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Sleuthing Stolen Election 2004: John Brakey and the "Hack and Stack"

By David L. Griscom, Ph.D.

In the wee hours of 3 November 2004, the day after Election Day, the CNN.com website showed an updated exit poll which had Kerry leading Bush nationally by 2.6%. But soon thereafter the vote counting equipment reported Bush ahead of Kerry by almost the mirror image: 2.8%.

http://www.freepress.org/images/departments/PopularVotePaper181_1.pdf

Never before had the U.S. national exit polls been so wrong ...or WERE they?

On 11 November 2004, David Cobb and Michael Badnarik, the Green and Libertarian candidates for president, announced their intentions to file a formal demand for a recount of the ballots cast for president in the pivotal state of Ohio. This recount (conducted by Ohio SOS Kenneth Blackwell!) was officially terminated on 31 December 2005 after a recount of about 3% of the vote, which found 734 additional votes for Kerry and 449 additional votes for Bush.

Flash forward to 10 March 2006 the Associated Press told us that "[T]he third highest ranking employee at the Cuyahoga County Board of Elections has been indicted on charges of mishandling ballots during the 2004 presidential election recount."

<http://www.bradblog.com/archives/00002531.htm>

And flash once more to 24 January 2007: Two election workers in Ohio's most populous county were convicted of illegally rigging the 2004 presidential election recount, allegedly so they could avoid a more thorough review of the votes.

<http://www.bradblog.com/?p=4071>

So, what was the big deal about failing to randomly select precincts for recounting?

The answer lies in John Brakey's "Hack and Stack."

Let us return to Election Day 2004. John Brakey is going about his duties as Democratic Cluster Captain for four precincts in a heavily Hispanic, 80%-non-Republican district of Tucson, Arizona. When he entered these polling places to collect "tear sheets" (carbon copies of the record of the names of voters issued ballots) he was met with hostility by poll workers at three of them, and he observed irregular things going on at these three stations throughout the day.

Finally, more than an hour after the polls were closed, John returned to the Pct 324 polling place (his home precinct) where, to the mutual shock of all concerned, he stumbled upon the poll workers apparently in the process of altering the records. These workers cursed and menaced John until he withdrew [see p. 132 in Mark Crispin Miller's book, *Fooled Again – How the Right Stole the 2004 Election & Why They'll Steal the Next One Too (Unless We Stop Them)*].

Like the "mild mannered Clark Kent" who became Superman when "truth, justice, and the American way" needed defending, John had risen up in the past to successfully sue a company that had been cheating subcontractors in Tucson. And, given that part of the court-ordered settlement required him to become publicly silent on what he knew, he headed "south of the border" for 14 years, where before long he was butting heads with crooked Mexican politicians in his successful defense of the Gulf of California against over fishing by commercial interests.

Now flash back once again to the morning of 3 November 2004. John Brakey took a page from election-theft-sleuth Greg Palast and went back to the Pct 324 polling place to poke in the trash. What he recovered there were the "ballot information slips" (3x3" slips of paper used by poll workers to record each arriving voter's registration number, party affiliation, and whether or not required to vote a provisional ballot). But these particular slips proved to be replete with non-standard indexing notations not normally used by poll workers. It was a consecutive numbering scheme (including some "alternate" consecutive numbers!!!), which would have enabled these poll workers to reorder (or alter) all other Election Day records at their whim.

What John did next was the most astonishing. He began working 18-hour days, seven days a week, collecting all public records relating to the nearly 2,000 voters registered at Pct 324 -- including those who didn't vote in 2004, as well as the 895 who officially voted (and 33 who signed a document at the polling place on Election Day but whose ballots were NOT counted). John manually entered these data into immense color-coded Excel spreadsheets which he and I began to pore over. By New Year's Day 2005, John had put in about 1,000 hours! My own contribution might have reached a paltry 300 hours.

By way of self-introduction, 2007 marks my 41st year as a research physicist. I am therefore well accustomed to sifting through Mother Nature's misleading clues in an ongoing struggle to understand some of the realities that she tries so hard to conceal from us. But, like Isaac Newton, I have to admit that own my successes owe largely to my "standing on the backs of giants." That is, physicists of the past provided me a legacy of proven theories as starting points. (In popular terms, I was spared having to "reinvent the wheel.")

