

November 2nd: Voter Fraud and Homeland Security Terror Threat “Advisories” in Ohio and Florida

Fraud on a massive scale is now corroborated by Network TV

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COUNTDOWN, MSNBC, 8:00 PM EST

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Did Your Vote Count: The Plot Thickens

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HEADLINE: COUNTDOWN for November 8, 2004

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GUESTS: Erica Solvig, Elaine Shannon, John Blunt, Nick Pallotto

Six congressmen want an investigation into new electronic voting machine technology. Then, thousand of U.S. troops launch an offensive in Fallujah.

KEITH OLBERMANN, HOST: Which of these stories will you be talking about tomorrow? Additional reports every minute. So six congressmen write demanding an immediate investigation. Did the new voting technology tamper with last week's presidential election? Why did an Ohio county lock down its vote count, claiming it was for homeland security purposes? Why did 29 heavily Democratic Florida counties, with optical ballot scanners, wind up voting heavily Republican? Full coverage ahead.

We return you to the war in Iraq. Already in progress. Thousand of U.S. troops launching the offensive in Fallujah.

Target Little Egg Harbor, New Jersey. The Air National Guard insists it did not mean for one of its fighter jets to scrape an elementary school.

And Santa Claus is coming to COUNTDOWN. He sees 10,000 kids at malls every year. So how come they won't give him a flu shot? Santa Claus joins us live. All that and more now

on COUNTDOWN.

Good evening. An Associated Press poll tonight suggests that 54 percent of us Americans have been given renewed confidence about the nation's electoral system based on last week's decisive presidential election. You guys might want to put that poll back into the field again next week.

Our fifth story on the COUNTDOWN, there is a small but blood curdling group of reports of voting irregularities and possible fraud principally in Ohio and Florida. That group of reports is moving from that end of the spectrum in which believers are likely to be wearing hats made out of Reynolds wrap to the other end of the spectrum in which the believers are going to the general accounting office and perhaps the FBI. The mainstream newspaper, the "Cincinnati Inquirer," reports that officials in Warren County, Ohio, that's 20 miles northeast of Cincinnati, locked down their administration building last Tuesday night to prevent anybody from observing the vote count. Moreover the secrecy, unique among all 88 of Ohio's counties, was attributed to concerns about potential terrorism.

The newspaper reports that Warren County emergency services director Frank Young had recommended the walling off of the vote count based on information received from the Department of Homeland Security and the FBI. Mr. Young did not explain whether al Qaeda might have been planning to hit Caesar Creek State Park in Waynesville or the King's Island Amusement Park. After some negotiating, reporters were finally admitted to that building around midnight. They were kept in the lobby. The counting went on unobserved two floors above them. Warren County's polls were among the last in Ohio to close, thus among the last to report and thus among the votes that clinched the state and the election for President Bush. A local television news director called the homeland security explanation a, quote, "red herring."

County prosecutor Rachel Hutzler told the newspaper that the Warren County commissioners were, quote, "within their rights to lock the building down, even though no other Ohio county did so because having photographers or reporters present could have interfered with the count." You bet, Rachel.

Ohio, whose 20 electoral votes were based on a margin of 2 percent in the vote, has other problems tonight. The state reports 92,000 presidential votes did not count. Ranging from votes improperly cast to votes improperly counted. And in Cuyahoga County, that is greater Cleveland, the official records of 29 different voting precincts show more votes than registered voters to a total of 93,000 extra votes in that county alone.

As an example, in Fairview Park, 12 miles west of Cleveland, 13,342 voters were registered. 18,472 votes were cast. None of this even addresses the story we told you about last week in the town of Gahanna outside Columbus, Ohio. There in a district with just 800 voters, a voting machine added 3,893 votes to Mr. Bush's total.

The problems in Ohio and equally troubling ones from Florida which we'll get to presently have led to a call for an investigation by the governmental watchdog, the GAO. Representative John Conyers will join me in a moment to discuss that big picture.

First, back to the small picture in Warren County, in Ohio. The "Cincinnati Inquirer" reporter who broke the story of the homeland security inspired lockdown of the vote count there is Erica Solvig. She joins me now. Good evening. Thanks for your time.

We heard the county prosecutor's opinion. Is it yet clear whether or not the county might have broken any laws by doing what it did?

ERICA SOLVIG, "CINCINNATI ENQUIRER": No. That's still being debated by the "Inquirer" attorney. Some media representatives in the area and Rachel Hutzel, the county prosecutor.

OLBERMANN: There's also a statement tonight from Pat South, who is the president of the Warren County Board of Commissioners that three weeks before the election, they got a series of memos from homeland security. Let me quote the rest of our statement directly. "These memos were sent out statewide not just to Warren County and they included a lot of planning tools and resources to use for election day security in a face-to-face meeting between the FBI and our director of emergency services we were informed that on a scale from one to 10, the tri-state area of southwest Ohio was ranked at a high eight to a low nine in terms of security risk. Warren County in particular was rated at 10."

