

Cover

Volume 15, Issue 90
Published February 7th, 2009

If There Was A Plot To Steal The 2004 Election, Michael Connell Knew About It. Is That Why He's Dead?

By James Renner

Ken Stewart's Lodge is a dimly lit upscale restaurant and bar in Bath, a favorite haunt of local Republican bigwigs and businessmen. On the evening of December 19, 2008, a strange crowd filtered in: skinny guys with bashful smiles, pudgy dudes with pale skin, accompanied by the occasional female. An IT herd. These particular techies came from New Media Communications, the company that builds and services websites for America's most prominent conservatives, from Ken Blackwell to W. himself. Their boss had booked Ken Stewart's for their Christmas party. But the boss wasn't there yet. He was flying in from Washington, D.C. as his employees hit the bar.

His wife, Heather, a curly-haired woman with a sunny disposition, did her best to entertain the crew. But she was distracted. Her husband was due to land at Akron-Canton Regional any minute. The temperature was plummeting and it was overcast.

At 5:57, she got a text message on her phone: N9299N has arrived. The restaurant was not far from the airport and she expected to see him walk through the door by 6:30. When 8 o'clock rolled around and he still hadn't shown, Heather called his cell phone. Voicemail.

Maybe there was ice, she thought. Maybe there was a minor accident and he just skidded off the runway or something. She started to gather her things to go home. That's when someone in the group received a breaking news report on his phone: A plane had crashed en route to the Akron-Canton airport.

A call to the airport confirmed Heather's worst fear. Michael Connell was dead.

On approach, Mike had come in a little left of where he needed to be to land at runway 23. Air Traffic Control attempted to help him find a new course. Instead, Mike said he thought he could correct his initial approach. Then he asked if he could make a 360-degree turn. "Heading due north and climbing," he transmitted. Seconds later, he declared an emergency.

Two-and-a-half miles from the runway, in a suburban neighborhood full of upper-class homes, a man standing outside his house suddenly heard the loud banshee scream of a Piper Saratoga engine. It sounded as if the pilot was trying to accelerate. He watched two bright lights shoot out of the low cloud cover, pointing almost straight down. The small aircraft impacted in the front yard of a vacant home on Charolais Street in Uniontown, sliding across the lawn and smashing into the garage, where it caught fire. Connell died instantly.

Cliff Arnebeck is convinced that the crash was no accident.

Arnebeck is the lead attorney in the King Lincoln Bronzeville Neighborhood Association v. Blackwell lawsuit, which charges that Ohio Secretary of State Ken Blackwell disenfranchised black

voters in the 2004 election. Arnebeck believes conservative operatives, directed by Bush political adviser Karl Rove, rigged the '04 election in Ohio, using a network of computers designed by Connell. He suspects Connell's associates were also involved in the destruction of White House e-mails and may have influenced Florida's vote count in 2000. And he thinks that Connell was close to testifying about all of it when he died.

In July, Arnebeck had sent a letter to U.S. Attorney General Michael Mukasey, requesting protection for Connell. "We have been confidentially informed by a source we believe to be credible that Karl Rove has threatened Michael Connell," the letter read. "That if he does not agree to 'take the fall' for election fraud in Ohio, his wife Heather will be prosecuted for supposed lobby-law violations." Months later, Arnebeck's source called back and warned pointedly that Connell's life was in danger.

Michael Connell was a Hoosier, the son of a pilot, a clean-cut Catholic boy who became passionate about conservative politics in college. By the age of 23, he was working as finance director for Iowa Congressman Jim Leach. He quickly earned a reputation for designing useful voter databases.

In 1988, Mike designed databases for George H.W. Bush's presidential campaign. Two years later, he was fired from his job as director of voter programs for former Indiana Senator Dan Coats for participating in a push poll, a survey that uses loaded questions to smear a candidate (such as when South Carolina voters were asked in 2000 whether they'd still support John McCain for president if they were told he'd fathered an illegitimate black child).

In 1994, Mike became press secretary for Rep. Martin Hoke, the first congressperson from Ohio to use e-mail to communicate with constituents, according to Connell's official bio. From there, he left to form New Media Communications in the basement of his home. He built Jeb Bush's gubernatorial website in 1998, then W's in 2000. He picked up local business too, building sites for Ohio Congressmen John Boehner and John Kasich.

Connell then started a new, nonpartisan company, GovTech, to build governmental websites. Heather Connell was the major shareholder in GovTech, allowing it to be certified as a female-owned business for federal contracts, though she had little to do with day-to-day operations. GovTech designed websites for the White House, the Department of Energy and the House Judiciary Committee.

In 2004, Blackwell awarded GovTech the contract to run the secretary of state's voting results website on election night. Connell built a network that would receive vote tallies from all the tabulating machines in Ohio's 88 counties and post them online in near real time.

