# **CODE RED:**

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# COMPUTERIZED

**ELECTIONS** and the

WAR on AMERICAN DEMOCRACY

Election 2020 Edition

Jonathan D. Simon



CODE RED is about what has happened to American elections, American politics, and America since computers took over the vote counting a few short years ago. It is a compelling call to action, about saving our democracy and our country. Now, before it's all gone.

Jonathan D. Simon was for ten years the Executive Director of Election Defense Alliance, founded in 2006 to restore

public, observable vote counting as the foundation of American democracy.

There are genuinely difficult problems facing us as a nation and as a species in the years to come: climate change, over-population, food and resource distribution, weapons control, the privacy-versus-security dilemma, . . . just to name a few . . . Compared to these challenges, the basic counting of votes—in an abservable way that ensures the legitimacy of our elections—is an easy assignment. We need only to break a spell that has been cast on us—a spell of convenience, passivity, helplessness. We need only remember that democracy is not something that we watch; it is something that we do.

Jonathan Simon, CODE RED

A spirited, data-driven argument that our computerized voting system is frighteningly vulnerable to corruption.

Kirkus Reviews

As a professional statistician, I found CODE RED's data, analysis, and canclusions compelling.

Dr. Elizabeth Clarkson; Chief Statistician, National Inst for Aviation Research

Jonathan Simon's CODE RED is unique, easy-to-understand, and vastly important.

Andrew Kreig, Justice Integrity Project

CODE RED is both a prescient history and a clarion call to fix the way we vote before government by the people is a fading memory.

Sue Halpern; Staff Writer, The New Yorker

Jonathan Simon's new edition of CODE RED is a modern-day call to action for all Americans concerned about the efficacy and integrity of our voting process.

Ion V. Sancho, Leon County, Florida Supervisor of Elections 1989 - 2016

Jonathan Simon's research is tharough and his case is more than compelling . . . He has provided an important public service.

John Zogby, Founder of The Zogby Poll

www.CODERED2020.com US \$24.95

# **CODE RED:**

Computerized Elections and

The War

on

**American Democracy** 

**Election 2020 Edition** 

Jonathan D. Simon

www.CodeRed2020.com

### Praise for CODE RED:

Jonathan Simon's *CODE RED* is unique, timely, easy-to-understand, and vastly important. The book uses an innovative Q&A format to enable readers to comprehend why computerized elections fraud represents an unprecedented challenge to democracy. The author has been a pioneering expert in this research, which has been widely ignored by traditional watchdog institutions and the political media. His book provides a convenient news-peg for them to start doing their jobs instead of continuing the go-along, get-along game.

# Andrew Kreig, Justice Integrity Project director and author of Presidential Puppetry: Obama, Romney and Their Masters

Jonathan Simon has been alerting us to the dangers of our insecure, computerized election system long before anyone had even considered the likelihood of malign foreign actors exploiting its weaknesses. The 2016 presidential election was a watershed moment for public awareness, but as Simon showed in 2018, and now again in 2020, the vulnerabilities still exist, and, more than ever, imperil our democracy.

CODE RED is both a prescient history and a clarion call to fix the way we vote before government by the people is a fading memory.

### Sue Halpern; Staff Writer, The New Yorker

Jonathan Simon's new edition of *CODE RED* is a modern-day clarion call to action for all Americans concerned about the efficacy and integrity of our voting process.

Poorly built voting machines, lacking in critical security protections, operating in local election offices without public transparency, and without the most basic of protections—robust audits to verify our votes are accurately tabulated—are bad enough, but when combined with the larger picture of our hyperpartisanship, the willingness to suppress legal voters, and even break laws, we are left with no other conclusion but that our approach to our elections must immediately be changed if our democratic republic is going to survive.

Kudos to the author for looking at the forest, and not just the trees, in this high-level examination of America's voting crisis.

Ion V. Sancho, Supervisor of Elections of Leon County, Florida, 1989 - 2016

CODE RED lays out the case that election fraud has been occurring via the targeting and manipulation of computerized voting equipment across America.

Dr. Simon supports his conclusions with detailed and extensive data-gathering and analysis. He asks why we continue to entrust our voting process to this inherently non-transparent and vulnerable equipment. And he shows us how we can restore an observable process and reclaim ownership of our democracy.

As a professional statistician, I found *CODE RED*'s data, analyses, and conclusions compelling.

### Dr. Elizabeth Clarkson; Chief Statistician, National Institute for Aviation Research, Wichita State University

What is more important in a democracy than an accurately counted secret ballot? And the means of counting it, in public so everyone can know it was accurate? That's the machinery of democracy, and if the people can't tell if that machinery is working, then just how should we expect them to feel about their democracy?

I first heard Jonathan Simon speak when I heard his 2014 Guns and Butter interview. That was four years after I, with my co-commissioner, had implemented near-100% public hand counts of paper ballots that had been tabulated by computer. That computerized tabulation was a New York State mandate, and a black-box count suited neither of us—he a Republican, I a Democrat. So, within months of hearing Guns and Butter, Jonathan and I had connected, and ever since, thanks in large part to his efforts, I've traveled hither and yon to tout my county's unique hand count. The truth is that it's not that hard, it doesn't take that long, and it doesn't cost that much. It's a wonderful exercise in participatory democracy. But it's been a hard sell out in election land.

Jonathan's proposal is better. In fact, it borders on genius. I salute Jonathan's tireless efforts and enthusiastically endorse his Split The Difference Audit. It just might Save This Democracy for America.

Virginia Martin, PhD; former Election Commissioner, Columbia County, NY

CODE RED is a chilling, thrilling, and fascinating account of the role that computerized elections may have played in bringing American democracy to its knees. It's a risky book. Reading it helped inspire (compel, really) my own interest in and work for election integrity. One of my favorite books on this subject!

Jennifer Cohn, Election Transparency Advocate and Writer

CODE RED is a spirited, data-driven argument that our computerized voting system is frighteningly vulnerable to corruption. ... Simon—the executive director of Election Defense Alliance, a nonprofit voting-rights watchdog—argues that what at first appears to be a triumph of progress, the widespread application of new voting technology, actually generates myriad opportunities for partisan sabotage. ...[T]he allure of greater convenience comes at the price of transparency: newly secretive elections ... take place in the "impenetrable darkness of cyberspace." ... The scope of the book is broad, covering related topics like campaign finance and gerrymandering, and includes an instructive discussion of exit polls and Internet voting... Much of the work is written in a "Q&A format," which makes for highly readable prose, ... an often-rigorous account of an important issue.

#### Kirkus Reviews

CODE RED by Jonathan Simon, co-founder of Election Defense Alliance, is not a fun read. Nor was it fun to write, Simon admits. But that doesn't make it any less important. Simon sees our nation heading over a cliff, democratically speaking; hence, his sense of urgency. He is desperate for us to get active and do something, but without the facts we are powerless. And without familiarity with computerized election history, there is no context in which to comprehend what has happened in recent electoral contests.

As Simon says, in his Foreword, "The Big Picture of American politics has become an ugly one and one that will only get uglier with time and inaction. So let's take an unblinking look at what the hell is happening to America and what we still just might be able to do about it." He dives in with a question-and-answer section that puts the major facts out there for people to examine and evaluate for themselves. We owe it to ourselves and the tattered system we hold dear to do that. The sooner the better.

#### Joan Brunwasser, OpEd-News

Jonathan Simon has been reading tea leaves and sounding the alarm about the invisible vulnerabilities of our fragile electoral system since the dawn of the electronic voting and tabulation age. In *CODE RED* he not only reads those leaves but explains why they matter and what we, the American public, can and must do to insist on publicly overseeable elections in the U.S.

While I may not always concur with every point of his analyses, they are each well-researched and worth checking and double-checking one's own biases to make certain which of us may have it right. Jonathan's batting average, on that score, is well above that of the mainstream corporate media—and many in the academia set—who have yet to even understand the importance of elections in

which every voted is counted, counted accurately, and in a way that the public can KNOW they have been counted accurately.

While disagreement and fact-based conflict are at the very heart of democracy, that beating heart disappears as easily a vote tally inside a computer tabulator once the public—and its oversight—are removed from the most critical core of our representative republic: a 100 percent verifiable public election system.

CODE RED helps us all to understand what is at stake and how easily it can vanish inside the bits and bytes of a bastardized, computerized "democracy."

#### Brad Friedman, BradBlog

On one level, *CODE RED* is straightforward and refreshingly direct. No punches are pulled. But that doesn't make it easy to absorb. So many things I used to believe must be re-thought. Amid the upheaval, I remind myself of a profoundly optimistic consequence of all this gut-wrenching shift in perspective.

I had thought democracy had just failed. People are too stupid, too easily manipulated. The power of money to corrupt politicians and to buy propaganda has just overwhelmed our democratic machinery.

But now I see we may not have given democracy a chance. Before we give up on majority rule, let's try counting the votes in an open and verifiable process. Before we talk about a revolution or a new Constitutional Convention, let's dust off the Constitution we've got, exercise the rights it gives us, and see how far it can take us.

# Josh Mitteldorf, PhD Co-author (with Dorion Sagan) of Cracking the Aging Code

Stalin is rumored to have said it best: "It's not who votes that counts, it's who counts the votes." American exceptionalism notwithstanding, such thoughts have a way of crossing borders. Games are games, wherever played. What CODE RED refuses to do is give America a pass because it is America.