A, does anybody know what she's talking about, and, b, do any of the Warren County commissioners appreciate that even if this was the most innocent, the most justifiable of actions, the way they handled it has made it appear as if they were using homeland security to cover something up?

SOLVIG: Well, the Warren County commissioners again, they state that it is homeland security issues. As for their feelings, that they're just standing by the stance that it's homeland security. They did have a meeting the Thursday prior to the election and did announce that anyone who would be voting at the polls would have to enter through the front door. But they said nothing about media access being restricted. In fact, we had called ahead of time and they had told us that we would have phone access. So as in previous years, we've never had a problem with having a media room. And we along with the Associated Press, as well as WPCO all had problems getting into the building.

OLBERMANN: Did the commissioners have any sense that there has been a bad reaction to this just for the taste in people's mouths?

SOLVIG: Well, we at the "Enquirer" have received numerous emails. But the county commissioners that I've talked to — when I spoke with them last, they had said that they had not received any emails or any responses saying that this was a negative action. And they maintain their position that they were well within their rights.

OLBERMANN: Is there any sense there in southern Ohio that the election throughout the state might have been a mess or at worst, it may have left the appearance of being tampered with?

SOLVIG: Well, I think that from reader feedback, some readers have that concern. But our concern at the "Enquirer" was that this was a restriction on the first amendment rights as well as a concern about having an open government and being able to watch the process and be able to report on the process. In previous years, we've never had a problem getting access to the building. This year we had several problems getting access.

OLBERMANN: Erica Solvig of the "Cincinnati Enquirer" when faced with that problem, got a story out of it. Great thanks for your time.

SOLVIG: And the Ohio numbers are straightforward compared to Florida. Their county totals in Tuesday's election might be attributable largely to largely Democratic districts suddenly

switching sides and all voting for Mr. Bush at the same time, except that the 29 counties in which that happened were among the 52 in the state that tallied their votes using paper ballots that were optically scanned by machines produced by the Diebold Corporation, the Sequoia Company or Elections Systems and Software. All this data here is from the office of Florida's secretary of state.

Baker County, Florida, on the Georgia border for instance. 69 percent of voter registered Democrats. 24 percent Republicans. Yet President Bush got 7,738. And Senator Kerry, just 2,180. In Holmes County, in the panhandle, seven Democrats for every two Republicans in the district. Bush beat Kerry 6,410 to 1,810. In Dixie County, 77.5 percent registered Democrats, Bush 4,433, Kerry 1,959. Lafayette County, 83 percent Democratic, Bush, 2,460. Kerry, 845. In Liberty County, Bristol, Florida, 88 percent of registered voters there are Democrat. 8 percent Republican. Bush, 1,927. Kerry, 1,070.

Five examples in 29 counties with decided Democratic margins that suddenly voted overwhelmingly for Mr. Bush. In Florida counties where optical scanning of paper ballots was not used, no such violent swings were reported. Counties with heavy Democratic registration voted Democratic, counties with heavy Republican registration voted Republican. And then there's one wild card to add to the Florida mixture. While the state voted for Mr. Bush and 29 Democratic counties became Republican strongholds, one extremely liberal state ballot proposition passed overwhelmingly.

A constitutional amendment raising Florida's minimum wage by a dollar an hour. 71 percent of Florida voters approve that. There's also late news tonight of a demand for a hand recount by one of the presidential candidates rejected in New Hampshire. Requested by Ralph Nader. The Nader campaign wrote to the secretary of state in Concord noting, quote, "reports of irregularities in the vote reported on the Accuvote Diebold machines in comparison to exit polls and trends in voting in New Hampshire."

Nader suggested the irregularities favored Mr. Bush by 5 percent to 15 percent. The secretary of state of New Hampshire said the request was in good order but Nader failed to include the check for the filing fee for a recount.

And while a losing Florida congressional candidate reportedly says he has evidence of tampering with the results of those optical scans and is headed to the FBI with it six House winners from last week have turned instead to the GAO, the General Accounting Office. John Conyers of Michigan, Jerrold Nadler of New York, Robert Wexler of Florida, having written to the GAO to, "immediately undertake an investigation into the efficacy of voting machines and new technologies used in the 2004 election." Today added three other representatives to their fold, Rush Holt of New Jersey, Robert C. Scott of Virginia, and Melvin Watt of North Carolina.

And added further evidence of improprieties in last Tuesday's vote, including quoting them here, "Poll workers in Broward County, Florida expressed concern that boxes of absentee ballots remain uncounted in the central storage facilities and were promptly escorted out of the supervisor's office by security after raising that concern."