But the system was not secure, according to documents released by the secretary of state's office. And late that night, as it became clear that Ohio would decide the election, some of the data coming in from the tabulators was routed to a private server in Chattanooga, Tennessee. That private server was owned by a company called Smartech (which also stored some of the White House e-mails that later disappeared). At the same time, something strange happened in Southwest Ohio. Even though the Edison-Mitofsky exit polls had shown Kerry leading Bush, the returns from that area of the state suddenly began to favor Bush.

Arnebeck believes that the decision to steal elections can be traced back to spring 2000, when Bush lost the New Hampshire primary to McCain. That, he says, is when Karl Rove began to look for other routes to victory. Arnebeck's grand unifying theory involves Big Tobacco overthrowing Ohio's judiciary too, but that part is only relevant to the life of Michael Connell inasmuch as it was Arnebeck's fight for a nonpartisan state Supreme Court that ultimately led the lawyer to take a close look at our election system in 2004. Arnebeck discovered that the system, built by a Rove ally, allowed the manipulation of votes.

"Michael Connell's business was involved in every aspect of this complex conspiracy," says Arnebeck. "In Florida [in 2000], they used Connell's micro-targeting system ... to find the names of felons in neighboring states and then used those names to kick people with similar names off voter registries in Florida."

In 2006, Arnebeck sued Blackwell for disenfranchising black voters and has since used that lawsuit to call attention to everything that went wrong here in 2004. He's been joined in the cause by Stephen Spoonamore, a Republican cyber-security expert who knew Connell.

Spoonamore was monitoring vote tallies as they came in on Election Day in 2004. He recalls that day in a sworn statement that has become a part of Arnebeck's lawsuit: "I noticed a trend in a very few counties that at about 11 p.m. suddenly began reporting radically different ratios of Kerry to Bush votes, all in favor of Mr. Bush. This sudden rate of change allowing a tuning of the system resembled a fraud technique called an Intelligent Man in the Middle. This type of attack requires a computer to be inserted into the communications flow of an IT system. The computer ... has the ability to change information at both ends of the system."

But that type of vote manipulation leaves tracks. If votes for a presidential candidate were flipped, there should be areas where seemingly Democratic voters appeared to have also supported the Republican's top candidate. In fact, 12 counties in southwestern Ohio experienced what has come to be known as the "Connally anomaly." In those 12 counties, C. Ellen Connally, who was running for chief justice of the state Supreme Court, received more votes than John Kerry. This would mean that large numbers of Bush voters in southern Ohio also voted for a black, liberal judge from Northeast Ohio whose campaign was seriously underfunded.

Through a public records request, Spoonamore gained access to the architecture of the system Connell built for Blackwell, which clearly showed a Smartech server in the plan.

"The computer system at Smartech had the correct placement, connectivity and computer experts necessary to change the election in any manner desired by the controllers of the Smartech computers," says Spoonamore.

Arnebeck also discovered that Connell had told the man in charge of IT support at the secretary of state's office to go home at 9 p.m. the night of the election. It was the first time that he'd been told to go home early on election night in over two decades. When Arnebeck asked Connell where he was on election night, he said he was home with his wife.

"No one has alleged that he was actually doing the vote switching," says Arnebeck. "But he was the architect that made it possible."

As the 2008 election neared, Arnebeck, fearing that the system used in '04 election was still set up and could be used again, held a press conference at which he connected Connell to that system.

Shortly after Connell was named as a potential witness in Arnebeck's lawsuit, Brett Kimberland, co-founder of the democracy-watchdog website Velvet Revolution, received the first in a series of phone calls from an anonymous source who claimed to be a concerned citizen inside the McCain campaign. "We were told that there were 10 teams in play in 2004 across the country, in an effort to rig the election for Bush," says Kimberland. "The tipster told us that even though the players were no longer there, the setup still existed in Ohio."

When the tipster told them that Connell was being threatened by Rove, Arnebeck attempted to get federal protection for him. But none was provided. However, a federal judge allowed Arnebeck to depose Connell the day before the 2008 election. Connell's lawyers asked that all conversations relative to alleged intimidation by Rove be sealed by the court, a request the judge granted. The transcript of that deposition has not yet been made available, but Arnebeck discussed the meeting in detail for Scene.

"He seemed to be evasive," Arnebeck says. "Initially, he told us that he had no role in Smartech being in the system on election night. But in his deposition, Connell admitted that he brought in Smartech as the server portion of his contract. So he changed his testimony from having no role at all to being the person completely responsible for it."

Arnebeck planned to call Connell as a witness when the case went to trial and believes this is why he's now dead.

"An airplane crash is one of the preferred methods of killing people. There are marksmen who know how to take out a small plane with a rifle. There are electronic devices that can scramble a plane's instruments. I'm told that there are devices that can alter the instruments' accuracy. A crash covers the evidence."

