

## Dems Meet LaRouche's Challenge; Debate Wipes Out Bush 'Mandate'

by Jeffrey Steinberg

For the first time since 1877, the two houses of the U.S. Congress went into separate sessions on Jan. 6, to debate a challenge to the outcome of the Electoral College vote for the Presidency of the United States. Unlike the 2000 elections, when leading members of the House of Representatives challenged the Florida outcome, but failed to win the needed endorsement of a U.S. Senator, this time, Sen. Barbara Boxer (D-Calif.) joined with Ohio Rep. Stephanie Tubbs Jones (D) in challenging the Electoral College vote in Ohio, on the grounds of massive evidence of voter suppression and other forms of willful fraud.

As a result, the Joint Session of Congress, convened to ratify the Electoral College vote, was dismissed, so that the House and the Senate could hold two hours of separate debate on the evidence of vote suppression and fraud, before voting whether or not to certify the outcome of the Nov. 2, 2004 Presidential election.

As an apoplectic Vice President Dick Cheney, presiding over the joint session as President Pro Tem of the Senate, graphically attested, the courageous action by the Congressional Democrats, and the vigorous debate that followed, have erased any delusions that George W. Bush has any kind of electoral mandate to rule.

### The LaRouche Factor

Twenty-four hours before the historic Joint Session of Congress, Lyndon LaRouche delivered an international web-cast address, by satellite link, to a standing-room-only crowd in Washington, D.C. (see *Feature*). In response to the first question, LaRouche issued unambiguous marching orders to the Congressional Democrats, that they had to take the most

tenacious approach possible to the issue of the Electoral College certification.

Asked for a comment after the Congressional debate had occurred, LaRouche referred back to his previous day's answer, in which he stated:

"First of all, you can not accept what happened in the election, in the election process. For example, let's take the case of voter suppression. The estimate based on counting of votes, that people chose to count, is not a determination of the election. That is, simply recounting the vote is not going to determine what will make right, what was done wrong. People who were deprived of the opportunity to vote, who wished to vote, who were eligible to vote, who leave no record of having voted, but had an intention and were denied the right to vote—particularly when they were in areas where the Republican Party was acting on the assumption that this was an area of likely Democratic voters—now, how can you take the procedure that we've had so far and say, was the question of voter suppression adequately addressed in this process? It was not."

After referencing the 2000 vote in Florida, and the role of Supreme Court Justice Antonin Scalia in handing the election to George W. Bush, LaRouche asked:

"So, in this case, are you going to let pressure to—don't—dig your heels in; are you going to allow that to intimidate you into giving up the key issue? The question here is not just this election! It's the next one. If we don't *crush* what we know was done to create a fraudulent election—in other words, this election was fraudulent by virtue of the mass of voter suppression alone, and we know of that—it was a fraudulent election in character. Are we going to make no remedies, make no assurances, no precedent to ensure that no SOB



*Lyndon LaRouche (right) called for Democratic Congressmen to display tenacity in defense of the Constitution, and to challenge the Republican Party's flagrant voter suppression in Ohio and other states. Rep. John Conyers (center) was a key organizer of the challenge to certification of the election on Jan. 6, and Sen. Barbara Boxer (left) provided the endorsement by a Senator, required to convene debate on the matter by each of the houses of Congress.*

dares to do that to a U.S. election ever again? Are we gutless wonders, that we find some reason to squeak out like frightened little mice to back off from a fight, in order to look good with people who might criticize us? Or are we going to defend this Constitution? We *don't* have a Constitutional government the way it is functioning now. The people of the United States, especially in a time of crisis, need Constitutional government. You need, above all, the protection of the general welfare, the protection of the rights of every citizen, including, especially the right to vote. If you lose the right to vote, you don't have a republic any more.

"And somebody took a lot of people's right to vote away from them, illicitly. And, it was mostly the Republicans, who were engaged in this voter suppression campaign, which was massive. Somebody has to come up and say, what is the figure for the amount of voter suppression that occurred in this campaign, and, who's going to go to jail for doing it? That's vote fraud. And, if we don't get that, we haven't got anything. We walk away from this now, we end up with no republic. I believe in tenacity in defending the Constitution. We need tenacity to defend the Constitution."

### **Congressional Tenacity**

Among the leading Democrats in the House and the Senate, tenacity was present on Jan. 6. Congressman John Conyers (D-Mich.), the ranking Democrat on the House Judiciary Committee and a key organizer of the Congressional action, set the tone for the fight on Jan. 5, by releasing a 102-page staff report from Judiciary Committee Democrats, itemizing the massive vote suppression and fraud in Ohio.

The Executive Summary of the report stated bluntly: "We find that there were massive and unprecedented voter irregu-

larities and anomalies in Ohio. In many cases these irregularities were caused by intentional misconduct and illegal behavior, much of it involving Secretary of State J. Kenneth Blackwell, the co-chair of the Bush-Cheney campaign in Ohio."

The Judiciary document continued that there were "ample grounds for challenging the Electors from the State of Ohio"; and called on Congress to conduct a full probe into the Ohio irregularities through the appointment of a Joint Select Committee of the House and Senate.

