

Contesting Ohio Electoral Votes

Transcript of Press Conference: Senator Barbara Boxer and Rep. Stephanie Tubbs Jones

By [Global Research](#)

Global Research, January 09, 2005
18 June 2005

Region: [USA](#)

In-depth Report: [Election Fraud in America](#)

PRESS CONFERENCE WITH SENATOR BARBARA BOXER (D-CA) AND REPRESENTATIVE STEPHANIE TUBBS JONES (D-OH)

SUBJECT: CONTESTING OHIO ELECTORAL VOTES

LOCATION: SENATE RADIO/TV GALLERY, WASHINGTON, D.C.

SEN. BOXER: Good morning everybody, and thank you all for being here. For most of us in the Senate and the House, we have spent our lives fighting for things we believe in, always fighting to make our nation better. We have fought for social justice. We have fought for economic justice. We have fought for environmental justice. We have fought for criminal justice. Now, we must add a new fight, the fight for electoral justice. Every citizen of this country who is registered to vote should be guaranteed that their vote matters, that their vote is counted, and that in the voting booth in their community their vote has as much weight as that of any Senator, of any congressperson, any president, any cabinet member, or any CEO of any Fortune 500 Corporation. I'm sure that every one of my colleagues, Democrat, Republican and Independent agrees with that statement. That statement that in the voting booth we are all people.

So, it seems to me that under the Constitution of the United States of America, which guarantees the right to vote, we must ask ourselves several questions today, why did voters in Ohio wait hours and hours and hours in the rain to vote? Why were voters at one precinct, for example, made to wait in line until nearly 4 a.m., 4 in the morning, to vote because there were only two machines? At Kenyon College, there were 1,300 voters. They needed 13 machines, they had two. Why did poor and predominantly African-American communities have disproportionately long waits? Why in Franklin County did election officials use only 2,798 machines, when they said they needed 5,000. Why did they hold back 68 machines in warehouses that were perfectly good? Why were 42 of those machines in predominantly African-American districts?

Why did in the Columbus area along an estimated 5,000 to 10,000 voters leave polling places out of frustration without having voted? How many more never even bothered to vote after they heard about that? Why did a computing error in Franklin County initially award 4,258 extra votes to George Bush when only 638 people had actually voted? Thankfully they fixed it, but how many other votes did the computers get it wrong?

Why did Franklin County officials reduce the amount of electronic voting machines in downtown precincts, while adding them in the suburbs? This also led to very long lines.

In Cleveland, why were there thousands of provisional ballots disqualified after poll workers gave faulty instructions to the voters?

Because of these, and many other examples, all documented in the press, I am joining with Congresswoman Stephanie Tubbs Jones to cast the light of truth on a flawed system, which must be fixed now, not in years from now, but now. Our democracy is the centerpiece of who we are as a nation, and it is the fondest hope of all Americans that we, together, can bring democracy to every corner of this world. As we try to do that today, and as we are shedding the blood of our military to this end, we must realize that we lose so much credibility when our own electoral system needs so much improvement.

Yet, in the past four years, Congress has not done everything it should to give confidence to all of our people that their vote matters. After passing the Help America Vote Act, nothing more was done. All of the electoral reform was essentially shutdown.

For example, a year ago, Senators Graham, Clinton and I introduced legislation similar to Rush Holt's legislation in the House that would have required that an electronic voting system provide a paper record to verify your vote. That paper trail would be stored in a secured ballot box, and invaluable in case of a recount. So, you could check on the paper, make sure that your vote was counted properly, fold it up, put it in a box, and in case we needed a full recount, it would be there. There is no reason on God's earth why the Senate did not take up that bill and pass it. We didn't even have a hearing. Nothing ever happened.

Before I close, I want to thank my colleague from the House, Congresswoman Stephanie Tubbs Jones, whose letters to me, which you have in your packet, asking for my intervention was substantial and compelling, and if you don't have that letter, we will make it available to you. I wrote her back, and you will have that letter as well.