Initially, the media treated the crash as a freak accident, cool footage for the news. But when the reporters got wind of the identity of the pilot, it quickly became the lead story. 19 Action News had the best scoop: The reporter claimed that Connell "was told by a close friend not to fly his plane because his plane might be sabotaged. And twice in the last two months, Connell, who is an experienced pilot, canceled two flights because of suspicious problems with his plane."

That soundbite swirled around the blogosphere for weeks.

Arnebeck is still trying to figure out if he can move forward with his case. "If this is the price you pay for being a witness against Karl Rove, then it's going to be hard for us to get people to testify."

While he was supposedly rigging a presidential election back home, Connell was helping to bring democracy to foreign countries. As a member of the International Political Interactions project, Connell sometimes flew out of Bangkok to the Burmese border. Revolutionaries would secretly

cross the border so that Connell could teach them how to get their message out over the Internet, according to his friend Randy Cole.

Cole's wife, who ran the computer system at the church that the Connell family attends, introduced him to Connell. Shortly after, Connell put Cole in charge of GovTech. "Mike wanted Spoonamore to help him build what he was calling a 'black box,' something the people in Burma could use to shield their data from the authorities that were trying to track them down. "He liked to come up with the big ideas," says Cole. "It was usually my job to implement them." But the project was never completed, and Cole left the company last year to run for state representative.

Cole says that Connell never once hinted that he was involved in plots to manipulate votes. "There was nothing that led me to believe any of this is true. Mike lived a big life. But it was not nearly as exciting as these people make it out to be."

He was also a deeply religious man, attending mass daily and confession weekly. He even fasted three days a week; Mondays for his wife, Wednesdays for his wife's mother and Fridays for all the widows in the world. Every morning, he spent an hour praying before going in to work. He'd recently founded a new chapter of the Knights of Columbus, a Catholic public service organization.

"He had a way of understanding people," says David Grajzl, a local jeweler whom Mike befriended at church. "Someone would do something that just seemed bad, and it's easy to just write them off and not like them. Mike would explain how that person probably thought they were doing something good. He tried to understand their point of view. I admired him. I'm a better Catholic, a better father, a better husband because of him." Every year, the Connells went on mission trips through the church. They built houses and dug trenches and latrines. He was scheduled to meet with Cleveland Bishop Richard Lennon to talk about expanding his mission work when he died.

"I remember being on one of those mission trips, broken down on the side of some desolate highway in South America," says Todd Westover, who also met Connell at church. "I was scared shitless, but Mike stayed calm, even though he was the one who broke the transmission. He said God will protect us. Have no fear."

Mike never intended to testify against Rove, says Westover, because he had nothing to say. "He thought the lawsuit was utter bullshit. He was caught in the middle. He just shrugged his shoulders and said, 'That's the dirty business of Washington politics.'"

None of Mike's closest friends remember him ever saying he felt threatened or that his plane might be sabotaged. The only time he canceled a flight was when he turned back to Akron when an engine made noises over Pittsburgh earlier this year. He had the engine serviced by local repairmen.

After her husband was named as a witness in Arnebeck's lawsuit, Heather Connell was hounded by self-styled online journalists. Some sent threatening postcards. One, a reporter for the website Raw Story, handed Mike's daughter a slip of paper asking Heather to meet her in a nearby park. The cloak-and-dagger approach frightened Heather so much that Connell called his lawyers and had them prepare a restraining

order. Until she spoke to Scene last week, Heather had taken to siccing her dogs on anyone who approached her front door. She spends a lot of time in her husband's basement office these days, chain-smoking thin cigarettes and drinking Diet Coke.

"Maybe I'm the one that's crazy," she says. "The whole thing truly does sound like some spy novel. If there is some secret safe where Mike was keeping everything, I'd like to know where it is."

The basement office is full of Mike's notes to himself. "Operation: Good Dad: Find garage for '65 Supersport. Hunting test with boys. Work out with boys. Learn how to weld with grandpa" and "Things you do because you love your wife: saving to go to the holy land."

His shelves are lined with Bibles, sci-fi DVDs and books by Christian novelist Frank Peretti, who wrote about angels and demons warring over the souls of Earthbound humans. "He believed in good and evil," explains Heather. "And he believed that goodness would prevail in the end."

"Here," she says, lugging a large Tupperware container into the center of the room. Inside is everything that was salvaged from the crash. A dollar bill with Mickey Mouse's head on the front. A medallion of St. Michael. A rosary case. A New American Bible. A prayer book, charred around the edges. A note from Heather: "I love you."

"I picked up parts of his body from the lawn where the plane crashed. I have them in a box upstairs. That's how concerned the police and coroner were in investigating it as a suspicious death."

Heather says she confronted her husband about the allegations of vote flipping after the reporter from Raw Story came to the house. "'Tell me you didn't do this,' I said. He said, 'Heather, I didn't do anything wrong.' I'm not a tech person, but the way he explained it to me was that the feed went to multiple places on election night and appeared on some computers before it appeared on others, depending on the speed of the computer and how fast it could refresh. All it is is a backup. I don't understand how a backup server could be used to manipulate information."