### **Senator Boxer Joins the Fight**

Hours before the convening of the Joint Session, California Senator Boxer, in a letter to Ohio's Tubbs Jones, confirmed that she would sign the challenge to the Ohio Electors, thus assuring the historic Congressional debate and vote. "I have concluded," she wrote, "that objecting to the electoral votes from Ohio is the only immediate way to bring these issues to light by allowing you to have a two-hour debate to let the American people know the facts surrounding Ohio's election." Boxer voted against certifying the Ohio Electors, along with 31 House members.

In the two hours of debate that were triggered when Representative Tubbs Jones stood to challenge the certification of the Ohio Electors, scores of Democrats in both Houses rose to denounce the vote suppression and other forms of fraud in Ohio and other states.

Beyond the immediate issue of the vote suppression and fraud, the actions by the Congressional Democrats sent a critical message to the Bush White House and to the Congressional Republican leaders, who have sought to impose a form of one-party rule: The 109th Congress will be an all-out battle,

and the Democratic Party, under the growing leadership of Lyndon LaRouche and the LaRouche movement, is going to once again fight like the party of Franklin Roosevelt, for the general welfare of all Americans.

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## Documentation

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### Historic Debate in Congress

*Here are excerpts from four speakers at the Jan. 6 debate: 1) the challenge initiator, Ohio Rep. Stephanie Tubbs Jones; 2) her co-challenger, California Sen. Barbara Boxer; 3) the Congressman who led the investigation of the Ohio irregularities, Rep. John Conyers; and 4) Republican House Majority leader Tom DeLay, who went ballistic at the conclusion of the two-hour discussion in the House of Representatives.*

#### **Rep. Stephanie Tubbs Jones (D-Ohio)**

I, thank God, have a Senator joining me in this objection, and I appreciate Senator Boxer's willingness to listen to the plight of hundreds, and even thousands of Ohio voters, that for a variety of reasons were denied the right to vote.

Unfortunately, objecting to the electoral votes from Ohio is the only immediate avenue to bring these issues to light. While some have called our cause foolish, I can assure you that my parents, Mary and Andrew Tubbs, did not raise any fools. They raised a lawyer, they raised a former judge, they raised a prosecutor; and thank God they live to see me serve as a Member of the House of Representatives. I am duty bound to follow the law and apply the law to the facts as I find them, and it is on behalf of those millions of Americans who believe in and value our democratic process and the right to vote that I put forth this objection today. If they are willing to stand at polls for countless hours in the rain, as many did in Ohio, then I should surely stand up for them here in the halls of Congress.

This objection does not have at its root the hope or even the hint of overturning the victory of the President; but it is a necessary, timely, and appropriate opportunity to review and remedy the most precious process in our democracy. I raise this objection neither to put the Nation in the turmoil of a proposed overturned election nor to provide cannon fodder or partisan demagoguery for my fellow Members of Congress. I raise this objection because I am convinced that we as a body must conduct a formal and legitimate debate about election irregularities. I raise this objection to debate the process and protect the integrity of the true will of the people. . . .

There are serious allegations in two lawsuits pending in Ohio that debate the constitutionality of the denial of provisional ballots to voters: One, the *Sandusky County Demo-*

*cratic Party v. J. Kenneth Blackwell* and Ohio's vote recount, *Yost v. David Cobb, et al.* These legitimate questions brought forward by the lawsuits, which go to the core of our voting and democratic process, should be resolved before Ohio's electoral votes are certified. . . .

What happened in Ohio in Cuyahoga County? There are just over 1 million registered voters in Cuyahoga County which, of course, includes my Congressional District. Registration increased approximately 10%. The beauty of the 2004 election was that more people were fully prepared to exercise their right to vote; however, on Election Day, hundreds and even thousands of individuals went to the voting polls and were denied the opportunity.

In my own county where citizen volunteers put forth a Herculean effort to register, educate, mobilize, and protect, there were long lines, 4- to 5-hour waits. Election Protection Coalition testified that more than half of the complaints about long lines they received came from Columbus and Cleveland where a huge proportion of the State's Democratic voters live. One entire polling place in Cuyahoga County had to shut down at 9:25 a.m. on Election Day because there were no working machines. On provisional balloting, Cuyahoga County had over-all provisional ballot rejection of 32%. Rejection rates for provisional ballots in African-American precincts and wards in Cleveland averaged 37% and in some as high as 51%. Significant flaws in registration process and procedures. Initial research identified at least 600 individuals purged from the Cuyahoga County voting rolls without a due process. Cuyahoga County analysis of 10,900 voter applications showed that almost 3,000 were never entered; address updates received but never updated; mistakes in entering addresses.

I thank the Speaker for the opportunity to be heard, and I raise the objection on behalf of the electors of the State of Ohio.

#### **Sen. Barbara Boxer (D-Calif.)**

For most of us in the Senate and the House, we have spent our lives fighting for things we believe in—always fighting to make our nation better. We have fought for social justice. We have fought for economic justice. We have fought for environmental justice. We have fought for criminal justice.