Joining us now, the first signatory on both letters, Representative John Conyers, the senior Democrat on the House Judiciary Committee.

Congressman Conyers, thank you for your time tonight.

REP. JOHN CONYERS (D), MICHIGAN: Well, I`m glad you`re investigating this, because it`s very central to the whole idea that everybody`s vote counts. And these irregularities are sufficient in number, and more and more members are joining me every day on this, as you pointed out. That we need the General Accountability Office to document each and every incident and then investigate it. Remember, much of the information is fresh and it`s got to be preserved. One of our big problems, Diebolds, which is in Canton, Ohio, by the way, is that this evidence can be moved or changed if it`s not kept properly until we can get the GAO to investigate this.

Now, we`re not calling for a new election or anything of that nature. But we need to give the American people the confidence that everybody`s vote will be carefully handled by those in charge at the state and local level.

OLBERMANN: You can choose your terminology, sir, I wouldn`t — especially after what you just said, I wouldn`t put any words in your mouth. But is it your assessment that last Tuesday`s election was to some degree, invalid, hacked, rigged, fixed, otherwise flawed and what do you want about the previous election as opposed to future elections?

CONYERS: Well, future elections are going to be improved by us reviewing some of the miss cues. And careful problems that were raised by the media. I`m congratulating many of the news sources, the Web pages, people that called in. Our offices continue even now to get calls about irregularities that have to be investigated by the GAO, and I think it will probably lead to Congressional hearings in the committee on the judiciary.

OLBERMANN: Let me ask you bluntly. Do you think that what happened, what evidence there has been of irregularities in Ohio and Florida, altered the outcome of the presidential election?

CONYERS: I can`t tell you yes or no because I haven`t had the investigation yet. That`s what we really need. I don`t have any reason to suspect that`s the case, because our candidate, Senator John Kerry, has conceded the election. What we`re trying to do is improve the process, make American know that what happened in 2000 and now what is happening here are things that we`re working on. We passed a federal election law, Help America Vote Act. But we see that there still lots of problems that have to be addressed.

OLBERMANN: If you get your investigation, whether it`s from the GAO or if you can get it started somehow institutionally within Congress. And there does turn out to be significant evidence or even proof of genuine tampering in either or both of these states or many others that we haven`t even gotten into, what do we do then?

CONYERS: First of all, these are violations, if they turn out to be deliberate and intended, that they`re violations of the federal law. And there will be prosecutions that follow from it. What we`re additionally looking for are ways to improve the system, the process, some of these, some of this equipment doesn`t have anyway to preserve any record of it.

We`ve got technology which now does not have any paper trail. And it seems to me that at a minimum in the 21st century, we can do better than that. We`ve got to have a record that we can go back to improve. After all, these elections aren`t something that`s brand new. We`ve got to improve our process, our technique, the training of election workers. We have the secretaries of state that sometimes get a little bit carried away. And this is how we make democracy work. That the ballots are going to be counted correctly and any

wrongdoing is going to be quickly dealt with and that we`re going to continue to improve the voting process in America.

OLBERMANN: Last question, sir. Would you and your five colleagues be doing this if John Kerry had won the election and the accusations were flowing in that intentionally or otherwise, it was Democrats who might have had thumbs on the scales against Mr. Bush?

CONYERS: Well, this doesn`t have anything to do with partisanship. We were the ones that, the Democrats were the victims of 2000. We`re trying to make the process work for everybody. So it`s not a matter of going after this because of the Republicans are involved in much of the questions that have been raised by the complaints that we`ve received.

OLBERMANN: Representative John Conyers of Michigan, the author along with five of his colleagues in the House, that letter to the comptroller general seeking an investigation into the technological failures in the last Tuesday`s election. As you continue your reporting on this, so shall we. Thank you for your time, sir.

CONYERS: You`re more than welcome.

OLBERMANN: By the way, that "Associated Press" poll with which we began which asked if the results of the election made you feel more or less confident in the fairness of this country's electoral system, 39 percent said less confident.

Tonight`s other political headlines in brief as the Supreme Court resumed its deliberations today, chief Justice William H. Rehnquist did not. There has been no in-depth statement from the court on the chief justice's health, but it continued to hear arguments with Justice Rehnquist working from home. He is recovering — receiving, rather, radiation and chemotherapy treatments for thyroid cancer.

The controversy over who President Bush would name to replace Rehnquist if necessary continues to unfold. Republican on Republican. Senator Arlen Specter continued to try to find a toe hold on the slippery slope he first encountered last week when he spoke about judicial nominees and their stand on abortion. Specter says he has only been pointing out a political reality that Republicans do not have enough votes in the Senate to block Democratic filler busters and thus rubber stamp Mr. Bush`s nominees.