Heather shakes her head and lights another cigarette. "Even if you wanted him to do something dishonest, he wouldn't do it," she says. "If Joe Mob wanted a website, he wouldn't do it. It wasn't all about the money. That's how he got on top."

She tries to stay off the web. She knows what's being said about her husband, but it's hard to avoid.

"The man's dead. Can't we at least let him rest in peace? These conspiracy nuts are addicted to this issue. But all they're doing is hurting his children and his family."

Upstairs, she points out the square box on the mantle holding her husband's ashes and admits, "I've been very angry. I don't understand why God took such a good person who had given so much. I'm a little angry that he's in heaven and I'm stuck here in this shithole Earth."

A moment later, she feels guilty. "God has a plan," she reminds herself. "God has a plan."

jrenner@clevescene.com

Departments

Fiction Issues

The criminal cover-up of Ohio's stolen 2004 election sinks to the fraudulent, the absurd, the pathetic

by *Bob Fitrakis and Harvey Wasserman*

August 2, 2007

The illegal destruction of federally protected 2004 election materials by 56 of 88 Ohio counties has become a fraudulent "dog ate my homework" farce of absurd justifications and criminal coverups.

The mass elimination of the critical evidence that could definitively prove or disprove the presumption that the 2004 election was stolen has all the markings of a Rovian crime perpetrated to hide another one. Indeed, under Ohio law, that's precisely what must be presumed here.

But what makes the situation downright pathetic is that Ohio's new Democratic Secretary of State, Jennifer Brunner, has publicly stated she sees "no evidence" of intentional destruction in the disappearance in more than 60% of the state's counties of the ballots from the 2004 presidential election.

So once again, as did Al Gore in 2000 and John Kerry in 2004, the Democrats seem poised to cave to the on-going GOP coup that has redefined America, and that now involves the criminal destruction of contested evidence in one of the most controversial vote counts in US history.

Ironically, in Florida, under Jeb Bush, the ballot records from the 2000 election in all but one of the state's counties were successfully preserved. They are now stored in a state repository in Tallahassee. An unofficial recount conducted by the national media concluded that Al Gore rightfully carried Florida, and thus the presidency, in 2000.

A parallel preservation was ordained by federal and state law for the election records from Ohio 2004, where a similar examination has been viewed as inevitable.

But a series of excuses that range from the lame to the pathetic to the obviously criminal have left us shocked---shocked!---to learn that despite the protection of established federal law, a federal court order, long-standing Ohio laws, two directives from the Ohio Secretary of State's office, and legal notification letters from plaintiff's attorneys to hold the evidence, a precise recount of Ohio's stolen 2004 election may no longer be possible.

In short, Brunner has informed us that 56 of Ohio's 88 counties have mostly "inadvertently" destroyed all or some of their records from the 2004 presidential election.

Are we surprised?

Wait 'til you hear how these mostly Republican directors say it happened!

The materials were under legal protection "from birth" on November 4, 2004, shielded by national law, acknowledged by Brunner, by Ohio Revised Coded 3505.31, then by a federal court decision in the now-legendary King-Lincoln-Bronzeville lawsuit (in which we are attorney and plaintiff).

The Ohio Revised Code specifically states that in presidential elections "the board shall carefully preserve all ballots prepared and provided by it for use in that election, whether used or unused, for twenty-two months after the day of the election." In this case, that would have been through September 2, 2006.

These records were also essential to reconstructing a credible recount that was most pointedly stifled by then-Secretary of State J. Kenneth Blackwell. Brunner blamed the destruction of documents on Blackwell, "...for not giving counties clear instructions and for not notifying them quickly enough about U.S. District Judge Algenon L. Marbley's September 7, 2006 order," according to the conservative Columbus Dispatch.

Don't forget to check out articles from 2008 and 2009

Election Issues

"Nonviolent resisters put Senator Clinton on notice"

December 23, 2007

Pete Perry

"In-depth, post-EVEREST interview with Ohio's Secretary of State"

December 21, 2007

Brad Friedman

"The phrase that could defeat Hillary Clinton"

December 19, 2007

Paul Rogat Loeb

"Ohio will likely face big vote-counting problems in 2008"

December 19, 2007

Steven Rosenfeld

"Critical security failures" leads Ohio Sec. of State to recommend ban of DRE (touch-screen) voting machines"

December 17, 2007

Brad Friedman

"Ohio Secretary of State confirms 2004 election could have been stolen"

December 14, 2007

Bob Fitrakis & Harvey Wasserman

"Kucinich first, Edwards second in PDA straw poll"

December 7, 2007

Tim Carpenter

"Hillary and the politics of disappointment"

December 2, 2007

Paul Rogat Loeb

"Voting can be a real battle for U.S. troops and others overseas in the 2008 primaries"

December 2, 2007

Loretta (Laurie) Ahlrich

"Wolf Blitzer loses Democratic debate"

November 20, 2007

David Swanson

"Another Clinton campaign fraud"

November 15, 2007

But many of the ballots were destroyed soon after the election in a series of events whose descriptions grow stranger and more implausible by the day.