Jonathan Simon, whose experience in election forensics dates to the very beginning of America's computerized voting era, doesn't blanch at the evidence and turn politely away. Where he comes out is pretty simple: until we return to counting votes in public, we will be putting everything we value at risk. If we don't want the rapid decline of personal freedom, democracy, and moral integrity to continue, the first thing we need to do is secure our electoral and vote-counting processes against manipulation—by anyone.

Confronting the truth may depress you, but it will also give you the knowledge and the tools to take back the country. I hope we have the individual and collective fortitude to face how negligent we've been and see that there is a way out, if not an easy one.

### James Fadiman, PhD; author of Personality and Personal Growth

For nearly two decades, virtually all of our elections have been conducted on privately owned and programmed computers with unexaminable proprietary code. From its very beginning, Jonathan Simon has been investigating, explaining, and trying to beat back this assault on our democracy.

In the era of computerized voting, a statistically all-but-impossible serial "red" shift of victories to Republican candidates remains beneath the national consciousness even while disinformation, ruthless gerrymandering, and voter suppression in Republican-controlled states are acknowledged. These depredations feel more possible to identify, oppose, and potentially correct.

As a psychiatrist I can only conclude that recognizing, much less correcting, computerized election fraud evokes a sense of helplessness and is a horror that most Americans cannot bear to contemplate. In these extraordinarily perilous times, however, we have no choice but to confront this reality and to take swift, drastic, and corrective action.

CODE RED points the way to recovery of our democracy.

Susan G. Lazar, M.D.; Clinical Professor of Psychiatry, George Washington University School of Medicine and Uniformed Services University of the Health Sciences; Supervising and Training Analyst, Washington Baltimore Psychoanalytic Institute

Whenever a U.S. election ends with an astounding "upset victory" (of late a weirdly normal "fluke" in the United States), the watchdogs of our Free Press quickly tell us *why* the likely winner didn't win—confidently noting the fatuity of the exit polls and all the previous opinion polls; the losing campaign's glaring tactical and/or strategic errors; how this or that key bloc of voters inexplicably did not turn out, while this or that one *did*, in record numbers; these social, cultural and/or economic trends, and/or those technological advances; this or that Big Story in the news, the weeks or last few days before Election Day; and/or whatever else might help explain that inexplicable "defeat" away.

From that flash-flood of journalistic speculation, partisans on either side absorb whichever notions suit their own world-view. Thus Trump's folk ferociously repeat the media's repentant mantra that "the media got it wrong" before Election Day, blind to Trump's "deplorable" majority support in Michigan, Wisconsin, and Pennsylvania. Thus Hillary's troopers tell each other what both Hillary and the media have all bitterly asserted since Election Day: that Hillary lost because of Putin and the FBI, Jill Stein and misogyny. Meanwhile, those

who voted (or tried to vote) for Sanders and/or Stein have *their* self-serving take on Trump's outrageous victory, arguing that he prevailed because a (bare) majority (in certain states) detested Hillary as much as they do, and for the same reasons.

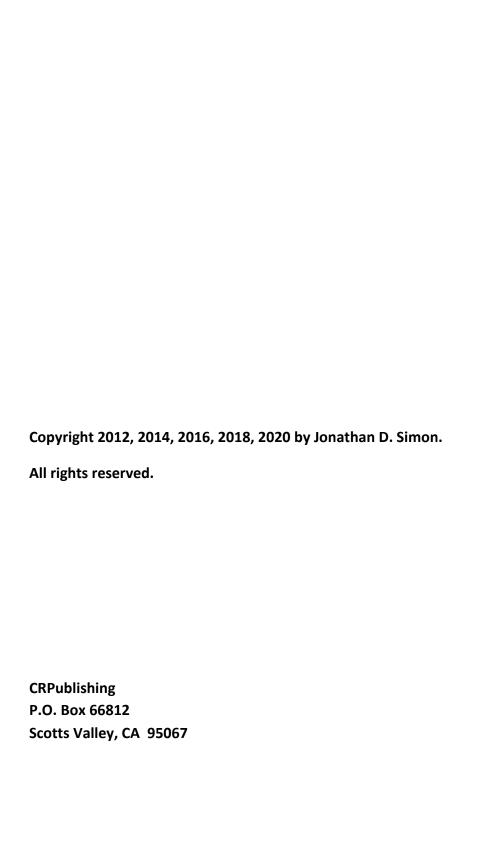
All that tribal yammering about the *how* and *why* of Trump's election is as credulous as it is uninformed; for there is, in fact, no solid evidence that Trump *did* win—any more than Clinton had really won her party's nomination.

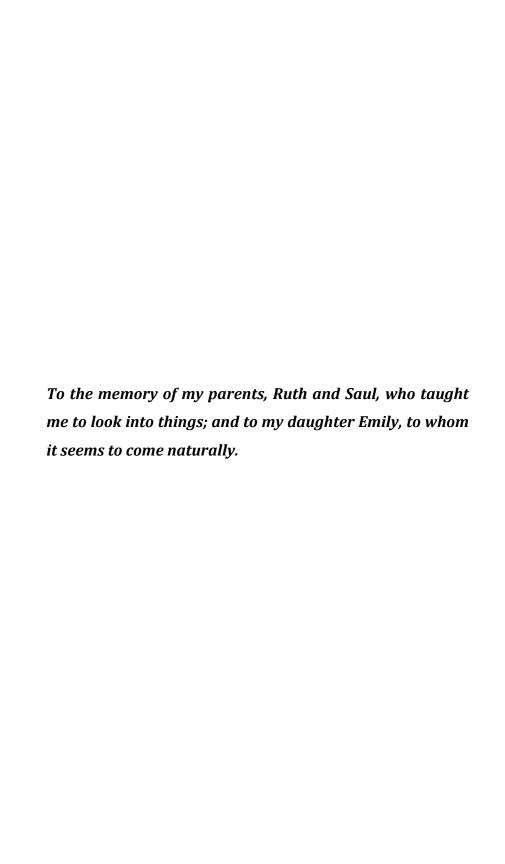
As Jonathan Simon masterfully explains in this essential new edition of *CODE RED*, there *is* compelling evidence that both of those unlikely "victories" were likely products of rampant vote suppression and computerized election fraud. Those anti-democratic means seem to have been increasingly deployed throughout this century to thwart the will of the American electorate—as Simon has been warning expertly, and tirelessly, in countless articles and interviews, and in successive editions of this essential book, which *all* of us must read, so we can finally grasp what's really happened here, and know what we must do to make things right, before it really is too late.

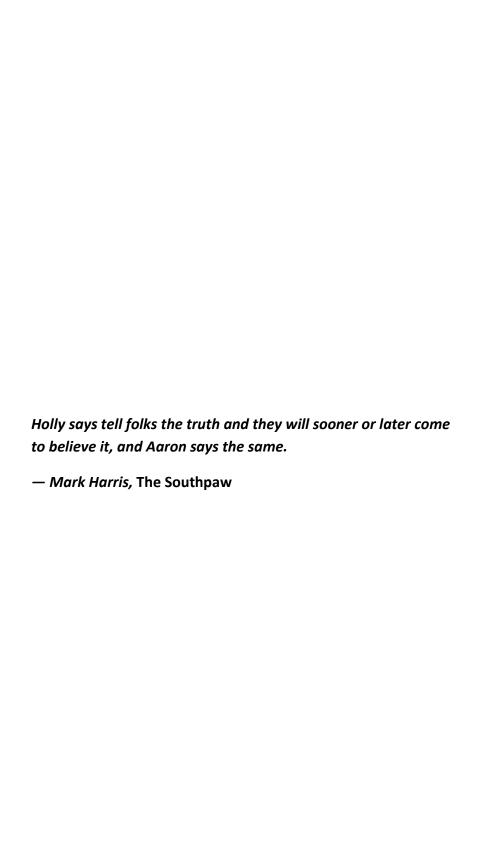
Mark Crispin Miller, Professor of Media, Culture, and Communication, New York University; Guggenheim Fellow (2011); author of Fooled Again: The Real Case for Electoral Reform and Cruel and Unusual, and editor of Loser Take All: Election Fraud and the Subversion of Democracy, 2000-2008

Jonathan Simon has provided an important public service. *CODE RED* must not only be widely read and distributed among people who care about the integrity of our elections but should provide enough fodder for a comprehensive investigation of ballot counting procedures. Such an investigation needs to happen soon, and it cannot be conducted by congressional or other political leadership. Simon's research is thorough and his case is more than compelling.

John Zogby, Founder of the Zogby Poll







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**FOREWORD to ELECTION 2018 Edition** 

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### FOREWORD to ELECTION 2020 EDITION

During [Donald] Trump's impeachment trial, the House managers repeated a quotation attributed to Ben Franklin over and over again: "A republic, if you can keep it." We haven't kept it. The question now is whether we ever get it back.

-- Michelle Goldberg, The New York Times, February 16, 2020

Mein Gott.

-- Capt.-Lt. Henrich Lehmann-Willenbrock, "Das Boot"

Maybe it's too late.

