

**Voting in 2004:**  
**A Report to the Nation on America's Election Process**  
*Tuesday, December 7, 2004*  
*Room SD-G50, Dirksen Senate Office Building*

**Panel 1: Election Protection - An Overview**

WH: Ladies and gentlemen we're running just a bit behind schedule, but we think it's important that we examine these issues in a thorough and complete way. And I'm especially pleased to proceed with our first panel of today, which will be an overview of the largest empowerment program that was organized for this November's election.

The Election Protection Project as it was known, was spearheaded by a coalition of civil rights and Voting Rights organizations across the country, and it consisted of more than 25,000 volunteers, including over 8,000 lawyers. Election Protection volunteers monitored the polls at more than 3500 precincts nationwide, and manned a nationwide Election Protection hotline at the memorable 866 Our, O-U-R-, Our Vote.

Here to talk about the project and what the volunteers observed on Election Day, are the heads of three lead sponsoring organizations of the Election Protection Program. Barbara Arnwine, Executive Director of the

Lawyer's Committee for Civil Rights under law, Ralph Neas, President of People for the American Way Foundation, and Melanie Campbell, Executive Director and CEO of the National Coalition on Black Civic Participation. And with no further adieu, I'll invite Barbara Arnwine to be our first speaker.

BA: Good morning everyone. [Good morning.] I am Barbara Arnwine, the Executive Director of the Lawyer's Committee for Civil Rights on the Law. I want to start by thanking the Leadership Conference, Common Cause, and the Century Foundation for putting together this very important program. The Lawyer's Committee is a 40-year-old non-partisan, nonprofit civil rights legal organization formed in 1963 at the request of John F. Kennedy, to provide legal services and leadership to the private bar to address racial discrimination.

Since its inception, the Lawyer's Committee in this Nationwide network of pro bono law firms and attorney volunteers, have worked to secure and protect minority Voting Rights. After the 2000 election debacle, the Lawyer's Committee for People of the American Way Foundation, and the National Coalition for Black Civic Participation, and other organizations combined to form the

non-partisan national, interactive, voter assistance Election Protection Program and conducted with our partners, six smaller Election Protection Programs from 2001 through 2003, with our eyes towards the 2004 Presidential election.

This year's Election Protection Program was the most comprehensive ever, covered either through the hotline or the direct poll monitoring, every state in the United States. Overall 130 civil rights and civilian participation organizations, many of whom you will hear from today, devoted their resources and talents to making the 2004 Election Protection Program a success by conducting strong community education, distributing millions of the Voter Bills of Rights prepared for people for in the Lawyer's committee, and to pull in volunteers to help voters.

All of the evidence suggests that Election Protection was central to helping hundreds of thousands of voters through the process in successfully reversing many of the disenfranchising trends in the 2000 Presidential election. However ... the Lawyer's Committee is deeply frustrated and

disappointed with media reports that inaccurately suggest that all was well at the polls in 2004. ... [applause] ...

The reality is that Election Protection received over 100,000 calls from voters on Election Day to the 21 866-OUR-VOTE call-in centers and 65 local legal command centers across the country, which told a different story. Long lines were not the result of just a lot of people showing at the polls. Long lines were a manifestation of the many voting irregularities that confronted voters as they attempted to cast the vote.

Contrary to widespread reports in the media, the margin of victory in election should not be used as an automatic indicator that the election ran smoothly and was not plagued by errors. Prior to the election and on Election Day, voters calling the hotline reported incidents of registration problems, late mailings by election officials of absentee ballots, failure to provide assistance to the disabled, failure to provide bilingual assistance, failure to provide provisional ballots, improper racially discriminatory voter I.D. requests, breakdowns of electronic voting machines, polls opening late and closing early, poorly trained and inadequate numbers of poll

workers, and voter intimidation and suppression tactics, the like that we have never seen before, in predominantly minority neighborhoods ... [applause].

Today's hearing provides an important forum to hear about these problems in more depth from the many panelists, and in addition to voters, Election Protection also received calls from county election officials, election judges and poll workers seeking our help on trying to figure out what they should do, regarding [unint.] federal and state election laws, because of the poor training and the lack of ability to get assistance from their own state governments ... [applause].

Overall the Election Protection hotline provided assistance to over 205,000 callers from the early voting period to the close of polls on Election Day. To date, we have documented, and I want to say to date, because there are still thousands of reports that we are inputting into the system, there were so many. To date we have documented 40,000 reports in the electronic incidence reporting system called EIRS. The Coalition's database designed by verified voting Foundation [unint.] assistance.

The Election Protection Program helped voters across the country navigate a messy and confusing voting process - systemic failures include the breakdown of electronic voting machines in Ohio, Georgia, Florida, New York, New Jersey, North Carolina, and Texas. Reports range from miscalibrated machines, which selected a different candidate than the voter intended to choose, to machines counting backwards, to computers eliminating votes, and of course, the well-publicized Ohio precinct that gave President Bush 4,258 votes when only 630 ballots were cast.