In October 25, 2004, just prior to the election, Blackwell issued directive 2004-43, reminding all county election officials of the federal 22-month holding period for presidential ballots. That meant all election-related materials would be under federal protection until September 2, 2006.

On August 23, 2006, plaintiff's attorneys in the King-Lincoln-Bronzeville case hand-delivered a letter to the Secretary of State's office and faxed notices to all 88 county Board of Elections offices that the ballots were to be evidence in the forthcoming civil rights suit against Blackwell.

On August 31, 2006 that suit was filed in Marbley's federal court in Columbus. The AP reported that same day that Blackwell "has signaled his willingness to keep ballots from the contentious 2004 election beyond their scheduled September 3 destruction date in response to activists who plan to sue him in federal court today."

Ohio laws also require that noticed---for election-related materials and other public records---be offered to the Ohio Historical Society and other public repositories before they are destroyed. Public record forms must be filed and Ohio law requires a Certificate of Destruction. Nonetheless, Blackwell erroneously told the Dispatch the next day that he was "willing to ask the boards not to destroy ballots, but the decision ultimately is a local one."

But under applicable law, the decision was definitely not "a local one." Indeed, Judge Marbley ordered all of Ohio's 88 counties to "...preserve all ballots from the 2004 presidential election on paper or in any other format, including electronic data, unless and until such time otherwise instructed by this court." Thus anyone destroying such records, from Election Day until the time you read this, may have broken various federal or state laws, and be in contempt of a federal court order.

King-Lincoln alleges a wide range of civil rights violations perpetrated by Blackwell and many of Ohio's 88 county boards of elections based on race, economic status, political inclination, wrongful denial of absentee ballots (as in Harvey's case) and more.

Here are some of the stories the counties are telling about the destruction of their ballots: ([View the original state documents in a 19.5MB PDF](#))

Hancock County says it "received verbal directions" from Secretary of State Blackwell's office that unused and soiled ballots "did not have to be retained and these items were destroyed."

But any election audit requires a complete set of used and unused ballots to ensure that the unused ballots weren't stuffed illegally into the ballot box. The law refers specifically to "all" ballots.

Putnam County apparently understood this all too clearly. That's why they informed Brunner that "all unused ballots were destroyed for security purposes."

In Warren County, on Election Day, the board of elections declared a Level 10 Homeland Security alert for which neither the Homeland Security Agency nor the FBI has any documentation or explanation. The alert served as cover for moving the vote count to an isolated warehouse, away from the media. Bush emerged from Warren County with a huge majority, far in excess of what he received in 2000.

Some twenty-two thousand officially unused ballots from Warren County are now mysteriously missing.

Warren County Board of Elections Director Michael E. Moore has written Brunner, stating that, in complete defiance of the law, "They were not accidentally destroyed. They were destroyed pursuant to standard practices that had been used by the Board of Elections for many years in Warren County regarding unused punch card ballots." Moore notes that "The unused ballots were destroyed 60 days after the 2004 election."

Warren, along with neighboring Clermont and Butler counties, provided Bush with more than his entire 118,775 winning margin in Ohio 2004. Thus these three counties were singled out for allegations of fraud in the election contest case Moss v. Bush (though only after surviving the first-ever Congressional challenge to a state's entire Electoral College delegation). The allegations of fraud on a level that could have decided the presidency were thus never tested in court...and now the evidence has been

David Swanson

"We remember... Nov. 2 memorial anniversary of the 2004 Ohio election"
November 6, 2007
Paddy Shaffer

"The weak slat under the bed of democracy"
October 31, 2007
Michael Winship

"Aurora Dairy exemption from check-off program challenged; USDA should demand retroactive payment from faux organic milk producers"
October 31, 2007
Mark Kastel

"Kucinich tops other Dem Presidential leaders in key CA straw poll"
October 30, 2007
David Swanson

"Will the GOP election theft machine do it again in 2008?"
October 19, 2007
Bob Fittrakis and Harvey Wasserman

"Exactly how the good guys finally won"
October 2, 2007
David Swanson

"Voter purging: a legal way for Republicans to swing elections?"
September 16, 2007
Steven Rosenfeld

"Why doesn't the GOP want Ohio's voting machines tested?"
September 11, 2007
Bob Fittrakis and Harvey Wasserman

"The Cat in the Hat, elusive happy endings, and the [election] mess that is so big, and so deep, and so tall!"
September 9, 2007
Joan Brunwasser, OpEdNews

"The Death of the DRE: gone the way of Lawn Jarts"
September 3, 2007
Christopher Wilson

"Fooled Again series: exclusive interview with Michael Collins"
September 1, 2007
Joan Brunwasser, Voting Integrity editor, OpEdNews

destroyed.

