

In Texas attention focused on a tricky ballot that required the voter to mark a line through every name but that of the chosen candidate. Like the butterfly ballot of Florida 40 years later, this "negative ballot" invited spoilage by improper marking. Democratic election judges accepted spoiled Democrat ballots, and denied spoiled Republican ballots. The state Republican Party presented abundant evidence of fraud, the Democrats cried "poor losers," and the matter bounced around in state and federal courts in a close foreshadowing of Florida 2000. Recounts were complicated by widespread ignorance of a law that required the preservation of spoiled ballots. The end of the dispute, another adumbration of Florida 2000, came when a U.S. District Court judge dismissed the Republican recount petition for lack of jurisdiction in state elections, and absence of proof that the throwing out of ballots had violated anyone's rights.

Similar recount battles in Illinois seemed to be halted by a Circuit Court dismissal of two Republican lawsuits, but resumed briefly when a state investigation uncovered more fraud and led to charges against 667 election officials. Daley handled the problem by handing the case to a Democratic judge who dismissed all charges.

In the end, nobody could say who really won Illinois. However, the Kennedy margins there and in Texas were certainly smaller than they seemed at the time. Like every close one, the 1960 election inspired calls for reform of the electoral college, proportional accounting rather than winner-take-all, this time from Republican Senator Karl Mundt. As usual, nothing came of it. Already no stranger to shady politics, Nixon in private felt cheated, and resolved not to be cheated again. This experience with Democrat election fraud may have encouraged his own self-destructive practices--the dirty tricks, the enemies list and the Ellsberg and Watergate burglaries.

It was the primary election of 1972 that fully revealed the workings of the Daley machine. The Chicago *Tribune* had sent 20 undercover reporters to qualify as precinct officials. They found vote buying, illegal aid to voters, chain balloting, ballot box stuffing and intimidation. Most important, they revealed the role of the precinct captain, whose good deeds of social service throughout the year were repaid on election day in the form of political intelligence and good-will votes. Did you lose your job, need emergency cash or have a sick child? Your precinct captain would help, and would remember your debt on election day. Captains had their quotas, and their jobs depended on meeting those quotas any way they could. Democrat bosses eased the task by appointing the right persons as election judges.

A federal grand jury returned dozens of indictments, the Illinois legislature began hearings into Chicago elections, and it became impossible to dismiss stories of election fraud. The Daley machine broke down. In 1976 Jimmy Carter needed Illinois, but the machine had lost its clout, and Ford won the state by more than 100,000 votes.

In 1962 blacks were the majority in Mississippi, but only 53% were registered. In Alabama the figure was 13%. In 1964 the poll tax was finally outlawed in federal elections with the ratification of the 24th Amendment. Next came the Voting Rights Act of 1965, which fought intimidation by authorizing the attorney general to order federal agents to monitor elections, suspend literacy tests and challenge poll taxes in state and local elections. It was the failed "Lodge Force Bill" of the 19th century, resurrected. New election laws were subject to the approval of the Justice Department. By 1968 black registrations rose to 60% in Mississippi, 57% in Alabama. At the same time, the development of special interest groups with predictable voting patterns made it easier for parties to target both friends and enemies for encouragement or suppression. Examples would be the National Rifle Association, the Association for the Advancement of Retired Persons, and teachers' unions.

Almost all states set protection zones around polling places to guard against last-minute bribery or

intimidation. In 1992 the U.S. Supreme Court rejected a First Amendment challenge to such zones, referring to the constant battle against intimidation and fraud.

Louisiana comes to mind as a place where fraud became a way of life. In 1974 a Congressional election was so corrupt that an appellate court threw it out and ordered a new one. History resurfaced two years later, with dubious absentee balloting in Plaquemines Parish that involved elements of the Leander Perez machine. For example, out of 657 absentee ballots 653 went to one candidate. The motive behind the decades of fraud was largely economic: Remote, rural Plaquemines had rich oil and sulfur deposits, in public lands, that Perez leased for a song and leased back to oil companies at extremely high prices. Perez and company grew filthy rich while their fellow citizens grew grindingly poor, denied even such amenities as water lines. At last an honest election--for school board--occurred in 1980, and the Perez clan began to lose power. The parish sued for \$80 million worth of oil royalties that rightfully belonged to the people. The suit was settled in 1988 for \$12 million, a small remedy but a notable triumph for honest elections in Louisiana.

