

Probe Michigan Third Party Primary To Secure Free Elections In 1980

United Autoworkers union complicity in Aug. 8 vote fraud is indicated

The U.S. Labor Party Michigan organization has announced, in view of the results of the Aug. 8 Michigan primary election, that it will take the measures to expose and eliminate the vote fraud machine associated with the United Autoworkers

results reported so far credit the Labor Party with a ridiculous 300 votes statewide. USLP Detroit mayoral candidate Melvin Brown received 9000 votes in last November's election. Additionally, the Labor Party secured over 5000 signed pledges of intention to vote USLP in this primary in the six weeks preceding the election.

ELECTIONS

union. This apparatus was heavily implicated in 1976 electoral fraud in a number of states, and is gearing up for a national same-day registration campaign to set the stage for massive vote-stealing by the Democratic Party in the 1980 Presidential elections. From this antifraud effort, Labor Party spokesmen state, a national ballot security apparatus must emerge for 1980.

The Labor Party, under a state law passed in 1976 at the behest of UAW-connected individuals, is required to receive 4200 votes in a third party qualification primary in order to attain ballot status for its 32 candidates in the November elections. Unofficial

Incomplete Tallies

The Labor Party's preliminary investigation of the election procedures and results indicates that five days after the election only 20 out of Michigan's 83 counties had reported any third party qualification results at all. Of those reporting, the State Director of Elections' office stated, many submitted apparently incomplete tallies. The same pattern appeared in Wayne County, a UAW stronghold which includes Detroit city. There, during the public sessions of the canvass meetings in which the Board of Canvassers assesses the process of counting votes, the Detroit City Election Director indicated that the major problem with completing the canvass and certifying official election results was caused by the lack of reporting of

How Michigan Ran the 1976 Third Party Primary

Excerpt from the affidavit of William G. Hanft:

4. When I was given instructions at the polling place as to how to vote, the instructions contained no information on how to vote in the party preference section of the primary.
5. I was told that the choices in the election were for either the Republican or Democratic candidates.
6. I told the pollworkers that there was a party preference section and asked for information on how to vote in that part.
7. The official at the polling station told me that she did not know how it was possible to vote in that section and that she was not fully aware of what that section meant.

Excerpt from the affidavit of Scott Elliott:

4. In my capacity as Wayne County Chairman (of the USLP) I made several phone calls on Aug. 4, 5 and 6 of 1976 to the Election Division of the Secretary of State's office to get statewide returns in the 'party qualification' primary . . .
6. At 3 pm on the fourth of August, I spoke by phone with Bernard Apol, head of the election division. He said that they only had partial returns and that he would not give out partial returns because 'I don't want you to get your expectations up or be disappointed.' His secretary further stated that the ballot counts from several counties had been returned 'because they were not believed.'

votes in the third party qualification section of the ballot.

Labor Party organizers graphically demonstrated the nature of such problems by securing affidavits of voters swearing that they voted for the USLP in the primary. In four days, more affidavits were gathered in 119 precincts than USLP votes were recorded. In other areas of the state, significant discrepancies were uncovered between the number of voters entering the polling booth and the number of votes recorded cast in either the major party primary or the third party qualification section. This "drop-off rate" in Benton Harbor was reported to be 30 percent of the total number of voters. In Flint it was 18 percent. A small town outside Flint claimed that 17 percent of the total number of ballots cast were classified as "spoiled."

Disinformation Campaign Indicated

Labor Party voters reported a massive disinformation campaign took place on primary day itself. Poll officials repeatedly told voters they could only vote Democrat or Republican. Others informed voters that they could vote both in the Democratic or Republican primaries and in the third party qualification primary, resulting in spoiled ballots and machine lock-outs.

As well, the ballot was constructed in a blatantly discriminatory manner. Republican and Democratic candidates, even where unopposed in the primary, were listed in full with the offices they sought. U.S. Labor Party candidates, 32 in all statewide, were not listed. The U.S. Labor Party line appeared in small type in a corner of the ballot, with confusing and inadequate instructions on how to cast a vote in the third party qualification primary. Overall, every effort was made to ensure maximum chaos and confusion prevailed at the polls.

Labor Party investigators believe that the chaos, while significant in diminishing the total number of Labor Party votes cast, also served, as was the case in the 1976 Presidential election, to cover for actual tampering with the returns. The attorney for the Labor Party, James F. Schoener, went into court in Wayne County on Aug. 17 to win access to all the canvass materials, including inspection of machines, prior to certification, to determine precisely what happened to the Labor Party vote.

Wayne County Circuit Court Judge Thomas Roumel refused to grant a preliminary order, setting a hearing for the matter to be held Monday, Aug. 21. He issued this order despite the fact that Wayne County election officials report they are prepared to certify the election within two days, effectively eliminating any ability to monitor the process of the canvass or to check the operation of voting machines.

The Modus Operandi

The effort to contain the U.S. Labor Party as a political force in Michigan follows exactly the same

Judge Feikens on Michigan Third Party Primary Law

Dissenting opinion of U.S. District Court Judge John Feikens in the U.S. Labor Party's 1976 challenge to the Michigan third party primary law:

... According to Apol, many legislators believed that Act 94 (third party qualification primary) would restrict the number of qualifying parties to less than nine; Apol stated that the Act was adopted for the obvious purpose of keeping minor parties off the ballot . . . As to the vital governmental interest, the state asserts that its purpose was to require new and minority political parties seeking ballot status to demonstrate a modicum of community support. While this is, of course, a well established and legitimate function of state election laws, it smacks somewhat of *post hoc* rationalization in view of Apol's explicit testimony as to the immediate evil that Act 94 was designed to remedy . . . Where important constitutional rights are at stake, especially the rights of political parties whose interest in obtaining access to the ballot is in direct conflict with the interests of major party legislators in remaining in office, it seems appropriate that the motives of the legislature as well as the effects of the legislation should be strictly scrutinized.

modus operandi as the UAW, Mondale and Kennedy wing of the Democratic Party have used to gain control over national elections. The three-step process includes legislation, the collaboration of election officials and political machines, and actual interference with the ballot on election day itself. This is the method which provided the basis for manipulation of the 1976 Presidential elections.