Although I am pro-choice, he added, I have supported many pro-life nominees. Specter still seeks the chairmanship of the Judiciary Committee, but he`s getting flack from the man who stopped Tom Daschle, Senator-elect Daschle better, better known as, John Thune of South Dakota. Said he was troubled by Specter`s statements and vowed there will be questions asked by those of us who are coming in as freshmen who ran our campaigns built around that very central theme that we need to have good judges on the bench.

And a rare faux pas from the man called Bush`s brain. The president`s top political operative Karl Rove made two Sunday talk show appearances yesterday. In one of them, on Fox News Sunday, he inadvertently undermined the administration claim that it had received a mandate last week. Host Chris Wallace cleverly noted that Rove`s favorite historic election was that of Republican William McKinley in 1896. Wallace asked Rove if he thought Bush`s win could have the same impact as McKinley had, to give the Republican a governing majority for decades. Rove said he saw similarities. One similarity too many.

(BEGIN VIDEO CLIP)

KARL ROVE, SENIOR ADVISER TO THE PRESIDENT: I mean, the victory in 1896 was similarly narrow. I mean, not narrow, similarly structured.

(END VIDEO CLIP)

OLBERMANN: Can't have a narrow mandate, can you?

And lastly speaking of narrow, and similarly constructed, one of the great mysteries of the campaign may have been solved courtesy of the white house's official tailor. Georges de Paris telling the "New York Times," that the infamous bulge in the back of the president's suit jacket during the debates was not the result, as Andy Card had put it, of a poorly tailored suit. Georges de Paris, had originally stuck to the party line that the bulge was simply what happened when a man's jacket is pulled tightly across his back.

No longer. "The Times" quote de Paris who now says he believes the bulge was edge of a bullet-proof vest. And Mr. de Paris notes that he has been the official White House tailor for 40 years and calls Mr. Bush the best dressed president of his era.

The president's tailor will probably get invited back for the second term, but what about the attorney general. We continue our serious looking at prospective cabinet change.

And the fight to take Fallujah. U.S. and Iraqi troops take the battle directly to the insurgents on their own turf.

You are watching COUNTDOWN on MSNBC.

OLBERMANN: Cabinet watch. Who'll stay? Who'll go? Tonight, we focus on the top man at Justice, the attorney general. Are John Ashcroft's days numbered?

OLBERMANN: The president was to spend the weekend at Camp David, mulling for the first time his second cabinet, he said. As of yet, he has no announcements to make. But in our fourth story on the COUNTDOWN tonight, the White House does inform us that the operational chief in the building will be staying on. Seventy-three days until the inauguration, and White House officials have confirmed that over the weekend, the president asked his chief of staff, Andrew Card, to stay on for a second term. White House spokesman Scott McClellan said quoting, "Andy Card was honored to accept." Card will become only the third chief of staff since 1946 to pass the four-year mark on the job. He and Mr. Bush worked together over the weekend analyzing the second-term cabinet. Joining him, the vice president and National Security Adviser Rice.

Not John Ashcroft, although his ears doubtlessly burned. Last week in what was clearly somebody's trial balloon, word was leaked by the attorney general's aides that he was, quote, "exhausted" and would resign soon. Just about the same time the president described the work of all his cabinet member as exhausting.

Joining us now to continue our preview of cabinet '05, Elaine Shannon, justice correspondent for "Time" magazine. Elaine, thanks again for your time.

ELAINE SHANNON, TIME MAGAZINE: Hi, Keith.

OLBERMANN: So the story last week was the attorney general wants to go. But if Mr. Bush asked him to stay a little while, he might. Is the president going to ask him anything like

that?

SHANNON: I think they`re going to tell us that it is a burnout job, which it is, and that it is time to change players.

We actually at "Time" wrote a story sometime before the election talking about that right after the election, this office was probably going to change.

OLBERMANN: What happened to Ashcroft`s star within this administration? Obviously, he was a lightning rod for its critics throughout the first four years. But I thought he was supposed to have been its fundamental attraction to Mr. Bush`s conservative base.

SHANNON: Yes. He is very attractive to the base. And that`s why if it was going to change, it wasn`t going to change before the election. But there are other people who are at the department, who have been at the department and who are in those circles, who say the same things in substance, but don`t do it quite as abrasively. One of them is the guy that we think is probably the frontrunner for the job, Larry Thompson, who was Ashcroft`s deputy.

OLBERMANN: But how does that jibe? That — not the opinion of Mr. Ashcroft, but of Mr. Thompson. Almost everybody who had some sort of inside line here said that the first bet for the successor was the former deputy, Mr. Thompson. But he said last week that he is fully engaged and committed to his new job at Pepsi and is not interested in taking the job even if it is offered. If it is not him, who would it be?

SHANNON: Well, he didn`t say he wouldn`t take the job. And the president of the United States is a pretty hard man to turn down.