Another such place is Appalachia, where coal companies had long bought elections by means of "vote-hauling" financed with plentiful cash and liquor for those with votes for sale. Absentee ballots played a big role. In the 1987 race for the Kentucky governorship votes were bought and sold pretty openly, with cash handed to designated voters as soon as they left the polls. It was freely acknowledged that Wallace Wilkinson, who won the Democratic primary and the governorship, won Magoffin County with large sums of cash and the backing of officials who counted the votes, courtesy of two Wilkinson men who appointed the vote counters: the county Democratic chairman, and the Republican school superintendent. Note that poor families viewed elections as a market in which they could sell their votes to the highest bidder for extra income. Like canny Wall Streeters, they would speculate on the market peak to get the best prices. As they viewed politicians as thieves, they saw nothing wrong with getting that money the easy way, as it was their own hard-earned money in the first place.

Reformers made little headway against vote buying, for which 20 people were indicted in a 1998 primary in eastern Kentucky. In 2003 students of Alice Lloyd College were convicted of selling votes. The price was \$30, and one of the buyers was an elementary school teacher. Locals knew that such convictions would make no lasting impression on an election fraud culture not unlike that of George Washington himself.

The new, improved method in rural Kentucky was fraud by absentee ballot. Go to the county clerk, say you'll be away on election day, collect your ballot and sell it. The buyer likes this method as a sure guarantee of a proper vote, because he marks the ballot himself. In a 2000 primary in Clay County, where the percentage of absentee ballots was five times the state average, a candidate for sheriff said he could prove vote buying if he didn't mind getting killed, and two sheriff candidates were indeed killed amid other scenes of gunfire. On top of that, "treating" had been modernized, with the substitution of the drug OxyContin for the applejack of Washington's era.

The fraud was often blatant. In a Georgia primary in 1996 two opposing candidates for county commissioner sat at opposite ends of a courthouse hallway, openly making cash bids for votes. Both went to prison for conspiracy to buy votes.

Old ways resurfaced on familiar ground. Phantom voters reappeared in East St. Louis. In 1988 a Democrat won a race for Congress with the crucial help of many dead voters, just as the Archway had won its bond issue.

Modern efforts to improve voter turnout have had little success. Under the motor-voter bill passed in 1993, which let voters register as they applied for a new driver's license, nine million registered by 1995, but the turnout stayed around 50%. Eleven states adopted early voting programs, with no impact on turnout. In 1996 Oregon went to mail ballots for all elections, but neglected a loophole that would seem to encourage fraud: Days before the election, candidates can get lists of voters who have not yet returned their ballots, and can offer to return their ballots for them. Internet voting, tested in Arizona, also raises the possibility of fraud, and jeopardizes the secret ballot. [Condenser's note: For a more favorable evaluation of the Oregon vote-by-mail system see *The American Prospect*, May 2006, vol. 17, no. 5, pp. A2-A11.]

Absentee ballots have become an especially problematical means of election fraud, well illustrated in a 1997 mayoral race in Miami, Florida. On election day Joe Carollo beat Xavier Suarez, but failed to get the majority that would have avoided a runoff. But when the returns indicated an unusually good showing by Suarez among absentee voters, investigation revealed the role of "vote brokers," who helped candidates collect absentee ballots--a lawful practice highly susceptible to fraud. One such broker was found to have over 100 absentee ballots, and fifty blank applications for more. Some of the ballots he had already returned represented dead souls or people who lived outside Miami. To accommodate its large number of elderly voters, Florida had made it too easy to order absentee ballots in absentia. Despite the scandal, absentee ballots increased in the runoff, which Suarez won. Carollo sued, and a grand jury concluded that fraud had tainted the results. A Circuit Court judge ordered a new election, but a three-judge panel from the state Court of Appeals ruled differently: All absentee ballots were thrown out, which made Carollo the winner but disenfranchised honest absentee voters. Despite its vulnerability to fraud, absentee balloting became more common throughout the nation in the runup to the presidential election of 2000. [Condenser's note: Oregon avoids some of these mail-ballot problems by requiring a match between the signature on the ballot and the signature on the registration card.]

