

Media-sponsored recount in Florida slants results to legitimize Bush election

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Ever since last year's presidential election crisis and the installation of George W. Bush as president the US media has gone out of its way to legitimize the Florida election results, which gave Bush the 25 electoral votes securing him the White House. The review published this month, sponsored by the *Miami Herald*, *USA Today* and the *Herald's* parent company, Knight Ridder, typifies this trend. Slanting the data gathered by their study, the newspapers give the impression that Bush all but certainly would have won the vote if the recount had not been halted by the US Supreme Court.

At the same time, the study's authors ignore evidence gathered in the course of their own review that points to violations of the basic democratic rights of Florida voters. One of the most telling discoveries of the newspapers' review was the "disappearance" of hundreds of ballots between the initial election night counts reported by local election commissions and the review by the newspapers two months later. The study also pointed to disparities in the tallying of ballots along racial lines, including data revealing that voters in majority black precincts in Florida were far more likely to have their votes invalidated than voters in precincts overwhelmingly comprised of white voters.

In view of the fact that the Florida state government is run by Republican Jeb Bush, George W. Bush's brother, and Florida Secretary of State Katherine Harris—in charge of certifying the Florida vote—was co-chair of the Bush statewide campaign, these disparities point to the necessity of a thorough investigation into the Florida vote, including the possibility of outright vote tampering. The newspapers' report, however, draws no such conclusion. In keeping with their motivation to shore up the Bush presidency, and legitimize the general right-wing shift in the political establishment represented by his election, they pass over the glaring irregularities revealed by their own study.

The main conclusions of the newspapers' study were summed up in an April 4 article in the *Miami Herald* headlined "Review Shows Ballots Say Bush." This piece was the first in a series reporting the results of the *Herald* / *USA Today* review of Florida's 64,248 undervotes in the November 7 election—those ballots for which a machine count registered no vote for president. While the *Herald* maintains that their study shows Bush would have emerged the winner under all but the most unlikely of circumstances, an examination of the results shows this not to be the case.

According to the *Herald*, Bush would have won by 1,665 votes "if every dimple, pinprick or hanging chad on a punch-card ballot is considered a valid vote." His lead would have been 884 "if dimples were counted as presidential votes only on ballots that had dimples in other races," and if votes were counted "only when a punch-card chad

was detached by at least two corners" his lead would have dropped to 363. According to the *Herald*, the only condition under which Gore would have won, and then only by three votes, would have been "if only clean punches were accepted."

These hypothetical outcomes represent a gross and politically motivated distortion of the actual findings of the reporters and accountants involved, as a careful examination reveals. This sleight of hand is accomplished by deliberately excluding the results found by *Herald* reporters in Palm Beach, Broward and Volusia counties as well as 139 precincts in Miami-Dade County. These areas were recounted—partially and inadequately, before the US Supreme Court intervention—so the newspapers decided to use the earlier certified results for those four jurisdictions and combine them with the later results from their own recount for the other 62 counties in Florida.

Throughout the month-long post-election crisis, Republican Party officials and their media supporters regularly denounced the Gore campaign for selecting four heavily Democratic counties for recounts, areas which would be most favorable to the Democratic nominee. The *Herald*/*USA Today* study essentially reverses this procedure—using a more liberal standard for vote-counting in the 62 counties which showed a significant Bush margin, and the more restrictive standard in the four big urban counties where Gore rolled up a large majority. The result of such a procedure is predictable.

The real result of the *Herald*/*USA Today* study shows that Gore won a statewide victory by a margin ranging from 363 to over 1,000 votes, depending on the criterion for accepting dimpled ballots. The *Herald* conceded this in a story published April 5, entitled, "Recounts could have given Gore the edge." The article explained: "Had the Broward and Palm Beach canvassing boards used the loosest standard in judging ballots and finished the recount by the court-set deadline—which Palm Beach did not meet—*Gore almost certainly would have won. He might have gained 2,022 votes in the two counties when Bush's state lead was only 903* (emphasis added). In other words, Gore's margin would have increased to 1,119, more than enough to comfortably secure him Florida's 25 electoral votes and thus the presidency.

Even under more conservative standards, counting dimpled chads only if they were present elsewhere on the ballot, Gore emerges the winner by about 300 votes when the study's recount includes a review of undervotes in all Florida counties.

The April 5 *Herald* article received scant attention in the national press, and was presented by the newspapers' study as the least likely outcome of a Florida recount. The decision by the newspapers to exclude an examination of these four counties' undervotes from their review cannot be explained by their desire to arrive at the most

objective accounting of the vote. Rather, it appears that their study has been designed with the aim of arriving at a certain outcome: legitimizing the Bush victory.

An April 5 article in the *New York Times* put it this way: “The newspapers’ study may also provide some sense of relief at the Supreme Court, because it showed that even if the ideologically riven court had not stopped the recount the outcome might well have been the same.” In other words, the *Herald/USA Today* study serves the purpose of bolstering the pro-Bush consensus in ruling class and media circles, and hopes to put to rest any popular sentiment that the high court’s ruling cut across basic democratic rights, because in the final analysis Bush would have won regardless.

