

# A tale of two elections: the US and Ukraine in 2004

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With the approach of the November midterm elections, the Democratic and Republican parties are redoubling their efforts to curtail the American people's voting rights, through both the direct disenfranchisement of voters and the denial of ballot access to third parties.

To cite one example of many, Republicans in Congress and several state legislatures are working to pass laws that would require voters to present driver's licenses or state-issued identification cards at polling stations, potentially disenfranchising hundreds of thousands of predominantly working class and poor voters who do not have such forms of identification.

These actions are by no means limited to the Republicans. For their part, the Democrats are systematically mounting challenges to legitimate petitions gathered by third-party candidates in an attempt to keep popular opposition to their right-wing policies from finding expression on the ballot.

These realities underscore the hypocrisy of the official line, unquestioned in the media and political establishment, that US foreign policy is driven by a selfless desire to deliver democracy to the oppressed peoples of the world.

There is, in fact, a glaring double standard between the democratic criteria the US government applies to elections abroad (when and where it suits Washington's political agenda) and the official attitude to the American electoral process. As this article will demonstrate, if the standards of fairness, openness and democratic access used by the US government to validate or reject elections in other countries were applied to recent American elections, the US elections would—by a wide margin—fail the test.

In recent years, Washington's crusade for "free elections" has become a useful foreign policy tool, particularly in Central Europe and the Caucasus. The past six years have seen the US use charges of electoral fraud to dislodge a number of governments that it considered an obstacle to its interests due to their close relations with Russia.

In each of these cases, US-financed think tanks and NGOs recruited, trained, and organized so-called "democratic opposition movements" to dispute election results with the aim of effecting regime change.

The first example of such a "postmodern coup d'état," as Britain's *Guardian* newspaper styled it, was the toppling of Serbia's Slobodan Milosevic in October 2000. The Georgian "Rose Revolution" proceeded along similar lines in November 2003, followed a year later by Ukraine's "Orange Revolution." All three of these overthrows took place in the aftermath of highly contested elections between candidates allied with Russia and those backed by the US, ultimately culminating in the installation of pro-American governments.

The "Orange Revolution" overturned the results of the 2004 Ukrainian presidential election, the primary round of which took place on October 31, just two days before the presidential election in the US. After no candidate received a majority of the vote in the first round, the election's outcome was to be decided in a runoff between the pro-Kremlin Victor

Yanukovich and the neo-liberal, pro-US Victor Yushchenko. The second round took place on November 21, with each candidate declaring victory amid mutual allegations of fraud.

When the Ukrainian government awarded the presidency to Yanukovich, the US State Department promptly declared the election invalid and did everything it could to force a new runoff vote and orchestrate an outcome more favorable to American interests. Several weeks later, the US got its wish when its preferred candidate, Yushchenko, was elected in a second runoff.

All this transpired only weeks after the Bush administration, which had come to power four years earlier by means of fraud and the suppression of votes, was reelected amid widespread allegations of ballot tampering and the deliberate exclusion of Democratic voters. One of the first acts of the reelected Bush administration was to denounce the outcome of the first Ukrainian runoff, declaring the vote invalid and flatly refusing to recognize Yanukovich's victory.

It is instructive, in light of issues that arose in the 2004 US presidential election, to examine the charges made by the US and European authorities to declare the initial Ukrainian runoff election invalid. As will be seen, an objective review leads to the conclusion that, were the standards of fairness and transparency demanded of Ukraine applied to the US 2004 election, the results of the American election would have to be annulled.

As if on command, the US media turned its attention to Ukraine in the weeks before that country's election, painting Yushchenko, a former functionary under the old regime, as a democratic reformer being silenced by an oppressive government. From the day of the election, the American media unanimously declared Yanukovich's victory to be fraudulent, citing discrepancies between exit polls (which were themselves financed by the Bush administration) and official election results.

The official results of the first 2004 Ukrainian runoff election did, in fact, differ markedly from the projections made by exit polls. The official vote count proclaimed Yanukovich the winner by 2.7 percent, while two exit polls showed him losing by 2 and 8 percent, respectively, thus producing a disparity of 4.7 percent and 10.7 percent.

However, the same sort of discrepancy had occurred three weeks before in the US presidential election, with some states showing up to a 9.5 percent disparity between the projections of exit polls and the official tallies of counted ballots. Preliminary polls predicted that the Democratic candidate, John Kerry, had a solid majority of both popular and Electoral College votes. At 8 p.m. on the evening of the election, a "Fox News" analyst stated, "Either the exit polls, by and large, are completely wrong, or George Bush loses."