I understand that President Bush likes Larry Thompson very much. He would be the first African-American attorney general in our history. That`s pretty hard to turn down, too.

I think they`re also looking at Marc Racicot, who ran the Bush-Cheney campaign very effectively. Other names that have been mentioned, Boyden Gray, who was the White House counsel under President Bush`s father. President Bush`s own White House counsel, Alberto Gonzales.

OLBERMANN: But we are assuming that Mr. Giuliani is not a candidate, despite having been a DA in New York, nor would they actually want a superstar inside this administration?

SHANNON: Well, I`ve heard his name, too. And I`ve also heard his name for Homeland Security. But you don`t know whether these are being mentioned by — (UNINTELLIGIBLE) the great mentioner, whether these are seriously being mentioned by insiders. I don`t think Mr. Giuliani would have any appeal to the conservative religious base, because of his marital problems, and also, he`s his own man. He is very outspoken, and he`s not always on the message.

OLBERMANN: And you just succeeded in also helping us preview the 2008 primaries. Thank you on that. Elaine Shannon, justice correspondent from "Time" magazine. Also helping us to continue to analyze who is on first in the second Bush administration. Many thanks.

SHANNON: Thank you, Keith.

OLBERMANN: To another kind of beauty pageant. The Miss International Queen competition. As they used to say on Sesame Street, one of these things is not like the other. Only in "Oddball" will you be able to find out which.

And of all people, should not Santa get a flu shot? On Dasher, on Dancer, on Flu Mist?

OLBERMANN: We`re back.

And we pause the COUNTDOWN now, as we do every night, to distract you from the important issues facing our country and the world with goofy stories and shiny objects. Oh, look, a turkey! Let`s played "Oddball."

And we`re just 17 days away from the annual holiday known to the birds around the country as turkey Armageddon, Thanksgiving, the day 45 million birds leave the farm to buy the farm. And with that many of them headed for an oven near you, the Butterball Company has once again set up the turkey hot line. No, it is not for birds contemplating ending it all. It is for you, the consumer, the cook — the gourmand of all things — should be cook.

Thanksgiving, 1-800-BUTTERBALL is stuffed by — no, in English, 1-800- BUTTERBALL is staffed by dozens of full-time turkey experts. I may be qualified now. They will take 100,000 calls this season with questions ranging from how to pick a good bird to holiday diet tips to lonely men who are simply looking for some nonturkey related late-night chat.

To East Rutherford, New Jersey, which was attacked this weekend by a giant yellow creature which apparently escaped from a pineapple under the sea. No need to panic. It is just the balloon practice for the Macy`s Thanksgiving Day Parade. Look, it is the M&M guys and a big chicken. And there`s Mr. Pitt. Mr. Pitt is there.

Two million people will line the streets for the 78th annual parade. So they need to make sure the balloons work properly, don`t have any sharp edges are filled with helium and not, say, Hawaiian punch — or any liquid from Thailand.

This is the Miss International Queen competition held there over the weekend. Try to guess which of these contestants is actually a man? Here`s a hint. All of them. Hundred of transvestites from around the globe gathered for this, the largest beauty pageant of its kind. Fifty countries were represented, but, in the end, it was a local girl, Mr. Saknarin Malayaporn — that`s right — his name ends with porn — who took home the \$7,000 check and diamond-studded tiara.

Look, I`m not the judgmental here, not about lifestyle, nor appearance. The grammar, though, the grammar ties me up in knots. Oh, there he is, Miss International Queen.

Back to the serious. And, tonight, it is deadly serious, U.S. troops returning to Fallujah to finish the job they tried to complete in April. The defense secretary says, this time, they`re staying until the insurgents are beaten. And the American hero at the Olympics. The gold medal swimmer Michael Phelps is in trouble with the law here at home. Those stories ahead.

Now here are COUNTDOWN`s top three newsmakers of this day.

No. 3, Jim Belushi. The comedian is suing his L.A. neighbor for \$4 million in damages, claiming she spied on him and his family, played music loudly, all in an effort to get him to move out. His neighbor is Julie Newmar, who was once Catwoman on "Batman." Belushi

says her conduct harmed his reputation and his career, as if that were possible.

No. 2, Steve Rocco. He was the winner in last week's balloting for the open school board seat on the Orange County Unified District in Orange County, California. He did not campaign. He does not do interviews and as of today, nobody knows where he is. The swearing-in is a month from tomorrow. Betting is 3-1 against him showing up.

And, No. 1, Bill O'Reilly. He told his audience that, on election night, at this hour, nine times as many Americans were watching Fox News Channel as were watching MSNBC. Actually, they had 7-1/2 million viewers at 8:00 Eastern last Tuesday. We have we had 2.6. That wouldn't be nine time as many. That would be less than three time as many. It's too bad Billy isn't as good with a calculator or a brain as he is with a loofah.