Step one: a national campaign for post-card and/or same-day registration. By 1976 a number of states had adopted these procedures although a national same-day registration bill was killed in Congress. *Step two:* collaboration on a large scale among trade union political machines, the poverty apparatus, and election officials in setting up massive registration drives and get out the vote procedures. *Step three:* the recording of hundreds of thousands or more illegally cast votes.

The same process was carried out in Michigan.

Step one: State Senator Sheridan and State Representative Patrick McCullough, both on the election committees of their respective legislative houses, proposed in 1976 the institution of third party qualification primaries in addition to the customary petition gathering. McCullough (a losing candidate in the 1978 Democratic gubernatorial primary), who is closely tied to the UAW, worked with Michael Kerwin and Bernard Apol to ensure the bill would pass. Kerwin is former UAW Community Action Program

(the UAW's political arm) official and now Deputy Clerk of Wayne County, and Apol is Michigan State Director of Elections.

Step two: In 1976, when the bill first went into effect, state election administrator Apol composed a near-incomprehensible ballot and neglected to instruct election officials on the conduct of the third party primary. Affidavits gathered by the U.S. Labor Party in 1976 from Labor Party supporters and would-be voters indicate the total confusion which prevailed in the election place at that time.

This time Apol attempted to cover his administrative performance more effectively. One week before the primary election, he met with Richard Smolka, an election administration expert known for his opposition to third party ballot status. Apol sent a letter to each county clerk, warning that he had received numerous complaints about the conduct of the third party qualification primary in 1976 and asking them to ensure he was not barraged by disgruntled voters this time around. He also claimed he had sought the cooperation of the Michigan press to conduct an educational program around the third

party primary. The release he put out to the press he arranged to have delivered on July 5, the last day of the July 4th weekend. Little press coverage was noted. Apol also, despite U.S. Labor Party protests, designed exactly the same kind of ballot which had proved utterly incomprehensible in 1976.

Step three: After the primary, polling officials made little or no effort to count and report the third party vote. As indicated above, probably less than 25 percent of the local election officials made any report of third party qualification results within five days after the election. The lack of reporting, and unwillingness, as in the case of Wayne County, to provide any access to canvass material, is designed to make investigation of the election and its results practically impossible.

The Labor Party has launched a full investigation of all three levels of the fraud operation and will be in court both to seek relief and to take the cloak of genteel legality away from the Mondale-Kennedy vote fraud machine and their local cohorts.

— Felice Gelman

How the Fraud Machine Operated in 1976

In November 1976 the U.S. Labor Party and allied forces undertook a wide-ranging investigation into vote fraud in the 1976 Presidential election, and discovered the modus operandi used to manipulate U.S. elections on a large scale.

NEW YORK: On Nov. 10, 1976 the U.S. Labor Party entered New York State Supreme Court with preliminary evidence that large scale manipulation of voting had occurred. Four categories of evidence were presented: (1) "the invitation to fraud" which was provided by the state's postcard registration system and the New York City Board of Elections' lack of systematic verification of the voting rolls; (2) the use of known criminal elements — drug addicts, street gang members — to sign up voters and to intimidate voters to force them to the polls; (3) irregularities at the polls, including herding, double voting, lax verification of registration, and direct intimidation of voters by certain poll officials; (4) the results of preliminary Labor Party checking of newly registered voters, which indicated thousands of "tombstone" and "ghost" voters on the rolls.

In a federal court hearing the Labor Party showed that of the 600,000 or more postcard registrations received by the New York City Board of Elections, 300,000 were never checked by the board. A Bronx reporter verified the utter lack of ballot security by registering by postcard using ten names and addresses, and signing in at ten polling places without a challenge.

The Labor Party was, after four weeks of investigation, able to show that as many as 350,000

votes in the Presidential election in the state of New York had been cast illegally, by individuals "living" at abandoned buildings, parking lots, vacant lots, and other nonexistent addresses.

WISCONSIN: "Same-day" voter registration was employed to carry out vote fraud in Wisconsin. More than 110,000 voters registered on election day with absolutely no check on their identity. Evidence showed people traveling from ward to ward, registering and voting numbers of times; aliens voting and individuals using the names of dead people to vote; students voting on site in Wisconsin and again by absentee ballot at home. Much of this appeared to be an organized effort under the direction of the local UAW CAP organizations.

OHIO: Labor Party investigators brought three major patterns of fraud before the federal court in Ohio: stuffing the ballot box with "tombstone" votes, multiple voting, and illegal registration of out-of-state voters. Again, investigation indicated that UAW CAP was one of the major organizers of the fraud.

Although federal judges in both Ohio and New York found the evidence presented extremely convincing as to the scope and the extent of the illegal votes cast, both ruled that the identities and criminal intent of the individuals involved in perpetrating the fraud must be conclusively demonstrated. These rulings, coupled with the inactivity of the U.S. Attorney in New York to whom all evidence of individual criminal acts was provided, have left the 1976 vote fraud machines intact.