Acts of voter intimidation and suppression aimed at minority communities were rampant throughout the election period and became even more pervasive on Election Day. Dirty trick flyers were distributed in predominantly minority neighborhoods across the country, these malicious flyers, misidentified polling places, publicized Election Day as November 3<sup>rd</sup>, and threatened voters with legal repercussions for casting a ballot.

One flyer distributed in Milwaukee claimed to be from the fictional Milwaukee Black Voter's League, warning voters if they'd ever been found guilty of anything, even a traffic violation, they could get 10 years in prison, and their

children would be taken away. But equally troubling were the [unint.] suppression tactics of automated robo-calls, allegedly from your neighbors, allegedly from Election Protection, allegedly from the Martin Luther King Foundation, [unint.] and others, allegedly using these icons to misrepresent and deceive voters by telling them to go to the wrong polling places, to vote on the wrong day, or telling people who had voted constantly, that because they were such good voters, they could vote by phone on Election Day.

There were paid operatives who walked neighborhoods, telling people misinformation and giving them "absentee ballots" telling them that they would collect them from them and that they didn't need to go vote on Election Day. All of these forms are new suppression tactics were horrible.

We received complaints backed up by testimony at post-election hearings sponsored by Election Protection which voters in urban, predominantly minority communities suffered through a lack of Election Day resources, including voting machines and well-trained poll workers,

compared to voters in more affluent, predominantly white suburbs.

Election Protection's president and network of over 8,000 legal volunteers, 25,000 community volunteers, and hundreds of pro bono law firms, monitored the operation of our electoral process and actively advocating for change.

When the now infamous Ohio Secretary of State, J. Kenneth Blackwell - yes, he got the Katherine Harris award this year, but he inexplicably forbade election officials from offering provisional ballots to voters who requested an absentee ballot and never received one, but could get to the polls. Election Protection immediately, immediately filed litigation, allowing these Ohio voters to cast provisional ballots on Election Day.

When voters in minority communities were harassed and interrogated by voter challenges, Election Protection responded by defeating widespread racially targeted voter challenges in Ohio, Georgia, Florida, and many other states. The Election Protection Coalition has for the first time in history documented these systemic failures.

This time, this time, when we talk about election reform it won't be about anecdotes. It will be about direct evidence of what actually happened from voters who can come and be witnesses and tell the real story of the 2004 election. We look forward to that day. ... [applause] ...

The snapshot test report that was presented yesterday day the Lawyer's Committee by People for the American Way Foundation which did the leadership on that report, and by the NAACP, tells these stories in great depth and we commend it to you. The Lawyer's Committee will work with all of you to make a case for electoral reform at the federal and state level. The panelists you will hear from today will also be playing a huge role in that effort.

We applaud, and this is a rare thing for me to say, we applaud the Florida State Supervisors of Elections, the [unint.] County Supervisors of Elections, who recently announced their report for dramatic election reform including the elimination of the correct precinct or no counter vote rule in Florida.

We think that this kind of leadership is also critical, to have hearings in the state level to make sure that state

laws are conforming to providing the best assets for voters. The Election Protection's undocumented, unprecedented documentation of the experience of American voters in 2004 is a clarion call for policymakers to actually pursue meaningful election reform. We look forward to these changes.

We also would say one thing that I know might not be popular to say today. But we wanted to be clear, that those responsible for election reform must not be only wedded to one mechanism for that reform. Specifically Congress and the States must look beyond the Help America Vote Act in order to effectively address the shortcomings in the system. ... [applause] ...

Although we continue to support vigorous enforcement of existing legislative Voting Rights protections, we now know that successfully reforming the process will take additional protective legislative pronouncements at all levels.

This election cycle gave us a lot of information that we need to apply. First, it is essential that advocates and citizens have the ability to avail themselves to the Act's

protections without relying on an ineffective and also counterproductive Department of Justice. ... [applause] ... HAVA needs an explicit private right of action in order to provide citizens with a viable process to redress violations of their rights.

Second, we must examine the provisional balloting system created by HAVA. The provisional balloting system created by HAVA is just inadequate, period. States across the country have enacted overly restricted and extremely burdensome requirements to the counting of provisional ballots. Additionally very few election officials and poll workers any idea what a provisional ballot was, and how it worked.

Thirdly, Congress must better equip the Election Assistance Commission with the resources it needs to effectively monitor the implementation of HAVA, and by granting it the authority to issue binding rather than recommended directions. We must reevaluate HAVA's identification provisions, assess their impact on traditionally disenfranchised communities and their effectiveness of preventing fraud.

There are of course, many election reform issues not addressed by HAVA also. We must seriously consider the impact of a law allowing partisan officials to remain responsible for the conduct [unint.] elections. ... [applause] ...

