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"If you want to win an election, just control the voting machines"

By Thom Hartmann

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Maybe Nebraska Republican Chuck Hagel honestly won two US Senate elections. Maybe it's true that the citizens of Georgia simply decided that incumbent Democratic Senator Max Cleland, a wildly popular war veteran who lost three limbs in Vietnam, was, as his successful Republican challenger suggested in his campaign ads, too unpatriotic to remain in the Senate. Maybe George W. Bush, Alabama's new Republican governor Bob Riley, and a small but congressionally decisive handful of other long-shot Republican candidates really did win those states where conventional wisdom and straw polls showed them losing in the last few election cycles.

Perhaps, after a half-century of fine-tuning exit polling to such a science that it's now sometimes used to verify how clean elections are in Third World countries, it really did suddenly become inaccurate in the United States in the past six years and just won't work here anymore. Perhaps it's just a coincidence that the sudden rise of inaccurate exit polls happened around the same time corporate-programmed, computer-controlled, modem-capable voting machines began recording and tabulating ballots.

But if any of this is true, there's not much of a paper trail from the voters' hand to prove it.

You'd think in an open democracy that the government—answerable to all its citizens rather than a handful of corporate officers and stockholders—would program, repair, and control the voting machines. You'd think the computers that handle our cherished ballots would be open and their software and programming available for public scrutiny. You'd think there would be a paper trail of the vote, which could be followed and audited if there was evidence of voting fraud or if exit polls disagreed with computerized vote counts.

You'd be wrong.

The respected Washington, DC, publication [The Hill](#) has confirmed that former conservative radio talk-show host and now Republican U.S. Senator Chuck Hagel was the head of, and continues to own part interest in, the company that owns the company that installed, programmed, and largely ran the voting machines that were used by most of the citizens of Nebraska.

Back when Hagel first ran there for the U.S. Senate in 1996, his company's computer-controlled voting machines showed he'd won stunning upsets in both the primaries and the general election. The Washington Post (1/13/1997) said Hagel's "Senate victory against an incumbent Democratic governor was the major Republican upset in the November election." According to Bev Harris of www.blackboxvoting.com, Hagel won virtually every demographic group, including many largely Black communities that had never before voted Republican. Hagel was the first Republican in 24 years to win a Senate seat in Nebraska.

Six years later Hagel ran again, this time against Democrat Charlie Matulka in 2002, and won in a landslide. As his hagel.senate.gov website says, Hagel "was re-elected to his second term in the United States Senate on November 5, 2002, with 83 percent of the vote. That represents the biggest political victory in the history of Nebraska."

What Hagel's website fails to disclose is that about 80 percent of those votes were counted by computer-controlled voting machines put in place by the company affiliated with Hagel. Built by that company. Programmed by that company.

"This is a big story, bigger than Watergate ever was," said Hagel's Democratic opponent in the 2002 Senate race, Charlie Matulka <www.lancastercountymocrats.org/matulka.htm>. "They say Hagel shocked the world, but he didn't shock me."

Is Matulka the sore loser the Hagel campaign paints him as, or is he democracy's proverbial canary in the mineshaft?

In Georgia, Democratic incumbent and war-hero Max Cleland was defeated by Saxby Chambliss, who'd avoided service in Vietnam with a "medical deferment" but ran his campaign on the theme that he was more patriotic than Cleland. While many in Georgia expected a big win by Cleland, the computerized voting machines said that Chambliss had won.

The BBC summed up Georgia voters' reaction in a 6 November 2002 headline: "GEORGIA UPSET STUNS DEMOCRATS." The BBC echoed the confusion of many Georgia voters when they wrote, "Mr. Cleland—an army veteran who lost three limbs in a grenade explosion during the Vietnam War —had long been considered 'untouchable' on questions of defense and national security."

Between them, Hagel and Chambliss' victories sealed Republican control of the Senate. Odds are both won fair and square, the American way, using huge piles of corporate money to carpet-bomb voters with television advertising. But either the appearance or the possibility of impropriety in an election casts a shadow over American democracy.

"The right of voting for representatives is the primary right by which all other rights are protected," wrote Thomas Paine over 200 years ago. "To take away this right is to reduce a man to slavery."

That slavery, according to Hagel's last opponent Charlie Matulka, is at our doorstep.

"They can take over our country without firing a shot," Matulka said, "just by taking over our election systems."

Taking over our election systems? Is that really possible in the USA?