OLBERMANN: It began as Phantom Fury. It has morphed into Dawn, a kinder, gentler title for the most largest and most dangerous military operation in Iraq since the original invasion. Fallujah.

Our third story on the COUNTDOWN, commanders said they had been told to hold off on major actions there until after our elections.

As you will gather from Richard Engel's report from Baghdad, it is now after our elections.

(BEGIN VIDEOTAPE)

RICHARD ENGEL, NBC CORRESPONDENT (voice-over): The full weight of some 4,000 U.S. and Iraqi troops bore down on Fallujah today, U.S. Marines fighting through doorways, rarely seeing the insurgents shooting back behind heaps of rubble. The day began with a buildup, creating a formidable battle line. The Marines were anxious.

UNIDENTIFIED MALE: Just ready to go in there and get it over with.

ENGEL: The troops dug in and set mortars. But the insurgents fired mortars, too, all day long.

LANCE CPL. JEROD MCGOWAN, U.S. MARINE CORPS: They know we're here, dropping mortars on us. Continuing to change our location, so they can't get one directly on us.

ENGEL: Iraq's interim prime minister, Iyad Allawi, says the offensive is necessary to secure the country before elections in January. Today, he visited Iraqi troops in Fallujah, psyching them up.

So far, commanders say the battle has gone according to schedule. It began last night. Marines and Iraqi commandos crossed the Euphrates River, taking control of two bridges and a hospital. Today, Marines and soldiers encircled Fallujah, then invaded insurgent strongholds in the Askari and Jolan districts in the northeast and west and then seized the train station.

In all, up to 15,000 American forces are taking part from the 1st Marine Expeditionary Force and three Army divisions, as well as more than 2,000 Iraqi troops. NBC's Kevin Sites is in Fallujah, embedded with the 3rd Battalion, 1st Marines.

KEVIN SITES, NBC CORRESPONDENT: We've been hearing loud explosions. There has been a

wide array of weapons used in this offensive. Airstrikes have been used; 2,000-pound bombs have been dropped on the city today.

ENGEL: Analysts say the objective of all this is to deny insurgents a base, to get them moving and vulnerable. But some fear many of the insurgents have already left Fallujah.

RET. GEN. MONTGOMERY MEIGS, NBC MILITARY ANALYST: They let the young inexperienced fanatics fight the rear guard action, and the important command-and-control elements and the real heavy fighters slip away.

ENGEL: Today, insurgents were attacking elsewhere, in Baghdad killing three people near airport and detonating a car bomb behind a church, killing three more, wounding dozens.

(on camera): And tonight in Baghdad, it`s become too dangerous to even turn on the lights, as explosions and gunfire have been heard all around us for hours.

Richard Engel, NBC News, Baghdad.

(END VIDEOTAPE)

OLBERMANN: This marks the second time this year U.S. troops have stormed Fallujah. The first attempt seven months ago ended in a stalemate under pressure from the temporary government. The Marines pulled out, a scenario that Pentagon correspondent Jim Miklaszewski reports is not likely to repeat itself.

(BEGIN VIDEOTAPE)

JIM MIKLASZEWSKI, NBC PENTAGON CORRESPONDENT (voice-over): U.S. Marines stormed Fallujah today to finish the job they first started last April. That invasion was halted and the Iraqi government at the time demanded an end to the bloodshed. But Defense Secretary Rumsfeld indicated today that the Marines won`t stop until they rid the city of insurgents and terrorists.

DONALD RUMSFELD, SECRETARY OF DEFENSE: You can not have a country that is free and democratic and respectful of all the people in the country if you have safe havens for people who go around chopping people`s heads off.

MIKLASZEWSKI: But the current offensive will likely be no less deadly. The commander of U.S. forces in Iraq predicted today the enemy in Fallujah, estimated at 3,000 to 4,000, may be willing to fight to the death.

GEN. GEORGE CASEY, ARMY VICE CHIEF OF STAFF: They will probably fall back in toward the center of the city, where there will be probably a major confrontation.

MIKLASZEWSKI: At the same time, the U.S. military will be fighting a propaganda war. As their first target last night, U.S. and Iraqi troops seized Fallujah`s general hospital to keep the insurgents from inflating the number of civilians killed or wounded.

And to try to win over the Sunni population in Fallujah, the U.S. and Iraq will pump \$74 million in reconstruction money into the city.

(on camera): But this offensive was so well telegraphed in advance, military officials fear

their No. 1 target has already fled.

(voice-over): Intelligence reports indicated terrorist leader Abu Musab al-Zarqawi was in Fallujah only two weeks ago, but today, only guess that he is still somewhere in Iraq. And the Pentagon's top general predicted today the fight against terrorists and insurgents in Fallujah would not be the last.