The embarrassingly soft state and local partisan election officials privileging their party's political success are sometimes their own personal political ambitions, over the rights of their constituents. This is disgraceful and unacceptable in a democracy. ... [applause] ...

To be effective we must reconsider the way we register voters and process absentee ballots, we must explore the virtues of early voting and the limitations of the precinct system. In short in effective to the response of the problems that American voters have to protect each American's Constitutional right to cast a meaningful ballot, we must look at the system with a fresh set of eyes.

One word of caution before I close. As we all know, key provisions of the Voting Rights Act must be reauthorized in 2007. The Voting Rights Act of course is the most

effective federal legislation vehicle guaranteeing our civil rights. Many of the incidents recorded in the EIRS database regarding racial discrimination in voting, racial disparities in equipment, voter suppression efforts, and the failure to provide bilingual assistance, speak to the criticality of the continued need for this key legislation.

Reauthorization and election reform however are two discreet legislative priorities that should not be confused while [unint.] and making our democratic system better and more responsive to the will of the electorate, they occupy usually distinct space. Our liberty as Americans, our national pride as citizens, rests of the greatness of our democracy, and it is great.

The foundation of that democracy, however, is crumbling. Our freedoms and liberty ultimately must rely on a system of fairness and accountability. In order to be successful Americans must be convinced of the veracity of democratic results. In order for Americans to continue to participate in a system, we must be confident that our voices are heard, when our ballot is cast. We have arrived, ladies and gentlemen, at a unique moment, when the failures of our system coincide with unprecedented activism and awareness

about our process. I ask activists, citizens and policymakers, not to let this moment recede without action. Thank you. ... [applause] ...

WH: Barbara, thank you for that very comprehensive overview of the work of the Election Protection Program and thank you for the great work of the Lawyer's Committee during the last election cycle. Our next presenter is a co-partner with Barbara and with Melanie Campbell of the Election Protection effort. And as Barbara noted, People for the American Way Foundation organized a report, co-sponsored with the Lawyer's Committee and the NAACP, which was released yesterday and brought together an assessment of on the ground activity, which I'm sure will complement the work that Barbara has already presented. I now call upon my colleague and friend, Ralph Neas, President of the People for the American Way Foundation. ... [applause] ...

RN: Good morning everybody. It's a privilege to be here, it's an honor to be here with all of you, because so many of you were part of this army of volunteers that went out across America to protect American's right to vote. I do want to commend, salute Wade Henderson of the Leadership Conference and Chellie Pingree of Common Cause, and the Century Foundation, as well as my friends and allies in Mike Piano [ph.], Barbara Arnwine, Melanie Campbell.

And I'm happy to see, because I looked at the panelists, Wade and Chellie, that of the 130 organizations that were part of Election Protection, I think you've got at least 18 or 20 here today, testifying with respect to what happened on Election Day.

We did release our third report in the last three months yesterday, shattering the myth, an initial snapshot of voter disenfranchisement in the 2004 elections, a 75 page report. You can just imagine what the comprehensive report is going to look like when Barbara Arnwine and the NAACP and I get done with it.

We also did the long shadow of Jim Crow in August and early November before the election, barriers to voting in 2004. I mentioned these other reports because I like Barbara will prove the non-partisanship of People for the American Way Foundation, by criticizing the Democrats as well as the Republicans in 2004 - government failed us. Government failed us at the federal, at the state, and local level.

And I do salute Rush Holt, I do salute Steny Hoyer, and I'm happy that Bob Ney and Mitch McCollum and others worked on

how this got lots of problems that we've got to take a look at, and I certainly disagree with Bob Ney with respect to the remarkable success of 2004 with respect to electoral participation. It was a national disgrace; we've got to do something about it, and we've got to do something about it now.

I come here with a mixture of feelings and emotions. My first feeling I'm going to share with you is elation and pride in what you all did and what millions of people did, who were watching on C-Span and other TV productions or listening to the radio today.

Because it was a citizen's mobilization that did the work, not government, in 2004. Election Protection did involve 25,000 volunteers ... [applause] ... 8,000 lawyers, 56 field offices, 50 call centers around the country - it was in every state. There were 200,000 phone calls to Election Protection once the 866-OUR-VOTE. Common Cause [unint.] another 200,000. Mypollingplace.com, which was the website of People for the American Way Foundation who provided poll locator information, information on what kind of machines were used, and what kind of information needed to work the

machines - something the government should have been providing every citizen.

Three million Americans on November 2<sup>nd</sup> went to People for the American Way Foundation's website to make sure they could operate those machines they were about to confront. The Bill of Rights in GOTV materials 8 million Bill of Rights in GOTV materials were distributed door to door and at the polls in 2004 by these 25,000 people.