In the film *Das Boot*, the German submarine, hit with depth charges, has dropped to the ocean floor. *Everything* has been damaged, virtually *nothing* works, leaks abound, and the hull is being squeezed by the immense external pressure to the point of implosion. The crew can't get the engines started, can't get the sub to lift off the deadly bottom, and oxygen is running out. In the midst of this subterranean hell, the young and thoroughly Nazified first officer approaches the old and thoroughly unNazified captain to formally report something about the state of repair of a certain component of the navigation system. It matters *but*—and here the captain's look tells us everything—only if the hull doesn't implode and they can somehow get the engines started and get the flooded boat to rise, and if they don't wind up asphyxiated first.

Is that where we are now? Or were. Because I mean pre-pandemic. So much damaged, so much broken down, so much we once thought unthinkable normalized, that one may well ask whether restoring public, observable vote counting to our elections—even if it could be accomplished in time for November 2020—would save the ship.

"We haven't kept it. The question now is whether we ever get it back."

Michelle Goldberg is not alone in seeing our republic as *already* lost. Some believe Donald Trump will not leave office if defeated in November; pretexts will be found to cancel or nullify the election, as they have been found for

countless other lesser assaults upon the rule of law. Many others believe that Trump and the GOP phalanx that has formed around him will manage to put enough thumbs on the electoral scales to avoid that defeat and hold onto power without having to resort to overtly authoritarian tactics. And still others believe that what was the "great economy," his "presidential" response to COVID-19, the Electoral College, and/or a barrage of lies-become-truth-by-repetition will see Trump through "fair and square" and with coattails to boot.

In this general maelstrom of anxiety, amidst all its ghastly pathologies and contingencies, concern about the particular process we rely on to tabulate votes can seem somehow quaint, as if it were just another damaged navigation system component needing repair on a ship that is doomed.

It is not.

It is largely responsible for how we wound up here, on the ocean floor, in the first place. It's our democracy's very core, and repairing it offers us our best, if not only, chance of rising again and getting back the republic we have failed to keep.

This book has grown in weight as it has grown in size. If elections didn't seem to matter all that much *before*, they sure as hell matter *now*. I am hardly alone in wondering whether, social distancing-limited as we may be in our menu of feasible reforms, we are looking at our last peaceful opportunity to change our nation's course and fate. I think what it comes down to is that we must act as if we are and hope to hell we are not.

I have chosen to retain the forewords from the previous three editions of *CODE RED*, presented in chronological order following this one. Their value is in charting—edition by edition, beginning well before the advent of Trump—the intensifying crisis of computerized vote counting and its powerfully corrosive impact on our political process and our democracy. In the brief excerpts from each, below, the warnings keep sharpening:

America's electoral system has been corrupted in the most direct and fundamental of ways: the computers that now count virtually all our votes in secret can be—and, the evidence indicates, have been—programmed to cheat... The Big Picture of American politics has become an ugly one and one that will only get uglier with time and inaction.

December 21, 2014

Our electoral system has failed badly in the translation of public will into electoral outcomes and representative government, and the result has been a rapidly metastasizing politics of disgust and distrust.

#### August 19, 2016

There's an old joke about a guy who jumps off the top of the Empire State Building. Someone with an office on the 42<sup>nd</sup> floor sticks her head out the window and asks how he's doing. "OK, so far!" comes the answer. If this once applied to America in the computerized voting era, that time is past.

#### May 9, 2018

Whatever grim satisfaction I might take in the essential accuracy of these increasingly urgent assessments and predictions is gutted by the frustration that they fell on deaf national ears. We continued merrily on our way, election to computerized election, sending our votes into the partisan pitch-dark of cyberspace with nothing much besides our thoughts and prayers to protect them. The Age of Trump came, the depth charges hit home, a cottage industry of where-did-we-go-wrong books sprang into being, we soldiered on in shock and awe, and we're *still* planning this year once again to send our votes off into cyberspace with our thoughts and prayers.

Can we agree it's time to rethink this? Maybe it is too late.

Maybe it's not.

Jonathan D. Simon April 9, 2020 – Felton, California

### **FOREWORD to ELECTION 2014 EDITION**

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair.

- Charles Dickens, A Tale of Two Cities

THIS is a book for everyone who has been wondering just what the *hell* is happening in America and why American politics have become so increasingly warped as this new century has unfolded.

It is a book for everyone who has wondered what is behind the gridlock in Washington, and the political hyperpolarization everywhere in America.

It is a book for everyone who has been scratching his or her head as election results show voters seeming to be voting against their own interests and contrary to virtually all measurements of their opinions, in the process transforming America into a harsh, mean, and baffling land.

And it is a book for those who cannot quite believe this is the real America they are seeing—who say to themselves, and increasingly to each other, "There's something wrong with this picture."

This is also a book I'd rather not write, and it is one that I believe most Americans would rather not read. The story it tells is grim and a 'happy ending' will depend on an exercise of public will not seen in America within living memory. Yet, if America is to be rescued from the slow-rolling coup that is turning our nation into an unrecognizable place, this book *must* be written and *must* be read, and such an epochal exercise of will *must* rapidly become a reality.

The grim truth that is so hard to tell and so hard to swallow is that America's electoral system has been corrupted in the most direct and fundamental of ways: the computers that now count virtually all our votes in secret can be—

and, the evidence indicates, have been—programmed to cheat. To override the will of the voters and change the outcome of elections. To steal and hold power that could not be gained and held legitimately. Ultimately to reshape America more effectively than could a junta rolling tanks down Pennsylvania Avenue. The junta would, by its very visibility, at least provoke resistance.

I can only wish it were a fantasy, a fiction, the fevered invention of easy-to-dismiss, get-a-life "conspiracy theorists." I can't blame anyone for reflexively wanting to write it off as such, for asking, reasonably, "If this is happening, why aren't election administrators all over it? If this is happening, why aren't the losing candidates and/or their party all over it? If this is happening, why isn't the media all over it?" And I can't blame some for saying, with great indignation, "America is the world's Beacon of Democracy—this is the one thing that could never happen here!"

To which I can respond only by asking you to set that cherished, comforting, and dangerous vision of Exceptional America aside as we take a hard look at the core danger of computerized vote counting and the evidence that its vulnerability to wholesale fraud is being exploited to alter the very nature and direction of our country against the will of the majority of its people. Yes, it will most likely ruin your day. It will, if you're anything like me, leave you angry. Beyond angry. And I hope therefore ready to act, and determined to keep acting, until we Americans have our democracy back.

I've chosen to present a good part of this book in a Q&A format. I believe it makes things clearer and gets down to brass tacks quicker. There is so much about elections, vote counting, computerization, polling, and media coverage of each of these that is generally unknown or not well understood. Once the questioning process is begun, each question tends to lead to another, until the whole picture seems to take shape. The Q&A precedes an examination of the current state of affairs and an appendix presenting forensic evidence and analyses, and finally an ample bibliography for readers who feel the need to explore further before swinging into action mode.

I am well aware that, much as in the aftermath of the 2008 election ("E2008"), the Obama/Democratic victory in E2012 left the vast majority of potentially skeptical observers believing that *nothing* is rotten in Denmark (If the Right could rig, why wouldn't it? And if it did rig, why would it lose?) and that it's perfectly safe to go back in the water. We address this tragically misguided belief and answer those perfectly logical questions. We will see that there is

nothing safe about the water and that the Denmark of American vote counting is rotten to its unobservable core.

The Big Picture of American politics has become an ugly one and one that will only get uglier with time and inaction. So let's take an unblinking look at what the hell is happening to America and what we still just might be able to do about it.

Jonathan D. Simon

December 21, 2014 – Arlington, Massachusetts

### **FOREWORD to ELECTION 2016 EDITION**

The saddest aspect of life right now is that science gathers knowledge faster than society gathers wisdom.

-- Isaac Asimov

THIS is still, as it was two years ago, a book for everyone who has been wondering what the hell is happening in America and in American politics.

And it still tells the story of how America's electoral system has been corrupted in the most direct and fundamental of ways: vote counting, the bedrock protocol of our democracy, has been computerized, outsourced, and made unobservable. In the darkness of cyberspace, common sense and the experts tell us, the vote count is vulnerable to manipulation—hacking by outsiders, rigging by insiders. And the forensic evidence indicates that the vulnerability has been exploited.

#### None of this is new. So why a new edition for CODE RED?

Election integrity and security is, as news anchors put it, a *developing story*. The "R-word" is being thrown about by, among others, a major-party presidential nominee. Serious articles in our "newspaper of record" warn of potential foreign interference with the vote counts of American elections. Things are moving, and moving fast.

Whatever one's opinion of Donald Trump as an avatar of electoral integrity, it was only a matter of time before *someone*, whether from a place of fairness or from one of self-interest, called into question a vote counting system that cannot be seen. This emperor has been walking around naked for 15 years now and the real mystery is why it has taken that long for *anyone* to mention the obvious. Nor is Trump the only one speaking publicly of rigging and hacking: the forensically bizarre 2016 primaries triggered such allegations, lawsuits, and a wave of distrust from millions of supporters of the Sanders candidacy.

However you feel about such stirrings, you can sense that the political and electoral environments have undergone a sea change. Our electoral system has failed badly in the translation of public will into electoral outcomes and representative government, and the result has been a rapidly metastasizing politics of disgust and distrust.

