

## “Revenge” against those Who Challenge Electoral Fraud in America

Ohio's GOP Attorney-General Launches Attack on Election Protection Legal Team

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COLUMBUS — In a stunning legal attack, Ohio’s Republican Attorney-General has moved for censure against the four attorneys who sued George W. Bush et. al. in an attempt to investigate the Buckeye State’s bitterly contested November 2 election.

Robert Fittrakis, Susan Truitt, Cliff Arnebeck and Peter Peckowsky were named by Attorney-General James Petro in a filing with the Ohio Supreme Court. Petro charges the November Moss v Bush and Moss v. Moyer filings by the Election Protection legal team were “frivolous”. Petro is demanding official censure and fines.

“Instead of evidence, Contesters offered only theory, conjecture, hypothesis and invective,” the attorney-general’s January 18th memo in support of the suit said.

*“A contest proceeding is not a toy for idle hands. It is not to be sued to make a political point, or to be used as a discovery tool, or be used to inconvenience or harass public officials, or to be used as a publicity gimmick.”*

But Cliff Arnebeck says it is has been Petro and Ohio’s partisan Republican Secretary of State, J. Kenneth Blackwell, who have stonewalled the election challenge legal proceedings. Both have refused to submit any evidence to the court to refute the allegations in the election challenge case - claiming George W. Bush did not win a majority in Ohio - and Petro’s office has also refused to allow any Ohio public election official to be deposed.

*“Their cage has been rattled and they popped their cork,” Arnebeck said.*

*“The chairman of the Ohio Republican Party is going berserk because he can’t stand the fact we are not going away. We are still pursuing the legal investigation and the legal interrogations. They are just beside themselves because they cannot withstand cross examination.”*

Petro’s filing is widely viewed as revenge for the heavy toll taken by grassroots activists on the credibility of the Ohio GOP and Petro’s cohort, Secretary of State Blackwell. Spurred by the lawsuit, by extensive coverage at <http://freepress.org> and other web sites, and by a nationwide grassroots campaign that was escalated by Rev. Jesse Jackson and a series of public hearings around Ohio and in Congress, some three dozen Senators and

Representatives mounted the first-ever challenge to a state's Electoral College delegation.

Capping an unprecedented campaign by citizens concerned about a wide range of disturbing and suspicious flaws in Ohio's voting process, Sen. Barbara Boxer (D-CA) and Rep. Stephanie Tubbs Jones (D-OH) exercised their rights under an 1887 federal statute to force a two-hour debate in both houses of Congress on whether the Ohio Electors designed for George W. Bush should be seated. Both Ohio's Republican Senators, George Voinovich and Mike DeWine, angrily denounced the action.

The campaign arose from widespread irregularities largely blamed on Blackwell, who both administered the election and served as co-chair of Ohio's Bush-Cheney campaign. In the past week Ohio media widely reported that Blackwell has sent out a fundraising letter soliciting contributions from corporate donors, which is illegal under Ohio law. Petro's office has yet to indict Blackwell. Blackwell says the letter was "a mistake" and pledged to send back any such contributions. He also claimed credit in the letter for delivering Ohio's electoral votes to Bush, a boast that has infuriated many Ohioans who believe the election was administered in a partisan manner.

Petro's move to censure the four election protection attorneys could result in stiff fines. The Ohio Supreme Court is dominated by Republicans. Chief Justice Thomas Moyer was re-elected in a bitterly contested November vote about which the election protection team raised challenges in its Moss v. Moyer filing. Nonetheless, Moyer refused to recuse himself from the Moss v. Bush filing. Among other things, Moyer's court refused to require Blackwell, Bush, Vice President Dick Cheney, Presidential Advisor Karl Rove to testify under subpoena. Those refusals, and the January 6 Electoral College vote for Bush, prompted the team to withdraw both filings.

Arnebeck has since filed another action attempting to stop Bush's inauguration. That filing, in U.S. District Court in Ohio's Southern district, was filed late last week and seeks to depose Blackwell for his role in election "fraud" that awarded Bush the state's presidential vote and a second term as president.

There has also been discussion of the possibility of filings based primarily on civil rights violations against African-American and students who were denied the right to vote on November 2 for a wide range of reasons, most importantly a shortage of voting machines in critical precincts.

Petro's brief repeatedly dismisses the now-dismissed 2004 presidential election challenge as a frivolous suit, without any basis in fact. However, what his brief does not state is how the Secretary of State's office, assisted by Petro's office, effectively administered a gag order on almost all presidential voting records and election officials after the election.

Petro says the election challenge team could not prove election fraud, as required by Ohio law. The challenge legal team, like other lawsuits, sought to use the discovery process to boost their claims. Needless to say, Petro's office used every avenue to deny them that right - and then seeks to sanction them for improperly using the court discovery process.

Petro's action raises suspicions that revenge and an attempt to chill further legal actions are the core motivations for this latest GOP assault on the election protection process.

Still, these tactics will not end scrutiny of Ohio's 2004 presidential vote. Democrats on the

House Judiciary Committee have requested a federal GAO report on election irregularities in the state. Those Democrats have also produced a report detailing many Election Day problems that is now part of the congressional record and will be the basis for federal legislation later in the 109th Congress, many representatives and senators have said.

**Steve Rosenfeld and Harvey Wasserman are co-authors, with Bob Fittrakis, of OHIO'S STOLEN ELECTION: VOICES OF THE DISENFRANCHISED, 2004, a book/film project upcoming from [www.freepress.org](http://www.freepress.org) . Contributions for that and for the election protection legal defense effort can be sent through <http://freepress.org/store.php> and to the Columbus Institute for Contemporary Journalism, 1240 Bryden Road, Columbus, OH 43205.**

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