Now we must add a new fight—the fight for electoral justice.

Every citizen of this country who is registered to vote should be guaranteed that their vote matters, that their vote is counted, and that in the voting booth of their community, their vote has as much weight as the vote of any Senator, any Congressperson, any President, any Cabinet member, or any CEO of any Fortune 500 Corporation.

I am sure that every one of my colleagues—Democrat, Republican, and Independent—agrees with that statement. That in the voting booth, every one is equal.

So now it seems to me that under the Constitution of the United States, which guarantees the right to vote, we must ask:

Why did voters in Ohio wait hours in the rain to vote? Why were voters at Kenyan College, for example, made to wait in line until nearly 4 a.m. to vote because there were only two machines for 1,300 voters?

Why did poor and predominantly African-American communities have disproportionately long waits?

Why in Franklin County did election officials use only 2,798 machines when they said they needed 5,000? Why did they hold back 68 machines in warehouses? Why were 42 of those machines in predominantly African-American districts?

Why did, in Columbus area alone, an estimated 5,000 to 10,000 voters leave polling places, out of frustration, without having voted? How many more never bothered to vote after they heard about this? . . .

Because of this, and voting machine irregularities in so many other places, I am joining with Congresswoman Stephanie Tubbs Jones to cast the light of truth on a flawed system which must be fixed now.

Our democracy is the centerpiece of who we are as a nation. And it is the fondest hope of all Americans that we can help bring democracy to every corner of the world. As we try to do that, and as we are shedding the blood of our military to this end, we must realize that we lost so much credibility when our own electoral system needs so much improvement. Yet, in the past four years, this Congress has not done everything it should to give confidence to all of our people their votes matter. . . .

### **Rep. John Conyers (D-Mich.)**

. . . The debate we have today will not change the outcome of November's election. We know that. But out of today's debate, I hope this Congress will respond to our challenge:

- A challenge to hold true bipartisan hearings to get to the bottom of what went wrong in Ohio and around the Nation on Election Day.
- A challenge to show the same concern about voter disenfranchisement in this country that we show in Afghanistan, and the Ukraine, and Iraq.
- A challenge to enact real election reform; that gives all citizens the right to a provisional ballot; that gives all voters a verifiable paper trail; and that bans election officials from serving as campaign chairs.

The thing we should never fear in Congress is a debate, and the thing we should never fear in a democracy is the voters. I hope that today we have a fair debate and four years from now, we have an election all our citizens can be proud of.

### **Rep. Tom DeLay (R-Tex.)**

Mr. Speaker, what is happening here today is amazing but not surprising. Mr. Speaker, what we are witnessing here

today is a shame. A shame. The issues at stake in this petition are gravely, gravely serious. This is not just having a debate. But the specific charges, as any objective observer must acknowledge, are not. That is because the purpose of this petition is not justice but noise.

It is a warning to Democrats across the country, now in the midst of soul searching after their historic losses in November, not to moderate their party's message.

It is just the second day of the 109th Congress and the first chance of the Democrat congressional leadership to show the American people what they have learned since President Bush's historic re-election, and they can show that, but they have turned to what might be called the "X-Files Wing" of the Democrat Party to make their first impression.

Rather than substantive debate, Democrat leaders are still adhering to a failed strategy of spite, obstruction, and conspiracy theories. They accuse the President, who we are told is apparently a closet computer nerd, of personally overseeing the development of vote-stealing software. We are told, without any evidence, that unknown Republican agents stole the Ohio election and that its electoral votes should be awarded to the winner of an exit poll instead. Many observers will discard today's petition as a partisan waste of time, but it is much worse than that. It is an assault against the institutions of our representative democracy. It is a threat to the very ideals it ostensibly defends. No one is served by this petition, not in the long run. And in the short term, its only beneficiaries are its proponents themselves. Democrats around the country have asked since Election Day, and will no doubt ask again today, how it came to this. The Democrat Party, the party that was once an idealistic, forward-looking, policy colossus. The New Deal, the Marshall Plan, the Great Society, the space program, civil rights. And yet today one is hard pressed to find a single positive substantive idea coming from the left. Instead, the Democrats have replaced statecraft with stagecraft, substance with style, and not a very fashionable style at that. The petitioners claim that they act on behalf of disenfranchised voters, but no such voter disenfranchisement occurred in this election of 2004 and for that matter the election of 2000.

Everybody knows it. The voters know it, the candidates know it, the courts know it, and the evidence proves it. We are not here to debate evidence, but to act our roles in some scripted, insincere morality play. . . . Remember, neither of the Democrat candidates supposedly robbed in Ohio endorse this petition. It is a crime against the dignity of American democracy, and that crime is not victimless. The Democrat leadership came down to the floor and said this is a good debate; we ought to be having a debate on this issue. . . .

A dangerous precedent is being set here today, and it needs to be curbed, because Democrat leaders are not just hurting themselves. By their irresponsible tactics, they hurt the House, they hurt the Nation, and they hurt rank-and-file Democrats at kitchen tables all around this country. . . .