Whether and how this may come to a head in November and beyond remains to be seen, but it is hard to imagine a restoration of trust in our elections and our political system without the restoration of an observable vote counting process. The new chapters "E2014: What Democracy Doesn't Look Like" and "E2016: The Chickens Come Home" address our recent rapid descent into this hole; "The Way Forward" crucially offers a plan of action for digging ourselves out.

We are in a strange and difficult but not entirely a hopeless place. We will have to work to restore our democracy and reclaim our sovereignty—work together with grit and tenacity. It begins with becoming informed, then trusting our common sense, calling out the holes in narratives of comfort and convenience, communicating, organizing, moving mountains. The inertias are great but so is the strength of a people acting together to overcome them. We possess that strength and we owe it to ourselves and to the future to find it and use it.

Jonathan D. Simon August 19, 2016 – Felton, California

### **FOREWORD to ELECTION 2018 EDITION**

Voting is a profound act of faith, a belief that even if your voice can't change policy on its own, it makes a difference.

-- The New York Times Editorial Board, March 11, 2018

So here we are. Welcome to the Age of Trump. If your 'faith' is a bit shaken, if you are still wondering just how we got here, there are hundreds, perhaps thousands, of published accounts to map it all out for you. You know: the Clinton campaign this, the economy that, the white suburban voters without college the other thing . . .

As varied as they may be, what all these accounts have in common is the assumption that, one way or another, we voted our way here. That is to say, Americans collectively cast the billions of ballots that over the years of this New American Century added up to where we are now. As if we all got behind the wheel of the national car and somehow steered it to this destination, two wheels spinning over the edge of the cliff.

That is not the account offered by this book.

**CODE RED** challenges the fundamental assumption that we voted our way over the cliff. It challenges the fundamental assumption that votes have been counted as cast; that American voters have in fact been, at all points, steering the car; that we're really such awful drivers.

It instead explores the possibility that, since the dawn of the computerized vote-counting era and through a series of faith-based elections, the national car has behaved more like a self-driving car, programmer unknown. It examines those elections and the veer in American politics, culminating in the Age of Trump, that they have produced—reaching conclusions about who or what has been driving the car that are both more chilling (it's not us) and more encouraging (it's not us) than anything else you are likely to read.

Most important, it's a book to read if you're asking how we can re-take the wheel. Because, while it may be of some comfort to realize that we did not vote our way to this scary place, the correlate is that there is some serious and urgent work to be done if we are to be able to vote our way *out* of it.

It is the thesis of this book that, in this new age of easy lies, the electoral system of the United States—and particularly its vote counting component—has itself become a lie, in a sense the worst and most dangerous of all the lies. If this blunt statement is too much for you, a more agnostic framing would be that the truth of our elections, whatever it may be, is incapable of verification. Our elections—and the leadership, policy, and national direction that depend on their results—are, at best, faith-based; at worst, catastrophically corrupted at their computerized core.

If even that is a message you don't want to hear, let alone act on, you are hardly alone. The resistance to it—political, journalistic, psychological, personal—is very strong indeed. All evidence indicates that our current predicament has been nearly two decades in the making, and that the Big Lie long pre-dated the advent of the Big Liar. Yet even now, as we flirt with depravity and fascism, who has been willing to look in the cupboard marked "Alternative Facts" and open the box marked "Alternative Votes"? Certainly neither government nor media. They both blanch at the mere thought of "undermining voter confidence in our elections." It is a serious concern, especially when it is likely to be part of the game plan of a defeated Donald Trump. But we must note that that is precisely what has given computerized election theft such a big leg up. To pull that leg down will likely require some undermining of voter confidence in our elections—but is any confidence based on a blind-faith refusal to examine the evidence really worth protecting?

Because that voter confidence has been so diligently, indeed desperately protected, Americans—who no longer trust their leaders, no longer trust the media, and no longer trust each other—paradoxically remain the picture of trust when it comes to one thing: when push comes to shove, somehow we manage to wind up trusting our elections. We are about to head into the most critical set of elections in living memory *continuing* to permit our votes to be counted unobservably and without verification in the partisan, proprietary, pitch-dark of cyberspace and trusting that manifestly corruptible process to deliver the truth—an honest and accurate counting of our votes. What a strange faith to cling to in this Age of Lies and Mistrust!

If we are to survive the Age of Trump and find our way back from the brink of the cliff, it will have to start with replacing that easy faith with serious inquiry—building upon facts and not shrinking, either out of tact or on the sage advice of the marketing department, from calling a spade anything but a spade.

Democracy begins to end when its beneficiaries go lazy and passive, when they are seduced by speed, ease, convenience, entertainment. And that happened Before Trump, and it happened before the "Russians" took an interest in influencing who won our elections. It happened when the U.S. began counting votes in the dark, entrusting that critical process to a handful of private, partisan, secretive outfits, and expecting—in fact with unshakable faith—that it would proceed honestly and accurately.

After all, we figured, we can see why someone would shoot up with PEDs to win a pennant or the *Tour de France*, but who would *ever* want to steal a U.S. election?

The evidence is plentiful that the Republican (and not just Republican, but increasingly far-right Republican) dominance at both national and state levels owes its existence—with but-for causality—to the corruption of the electoral process in the computerized vote counting era. And it is that dominance that is enabling Trump's romp over the rule of law and into autocracy, though it is not clear from their behavior that the Democrats have much greater interest than do their right-wing counterparts in restoring public sovereignty.

And the media? Well, aren't they having the time of their lives! Nothing like a horny dragon to slay! But public, observable vote counting, the desperate need for *serious* electoral reform? *No, we don't go there, at least not with the urgency this crisis demands*—because that urgency would derive from consideration of the possibility that the problem is not merely one of *hypothetical* vulnerability. That remains a bridge too far.

The price for not crossing that bridge is nothing less than all we value. And while I enjoy, in a grim sort of way, the torrents of Trump-disparaging adjectives and adverbs, I really don't see much hope in them. On this, at least, *The New York Times* agrees. Their editorial, from which I quoted at top, is titled "Angry? Go Vote." And it continues:

"This is a fragile moment for the nation. The integrity of democratic institutions is under assault from without and within, and basic standards

of honesty and decency in public life are corroding. If you are horrified at what is happening in Washington and in many states, you can march in the streets, you can go to town halls and demand more from your representatives, you can share the latest outrageous news on your social media feed—all worthwhile activities. But none of it matters if you don't go out and vote." [emphasis added]

The *Times*, of course, is right. There is *one* official scoreboard and it is known as an *election*. But an election comes down to *vote counting*. And if that remains computerized, privatized, and secret, is there any reason to expect reason to prevail over derangement on the official scoreboards of 2018 and 2020?

We have watched the situation go from perilous to critical to surrealistic (you can follow the progression in my Forewords to the 2014 and 2016 editions). Let's hope it has not gone beyond rescue.

This edition of *CODE RED* updates the latest developments, including of course the 2016 elections and what they have bestowed on America, but also the rise and potential impact on both politics and election integrity of the Parkland students and other sprouts of genuine resistance. It considers the (dim) prospect of effective electoral reform emerging from our conventional political processes. It proposes fresh and outside-the-box solutions, both technical and political, befitting the urgency we confront. And, like the *Bulletin of the Atomic Scientists*, it sets a Doomsday Clock.

The good news is that it's not *quite* midnight. We can turn this country around, but only if we first restore public, observable vote counting to our elections. How does the old adage go? "For want of a nail . . ." It is a simple, basic thing: but until we do it, we will continue putting everything we value at risk.

It would be highly disingenuous were I to pretend to be free of strong convictions about both the policies and the personal ethics and behavior of Donald Trump. For better or for worse, the divisions of these years are as passionate as they are polarized, and if credibility is to be gained by masking them, then it is a deceptive credibility. So forgive me if at times I wear my anger on my sleeve.

I can attest, however, that such feelings have not played a part in my presentation of data, analysis, or arguments on behalf of an honest electoral

system and a public, observable vote-counting process. The data are the data (the sources are all official postings and/or archives), the analyses are objective (with an open invitation to replicate), and the changes argued for speak to the foundations and hallmarks of democracy itself and are goals I should think we, as citizens and voters, would all share—however we feel about guns, God, gays, global warming, healthcare, corporations, regulations, immigration, trade, or Trump.

There's an old joke about a guy who jumps off the top of the Empire State Building. Someone with an office on the 42<sup>nd</sup> floor sticks her head out the window and asks how he's doing. "OK, so far!" comes the answer.

If this once applied to America in the computerized voting era, that time is past.

Jonathan D. Simon May 9, 2018 – Felton, California

### INTRODUCTION

There's something happening here and you don't know what it is, do you, Mr. Jones?

- Bob Dylan

Who among us would trust an election where the ballots were handed to a man, dressed in a magician's costume, who took them behind a curtain and emerged sometime later, claiming he had counted and then shredded them, to tell us who won? What if the man were wearing a "So-And-So For President" button or some other partisan signifier? And what if the results of key and close elections—elections that shaped American politics by determining the balance of power in the federal government and statehouses—kept going that same way? How many, and what overall pattern of, strange results would it take before we insisted on going behind the curtain with him, or at least sending a trusted representative of our interests, to observe the count?