The presidential election of 2000 revealed the modern form of electoral corruption, with the desire to cheat and deceive alive and well in U.S. politics. Senator John McCain got a nasty preview after a big primary win in New Hampshire. In South Carolina 21/135 polling places suddenly closed in Greenville County despite court orders to open as many polls as possible. These were mostly places where centrist McCain was supposed to have strong support. The underlying current was that Republican party stalwarts were loyal to Bush and viewed McCain as an outsider. On election day St. Louis Democrats pulled strings to keep the polls open beyond the prescribed time, so as to get more of their voters to the polls. But such shenanigans were small change compared with the debacle in Florida.

It was supposed to be close, with Democrat Gore winning California, New York and most of the northeast, and Republican Bush winning the plains states and the deep South. Both needed Florida, where Bush's brother was governor and Katherine Harris, who had campaigned for Bush in New Hampshire, was Secretary of State and official certifier of elections. Another big plus for Bush was that the Florida GOP had far outdone the Democrats in the pursuit of the absentee vote. Brother Jeb had even bent the law by encouraging Republicans to vote absentee as a matter of convenience rather than necessity. As a result, Bush led Gore by 125,000 votes before the polls opened.

A heavy turnout produced many long lines, but that was not the worst of it. In Palm Beach County Jewish Gore supporters worried that a confusing "butterfly" ballot had led them to vote mistakenly for ultra-conservative Pat Buchanan, who had questioned the size of the Holocaust. Statewide, the Buchanan/Gore vote ratio was 1/167, but in the heavily Jewish Palm Beach County it was a most implausible 1/70. Another faulty ballot design in Duval County, where Gore should have made a particularly strong showing, induced thousands of voters to mark their ballots in a way that invalidated their votes. At one precinct putative Democrat supporters handed out punch cards bearing images of Gore and Lieberman, but punch numbers of Bush and Cheney.

At 7:49 p.m. Eastern, with Florida polls still open, the networks declared Gore the winner in Florida, and thus the probable president-elect. Around 9:00 p.m. the networks changed their tune: New results had made Florida "too close to call." As Gore had won California by then, he led in the electoral count 267-246, so it all came down to Florida. Early the next morning Bush led there by just 6,000 votes, a margin so thin that it triggered a mandatory recount. The election was not over.

Bush seized the preferred media role, the frontrunner who needed to form a cabinet and run the country. That put Gore in the role of the loser who chose to delay the nation's business. Those assignments are hard to fathom, given that Gore had 202 more votes than Bush on election day in Florida. The heralded Bush margin, 537, actually came from late overseas votes, where Bush led by 1,575 to 836. The GOP had understood very well the importance of the overseas vote: In advertising for it, Republicans spent eight times as much as the Democrats, and mailed unsolicited ballot requests to thousands of overseas military personnel who had voted Republican before, some of whom may never have lived in Florida. (Tax law made it advantageous to claim Florida residency.) The Harris recount mission was clear.

First, among the dubious votes she had to discard as many Gore votes and as few Bush votes as possible. Second, she had to find more Bush votes, and their only source was late overseas ballots.

Bush flack Karen Hughes went to work. She wrapped herself in the flag and bristled at any would-be commander in chief who would try to deny his soldiers' right to vote. Montana Governor Marc Racicot piled on when the *Miami Herald* reported that 39 felons had voted in two counties: Who could let felons vote but deny soldiers? General Schwarzkopf (retired) thought it deplorable to deny soldiers the vote on a mere technicality. On *Meet the Press* Gore's running mate, Senator Lieberman, scored one for the other side in his stouthearted defense of questionable votes from soldiers overseas.

On November 21 the Florida Supreme Court extended the recount--a judicial usurpation, cried the GOP. As Bush consigliere James Baker fumed and fulminated, cooler GOP lawyers noted that the language of the decision would let them re-examine hundreds of late overseas ballots in the reject pile. Absentee ballots without postmarks inspired some Republican hypocrisy: The Bush team wanted Democrat ballots rejected for that reason, but knew that any such challenge of overseas ballots would be condemned as disenfranchisement of the troops. Republican Congressman Steve Buyer, Indiana, castigated the Democrats for that. In one instance GOP lawyers argued that a civilian absentee ballot from a registered Democrat should be rejected for lack of a postmark, but that a military ballot from a registered Republican, also lacking a postmark, should be accepted so as not to disenfranchise a soldier. The Democrat ballot was rejected, the Republican ballot accepted. The hypocrisy paid off with a net gain of 115 votes for Bush. A *New York Times* analysis showed that counties won by Bush accepted 50.3% of late absentee ballots from overseas. In counties won by Gore the figure was only 18.4%.