Julian Bond of the NAACP said the other day, you know, like you, Ralph, Freedom Summer 1964 was a transformative experience for me. Thousands of people came to the south to do something about voter participation, protect the right to the ballots. But Ralph, you know something? Election Protection was ten times as big as Freedom Summer. Election Protection was Freedom Fall of 2004, and you all were responsible.

The impact? Millions of Americans were protected in 2004. Caltech and MIT put out that study in 2000 - four to six million people were disenfranchised - well I think a couple million people at least were enfranchised because of your work and the work of Election Protection. You're going to

hear a lot from, I hope, many of our coalition partners [unint.] here from the Voter Protection Project, the NAACP Legal Defense Fund, the Advancement Project, and so many others about pre-litigation work that was done.

The litigation, the citizen advocacy, the media, the erring media, the media, not after the election, before the election, did a great job with respect to focusing the public spotlight on disenfranchisement, especially in Florida and in Ohio. On Election Day again, whether it was locating the polls, getting assistance by a lawyer same day legal relief, millions of people protected.

But as much as I want to share with you my elation and pride, you're going to hear some anger and sadness because of what did happen in 2004 on Election Day, because Election Protection, you all exposed the systemic flaws in our electoral system. Whether it's in the Ukraine or in the United States of America, we're going to make sure every vote counts, and that did not happen in 2004. ... [applause] ...

When Barbara Arnwine talks about 40,000 incidents, that's the tip of the iceberg, because each one of those incidents

represents more than one person, sometimes can represent hundred or thousands of people. When the statisticians and the social scientists sit down with us and the NAACP and the National Coalition and all the organizations working on this, we are going to find out, because we're going to extrapolate.

We only covered 3500 precincts, two or three percent of the precincts in the country. Again, it was a national disgrace that so many people were disenfranchised, whether it was voter intimidation, and we're talking about raw stuff. We're talking about people in Arizona saying there are too many Mexican Americans showing up at the polls. We're talking about Fulton County Georgia. How come there are not more polls for African Americans? What did the precinct official say? Because the Secretary of State said, blacks don't really get out there and exercise their right to vote. You don't need too many voting machines.

This is outrageous. Voting machines ... I apologize to everybody in this room. Rush Holt and his supporters in the House and the Senate - we should have voter verifiable audit trails. We should have had it. ... [applause] ... It was a failure of leadership. ... [applause] ...

It was a failure of leadership that we didn't strike a balance between accessibility and balanced security ... [applause] ... and quite frankly, we progressives, moderates, conservatives are at fault too. We progressives did not do enough to help Rush Holt. We didn't get the consensus that was needed for a law that could have made a difference in 2004.

I'm not talking about a partisan difference. I'm talking about the restoration of confidence of the American people in our system, in making sure that there's a way to check on these votes. We could have done it; we failed to do it; we're going to do it, Rush, we're going to do it.

Provisional ballots, absentee ballots, long lines. Long lines, that my friend was voter suppression. Did you feel a little bit that you began to understand it when the New York Times Sunday Magazine a couple weeks ago did an extraordinary piece by Matt [unint.].

How come, if we turned out almost 120 million people, the long lines were always in the urban areas, in the poor areas, in the communities of color? If all these

communities all across the country had record turnouts, why were there long lines? We found in Cleveland, in Columbus, Ohio, because we had hearings, three days of hearings, and precinct officials said, we had fewer voting machines on November 2<sup>nd</sup> than we did in the primary. We had fewer voting machines in 2004 than we had in 2000.

My friends, the racial disparities are what caused those lines in Cleveland, those lines in Miami. That was voter suppression. We're going to do a study. We're going to do an investigation, and we're going to document what these witnesses have been telling us. There has to be more money, more machines, in communities of color.

FS: [inaudible comment from audience]

RN: There has to be, if necessary, equal protection suits filed, whether it's in Ohio or anywhere else. Barbara, I agree with you, who won the Katherine Harris award? It was certainly Kenneth Blackwell. And most of the voter suppression it was before the election. It was those 35,000 citizens who they said they were going to challenge them. It was the 3500 challenges that they were talking about.

Why do you need 80 pound paper, instead of 20 pound paper, to register to vote, or to have to sign off on the citizen check-off, rather than relying on an affidavit where you swear to your citizenship, or all the other problems? Why does it have to be that the Secretary of State does everything possible to minimize participation, rather than maximize participation? It's contrary to the spirit of liberty and democracy.

Wade, I know you're running behind; I'm going to wrap it up. I'm going to tell you, anger did follow the elation and the pride. But the last feeling and emotion I'm going to leave with you, is resolve. People for the American Way Foundation and all of you in the organizations today, we're not going to give up; you're not going to give up.

We're going to have the public hearings, we're going to have the recount in Ohio, we're going to have the investigations, we're going to have the legislation and the litigation. Because we're going to make sure the most precious part of democracy, the right to vote and have a valid count, is protected. It's what it's all about. We want to share democracy with the rest of the world.