Nothing should be more self-evident than the simple statement that for an election to have *legitimacy*, the counting process must be *observable*. If the votes are counted in secret "behind a curtain," it does not matter how or by whom, no one other than the counter can really know who won and the results therefore are *automatically* subject to question. The outcome is not evidence-based. It is faith-based. There is simply no adequate basis for trust.

If you do not accept this basic statement, you may as well save yourself the time and put this book down now, because nothing else I have to say will make much of an impression. Please take a moment, indeed as much time as you need, to think it through and decide for yourself. Would you shrug, say "Ah, what the hell," and simply trust the man behind the curtain with the fate of our nation and, given our nation's position in it, much of the world? Or would you take democracy seriously enough to demand a vote count that could be observed? If so, read on and get ready to roll up your sleeves.

We began with an imaginary, hypothetical election counted in secret. Now let's look at our real elections, the ones that determine the leadership and direction of our towns, states, and country. The ones where we rely upon the media to tell us who won (and why). We have long employed the secret ballot process, and for most of our nation's history an open, public counting process was the norm. Votes cast in private, counted in public. Makes sense.

But that is no longer the case. In 21st-century America, aside from a few tiny pockets where ballots are still counted observably in public by humans, vote counting is an entirely secret enterprise, taking place on chips and memory cards concealed inside computers or, worse yet, in servers arrayed along a network, often far distant from where the votes are cast, in the full, impenetrable darkness of cyberspace. The fog of war has *nothing* on the fog of American elections.

The first alarm sounded by this book is that these elections are in practice no different from the charade of the man in the magician's costume "counting" behind the curtain. Because they are all counted in secret, not one of these elections—from presidential to congressional to dog-catcher to ballot measure—warrants the trust necessary to claim legitimacy and provide the foundation for the democratic process in which we take such reflexive pride. We hold ourselves out as the Beacon of Democracy but—in this core, determinative function—much even of the Third World is well out in front of us.

Why would a nation install, and why would its people acquiesce in, such a patently untrustworthy process for making its most critical decisions and for transforming the public will into leadership, policy, and direction?

We will return to this question often in the course of this book; it has several disturbing answers. But for the moment we think it fair to observe that we live in a time and a place where *convenience is king*. Every improvement in speed, each yet slicker technological "advance," has been embraced with reflexive zeal. Our cultural impatience (Faster connection time! Faster downloads! Tweet! Swipe Right!) seems to know no bounds.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> Perhaps the only real exception to our pan-cultural haste is our embrace of video review in our various sports (now trickling down even to the high school level). We accept these delays because of the importance we have come to place on accurate athletic outcomes and sports justice—i.e., because "football matters."

After all, isn't it obvious that, as the too-cute kids seated at the table with the friendly corporate suit kept reminding us in that brilliant and ubiquitous (and already ancient) TV ad for the latest happiness-bestowing smartphone, "faster is better?" Moreover, we seem to have a collective affinity for that which looks sophisticated—sleek, digital, graphic, multi-layered, multi-colored, rapid and impeccable. Isn't a glistening iPad, quite apart from its utility, also a comforting symbol to us of how far removed and safe we are from the raw, naked dangers of the pioneer's cabin, the medieval hut, the prehistoric night?

This hi-tech, hi-speed ethos is, of course, not entirely new, but the grip that speed, convenience, and sit-back-and-enjoy-the-show choreographed entertainment now hold on our culture is tight and getting tighter every minute. "Progress," so defined, has become a *habit* and seems inexorable. Thus when it comes to elections, there is, in effect, a mandate that virtually every one be decided within hours, if not minutes, of poll closing, and that, in our major biennial elections, the direction that America will be taking be brilliantly and artistically laid out in a mélange of pie-charts, blue and red blinking states, and punditory consensus, all before it is time for bed. This is such a *fait accompli*, such a *ritual*, that it is hard to remember that it wasn't *always* this way and, when it comes right down to it, isn't necessary—much less to contemplate the price paid for our convenient and entertaining experience.

The price is simply that we as citizens have no basis for trusting it.

Behind this festive TV extravaganza—reassuringly presented as "DECISION 20XX"—are those vote-counting computers and computer networks, not one of which is one iota different from the magician behind the curtain, a faith-based enterprise where votes are counted in secret and results announced (and accepted) with the straightest of straight faces. In fact, it is as a prop to this media production and its programmed primetime-slot narrative that the vote-counting computers are deemed indispensable.

How long this irrational situation has been going on is open to question. Computers in one form or another (initially mainframes using punch cards) have been employed in vote counting since as early as the 1960s, and there is some evidence that they were sporadically being used to manipulate electoral results almost from their first deployment. So even in the "good old days" when the nation watched the votecount numbers rolling up behind such trusted icons as Walter Cronkite or David Brinkley, it did so without any real assurance that there wasn't a thumb (or two or ten) on a scale somewhere in

the pipeline where computers could be programmed to add, delete and shift votes.<sup>2</sup>

What has happened since then, however, is that with rapidly advancing technology it has become *infinitely easier* to alter far more election results, with far greater effect, efficiency and precision, and far less risk of exposure. What was once highly labor-intensive—requiring a good-sized crew to hack punch cards or cover up falsified lever machine check-sheets machine by machine in a single contest—can now easily be accomplished by a single insider or hacker, even one working from outside our borders anywhere in the world. A single individual—especially one with insider access—can change the results of dozens, indeed hundreds of elections, with virtually no risk of detection. With the help of a few cohorts, such an individual can essentially stage an undetectable rolling coup. The system is *that* vulnerable, a hunk of red meat lying on the ground of an unfenced yard in a neighborhood full of salivating dogs.

Too dramatic? Too purple? Study after study, by the most prestigious researchers and institutions, tells us that we can be sure about the red meat, the vulnerability.<sup>3</sup> But is it paranoid to imagine the *dogs*, hungry and willing to exploit it? In other words, given the opportunity, who would *want* or *dare* to steal an election, or a nation, that was lying unguarded in the yard? Who would set their sights so high and sink so low?

To answer this, we need first to make a quick sketch of our era, and the ethics of our time. Author David Callahan has done some of this work for us. In his 2004 best-seller *The Cheating Culture: Why More Americans Are Doing Wrong to Get Ahead*, <sup>4</sup> Callahan is hard-pressed to find a single nook of competitive

<sup>&</sup>lt;sup>2</sup> See Collier J, Collier K: *Votescam: The Stealing of America*, Victoria House Press 1992, at <a href="http://www.amazon.com/dp/0963416308">http://www.amazon.com/dp/0963416308</a>, for the history of electoral manipulation and its cover-up in the early computer age, before the passage of the Help America Vote Act opened the floodgates in 2002.

<sup>&</sup>lt;sup>3</sup> See, e.g., <a href="http://brennancenter.org/dynamic/subpages/download">http://brennancenter.org/dynamic/subpages/download</a> file 39288.pdf, <a href="https://www.princeton.edu/news/2006/09/13/researchers-reveal-extremely-serious-vulnerabilities-e-voting-machines-0, http://www.blackboxvoting.org/BBVtsxstudy.pdf, http://www.blackboxvoting.org/BBVreport.pdf, https://oversight.house.gov/wp-content/uploads/2017/11/Blaze-UPenn-Statement-Voting-Machines-11-29.pdf, http://www.gao.gov/new.items/d05956.pdf. It is of interest that the comprehensive reviews undertaken by the states of California and Ohio have been removed from the official websites and are no longer available to the public.

<sup>&</sup>lt;sup>4</sup> See <a href="https://www.amazon.com/dp/0156030055">https://www.amazon.com/dp/0156030055</a>; see also, Michael Lewis, "Extreme Wealth Is Bad for Everyone—Especially The Wealthy," *The New Republic*, 11/12/2014 (reviewing West D: *Billionaires: Reflections On the Upper Crust*. Brookings, 2014), in

endeavor where cheating or rigging to achieve some goal has not become commonplace. From students, to job applicants, to athletes at every level, to financiers, to corporations, to public officials—Callahan takes us on a grand tour of what has been happening where and when no one is looking in today's 'just win, baby' America. And that was *before* Donald Trump "drained the swamp."

It is not pretty.

And at every turn the vast majority of us have been, at least initially, very reluctant to believe the extent of the rot, the malignancy of the tumor. It would seem that a painful cognitive dissonance with ingrained beliefs in human perfectibility, historical semper-improvement, and American exceptionalism has contributed to our collective naivety.

When 500-foot home runs were flying off the bats of Mark McGwire and Sammy Sosa, we desperately wanted to believe that healthier diets and better workout regimens could account for it. Few were willing to give any credence to former major-leaguer Jose Canseco's claim that these new supermen were juiced. Something did seem wrong with that picture—as something seemed wrong with Bernie Madoff's Ponzi scheme, with credit default swaps, with the anthrax in the vial at the U.N. and the supposed WMD's in Iraq, and now seems wrong with a host of Trump administration official stories—but it was not something that as a culture we were willing to acknowledge. All that taint was just too much to face, *until we were forced to*. Until we were *made* to look hard at how our high stakes "games"—from Wrigley Field to Wall Street to the White House—were actually being played.

The question we are compelled to ask—by all that once was holy; by the Houston Astros;<sup>7</sup> by the state-doped stable of Russian athletes now banned

which copious research is presented showing the propensity to cheat to be correlated with increasing wealth.

