

The Counting of the Official Electoral Votes of the 2004 Presidential Election

By [Congressional Black Caucus](#)

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CONGRESSIONAL BLACK CAUCUS HOLDS A NEWS CONFERENCE ON THE COUNTING OF THE OFFICIAL ELECTORAL VOTES FROM THE 2004 PRESIDENTIAL ELECTION

SPEAKERS: U.S. REPRESENTATIVE MELVIN WATT (D-NC)

U.S. REPRESENTATIVE STEPHANIE TUBBS JONES (D-OH)

U.S. REPRESENTATIVE JOHN CONYERS (D-NY)

U.S. REPRESENTATIVE JESSE JACKSON JR. (D-IL)

WATT: Good afternoon, ladies and gentlemen.

I thank you all for being here.

And I want to start by thanking my colleague Congresswoman Stephanie Tubbs Jones for her intellect and her courage to stand up for the people of Ohio and the people of this country, and by thanking Senator Barbara Boxer for joining Ms. Tubbs Jones in filing the petition today so that members of the House and the Senate could have a debate and a discussion about how we conduct elections in this country.

The press conference today is convened by the Congressional Black Caucus, but I have said on a number of occasions that the Congressional Black Caucus does not have standing to file an objection. This is an individual right of a member of the House and the Senate.

And the point that the members of the Congressional Black Caucus have made over and over and over again is that the value and integrity of the vote is so basic to our democracy and it is something for which our forefathers have fought, died, bled, sweat, and we ought do everything we can to make sure that an individual who wants to vote has that right and that that right — and that that vote is counted.

Having said that, I would like to yield to the person who really is at the center of this, and let us hear from Stephanie Tubbs Jones. And then I would like to yield to our colleague, the senior Democrat on the Judiciary Committee, John Conyers.

And if my colleagues will bear with me, since we don't have the room now but for 15 more

minutes, because we are further delayed than we thought we would be in completing the debate and the voting process, we'll ask the individual members not to make additional statements, and we'll try to take some questions if we have time.

My colleague, Stephanie Tubbs Jones.

TUBBS JONES: Well, just in case there is not time at the end for everybody to be recognized, let me recognize Major Owens of New York; Sheila Jackson Lee of Texas; Diane Watson of California; the immediate past chair of the Congressional Black Caucus, Elijah Cummings from Maryland; my good friend, the EEOC chair when I was a trial lawyer there, Eleanor Holmes Norton; John Conyers you know; you met Mel; Jesse Jackson Jr. of Illinois; Barbara Lee of California; Lacy Clay of Missouri; Corrine Brown of Florida; Carolyn C. Kilpatrick of Detroit, Michigan.

I thank all of my colleagues for stepping forward with me today. And even though my name lays on that objection, with Senator Barbara Boxer of California, each of their names is indelibly — and I can't even get the word out, help me out you all...

(UNKNOWN): Indelibly.

TUBBS JONES: ... indelibly marked in my name.

TUBBS JONES: I stand on the shoulders of my colleagues that bring us to this day where we have an opportunity to bring the attention of the world to the issues of voting irregularities.

Ohio was but an example. And again, let me reinforce, the import of the day was to raise the issue of voting irregularity.

George Bush got the most votes. George Bush is going to be sworn in.

There probably were some votes that were missed. I guarantee there were some, because of some of the irregularities.

But I don't want to get lost in that. I want us to get lost in the need to change the voting system in these United States.

Because time is of the essence, I won't go on.

I will again thank Senator Barbara Boxer for stepping up to the plate.

I want to thank John Conyers for leading the Judiciary Committee, Jesse, on the voting rights piece that he wants to bring as an amendment — all — everybody who spoke.

I'm not alone. Mel Watt, the other day in his inaugural speech for the head of the Congressional Black Caucus — I'm pumped up, Mel.

(LAUGHTER)

I've got all of you with me, and I thank you for it.

CONYERS: Ladies and gentlemen, this is a historic moment in American constitutional history.

And the reason it is is that only once before has the law been used, written in 1878: to correct the election of 1877. You may remember that was Tilden-Hayes that had to be worked out.

And this law was brought forward as a result of that.

Now, we now have breached the silence that obtained — that always prevented up until now the House and the Senate from employing the statute.

CONYERS: And so I think this is a very historic moment.

We not only got Senator Boxer, we got five other senators. And when Stephanie Tubbs Jones stood to object, a dozen or more of us stood with her. And so this thing was very important.

Now, we owe a debt of gratitude to our judiciary staff, which worked on this document, because this tells the whole thing. It's on our Web page, and there are copies available. It's a tremendous document. And it's going into the congressional record as soon as I get back on the floor.

Let me say one other thing that I wasn't going to mention until Maxine Waters mentioned Michael Moore, who has been attacked as a propagandist and so forth. But the only place in the election of 2000 that you saw the Congressional Black Caucus going over there to the Senate to try to be recognized was in Michael Moore's documentary. No place else.

This press closed it down. And that's why the whole thing was to demonize Moore.

And what he was doing was not being a propagandist, he brought the truth to the American people, just as we bring the truth to the American people tonight.

Now, let me close with this thought: The arguments that the other side used were absolutely insulting. No member that supported these objections ever said that Kerry was the winner. No one ever claimed that there was fraud and crime committed.

We made many references to questions that were suspicious, but we never made the attacks to which they argued repeatedly, which were a straw man.

And so, I am so proud of everybody here for forcing this to a head because they know we can use it from now on.

Thank you.

WATT: We'll be privileged to take questions now for the rest of the time, if there are any.

