

Media review of Florida ballots whitewashes theft of 2000 election

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On November 12, a consortium of major US news organizations, including the *New York Times*, *Washington Post*, *Wall Street Journal* and CNN, released the results of a 10-month investigation into disputed votes cast in Florida during the 2000 presidential election. The media report was calculated to boost the political legitimacy of the Bush administration and obscure the profoundly anti-democratic manner in which Bush was installed in the White House.

The media organizations, which also included the Associated Press, the Tribune Co. (owner of the *Los Angeles Times*, *Chicago Tribune* and *Orlando Sentinel*), the *St. Petersburg Times* and the *Palm Beach Post*, based their findings on a review of 175,010 contested ballots conducted by the National Opinion Research Center (NORC), a nonprofit survey firm affiliated with the University of Chicago, which the consortium hired last January.

The media report presented as its central finding the claim that Bush would have won the election in Florida—by 493 votes—even if the US Supreme Court had not intervened to stop the statewide recount ordered by the Florida high court. It further asserted that Bush would have won by 225 votes if recounts had been completed in the four Florida counties where Gore was seeking them.

In reporting its findings, the consortium was above all concerned with “proving” that last December’s US Supreme Court ruling halting the counting of disputed ballots did not determine the outcome of the presidential election. In addition to shoring up the political legitimacy of the Bush administration, the report sought to boost the US high court’s credibility, which was badly undermined by its intervention on the side of the favored candidate of the Republican right.

The *New York Times* headlined its report on the recount “Study of Disputed Florida Ballots Finds Justices Did Not Cast the Deciding Vote,” while the *Wall Street Journal* in its news account declared, “[T]he findings indicate that the Supreme Court didn’t steal the presidential election from Mr. Gore.”

The *Wall Street Journal*’s editorial pages, which enthusiastically supported the machinations of the Bush campaign and the Supreme Court a year ago, were predictably shameless in exploiting the media report to whitewash the theft of the election. A November 13 editorial entitled “Vindicating the Court” featured a picture of Justice Antonin Scalia over a caption reading “Supreme wisdom.” Scalia is the ideological point man for the extreme right-wing faction on the Court. He led the drive on the US Supreme Court to override the ruling of the Florida high court and halt the manual count of disputed ballots in the state.

The consortium’s report could not come as a surprise to anyone who has followed the response of the media, including what passes for the liberal press, to the unprecedented events of last year. Previous surveys, including a *Miami Herald / USA Today* study released last April, produced similar results.

Both during and after the 2000 election, the main preoccupation of the media has been to insist on Bush’s political legitimacy and dismiss the

election crisis as little more than a partisan squabble. Just two months ago, *New York Times* Washington bureau chief Richard Berke wrote a column in which he said the events of September 11 had rendered the consortium’s recount “utterly irrelevant.”

Al Gore’s response to the media report was no less predictable, given the Democrats’ halfhearted efforts during the election crisis and the party’s abandonment of any pretense of opposition to the Republican administration since the terror attacks on the World Trade Center and the Pentagon. In a written statement published November 12, Gore declared, “As I said on December 13 of last year, we are a nation of laws and the presidential election of 2000 is over. And, of course, right now our country faces a greater challenge as we seek to successfully combat terrorism. I fully support President Bush’s efforts to achieve that goal.”

Before proceeding with an overview of the media report, it is necessary to establish two basic political points.

First: the decisive issue is not whether, in the end, Bush or Gore received more votes in Florida, but the fact that the presidential election was decided on an openly anti-democratic basis. For the first time in US history, the result of a national election was determined on the basis of the suppression of votes. The Bush campaign, the Republican Party and the right-wing Republican majority on the US Supreme Court, with the complicity of the mass media, contravened the will of the electorate and installed in the White House the candidate of the most reactionary sections of the corporate and political elite.

In doing so, the Supreme Court declared that the people have no constitutional right to vote for the president, and the Republican machine in Florida disenfranchised thousands of working class voters.

Whether Bush would have been elected even if this political crime against the American people had not been carried out—a highly dubious claim that is not demonstrated by the media study—the crime was nevertheless committed. It marked a fundamental and irrevocable break with democratic norms and a frontal attack on the most basic of democratic rights, the right to vote.

Second: the intervention of the US Supreme Court can be assessed only in its actual social and historical context. It was a political act, whose significance cannot be reduced to a matter of arithmetic.

What was the political situation when the US high court intervened to halt the counting of votes in Florida? On December 8, the Florida Supreme Court ordered a statewide recount of “undervotes,” i.e., ballots that failed to register a preference for president in the machine tabulation. The Republicans, who believed this would cost them the election, were desperate to stop the recount, which began Saturday, December 9.

National and international attention was focused on the recounts that were begun by local canvassing boards throughout Florida. Cable networks were carrying running tallies of Bush’s declining lead and broadcasting live coverage from county election offices. Everyone knew that if and when Bush’s paper-thin lead turned into a deficit, the entire political situation would radically shift to his disadvantage.

The entire strategy of the Bush camp had been concentrated on doing whatever was necessary, including organizing mob violence and making semi-insurrectionary appeals to the military, to make sure that Gore at no point gained a lead in the official vote in Florida. Given the fact that Gore had won the national popular vote, such a turn of events could have undermined the Republican drive to brazen itself into the White House. At the very least, it would have made stealing the election a more difficult proposition.

Then, on December 9, like the proverbial cavalry to the rescue, the US Supreme Court issued an extraordinary order to stop the recount. It did so prior to even holding a hearing on the merits of the suit filed by the Bush camp.

In issuing the order to halt the recounts, Justice Scalia was fairly brazen, writing that the vote-counting had to be halted because it might do “irreparable harm” to Bush. In other words, Bush might lose.