Clermont County "could not locate" the unused ballots, according to Mike Keeley, Board of Elections Director.

Butler County cannot provide the "2004 General Election Ballot Pages." Director Betty McGary says that "at no time was anyone specifically instructed to discard these items. Our staff unintentionally discarded boxes containing Ballot Pages as requested in Directive 2007-07 due to unclear and misinterpreted instructions." For complex reasons having to do with Ohio's precinct ballot rotation law, the ballots from Butler County cannot be recounted with the "Ballot Pages" missing. The pages match the punches to the candidates.

Holmes County BOE Director Lisa Welch wrote Brunner that "a shelving unit collapsed in the Board of Elections storeroom on the morning of Friday, April 7, 2006. That shelving unit held the voted ballots, stubs, soiled and defaced ballot envelopes, and ballot accounting charts from the 2004 General Election. The shelves and stored items collapsed onto a side table holding a working coffee maker. The carafe on the coffee maker was full at the time of the incident. Many of the stored items had to be destroyed due to the broken glass and hot coffee. The ballot pages and unused ballots were stored on a neighboring shelf and were not damaged."

Holmes County was rendered infamous by Karl Rove's legendary spin claiming there was an unprecedented massive turnout of homophobic old order Amish voted for Bush and against gay marriage. (It is well-known that the Amish as a community rarely vote).

Allen County "labeled all voted ballots and placed [them] in our vault for the required 22 months of storage," according to Keith Cunningham, Director. Cunningham distinguished himself as a pro-Bush and Rove mouthpiece when he testified at then-Congressman (now-felon) Bob Ney's cursory March 2005 hearing into the 2004 Ohio election.

Cunningham told the Secretary of State that in the "...latter part of 2004 and into 2005... [we] began to experience problems with storm water migrating and subsequently penetrating our primary storage areas including our vault." He told Free Press reporter Paddy Shaffer that the vault had been flooding for "six years," and he had to put the 2004 presidential ballots on the floor because he needed the shelf space.

Cunningham added that: "As a result of these events, much of what was stored in our vault, including the 2004 general election ballots, were compromised by water damage and subsequently destroyed on or about August 20, 2006. Pursuant to the recommendations of the Allen County Health Department the boxes displaying mold or mildew were set aside to be discarded. Unfortunately, the contractor hired to remove the damaged boxes also accidentally removed the undamaged boxes as well," stated Cunningham, who did manage to save 498 write-in ballots.

The Health Department records recommended destruction or isolation as a solution.

Guernsey County's ballots suffered a similar twisted fate. According to BOE Director Jacqueline Newhart, "The unused ballots as well as the punch card ballot pages were destroyed in error" because "the county maintenance worker, when collecting trash, picked up the boxes" that contained them.

In allegedly mobbed up Mahoning County, the board of elections has blamed environmentalists for inadvertently destroying the ballots. Apparently the "Mahoning County Green Team picked up all recyclables in the storage room for disposal pursuant to the retention schedule," according to Director Thomas McCabe. As a result, some 115, 936 ballots "were accidentally disposed of on Friday, March 23 of 2007."

Down in Hamilton County (Cincinnati), home of the Taft family dynasty, the unvoted and soiled ballots were "inadvertently shredded between January 19th and 26th of '06."

Perhaps the most egregious case of ballot destruction, and easiest to criminally prosecute, is Director Steve Harsman's in Montgomery County. Researcher Richard Hayes Phillips reported in the Free Press that, "...the Board was eager to destroy them [the ballots]. The employees who handled the ballots for me brought up the subject themselves."

Harsman conceded that the "Ohio Revised Code" required a 22-month "retention schedule." Yet, he argues that since the "Certificate of Destruction" had already been "prepared" prior to his receiving the order from Judge Marbley that he had the right to destroy the ballots.

"Fooled again series: exclusive interview with "Diebold whistleblower" Steve Heller"

August 27, 2007
Joan Brunwasser, Voting Integrity editor, QpEdNews

"The Dan Rather voting machine special, a recipe for election disaster, and serious food for thought"

August 24, 2007
Joan Brunwasser

"Resistance of one"

August 10, 2007
David Swanson

"The dog ate my homework continues: inter-office Ohio Board of Elections email prompted by SAVE THE BALLOTS website gives a glimpse into the attitudes of Ohio election officials"

August 9, 2007
Paddy Shaffer

"Look at who runs our boards of elections"

August 9, 2007
Richard Hayes Phillips, Ph.D.