QUESTION: Now that the Green Party and Libertarian Party have kind of climbed aboard and helped the progressive Democrats (inaudible) going to get this idea of challenging the election (inaudible) going, will you all help supporting IRV, so we can all really make a coalition?

WATT: I don't think this is about party issues, really. It's not about the Green Party, the Democratic Party or the Republican Party; it's about our democracy and the ability of people to have faith that their votes when cast...

QUESTION: (OFF-MIKE) IRV?

(CROSSTALK)

QUESTION: Oh, I'm sorry — instant runoff voting. And it's not meant to be a partisan issue, but the idea is that that way we take coalitions of various parties, like Democrats, Libertarian and Green Party, just like all different people wanted this vote to be fair, all those different people coming together in an instant runoff vote would make the people's choice be the first choice.

WATT: Jesse is a sponsor of this, so — I should say that we have not taken a position on it as a caucus, but individual members have...

JACKSON: Just very quickly, I have been a sponsor of the instant runoff voting legislation of the Congress for two sessions of Congress now.

Members of the Congressional Black Caucus have basically been supportive of the concept of instant runoff voting.

It may not have been the answer to what took place in Florida in 2000 or what took place in Ohio in 2004.

JACKSON: And so the Congressional Black Caucus and the individual members who are present have been looking very closely at the voting system nationally.

Cumulative voting is a concern of ours. We're very interested in it. Instant runoff voting is certainly something that we are looking hard at.

But I tend, and I have contended for the CBC, and I don't claim to speak for the CBC, but I will say that there is this question which you heard Mr. Boehner go to the floor and speak on, on behalf of the Republicans, that as long as the system of elections in this country are administered by the individual states, they will always be separate, they will always be unequal.

And unless we are willing to overcome the separate and unequal nature of that system, I contend, with a fundamental right to vote for all Americans, such that Congress is allowed to establish a unitary system that might manifest itself in IRV or manifest itself in other forms of voting, I think it would be the appropriate time to discuss what program implements that right.

Mr. Chairman, thank you.

QUESTION: I'd like Congresswoman Tubbs Jones to respond.

Bill Moss from Columbus, Ohio, has filed a lawsuit in federal court challenging the outcome in Ohio, and he claims to have irrefutable proof, the smoking gun that the election was stolen and fraudulently obtained in Ohio.

As a result of what happened today, does that mean that there is no remedy should the court find that Mr. Moss and his co-plaintiffs are in fact right and that there was fraud in the election?

TUBBS JONES: I don't know that there will not be a remedy for Mr. Moss. All I know are the allegations that he set forth, and I have cited them in my claim for an objection.

But ultimately I have to fall back on being a judge that says someone who makes an allegation must prove it in a court of law, and then it is the obligation of the judge to right the wrong.

If he sought injunctive relief, then there's some injunctive relief that he's entitled to, but it may not reach to the level that he would want, which may be overturning an election, but there may not be enough votes.

So I can't really answer it.

But while I'm at the mike, I forgot one thing.

We all work with great staff, and I would be remiss if I didn't thank my staff, and on behalf of all the members that are up here today, to say thank you, staff.

Without you, we don't shine. Thank you very much.

(APPLAUSE)

QUESTION: Mr. Chairman, what will be the participation of the Congressional Black Caucus on January 20th in the inaugural activities should there be no injunction or further action?

WATT: Did I plant that question?

(LAUGHTER)

You give me the opportunity to tell you what we've been doing, which I'm delighted to do. We spent the entire day yesterday working up our agenda and working on our agenda. And that has been basically our single focus.

We appointed a task force to try to come up with an appropriate memorial of some kind for our fallen comrade, Shirley Chisholm.

But the bulk of our day yesterday was spent on agenda setting, and until we get our agenda in place, the individual members of the caucus will be doing their own thing about the inauguration and just about everything else.

Once we have our agenda, I think you'll find that we'll be in unanimous support of it — at least I hope that's where we'll get to.

QUESTION: Mr. Chairman, can you help us understand a little bit about what led you to the actions of today and Ms. Tubbs Jones' demonstration on the floor? I'm just trying to get a sense of how you all arrived at the idea of actually do this and take advantage of this opportunity?

WATT: Well, I thought I covered that at the outset. This is not a Congressional Black Caucus action. The Congressional Black Caucus does not have standing to file a challenge on the floor.

Ms. Tubbs Jones filed the challenge, and I suspect if you'd look at this 100-page report, you

would find much, much in there to justify the level of concern that we've expressed.

If you look at the history of our people and the value that we have placed on voting in America and the challenges that we've been through to get to the point to have the right to vote, I think you will find much of the motivation.

And I'm probably speaking for Ms. Tubbs Jones now, but I don't think there's any lack of justification for what was done today.

Thank you all so much.

WATT: We'll take one more question, the last one.

QUESTION: I just wanted to ask how much of this (OFF-MIKE) might even consider it just sort of an extended reaction to the contested 2000 election (OFF-MIKE)

TUBBS JONES: This is not an extended reaction. This is an action by members of Congress saying our people were denied their right to vote.

It is our obligation. The oath we took just two days ago to uphold the law. And to uphold the law means to assure each of our constituents the right to vote.

Call me foolish. Call me crazy. Call me outwitted. Whatever you want to call me. But my constituents are saying, "Thank you, Congresswoman, for stepping up."

Thank you, colleagues, for stepping up and upholding our right to vote in a democracy that claims democracy across the world, but won't even do it right here at home.

WATT: Thank you all for coming.

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