The *Herald/USA Today* study highlights the key role of the Democratic Party as a virtual accomplice in the right-wing campaign to swing Florida’s 25 electoral votes and the presidency to Bush. While the Republican Party was waging a furious struggle to halt all recounts, which culminated in the US Supreme Court intervention, local Democratic officials in the south Florida counties revealed nearly complete indifference to the basic democratic principle that every vote should be counted.

In Miami-Dade, of course, this culminated in the notorious decision of the local election officials to call off the vote count after a menacing demonstration by a hundred vociferous right-wingers, many of them Republican congressional staffers flown in from Washington for the occasion. But in Broward and Palm Beach counties the record was little better, with a slow and arbitrary procedure that resulted in hundreds of votes being excluded from the certified total.

The April 5 *Herald* article states that “the canvassing boards in both counties had difficulty maintaining uniform standards of judging ballots.... Among the ballots examined in Broward and Palm Beach by The Herald and auditors from BDO Seidman, LLP were hundreds of dimpled ballots credited to no candidate that were virtually identical to scores of dimpled ballots awarded to Bush or Gore.” In other words, significant numbers of ballots designated by the study to be for either Bush or Gore were counted as no-votes by the local canvassing boards. These excluded ballots, disproportionately for Gore, would have given the Democratic candidate the election.

Questions are raised about the conduct of local officials of both parties by another revelation from the newspapers’ study. When representatives from the newspapers’ went to local election boards to examine these undervotes, in county after county the number of undervote ballots produced failed to match the totals reported by these same counties in the immediate aftermath of the November 7 vote.

In fact, only 8 of 67 counties were able to produce for the newspapers’ inspection the exact number of undervotes they had reported on election night. Mark Seibel, the *Miami Herald* managing editor who supervised the newspapers’ recount, commented to the *New York Times*, “We just had to accept ballot slippage, ballots that will never be counted,” referring to these lost votes as “the ballot twilight.” But the discrepancy between the number of undervotes reported and the number produced by the counties at the very least should prompt a call for a probe into what became of these missing ballots, and the role of local elections officials in their disappearance.

One county where such an investigation would be warranted is Orange County, which includes Orlando. While local officials in Orange County reported following the election that they had 966 ballots with no discernible vote for president, when the *Herald* went to recount these votes the county could only produce 639 such ballots. Official Orange County results show Gore/Lieberman winning by

5,703 votes, with 50 percent of the vote as opposed to 48 percent for Bush/Cheney. But the Orange County supervisor at the time was Mel Martinez, a co-chair of the Republican election campaign and prominent Bush supporter who is now the secretary of Housing and Urban Development in the Bush administration. While a certain degree of discrepancy in the undervote ballot numbers could be attributed to machine or human error, a difference of 327 ballots certainly deserves examination.

Another disparity uncovered by the *Herald/USA Today* review found that voters in majority-black Florida precincts were nearly four times as likely to have their presidential ballots invalidated as voters in precincts overwhelming comprised of white voters. Additionally, according to *USA Today*, “Black voters were more likely to have been affected by error-prone antiquated voting equipment, poorly trained poll workers and general confusion at polling places.”

At the heart of the disputed election in Florida lay basic questions of democratic rights. Despite the media’s attempts to narrow the focus to “hanging chads” and other technicalities, the central issue in the 37 days between the November 7 vote and the US Supreme Court’s December 12 ruling to halt the recount in Florida was the democratic right of those who cast their ballots to have their votes counted.

In its ruling ordering a statewide recount, the Florida Supreme Court declared that state law required “that every citizen’s vote be counted whenever possible, whether in an election for a local commissioner or an election for President of the United States.” The US Supreme Court’s decision the very next day to stop the recount was based on a rejection of this basic democratic right. As the basis of the high court’s ruling to stop the Florida recount, Justice Antonin Scalia commented that “there is no right of suffrage” in a presidential election. Any honest post-election accounting of the Florida vote should at the very minimum attempt to determine the intent of the voters. The very framework of the *Herald/USA Today* review, however, precludes such an accurate accounting of the vote.

In the four months since the high court ruling handed the presidency to George W. Bush, overwhelming evidence has emerged that the democratic right to vote was compromised in the Florida election. The US Civil Rights Commission heard evidence that significant numbers of black voters were disenfranchised—were denied voter registration cards, hindered by roadblocks and police intimidation, and turned away at the polls. Thousands of eligible voters, erroneously identified as felons, were denied the right to vote.

Data from the newspapers’ study raises questions as to the democratic character of the election, a lack of statewide standards to tally the vote, and the possibility of outright fraud on the part of elections officials and Republican Party functionaries. Upon uncovering such evidence, any truly non-biased and independent investigation into the Florida vote would go out of its way to see that every vote be counted, and be on the lookout for even the slightest sign of malfeasance. But the *Herald/USA Today* survey, on the contrary, does just the opposite, serving more as a cover-up for the anti-democratic ruling of the US Supreme Court which halted the recount of votes in Florida, installing George W. Bush as president.



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