The US exit poll discrepancy has never been explained in any credible fashion. One must keep in mind that, in the US, exit polling has long been considered a reliable and scientific process, and such polls have almost without exception correctly predicted the eventual outcome of elections.

Perhaps sensing the absurdity of its position, the Bush administration made no direct mention of the exit poll discrepancy in its denunciation of

the Ukrainian election, letting its media hirelings do the talking on that particular point.

Rather, the US government based its denunciation of the Ukrainian election on several factors: the alleged misallocation of government resources, intimidation of voters, and uneven and biased media coverage favoring Yanukovich. Allegations of outright vote fraud were thrown in for good measure, although there is no reason to believe that fraud was any more widespread on one side than on the other.

These allegations were based on the findings of an election observation mission sent by the Organization for Security and Cooperation in Europe (OSCE). Noting deviations from electoral standards, the OSCE declared that the Ukrainian election “did not meet a considerable number of OSCE commitments.” The OSCE did not, however, use the word “fraud.”

The OSCE also sent a delegation to observe the US election, which noted similar transgressions. However, the organization’s findings were, for obvious reasons, brushed over with the conclusion that the presidential election “mostly met” agreed-upon standards.

In denouncing the Ukrainian election, the Bush administration claimed that the incumbent party used its control of the state to secure the election of Yanukovich.

But the OSCE noted that in the US, incumbent parties gerrymander whole voting districts to fit their political needs. The OSCE report on the US election “took notice of the fact that only a small proportion of the elections for the 434 Congressional districts were generally perceived to be competitive.” It continued: “This was attributed largely to the way in which Congressional district boundaries are drawn so as to favor the incumbent party.”

In the US, elections are overseen in each state by the secretary of state, usually a political appointee of the governor. In 2000 and 2004, the secretaries of state in Florida and Ohio served as co-chairs of the Bush election campaign committees in their states. Both played major roles in what is widely regarded as the suppression of working class votes and other measures that tilted the outcome in Bush’s favor. The OSCE report dryly noted that such a state of affairs “may raise questions of possible conflict of interest.”

In its analysis of the Ukrainian election, the OSCE noted that people unrelated to the voting process were present at polling stations, in some cases attempting to intimidate voters. The Bush administration and its delegation to the OSCE cited this issue as proof that Yanukovich’s runoff victory was obtained by fraudulent means.

Yet in the 2004 US election, the incumbent party used outright intimidation tactics to deny voters their basic rights. The Republicans threatened to send thousands of partisan operatives to contest the validity of working class and minority voters’ registration documents. This was done with the deliberate aim of discouraging people likely to vote against Bush and the Republicans from turning out to vote. The OSCE report on the US election noted that even the “prospect of such challenges might have the effect of deterring participation by legitimate voters.”

The OSCE also wrote that that by denying ex-felons the right to vote, many US states were violating international provisions that require member states to “guarantee universal and equal suffrage to adult citizens.”

The observation mission also noted that since the US election took place on a weekday during business hours, many working people who could not take time off were prevented from voting. In a large number of cases, those who did show up to vote, some on their lunch breaks, had to face lines several hours long.

By contrast, the Ukrainian election took place on a Sunday and the OSCE reported no long lines, even though the percentage turnout in Ukraine was much higher than in the US.

As for outright voter suppression, it was so prevalent in the US election that even the OSCE delegation was compelled to note that “allegations of

electoral fraud and voter suppression, primarily among minorities, were widely reported and presented.”

To cite one example of dozens, in Ohio, white voters had to wait at polling stations for an average of 12 minutes, while black voters waited for 58 minutes on average. Again, the OSCE document treated the US electoral system with kid gloves in regard to the racial discrimination seen in the 2004 election, stating only that “The EOM (election observation mission) is concerned that the widespread nature of these allegations may undermine confidence in the electoral process.”

The OSCE wrote that it did not have firsthand evidence to substantiate many of these reports, no doubt because it was not allowed to observe election proceedings in a large number of states and counties. Since the interpretation of election law is handled by political appointees of the incumbent party, there is a high probability that the OSCE was intentionally barred from observing areas where fraud was taking place. The observation mission noted that preventing election observers from witnessing voting procedures was not “in line with the United States’ international commitments.”