We want to make sure the Ukrainians are supported and how nice it is for the Bush Administration to be saying such nice things about disenfranchisement in the Ukraine, but let's hear it here where we just had a dereliction of responsibility by the Department of Justice. ... [applause] ...

Our goal at People for the American Way Foundation, our goal is a non-partisan one. We've done everything possible in 2004 and forevermore, to make sure every Democrat, every single Republican, and every single Independent, gets to cast a vote that counts. That's what it's all about.

Thanks for your leadership. ... [applause] ...

WH: Thanks Ralph, Ralph, thanks very much. And ladies and gentlemen we will have a few minutes for questions at the conclusion of our last presentation, so I'm going to ask people in the audience to please respect the need to give the presenters an opportunity to complete their presentations. Our final presenter this morning is Melanie Campbell, who is Executive Director and CEO of the National Coalition on Black Civic Participation. ... [applause] ...

MC: Good morning everybody.

WH: Good morning.

MC: Thank you, you guys have done a great job. Unfortunately my voice is not going to allow me to get as robust as I

tend to get at times, but I'm just as emotionally charged up about what happened, as my colleagues. On behalf of the National Coalition on Black Civic Participation, I would like to first thank the Leadership Conference on Civil Rights, Common Cause, and the Century Foundation for convening this vitally important conference to help us all reflect on what happened in the 2004 election, by sharing what each of our organizations learned and observed about this election process up to and through Election Day.

The National Coalition has been preparing, along with all of us, for the 2004 election, since the 2000 election debacle. Which as Ralph talked about earlier, that we know four to six million Americans did not get their vote counted. For the African American community, about a million African American's votes were not counted just four years ago.

In January 2001, the National Coalition convened the voices lead election reform task force to respond to this tragedy in our nation's democracy, resulting in the creation, collectively, with our institutions, familiar rights and Election Protection Program.

Ralph mentioned many of the other organizations, and I would like to just recognize a couple other organizations that were a part of the create of Election Protection from its beginning, which happens to be also Common Cause, and the AFL/CIO, the Black Leadership Forum, the Congressional Black Caucus Foundation, the National Newspaper Publishers Association, the National Bar Association; I think I heard Ralph mention the Advancement Project, the National Urban League, NAACP, and many others.

And I say, three years ago, we created this program, and we fine-tuned that program with that hotline - 1-866-OUR-VOTE, where we were able to impact over 50 states. And you've heard from Barbara that talked about the results of that line, and I won't go further than she has in that. What the National Coalition did was in 2004, we incorporated the Election Protection in our Unity '04 Voter Empowerment Program, and that's what most people heard about what we were doing in this election cycle.

One of the things that was very, very critical about what happened and why we were able to impact and get to so many people with that number, I cannot go further without thanking some of our key media partners - The Tom Joyner

Morning Show ... [applause] ... who for seven million listeners a day, for months on end, drove that number out there, so people would know way ahead of time, that they would have some support out there with Election Protection.

Black Entertainment Television put it out there, so that African Americans and young people, especially young people. I think I saw Jamoo out there [unint.] Rock the Vote, knows how important it was for young people to know that their vote would be counted. So many of them turned out at the polls, and I thought it was very ironic; I know we're not talking about [unint.] voter registration panel, but the first thing that happened negative about what happened with the vote, is that someone put out bad information that did not understand the statistics about the fact that young people did not turn out, and we know that they turned out in record numbers, with over 4.6 million more of them turning out the vote, and I think we should give young people a hand for that. ... [applause] ...

The National Coalition focused the priority of our work in 14 states, which included Alabama, Arkansas, Florida, Georgia, Illinois, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, Texas and

Wisconsin. The National Coalition and its partners were concerned that the 2004 election would be a repeat of 2000.

This concern was not unfounded. As we are all aware here in this room, and all across this country, that the Help America Vote Act was never fully funded and states were given too many loopholes to just opt out of implementing key elements of the bill, including establishing statewide databases of registered voters.

We all registered all those millions of new voters. There are too many people who showed up at the polls, and their names weren't on the record. There were people who registered [unint.] people looking at the person, down in Atlanta, for instance, Atlanta University [unint.], where I cut my teeth by way in politics.

Where young people who knew they had registered that student, and then they were at the polling place and they're telling the poll worker, I registered, I know that they were registered, months ahead of time, and then being told the President of Spellman College, where I was reported had to help young people get a provisional ballot,

which was supposed to be something to Help America Vote Act was supposed to do.

You had the mayor of the city of Atlanta running around, all over Atlanta, trying to get these young people an opportunity, and other people inside of the community, the opportunity to vote.

