

FROM SELMA TO PALM BEACH TO COLUMBUS  
House Judiciary/John Conyers Hearings  
Reverend Jesse L. Jackson, Sr.  
December 8, 2004

Today as we gather the worth of the America's vote and the credibility of our democracy is being weighed in the balance. Why is the election in Ohio certified 34 days after the election? Why was there such a large exit poll gap in Florida, Pennsylvania and Ohio? Why are the parallels between Ohio and Florida – pre-election problems, Election Day irregularities and post-election counting – so consistent?

We must not adjust to tyranny and gloat that imperfection in voting irregularities and suppression tactics are reasonable expectations. They are not. Too many world changing events have hinged on one vote for us to be cavalier when thousands are systematically disenfranchised.

I am here today to make a moral appeal for a thorough investigation – including forensic computer analysis of the machines – in Ohio. To recount the vote in the face of so many irregularities and inconsistencies. And for those in charge to reclus themselves inasmuch as the judge or the referee in a battle must have a detached objectivity with the appearance of fairness. We must further change the law.

This system of a 50 state, separate and unequal elections must give way to the fulfillment of the America promise, which requires an amendment to the Constitutional affirming the individual right to vote, federally protected, and an even playing field for all Americans. The Electoral College should be abolished; it should not have the power to defy the popular will.

I am here today to speak up for those who we asked to stand in line for hours to vote, in precincts with incomplete poll lists, facing out-of-state shyster lawyers armed with caging lists, with non-auditable, privately owned voting machines without paper trails, hemmed in by arbitrary rules issued by partisan, biased and ambitious election officials.

I am here today to speak up for the poor, for too long denied the right to vote. For women who's right to vote was extended in the 1920's, for whites who could not pay poll taxes, and Latinos who are English language challenged. For African Americans, this has been a 346 year journey, a long road of bloody battles, denials, unjust laws, lynchings, work without wages, and through it all, served honorably in our nation's military to create and defend democracy around the world. This right has been too slow coming, survived by too much violence, for our leadership to be so cavalier and with a shrug of a shoulder, to let it go.

In Ohio I stood in the rain for 2 hours, for 4 hours, for 8 hours, just to cast a vote that might or might not be counted. Some were told they were in the wrong line, sometimes with more than one precinct in the room, told to go to the back of the line, in "line 2." For the poor, illiterate, the old and sick, this was classic voter suppression.

I am here today to speak up for Latinos in Nevada, who were falsely registered to vote by thugs who then tore up their voter registration forms, throwing them in the trash. I am here today to speak up for Native Americans, who continue to be mistreated and ripped off by powerful

public officials in so many states, who ask only to be allowed to go cast their votes in a land that was taken from them by force.

We must not betray dreams of those that paid such a high price by silence, impatience or surrender. I am here today to speak up for students and young people, who turned out in force despite county officials who often tried to deter and deny them polling places on campus.

Therefore, a legal complaint should be filed asserting a violation of Section 2 of the Voting Rights Act - that the voting procedures in Ohio resulted in disparate impact on minority voters.

Far too many are being far too silent and passive in the face of this challenge to democracy. The Attorney General is charged with enforcement of the Voting Rights Act, and must use the resources of its office to enforce the equal protection provisions. Silence is betrayal.

For the tremendous legislative work lead by Lyndon Johnson in 1965, for the awesome leadership of Dr. Martin Luther King, Jr., for the blood of Goodwin, Schwerner and Cheney, Viola Luiza, Medgar Evers, and the wreaking pain and humiliation endured by Fannie Lou Hamer, I continue to urge the Kerry campaign, the DNC and Democratic Party, those who depend upon the vote of African Americans, Latinos, people of color and the young – those that profess to love freedom and dignity of any party – to join us. I urge the Congress to act before Michael Moore comes back and exposes the violations and the capitulation again.

Why 34 days before certification of Ohio's vote, yet we keep hearing a clean election without problems?

The Black vote was the object of so much tyranny up to 1965 and so many maneuvering schemes of gerrymandering, annexation, at-large voting, roll purging and voter intimidation through the 1990s. The black vote, which is so instrumental when our vote is counted, was again targeted in several ways. The impact of that targeting affects us all: 1) the longest lines; 2) the most spoilage and discounted votes; 3) the most eliminated provisional votes; 4) the most inconvenienced; 5) the most victimized by precinct manipulation.

Ohio, 34 days. Suppose five states had to wait 34 days for certification of their elections. And they could be if people had the will to contest it. Suppose the Ukraine or South Africa or Iraq had to wait 34 days before election certification?