The 2000 election was marked by widespread disenfranchisement of voters, 175,000 in Florida alone. The national estimate was between four and six million votes not counted because of confusing ballots, faulty equipment and the like. The rate of invalidation, high in Florida, was even higher in Illinois, South Carolina and Georgia.

Race was a crucial variable: The Florida electorate was only 11% African-American, but 54% of the spoiled ballots came from predominantly African-American precincts. Nearly 58,000 would-be voters found themselves purged from the voting rolls because they were listed as felons, deceased or mentally incompetent. Approximately 14% of those listings were erroneous. The company that did the listing had made a rather casual job of it, and Harris' office had dismissed the company's suggestion that the state make further checks to verify the accuracy of the list. Some of the alleged felonies were dated in the future. An election supervisor found her own name among the list of felons. Many would-be voters, registered properly, found their names missing from the voter rolls. In the storm of speculation about the dynamics of the Florida election, one fact loomed above all others: 93% of the African-American vote went to Gore. Much of the Florida story was a partisan effort to suppress a big, identifiable bloc of voters.

Some of these disenfranchisements might have been innocent voter error, but other incidents could not. In Seminole County application forms for absentee ballots lacked the required request for voter identification numbers. An election official helped things along by allowing local Republicans to add the numbers manually, although state law required that only the applicant, immediate family or a guardian do so. No such courtesy was extended to the local Democratic party. A similar incident occurred in Martin County. Two Florida courts managed to uphold these nakedly partisan treatments of the applications, which saved hundreds of GOP votes. Also lacking the blush of innocence was Katherine Harris' acceptance of the original vote in Nassau County, which showed 52 more votes for Bush than the recount total certified by the election board.

Old-fashioned intimidation reared its ugly head. In Miami-Dade County, where the canvassing board recounted ballots in public view, a well organized Republican effort brought hundreds of pro-Bush demonstrators to the scene. Denied access to the counting room, they caused such riot and injury that sheriff's deputies had to restore order. The cowed canvassers canceled the recount at a point where Gore had gained 157 votes. GOP leaders first denied their complicity, but later took quiet pride in having stopped the recount. [Condenser's note: John Bolton, whom Bush later appointed as U.N. Ambassador, was reputedly a member of the mob.]

On Nov. 26 Harris certified Bush as the winner by 537 votes. She refused a request from Palm Beach to extend the recount, and thereby rejected over 400 votes that would have gone to Gore. The late absentee ballots had done the trick, and the 537-vote margin was essentially a convenient fiction.

The 2000 election caught the U.S. Supreme Court in a raw display of partisan intercession. Justice Antonin Scalia, a “conservative” Republican with two sons at work in the Republican recount force, opined that the recount threatened “irreparable harm” to Bush. He opined nothing about the harm that might befall Gore and the nation from an illegal election of Bush. Also in the Scalia camp were William Rehnquist, Clarence Thomas and Anthony Kennedy, a Reagan appointee. Another Reagan appointee was Sandra Day O’Connor, supposedly a moderate, who completed the Republican junta that made Bush president. Early in December those five blocked a Florida Supreme Court ruling that had extended the recount. They sent the case back to Florida. Later, on Dec. 12, they closed the 2000 election with a ruling against any further recounting. Perhaps most remarkable, the majority opinion made it clear that their act was to be seen as a decree to settle the 2000 election, not a precedent-setting decision about equal protection rights in the election process. The country was not accustomed to such a candid picture of the Court as a political beast in judicial drag.

Post-mortem newspaper analyses indicated that in a recount of all votes Gore would have won Florida by a razor-thin margin. Unfortunately, the nation had already shown that at the highest level of government, power trumps votes.

We were told not to worry: The 2000 election was a temporary glitch that the outraged voters would fix before the next election. But the aftermath of the terrorist attacks of September 11, 2001, soon magnified the differences between the two candidates, and the Bush doctrine of pre-emptive war made it all too clear how much that election had mattered in terms of foreign and domestic policy. When our government reproved Russian President Vladimir Putin for election fraud, he parried by referring to the flaws in our own 2000 election.

