

fair elections. Further, this nullification of votes is explicitly in violation of the spirit and letter of the law as proscribed in the American Declaration of the Rights of Man and the American Convention on Human Rights.

## II. Laws and Party Rules Being Violated

As has already been documented for you in our May 16 Complaint, laws of the United States as well as the Democratic Party are being violated, arbitrarily, at the will of a small clique of Party officials who claim the Democratic Party is a “private club” so that they can silence any opposition candidate. The media blackout employed has only amplified such totalitarian measures. The newly violated laws pertaining to the acts described in this Supplement are detailed below.

### A. Arkansas Election Code

Arkansas Election Code states: “§7-8-201. Preferential elections required — Apportionment of delegates. Each political party in the state desiring to select delegates to attend a quadrennial national nominating convention or the party to select a nominee for [President] shall hold a preferential primary election in the state, and the delegates to the national party convention **shall be apportioned** to the Presidential candidates whose names were on the ballot at the preferential primary . . . **in the proportion that the votes cast for each candidate** . . . bear to the total votes cast at the election, rounded to the closest whole number” (emphasis added).

It is important to note that Arkansas primary elections are paid for by the state, and thus are public elections, i.e., not for private parties. (Code §7-7-201.)

### B. Arkansas Democratic Party Delegate Selection Rules

The Delegate Plan clearly states, “The Presidential Preference Primary Election *shall* be governed by the election laws of the State of Arkansas. . . .” (Rule II C 3) Further, “The Arkansas presidential primary election is a binding’ primary. Accordingly, delegate and alternate positions *shall* be allocated so as to fairly reflect the expressed presidential preference of the primary voters in each district” (emphasis added). (Rule II C 7 a)

Based upon the mathematical formula provided in the Delegate Selection Plan as applied to Presidential Candidate LaRouche’s vote, he is entitled to 1 national convention delegate from each of the four CDs, 1 national convention delegate who is a Party Elected Official, and 1 national convention delegate who is selected as an At-Large delegate. This means that Mr. LaRouche is entitled to a minimum of 6 national convention delegates from the state of Arkansas so as to fairly reflect the will of the voters.

It is the announced position of Arkansas Democratic Party Chairman McQuary, his Executive Director Mr. Hooks, and the DNC under the direction of national chairman Joe Andrew, that the Party will refuse to allocate delegates pledged to Mr. LaRouche, and will refuse to allow the participation of Mr. LaRouche’s elected delegates at the up-coming June 24 CD and State conventions in the state of Arkansas.

## III. Conclusion

Based upon the new facts detailed, herein, and those presented to you in our May 16th Complaint, it is imperative that you act to reverse these arbitrary and capricious violations of electoral rights of tens-of-thousands of American voters, and those of Presidential candidate Lyndon H. LaRouche, Jr. The very foundation of each sovereign republic on this earth to have and promote representative democracy is at stake in this case. If such violations go unchecked in the United States of America, then institutions such as the OAS will be condoning the practices of the once notorious Nazi plebiscites, or the racist “Jim Crow” “whites only” policies imposed on African Americans in the early part of the 20th Century. . . .

# Vote Fraud: An Endemic Problem In U.S. Elections

by Edward Spannaus

To listen to the television commentators, one would think that this is the first time that election irregularities have called a Presidential election into question, or, that “hanging chad” is one of the earliest discoveries of the new millennium.

Every major election in the United States — and probably many lesser ones — is riddled with fraud and irregularities. What is different this time, is that there is no Establishment consensus for one or the other candidate, and therefore, there is no “fix” in from the top for one or the other. And with both leading candidates lacking any ideas or significant issues by which they could differentiate themselves from each other, the issue of fraud and irregularities has loomed far more important than in most other elections.

We will examine here particularly, the most notable previous case in recent history: that of the disputed 1976 election, which put the incompetent and unqualified Jimmy Carter into the White House (see box). But first, we will touch on some of the other pervasive problems.

First of all, vote fraud is a *bipartisan* affair. The Democratic Party has no monopoly on this dirty business — although Democratic Party fraud is often more obvious, because it is concentrated in urban areas. Perhaps the best-known example is that of the 1960 Presidential elections, in which fraudulent votes cast in Chicago from graveyards and other precincts, are generally credited with handing the election to John F. Kennedy. Less well-known, is that one of the reasons that Richard Nixon and the Republicans did not challenge the Chicago fraud, is because it was understood that the fraud carried out in downstate, Republican areas, more or



*Gerald Ford (left) with Henry Kissinger: Kissinger's intervention put an end to Ford's desire to pursue the 1976 election challenge. Right: Jimmy Carter: The Southern Strategy came to the Democratic Party by fraud.*

less cancelled out the fraud perpetrated in Democratic Chicago.

This has also been obvious in the case of the fraud committed against Lyndon LaRouche, which in most cases resulted from a bipartisan agreement, between Democratic and Republican party officials, not to count the votes cast for LaRouche. Officials from both parties were caught red-handed, doing exactly this, in the New Hampshire Presidential primary in 1980, as one example.