"Restore health to America's elections and pull the plug on SDD virus threat"

August 8, 2007
Michael Richardson

"Paper ballots for California: Secretary of State announces de-certification/re-certification plans for e-voting systems"

August 4, 2007
Brad Friedman from Plano, TX, with help from Emily Levy of VelvetRevolution.us and Tom Courbat of SAVE R VOTE

"The dog ate my homework"

August 3, 2007
Richard Hayes Phillips and Patricia "Paddy" Shaffer

"Welcome to jail for destruction of election records... for some of the ladies and gentlemen of the Ohio Boards of Elections!"

August 3, 2007
Paddy Shaffer

"The criminal cover-up of Ohio's stolen 2004 election sinks to the fraudulent, the absurd, the pathetic"

August 2, 2007
Bob Fittrakis and Harvey Wasserman

"We literally ran out of space to prepare, stage, and retain material for these elections. It was imperative that we process the 2004 materials for destruction under the guidelines of the 22-month retention. Therefore, all materials were properly destroyed in a timely manner and we were unable to comply due to these circumstances. We did not receive formal notice from the courts prior to preparing the certification of destruction," *Harman wrote.*

Thus Harman admits to openly defying a federal court order and destroying evidence because he wasn't notified "prior to preparing the certification of destruction."

But Judge Marbley pointed out in his opinion and order of September 11, 2006 in support of his order of September 7, that the Ohio Revised Code 3501.16 makes it a fourth degree felony for, among other things, willfully or negligently violating election laws as a director of a board of elections.

The original story of the ballots being saved for litigation and history made the pages of the New York Times. But the blatant and bizarre destruction of Ohio's 2004 ballots has been relegated to the back page of the Columbus Dispatch Metro & State section. The brief article by Mark Niquette ran below the fold and the weather map, and above an ad for Window World and the Ohio State Medical Center.

Matt Damschroder, the Franklin County (Columbus) Board of Election Director and former Chair of the Republican Party, assured the Dispatch that the "counties did *nothing intentionally wrong.*" *Damschroder is the President of the Ohio Association of Election Officials* and was suspended without pay for a month after he accepted a \$10,000 check from a Diebold representative in his office, made out to the GOP on the day the bidding for e-voting machines opened.

His job was in jeopardy until Board of Elections President Bill Anthony, Chair of the Franklin County Democratic Party, intervened to save Damschroder from firing.

King-Lincoln-Bronzeville Attorney Cliff Arnebeck stated that "The nature and scope of the cover-up can tell a lot about the nature and scope of the crime. Destruction of relevant documents can create a presumption that such evidence would have helped the other side in litigation."

Arnebeck also said White House advisor Karl Rove "has had the keys to the US Justice Department for some time. No wonder FBI investigations requested by US Rep. John Conyers of the House Judiciary Committee went nowhere. He also used those keys to scuttle two years of work by the IRS and FBI of financial corruption at the Ohio Statehouse."

Overall this blatant destruction of evidence only reinforces the widespread belief that the 2004 election was stolen. The loss of ballot materials in a few isolated counties might be an understandable random event. But for more than 60% of the state's BOEs to have destroyed ballots or ballot materials amidst a series of bizarre, absurd explanations is a joke.

America has been robbed of its history here. The public has a right to know the true outcome of the 2004 election, and to have its laws about preservation of critical records honored.

Under evidence laws, the destruction of material that serves as evidence in a lawsuit is presumed to be fraudulent action by the destroyer.

But the Bush-Rove-Blackwell regime is about nothing if not contempt for the law. And its assault on the documents that could show what really happened in Ohio's contested 2004 election seems yet another obvious confirmation that it was, in fact, stolen.

--

Bob Fittrakis and Harvey Wasserman's HOW THE GOP STOLE AMERICA'S 2004 ELECTION & IS RIGGING 2008, available at freepress.org (where this article first appeared) along with the FITRAKIS FILES. HARVEY WASSERMAN'S HISTORY OF THE US is at www.solartopla.org.

"Part II - Squire v. Geer: Facts the Magistrate left out are even more shocking than the ones he included"

July 30, 2007
Bob Fittrakis and Harvey Wasserman

"Will Bush cancel the 2008 election?"

July 30, 2007
Harvey Wasserman & Bob Fittrakis

"Ohio's 2004 presidential election records missing or destroyed"

July 30, 2007
Steven Rosenfeld

"Sausage making and electronic voting machines"

July 27, 2007
Bob Fittrakis and Harvey Wasserman

"Shreds of evidence"

July 26, 2007
Richard Hayes Phillips, Ph.D.

"Missing records and record access in Ohio, July 2007"

July 25, 2007
Paddy Shaffer

"On-site observations of the hand-counting of paper ballots and recommendations for the general election of 2008"

July 24, 2007
Sheila Parks

"Sicko ?"

July 3, 2007
Joan Brunwasser, OpEdNews

"John Edwards supports "open source" for voting systems"

June 27, 2007
Alan Dechert

"Will electronic voting reform create new ways to steal elections?"

June 6, 2007
Steven Rosenfeld

"US Attorney resigns following Conyers' request for BBC documents"

June 2, 2007
Greg Palast

"Will Al Gore face his inconvenient truths about our stolen elections?"