<sup>&</sup>lt;sup>5</sup> Canseco J: *Juiced: Wild Times, Rampant 'Roids, Smash Hits, and How Baseball Got Big.* New York: William Morrow & Co., 2005. *Publishers Weekly*, in describing *Juiced* as "poorly written, controversial," was typical in doubting whether Canseco "really knows anything about the problem beyond his own use." Canseco's next book, written three years later when events and investigations had borne him out, was entitled *Vindicated: Big Names, Big Liars, and The Battle to Save Baseball.* 

<sup>&</sup>lt;sup>6</sup> Though we must note that at least as often *nothing* seems wrong with the picture: what, for example, seemed wrong with the Houston Astros' 2018 championship season? What seems wrong with the numbers that tell us who won a typical election?

<sup>&</sup>lt;sup>7</sup> The 2018 Major League Baseball season and the Astros' tainted World Series championship present a fascinating case of cheating by a combination of hi-tech (video

from the 2020 Olympics; by Bernie Madoff and Lance Armstrong and A-Rod; by the signaling cheaters exposed at the top of the impeccably-mannered *contract bridge* world;<sup>8</sup> by the ring of computer hackers charged with the theft and use of 160 million credit card numbers from the likes of Citibank and NASDAQ;<sup>9</sup> by the fraudsters at Volkswagen who programmed the computers in their cars to cheat on emissions tests, got turned in by a whistleblower, and agreed to pay \$14.7 billion in settlement to U.S. consumers alone;<sup>10</sup> by the apparent foreign-state cyber-incursion manifest in the "Sony" hack and of course the "DNC" hack of 2016;<sup>11</sup> by the Equifax hack and the plethora of hacking and rigging schemes that are now barely even newsworthy—is how a computerized U.S. election, supremely vital and supremely vulnerable as it is, could *not* be a target for skullduggery?

Are the stakes anywhere in any endeavor in the entire world ever higher than in a biennial American election? We know of no pot of gold—home runs, capital, fame, power, policy—that can compare to that at stake in American elections. <sup>12</sup> Winning elections confers the power to reward friends and punish

recording and computer analysis of opponents' signs) and lo-tech (relaying that information to Astros' batters by banging on garbage cans in the dugout). It's amazing how much easier hitting gets when you know what pitch is coming, and amazing how much easier winning elections gets when someone is doing the equivalent of sign-stealing on your behalf. It's surprising that other teams didn't pick up on the garbage-can signals and deviously switch pitches accordingly, an option of course not available to candidates whose votes are being flipped in cyberspace. Computerized election riggers have found no real use for garbage cans, though they may have a role in vote *suppression* as a repository for valid but undesirable provisional and mail-in ballots.

<sup>&</sup>lt;sup>8</sup> See <a href="http://www.newsweek.com/big-rich-cheaters-bridge-world-rocked-top-players-busted-375414">http://www.newsweek.com/big-rich-cheaters-bridge-world-rocked-top-players-busted-375414</a>.

<sup>&</sup>lt;sup>9</sup> See <a href="http://www.bbc.com/news/technology-23448639">http://www.bbc.com/news/technology-23448639</a>. One of the ring's members, Mikhail Rytikov, was charged with having the sole role of covering up the ring's tracks. By 2018 such massive cybercrimes have become rather ho-hum, barely generating headlines. Among them the Equifax breach, the Uber breach, and the attempted hacking of what appears to be a good part of the U.S. national voter database.

<sup>&</sup>lt;sup>10</sup> See http://www.nytimes.com/2016/06/28/business/volkswagen-settlement-diesel-scandal.html.

<sup>&</sup>lt;sup>11</sup> As Ajay Arora, CEO of cybersecurity firm Vera, put it in warning that the DNC hack might be the new normal: "This is a bellwether of things to come. The techniques are advancing. There are strategic attacks, and then there is tactical warfare. There are parties out there now thinking, 'hey, let's affect outcome of whole election." (http://www.aol.com/article/2016/07/26/the-worst-might-be-yet-to-come-with-the-dnc-email-hack/21439542/). Presumably, those "parties out there" have grasped that "whole election" includes the part where the votes are counted.

<sup>&</sup>lt;sup>12</sup> Although it is hardly possible to quantify the "net worth" of an election, it bears mention that more than \$7 billion was spent to win federal office alone in E2012 [a shorthand I use throughout this book] (http://www.politico.com/story/2013/01/7-

enemies, along with the opportunity to set policies that can engender enormous profits. But, just as dogs of many different breeds might find the unguarded hunk of beef irresistible, so those moved to rig elections may be of different breeds and driven by different hungers. Besides the obvious yearning for practical power and profit, there is the "true belief" of the political extremist and, at the other end of the spectrum entirely, the climb-Everestbecause-it's-there lure for the conscienceless "pure player"—one who, not necessarily in the service of any heart-felt conviction but just for the "rush" (though such operatives are unlikely to go unpaid), would be the human god, the Master of the Dance who from an unseen perch alters politics on the grandest scale, and with it the course of history.<sup>13</sup>

Some true-believers—who now abound in American politics, have made a successful bid for control of the Republican Party, and (as we shall see) were chief among the founders of the voting computer industry—are so strongly motivated and inspired by an outcome vision (whether fundamentally religious or secular in nature) that they can thoroughly rationalize an ends-justify-themeans approach to their activities. From the standpoint of such a true-believer, there are no ethics as compelling as that true belief. <sup>14</sup> And from the standpoint

billion-spent-on-2012-campaign-fec-says-87051.html). The amount was comparable in E2016, a good part of it post-Citizens United "dark money." E2018 was worth a record (for a midterm) \$5.7 billion. With lobbyists enjoying an ROI of better than 100-to-1, it is not hard to see that, even calculated in cold monetary terms, the value of an election—which of course is concentrated in the relatively few key contests that determine control of the governmental apparatus at various levels—is astronomical.

And of course when an athlete or team is found to have cheated to win, we can put an asterisk in the record books and go on our way; with the theft of elections and public office an asterisk is small consolation to a nation and planet permanently altered by such an outcome and the resulting political and historical veer.

<sup>&</sup>lt;sup>13</sup> To the long-list of actors with a vital gaming interest in the outcome of a given U.S. national election, we can add macro traders. Macro traders make (and lose) fortunes by keeping their fingers on global, regional, or national economic and political pulses. The fate of a macro trader's billion-dollar bet to go long or short on a currency or commodity has been known to come down to who wins a single election (see, e.g., the ruinous impact of a Brazilian presidential election result on one such trader: https://www.newyorker.com/magazine/2018/04/16/a-sidelined-wall-street-legend-betson-bitcoin). With literally billions immediately at stake for such a trader, his or her firm and clients, the ROI for the services of an election hacker or insider would be, to say the least, dangerously lucrative—and the loss of such a bet dangerously catastrophic.

<sup>&</sup>lt;sup>14</sup> Harvard-based political scientists Steven Levitsky and Daniel Ziblatt, in their 2018 best-seller How Democracies Die and in subsequent articles, have characterized the "any means necessary" approach to political battle adopted by the contemporary GOP as spurred by an existential panic brought on by ominous demographic trends and an expanding franchise in the wake of the Voting Rights Act and the end it and other legislation brought to *de jure* restrictions of the voting rights of citizens of color. They

of a pure player, there are no ethics, period: if you ain't cheatin', you ain't tryin'.

And then we have still another breed of dog, the true believer not in some righteous cause but in himself. It took, of all people, retired Harvard Law Professor Alan Dershowitz, speaking on the U.S. Senate floor in Donald Trump's impeachment trial defense, to lay out the case for election rigging in the public interest. 15 Suborning election interference from Ukraine was not, according to Dershowitz, an impeachable offense, because President Trump sincerely believed, as do most leaders, that his own reelection was "in the public interest" and therefore could innocently be advanced by such means as extorting a foreign nation to gin up dirt on his prospective opponent. It was not clear where the line might be drawn on the spectrum of such questing: would it be OK, one might have asked, to simply shoot one's opponent to facilitate one's election in the public interest? While Dershowitz was roundly and rightly pilloried for his novel and, it seemed to many, equal parts dangerous and idiotic l'etat c'est moi argument, it perfectly captured the mindset of officeholders who have conveniently come to conflate their own political fate with the general welfare.

We've seen that ethical barriers can all too easily be surmounted with everything ranging from such sophistries to a simple shrug. Thus an individual or group might feel *justified* in, say, sending "Vote Wednesday" informational flyers or making "Vote Wednesday" robocalls to the homes of opposing voters when the election is Tuesday. In fact they *have*, repeatedly. <sup>16</sup> Is there a bright line then, we must ask, between behavior so blatantly unethical and, say, a more *efficient* gambit—simply offsetting the zero-counters on the memory cards of voting computers to +X for the candidate you favor and -X for the candidate you oppose, so that at the end of the day (as explained in the next chapter) the vote totals will reconcile with the poll tapes recording the number

compare the GOP's behavior with that of the Democrats of the South following the end of Reconstruction in 1876, when all means, fair and foul, were called upon to rig the electoral game by preventing all but an insignificant portion of Southern black citizens from voting, thus keeping control in the hands of whites for the next century.