This process that we engaged in was very thoughtful. It wasn't one of the quick decisions on my part. As I wrote to you, Stephanie, I was moved by your point that it's virtually impossible to get official House consideration of the entire issue of election reform, including the irregularities that I cited. I want you to know, if you don't know the congresswoman, she has tremendous respect in her home state of Ohio. That is the state that's at the center of this fight. Congresswoman Stephanie Tubbs-Jones was a judge for 10 years. She doesn't take her position lightly in this battle. She was a prosecutor for eight years, she knows when she sees wrongdoing. She was entered into the woman's hall of fame in 2002, and I am proud to stand with her, in filing this objection. And at this point I will move away the Boxer box I'm standing on, and, Stephanie, it's all yours.

REP. TUBBS JONES: Good afternoon. First of all, I want to thank my colleague, Senator Barbara Boxer for being willing to step up to the plate and say, okay, I hear you Stephanie, we need to hear this issue. We've not had a debate on this issue in the House of Representatives since 2000, and maybe not even again.

This past Tuesday I took my oath of office as a member of the United States House of Representatives, to preserve and protect the United States Constitution. And I renewed my commitment to the people of the 11th Congressional District of Ohio, the people of Ohio and this country. Today, as the House and Senate convene in a joint session to certify the electoral ballots of the November 2004 presidential election, in conjunction with my colleague Senator Barbara Boxer, we will file a formal objection.

I am so pleased, as I said, to have Senator Boxer join me. I raised these objections neither to put the nation into turmoil of a proposed overturned election, nor to provide cannon fodder or partisan demagoguery for my fellow Republican members of the House. I raise these objections because I am convinced that we, as a body, must conduct a formal and legitimate debate about election irregularities. I raise these objections to debate the process, and protect the true will of the people.

While some have called me foolish, I can assure you that my late mother Mary, and my father Andrew Tubbs, 84 and 85, my mother a factory worker, my father a sky cap, did not raise a fool. They raised a lawyer, they raised a judge, and they raised a prosecutor. And thank god they both got to see me be a member of Congress, and I am duty bound to follow the law. As a judge I learned to apply the facts and make a decision.

In this case the facts are clear, there were numerous irregularities in Ohio, including large percentages of rejections of provisional balloting, problems with voting machines, and I won't go on and list them all, my colleague and good friend has already done that.

How can we possibly tell millions of Americans who registered to vote, who came to the polls in record numbers, particularly our young people, the numbers were amazing, to simply get over it and move on? One of my staffers said, it's like being invited to the dance, you buy a new dress, you get a new pair of shoes, you walk up to the door and they don't let you in. They take it back historically to the fact that millions of African-Americans in the South wanted to vote, and they were denied that opportunity, be it by reason of some written test, some polling tax, or whatever.

Now we've gotten past poll taxes, we've gotten past written tests, but the dilemma is leaving it to 50 Secretaries of State, leaving it in Ohio to 88 county board of elections, without duress. And I am raising today the need for standardization across the country, the need for us to take a real look at how we handle voting in the United States. If we can say to our young men and women, go overseas, give your life so that the people in Iraq and Afghanistan have the right to vote, then surely in this Congress we can take a few minutes and step back and debate and discuss irregularities in the United States. If we can send people of the United States all over the world to monitor elections, to tell us what went wrong, or what went right, if we can overturn an election in Ukraine, why then can't we take the time in these United States to debate irregularities, and not feel that you are being impugned, your integrity is being impugned, or I don't want to have George Bush as the president. I didn't vote for him, but the point is that the votes are here. This is my opportunity, as a member of Congress, to stand up on behalf of the people of Ohio. This is our opportunity, as a member of the Senate, and a member of the House, to bring to national attention, and require the people of the House, the people who were sent here to represent the people of the United States to debate the issues.

Again, I thank my colleague Senator Barbara Boxer for being willing to step out. I thank her for her leadership, I thank her for her integrity, and I thank her for her support.

Q Congresswoman, in your written statement, — (inaudible) — the public — (inaudible) —

REP. TUBBS JONES: This is a public what?