Second, there is nothing new or unique about the highly publicized problems of the Nov. 7 elections in Florida. Fraud is as old as the republic itself; this was one of the reasons that popular election of Federal officials was disfavored.

Mechanical voting machines were invented in the 1890s, and adopted during subsequent decades with the argument that they would constitute a protection against fraud carried out with paper ballots. Even so, it used to be well-known that machines could be mechanically rigged to drop votes or transfer votes; or, in the most common scenario, extra votes were simply run up on machines.

Beginning in the 1960s, computerized voting tabulation, combined with the use of standard punch cards, was introduced. It was argued that this system had many advantages over the bulky and costly mechanical machines, and that election results could be obtained much more rapidly, particularly when punch cards were tabulated centrally. From the outset, election officials and others raised concerns about the potential fraud inherent in the use of a computer program and source code which was invisible to local and precinct officials; some observers also noted that this amounted to a return to what are essentially just another form of paper ballots (i.e., punch

cards).

From the beginning, the problem of “hanging chad”—which has provided much merriment to smart-aleck news commentators since this year’s Nov. 7 election—was associated with the use of punch cards. (“Chad” is the term for the tiny rectangles of paper that are supposed to be punched out with a stylus by the voter; frequently, the “chad” fails to totally separate from the punch card itself.) In one case, a 1976 legislative race in Los Angeles was reversed twice, first by a machine count, and then by a manual count in which punch cards were held up to the light and holes counted—just as in Florida today—with “hanging chad” and “bulging chad” shifting votes in one direction or the other.

In the 1980 Presidential primary in California, a computer “programming error” was blamed for giving votes supposedly intended for Jimmy Carter and Edward Kennedy, to Lyndon LaRouche and Jerry Brown.

### **The 1976 Vote Fraud Fight**

The most recent major challenge to a Presidential election took place in 1976, in post-election actions brought in four states—New York, Ohio, Pennsylvania, and Wisconsin—with a total of 104 electoral votes. (Jimmy Carter ultimately was named President with 297 electoral votes, to 240 for Gerald Ford.)

The actions were spearheaded by the U.S. Labor Party (USLP, on whose ticket LaRouche ran in that year), by local and state Republican Party officials, and by other third parties, such as the American Party in Ohio, and the Conservative Party in New York. The actions drew widespread national and international press coverage (see box); the front page of

the Nov. 28, 1980 *Washington Post*, for example, ran the headline: "U.S. Labor Party, GOP Join Forces in 4 Vote Challenges." A Nov. 25 *Washington Star* headline read: "Election Challenge Spreads; GOP Support Grows," and the *Chicago Daily News* reported on Nov. 25: "Group Sues for Ballot Recounts in 4 States."

The *Washington Post* reported that, "if the results were invalidated and Ford declared the winner in any two of the states, President Ford would have enough electoral college votes to win."

Federal court actions were filed in all four states, and those that proceeded the furthest were the actions in Ohio and New York.

The Ohio suit was filed in late November, after an investigation by the Ohio Secretary of State had already confirmed USLP charges that "the dead walked" on Election Day. A partial sample of several precincts in Cleveland and Toledo found numerous "voters" listed from abandoned buildings and parking lots—including "Carter Roosevelt" and "Carter Roosevelt, Jr." registered to a Toledo parking lot.

On Dec. 8, Ohio Secretary of State Ted W. Brown launched a statewide investigation of voter fraud, and said that he would not certify Ohio's Presidential electors, pending the outcome of the Federal court action.

On that same day, a Federal judge in Brooklyn, New York denied motions brought by state and city election officials, to dismiss the court action brought by the USLP, and by Republican and Conservative Party officials. This followed a hearing, in which a statistical survey was presented, showing that more than 300,000 fraudulent votes had been cast in the New York Presidential election; this was combined with documentary and photographic evidence showing numerous vacant lots and abandoned buildings from which "phantom" voters had cast their ballots on Election Day.

In denying the state's motion to dismiss the case, Federal judge Jacob Mishler noted that, if the New York State election were thrown out, this could "leave the nation without a legitimate leader for an unpredictable length of time." Nevertheless, the judge ruled, his court had the power to consider the case and even to order a new election if warranted. "Protecting the integrity of elections—particularly Presidential contests—is essential to a free and democratic society," Judge Mishler said. "It is difficult to imagine a more damaging blow to public confidence in the electoral process than the election of a President whose margin of victory was provided by fraudulent registration or voting, ballot-stuffing, or other illegal means."

But Judge Mishler went on to indicate that he would require evidence rising almost to the level of proving *criminal* conduct, before he would order a new election.

After two days of evidentiary hearings, Mishler did in fact dismiss the case, declaring that the plaintiffs had not proven that election officials deliberately *intended* to commit fraud and to dilute the rights of legitimate voters. This was an al-

## The Southern Strategy

The southern strategy which was adopted for purposes of the Republican Party during the 1968 Nixon election campaign, was continued into the Democratic Party, in the southern strategy which put Jimmy Carter into the White House.

The Democratic Party was really the only party in the South until the 1960s, with the tension between the national Democratic coalition which Franklin Roosevelt had built, and the Southern "Dixiecrat" wing of the Democratic Party, which opposed civil and economic rights for black Americans.