Wade, you may or may not remember that you were ... maybe you were psychic. But in May 2004 when we had that supposed Election 2004, Are We Ready? And I will quote you. You said, early signs indicate that provisional ballots cast by eligible voters in many states will not be counted, undermining this new important safeguard.

And we know with all of the reports and all of the data that this is true. I want to share a few ... I know we're not supposed to say anecdotal, but this is what they are done until they are formally done in this process with lawyers. But there were a couple of states, and I want to focus on just giving you some examples of some of the disenfranchised that young people experienced.

In Louisiana, down in the south, there were students at Southern University in Baton Rouge, Louisiana, were denied provisional ballots by poll workers specifically precincts 101A and 101B, until approximately 12 o'clock in the day. So all of those students who have to go to class, who came there early in the morning, couldn't come back. They were in class all day.

So you waited until the middle of the day. So Louisiana Unity '04 and Citizenship Education Fund were instrumental in gaining the rights of the students to cast provisional ballots, those we could get to, later on.

Students at Xavier University in New Orleans, Louisiana, were denied provisional ballots by poll workers on Xavier's campus. The precinct, that precinct, was one of the places, the last places that ended up casting [unint.] because of the fight to get the polling places to stay open long enough.

Several precincts in New Orleans denied people the ability to pass a provisional ballot. In fact in the '04 staff two troublesome precincts in Ward 7, Precincts 25 A and B, and

did not leave until 11 PM, until all the people in line had cast a ballot.

I mentioned the Atlanta University [unint.] and I'll just run through the broader problems that we encountered in the Atlanta University seeing that we have over 10,000 students. Poorly trained and inexperienced poll workers who gave students misinformation around identifying, identification requirements, and again, provisional ballots, bad information, not allowing them to use it, backlogging and absentee ballot problems.

It was reported that the Fulton County Election Office did not enter at least 10,000 voter registration forms in the system in time for Election Day. So what happened with that? Students, many voters were required to take a letter from the County Clerk's Office saying that they were registered but names would not appear on the voter rolls in order to vote.

Nevertheless many students were unable to vote, although they were supposed to get again, what, provisional ballot, was that the stopgap of it, but it did not work. Wrong polling places giving information, because a lot of times

students may live, and may not think they can go to the gym for instance at the at [unint.] University and maybe over at Morris Brown. Giving them wrong information, we had five precincts that were there.

The voting machines, not enough voting machines. You knew you had ... our organization registered 30,000 people in Fulton County, Dekalb County. You knew ... too many places there were reports that the officials knew that they had all of these registered voters ... we heard it all over the news - months on end, on end, on end, on end, and why would you not be prepared for the fact that you had these new voters?

The feeling was in the air. How many people did not know there was not going to be a large turnout on November 2<sup>nd</sup>, 2004? You would have to have been really comatose to not know that there was a feeling in the air, no matter which side of the aisle you may find yourself, that there was going to be increased turnout in 2004.

There was too much work going on out there. There was too many things that state, and it made no sense that people showed up, and they would be one voting machine for 2500

people - in, like you said already, the minority and low-income precincts.

I said I wasn't going to get to preaching like here, but you know, it's starting to hit me. The last thing I'd like to say, is that we also made attempts to impact that, because we knew we needed to give people the information. And I thank Tom Joyner, again and again, and those kinds of partners, who really hit home. I thank Mark Morial with the National Urban League, who helped create the message about we need to verify, give people the voter verification so we get a project called Register Verify Vote and put that out there.

On Sunday morning, we took fans in the black churches all over the country, Protect Our Vote Sunday, and did a little spiritual thing about how important it was, and in the state that we work, the ministers allowed us to put the Voters Bill of Rights on the back, and give people the kind of information that they needed.

The last thing I'd like to say, and then I'm going to give you something that I hope that the person I'm going to mention in the audience doesn't mind I'm doing it - we also

have an exit poll that Dr. Ron Walsh has put together to give information about what people's experiences were, and we'll be releasing that out in the beginning of the year.

But with all the challenges and obstacles that voters faced, the good news we celebrate today, is that young people voted as I mentioned earlier. They voted in record, record numbers. We celebrate the fact that the non-partisan nonprofit community filled in the gap to help voters know their rights, and protect their rights, where our government failed, just failed miserably, to reform the system they promised to correct. We celebrate the spirit of our democracy, where voters stood in line for hours, without being deterred, determined to have their vote and their voice heard.

Finally I close with what I heard one of my mentors in life, the late Maynard Holbrook Jackson often say about the will of determined souls. There is no chance nor destiny nor fate can circumvent or hinder our control, the firm resolve of a determined soul. I believe our nation is at a crossroads, and we all said that, and that those that believe in the power of collective organizing will continue to find ways to build ever stronger coalitions to educated,

inform, motivate, and agitate on a national, state and local level, until our election system is brought to the full potential guaranteeing it is fair, inclusive, and free of barriers to participation for all Americans.