Why 92,000 "unprocessed" ballots, mostly among the poor, under-counts and over-counts, often a result of a breakdown in machinery. Why 150,000 provisional ballots in 88 counties, using different voting machines and standards for counting and dis-counting votes? Why in 2004 do we have an uneven field, different standards and faulty machines characterizing the vote in too many places?

Why in Warren County did election officials issue a "homeland security threat," then lock out the press and independent observers while they secretly counted the vote? Why are voting

machines still used that are privately owned by partisans, still subject to glitches and manipulation. Why are absentee ballots and military ballots still issued in an inconsistent, inaccurate, and untimely fashion?

Who is accountable? The integrity of the voting machines, and the machine tabulation, is an issue. We need a forensic computer analysis of the voter machines, and the machines left in the warehouses must be impounded.

The whole idea that partisans with a vested interest in the outcome can be in charge of the election is unreasonable. Suppose two teams play for the Super Bowl - and the election is the Super Bowl of American politics - and the owner of the home, incumbent team was in charge of the judges, referees and the replay. That would be unacceptable. Impartiality is a key to the very appearance of fairness.

I urge Congress to come to Ohio to conduct a hearing and you will see the classic calamity of a state's rights election at work, with different standards at work in every state and county. The richer counties have first class machinery, the poorer counties get poorer machinery. People in rural areas are yet another victim of the uneven playing field.

Do not take lightly the exit poll gaps, the most superior of "polls." Don't take lightly the vote disparity between Kerry and Democratic Supreme Court candidate Ellen Connally - in Cuyahoga County where she is best known, Kerry got 120,000 more votes than Connally; but in 15 other Ohio counties, Connally's margin over her opponent was 190,000 votes GREATER than Kerry's margin over Bush. This abnormal and inexplicable vote disparity demands investigation.

In conclusion, this race is not over until it is certified that every vote is counted and honored and until a full investigation shows that every vote was honored. And for the future credibility of the process, we must end the practice and precedent of voter suppression and disenfranchisement schemes.

As we approach the 40<sup>th</sup> year of the Voting Rights Act ending voter discrimination in the states, we must honor the legacy of Dr. King and LBJ, both of whom faced persecution and marginalization. It is a success of their efforts that has given America credibility, our democracy bragging rights around the world. Can you imagine America today without a Public Accommodations Bill or the Voting Rights Act. Yet, the forces that resisted those landmarks then, never ceased to find ways to manipulate and undermine them.

Those who never fought for the right to vote at home, who did not stand with Dr. King and sought to marginalize Lyndon Johnson, now bomb for democracy in Iraq, and judge democracy in the Ukraine, hold high standards for democracy in South Africa. I cry out for this sense of urgency and an even playing field for democracy at home.

I make this appeal today to honor the great American dream to make this a more perfect union, to complete the task of honoring America's highest promises. Arguably, the four highest moments in our democracy are:

- 1) 1865: the 13<sup>th</sup> amendment to abolish slavery, after 246 years;
- 2) 1954: the end legal Jim Crow in 1954, after nearly another century;
- 3) 1964: the passage of the Civil Rights Act;
- 4) 1965: the passage of the Voting Rights Act.

This promise of the founding fathers, this dream of Dr. King, this passion of Lyndon Johnson, must be honored.

The unfinished business of this drive for an open, fair and transparent democracy is our focus today. Before we go any further debating amending the Constitution for immigrant access to the White House, though a noble cause, it will only help some, we should implement a one person, one vote democracy – the direct election of the President – that will motivate a 51-state campaign inclusive of the entire nation, not just 20 battleground states. Congressman Jesse Jackson, Jr.'s (D-IL) bill, which calls for a Constitutional amendment on the right to vote for all U.S. citizens – Presidential elections with one set of rules where the individual right to vote is protected by the U.S. Constitution – will go a long way toward achieving this goal.

Lady Liberty was presented to America as a gift by the French when we made the bold and bloody step to end slavery and save the Union, when we broke with the tyrants of suppression, colonialism and slavery – it elevated America to the mountaintop of hope, it allowed the whole world to look at our beacon light. It is in the context of the conquest for a more perfect union, of America honoring it's promise that Lady Liberty can say, "give me your tired, your poor, your huddled masses – who yearn to breathe free." We must not allow the flame to go out, even for the least of these.

Today this is our challenge and our opportunity. Let us celebrate 2005 the year of Martin Luther King and Lyndon Johnson, the year democracy was born for all of us. The year we complete the unfinished business of American democracy. My brothers and sisters, we have unfinished business. Keep hope alive.