Three days later, in a 5-4 decision, the right-wing majority headed by Scalia declared that counting all disputed votes was a violation of “equal protection of the law,” that in any event the US Constitution did not give the people the right to vote for president, and that there was not enough time to set new criteria for a fair count of contested ballots in Florida. On the basis of this thoroughly cynical and unscrupulous legal concoction, the Court majority handed the election to Bush.

The media report released last Monday was carefully framed to obscure these political issues and manipulate public opinion. The news organizations involved knew that the vast majority of the people would not read the details of their findings, but would only hear the sound bites on the evening news or see the newspaper headlines seeming to vindicate Bush’s installation in the White House.

In fact, the actual findings of the media consortium contain information that is highly damaging to Bush and the Supreme Court.

The study found that hundreds, if not thousands, of legal votes for Gore had not been counted. These fell into two categories. They included undervotes that, upon examination, were found to be valid under Florida law, i.e., the ballots showed a “clear indication of the intent of the voter.” The other category was so-called “overvotes”—ballots that were wrongly rejected because a voter punched or marked a ballot for Gore and also wrote in the Democratic candidate’s name, circled it, or made some other mark around or near the candidate’s name or party. According to state law these votes were also legal and should have been counted.

The study acknowledged that if all of the undervotes and overvotes in Florida had been examined fairly and objectively and the legal ballots in these categories had been added to the final tally, Gore would have won the election. The *Wall Street Journal* is forced to admit, for example, that the study “provides strong evidence” that a “clear plurality of voters went to the polls on Nov. 7, 2000, intending to vote for Mr. Gore.” The *New York Times* states that the study found “Mr. Gore might have won if the courts had ordered a full statewide recount of all the rejected ballots.”

If the media had a different political agenda, the news headlines last Monday might very well have read: “Recount Casts New Doubt on Supreme Court Role in 2000 Election,” or “Florida Voters Preferred Gore.”

To present the radically different picture desired by the news organizations, they were obliged to proceed in a highly selective and tendentious manner, choosing to emphasize certain facts and partial truths from the ballot data and weave them together to “prove” a conclusion that was not warranted by the totality of circumstances. In other words, the media report is a classic whitewash.

For example, to arrive at the scenario where Bush won by 493 votes, the consortium had first to limit itself to a review of the state’s 60,000 undervotes, rather than the total of more than 176,000 rejected ballots. It justified this on the grounds that the Florida Supreme Court had only ordered a hand count of undervotes. But to get the desired result, the news

organizations had to go a step further. They chose to examine many thousands of undervote ballots on the basis of the highly restrictive criteria used by Republican county officials—criteria that were guaranteed to discount hundreds of ballots, most of them for Gore, that met the legal standard set by state law for a legitimate vote. Why didn’t the media apply a reasonable interpretation of Florida law to make a genuinely independent tally?

By the consortium’s own admission, Gore would have picked up at least 885 votes if overvotes had been examined, more than enough to overcome Bush’s final official lead of 537. In all of the scenarios where these votes are examined, the news organizations admit Gore would have won. In fact, Gore would have won—by a margin of between 42 and 171 votes—in six of the nine scenarios developed by the consortium.

A critical issue generally ignored by the consortium is the role of the Florida state apparatus, headed by Governor Jeb Bush, the brother of the Republican candidate, in suppressing pro-Gore votes. The report does, however, note, although only in passing, one damning fact—that Republican officials in 16 counties failed to carry out automatic machine recounts on November 8, the day after the election. This was a clear violation of state election laws, which require such machine retabulations whenever the initial vote count produces a margin of victory of 0.5 percent or smaller.

The media study reports—without drawing any political conclusions—that had these counties observed the law and carried out machine recounts on November 8 and the valid votes were included, Gore would have taken over the lead by 48 votes.

In Jeffrey Toobin’s recent book, *Too Close to Call*, the author, a legal analyst for ABC News, says a total of 18 counties—accounting for 1.58 million votes, or more than a quarter of all votes cast in Florida—did not carry out the legally mandated machine recount. This was done, Toobin writes, with the full knowledge of Secretary of State Katherine Harris, an appointee of Jeb Bush who also served as co-chair of Florida’s George W. Bush campaign committee.

This fact alone—buried in the media report—is sufficient to prove that the Bush campaign and the Republican Party used illegal means to steal the election.

By November 9, as a result of the machine recounts that were carried out, Bush’s official lead had fallen by 80 percent—from 1,784 votes to 327 votes. Can there be any doubt that Republican officials, fearing that Gore would take the lead, gave the word to forego the required machine recounts in a whole number of counties?

The consortium’s study suggests further evidence of election fraud, including the disappearance of hundreds of contested ballots in the possession of Republican county officials. On November 8, Florida officials announced there were more than 176,000 rejected ballots. However, the National Opinion Research Center was able to obtain only 175,010 uncounted ballots, 1,427 fewer overvoted ballots than counties reported on November 8, and nine fewer undervotes.

The *New York Times*, *Washington Post*, *Wall Street Journal* and CNN all have a vested interest in concealing the historic significance of the 2000 election because they were complicit in the assault on democratic rights.

The *Wall Street Journal* editorial board was an active participant in the Bush conspiracy and an early supporter of Supreme Court intervention. CNN, whose chief political analyst, Bill Schnieder, is a member of the right-wing think tank, American Enterprise Institute, showed a consistent bias toward Bush. As for the *Washington Post* and *New York Times*, throughout the course of the conflict they wrung their hands and pleaded for a speedy resolution. After the high court intervened, the *Times* and the *Post* issued respectful and perfunctory criticisms and began a concerted effort to put the stamp of legitimacy on the stolen election.



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