But Karl Rove's election fraudsters appear to have created a system that, in retrospect, must have been designed specifically to confound crime scene investigators (at least until after the Joint Session of Congress met to accept the Electoral College results on January 6th). The laws of physics were of zero help to me here. I found myself sifting through misleading clues conjured, not by Mother Nature, but by human beings -- ones possessed of especially criminal minds.

John Brakey found most of the irregular patterns in the data, and I dedicated myself to trying to decide which of these patterns were causes and which were effects. In particular, I wanted to be able to deduce which causes or effects were incidental/innocent and which were artifactual/criminal. I was greatly aided in this quest by bouncing my ideas off Tucson-voting-machine-expert and Ph.D. electrical engineer, Tom Ryan. Tom tended to be the devil's advocate for "incidental/innocent." His counterpoint to my suspicious nature forced me to assemble John's data into all possible quantifiable categories, and seriously consider possible innocent explanations of each. When the dust finally settled, my conclusion was that the evidence irrefutably favors of "artifactual/criminal."

I won't go deeper into my evidence or arguments, beyond emphasizing the following: The poll-worker-instigated annotations on the ballot information slips that John recovered from the morning-after-Election-Day trash at Pct 324 provided a workable mechanism for deliberately creating numerical patterns that are "statistically impossible" if they are supposed to have happened by random accident or poll-worker incompetence (longer story available on request).

Suffice it to say that we had found evidence that Pct-324 poll workers STUFFED the (optical scan) ballot box with HAND COUNTABLE PAPER BALLOTS (HCPBs) that had the effect of shifting the presidential vote in this precinct by at least 12.8%. I am supposing that if the paper ballots in the box had been recounted by hand, the votes on paper would have agreed with the votes counted by the (un-hacked) optical scanner -- even though by my count 44 valid Kerry ballots were made to disappear and 80 Bush ballots were illegally created by the poll workers.

John calls such an act by colluding poll workers "the STACK." The type of person who would shamelessly commit such a crime against our democracy has been examined in immense detail by Mark Crispin Miller in his book Fooled Again. There are certainly enough of these folks (tens of millions) to have infiltrated most or all poll-worker positions in several percent of the polling stations nationwide.

I suppose that by now everyone knows about "the HACK" (specifically, the "Hursti Hack"): www.bbvforums.org/cgi-bin/forums/board-auth.cgi?file=/1954/15595.html
www.votetrustusa.org/index.php?option=com_content&task=view&id=798&Itemid=51
But let me just give the technical summary. In 2004, approximately 40 million Americans voted on optical-scan voting machines employing 1.94w memory cards. The 1.94w card illegally contains "interpreted codes" which can be hacked to change the final ballot counts without leaving a trace ...EXCEPT for the HCPBs inside the ballot box.

So if just a few percent of the ballot boxes are stuffed in the manner that John Brakey and I have uncovered at Pct 324 -- and crooked election officials manage to pick only those precincts for recounts (which are SUPPOSED to have been randomly selected) -- the more widely executed HACK would be covered up.

Is there evidence that this might have been what happened?

The reader should decide for him/herself by inspecting the accompanying graphic labeled "2004 Florida and Pennsylvania Registration and Voting". This graphic was picked from a now-defunct internet site, americanimage.com, which employed raw data found (and still available) at <http://ustogether.org/election04/FloridaDataStats.htm>

American Image's unique contribution was to show (a) voter registration by party, (b) 2004 ballot tallies for president, (c) voting machine type, and (d) county size, ALL ON THE SAME GRAPH, by using a color scale to portray both (a) and (b). The most spectacular thing you will see in this graphic is that the 24 smallest counties in Florida THAT EMPLOYED DIEBOLD OPTICAL-SCAN machines were the most skewed toward Bush. That is, the dark-to-medium blue colors in the left-hand column signify that 10 to 30% of the electorate were registered Republican in these 24 counties, whereas the medium-green-to-red-magenta colors in the second

column from the left signify that 45 to 80% of these same voters appeared to choose Bush in 2004.