I would add only that both existential fears and a yearning for political hegemony (Karl Rove's "perpetual rule") would seem to have driven the new no-holds-barred, total-war politics that Levitsky and Ziblatt cite as a mortal danger to a democracy.

<sup>15</sup> See

https://www.realclearpolitics.com/video/2020/01/29/dershowitz\_not\_impeachable\_if\_president\_d oes\_something\_he believes will help him\_get\_elected\_in\_the public\_interest.html.

<sup>&</sup>lt;sup>16</sup> See <a href="http://www.motherjones.com/politics/2012/11/election-dirty-tricks">http://www.motherjones.com/politics/2012/11/election-dirty-tricks</a> for a record of this and other dirty tricks recently relied upon to gain electoral advantage.

of voters, the election administrator will see and certify a "clean" election, and you will have stolen a net of 2X votes per machine so rigged? Indeed, it would be hard to resist if you were a "Vote Wednesday" kind of true-believer (in cause *or* self) who had a pipeline to those memory cards, or to the cybernetworks on which millions of votes are now "processed." And just another day on Mt. Everest for a pure player.

Consider democracy schematically as a combination of process, method, and outcome. The core *process* is the casting and counting of votes—whether by the thousands or tens of millions. The *method* consists of all the various means to influence the casting of those votes—campaigning, broadly understood: strategizing, raising and spending money, telling truths and lies in the rough and tumble of the eternal political battle. The *outcome* is victory or defeat in each contest and ultimately, when those contests are summed, *power*. In theory the process is sacrosanct, the method roughly bounded, the outcomes legitimate and accepted.

But imagine an actor—and world and U.S. history have seen many such—for whom the outcome takes on a compelling priority over all respect for process. Hight not such an operative address his method not just to influencing the *casting* of votes but to influencing the *counting* of those votes? In such a compulsively outcome-driven view, what cannot be achieved by campaigning might well be achieved—more directly, in fact—by manipulating the counting process where the opportunity presented itself. The more so once politics itself evolves, or degenerates, into the equivalent of total war—the ethos that characterizes the Age of Trump<sup>18</sup> but that has been building throughout the computerized voting era.

Considering this, we must ask a hard question: Lip-service aside, just how sacred *are* elections and just how sacrosanct *is* the counting of the votes?<sup>19</sup>

<sup>&</sup>lt;sup>17</sup> For a fascinating inquiry into the mindset and behavior of such actors, see <a href="https://www.wnycstudios.org/podcasts/otm/episodes/on-the-media-dead-consensus?tab=summary">https://www.wnycstudios.org/podcasts/otm/episodes/on-the-media-dead-consensus?tab=summary</a>, a December 2019 *On The Media* interview with Matthew Sitman.

<sup>&</sup>lt;sup>18</sup> Perhaps inevitably, as one characterized by many psychologists as a malignant narcissist, Trump has striven relentlessly to make *everything* about himself. Thus, to take one recent example, when Democrats or the media express concern over the spread and handling of coronavirus, it is a "another Democratic hoax," the only purpose of which is to bring the president down. Trump has made himself the peg in the ground over which a kind of vicious, total war is to be fought to the finish, a war in which if not *all* then certainly *more* is fair than has previously been imaginable in our politics.

<sup>&</sup>lt;sup>19</sup> Because a major election is virtually *never* decided by a single vote, the value we place upon a single vote *in actuality* tends to be a good deal lower than our exalted

And a follow-up: How does the democratic process *per se* stack up against a burning true belief, a craving for power, or a boatload of money? Is it possible that, for some, "democracy"—no longer a majestic and awe-inspiring novelty—is just another *impediment* to be dealt with, something old and in the way on the path to power or reward? Just how deep and abiding a respect for democracy itself, how much pure *principle*, would it take to overcome the tremendous temptation to palm a card or two and *have things your way*, alter the course of history, and create (as George W. Bush was once praised for doing) your own reality?<sup>20</sup>

In the Age of Trump, the "reality creation" that once seemed novel has become—in the hands of such practitioners as *Breitbart News*, Kellyanne Conway, Sarah Huckabee Sanders, Rush Limbaugh, Rudy Giuliani and, leading the way, the president himself—standard operating procedure.

Having made a realistic appraisal of the behavior, mindset, and character of some of the political actors and operatives now on the scene,<sup>21</sup> do we really believe that a deep and abiding respect vests in every player in the game of "democracy" as it is currently being played in The New American Century?

Even before Trump arrived on the scene, and before any documented Russian "meddling," many observers had begun to question, and often deplore, the

rhetoric would have it. It may be that this low pragmatic value assigned the individual vote in turn colors our laissez-faire attitude toward the voting and vote-counting process as a whole.

The aide [subsequently identified as Rove] said that guys like me were "in what we call the reality-based community," which he defined as people who "believe that solutions emerge from your judicious study of discernible reality. . . . That's not the way the world really works anymore," he continued. "We're an empire now, and when we act, we create our own reality. And while you're studying that reality—judiciously, as you will—we'll act again, creating other new realities, which you can study too, and that's how things will sort out. We're history's actors ... and you, all of you, will be left to just study what we do." [emphases added]

<sup>&</sup>lt;sup>20</sup> There is a chilling and revealing testament to none other than Karl Rove's fervent embrace of this approach to political action, as captured in an October 17, 2004 article written by Ron Suskind for *The New York Times Magazine*, as part of which Suskind interviews the at-the-time anonymous Rove:

<sup>&</sup>lt;sup>21</sup> Beginning with the president and adding, with a nod to the likely perpetrators of the 2016 DNC and voting system hacks, states and political actors and operatives anywhere in the world who have a rooting interest in American electoral outcomes.

"new madness" of American politics.<sup>22</sup> Taking in the hyperpolarization, the intransigent hyper-radicalism of the Right and what seems to be its poll- and explanation-defying endorsement at the ballot box by a traditionally moderate electorate, many wondered what was happening in and to America. Witness Thomas Mann's and Norman Ornstein's mid-Obama-era 2012 bestseller, *It's Even Worse Than It Looks*.<sup>23</sup> Many explanations were offered up, from clever messaging to voter suppression and gerrymandering to the role of dark money. Pundits, after all, are not paid to be stumped. But there remained a nagging disquiet, a sense that all these explanations didn't quite explain enough.

Now in the Age of Trump, these same pundits are tying themselves in knots trying to explain the inexplicable, fathom the unimaginable, while millions of Americans seem to be walking around in a state of it-does-not-compute bewilderment. Something is happening that defies not only conventional political wisdom but plain old common sense, as if the Political Universe had been taken over by some new asymmetrical non-Euclidean geometry.<sup>24</sup> There seems to be a missing force, an X-factor analogous to cosmic dark energy, that is needed to explain what is happening to America.

We will present compelling evidence that the X-factor has been the electronic manipulation of votecounts and that, all other factors notwithstanding, what is happening here in America would *not* be happening in its absence.

For anyone persuaded by the evidence, presented in the chapters that follow, <sup>25</sup> that the electoral process in America has been subverted, or even that it is

<sup>&</sup>lt;sup>22</sup> See, e.g., *New York Review of Books*, 9/27/2012, cover headline: "OUR WEIRD POLITICS NOW," featuring separate pieces on the theme by Andrew Hacker, Ezra Klein, Jacob Hacker, and Paul Pierson.

<sup>&</sup>lt;sup>23</sup> Mann TE, Ornstein NJ: *It's Even Worse Than It Looks: How The American Constitutional System Collided with The New Politics of Extremism.* New York: Basic Books, 2012, https://www.amazon.com/dp/0465096204/ref.

<sup>&</sup>lt;sup>24</sup> It must be acknowledged that this political veer has not been confined to America. A hard-right populism has sprung up in a number of promising democracies in both hemispheres. A comprehensive comparative study of vote-counting processes and security protocols is beyond the scope of this book, but we have observed at least a rough correlation between public, observable vote counting and resistance to such sharp right turns toward autocracy. Notably, countries such as Norway and the Netherlands—which restored hand counting to their elections in 2017, have not followed countries such as Hungary and Brazil in their veer to the far-right.

<sup>&</sup>lt;sup>25</sup> Election forensics is not, for better or worse, the stuff of soundbites; but neither does it have to be eye-glazingly abstruse and obscure. I have sought to balance comprehensiveness with clarity and have provided links and references for additional exploration as appropriate.

merely vulnerable to and perhaps teetering on the brink of such subversion,<sup>26</sup> our predicament takes on a nightmarish quality—one of those dreadful dreams where you are running without moving while the locomotive speeds on to its inexorable impact with the child who has wandered onto the tracks.

Virtually everything about the situation is surrealistic and absurd. Election integrity activists are told to produce "a smoking gun," when all such "hard evidence" materials are strictly off-limits to investigation; statistical evidence, no matter how copious and consistent, is dismissed with a shrug; reform proposals such as hand-counted paper ballots for federal and statewide elections are shot down as ludicrous Luddite nonstarters; "rogue" journalists and whistleblowers are cowed, exiled, silenced, or ignored. America seems hell-bent on sticking with its faith-based election system, no matter how vulnerable it is shown to be and no matter how weirdly distorted our politics become.