The 2004 election was less dramatic, but had its own Florida in the form of Ohio. John Kerry suffered surprising losses in Ohio counties with big Democratic populations, and lost that decisive state despite early exit polls that predicted a Kerry victory. [Condenser’s note: After this book was published an investigation led by Democrat Congressman John Conyers revealed abundant signs of pro-Bush fraud that involved voter intimidation, possible gaming of electronic voting machines, selective shortages of voting machines and an election run by an Ohio Secretary of State who also chaired the state’s campaign committee for Bush.] The biggest flap followed a close governor’s race in Washington, complete with recounts, where Democrat Christine Gregoire won after the lead see-sawed back and forth with her opponent, Dino Ross, and a judge finally rejected a Republican allegation of fraud.

With their rising dependence on special election equipment, U.S. elections have become more privatized and more vulnerable to the companies that supply the equipment. Diebold, the biggest maker of touch-screen machines, is located in Ohio. Its CEO, a major Bush fund raiser, wrote in 2003, “I am committed to helping Ohio deliver its electoral vote to the president.” (Campbell, 2005, p. 330.) Computer specialists found that the Diebold equipment could easily be hacked to steal an election undetected, and that paper receipts could also be gamed.

A more fundamental problem concerns the persistent attempt to manipulate the vote by keeping selected segments of the electorate from voting. In 1990 North Carolina Senator Jesse Helms sent 125,000 letters throughout mostly black districts to warn of a possible 5-year prison sentence for misrepresentation of one’s residency. In 2004 Native Americans were purged in South Dakota on the basis of their names, and black voters were photographed by Republican poll watchers in Arkansas. In Texas, at a mainly black college, a Republican district attorney misrepresented state law when he warned students about voting at their campus addresses. These are not isolated examples of voter intimidation, and the examples come from both major parties.

Absentee ballots still provide the easiest way to buy votes, and they are definitely on the rise. In their defense supporters claim higher turnouts with absentee ballots, but the evidence suggests only a small effect. A Pentagon study in 2004 led experts to conclude that an internet absentee voting system was “inherently insecure should be abandoned.” (Campbell, 2005, p. 334.) Nevertheless, several states were poised to use such a system in the 2004 election.

What can be done? The author thinks that states should make the absentee ballot a rare exception to the rule. Mail-in votes and the internet may speed the vote, but cannot guarantee accuracy and are easily bought or gamed. [Condenser’s note: After nearly 20 years of experimentation with local mail-in elections Oregon has adopted a universal mail-in ballot, and California and Washington are moving in that direction. The Oregon system is immensely popular with voters, and has reportedly had no significant problems with vote buying or tampering with ballots--a felony in Oregon. A crucial feature of the Oregon system is a registration card signed by the voter. That signature must be matched by the signature on the outer envelope returned by the voter. Inside is a blank envelope that contains the completed ballot. Each pair of signatures is evaluated by a team trained by the police in handwriting analysis. If the two signatures do not match, an official contacts the voter to find out why. As a check on the accuracy of the official vote count, the registration cards could be used to conduct an exit poll of those who returned their ballots. A single-blind telephone polling procedure could maintain the secrecy of individual ballots. As the Oregon system has no built-in guarantee against vote buying, one can only speculate why it has not been a problem there and whether it would be a major problem elsewhere.]

The author thinks it would help to eliminate the winner-take-all electoral college. For example, in the 2000 election Bush supporters could put their candidate in the White House by scaring up a few hundred more votes in Florida. With the electoral college out of the way or converted to proportional balloting, they would have needed to find over a half-million more. Similarly, in 2004 Kerry would have needed many more votes than the number needed to win Ohio.

Our civic life requires that citizens go to the polls to vote in public, and that courts be willing to nullify illegal votes. Even so, partisans will try to find ways to manipulate and cheat because the potential payoff is so high. As the nation grows more sharply divided over abortion, stem-cell research and other highly charged issues, the justification for winning at any cost will grow. We might do well to follow the example of the Ukrainians in their 2004 election, where citizens refused to accept a fraudulent result, took to the streets and forced another result. [Condenser’s note: Ironically, it may have been U.S. taxpayers who made Ukraine’s “Orange Revolution” possible through the agency of the C.I.A., which funded and organized the “spontaneous” street demonstrations that overturned the fraudulent election. The purpose of the Bush White House was to thwart and embarrass the Russian President, Putin, in his struggle for political control of Ukraine and the broader struggle for power in Russia itself.]