GEN. RICHARD MYERS, JOINT CHIEFS CHAIRMAN: If there were a silver bullet, we would have shot that a long time ago. There is not a silver bullet.

MIKLASZEWSKI: Military officials say the battle for Fallujah could last seven days.

Jim Miklaszewski, NBC News, the Pentagon.

(END VIDEOTAPE)

OLBERMANN: If Zarqawi has fled Fallujah, he is not alone. Just hours after getting a full briefing on the military plan for the city, an Iraqi captain deserted. The unidentified Kurdish commander of 160 Iraqi soldiers disappeared from a Marine unit outside Fallujah on Friday morning, leaving behind his uniform and his automatic rifles.

U.S. commanders, however, do not believe he is planning to hand those plans to the insurgents. They think he is headed home. But they still call significant that he deserted so soon after finding out the plans for Fallujah.

Finally tonight, another battle brewing in the Middle East over Yasser Arafat's still-not-dead body. Palestinian leaders hurried to Paris this evening in an attempt to physically see their ailing leader, described in turn as both stable and as critically ill. So far, only his wife, Suha, has been allowed access to his bedside. And she is now accusing his top lieutenants of trying to seize power.

In an impassioned phone call from Arafat's hospital to the Arabic network Al-Jazeera, she accused the prime minister and other officials of trying to bury her husband alive. And she insisted — quote — "He is all right and he is going home." No word yet on whether she has barred his deputies from his bedside.

Will the Air National Guard bar an F-16 pilot after what happened to an elementary school in New Jersey? Does it matter that he was not aiming those 25 rounds of ammunition at the school? And eight months after the trial started, it really looked like it could never end. The jury in the Scott Peterson case saying to the judge they may not be able to reach a decision. The judge saying, give it another whirl, kids.

OLBERMANN: Kids go back to an elementary school riddled with bullets, courtesy Andrews Air Force Base, while Santa Claus gets refused a flu shot. Happy freaking holidays.

OLBERMANN: Maybe the gun malfunctioned. Maybe the pilot malfunctioned. Maybe, either way, the parents would like to see the F-16 fighter jet that shot up the place and all others like it kept the heck away from their elementary school. Little Egg Harbor Township Intermediary reopened for the first time today.

Reporting our No. 2 is correspondent John Blunt of NBC's Philadelphia station, WCAU.

(BEGIN VIDEOTAPE)

JOHN BLUNT, WCAU REPORTER (voice-over): Today was anything but normal for youngsters headed to Little Egg Harbor Township Intermediate School. A police officer was outside as worried parents left still wondering how an Air National Guard pilot accidentally strafed their school building last Wednesday.

JILL WHITESELL, PARENT: Why did it happen, first of all. Like I said, they have miles of ocean to do all their target-ranging. Why at this school?

BLUNT: The F-16 jet fighter from Washington, D.C., fired .20- millimeter practice rounds supposedly aimed at the Warren Grove firing range some three and a half miles from the school. But they hit the building`s roof and parking lot. On the NBC “Today Show,” the Air Guard commander knew he had some explaining to do.

MAJ. GEN. DAVID WHERLEY, D.C. NATIONAL GUARD: At first, we will investigate and we will determine what caused it and we will make sure that we build in even additional safety factors, so that it doesn`t happen again.

DEBBIE BONNAR, PARENT: I wish they would just stop training over here and go someplace where there isn`t such a big population.

(END VIDEOTAPE)

OLBERMANN: John Blunt of WCAU-Philadelphia. That Major Wherley added, helpfully, that — quote — “The airplane was not aiming at the school.” Well, that`s all right then.

An odd segue, then, to our nightly roundup of celebrities and entertainment news.

Scott Peterson, celebrity by way of infamy, now perhaps the beneficiary of an undecided jury. The jurors in the double murder trial told the judge today they may be unable to reach a verdict. The judge promptly called them in to read them two facts of life, that they are only to look at facts related to evidence during the trial and that — quoting him — “It is rarely helpful for a juror at the beginning of deliberations to express an emphatic opinion on the case.”

They resumed deliberations. The judge then called in lawyers from both sides. They were seen leaving chambers smiling.

Maybe they were happy to hear that HBO`s “Six Feet Under” is now over and out. The once innovative series about a family-run funeral parlor jumped the shark no later than last season. Now creator and executive producer Alan Ball says he feels the show has — quote — “run its course.” And, thus, the upcoming fifth year will be its last. Production on the final season is set to begin next week, though there is no word yet on exactly when it will air. And, yes, the star, Peter Krause, once played a character based on me on “Sports Night.