And yet . . . and yet, America is one examined memory card (however obtained), one white-hat real-time election hack ("Mickey Mouse gets 4 billion votes!"), one open and honest recount, one "Opscan Party" (where citizens form a ring around an optical scanner and call for a public, observable count of the voter-marked ballots within), or even one serious article in *The New York Times* or *The Washington Post* away from *critical mass*, from the sudden explosive recognition that something thought too ghastly to imagine (even worse than the idea that baseball was not the wholesome Norman Rockwell game it seemed) will have to be imagined and then dealt with.

Given how unimposing the civic duty of public, observable vote counting is in actuality,<sup>27</sup> the problem can be *dealt with* easily enough. The real challenge is not in the dealing with, but in the collective imagining—and the willingness to think seriously and rationally about the situation.

There are some indications that the American *people* at least—after a more than generation-long embrace of the private, and rejection of the public,

<sup>&</sup>lt;sup>26</sup> This is a concern shared, according to a NORC poll conducted in February 2020, by two-thirds of Americans (see <a href="https://www.nytimes.com/aponline/2020/02/27/us/politics/ap-us-ap-poll-election-security.html">https://www.nytimes.com/aponline/2020/02/27/us/politics/ap-us-ap-poll-election-security.html</a>).

<sup>&</sup>lt;sup>27</sup> It has been calculated that hand counting the federal and statewide races would require a *maximum of four hours per lifetime from each American voter*, a civic burden far less onerous than jury duty and one that Americans of previous generations assumed and Canadians, Germans, and Australians, among others, perform today. A uniform, public, observable, Election Night audit process—as proposed in Chapter VIII, Study VII—for *all* contests would make about the same modest demand.

sphere—are ready once again to invest in the common good, and perhaps even to part with a few of the expedients and conveniences that are now being seen to do us both individual and collective ill.<sup>28</sup> There is an emerging, priority-reordering, "anti-seduction" culture that could come to support a demand for reform of our voting system and could be mobilized to let our representatives know that we are both ready to serve and determined to defend our democracy. And of course, courtesy of Donald Trump, there's a renewed sense among millions that politics and elections *really matter*—a great awakening to what is at stake.

Yet there continues to be a great reluctance to connect what is happening to our nation politically with the vagaries and vulnerabilities of our computerized vote counting processes. Realistically, absent a galvanizing catastrophe or a complete media about-face, there have been few signs that such reforms as hand counting or even effective auditing are in the offing.

It is one thing to bewail a shocking political reality, or even to question a particular president's legitimacy, and another thing entirely to insist upon the concrete reforms necessary to prevent the serial recurrence of fraudulent elections. In this appalling lack of traction, vote counting reform is not alone: think gun safety, climate change. At least as now represented by our elected leaders, we are a conservative nation, reactive rather than pro-active, simultaneously smug and insecure, paradoxically hubristic yet with a fragile self-esteem giving rise to much denial.

It does not have to be this way. The Dutch took one whiff of *our* 2016 elections and promptly decided to count *their* critical 2017 national election by hand. So did the Norwegians. Here in the Beacon of Democracy—as we rest on our wilting laurels, on guard as always against *external* enemies—it is now at least permitted to talk of "Russian meddling." We are assured, though, by such watchdogs as our Department of Homeland Security that—after deciding *not* to examine a single memory card, string of code, or voter-marked paper ballot—they have determined that "no actual votes were affected" by such "meddling." What cannot enter our national discourse, cannot even now be

<sup>&</sup>lt;sup>28</sup> Apart from the bevy of books and blogs blasting Walmart culture and its corporateserving anomies, we can look around us and see the regrowth of participatory communal foci such as farmers' markets and food co-ops. While alienation, speed, convenience, and self-interest clearly remain the dominant cultural modes, it appears that a turning point may finally be in sight. When Greta Thunberg asked world leaders "How dare you?" it seems no one could even venture an answer.

<sup>&</sup>lt;sup>29</sup> See http://talkingpointsmemo.com/muckraker/dhs-doesnt-want-to-know-about-vote-hacks.

seriously debated or explored, is the possibility that, as Pogo once said, "we have met the enemy and he is us." Meaning simply that the "meddling" is at least as likely to be undertaken by *domestic* actors with ties to the vendors and programmers—insiders with keys to the front door—as by foreign hackers who have to break in through a window.<sup>30</sup>

If, in one way or another, a massive electoral theft *were* exposed beyond all cover-up and forced upon the public consciousness, it would of course be technically and pragmatically possible to quickly restore hand counting or at least a comprehensive and effective auditing protocol. Neither is beyond our capacities—hell, did we or did we not put a man on the Moon?—and both cost not only much less than the computerized equipment (and service contracts) now being purchased,<sup>31</sup> but a tiny speck of what we have recently spent bringing "democracy" to foreign soils.<sup>32</sup>

<sup>30</sup> Consider this extraordinary 2016 revelation by the inimitable Roger Stone—the insider's insider, long-time Trump advisor (sentenced to 40 months for lying to Congress to protect his boss), veteran of Republican campaigns dating to the Nixon years, and *New York Times* best-selling author—at <a href="http://thehill.com/blogs/pundits-blog/presidential-campaign/291534-can-the-2016-election-be-rigged-you-bet:">http://thehill.com/blogs/pundits-blog/presidential-campaign/291534-can-the-2016-election-be-rigged-you-bet:</a>

"Both parties have engaged in voting machine manipulation. Nowhere in the country has this been more true than Wisconsin, where there are strong indications that Scott Walker and the Reince Priebus machine rigged as many as five elections including the defeat of a Walker recall election. . . The computerized voting machines can be hacked and rigged and . . . there is no reason to believe they won't be."

Out of the mouths of babes and operatives.

<sup>31</sup> Recent "upgrades" to computerized voting and vote-counting equipment cost the states of South Carolina and Georgia \$51 million and \$107 million respectively. Mecklenburg *County* in North Carolina is expected to pony up \$15 million for its new equipment this year; Los Angeles County spent \$400 million for its new, already troubled, system.

<sup>32</sup> It is perhaps worth recalling here that our wars in Iraq, Syria, and Afghanistan will end up costing the United States a total of over \$6 trillion (see <a href="https://www.cnbc.com/2019/11/20/us-spent-6point4-trillion-on-middle-east-wars-since-2001-study.html">https://www.cnbc.com/2019/11/20/us-spent-6point4-trillion-on-middle-east-wars-since-2001-study.html</a>), an *average* of more than \$5 billion *every week* (<a href="www.costofwar.com">www.costofwar.com</a>) since their inception. A *single month* worth of those wars would pay (at \$20/hour per counter) for hand counting our *American* ballots for a minimum of 40 biennial election cycles, or fully *three generations*.

Why, it must be asked, can't we do this? Why, for that matter, is our computerized voting equipment, in addition to being so corruptible, also aged into obsolescence and dysfunction? Why are we so lavish with our *global* democracy-promotion follies and so ridiculously, and it would appear intentionally, cheap with our *own* democracy?

Whether it would be *politically* possible would remain to be seen. When majority control at critical levels<sup>33</sup> is held by those who have achieved that control as the beneficiaries of years of systemic fraud, can they be expected to willingly institute honest elections and so inevitably surrender power and go gentle into that good political night? And, apart from that particular Catch-22, what would motivate a majority of elected officeholders, independent of party affiliation, who asked themselves quite reasonably, "Why mess with a system that has worked for *me* by putting me in office?"

What form and intensity of public pressure would it take to move our successfully elected lawmakers and officeholders? Would marches and sit-ins and massive demonstrations persuade our leaders to restore our sovereignty or would these—when push came to shove—rather be ruthlessly suppressed in the name of security and domestic tranquility? Would it come down to voting boycotts, mass civil actions, or general strikes? Would the simmering subliminal battle between the newly awakened public and its newly exposed oppressors come shockingly to a turbulent and violent head?

It is grim to speculate on these scenarios. But I think it is fair to say that the later in the game this critical mass of public awareness and outrage is reached, the less likely that an ordinary political remedy will be possible. So the first thing to be done is to engender awareness, and that right soon. Thus the urgency of this writing. It is a CODE RED.

I'd like to think this story will have a happy ending, that history will review in appreciative terms the struggle of a few activists—Cassandras really—to prod leaders and public alike to scale the towering Never-Happen-Here Wall Of Denial so that they can then act together to restore the essential process of public, observable vote counting to our nation. Most truths eventually come out. All we can do is keep trying in every way possible to help this one find its way into the light.

We will, in the series of questions and answers to follow, examine computerized election theft from many angles. We will explore motive, means, opportunity, and, of course, the evidence for such a ghastly criminal enterprise. We will also explore why it continues to remain hidden, the quintessential Big Lie quietly corrupting our nation and its democracy. We will look unblinkingly

<sup>&</sup>lt;sup>33</sup> The Senate blockade of all election security legislation worth the name will be discussed in more detail in chapters II and VI. It is worth noting that the electoral process has "worked" on an individual basis for *all* our elected office-holders regardless of party or majority-minority status.

at democracy down and ask realistically whether there is any chance that it can get back up. We will ask you to override the powerful "naaaah" reflex and be among the first to scale with us that towering Never-Happen-Here Wall of Denial.

It will be a rough ride we are taking. For ourselves, our children, and the life that shares the planet with us, it will be a lot rougher if we choose not to take it.