The Republicans broke the "solid South" with a strategy of coopting and encouraging racist opposition to the Civil Rights legislation of Lyndon Johnson's Administration, which had been won by the movement led by Dr. Martin Luther King, Jr. In 1968, the same year that Dr. King was assassinated, Nixon adopted his "Southern Strategy" to win the Republican nomination, and from then on—except for 1976—the Republicans have carried the South in Presidential elections.

But Carter's 1976 candidacy represented an agreement by the Wall Street Establishment, particularly that New York Council on Foreign Relations faction which was behind the Democratic Party at that time, to cut a deal with the Southern Jurisdiction of the Scottish Rite, even to the point of taking a Carter as their Presidential candidate.

As a strategy for regaining southern votes for the Democratic Party, this appeal to fundamentalism and racism failed, as more and more "Dixiecrats" and "Yellow Dog Democrats" in the southern and southwestern states turned Republicans, on the model of the "southern-fried fascists" Newt Gingrich of Georgia and Phil Gramm of Texas.

As a price for this, the Southern Jurisdiction of the Scottish Rite has exacted terrible penalties, inclusive of the present Supreme Court and justice system, in which, of course, Strom Thurmond of South Carolina has played a very key role.

most-impossible standard to meet, and was a standard not required at the time for proving violations of Federally guaranteed rights.

At a press conference, Judge Mishler acknowledged that he had conferred by telephone with the Federal judge hearing the parallel Ohio case, and Mishler said that they had decided against overturning the Presidential election. The Ohio case

was also then dismissed within a matter of days.

There is some important background, which can be revealed now, for the first time, as to what had happened. In the immediate aftermath of the election, President Ford and some of his closest advisers, having been presented with the evidence of fraud gathered by LaRouche's associates and others, seemed prepared to fight against any effort to hand the White House over to Carter, whom the President considered a potential disaster for the country. The circle around Ford was fully prepared to back the court challenges to the election, and they even considered pushing the fight through to the Electoral College, by providing that body with massive evidence of fraud, and asking that the matter be taken up by the Congress, which should consider whether the selection of Electors in disputed states was tainted with fraud.

The Ford family gathered in Michigan for Thanksgiving dinner. Among those attending was Henry Kissinger. According to a participant in that fateful gathering, there was a walk, and a private conversation, between the President and Kissinger. When the evening was over, so was Gerald Ford's desire to pursue the election challenge. As a source close to the situation recounted, the President had been told "that he might not survive," if the matter went any further.

Some of the court cases went forward, but, without the full backing of the President, the courts were much more

prone to dismiss them. And when the Electoral College met in December, there was no challenge from the Ford camp; Jimmy Carter went on to become, arguably, the worst President in the post-war United States.

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## Documentation

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## International Press Commentaries from 1976

**London Daily Telegraph, "Republicans Still Fighting Carter," Nov. 26, 1976.**

"A number of influential Republicans are encouraging last ditch legal actions to overthrow the result of the recent Presidential election in crucial states and keep Mr. Jimmy Carter out of the White House. . . .

"According to the *Washington Star*, a common figure in almost all the challenges is Representative Guy Vander Jagt of Michigan, a close friend of Mr. Ford and chairman of the Republican Congressional Campaign Committee."

**Italy's Vita Sera (evening edition of *Il Fiorino*), Nov. 25, 1976.**

"Among the Republicans, action appears to be centered . . . around a 'recount' of electoral votes in Ohio. . . . [Rep. Guy] Vander Jagt, Republican representative and chairman of the party's congressional campaign committee, has launched an appeal to all parties 'against the electoral fraud' of the Democrats: Ohio's 25 electoral votes could be overturned in favor of Ford (before Dec. 13, the official day of the Electoral College 'nomination') and could provoke most probably a chain reaction in other states where court cases were sponsored by the Republican Party and other minor parties like the U.S. Labor Party of LaRouche."

**London Times, "Mr. Carter To Face Last Hurdle," Nov. 24, 1976.**

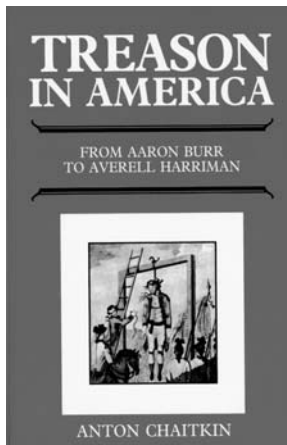
" . . . Earlier Presidents were inaugurated in March, and the two greatest crises in the history of the republic occurred during that protracted delay: the South seceded before Lincoln assumed office in 1861, and the banking system collapsed in 1933, waiting for Roosevelt.

"On each occasion, the President-elect refused to lift a finger to affect events, on sound constitutional principle. . . . But there is no doubt that the country and the world would be better off if Mr. Carter were to assume office immediately. . . .

"Various fanatics are clamoring for recounts in New York, Ohio, and Wisconsin and although there is little chance that Mr. Ford will be declared the winner in any of them, the nearness of the thing is a further illustration of the inherent dangers of the system."

## Treason in America

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