Why should the pro-Bush skew be confined mostly to the smallest counties? And why is this skew mainly confined to voters who voted on optical-scan machines?

My answer to the first question is that (1) the smallest counties are probably the most vulnerable to takeovers of the polling places by colluding poll workers (the "STACK"), (2) small counties are less likely to be checked by exit polls, and (3) Karl Rove was thereby enabled to play on the myth of the "Dixiecrat effect" in small rural counties in Florida. As for the second question, it is easy to suppose that Karl knew that the touch-screen machines would be the objects of much suspicion, so by minimizing vote theft on the touch screens (in 2004), an illusion of honesty was achieved.

Greg Palast <http://www.gregpalast.com/> believes that the 2004 Election was stolen by means of the disappearance of 3.6 million ballots that were cast but not counted. (The U.S. Census Bureau places the figure at 3.4 million.)

Nevertheless, a September 2005 report by the U.S. Government Accountability Office <http://www.gao.gov/new.items/d05956.pdf> recognizes that there is evidence that security weaknesses in voting machines "...have caused problems with recent elections, resulting in the loss and MISCOUNT [emphasis added] of votes." So, while Palast focuses on the LOST votes, John Brakey and I have homed in on the MISCOUNTS.

One method of miscounting has been demonstrated by Harri Hursi (links above). Namely, it entails flipping votes for candidate A to candidate B and vice versa, by inserting executable codes into the 1.94w memory cards associated with the optical-scan ballot boxes (the "HACK").

When the HACK is covered up by the STACK (i.e., only precincts where the ballot boxes were stuffed by colluding poll workers are "randomly selected" for hand recounting), we become victims of a scam that John Brakey has termed the "HACK and STACK."

That is, a hand recount of the HCPBs in a STACKED precinct would be found to agree with the official ballot tally – even though the poll workers had shuffled ballots in and out in order to skew totals away from the way the voters actually voted.

On the other hand, the remaining, NON-STACKED precincts using optical-scan ballot boxes with 1.94w memory cards are vulnerable to HACKING, which could be adjusted to skew the official tallies to approximately the same degree as the STACKED ones. But big the difference is that any hand recount of a HACKED-but-NOT STACKED precinct would instantly reveal the actual MISCOUNT.

With 40 million voters voting on optical-scan machines in 2004, the HACK and STACK alone could have been sufficient to steal the election -- despite the fact that voter-marked HCPBs were employed. If only about 10% percent of the precincts had only been truly RANDOMLY SELECTED for hand recounts, the HACK would have been detected. Then we would now be

talking about a conspiracy to steal the election as a PROVEN FACT instead of denigrating election-integrity researchers as "conspiracy theorists."

Moral: As long as optical-scanners are with us, we must assure TRULY RANDOM RECOUNTS.

N.B. There are several mathematically proven ways to decide how many precincts or ballots to recount in order to have high confidence of catching fraud. See, for example:

<http://electionarchive.org/ucvInfo/release/Release-TieredElectionAudits.pdf> or

<http://www.electiondefensealliance.org/files/UPSEndFaithBasedVoting.pdf>

David L. Griscom, a Fellow of the American Physical Society, retired in 2001 from the Naval Research Laboratory in Washington, DC, where he had been a research physicist for 33 years. He has subsequently held visiting professorships of research at the Universities of Paris, Lyon, and Saint-Etienne, France, and Tokyo Institute of Technology; he was also Adjunct Professor of Materials Science and Engineering at The University of Arizona in Tucson. By virtue of his collaboration with John Brakey, Griscom was an invited presenter at both the National Election Reform Conference (Nashville, April 2005) and the Election Protection Hearing (Houston, June 2005); he recently presented the same material at the 2007 Annual Meeting of the American Association for the Advancement of Science (San Francisco, February 2007).

N.B. If you have trouble reading the graphic below, set the "zoom" on your word processor to 150% or larger.

2004 Florida and Pennsylvania Registration and Voting
 (Vote total increases downward in each panel)