Q (Off mike) — implies in the contesting of the electors deals with whether or not the electors or assuming the votes are not regularly given. If your challenge is really about

electoral reform, aren't you taking this to an extra step by actually going through this process here where maybe there might be another form to do this?

REP. TUBBS JONES: You know what, if I were assured that there could be a real debate of voter reform, voter opportunity in the United States of America, in the Congress among my colleagues, I may not have been as quick to say to Senator Boxer we need to file this objection. But, go back over what's happened since 2000, when we had so many problems in Florida, go back over any discussions or debates, and there's been very little opportunity to offer any type of legislation, any type of amendment in the Republican-controlled House. What are they afraid of? Why can't we have a debate? Why can't we bring the issues to the table?

Q Senator Boxer, in 2000 when the margins were much smaller — (inaudible) — real contest over the results, no senator stepped forward and tried to contest it. Why do it four years later when the votes are much more conclusive?

SEN. BOXER: I'm doing this because of what we learned happened in Ohio, and I believe that there were votes that should have been counted that weren't, that there were major and serious problems that did, in fact, meet that standard that the gentleman read about votes not being regularly given. You're not regularly giving your vote when it comes out wrong in the machine, and it's just totally the opposite of what you wanted. You're asking me about four years ago. Four years ago I didn't intervene, I was asked by Al Gore not to do so, and I didn't do so. Frankly, looking back on it, I wish I had. I do. I have to admit that. I'm not one that likes to admit mistakes. But, it really wasn't about Al Gore, it was about the voters, and I made a mistake. And this time I wasn't inclined to do this, but when Stephanie talked to me about it, because she's from Ohio, and she's steeped in these problem. I said, document them for me. And she documented them for me, and I felt it was appropriate to do this.

Q Senator Boxer, European observers that came to many of the polling stations in the United States, they also reported that there were problems with e-voting machines and long lines in Ohio and that they were going to report back and give the Department of State a full report on the problems that occurred. Are you also going to be using some of the information that a European got from visiting a lot of these polling stations and seeing a lot of the problems that you are talking about?

SEN. BOXER: The information that I'm using is information that comes from my friend, the congresswoman here, and documented reports in our newspapers.

Q Senator Boxer, there were problems, allegedly, in a number of states. Ohio is not unique in terms of the allegations of long lines and lack of voting machines and so forth. Why are you targeting just Ohio today?

SEN. BOXER: Well, that was the request and that's what I got myself steeped in. I don't know about the other states.

REP. TUBBS JONES: Let me if you'll allow me to respond to that question. That's part of the issue that we're raising. Ohio is the objection. I'm from Ohio, I'm raising this objection. But, I anticipate you will also hear from some of my colleagues from other states who had similar situations. It's easy to say, well, it happened in Ohio, it happened in Michigan, it happened in Arizona, so let's not worry about it, because it happened everywhere, but the reality is, if that was your vote that was not being counted, if that was you standing in a line and then

deciding, I've got to take my kid to school, my grandmother needs to go to the doctor, and I've got to decide, do I vote or do I go and do that, do I go take care of my family obligations, it would be a little big different. What we're trying to call upon this nation is to look at perhaps early voting, to look at other opportunities, so that people can exercise their right to vote, and not be pigeonholed in a line waiting for hours to vote.

Q Is it really about election reform, or did either one of you — (inaudible) —

SEN. BOXER: You already asked — let's go to the next person. It's not right.

Q The movie Fahrenheit 911 — (inaudible) — a lot of the frustration that democrats — (inaudible) — the last time the House — (inaudible). Did you see that? And did that influence you at all, watching that this time around?

SEN. BOXER: The movie didn't influence me on what I'm doing today. It did make me, again, think about the fact that I didn't stand up those years ago, because I was relying on Vice President Gore, and I felt I should have stepped back and looked at the bigger picture in retrospect. But, it has nothing to do with what I'm doing now. What I'm doing now I had no intention of doing until I heard from Stephanie Tubbs Johns, who I have this tremendous respect for, who again, is from Ohio, who was a prosecutor, who knows wrongdoing when she sees it. I put my faith in her. She is my expert on this. She needed one senator, there was no way that I could not help her do this.