Bev Harris of www.talion.com and www.blackboxvoting.com has looked into the situation in depth and thinks Matulka may be on to something. The company tied to Hagel even threatened her with legal action when she went public about his company having built the machines that counted his landslide votes. (Her response was to put the law firm's threat letter on her website and send a press release to 4,000 editors, inviting them to check it out. www.blackboxvoting.com/election-systems-software.html)

"I suspect they're getting ready to do this all across all the states," Matulka said in a January 30, 2003, interview. "God help us if Bush gets his touch screens all across the country," he added, "because they leave no paper trail. These corporations are taking over America, and they just about have control of our voting machines."

In the meantime, exit-polling organizations have quietly gone out of business, and the news arms of the huge multinational corporations that own our networks are suggesting the days of exit polls are over. Virtually none were reported in 2002, creating an odd and unsettling silence that caused unease for the many American voters who had come to view exit polls as proof of the integrity of their election systems.

As all this comes to light, many citizens and even a few politicians are wondering if it's a good idea for corporations to be so involved in the guts of our voting systems. The whole idea of a democratic republic was to create a common institution (the government itself) owned by its citizens, answerable to its citizens, and authorized to exist and continue existing solely "by the consent of the governed."

Prior to 1886—when, law schools incorrectly tell law students, the U.S. Supreme Court ruled that corporations are "persons" with equal protection and other "human rights"—it was illegal in most states for corporations to involve themselves in politics at all, much less to service the core mechanism of politics. And during the era of Teddy Roosevelt, who said, "There can be no effective control of corporations while their political activity remains," numerous additional laws were passed to restrain corporations from involvement in politics.

Wisconsin, for example, had a law that explicitly stated:

"No corporation doing business in this state shall pay or contribute, or offer consent or agree to pay or contribute, directly or indirectly, any money, property, free service of its officers or employees or thing of value to any political party, organization, committee or individual for any political purpose whatsoever, or for the purpose of influencing legislation of any kind, or to promote or defeat the candidacy of any person for nomination, appointment or election to any political office."

The penalty for violating that law was dissolution of the corporation, and "any officer, employee, agent or attorney or other representative of any corporation, acting for and in behalf of such corporation" would be subject to "imprisonment in the state prison for a period of not less than one nor more than five years" and a substantial fine.

However, the recent political trend has moved us in the opposite direction, with governments answerable to "We, The People" turning over administration of our commons to corporations answerable only to CEOs, boards, and stockholders. The result is the enrichment of corporations and the appearance that democracy in America has started to resemble its parody in banana republics.

But if America still is a democratic republic, then We, The People still own our government. And the way our ownership and management of our common government (and its assets) is asserted is through the vote.

On most levels, privatization is only a "small sin" against democracy. Turning a nation's or community's water, septic, roadway, prisons, airwaves, or health care commons over to private corporations has so far demonstrably degraded the quality of life for average citizens and enriched a few of the most powerful campaign contributors. But it hasn't been the end of democracy (although some wonder about what the FCC is preparing to do—but that's a separate story).

Many citizens believe, however, that turning the programming and maintenance of voting over to private, for-profit corporations, answerable only to their owners, officers, and stockholders, puts democracy itself at peril.

And, argues Charlie Matulka, for a former officer of one of those corporations to then place himself into an election without disclosing such an apparent conflict of interest is to create a parody of democracy.

Perhaps Matulka's been reading too many conspiracy theory tracts. Or maybe he's on to something. We won't know until a truly independent government agency looks into the matter.

When Bev Harris and The Hill's Alexander Bolton pressed the Chief Counsel and Director of the Senate Ethics Committee, the man responsible for ensuring that FEC disclosures are complete, asking him why he'd not questioned Hagel's 1995, 1996, and 2001 failures to disclose the details of his ownership in the company that owned the voting machine company when he ran for the Senate, the Director reportedly met with Hagel's office on Friday, January 25, 2003 and Monday, January 27, 2003. After the second meeting, on the afternoon of January 27th, the Director of the Senate Ethics Committee resigned his job.

Meanwhile, back in Nebraska, Charlie Matulka had requested a hand count of the vote in the election he lost to Hagel. He just learned his request was denied because, he said, Nebraska has a just-passed law that prohibits government-employee election workers from looking at the ballots, even in a recount. The

only machines permitted to count votes in Nebraska, he said, are those made and programmed by the corporation formerly run by Hagel.

Matulka shared his news with me, then sighed loud and long on the phone, as if he were watching his children's future evaporate.

"If you want to win the election," he finally said, "just control the machines."

Thom Hartmann is the author of "[Unequal Protection: The Rise of Corporate Dominance and the Theft of Human Rights](#)." This article is copyright by Thom Hartmann, but permission is granted for reprint in print, email, or web media so long as this credit is attached.

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