I want to thank you and leave with this information that I think Wade, I think I saw Dr. Esay [ph.] Williams, who shared some information ... I did, I did, I thought I did ... with us on discrepancies in the count in the State of Florida. And I don't want ... I have it, but I think that it would be good for her, to sit down, if she hasn't had an opportunity, and share that information, because there were too many discrepancies.

I'm from Florida, a little place called Mims; I know everybody heard of that, right? My mother is still there and voting - 76 years old. And there were too many problems in my home state. We're talking about Ohio, but we've got to go back to Florida [unint.]. They did some good things, and tried [unint.], but they did not fix the problem. There were too many problems in the State of Florida, and again, I thank you, Wade, and look forward to hearing your questions.

WH: Thank you Melanie. ... [applause] ...

LOG: Wade Henderson; Q: = Question; BA: = Barbara Arnwine; MC: =  
Melanie Campbell; FS: = Female Speaker; RB: = Randy  
Brinson; JA: = Jessie Allen; LC: = Lillie Coney; JG: =  
Jehmu Green; PH: = Penda Hair; MS: = Male Speaker

CP: = Chellie Pingree; RN = Robert Ney; SH: = Steny Hoyer; RH: =  
Rush Holt; RN: = Ralph Neas;

WH: We've had three strong presentations, and ladies and  
gentlemen, I'm going to remind you that there are index  
cards in the back of the room, and if you leave your  
contact information, including email address, we'll have an  
opportunity to respond to every question that's posed here  
today.

And I also want to remind you that we're going to try to  
move this forward and see if we can a little bit of the  
time that we've lost this morning, and so I'm going to try  
to limit questions here. I'll remind you that we have  
other panels that will come later this morning that will  
talk about the particulars of many of the issues that  
you've heard here today, including voting systems,  
including voter intimidation and suppression and voter  
registration issues. If there are questions, let's take a

couple here, and then we'll be done. The lady in the black sweater.

[off-mike question followed by B-roll]

Q: My name is Sarah Cobb, I'm Director of the Institute for Conflict Analysis and Resolution at George Mason University. I have a particular question for Barbara, but opened to the other panelists as well. Barbara, you mentioned that we needed a clarion call for policy reform. I thought that was a nice phrase, but I just want to put the accent on enforcement, and I'm particularly interested in two things - wondering what the plans are of your various organizations around litigation, around these issues, and second, what would be, what plans do any of your organizations have for mobilizing the media to really expose these things? Publishing reports that we read is great, but we need grassroots mobilizations of a media campaign. So those are two [unint.].

BA: Thank you very much for that question. First of all on litigation, what the Lawyer's Committee does best ... what we live for, is to sue people, especially those who are so blatantly violating the law. So I can tell you very clear certainty that as we sit here this morning and we are preparing lawsuits to file against a number of states, to follow-up on many violations. Unfortunately those

violations that we are going to address go to the future for prospective relief, but I think that they will be critical lawsuits that will be the like of that we haven't seen before, and that these will go farther to documenting and showing the absolute disregard for the civil rights and the equal enforcement of the laws for all citizens, including your intentional and disparate, discriminatory impact litigation.

We also, on the mobilizing the media, Connie Hunn [ph.], we obviously ... we could tell you so many stories of the conflicts we've had in trying to get the story out, but I will say this. Yesterday we had a press conference where we released the report, and I was glad to see that all, that a lot of the major newspapers were there, many of whom have informed me a couple that they are going to be do feature stories and series on this issue, finally.

You know, I am very cognizant, as all of you are, that in 2000, immediately after the election, the story of course, was all about the problems with Florida and the butterfly ballots because people were whispering behind their hands and it's illiterate blacks and [unint.] feeble Jewish people can't tell Pat Buchanan from whoever.

I mean, we know that that was the story, and we changed that story. But that took us some time, it took a heck of a drum beat. Every one of you and everyone listening to the story is part of the force to say to the media, tell the truth, tell the full story, get that story out there, because unless we do that, unless we hounded them like we did in 2000, we will continue to have this whitewash of this wonderful election that went smoothly, but for long lines. So, and I'm going to turn it over to Ralph, because I know he's also been thinking on this issue.

RN: I want to take 30 seconds because I know we've got to get to the next panel and to the next three questioners. You're going to hear a lot about, Sarah, about lawsuits from many, many of the organizations. We certainly are involved in a number already, we're going to be involved in a lot more, not just to make sure that every ballot is counted and look at the Equal Protection arguments, but I think those who violated the law, should be paying for their violations of the law. ... [applause] ...

There's no question ... there's no question whether it shattering the myth or many other things that will be produced; Common Cause has a report today I believe and

there will be many more. We've got the content; we've got to market it, and we've got to be very sophisticated in the mobilization that Sarah and Barbara were talking about.