Q Follow up on George Bush — (inaudible). Is this about election reform or this about trying to reverse somehow, have a new election in Ohio, and if it's about the first, have either of you talked to Republicans to see if maybe you schedule hearings instead of doing what you are doing today?

SEN. BOXER: I'll just respond. Everyone knows that the election is over, so this is not — we know that, we know that even if we were to make the greatest case in the world, that the House and Senate will vote if it gets thrown to the House and Senate. So the election is over, it's not about overturning the election. But, I'll tell you from my perspective, to me it's the opening round, for me personally, in the battle for electoral justice, that's what it's about, because I do believe we have caught their attention, Stephanie. They did not think we would do this. We are doing this, and now everyone sees, under great pressure on us not to do this, they see we're willing to step out like this, and they can't possibly turn away from us, I think, in this Congress.

When we finally said, so where is the hearing on the paper trail bill. Why would it have taken more than a year for you, and we still don't haven't scheduled a hearing on it. And for the congresswoman, because I served 10 years in the House, given the rules over there, it's a worse situation for them. So from my perspective, and I say it in my statement, this is my opening shot, to be able to focus the light of truth on these terrible problems in the electoral system. While we have men and women dying to bring democracy abroad, we've got to make it the best it can be here at home. And that's why I'm doing it.

Do you want to add to that?

REP. TUBBS JONES: I would only add that this is the end of my sixth year in the House of Representatives. In the times that I have been on the Ways and Means Committee, it's very difficult for a Democrat to offer a piece of legislation, to get a hearing in the committee, and

then be brought to the Floor. If I knew that I had that opportunity, maybe I would have rethought it. But, then again, even in a committee hearing, the people of American, the people of the world would not focus their attention on election irregularities. And this is an opportunity to do that.

Yes, sir?

Q Congresswoman, a Columbus Ohio man has brought suit in federal court to challenge the election outcome, and claims that he has irrefutable proof that the election was stolen and was fraudulently taken. Despite the fact that he claims that this proof is — will be manifested in court and that he can prove this beyond a shadow of a doubt, the House and the Senate are both controlled by Republicans. Is there any chance that there might be a hearing of this and a reversal of the Ohio electors in the Electoral College?

REP. TUBBS JONES: It is unlikely that there will be a reversal of the Ohio electors. But the fact that someone has come forward and filed a lawsuit is one of the things that we are considering — I considered in making a decision to file this objection. It is not the only, however. Having been a judge, I've seen lawsuits, and until the evidence is presented in the courtroom, then I'm looking — I have to take it as there could be another side.

But there are other things that are being presented that people are showing, that I witnessed myself, that would say — that say to me that this — the irregularities in Ohio deserve a hearing in the House of Representatives.

Q Senator Boxer.

SEN. BOXER: Yes?

Q Senator Boxer, you have two hours of debate time to go in the Senate. I imagine there'll be plenty of people to argue the case in the House. Have you lined up any Democrats to make the election reform case — (inaudible)?

SEN. BOXER: Several have called us and said they want time. I don't know what we're up to. Karen, do you know how many —

STAFF: (Off mike.)

SEN. BOXER: (Seven ?). Seven eight.

Q And did you discuss with Senator Reid that you were going to — and have you informed them? When did you inform him?

SEN. BOXER: Oh, yeah. Oh, yeah.

Q What about Senator Kerry? Did you ever — did he talk to anyone?

SEN. BOXER: No. I really didn't because, as I said, to me, I didn't want to put him on the spot. He's — he had already said he's conceded, and, you know, I — I feel that he's supportive of electoral reform. That's for sure. Whether he was — and he already put out a statement that he didn't support stalling the College, but this is not about Senator Kerry or President Bush. It's about election irregularities. And, the fact that we are sort of saying today this is a wake-up call —

REP. TUBBS JONES: Absolutely.