May 18, 2007
Bob Fittrakis & Harvey Wasserman

Email this article to a friend

Content: The Free Press: Home | About Us | Contact Us | News | Archives | Search | Privacy Policy

"Giving the voters "poisoned food" to "nourish" democracy"

May 17, 2007
Marj Creech

"In the land of the free, and the home of the brave"

May 17, 2007
Paul R. Lehto

"The globalization of electronic election theft"

May 11, 2007
Bob Fittrakis & Harvey Wasserman

"RFK: Rove and Rove's brain, 'Should be in jail,' not in office"

May 9, 2007
Greg Palast

"Introducing Psephos"

April 25, 2007
Paul R. Lehto

"Are Rove's missing e-mails the smoking guns of the stolen 2004 election?"

April 25, 2007
Bob Fittrakis and Harvey Wasserman

"The GOP's cyber election hit squad"

April 22, 2007
Steven Rosenfeld and Bob Fittrakis

"Another path to peace: the case for Kucinich"

April 19, 2007
David Swanson

"Virtual election season"

April 16, 2007
David Swanson

"Bye bye to Cleveland GOP Election Chair Bob "Ballots for Bush" Bennett"

April 16, 2007
Bob Fittrakis & Harvey Wasserman

"Bye bye to Cleveland GOP Election Chair Bob "Ballots for Bush" Bennett"

April 15, 2007
Bob Fittrakis & Harvey Wasserman

"Auditing the mid-term election"

April 6, 2007
Richard Hayes Phillips

"Two big victories boost Ohio's election protection movement"

April 5, 2007
Bob Fittrakis & Harvey Wasserman

"More potential 2004 election

Illegalities rock Ohio's Hocking County as Cleveland braces for a legal firestorm"

March 30, 2007

Bob Fittrakis & Harvey Wasserman

"New Ohio evidence exposes apparently illegal 2004 recount activity by Hocking County's GOP Election Director, and a stinging complaint is filed in Cleveland"

March 26, 2007

Bob Fittrakis & Harvey Wasserman

"Explosive new vote fraud developments continue to rock Ohio and Florida"

March 23, 2007

Bob Fittrakis & Harvey Wasserman

"Forced resignations and stiff prison sentences intensify the escalating blowback from Ohio's 2004 stolen election"

March 20, 2007

Bob Fittrakis & Harvey Wasserman

"Election fraud, my ass"

March 16, 2007

Paul Rogat Loeb

"After Ohio's recount rigging convictions in Cuyahoga, is Coshocton County next?"

March 6, 2007

Bob Fittrakis and Harvey Wasserman

"Florida setting example"

March 3, 2007

Free Press staff

"Sequoia Voting Systems contract with San Francisco needs added section to ensure transparency"

February 13, 2007

Brent Turner, Open Voting Consortium

"Ohio's spreading stolen 2004 election scandal claims another victim"

February 10, 2007

Bob Fittrakis & Harvey Wasserman

"First criminal convictions from Ohio's stolen 2004 election confirm recount was rigged"

January 27, 2007

Bob Fittrakis & Harvey Wasserman

"Election attorneys amplify importance of convictions for recount rigging in Ohio 2004 presidential race"

January 26, 2007

Paul Lehto

"Do new Ohio recount prosecutions indicate unraveling of 2004 election theft cover-up?"

January 19, 2007
Bob Fittrakis & Harvey Wasserman

"The mystic voting hall: for the love of democracy"

January 5, 2007
Sheri Myers

"DREs, magic and other sleights of hand"

January 4, 2007
Rady Ananda

Read Articles by Year:

2009 2008 2007 2006 2005
2004 2003 2002 2001 2000



All content © 1970-2009
The Columbus Free Press
Disclaimer

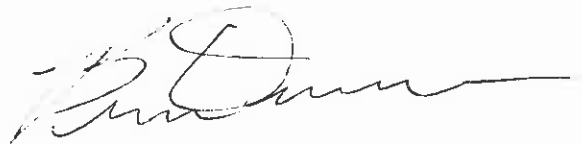
Affirmation of Bruce Duncanson

1. I learned in 2008 that Sam Hogsett, an employee of ES&S who was allegedly involved in resetting the tabulators during the 2004 recount, was dismissed as a defendant in this case on 10/29/06 by Clifford Arnebeck.
2. I communicated this information to an associate of the Free Press. This person said they would "ask Bob and get back with me."
3. This person spoke to one of the attorneys for the plaintiffs, Robert Fittrakis, to confirm this information.
4. This person then told me that Robert Fittrakis said Samuel Hogsett had been dismissed because he was simply a hacker and the "Republican Mafia" would have murdered him if he had remained in the case as a defendant.

I affirm, under penalty of perjury, that the foregoing is true and accurate to the best of my knowledge.

Signature:

Date:


3-24-9