And I think you almost have to look at the media as a lobbying target just as we look at members of the House and the Senate, as well as the state and local governments, we have got to be advocates, everyone watching and listening, everybody in this room, we've got to push, push, push. We've got to be relentless, just absolutely relentless in a non-partisan way, do not let the historical revision of what happened, do not allow this, do not allow this to distort the facts, to really betray the principles of government, and betray all those people who waited those three, four, five, ten hours in line across this country. So let's mobilize. I'm confident that we can get the message out. We certainly have the substantive analysis in the facts on our side. ... [applause] ...

WH: Next questioner, please.

Q: Yes, my name is Lynn Landis; I'm a freelance journalist. I spoke at the Ohio hearings, and I also was a speaker at the Ohio rally this past Saturday. It seems as though the long lines were because of the machines, machine breakdowns, and machine malfunctions. How does adding a ballot printer,

which is what the voter verified concept is about, going to solve any of those problems number one, and number two, that concept or solution is not calling for a manual count of any paper ballots at all. It's calling for an audit, which leads the whole counting of ballots firmly in the hands of the elections officials.

WH: It's a wonderful question. We have a panel on voting systems that will come up later this morning. In the interest of time, and I appreciate the question so much, it will be addressed later this morning. Let me suggest that we move to the next questioner and we will address your question a bit later. Sir.

Q: Um, Ramon Buhler, I used to be Counsel at the Committee on House Administration for Bill Thomason and Bob Ney. Mr. Neas, I applaud your statement on voter verified, that they were on a trail. I think you're absolutely correct. I did not hear either Barbara or Melanie take a position on whether or not that we think that electronic voting machines ought to have a paper, a voter verified paper audit trail, and I'd just like to hear their response on that issue. Thanks so much.

BA: Yes, you know, and it's always hard when you're doing testimony to figure out what you're going to say, because there's so much to say. But clearly the Lawyer's Committee

has been very, very vocal in our support for a verifiable paper or any kind of audible trail. We believe very strongly, we have stood up and fought with our own colleagues on these issues, that it is critical that there be some process where voters can do more than look at a screen and keep saying, they were pushing for Kerry, it kept saying Bush; when they voted straight party line during the primaries and everything came up except for the President the right way.

I mean, this miscalibration hurts voters, it destroys their confidence, especially when people in the poll workers told them there was nothing they could do to correct the problem. You see, these are the things that we've got to correct. I mean, I very, very strongly, I will go to my grave fighting, for these kinds of changes in our election process, because we've got to have the ability of citizens to know the vote that is ultimately cast, is the vote that they actually pulled the lever or they actually touched that screen for. ... [applause] ...

MC: As far as the ... we testified, I testified before the Electric Assistance Commission in May. We had not said that paper trail necessarily, but we felt that it that it

would need to be verifiable institutionally processed, and so that's where we stand on the issue.

WH: Guys, we have to, I got the signal that we have to cut this off literally in three minutes. This is the last question; I'm going to ask people to be exceedingly brief, and we'll try to move to our next panelist.

Q: Can we hear a question from this side?

WH: Oh, I'm sorry, I apologize sir.

Q: I'm Richard Pells, a citizen from Wheaton, Maryland. I want to know what are you going to do to punish these violators? I think some of these scoundrels should be sent to jail. ... [applause] ...

WH: Well sir, thank you for that question, and I think that Ralph and his response to the last question mentioned the importance of enforcement, and there is indeed a concern that when there has been a violation of the law, to insure future compliance that will encourage people to do the right thing, you have to have prosecutions where there have been known violations.

BA: And Wade, let me say something to this audience. Help us. The Lawyer's Committee has been fighting with the FBI to investigate some of the voter intimidation, voter suppression tactics where we are able to identify the perpetrator. And I must say to my dismay and my deep

concern, the FBI keeps telling us every time we call, every time we try to get an investigation, what do you expect? It's an election.

So you ... I need, we need your help in your writing to them, and helping us to fight, because I have been fighting with them and with others at the Department of Justice to make sure that it is a Department of Justice that is and to make sure that we are addressing these issues. So yes, we need citizens' anger, mobilization, to make sure that these investigations are done, because people do need to be in jail.

WH: Well ladies and gentlemen on that note, please join me in thanking our panelists this morning, Barbara Arnwine, Ralph Neas, and Melanie Campbell. Thank you so much.

FS: Good morning again, everybody, and thank you for coming back to your seats. As you can see, we have wonderful inspired panelists. We have lots to talk about today. We're hoping to give you all a chance to be part of the dialogue as much as possible, and we hope to cover a lot of ground.

So I'm going to try to move us along a little bit. In the next panel, we'll asking all of our panelists to stick to

their time limits and we've got a timekeeper up here and I'll try my best to be polite, but I might have to interrupt a few times just to keep us moving, because we want to get through so much today.