SEN. BOXER: — to the House and Senate. You cannot look away from this. You cannot do that and say that you are part of the greatest democracy in the world.

Yeah?

Q You mentioned standardization. What would that be like?

SEN. BOXER: Stephanie did.

REP. TUBBS JONES: Well, I mentioned standardization, and I'm suggesting that if in a federal election every person who votes in the United States expects that their vote will be counted, and has registered, then there should be standards that would allow all of them to vote. Perfect example: In some states, people who have a felony record who are off of probation or parole, are permitted to vote. In other states, they are not. And it's an historical piece of it. In Florida, you have early voting. In Ohio, you don't. Early voting might short some of the problems. In some areas, you put in place electronic voting. Some love it. Some don't like it. But there was money set aside in HAVA that was supposed to go to states, to go to communities, to be able to deal with it, or educate voters. There was no regulation as to whether the secretary of state could spend all the money, or he or she was required to send that money down to the localities.

I spend personal money trying to encourage the people of my congressional districts to go out and vote, to tell them some of the things that they needed to know about an election because no money was being spent to inform or educate them on the issue.

SEN. BOXER: Let me just say, because we're going to walk over to the House together, we have to assemble in four minutes?

REP. TUBBS JONES: Yes.

SEN. BOXER: Okay. This'll be the last question. Jim?

Q Senator Boxer, you mentioned the pressure not to do this. Did any of your colleagues speak to you regarding this, urging you not to take this step forward?

SEN. BOXER: Well, there was absolutely not one person, I can truly say, that told me not to do this. But, you're around here long enough, and you get a sense of how people feel about it. And there were some people that weren't thrilled about it. And you get that sense, and you know, and the fact that no-one else did come forward to sign objection that I'm aware of, I don't know —

REP. TUBBS JONES: (Inaudible) — hurtful.

REP. BOXER: So, you know, clearly I was doing this really on my own. So, you know, I know those things happen. But I can honestly say to my colleagues today on both sides, the House and Senate, Republican and Democrat, thank you. You know. You didn't put that pressure on me. You know that I was thinking of this, that this is a matter of conscience and — and it's very touching and it's very moving, because it's inconvenient for people (at the minimum ?).

Q (Inaudible) — when you said that people weren't happy about it. Do you sense that?

SEN. BOXER: I do sense it. Colleagues

Q You sense from both sides?

SEN. BOXER: Yeah. I think colleagues on both sides are unhappy, and it's inconvenient, and all of the other things that are — you know, I've always said that the thing about the House and Senate, what people love to do the most is nothing. I mean, it's just — you don't get any flack. You do the nothing. You just show up and vote, but you make waves, it's uncomfortable, and I'm not a fool either. (Laughter.) And I understand that. So, yes, I think there are people who wished that we didn't do this, but we're doing it for the right reasons, and we feel really good about it, and we're a good strong team. And, by the way, this team, you're going to see in the future. This is just our start. We're going to be introducing bicameral legislation on this issue of standardization, to make sure there are standards in these national elections. And we're very excited.

So, Stephanie, why don't you close it?

REP. TUBBS JONES: Well, thank you again, Senator Boxer, for your support and responsiveness to my request.

Let me say this: My local newspaper — and I come from a one- town newspaper, Cleveland, Ohio — the editorial day before yesterday was Let It Go. That was the editorial that I got from my — because they did not understand the reason for me choosing to bring this objection. And I said in response to them in a letter that I sent back to them to the editorial of the newspaper, "I can't let it go." I can't let it go because there are people in my congressional district; there are people in this country who said, "Stephanie, I didn't get my vote counted. My vote did not count. I was denied the opportunity to vote." On and on and on. Well, I can't let it go. And I cannot let go of the need for us as a nation to assure democracy, to assure democracy, right here at home. Not over in Iraq. Not over in Afghanistan. Not in the Ukraine. But right here in the United States of America. I took that oath, and I stand by it.

SEN. BOXER: Thank you very much, everybody.

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