The first episode of “Six Feet Under” opened with the head of the family getting killed when he ran his hearse through a red light. Fortunately, a far less serious outcome for an Olympic star who did basically the same thing. Michael Phelps, who, at age 19, already owns eight swimming medals, six championships, was stopped by a Maryland State Trooper in Salisbury last Friday after he ran through a stop sign, not that one in particular. Phelps was promptly arrested and charged with driving under the influence of alcohol and three lesser charges.

He was out on bail within 90 minutes or so of the incident.

Police described him as having been fully cooperative. Two of the swimmer`s friend were in the vehicle with him.

Santy Claus may be making a list and checking it twice, but the doctors are making their own list and Santa ain`t on it when it come to flu shots. Stand by for breaking sneezy holiday news.

ANNOUNCER: The following COUNTDOWN stories contain graphic material of a revealing nature about a jolly old fat man in a red suit from the North Pole. Small children and elves should leave the room immediately.

OLBERMANN: All right. You`re warned. Don`t let holiday-sensitive kids watch this segment. You ready?

All he wants for Christmas is a flu shot. Our No. 1 story on the COUNTDOWN, in the Centers for Disease Controls` requirements for getting one in this season of scarcity and probable sniffles, there is no Santa clause.

One would hope parents everywhere could take some solace in the knowledge that their local shopping mall Santa has had his flu shot long before the first of those thousands of young fannies are placed on his lap around about Thanksgiving. But not if he`s not 65, there ain`t. Santa`s best bet against the flu otherwise is apparently the cookies Billy and Betty and Bobbi-Sue leave for him Christmas Eve.

This yuletide snafu was discovered by Nick Pallotto, a shopping mall Santa who just last week was denied a vaccination, even though he`s scheduled to get back up on the big chair in Virginia later this month.

Mr. Pallotto, good evening.

NICK PALLOTTO, "SANTA CLAUS": How you doing?

OLBERMANN: What happened when you went to get your flu shot?

PALLOTTO: Well, I was waiting in line at a clinic in town here. And they came out and said they had these regulations, and that they had an age requirement. And I didn`t fit in. And they said they couldn`t give me the flu shot.

OLBERMANN: Because you`re not yet 65.

PALLOTTO: Right.

OLBERMANN: So, do you consider this job of yours kind of high risk? How many kids a year on average climb up on your lap and tell you what they want for Christmas?

PALLOTTO: Yes, I figure this is pretty high risk. I have a little over 10,000 kids every Christmas season.

OLBERMANN: It would be — it seems to me anybody who does that kind of volume of interaction with anybody needs this. I mean, it`s kind of shortsighted, isn`t it? It`s not just about you getting the flu. It`s about a kid who could give the flu to 1,000 other kids through

you, right?

PALLOTTO: Right.

OLBERMANN: But we are happy to say that the spirit of Christmas or of Dr. C. Everett Koop or somebody has come through. You are in fact going to get that flu shot after all?

PALLOTTO: Yes, I am.

OLBERMANN: How did that happen?

PALLOTTO: Through the media that I've got here this last couple of days, a retirement home in Colorado Springs decided that they had an extra vaccine and they would be glad to give it to me.

OLBERMANN: So, has that taken place yet? When is that going to happen?

PALLOTTO: No. That takes place tomorrow morning.

OLBERMANN: Looking forward to it, are you?

PALLOTTO: Oh, yes.

(LAUGHTER)

OLBERMANN: Somewhat seriously, let me ask you about this. There are a lot of people who do what you do. Should the guidelines for what is considered high risk be broadened to include people who are Santa Clauses at malls and will interact with thousands of kids this winter?

PALLOTTO: I think it should be. We haven't had a problem with a shortage of vaccine before, but I certainly think that with the amount of children we see that we should be considered high risk.

OLBERMANN: Last question. What happens back at that clinic that refused to give Santa his flu shot? Are they all going to get lumps of coals in their stockings this year or what?

(LAUGHTER)

PALLOTTO: No. Santa doesn't get that drastic. It was just rules and regulations, and everybody's got to live with it. I'm sure glad I got my flu shot. You believe in the magic. That's what I tell all the kids that sit on my lap. So...

OLBERMANN: So, believe in the magic of the flu shot as well.

PALLOTTO: Yes, I guess so.

OLBERMANN: And the magic of a little publicity will help out every now and again, too.

PALLOTTO: No kidding.

Saint Nick, Nick Pallotto, thanks for taking time out of your schedule. Good luck the holiday season. And I'm still waiting on that model monorail I didn't get for Christmas in 1966, but

we`ll let it pass for now. Thanks.

PALLOTTO: Thanks.

(LAUGHTER)

PALLOTTO: Thank you. And have a merry Christmas.

OLBERMANN: And you, too.

I wished people a merry Christmas on November 8.

That`s COUNTDOWN. Thanks for being part of it. I`m Keith Olbermann. Good night and good luck.

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