While the OSCE report points to voter suppression and intimidation by the incumbent party in the 2004 US election, the report barely touches upon a more fundamental and systemic issue. Even if Americans had full voting rights, what sort of choice would they have when it came to casting their ballot?

The OSCE notes that “The Republican Party and the Democratic Party, two long-standing and well-established parties, with substantial material and institutional resources, dominate the political landscape.”

Whereas the two big-business parties are on the ballot by default in many states, third parties are required to devote inordinate time and resources to collecting, verifying and legally defending signatures of registered voters in their districts.

The US has some of the industrialized world’s most strenuous restrictions on ballot access for third-party candidates. According to an article published in *Ballot Access News*, the American states of Georgia and Illinois, for example, have ballot access barriers for state offices that are five to ten times more restrictive than those for similar positions in Ukraine.

Oklahoma requires more than 73,000 signatures; California requires more than 165,000; North Carolina and Florida require more than 100,000. The number of signatures required to place a new party on the ballot for US president in all 50 states today approaches 1 million.

Ukrainian voters nationwide could cast ballots for 24 political parties in the 2004 presidential election. In contrast, only two candidates were on the ballot in all 50 US states, and only four others gained ballot status in enough states to stand a theoretical chance of contesting the election. Third parties received less than 1 percent of the vote in the US election, whereas the smaller parties in Ukraine received 12 percent.

Then there are the restrictions, legal and improvised, on the ability of third-party candidates to petition in public places such as shopping malls, and even on public sidewalks. Arbitrary bans and police harassment are routine. In the event that third-party candidates do collect the necessary number of signatures, they can expect their petitions to be challenged by either the Democrats or Republicans, necessitating further expenditures for legal counsel and petition-checking.

As a result, third-party candidates who do attempt to get on the ballot are forced to spend a large portion, if not the majority, of their time and financial resources on merely acquiring ballot status. While all of this goes on, the major parties, with millions at their disposal, can spend their time and resources campaigning.

The 2004 election saw the Democratic Party levy its resources to prevent independent candidate Ralph Nader from getting on the ballot. The Democrats hired teams of lawyers to uncover and make use of every possible technicality to frustrate the will of voters who signed petitions to

place Nader on the ballot, and in many states succeeded in keeping him off the ballot through bad-faith challenges, some of which were reversed in the courts after the ballots had already been printed.

The same methods were used by both major parties against candidates of the Socialist Equality Party—in Illinois (where the Democrats failed to bar Tom Mackaman from the ballot) and Ohio (where the Republican secretary of state successfully excluded David Lawrence).

The Bush administration further alleged that the initial Ukrainian runoff election was tainted by inadequate media coverage for Washington's favored candidate, Yushchenko. This assertion is particularly ironic, in view of the fact that the American media conglomerates, themselves subsidiaries of even more colossal corporate empires, systematically black out third-party candidates and uphold the two-party system.

The US corporate media generally mentions third-party candidates only as objects of derision, diversions from the "real" electoral contest whose role is to "steal" votes from the big business parties. While the US does have a limited government-subsidized public broadcasting program, the Supreme Court recently struck down a local law that compelled public television stations to invite all candidates to participate in debates.

In addition to the alleged disparity in airtime devoted to the candidates, the OSCE noted that the Ukrainian government influenced election coverage by restricting discussion on certain campaign topics. These allegations also provided grounds for the Bush administration's cries of fraud.

This again highlights the hypocrisy and double standard of the US government. The Bush administration has a record not only of instructing reporters to keep silent about major policy issues, but of itself overseeing the distribution of fake news broadcasts performed by hired actors disguised as newscasters and journalists.

Arbitrary ballot access laws designed to block independent and third-party candidates, police harassment of petitioners, obstructionist tactics by the major parties, and media bias thus combine to make US elections fundamentally anti-democratic. By such means, the American corporate-financial ruling elite maintains the political monopoly of two parties that it funds and sponsors—both of which parties, whatever their increasingly minor tactical differences, defend the capitalist status quo.

The political duopoly imposed by such constraints has the effect of politically demoralizing the American people and effectively disenfranchising wide layers of the population. Thus, the 2004 Ukrainian presidential election had a voter turnout of 75 percent, whereas the US election saw an "unusually high" turnout of 42 percent.

Notwithstanding the fraud and corruption that undoubtedly existed in the 2004 Ukrainian presidential election, in some critical respects, including ballot access for smaller parties and independent candidates, it was freer and more democratic than the one that took place in the US three weeks earlier.



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